

# CONGRESSIONAL RECORD:

CONTAINING

## THE PROCEEDINGS AND DEBATES

OF THE

SIXTIETH CONGRESS, FIRST SESSION.

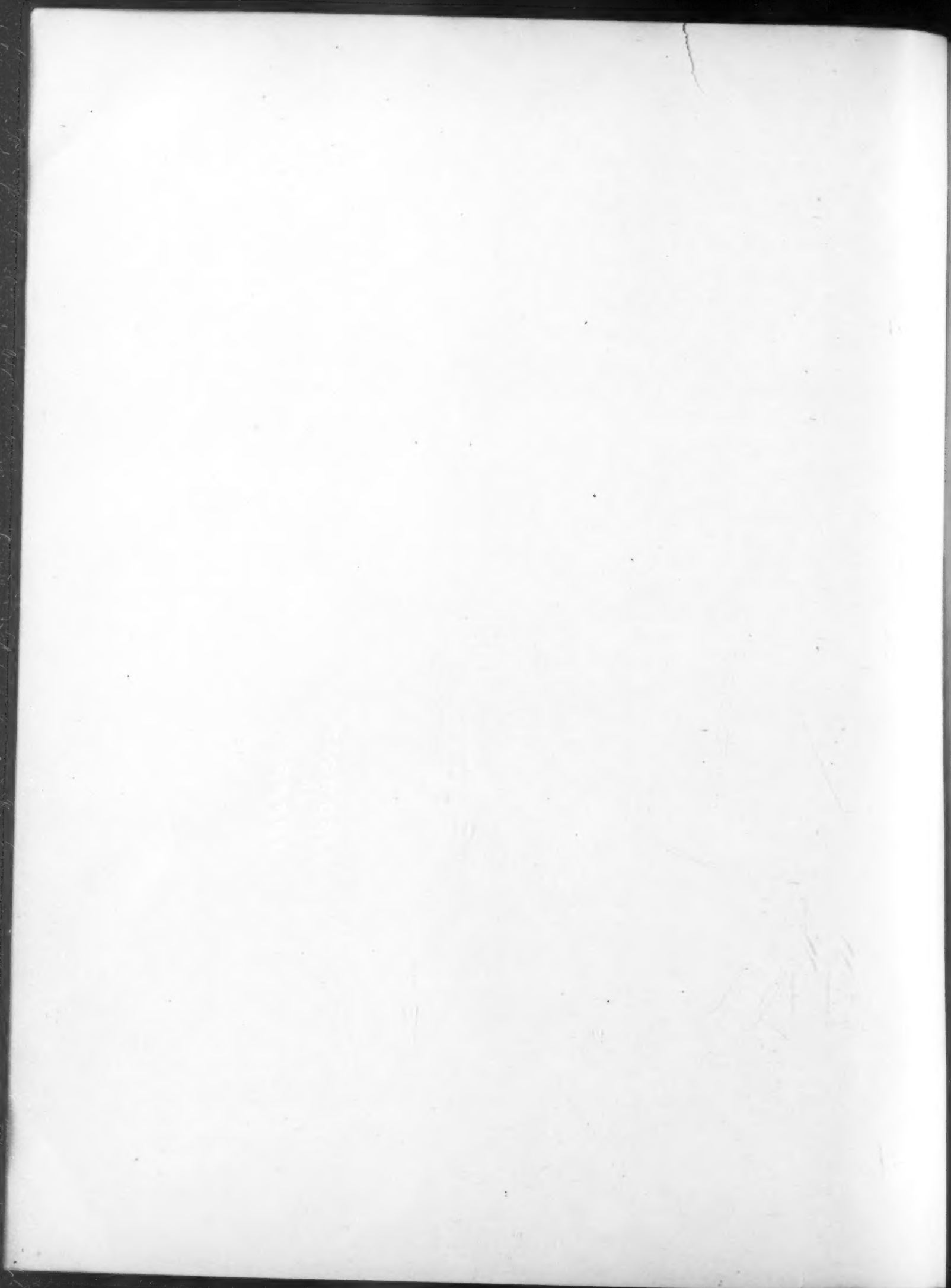
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Our late colleague was of Semitic origin, and his conduct in life furnishes evidence of the traditional virtues of his great race—love of country, love of family and home, patience, thrift, industry, and application.

Others have spoken of the principal episodes of his life and of his political and legislative achievements; however, I do not consider it amiss to deal more in detail with what his best friends know to have been the pride and ambition of his life—the dry dock and naval station at New Orleans.

Nearly eighteen years a Member of the Congress of the United States, he benefited his constituents, his State, and his country by his tenure of service, and the history of his legislative life confirms the wisdom of the adage that—

The race is not always to the swift \* \* \*

Although well educated and possessing a splendid command of language, his success was attributable more to the fairness and strength of his arguments and the persuasive manner and persistency of his advocacy of any cause espoused by him than to eloquence and oratory.

He never became discouraged at any temporary setbacks, nor vainglorious or intolerant with success.

As an instructive lesson to those who may chance to read these words, I have collated and condensed into a few lines, which I now insert, the epitome of his legislative labors, which will endure long after temporary monuments will have crumbled to their original substance:

March 3, 1893, Fifty-second Congress, second session, for dry docks	\$25,000.00
July 26, 1894, Fifty-third Congress, second session, for dry docks	23,025.03
May 4, 1898, Fifty-fifth Congress, second session, for dry docks	850,000.00
June 7, 1900, Fifty-sixth Congress, first session, for dry docks	650,000.00
<b>Total</b>	<b>1,548,025.03</b>
June 7, 1900, Fifty-sixth Congress, first session, for naval station	145,000.00
March 3, 1901, Fifty-sixth Congress, second session, for naval station	330,000.00
July 1, 1902, Fifty-seventh Congress, first session, for naval station	339,000.00
March 3, 1903, Fifty-seventh Congress, second session, for naval station	111,800.00
April 27, 1904, Fifty-eighth Congress, second session, for naval station	271,500.00
March 3, 1905, Fifty-eighth Congress, third session, for naval station	95,000.00
June 29, 1906, Fifty-ninth Congress, first session, for naval station	215,500.00
March 2, 1907, Fifty-ninth Congress, second session, for naval station	156,300.00
May, 1908, Sixtieth Congress, first session, for naval station	
<b>Total</b>	<b>1,664,100.00</b>

The construction of a dry dock and the establishment of a naval station at New Orleans were projects dear to the heart of General MEYER, and the results of his efforts write the story of a life well spent and devoted to the interests of those to whom he was so faithful.

It will be noted that the first appropriation made by the National Government for a dry dock was on March 3, 1893, and that the amount was very small, \$25,000. But total appropriations through the efforts and ability of the late First District Congressman for the dry dock only aggregate at this time \$1,548,025.03.

Well knowing and realizing the necessity for a naval station on the Mississippi River at New Orleans and the advantages to accrue to the public service from its construction, his energies were next directed to the establishment of such a station, and we find the result of his work in the naval appropriation bill adopted June 7, 1900, Fifty-sixth Congress, first session, carrying an appropriation of \$145,000 for that purpose, followed by an appropriation on March 3, 1901, second session, with an appropriation of \$330,000; and the work was begun. And annually thereafter the naval bill carried appropriations for the naval station with unfailing regularity until March 2, 1907, aggregating \$1,664,100.

The great ships of our Navy and vessels of foreign countries have been and can be at any time repaired with facility and restored to commission. Many thousands of dollars are distributed among the officers and employees stationed there. The construction of the dock and the establishment of the naval station have resulted in material benefit to New Orleans and has enhanced her importance as a great port and strategic base.

I recall when I first came to Congress that I was slightly disappointed with the unfavorable action of a committee on a measure in which my constituents were interested, and so expressed myself to my colleague, General MEYER. He stated to

me that he considered he had accomplished a few things for the people of his district since his election to Congress, but the result had been attained by repeated efforts, although at first not entirely successful or satisfactory. He said he well remembered in his campaign for Congress in 1891 that his advocacy of a dry dock and naval station at New Orleans was almost treated with derision and that he was charged by his opponents as advocating a measure which he well knew would never be enacted into law. Yet he remarked:

I have lived to see both of these projects—charged as being merely electioneering schemes—approved by the Congress of my country and my people.

Were the people of his district to estimate his services merely from a financial point of view, his account would show a large balance to his credit; theirs a large debit in his favor.

His achievements in the great field of human endeavor entitle him to the commendation accorded by the greatest of cynics to those who accomplished something, that—

Whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together.

Yet, Mr. Speaker, "a man's life \* \* \* is neither here nor there in the destiny of a nation." General MEYER fulfilled his mission; he performed his duty; he accomplished his task; and, in the last analysis, we exclaim with the Latin poet, "Finis coronat opus!"

Mr. PADGETT. Mr. Speaker, we are here to-day to endeavor to pay a tribute of respect and of love to the memory of our late colleague and friend, Gen. ADOLPH MEYER, of Louisiana. Not in the extravagance of language or in fulsomeness of praise, but in sincerity and truth to speak those things which our love would prompt and to testify to those virtues which we know. I wish sincerely, Mr. Speaker, that I possessed that richness of language which would enable me adequately to pay a just tribute which his merits and life would warrant, but I find comfort in the thought that those who have preceded me have paid a tribute more deserving and more commensurate than I can hope to do. I first met General MEYER when I became a Member of the Fifty-seventh Congress. I was not then associated with him other than as a Member of the House, meeting and being associated with him, but during the Fifty-ninth and Sixtieth Congresses we were together in our work upon the Committee on Naval Affairs, and there I learned to know him well and to love him more.

Mr. Speaker, I speak truly when I say the Committee on Naval Affairs and the Congress in his death suffered a loss. The Congress, as a representative of the whole country, his State, and the Union had in General MEYER a faithful, efficient, and competent public servant. Great crises, it is said, produce great men, or it is sometimes debated that great men produce great crises. Perhaps we are not able to give a categorical answer to that question or a dogmatic solution to the inquiry, but the young manhood of General MEYER came into activity in a great crisis during the civil war from 1861 to 1865. In the year 1862, when in the University of Virginia as a student, he felt the call of duty which his country made upon him and he responded to that call. He allied himself to the cause of the Confederacy, and while it is not my purpose to attempt to repeat what has already been told of his services and his distinguished career, his fidelity in that service was such that when the war was over it could be and it has been said of him he was faithful to every trust and faithful to every duty.

No more could be said of any man. Faithful in the environments in which we find ourselves, faithful in the duties which present themselves to us in our station and our surroundings, whether large or little, whether great or small, ever to be faithful and efficient in the discharge of the duty that is before us is the highest, the noblest, and the best tribute that can be paid to mortal man. Mr. Speaker, it is not my purpose to recall the incidents of that crisis. The soldiers of the North and the soldiers of the South, the soldiers who wore the blue and the soldiers who wore the gray, who met upon the field of battle and of blood, of destruction and death, were men in the highest, noblest sense when they faithfully discharged their duty. Those were times that tried men's souls, and a man who was faithful as he saw his fellows die, who was brave in blood and carnage and death, deserves the tribute of commendation and merits the esteem and the love of his countrymen.

Mr. Speaker, whenever I stand at the grave of a man who wore the blue or of a man who wore the gray, there comes to me the memory of the words that were spoken to the prophet of old as he stood in the presence of that burning bush, "Take



thy shoes from off thy feet, for the ground whereon thou standest is holy ground." Sir, as I stand at the grave of a Federal or a Confederate soldier, I take my hat from my head and bare it to the blue of heaven and my soul testifies that these are our country's heroes; and from my heart ascends the prayer that our children and our children's children may ever be as noble and as brave as were these men who wore the blue and the gray in the discharge of their duty to the call of their country. Mr. Speaker, the courage and bravery and heroism of the soldiers of the North and of the South in that great struggle is the grandest, the noblest, the best exhibition of courage and patriotism ever displayed on the field of battle and challenges the admiration of the world.

But, sir, it was after the close of that war, when the Southern soldier returned to his home in desolation and ruin, where fire and sword had made desolate the land, and faced the problems of rebuilding his country, rehabilitating its industries, reinstating its institutions, and to meet and to solve aright the many problems that presented themselves to him, that the manhood of the South exhibited its highest inspiration and its noblest aspiration and achievement and reached the high-water mark of patriotic accomplishment.

It was in this work that General MEYER entered heartily, patriotically, and successfully as a citizen of his State and of the nation. For laying hold of the new problems which presented themselves to him, for his wise and judicious consideration of them, and for their rightful solution he received the approbation of his people, and they gave to him a commission for years and years as a Member of Congress. Others have spoken more eloquently than I could hope to do of the faithfulness and the efficiency of his labor and his achievement here. I need not say more than to say that here, as elsewhere, he was faithful and efficient.

Mr. Speaker, when we come to consider General MEYER personally our admiration may prompt us, unless we be careful, to extravagant expression. He was a noble man. He was a gentle man. There was one attribute of his character that was prominent and commended itself to all—his modesty. I wish to emphasize that modesty is not and should not be a virtue limited and confined to the female sex. There is a modesty which commends itself to men and which challenges the admiration of noble men; and General MEYER possessed in a high degree that modesty. General MEYER was personally honest; no man ever questioned his personal honesty or his personal honor. But, more than that, Mr. Speaker, he was politically honest. By that I mean that in his convictions of political duty he was sincere and earnest. He had convictions; he was not afraid to state them. Those convictions were politically honest with him, and he had the courage to maintain them. He was honest in his purpose.

No man ever questioned the honesty of the purpose of General MEYER in any effort he undertook; and it was the conviction and the sincerity and the honesty of his purpose that commended itself to his associates here and gave him power in this body. He was not only honest in his purpose, but he was honest in his action; for his conduct was such that no man ever stopped or thought to question or to examine into the integrity of his purpose or the honesty of his action, because it was apparent in his life and his conduct. But one may be honest and still not rise to the highest level of manhood. We can pay our debts, we may discharge the duties that commonly and ordinarily address themselves to us, and still there is a higher plane of manhood than that. General MEYER was a man of integrity. He was pure in his thought. I ask you to let your minds run over the history of this body, and can you find where anyone has ever been purer in his thought or cleaner in his life than General MEYER? The purity of his thought and the cleanness of his life marked him as a noble man, and won for him the respect of his colleagues.

He was faithful in service. Others have amplified that fact, and I shall not detain you for it. The faithfulness of his service was marked in this House and among his people.

It is said that there are larger and smaller cycles that mark the movements of the heavenly bodies. The sun has its orbital cycle and the stars have theirs. Some are small, some are larger, and some larger still. Some of the bodies move themselves within our visions for only a little while as they pass by, and we see them but little. It seems to me that this life is such. In the great cycle of eternity, as we conceive it, what a small cycle of life there is to us here. The life and light of the cycle of his life here has passed away from us, only to move in that larger cycle which we call eternity. We hope, we expect, yes the intuitions of our souls tell us, and we know, that in that hereafter the friendships begotten here shall ripen into the full fruition of love over there; and it is a comfort and consolation

to know that in the richness, the fullness, and the completeness of that life we shall be satisfied.

Mr. OLCOTT. Mr. Speaker, it is probably unnecessary for me to add anything to what has been so well said of the life and services of ADOLPH MEYER, but it seems to me fitting, and it certainly is an honor, to join with you who knew him so well in a few words of my appreciation of his services in the District of Columbia Committee, where I met him in the first session of the Fifty-ninth Congress. That committee is probably influenced less by political opinions than any other. The acerbities of partisan activities hardly enter into its deliberations. The question as to who is a Republican or who is a Democrat need hardly be considered. All who do their work there are actuated by the simple desire to do what is best for the city of Washington. General MEYER brought to the work rich experience and good judgment. He was tenacious in his views on any civic subject, but equally tolerant of divergent views of others. His work was always valuable, and his expressed opinions always told and did much to enable the committee to act wisely. There was no matter so trivial or detail so small that was not worthy of and did not receive his strict attention and his honest judgment. Much of what is good in the bills reported from that committee originated with him or received his cordial support. And of his personal relations with the members of the committee nothing can be said but good. My acquaintance with him soon, I am honored to say, became a friendship, and the friendship quickly ripened into genuine affection; and so when the sad news came on March 8 that he had passed away, it was the loss to me of a real friend. I had looked forward to seeing him again, not only in the old committee but in the Committee on Naval Affairs, but, alas, it was not to be. General MEYER had many friends, and closer acquaintance invariably increased the friendship. In the remarks which he made at the memorial services of Amos Cummings General MEYER closed in the following language:

I do not suppose that he left on this floor a personal enemy behind him; certainly there is not one of us who in this hour does not mourn his untimely end.

Surely nothing truer could be said of this brave soldier, faithful public servant, warm friend, and courteous, modest, and gentle man.

Mr. LAMB. Mr. Speaker, the frequent eulogies in this House, Sunday after Sunday, remind us of the solemn and serious fact that in the midst of life we are in death. A visitation of this grim monster has prevented my making as full and complete a eulogy on our departed friend and comrade as I had hoped to make, for no longer ago than yesterday I was called to witness the funeral of a splendid Virginia woman who met a sudden and tragic death by a runaway accident. I only left the city of Richmond this morning after a very early breakfast, in order that I might reach this House in time to comply with the request of my colleagues from the State of Louisiana to unite in this tribute to the life and character of our deceased friend.

I have, perhaps, seen more of death in war than any other man in this presence, and as much in peace. Only this morning I came through the historic city of Fredericksburg, where in December, 1863, I counted on a surface no larger than this room the bodies of 285 of the dead men of Mears's brigade, in that conflict of which I was an eyewitness. All I have here to say has been written on the train between Fredericksburg and this city. As my mind ran over the battlefield of old Virginia I thought of the apostrophe to death I have heard so often quoted on this floor:

Come to the bridal chamber, Death!  
Come to the mother's, when she feels  
For the first time, her first-born's breath!  
Come when the blessed seals  
That close the pestilence are broke,  
And crowded cities wait its stroke!  
Come in consumption's ghastly form,  
The earthquake shock, the ocean storm;  
Come when the heart beats high and warm,  
With banquet song, and dance and wine!  
And thou art terrible!—the tear,  
The groan, the kneel, the pall, the bier,  
And all we know, or dream, or fear  
Of agony, are thine.

We look upon death as the greatest of mysteries; but to my mind, accustomed as I have been in war and peace to this dread monster, I regard what we call life as even more mysterious than death itself.

Mr. Chairman, the life of ADOLPH MEYER was eventful and distinguished. Louisiana may well mourn and this House well honor this soldier, patriot, business man, and statesman.

In him was combined those qualities of sterling character, rare fidelity, courage, and faithfulness in the discharge of every duty which justly entitles him to live in the hearts and memories of his countrymen.

Modest, unassuming, and genial, liberally educated, of broad business experience, he gave to his public duties that sound judgment and untiring effort which won for him the affection, respect, and confidence of his colleagues.

ADOLPH MEYER was a native of Natchez, Miss., born in October, 1842. Educated at the University of Virginia, he left that institution while a student to enlist in the Confederate army, serving with distinction under Brig. Gen. John S. Williams, first as captain, then by promotions until at the close of the war he held the position of adjutant-general.

After the close of the war he returned to Louisiana, became the head of a firm largely interested in the production of cotton and sugar; later he became a cotton factor in New Orleans, and was prominent and successful in commercial and financial pursuits.

He was elected and served as colonel of the First Regiment Louisiana National Guard, and was appointed in 1881 brigadier-general to command all of the uniformed corps of the State of Louisiana.

At the outbreak of the war with Spain, Gen. John S. Williams, his old commander, wrote the President as follows:

*To the President:*

I beg leave to recommend to your favorable consideration Mr. ADOLPH MEYER, of Louisiana, for position of division or brigade commander of Southern volunteers.

Mr. MEYER served on my staff during almost the entire civil war. He was preeminent for soldierly qualities, the loftiest courage, fidelity, and endurance. In fact he seemed a natural-born soldier, and commanded the confidence and admiration of the entire command.

I know of no young officer who manifests more military aptitude. His resourcefulness in emergencies and quickness to avail himself of every possible advantage and devotion to duty were unsurpassed.

Mr. MEYER's experience in actual war has been supplemented by command in the Louisiana Militia and National Guard.

I know the appointment would be a good one and highly acceptable to the Southern people.

With sentiments of the highest regard,

I am, most respectfully, yours,

JOHN S. WILLIAMS,  
Brigadier-General, Kentucky Division

This letter makes comment on General MEYER's record in the war between the States unnecessary. The highest praise by his superior officer, under whom he constantly served during almost the entire war, is glory enough for one ex-Confederate.

ADOLPH MEYER was first elected to the Fifty-second Congress from the First Congressional District of Louisiana in 1890, and was successively reelected until the Sixtieth Congress in November, 1906, at which election he received 9,158 votes to his Republican opponent's 791.

Ex-Speaker Crisp assigned General MEYER to the Committee on Naval Affairs, where he held an important place, serving under two distinguished Democratic chairmen—Hon. Hilary A. Herbert, of Alabama, and Hon. Amos Cummings, of New York.

It was on this committee that his greatest services were rendered his State and his beloved Southland.

It was chiefly to his active, untiring, and intelligent work that the largest naval station and dry dock in the South was established in the port of New Orleans, large enough for the heaviest battle ships and comparing favorably with any other station in this country.

Largely to him is due the construction of the jetties at Southwest Pass, placing New Orleans on a footing with the best and greatest ports on this continent. It was largely to his strong and earnest plea on the floor of the House in the Fifty-fifth Congress that the retention of the mint at New Orleans was secured after it had been stricken out by the Appropriations Committee.

For this service, as well as many others of like character, General MEYER endeared himself to a loyal constituency, who returned him to Congress for nine consecutive terms.

The letter of General Williams that I have quoted is a just tribute to General MEYER. If our deceased comrade watches these exercises to-day from the spirit land, as he may do for all we know, he takes the most interest in the references here made to his Confederate record. Everything touching the history of the heroic struggle his people made for constitutional liberty was of deep interest to him. I shall never forget the simple and unvarnished story he told of the part he bore in that conflict at a meeting of the ex-Confederates of the House and Senate during a banquet held at the Metropolitan Hotel in this city several years ago.

At that time we numbered fifty in both Houses. We are now reduced to eighteen. Soon the last of these heroes will have passed from the scenes of earth. While their names, for the most part, will perish and their memories fade away, their deeds

of valor and chivalry will stir the hearts of future generations while the stars shine and the tides ebb and flow.

Their self-sacrifice and devotion to duty will feed the patriotism and fire the souls of men as long as valor has a votary or virtue a shrine.

Not since Cromwell established the English Commonwealth has there been on earth an army more devoted to principle nor freer of vices. To their everlasting honor stands the fact that in their march through the enemy's country they left behind them no ruined homes, no private houses burned, no families cruelly robbed.

They were, with one solitary exception, and that perhaps a righteous reprisal, careful with fire, and they were never known to borrow jewels of gold and silver with no thought of returning the same. They would divide the last morsel of food and the last drop of water with the hungry and thirsty prisoners that they captured by the thousands.

With the rarest exceptions they never cherished bitterness and ill feeling for the rank and file of the men they met in deadly combat. They were soldiers from necessity, not choice, and only fought as their Revolutionary sires did, for home and liberty. They knew then and know now that they were absolutely right in their contentions, and the last one will die, as our colleague died, with the proud satisfaction that impartial history will pronounce judgment in their favor and rank them, with a large number of their leaders, as the most heroic and least selfish of all in the tide of time who fought for their homes and firesides.

Our deceased comrade was also a striking type of the Confederate soldiers who returned to their homes after an unsuccessful conflict with a majority of their own countrymen, assisted by foreigners gathered from the four corners of the earth. Historians are to-day giving the Confederate soldier full credit for the purity of his convictions and the courage with which he defended them.

In due time they will tell of his achievements in peace that were not surpassed by his exploits in war. The territory that he defended with unsurpassed valor, containing one-third of our population, has for years contributed 40 per cent of our exports to foreign lands. Receiving no pensions save a pittance from Commonwealths that had been despoiled by war and robbed by reconstructive laws, he has, with the toil and enterprise of himself and the sons sprung from his loins, furnished from his taxable values fully one-third of the revenues that have gone to pension the survivors of the mixed hosts, speaking every language of the earth, who overran with fire and sword the fairest land ever given unto man to hold and defend.

The members of the Naval Committee have told us of the splendid services our colleague rendered as a member of that committee. To show the breadth of his view and his noble, generous spirit, I quote the closing paragraph of the very last speech he made in this House:

The time has gone by when voice of faction or party spirit could cavil at a liberal policy of encouragement of this arm of our national defense. Therefore in any steps we may take in this direction we will respond to the ardent aspiration of the American people by providing adequate means to defend our rights in peace or in war.

We old soldiers intend before we are transferred to another sphere of action to establish the justice of our cause in the eyes of mankind, and we wish to leave our good name and fame in the keeping of the young men of our country. Ask yourselves these questions, young men: Does the fact of failure prove that the South was wrong and the North right in that struggle? Was Providence on their side, and were we fighting against the fiat of the Almighty?

If America had to suffer the penalty of violated law, was the South sinners above all others? In the conduct of that war which side exhibited most of the Christian and the least of the brutal character? To ask these questions is but to answer them.

The North succeeded because they had the world to draw supplies from and mustered 2,500,000 men for the conflict.

The South failed because she could only raise 550,000 all told and was confined to her own resources for supplies.

THE CONFEDERATE SOLDIER.

In a few short years now the last one of these old soldiers will have answered the last roll call. They are falling more regularly than they fell in battle, notwithstanding they gave to the grim monster 25 per cent of their fighting men during the four years of strife. Soon, very soon—

We'll bear our last old soldier  
To his quiet place of rest,  
And we'll guard his mound of verdure  
As the eagle shields her nest:  
We'll deck his grave with violets,  
And we'll keep it green each day,  
And we'll carve upon his headboard,  
"Lieh here the last Old Gray."



We shall love to teach our children  
Of our heroes who are dead,  
Of the battle scars they carried  
Marching to a soldier's tread;  
Of their loyal hearts so tender,  
All aglow in truth's array,  
And the many recollections  
Of the boys who wore the gray.

And as long as time speeds onward,  
And there is a heaven of love,  
God will watch the silent sentinels,  
Sleeping, from a world above;  
He will guard the precious memory  
Of the old Confederate gray,  
Throughout Time's eternal pages,  
When the last one's passed away.

Mr. SPIGHT. Mr. Speaker, when I became a Member of the House of Representatives of the Congress of the United States, about ten years ago, one of the first Members, outside of my own State delegation, with whom I became acquainted was Gen. ADOLPH MEYER, of Louisiana. From that time until his death our relations were cordial. We were drawn together more closely because for four years we fought under the same flag, and each felt a pride in his record as a Confederate soldier. Another reason, perhaps, why we were attracted to each other was that we were both natives of the proud State of Mississippi.

For almost seventeen years, commencing with the Fifty-second Congress, General MEYER represented in this House the First District of Louisiana, the greater part of which is in the city of New Orleans. That a man of the Hebrew race and faith should have so long represented this cosmopolitan district is one of the highest tributes to his worth.

General MEYER was genial, courteous, and open-hearted. He was as modest as a woman, but proud of his good name and loved his honor better than his life. At the time of his death he was the dean of his State delegation by virtue of long service, which exceeded by two years that of his distinguished colleague of the Second District, Judge DAVEY, and he had the confidence and esteem of all.

As before stated, General MEYER was a gallant Confederate soldier, and this he justly regarded as a badge of honor, and yet, like the truly brave men on both sides of that fearful conflict, when the war ended he stopped fighting and became as loyal to the Government of the United States as he had been to the Confederacy. While we all deplore the death of our friend, I, as a Confederate soldier, am glad of the opportunity to pay a feeble tribute to his memory and worth. When I think of the changes which have occurred in the ten years since I have been in Congress I am forcibly reminded of the fact that in a few more years the last of the soldiers of the civil war will have passed off the stage of action.

In our boyhood or young manhood we wore the blue or the gray, as our environments and convictions led us. Each did what he thought was right, and the men who made American history in those bloody days ask no apologies from those who fought against them. We are all proud of our achievements. The one helped to preserve the Union; the other saw his flag go down in defeat, but has lived to see the indestructible doctrine of State rights for which he fought recognized in every section of our great domain and in every department of our Government. Side by side and hand in hand the Confederate soldier and his sons are marching on with the Federal soldier and his descendants to make our reunited country the proudest, richest, most powerful nation on earth, and with the confident hope that it may be the freest and happiest under the necessary limitations of a beneficent Constitution.

In speaking of the rapidity with which the ranks of the veterans of the civil war are diminishing, it may be of interest to say that in the Fifty-sixth Congress there were fifty Confederate soldiers in the two Houses—more than there were of Federal soldiers. To-day there are nineteen in all, and only eight in the House. Alabama and Virginia have two each, and Georgia, Maryland, Mississippi, and Tennessee have one each. There are now thirty-two Federal soldiers of the civil war in the two Houses, only two of whom are Democrats. The only Confederate soldier I have ever known as a Republican Member of Congress was Hon. C. SLEMP, of Virginia, who died since his election to the Sixtieth Congress.

I mention these things only as a bit of interesting information and to show how fast the men who wrote history in the smoke of battle more than forty years ago are crossing the "great divide" which separates time from eternity. I am glad that no bitterness remains in the hearts of those who took part in that great struggle, but meet now as friends, and trust that in the few remaining years we may be brought still closer together for the welfare and glory of our common country.

Mr. WATKINS. Mr. Speaker, it is no ordinary task to be a faithful Representative in the halls of Congress. To represent the interests of a Congressional district is an onerous undertaking, but to faithfully and intelligently represent all the interests of this great Government requires natural endowments, supplemented by training of the severest kind.

Gen. ADOLPH MEYER entered the Congress of the United States after a training so wide in its scope as to enable him to at once grasp the trend of his work and to have his labors finally crowned with success. He bore his honors so gracefully, his manner was so quiet and unassuming, that one would not determine that in him was combined the cultured scholar, the fiery warrior, the hardy yeoman, the skilled financier, and the polished statesman. But the eulogies to which we have listened this afternoon show that he was endowed with these attributes. He was a kind and affectionate husband, a loving and indulgent father, an amiable companion, a staunch friend, an elegant American gentleman.

It is related of him that he was diligent in his studies at the University of Virginia, from which institution he graduated at the beginning of the civil war. He had selected the law as his profession, but abandoned it to enter the Confederate army.

In lieu of enumerating his many engagements and the individual acts of heroism which marked his career in that long and bloody conflict, I will only cite his record as it is summarized in the letter of his superior officer, Gen. John S. Williams, of Kentucky, which he directed to the President of the United States, and which has already been read.

This gives the record as a soldier of the one of whom we speak; but when the strife was over we find him engaged in the peaceful and honorable pursuit of agriculture in the parish of Concordia, La., near the beautiful city of Natchez, Miss., where he had spent his boyhood days. But he yearned for that field of commercial enterprise which had afforded opulence to so many of his race, and New Orleans, the great metropolis of the South, was selected as a suitable site for the mercantile business in which he engaged.

But it is with his Congressional record we are more directly concerned. It would not be just to the memory of a man who had served for seventeen years in Congress to condense in a few words the more prominent acts of his accomplishment and leave to inference the multitude of minor transactions, which in the aggregate show a task performed which would tax the credulity of the most confiding casualist.

When we reflect that from the great city of New Orleans there are only two Representatives in the lower House of Congress to represent her interests in the navigation of the Mississippi River, in her levees, her wharves; to represent the great shipping interests on the Gulf and to foreign ports, the inland traffic, the manufacturing, the banking, the mercantile interests, the exchanges, the boards of trade, the progressive unions, the labor organizations, and the myriad of other interests in a city of more than one-third of a million people, we are astounded to learn that in addition to these duties great outside plans are originated and carried to a successful conclusion. To-day we see the great dry dock an accomplished fact in New Orleans; the Chalmette monument; the new Government building, costing millions of dollars, provided for; the naval station and the immigration station in New Orleans all testify to the meritorious efforts of our deceased brother.

When any question would arise affecting the Passes at the jetties or the Government mint at New Orleans, or which affected the quarantine regulations, General MEYER was always ready to protect the interests of the city, but no less the interests of the State.

General MEYER dearly loved his adopted State, and was fond of the poem, Louisiana, which was sung by Miss Nores, United Daughters of the Confederacy, and which, by request, I will recite:

LOUISIANA.  
Land of the brave, aye, the gallant and bold—  
Louisiana.  
Home of the lads with hearts as good as gold,  
Louisiana.  
Unequaled in beauty the wide world o'er;  
The names of thy sons reach from shore to shore,  
Louisiana.  
Blest are the mortals whose feet touch thy strand,  
Louisiana.  
Home of my childhood, imperial land,  
Louisiana.  
Thy rich fertile soil is forever renowned;  
Thy forests in numerous trees still abound;  
Thy melodious song, unsurpassed, aye, in sound,  
Louisiana.  
Mild are the winters that visit thy shore,  
Louisiana.  
Beautiful birds through thy balmy air soar,  
Louisiana.  
Leader of all, bright and glorious land,  
Pray tell me the country which with thee can stand;  
For, surely, thy fields have been touched by God's hand,  
Louisiana.

This poem breathes a spirit of patriotism which made it congenial to his nature, for his soul was fired with patriotic emotions and he loved his whole country.

Who does not love a patriot?

In commemoration of those who have suffered in their country's cause the bard has awakened the slumbering chords of his noble lyre and called forth the beatific strains which still float upon the tide of time. The grandest monument which can commemorate the deeds of men is that which the patriot erects in the affections of his countrymen.

The drifting sands are slowly submerging the Egyptian pyramids; the Colossus of Rhodes, that brazen monument of a great city's gratitude, has tottered from its lofty pedestal; the tawny Tiber creeps mournfully through a marble wilderness of deserted fane and decayed temples; but there is a monument more durable than brass, more indurated than adamant. To the departed spirits of the small band of patriots who immortalized their lives on the altar of their country at the Pass of Thermopylae the dulcet symphonies and voices sweet of the poet's lay still whisper words of consolation and of cheer.

When the monastic gloom of medieval times had been refted from the mental sky; the sun of knowledge had dissipated the threatening clouds of superstition which lingered around the horizon; the Plerian fount had hidden its crystal flood beneath the funeral pile of Grecian glory, and the muses, deserting the beautiful woodlands and vaulted grottoes, where they were wont to hold high carnival, had sought refuge among the magnolia groves and rosy bowers of the Hesperian shore, and the star of patriotism, vanishing from the Old World, shone resplendent in the New, then Washington, who, like some meteor from yon distant sky, flashed upon the world in patriotic fire. Still, while master spirits have entranced the world, feebler souls have been deeply stirred and added their accordant notes to swell the patriotic song and send forth the wild, weird psalm of victory found amid the pulsations of the great human heart for love and hope and joy.

ADOLPH MEYER was one of these.

But, alas! his peaceful soul has taken its immortal flight to sunlit climes of peace and love, over whose supernal planes that unwritten music, the "Music of the Spheres," sweeps in voiceless and unbroken strains, and whose billowy tide shall flow along until it breaks in crystal spray around the millennial throne.

The SPEAKER pro tempore. In accordance with the order of the House, and as a further mark of respect to our deceased colleague, General MEYER, I now declare the House adjourned until to-morrow at 12 o'clock noon.

Accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned.

## SENATE.

MONDAY, May 11, 1908.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Vice-President being absent, the President pro tempore assumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### STANDARDS OF MINERAL-OIL PRODUCTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to resolution of the 9th instant, a report relative to plans now in progress for international standards for testing mineral-oil products and the legislation desirable to secure their adoption, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

### DEALING IN TRADE BY EXPRESS COMPANIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of March 2, 1907, a report of its investigations in the matter of alleged purchase and sale of commodities by express companies, which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

### FISHERIES IN UNITED STATES AND CANADIAN WATERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting

a letter from the Secretary of State submitting an estimate of appropriation to enable the Government to carry out the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

### REVENUE-CUTTER SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of additional amount required for the expenses of the Revenue-Cutter Service for the fiscal year ending June 30, 1909, etc.—\$157,564.74—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following joint resolutions:

S. R. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico; and

S. R. 79. Joint resolution authorizing the widening of the channel of Michigan City Harbor.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate.

H. R. 13851. An act providing for the purchase of a site and the erection of a new immigration station thereon in the city of Boston, Mass.;

H. R. 21052. An act to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States;" and

H. J. Res. 178. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message further announced that the House had passed the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, with an amendment, in which it requested the concurrence of the Senate.

The message also communicated to the Senate resolutions commemorative of the life and public services of Hon. ADOLPH MEYER, late a Representative from the State of Louisiana.

### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the bill (H. R. 1589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, and it was thereupon signed by the President pro tempore.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Indiana State Horticultural Society, of Indianapolis, Ind., praying for the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated fungicides and insecticides, which was referred to the Committee on Manufactures.

He also presented a petition of the Baltimore Conference of the Methodist Episcopal Church, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Tacoma, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of Wilmer Atkinson, of Philadelphia, Pa., praying for the enactment of legislation to establish postal savings banks, which was ordered to lie on the table.

He also presented a memorial of the Western New Conference and Tract Society of the Seventh-day Adventists, of Salamanca, N. Y., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Arthur E. Hopkins, of Louisville, Ky., remonstrating against the enactment of legislation providing for the storing and displaying of models of inventions at the United States Patent Office, which was referred to the Committee on Appropriations.

Mr. PLATT presented petitions of sundry citizens of Albany, Binghamton, Elmira, Stapleton, and Syracuse, all in the State



of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FORAKER presented petitions of sundry citizens of Massillon, Jackson, Columbus, Zanesville, Cleveland, Canton, Reading, Conneaut, Steubenville, Akron, Coshocton, Cincinnati, Sandusky, Shawnee, Hamilton, Misco, Leetonia, East Liverpool, Norwalk, Newark, Bellair, Crooksville, Gallon, Clyde, Mansfield, Toledo, Youngstown, and Toronto, all in the State of Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fair Haven, Montpelier, Xenia, Bergholz, Chagrin Falls, Aultman, New Athens, Mechanicsburg, Greentown, Batesville, Camden, Jolly, Fresno, East Palestine, North Lewisburg, Pravo, Barberton, Fair Haven, McConellsville, Greenville, Youngstown, Mansfield, Convoy, Cleveland, Zanesville, Columbus, Witmansville, Cincinnati, Green, Madison, Oakley, Orangeville, Norwood, Springfield, Painesville, Edgerton, Edon, Reynoldsburg, Rootstown, East Liverpool, College Corner, Tiffin, Wauseon, Fostoria, Creswell, Powell, Batesville, Chandlersville, Harrod, Richwood, Kenton, Hartwell, Lorain, Jacksonville, Willoughby, Berea, Athens, North Bloomfield, Geneva, Marysville, Prairie Depot, Steubenville, Medina, Salineville, Cumberland, Cortland, Bloomington, Lima, Winterville, Bellefontaine, Vienna, Perry, Clinton, Harrison, Mount Perry, Clyde, Akron, Ghent, Oxford, Warren, Bedford, Upper Sandusky, Seville, Edon, Findlay, Ripley, Mechanicstown, Bethel, Round Bottom, Costonia, Vienna Cross Roads, Morystown, Ironton, Canal Winchester, Smithfield, Urbana, Marion, and The Deutscher Pionier-Verein, of Cleveland, all in the State of Ohio, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were ordered to lie on the table.

Mr. GAMBLE presented a petition of Local Union No. 123, Journeymen Barbers' Union, of Sioux Falls, S. Dak., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Morrisville, Vt., praying for the enactment of legislation to prevent the employment of children in factories and mines, which was referred to the Committee on Education and Labor.

Mr. SUTHERLAND presented sundry petitions of citizens and labor organizations of Salt Lake City, Utah, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented resolutions adopted at a meeting of sundry Polish citizens of Chicago, Ill., expressing their disapproval of the expropriation law enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Woodlawn Improvement Association, of Chicago, of the Western Society of Engineers, of Chicago, and of the Woman's Club of Downers Grove, all in the State of Illinois, praying for the enactment of legislation providing for the conservation of the natural resources of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of R. P. Maher, of East St. Louis, Ill., and the memorial of John Cooney, of East St. Louis, Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

He also presented a petition of Progressive Grange, No. 347, Patrons of Husbandry, of Mount Carmel, Ill., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens and labor organizations of Kewanee, Springfield, Chicago Heights, Granite City, Collinsville, Urbana, Alton, Sycamore, Champaign, Bloomington, Belleville, and Chicago, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PILES presented sundry memorials of citizens of Seattle, Wash., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens and labor organizations of Olympia, Seattle, Tacoma, Skamokawa, Raymond, and Elma, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman

antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented petitions of sundry citizens of Grays River, Wiser Lake, Northport, and South Park, all in the State of Washington, praying for the enactment of legislation to establish postal savings banks, which were ordered to lie on the table.

He also (for Mr. ANKENY) presented petitions of sundry citizens and labor organizations of Spokane, Everett, Anacortes, Aberdeen, Olympia, Skamokawa, Elma, Raymond, Tacoma, Seattle, and Walla Walla, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of Tekamah, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was ordered to lie on the table.

Mr. WARREN presented petitions of sundry citizens of Evanson, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 9th instant, providing that hereafter all laws fixing the annual salaries of the United States attorney for the southern district of New York and of assistants in his office shall apply in all respects to and be construed as fixing the annual salaries of the United States attorney for the eastern district of Pennsylvania, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MONEY on the 9th instant, proposing to appropriate \$125,000 for improving and maintaining harbors on the Gulf coast of Mississippi, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. STONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4691) to provide for the purchase of a site and the erection of a public building thereon at Marshall, in the State of Missouri, to report it without amendment.

Mr. BACON, from the Committee on Foreign Relations, to whom was referred the bill (S. 5989) authorizing the Department of State to deliver to Capt. C. De W. Wilcox decoration and diploma presented by Government of France, reported it with an amendment and submitted a report (No. 636) thereon.

#### BILLS INTRODUCED.

Mr. MONEY introduced a bill (S. 7080) for the relief of heirs or estate of Jesse M. Brent, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committees on Claims:

A bill (S. 7081) for the relief of Mrs. L. A. Whitehead;

A bill (S. 7082) for the relief of heirs or estate of Patrick J. Finley, deceased; and

A bill (S. 7083) for the relief of heirs or estate of Mrs. Grace Ann Mitchell, deceased.

Mr. PLATT introduced a bill (S. 7084) for the relief of Mary Priscilla Shipman and other heirs at law of John J. Shipman, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 7085) for the relief of the estate of John W. Anderson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 7086) granting an increase of pension to William A. Petty, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 7087) to modify the boundary lines of the Priest River National Forest, in Idaho, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. MARTIN introduced a bill (S. 7088) for the relief of the trustees of the Olive Branch Christian Church, of James City County, Va., which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a joint resolution (S. R. 83) for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai, which was read twice by its title and referred to the Committee on Foreign Relations.

COL. WILLIAM F. STEWART.

Mr. RAYNER. I introduce a joint resolution. I ask that it be read, and I desire to give notice that I shall call it up to-morrow for the action of the Senate, and I expect briefly to address the Senate upon it.

The joint resolution (S. R. 82) relating to certain charges against Col. William F. Stewart, of the Coast Artillery, was read the first time by its title and the second time at length, as follows:

Whereas certain charges are now pending in the War Department against Col. William F. Stewart, Coast Artillery, United States Army; and

Whereas a certain report containing these charges has been filed with the President of the United States, and both the charges and report contain statements affecting the qualifications and status of Colonel Stewart as an officer of the United States Army; and

Whereas Colonel Stewart has not been served with a copy of these charges, and although he has applied for a court of inquiry in order to ascertain the truth or falsity of the same, his request has been denied, and he was nevertheless, without the opportunity of defense or trial, upon the basis of these ex parte accusations, deprived of his command and ordered to be retained at Fort Grant, Ariz., long an abandoned military post, until he reaches the minimum age of compulsory retirement in the year 1911, and was thereafter ordered to another abandoned military post, without command, at St. Francis Barracks, St. Augustine, Fla., and upon reaching St. Augustine has been ordered back again to the abandoned post at Fort Grant, Ariz.; and

Whereas this punishment has been inflicted upon him without affording him any opportunity whatever to relieve himself from the charges aforesaid and without giving him the slightest information in reference to the same: Therefore,

Resolved, etc., That the President of the United States be authorized and directed to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be when so convened to fully investigate all the charges and accusations against Col. William F. Stewart, of the Coast Artillery, now on file in the War Department or that may be contained in the report of the same heretofore submitted to the President of the United States, or any other charges affecting the character or qualifications of the said Col. William F. Stewart as an officer of the United States Army; and that the said Col. William F. Stewart have the right to appear in person and be represented by counsel and to be confronted with the witnesses against him and to have a copy of the specifications containing such charges in the proceedings before such court, and that the said court report its opinion upon all the facts and specifications before them as is usual in the procedure of courts of inquiry. It is further provided that the court be convened as soon as possible and that the said Col. William F. Stewart shall be allowed the same right of challenge as is allowed by law in trials by court-martial.

The PRESIDENT pro tempore. The joint resolution, on the request of the Senator from Maryland, will lie on the table.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment proposing to appropriate \$3,653.05 to pay Rittenhouse Moore for overwidth dredging in the Potomac River below Washington, D. C., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. GALLINGER submitted an amendment proposing to appropriate \$20,550 for completing pattern shop for steam engineering, navy-yard, Portsmouth, N. H., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GAMBLE submitted an amendment providing that in all cases hereafter certified the accounting officers shall, in stating balances, follow the decisions of the United States Supreme Court or of the Court of Claims of the United States after the time for appeal has expired, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment proposing to increase the salaries of two laborers at the Duluth, Minn., fish-cultural station from \$600 each to \$720 each, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$500 for safe or vault for safe-keeping of records in the office of the United States Commissioner for Teller, Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TALLAFERRO submitted an amendment proposing to appropriate \$7,500 to pay to Ida Mallory, Stephen R. Mallory, Kathleen Mallory, and others, nephews and nieces of Hon. Stephen R. Mallory, late a Senator from the State of Florida, intended to be proposed by him to the general deficiency appro-

priation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment relative to the purchase of two steamships of American registry for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### ADULTERATED INSECTICIDES.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (S. 6515) for preventing the manufacture, sale, or transportation of adulterated or misbranded fungicides and insecticides, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

#### WITHDRAWAL OF PAPERS—JEMIMA FEATHER.

On motion of Mr. BURKETT, it was

Ordered, That the papers in the case of S. 1936, a bill to grant a pension to Jemima Feather, be withdrawn, there having been no adverse report thereon.

#### HOUSE BILLS REFERRED.

H. R. 21052. An act to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," was read twice by its title and referred to the Committee on Immigration.

H. J. Res. 178. Joint resolution for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, was read twice by its title and referred to the Committee on Military Affairs.

#### INVESTIGATION OF OPIUM EVIL.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations:

To the Senate and House of Representatives:

In laying before the Congress the accompanying letter from the Secretary of State, I heartily recommend that appropriation be made as therein requested for the participation of the United States in the coming investigation of the opium question in the Far East by a joint international commission.

The cordial reception of this proposal by the governments concerned is a cause of gratification to the American Government and people. The high aim of this international project, placing as it does considerations of human welfare above all others, is a fine example of what is best in modern civilization and international good will and cooperation. Such an undertaking can not but appeal most strongly to the American people, and I am happy to lay before the Congress this opportunity to enable the United States to do its full share in the work.

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 11, 1908.

#### REGULATION OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. DOLLIVER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed as the conferees on the part of the Senate Mr. DOLLIVER, Mr. PENROSE, and Mr. DANIEL.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTI, one of his secretaries, announced that the President had approved and signed the following act:

On May 11, 1908:

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

#### AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed. The Chair lays before the Senate the agricultural appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, the pending question being on the amendment of the Committee on Agriculture, on page 25, line 11, to strike out the word "preparation" and insert in lieu the word "publication," so as to read:

That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the publication of any newspaper or magazine article.



Mr. SMOOT. The acting chairman of the committee is not here. I understand that he desires to speak to this amendment. If it could be passed over for the time being I would appreciate it very much, and we can go on with the rest of the bill until the acting chairman arrives.

The PRESIDENT pro tempore. The Senator from Utah asks that the amendment be passed over for the present. Is there objection? The Chair hears none, and it is passed over. There is no other committee amendment remaining to be acted upon.

Mr. FULTON. On page 25, after line 23, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After line 23, page 25, insert:

That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe, for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided further*, That when any forest reservation is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

Mr. HEYBURN. Mr. President, I feel constrained to move to amend the amendment by striking out the word "roads." Under our laws you can not use the proceeds of school lands for roads; you must use it for school purposes.

Mr. FULTON. They could if Congress so directed. That would not be the effect of it.

Mr. HEYBURN. It would be the effect of it by our constitution.

Mr. FULTON. I hope the Senator will not raise any question against the amendment. The committee, I understand, is satisfied with it, because it is exactly in the language of the present law.

Mr. HEYBURN. The difficulty arises in the fact that the legislature of Idaho can not enforce it. They can not distribute this money for public roads under our constitution.

Mr. FULTON. I am perfectly willing, as far as I am concerned, to strike out "roads."

Mr. HEYBURN. And let it be for schools.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I was in another place, suggesting items concerning the preparation of an appropriation bill for a few moments, and I did not hear the amendment read. I should like to have it read again.

I will say to the Senator from Idaho that it is my opinion that it is entirely in the option of the State whether it is to be used for roads or not.

Mr. HEYBURN. No; it is not.

Mr. WARREN. Let us have it read so that we may know.

Mr. TELLER. I wish that the amendment may be again read.

The PRESIDENT pro tempore. The Secretary will again read the amendment proposed by the Senator from Oregon.

The Secretary again read the amendment.

Mr. WARREN. As I caught the reading, it is entirely with the legislature of the State to determine what proportion, if any, of the money shall be appropriated for roads.

Mr. HEYBURN. I did not catch that from the reading of it, and I would be very glad if the Senator from Wyoming would point out wherein power or discretion is left to the legislature to appropriate all of it for public schools. I would favor the amendment—

Mr. WARREN. Let the Secretary read it again, if there is any doubt about it in the mind of the Senator.

Mr. HEYBURN. It says "shall."

Mr. FULTON. I should like to call the attention of the Senator from Idaho to the fact that none of this money can be paid to the State unless Congress says so. If Congress says it can be paid to the State for a certain purpose or purposes, the constitution of Idaho does not affect it at all.

Mr. CLARK of Wyoming. Will the Senator from Idaho allow me?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. I make this suggestion to the Senator from Idaho: Would it not be possible for the legislature to divide the fund between the roads and schools in such a way that a proportionate amount should be given to the schools and roads, the schools receiving an amount in proportion to the school lands in the reserve?

Mr. HEYBURN. I will answer that by asking that that particular portion of the amendment be read, so that I can see whether the language would bear it out or not.

Mr. WARREN. I should like to have the language again read, and if the Senator thinks there is anything in the Idaho constitution that is obnoxious to it I should be glad to have it noted. I am quite sure it provides that so much money placed to the credit of the States by the Congress can be used as their legislatures may designate; that is, that it may all go for roads or all go for schools, or be divided. That is the way I understand the language.

Mr. HEYBURN. Let it be read, and I will call attention to it.

The PRESIDENT pro tempore. The Secretary will read the part of the amendment requested.

The Secretary read as follows:

Shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe, for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated.

Mr. HEYBURN. I understand the question is raised as to whether that would leave it within the power of the legislature to so segregate this fund and apply that portion of it realized from the use of the school sections to the school fund and then, at its discretion, apply the remaining portion of the assignment of the fund to the roads. If it is susceptible of that construction, it would not be objectionable, but in connection with it, in order that the Senate may understand the point I make, I will call attention to that provision of the constitution of Idaho which is found in Article IX, section 3:

The public school fund of the State shall forever remain inviolate and intact; the interest thereon only shall be expended in the maintenance of the schools of the State, and shall be distributed among the several counties and school districts of the State in such manner as may be prescribed by law.

Now, this is the part:

No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated, except as herein provided.

Now, that is an arbitrary provision in our constitution regulating the income from the school lands.

Mr. WARREN. The language is "this fund." What fund is alluded to there?

Mr. HEYBURN. The school fund. I think the Senator will understand the language when I have fully presented the thought.

Mr. WARREN. Very well.

Mr. HEYBURN. Another provision which I read the other day, and which I will read again if necessary, provides that any income from these lands shall constitute the public school fund.

Mr. WARREN. From what lands?

Mr. HEYBURN. The 16's and 36's.

Mr. WARREN. This proposed amendment does not allude to 16's and 36's in any manner. It is 25 per cent of all the receipts for all purposes from all of the public lands within the forest reserves.

Mr. HEYBURN. In view of the admitted fact that there are between eight and nine hundred thousand acres of 16's and 36's in the State of Idaho alone that are included within the forest reserve, I think that answers the suggestion.

Mr. FULTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. The Government does not pretend to grant grazing privileges on the school sections or to collect rent for them if, incidentally, herds go on there. That is one thing. But the Government is not presumed to exercise any control over the school sections. This is Government land and Congress need not give one dollar of this to the State unless it sees fit so to do. Now, if Congress concludes to make a donation of that land, does the Senator from Idaho pretend to say the State can not accept it? If his State can not, ours can, and I trust he will not defeat the interests of other States.

Mr. HEYBURN. Of course there is no reason why the interests of Oregon and those of Idaho should clash in this regard. I am not advised as to the provision of Oregon's constitution. I am not advised as to what constitutes their school fund. Their constitution was made half a century ago or thereabouts, and the public school system of the United States at that time was comparatively in its infancy. But this is an absolute grant to the State. It is a mere play on words to say that the Government does not lease the school sections. It leases an entire tract of millions of acres, which includes these sections physically. They are not fenced or segregated. They are used as a part of an entire tract. It is the merest play on words to say that the Government does not lease the school lands or that it does not cut timber from them. As a matter of fact it does

both. It sells timber from the school sections and it grazes the school sections; it charges for doing it, and it collects this revenue.

I know of no reason why Idaho should be placed under the wheels of this Juggernaut here and the provisions of her constitution disregarded and nullified merely for the convenience of the consideration of the provisions of this bill as they apply to some other State. We are making laws here, and we are bound to respect the rights of the States. We have no right to disregard them, and if we undertake to do it it is a nullity, and it adds confusion to the situation for Congress to assume to legislate where it has no power to legislate.

We have time enough to consider this matter. There is nothing more important. That we should, in utter disregard of the constitution of any State in the Union, undertake to provide that the State lands should be used under the direction and the administration of this Bureau, and that the proceeds should be applied in a manner directly contrary to the provisions of the Constitution, seem to me to be so unreasonable that it ought not to receive a moment's consideration. Are you going to ask Idaho to go into the United States courts to contest this question? It will be compelled to do it. Idaho is not going to sit supinely by and see this vast fund that is provided for educational purposes diverted to the making of roads for the convenience of the Forest Service. It will not do it, and Congress only confuses the situation by attempting to provide that it shall.

Mr. DIXON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. DIXON. I should like to suggest to the Senator from Idaho that even though his argument is borne out by the facts—which I can not possibly conceive to be the case—if Congress is willing to give Idaho one-quarter of the proceeds from the sale of timber within her forest reserves in lieu of the proceeds from one-eighteenth, which it has received from the forest reserves—

Mr. HEYBURN. Of the forest reserve receipts it now receives one-tenth.

Mr. DIXON. I can not conceive under what theory the State of Idaho should object to receiving 25 per cent in place of 10 per cent. I am certain the State which I have the honor to represent in part has no such conscientious scruples, and if it would ease the mind of the Senator from Idaho we could eliminate the State of Idaho from this provision.

Mr. HEYBURN. I think upon more mature consideration the Senator from Montana would not make such a proposition. It is not that this is not a fair proportion of the proceeds. It is a question as to directing arbitrarily how it shall be applied. I am not opposing the setting apart of 25 per cent of the proceeds derived from the use of these lands. I merely do not want Congress to undertake to say that the school fund, or any part of it, not even 10 cents of it, shall be diverted from the purposes to which it is to be applied under the constitution; that is all.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. May I ask the Senator from Idaho what his State is doing with the 10 per cent which it has been receiving under the law worded exactly like this proposed amendment?

Mr. HEYBURN. It is in the treasury of the State.

Mr. WARREN. Does the Senator mean that it is unexpended?

Mr. HEYBURN. It is a part of the fund of the treasury of the State.

Mr. WARREN. That is begging the question.

Mr. HEYBURN. I do not think so.

Mr. WARREN. I want the Senator to answer, if he will, whether the State has received that money and made any use of it.

Mr. HEYBURN. I think I am safe in saying that the money is yet in the fund and has not been disposed of, because it is my impression that the legislature has not been in session since it was received. If I am mistaken in that, I think my colleague probably could correct me, because he was present at the session of the last legislature.

Mr. WARREN. Very well, I will ask the Senator's colleague.

Mr. HEYBURN. But I think it was received after the adjournment of the legislature.

Mr. WARREN. I ask the Senator's colleague, then, what has become of the 10 per cent that has been paid to Idaho heretofore under the law?

Mr. BORAH rose.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I am not informed as to what has been done any further than that it has been received by the State. As to the distribution of it I am not informed, because I do not know the details.

Mr. WARREN. Has the Senator heard of any difficulty his State has had in reference to the money due it from the sale of forest products or rental of forest lands, or has his State or legislature had any such difficulty?

Mr. BORAH. Idaho has never had any difficulty in receiving any money which has been tendered to it. It has been perfectly easy as far as it has received it.

Mr. WARREN. I want to say, if the Senator will pardon me—

Mr. BORAH. If the Senator will yield just a moment, I agree with my colleague in the interpretation which he places upon the constitution of the State, but it does seem that the proper interpretation of the amendment does not go to the extent of compelling the legislature to distribute any portion of the fund to the roads. I think the language of the amendment is that it is within the discretion of the legislature to utilize it for the purpose which the constitution suggested it should be utilized.

Mr. WARREN. Mr. President, just a moment further. I wish to say that as to the constitution of Idaho there can be no dispute between the Senator and myself, because it is the constitution of his State; but I will say to the Senator that the constitution of Idaho is almost identical—word for word—with the constitutions of four or five other States that came in just before or soon after Idaho. They have had no difficulty with this 10 per cent and would have none with the 25 per cent.

Mr. HEYBURN. Mr. President, I was, of course, sure that my colleague and I would not differ as to the interpretation of the constitutional provision. I desired that there should be such an expression here upon the floor during the consideration of this amendment as would leave it clear hereafter that Congress did not intend that the legislature of Idaho should be prevented from applying this fund entirely to school purposes. If the amendment is adopted with that understanding, and that is the interpretation that members supporting the amendment place upon it, then it will leave us less embarrassed than it otherwise would.

But, Mr. President, the object in putting that provision in the constitution (and I will say I participated in that act) was drawn from an object lesson in another State in the United States where a million dollars of the school fund had been diverted from one fund to another, loaned by the State officers from the school fund to a fund that was more convenient for political purposes, and that State to-day, after more than twenty years, has not been able to recover back into the school fund that more than a million dollars which was diverted. It was the intention of the legislature of Idaho that not one cent of the principal, interest, or income from the forests should ever be diverted from the school fund.

Now, under another provision of our laws we lease these school lands in Idaho, and the income from leasing them must go into the school fund. Our supreme court has held that not only the principal, but the income, from whatever source, must become a part of the principle to be used for public school purposes, and that it can not be diverted under any circumstances.

Mr. NEWLANDS. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I do not understand that the Senator from Idaho objects to the gift of this 25 per cent to the various States, but he objects to any limitation as to its application, and he desires that the entire money shall go to the school fund rather than that any part of it should go to the county-road fund.

Now, I will ask the Senator, if he insists upon it that under the constitution of that State the moneys received from the land grants to the State shall go into the school fund, whether this provision has any relation whatever to the lands granted to the State? As I understand it, wherever the United States collects anything from grazing on the school lands belonging to a State it turns over the entire sum to the State, and that money, of course, goes into the school fund under the constitution.

Mr. HEYBURN. The Senator is mistaken in his understanding.

Mr. NEWLANDS. Do I understand that the United States does not turn over to the State whatever moneys it receives from grazing upon State lands?



Mr. HEYBURN. It turns over the per cent provided by existing law, or that may be provided by this bill. I can relieve the situation now, if the Senator will permit me.

Mr. NEWLANDS. May I ask the Senator whether the United States does claim the right to collect moneys for grazing upon the State lands?

Mr. HEYBURN. It is exercising it. I do not know what its claim is.

Mr. President, I am in favor of this amendment requiring 25 per cent of the income from these lands to be paid into the State treasury on the principle that if we get this, although it is not all that we are entitled to, it is that much gained against this system; and I do not intend to so oppose the amendment offered by the Senator from Oregon as to make it obnoxious to the Senate or that a point of order may be raised against it. I merely want an understanding, such as I think we have about arrived at, that the legislature of the State will be free to use this money for school purposes.

Mr. BACON. Mr. President, there are two or three considerations which naturally suggest themselves to anyone in regard to this matter, viewed from a general standpoint. One is as to the propriety of voting 25 per cent of the revenues of the Government from a certain source to certain States and Territories, and the other is as to our power to make any such disposition of the public revenues. If I understand correctly, this fund, the 25 per cent thus intended to be disposed of, is a part of the revenues of the Government.

Mr. HEYBURN. No.

Mr. BACON. Did I understand the Senator to say "no"?

Mr. HEYBURN. To the extent that these reserves include lands that do not belong to the Government only are they proposing to devote this fund and pay that portion that represents the State's lands into the State treasury.

Mr. WARREN. If the Senator will permit me, I hardly think the Senator from Idaho wants to be on record as saying that school sections, which are only about 5 per cent of the area of forest reserves, represent this proposed 25 per cent of forest earnings, because the school sections are 16 and 36—two sections out of thirty-six—or one-eighteenth, which is a little over 5 per cent.

Mr. BACON. Of course we have not had the amendment printed, and I had to gather the purport of it from reading it.

Mr. WARREN. Will the Senator permit me a moment further?

Mr. BACON. Certainly.

Mr. WARREN. I want to say to the Senator in just as few words as I can, that the public lands are, of course, free from taxation. As a new country settles up, it is very hard for the settlers to provide schools and pay expenses where the broad area is owned by the Government, free of taxes. We always expect that settlement will soon follow. Now, here comes a new policy—

Mr. BACON. Does the Senator desire to interrupt me for the purpose of an argument? I have not yet even stated my proposition.

Mr. WARREN. If the Senator wants to make an argument and does not want the information first, it is perfectly agreeable to me not to interrupt the Senator.

Mr. BACON. Not at all; I desire to have the information.

Mr. WARREN. I was going to give the information.

Mr. BACON. I do not desire the Senator now to discuss it, because I desire to do that myself.

Mr. WARREN. I do not propose to discuss it, but I propose to give some information.

Mr. BACON. I should be very happy to receive it.

Mr. WARREN. The forest reserves are reserves, presumably, for all time. Therefore settlement upon them practically stops. There may be a few exceptions. So, on the face of the proposition, there should be some contribution from the United States for the settlers. This amendment is an exact duplicate of the law as it now stands, enacted three or four years ago, setting apart 10 per cent. That has been thought to be too little by some, and hence 25 per cent is now proposed in the exact language of the existing law. It is not establishing a new policy, but it is enlarging the scope of it from 10 to 25 per cent, in lieu of the taxation that would be received if the reserves were open to settlement.

I thank the Senator.

Mr. BACON. I should like the Senator to say before he resumes his seat, if I did not correctly understand the statement made during the debate in the last few days, that these forest reserves are open to settlement.

Mr. WARREN. So far as the parts that are applicable to agriculture, which necessarily are but small as compared with the entire acreage.

Mr. BACON. That is a matter, however, not definitely determined. To what extent would that go? Anything that may be said to be adapted to farming purposes is open to settlement?

Mr. WARREN. No; it must be more valuable for agriculture than for other purposes. If it is heavily timbered it is not open to settlement.

Mr. BACON. I do not know what the language of the law is. That is a different statement from what I understood the Senator formerly to make.

Mr. President, I called for the reading of the amendment in order that I might see if the provision was limited to school sections. I do not so understand it.

Mr. WARREN. No; it has no reference to them.

Mr. BACON. And it is unlimited.

Mr. FLINT, Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. FLINT. I wish merely to remind the Senator from Georgia and the Senator from Idaho, who do not seem to be clear on the subject, that as far as the school sections are concerned in the forest reserves, if the State elects, it may accept an income from them. They have an income now, regardless of this 25 per cent; and it is simply a question whether the State desires to take the income under the plan which the Government has outlined.

Mr. BACON. I am very much obliged to the Senator, but I do not see that that gives any additional information upon the particular point we are now considering, and that is the question either of the propriety of the devotion of this portion of the income to the States or the legality of it. The amendment relates to all the income from forest reserves. It does not even say net income, but all the income. Here we are devoting millions of dollars in this bill—there is one single item here of over \$3,000,000—to the care and preservation of these forests, and now 25 per cent of the gross return of that is to be devoted to the particular States in which the forest reserves may be located.

I do not think, Mr. President, that that is a proper thing to do. I do not think the revenues derived from the forest reserves any more belong to the States in which they are situated than they belong to the States in which they are not situated, all of which, as I have said heretofore, contributed to the acquisition of them.

Mr. WARREN. May I interrupt the Senator for a moment?

Mr. BACON. Yes.

Mr. WARREN. If the Senator will turn his eye on the District of Columbia, he will recall that the United States Government pays one-half of the expenses of the District of Columbia, because, as I understand the reason of it, it has so much property here that is not taxed by the District government. In that way it contributes to the expense of the government of this District.

Now, take half of a State and throw it into a forest reserve; it is so much not subject to taxation. Hence this proposition of paying the State some portion of the income, so that the Government may pay a part toward the education of the youth of the State and the care and support of the State government.

That is as to the equity and propriety of it. Now, as to the amount, that is a matter of judgment.

Mr. BACON. There is no analogy between conditions in the District of Columbia and conditions affecting forest reserves. There is no possible comparison between the two, no analogy between the two, and without stopping to discuss these differences, I want to confine myself closely to this particular proposition.

If there is a hardship in the fact that too much of the territory of a State is set apart as a forest reserve, the remedy is not, in my opinion, in giving to that State a part of the property that belongs to the States in common, but it is in correcting the law setting apart these vast territories within a State if they do an injustice to the State. That is the remedy.

Mr. President, it has seemed to me that so far as the propriety of it is concerned the argument is very plain and very simple that these forests are the common property of the entire country and that all the States are entitled to the equal enjoyment of whatever may be derived therefrom. But, aside from that, where is the law which justifies it?

But, before proceeding to that discussion, Congress has not been indifferent to the equities which the States may have as to the public lands within their borders. I believe 5 per cent is now given to the States out of the proceeds of the sales of public lands. I doubt very much the legality of it unless it is stipulated in the act when the States are admitted to the Union. Of course, it is a proper thing to do and a legal thing to do if

that is a part of the act under which the State came into the Union; but when there is no such stipulation, and when there is property in a State which belongs to all the States in common, what right has Congress to say that a particular State shall have more interest in it than any other State? What is the distinction between revenues derived from forest reserves and from the sale of public lands and revenues derived from any other source? Suppose the Senator from New York were to introduce a bill that one-fourth of all the revenues derived from customs duties in each State should be given to the State in which the money was paid. Well, it would be very vastly to the interest of the State of New York to have that done, because very much more than half of all, probably two-thirds, of the revenues which come to the Government by reason of customs duties—

Mr. CARTER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Montana?

Mr. BACON. In a moment. Two-thirds of all the revenues which come to the Government from customs come from the port of New York. What possible reason can there be, in law I am speaking of now, which would enable Congress to devote a portion of the public revenues derived from that source to the unequal enjoyment of a part of the country any more than revenues derived from any other source? Now, I yield to the Senator from Montana.

Mr. CARTER. Mr. President, I ask the Senator from Georgia upon what theory he can justify the payment of one-half of the taxes in this District by the Federal Government.

Mr. BACON. The Senator insists that I shall go back to that. I do not think there is any analogy between the two.

Mr. CARTER. Then I will ask the Senator another question—

Mr. BACON. The Senator has not permitted me to answer that one.

Mr. CARTER. The Senator disclaims an analogy—

Mr. BACON. I do.

Mr. CARTER. Therefore I desire to propound another question, which will be direct. Was it not the implied understanding when each new State was created that in due course of time, under the operation of the then existing land laws, the country would be settled up and the titles pass to private ownership and become subject to taxation?

Mr. BACON. I think so, and I think that understanding ought to be now carried out.

Mr. CARTER. Very well.

Mr. BACON. I am in favor of that; but I am not in favor of doing a wrong because another wrong has been done.

Mr. CARTER. But, Mr. President, the Federal Government now electing, for general public purposes, to depart from the ancient and well-settled policy so far as to take, through an act of Congress for instance, one-third of a State out of the taxable area, should not some compensation be allowed to municipalities, counties, and States thus injuriously and forever to be affected in their taxable wealth?

Mr. BACON. Now, Mr. President, the Senator says the Government elects to do so and so. What constitutes the Government? The law-making power; and the very power that can set apart this 25 per cent for the purpose of correcting what the Senator says is a wrong done by the same power can correct the wrong by undoing the original wrong; which is what ought to be done.

Mr. CARTER. Then, Mr. President, as soon as the Government elects to depart from its forest policy and to restore the public domain to settlement the 25 per cent will, of course, cease.

Mr. BACON. Well, Mr. President, if we have no legal right to give the 25 per cent, it can not be justified on the ground that we have done something else which has done injustice to the particular States in which the forests are situated. The very same power which can do what the Senator says will be an act of justice to the different States to compensate them for the wrong done can undo the wrong.

Mr. President, I entirely agree with what I have heard Senators discussing here for the past few days as to the great injustice done to certain States in setting apart these vast tracts, such large portions of the territory of the State as forest reserves, and in that way practically excluding them from settlement and development and subjection consequently to State taxation. I entirely agree with them, and I am ready to join with them in the correction of that wrong. When that wrong is corrected, not only will justice be done to the States, but justice will be done to the entire country, from the fact that in the settlement of these lands, in the sale of these lands, there will be a fund which will go into the Public Treasury of which the entire country will get the benefit; and then the State itself

will get the benefit in the settlement of the lands, in the development of property, and in the entire property within the State being subjected to State taxation. In that way wrong is corrected and justice is done to all.

But to say, Mr. President, that the same power which has the right and authority to correct the wrong shall let the wrong stand and then shall do an illegal act as compensation for it, it seems to me is without possibility of defense.

Mr. President, there are ways in which this can be done, as I have suggested, and it is not too late to do it now. We have a bill before us; but by what possible argument can it be defended—

Mr. FLINT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. FLINT. I should like to ask the Senator from Georgia to please point out a plan as to how the suggestion he makes can be carried out.

Mr. BACON. By simply withdrawing them; by simply doing away with all regulations which set them apart as forest reserves and throwing them open to settlement.

Mr. FLINT. And abandoning the entire forest-reserve policy which the Government has entered upon?

Mr. BACON. Very well, so far as it may be necessary. It may not be necessary to do it all at one time, because it could not all be settled at one time. If we were to do so, we could contract the area; we could throw open enough to settlement so that there could be the gradual and proper development of the State, the gradual and proper settlement by home makers; so that what is now a forest shall be converted into farms and so that what is now public property may be converted into private property subject to State taxation. That is the way in which it can be done; and we have got the very bill now before us in which we can make such provision.

Mr. FLINT. I simply wish to state to the Senator from Georgia that a large part of this land is not suitable for agricultural purposes anyway, even though the timber was cut from the land. It is mountainous land covered with timber.

Mr. BACON. For what purpose is it good, then?

Mr. FLINT. The sole purpose for which it could be used is for timber; and the system now inaugurated by the present Forestry Service is to cut the timber in such a way that the land would be reforested and would remain a forest forever.

Mr. BACON. Very well. Then I understand, so far as relates to the land covered with timber, the State has no injustice done to it by the fact that it is set apart for a forest reserve, because, if the forest were not there, according to the statement of the Senator from California, it could not be used by home makers.

Mr. HEYBURN. Mr. President, I think the Senator from Georgia will be glad to know that it is conceded that between six and seven millions of acres set aside for forest reserves in Idaho alone have no trees on them and are adapted to other purposes.

Mr. BACON. Very well. Undoubtedly so far as that wrong is concerned, it ought to be righted because it is a wrong. Now, Mr. President—

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. BACON. I do.

Mr. NEWLANDS. Mr. President, I wish to state to the Senator from Georgia what is already familiar to him, that in the States of Georgia, South Carolina, and North Carolina there is a movement to-day to put the Appalachian forests into the ownership and control of the National Government. I recently attended a great meeting of various boards of trade of Georgia at Atlanta, and I there heard the governor of the State of Georgia insist upon it that it was the duty of the United States to acquire the Appalachian forests, because they were the source of quite a number of navigable streams in that region, and that the preservation of the forests there would mean the development of those rivers for the purposes of navigation; that at present—

Mr. BACON. I yielded for an interruption by the Senator, if he will let me remind him of it.

Mr. NEWLANDS. I understood the Senator to yield to me, and I think the Senator is—

Mr. BACON. I did not desire to be taken off the floor, Mr. President.

Mr. FLINT. Mr. President—

Mr. NEWLANDS. I wish to say—

Mr. FLINT. I can not hear the colloquy which is going on between the Senator from Georgia and the Senator from Nevada.



Mr. BACON. That is not at all astonishing, in view of the other colloquies which are going on all over the floor.

The PRESIDENT pro tempore. The two Senators will please suspend until there is order in the Chamber.

Mr. NEWLANDS. Mr. President, I understood the Senator from Georgia yielded to an interruption.

Mr. BACON. I yielded to an interruption, and for any suggestion, but not for an elaborate speech.

Mr. NEWLANDS. I do not wish to make a speech, but I wish to make a statement regarding the Senator's own State and the States adjoining it. A certain position is taken by the governor of the great State of Georgia in regard to this matter, a position which seems to be sustained by public sentiment in the Senator's own State. If the Senator objects to my fully presenting that, of course I will withhold it until the Senator gets through with his remarks.

Mr. BACON. I think the Senator has quite fully presented it.

Mr. NEWLANDS. I have not finished it as yet. I was interrupted by the Senator, and do not wish, of course, to be discourteous to the Senator or to insist upon going on.

Mr. BACON. I certainly do not desire to be discourteous to the Senator from Nevada.

Mr. NEWLANDS. I recognize, of course, the Senator's right to the floor; and if the Senator does not wish me to go on, I will wait until some other time.

Mr. BACON. I do not object to the Senator making any statement of fact which he wishes to, but certainly the Senator recognizes the difference between an interruption in which he makes a suggestion and one in which he makes a speech.

Mr. CLARK of Wyoming. Mr. President, I am much interested in this colloquy, but we can not hear it at all on this side on account of the noise in the Chamber.

Mr. BACON. Mr. President, if the Senator from Nevada will proceed, let him go ahead if he wishes to, and I will resume when he gets through. I would prefer, however, to finish.

Mr. NEWLANDS. Mr. President, I certainly feel some delicacy in reference to proceeding when evidently the Senator from Georgia is unwilling that I should proceed.

Mr. BACON. I think I understood the suggestion of the Senator thoroughly, and I suppose every Senator here understands the suggestion without his repeating it, and that is, that the necessity for forest reserves is recognized in order to preserve the streams, and, as some contend, in order to secure a proper amount of rainfall. We all understand that, and, with proper restrictions, I am in favor of the suggestion which has been made with reference to the Appalachian range; but, Mr. President, that does not come up on this question at all.

Mr. NEWLANDS. Will the Senator yield for a question?

Mr. HEYBURN. Mr. President, I understood I had the floor, and yielded to the Senator from Georgia [Mr. BACON].

Mr. BACON. I beg the Senator's pardon; I had the floor. The Senator from Idaho had yielded the floor, and I took it in my own right.

The PRESIDENT pro tempore. The Chair recognized the Senator from Georgia in his own right, and the Senator from Georgia has the floor.

Mr. HEYBURN. I had not yielded the floor except to the Senator from Georgia for an interruption.

The PRESIDENT pro tempore. The Senator resumed his seat and the Chair understood him to yield the floor.

Mr. HEYBURN. I resumed my seat because of the length of the interruption.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. TELLER. Just a moment. It does not seem to me that it is a very valuable privilege for a Senator to have the floor in the confusion which prevails in this Chamber.

The PRESIDENT pro tempore. The Chair is trying his best to have less confusion.

Mr. NEWLANDS. Mr. President, will the Senator from Georgia yield to a question?

Mr. HEYBURN. If the Chair will pardon me—I do not want to be persistent—I offered an amendment, and I was addressing myself to it. The Senator from Georgia, among others, asked leave to interrupt, and I granted it as of course. The interruption became somewhat lengthy, and I resumed my seat. I am not at all inclined to be persistent about it, and I yield to the Senator from Georgia, but I should like to have my rights recognized in the matter.

Mr. BACON. No, Mr. President, I did not interrupt the Senator, and I did not address the Senator. I addressed the Chair.

The PRESIDENT pro tempore. The Chair recognized the Senator from Georgia [Mr. BACON], and the Senator from Georgia is entitled to the floor.

Mr. NEWLANDS. Mr. President, the question I wish to put to the Senator is this: I understand him practically as opposing the creation of forest reserves in the great West out of lands that now belong to the National Government. I should like to ask him how he reconciles that view with the policy now urged by the South and by the Senator's own State of the acquisition of property now in private ownership with a view to the creation of forest reserves in aid of navigation?

Mr. BACON. I did not catch the Senator's question.

Mr. NEWLANDS. I said I understood the Senator to be opposed to the creation of forest reserves in the great West, their creation out of lands now belonging to the United States Government, which means simply the reservation and not the purchase of those lands. Now I ask him how he reconciles his opposition to that policy with the policy which his own State sustains, as I understand, of the National Government acquiring large areas of land now in private ownership for the purpose of creating forests with a view to the promotion and aid of navigation?

Mr. BACON. Mr. President, the question is very easily answered by the fact that the Senator does not correctly state my position. I am not opposed to the setting apart of forest reserves, but I am opposed to the setting apart of forest reserves in such degree as is complained of here by the Senators in whose States those forest reserves have been set apart, as I understand, to the extent in some cases of almost a third of a State. Am I correct in that?

Mr. HEYBURN. More than a third of the State, Mr. President.

Mr. BACON. More than a third. That is what I am opposed to. I am not opposed to the setting apart as forest reserves of proper areas of territory included in which are timber lands, and I have never taken any such position. I am simply expressing myself as being in accord with the position which Senators have expressed here against the abuse of setting apart forest reserves to the extent of more than a third of the State of Idaho, for instance, thus practically withdrawing the land from settlement and practically debarring it from proper development.

#### SUSPENSION OF COMMODITY CLAUSE, INTERSTATE-COMMERCE LAW.

The PRESIDENT pro tempore. The Senator from Georgia will suspend for a moment. The hour of 12 o'clock has arrived. Under the unanimous consent agreement, that closes the morning hour and the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. ELKINS. Mr. President, I ask that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from West Virginia asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

#### AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

Mr. BACON. Mr. President, the same reasoning which would support this amendment would support an amendment giving to the States 25 per cent of the sales of public lands. The fact that this is forestry land does not take it out of the rule, and, without consuming the time of the Senate, the same argument, while there may be some stronger reasons in one case than in the other, generally would support any proposition for the setting aside of the revenues derived from any particular source in any particular State to the uses of that State and to the exclusion of other States having equal right in that property, but in which the revenue does not happen to be collected.

Mr. NEWLANDS. Mr. President, I may have misunderstood the Senator from Georgia, but I certainly understood him to urge that the public lands of the West, now dedicated as national forests, should be opened up to settlement. Whilst he objected, of course, to such portions of the land as were not suited for forests being reserved as forests, he also indicated that the remaining lands which were forests should be gradually opened up to settlement and put into private ownership, and I understood his contention to be that in this way these lands, gradually drifting into private ownership, would be subject to taxation, would swell the revenues of the State, and would enable the State, the counties, and the municipalities to discharge all the functions of government. That is what I understood the Senator's position to be, and I could not reconcile it with the view taken by the Senator's State, by the peo-

ple of the adjoining States, and by the people of the entire South that a new policy should be inaugurated in the United States, not simply the policy of reserving as national forests lands now belonging to the Government, but the policy of purchasing lands now in private ownership with a view to dedicating them forever to forestry, the power being claimed under that grant of power in the Constitution to regulate interstate and foreign commerce, the existence of forests being absolutely essential to the control of the volume of the streams and the rivers, and therefore being absolutely essential to the promotion of navigation and thus of interstate and foreign commerce.

Mr. BACON. Mr. President, with the permission of the Senator—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. I desire to say that I have not said anything which would indicate that I was opposed to the reservation of a proper amount of land as forest reserves, and the Senator, in spite of my disclaimer, continues to make an argument upon the assumption that I had so stated. I can only say that I congratulate the Senator upon the skill with which he knocks down a man of his own creation.

Mr. NEWLANDS. I was only stating, Mr. President, my understanding of the Senator's remarks and the reason of my interruption whilst the Senator was speaking. I accept, of course, the Senator's explanation.

The question before the Senate now, however, is not whether too much land has been taken for these forest reserves, but the question is, assuming that certain lands must be taken and ought to be taken for reserves and ought to be reserved as such for all time, whether these vast areas in individual States shall be kept entirely free from taxation as the property of the National Government, or whether the National Government, recognizing the obligation of the State to govern every inch of the land within its boundaries, to furnish the courts, furnish the methods of criminal prosecutions, furnish the roads, and furnish the schools, should be aided by the National Government in that work, either by a subjection of the lands themselves to local taxation, or by a surrender to the State and to the municipalities for public purposes of a certain proportion of the revenues derived from these lands protected by the State Government.

Now, I wish to state that it has been the custom of the Government from the earliest days to deal freely with these public lands in the interest of the nation or in the interest of an individual State, if it thought that the interests of an individual State would be advanced by its action. Grants of public lands have been made without consideration to the various States. Swamp lands within the forest States have been granted to those States without consideration. Has any State in this Union, an interior State without swamp lands, objected to such grant? And yet they were grants not for the benefit of the General Government, not shared by every State in the Union, but grants for the benefit of the particular State in which the lands were located.

When the United States has granted school lands, the sixteenth and thirty-sixth sections of every one of the public-land States, did the States outside of the public domain object upon the ground that those lands were the property of the nation; that the nation could only part with them for a valuable consideration, and that the valuable consideration received should be expended in the general expenses of the Government, applicable to every part of the nation and every State in the Union?

On the contrary, the public-spirited policy has been pursued of aiding the cause of education of the individual States by the grant of the sixteenth and thirty-sixth sections. And so it is with reference to the forest reserves. Already we have upon the statute books a grant to these States of 10 per cent of the income received from the forest reserves and income received from the people of those States for timber and for grazing. So it is a simple question as to whether that amount should be increased; whether 10 per cent of the gross revenue is sufficient to compensate the States for the loss of the taxation which they would be enabled to levy if these lands were in private ownership. I do not understand that anyone objects to the proportion. No one who knows anything about the struggles of those Western States to maintain an efficient school organization, to maintain a judicial organization, to maintain a sufficient organization for the prosecution of criminals and an efficient organization for the construction of good roads over the vast territory sparsely settled, certainly has objected to giving to the people of each individual State 25 per cent of the revenue derived from these lands, derived from the local people who pay for this grazing and who pay for this timber.

No one would certainly object, it seems to me, to that as a fair proportion in lieu of taxation.

I am sure if these lands were subjected to taxation under the ordinary rate that prevails in that region, of from 2½ to 3 per cent, those States would absorb the entire present receipts, instead of only 25 per cent of them; and so the question, it seems to me, comes simply to this: It is not one of power, not one of public policy, but simply one of just proportion; and I am sure there is no man from the West who will say that 25 per cent of these gross receipts is too much.

Mr. HEYBURN. Mr. President, the State of Idaho had, in addition to the 16's and 36's, by virtue of the admission act, in round figures, 700,000 acres of land granted to that State in lieu of its surrender of swamp, overflowed, and saline land. It has of 16's and 36's—I have just made the computation—more than a million acres within the forest reserves, and 700,000 acres of land granted to it in lieu of its surrender of the swamp and saline lands.

Mr. President, the value of this land fixed by the admission act would be \$10,668,000. That is the minimum, but they are worth more than that on the market any day they are offered. They will average more than that, because a large portion of these lands are timber lands, as fine timber lands as ever existed, and the State is continually selling these lands, or lands of similar character, lying outside of the reserves, under the provisions of the constitution, for from \$10 to \$70 an acre at public auction. So that it will not be considered that I am dealing with a small or unimportant question when I speak for the protection of the State's rights and the State's interest in these lands. I repeat, for conciseness, under the minimum price fixed by the admission bill and by the constitution those lands are worth \$10,668,000. At public auction to-day under the method provided for their sale by the States they are worth twice that much money.

The school lands alone in the State of Idaho are the resource behind the education of the people of that State to-day and forever. They are sufficient to maintain the public school system and the university system and the other school systems for all time. And for a representative from that State to sit silent while this body or any other legislative body encroaches upon the right of the State to those lands would be to fail in the performance of a public duty.

It has been repeated time and again on this floor that these lands belong to all the people of the United States. So they do. But they must come to Idaho to get their property. They can not take that inheritance out of the geography of that State by any process. We welcome them. But nonresident ownership of land is the bane of any country upon earth. That land should be owned simply for the pride of title and allowed to remain unproductive and noncontributive in any State is against the very foundations of our Government. We want no absentee landlordism in Idaho or in the Western States any more than you desire it here.

I desire to meet explicitly the statement that these lands belong to all the people of the country. By that challenge, come and get them and become citizens and assume the responsibilities and duties of citizenship that appertain to that land, and assume it in Idaho, and we will have no complaint. Every private owner there can turn his farm into a forest reserve or a game reserve if he wants to, but he will pay taxes on it and perform the duties of citizenship.

The Senator from Massachusetts [Mr. LODGE] a few days ago was extolling the beauties of game reserves and deploring the diminishing quantity of game in the country. One herd of cattle that graze upon our plains is of more benefit and is more desirable than all the buffaloes that ever ranged upon the plains of the West. The idea of standing up here and comparing the attributes of that barbarous period of this country, when it was controlled by the Indians and ranged by the game, with the civilization which has succeeded seems to me to be absolutely without rhyme or reason. We will trade our Indians for the five Yankees or the enterprising Southerner or the American citizen, wherever he may come from, and we will trade a hundred Indians for every one such who comes, and we will trade all the elk and spotted deer and the buffalo and game of every kind—a thousand head of them—for one little herd of blooded stock. We will trade all the sweeping scope of the prairies and plains and forests for inclosed and improved homes. That is what we want. We send back to the challenge—"come and get your land; it is yours; but bring with it the responsibility of citizenship and the contribution to the wealth of the State where the land is." That is a complete answer to all this talk which has been made here as to the rights of the people of the East in the land within the States of the West.



In this morning's Washington Post there is an editorial upon that subject. It says that the elements in Congress are divided on the preservation of the forests. They are not. We want to preserve for use—

Mr. FULTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I know the Senator is favorable to the pending amendment. Has the Senator any objection to the Senate taking a vote on the amendment and then proceeding with his argument?

Mr. HEYBURN. I have no objection to a vote on the amendment with the understanding that I shall thereafter proceed. I have a pending amendment. The amendment really pending is my own. But I yield to the Senator from Oregon, and I will yield to a vote on the amendment with the understanding that I shall resume the floor.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. FULTON]. Those in favor of the amendment will say "aye."

Mr. BACON. I make the point of order that the amendment proposes general legislation.

Mr. FULTON. I think it is too late.

Mr. BACON. No. I addressed the Chair before the Chair announced the result.

Mr. WARREN. I rise to the point of order.

The PRESIDENT pro tempore. The Senator from Wyoming will state his point of order.

Mr. WARREN. Is the Chair considering the point of order?

The PRESIDENT pro tempore. The Chair is considering it now.

Mr. WARREN. I want to say, as to the point of order, that the committee have not raised it. The committee, believing that it was simply a reproduction, so far as legislation is concerned, treated it as if it was simply an increase of an appropriation, and so the amendment is in order.

Mr. KEAN. It changes existing law.

Mr. NELSON. I desire to say a few words, Mr. President. With the exception of an increase from 10 to 25 per cent, the amendment follows exactly the provisions of existing law. Under the existing law 10 per cent of the proceeds derived from forest reserves is paid to the respective States for the purposes indicated in the amendment. The only change in existing law is to increase it from 10 to 25 per cent.

Mr. WARREN. Which is not general legislation.

Mr. NELSON. On that account it is not general legislation.

Mr. BACON. I withdraw the point of order.

The PRESIDENT pro tempore. The Senator from Georgia withdraws the point of order. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. CLARK of Wyoming. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. Before the Senator leaves the proposition of game, the Senator is aware of the fact that this bill puts the Government in the business of supplying and transporting game in these forests.

Mr. HEYBURN. They have a force of men in Idaho for the express purpose of killing game. They are equipped by the Government, and they report the number of animals of various kinds which they have killed. But I am not inclined to deal at this time with the small questions that go to the administration of the Forestry Service, because the time is brief in which to conclude the consideration of this bill. Being, perhaps unfortunately, in the position of having opened the discussion on this measure, in view of the number of replies which have been made to the remarks which I made, it is only my intention to gather them up as briefly and succinctly as possible in order that my remarks may not seem to have been successfully controverted.

Mr. TELLER. I want to ask the Senator from Idaho a question.

Mr. HEYBURN. Certainly.

Mr. TELLER. He has referred to the fact that the forest reserve employees have been killing game. Do they do that without reference to the State law or under the State law?

Mr. HEYBURN. If I should make the assertion here that there is or is likely to be some controversy between the Forestry Service and the State government, I should perhaps be met with contradiction. I am not sufficiently advised to take up that question. It is sufficient to say that they have professional hunters in Idaho—game killers.

Mr. TELLER. I should like to say, for the benefit of those who have not looked into it, that the Supreme Court has declared that the game belongs to the State and is absolutely under its control. The State may make an open or closed season. It has gone to the extent of saying that the State may prohibit the export from the State.

Mr. DIXON. I want to ask the Senator from Idaho if it is not a matter of fact that the animals killed in the forest reserves are stock-destroying animals, like wolves and coyotes, which are killed when the rangers have nothing else to do; and if last year they did not kill nearly 50,000 wolves and coyotes within the forest reserves? They are not the game animals that the Senator's remarks might indicate.

Mr. HEYBURN. I have seen the report of these game killers, and I have noticed the character of the animals they are killing, and I do not undertake to criticize the fact of the killing of these animals. I only mentioned incidentally the fact that the Government was engaged in that sort of business.

I desire to call attention to the editorial in the Washington Post of this morning, in order that some erroneous views therein expressed may be clearly stated and controverted. It said:

The members of the Senate seem to be widely divided upon the question of the preservation of the forests as an important issue in the present and future of this country.

There is no difference of opinion, so far as I am advised, in the Senate or elsewhere among intelligent, thinking people as to the necessity and wisdom of preserving the forests any more than there is as to the necessity and the wisdom of preserving the water sources of the country or the farm lands of the country or the purity of the atmosphere or any other thing that tends to the general prosperity. The question in the Senate is as to the manner of doing it and not to the fact of doing it. There are no people in the United States who are more zealous in their desire to preserve the forests than are the people who live in the States where the forests grow, and there are no people in the United States who are as capable of knowing how best to preserve them as the people who live in the States where the forests grow. Those States were not settled by the overflow of either the insane asylums or the institutions for the feeble-minded. They were settled by those of your citizens who had energy enough to go out into the world to make new homes for themselves, and they represent the very highest grade and degree of the energy and manhood of the East. The drones do not go West. We are not troubled with the inefficient and those incapable of understanding the problems of life. We have a live, intelligent citizenship with a conscience behind it, just as much in favor of self-government as are the people of the East; and we are not asking to govern the East. We are asking the privilege of governing ourselves, and we are asking it not only for those who are there, but we are asking it for those of you who may go there and claim your own, about which you have had so much to say. When you reach that land we will stand with you for an equal participation in the government of the country in which you live.

Mr. President, this editorial further states that the difference of opinion is geographical. That is true in regard to every question which arises in this or any other legislative body. It is for that reason that representative government draws equally from all sections of the country. If all the members of this body were drawn from one State, they might on many questions be able to dispose of matters before them with entire impartiality, but that is not the principle upon which our Government rests.

This editorial further states:

It would seem, however, to any disinterested judge that the Western sentiment is narrowed to local needs and desires rather than inspired by a large, appreciative vision of the great value of the preservation of forest lands to the people of the whole country.

I think I have answered that proposition by saying that while these lands are the heritage of all the people, they can be obtained only by those who go where the lands are. The lands are fixed there permanently.

Mr. President, I have directed my remarks very largely to this question as it affects the State of Idaho, from which I come, but I do it merely as a text. That which is true of Idaho, or in relation to Idaho, is true of other States.

I have but a closing word to say, and that is in regard to the question of planting forests. I should like to see every State in the Union have a sufficient area of forests to meet every demand of that State, but I am opposed in principle to sequestering the lands in one State for the convenient use of another State. If they want forests in Nebraska, plant them there. If they want them in New York, plant them there. If they want in any State to plant forests and withdraw that much of the area of the State from contribution to the prosperity of

the people, through the means of taxation, let them do it. But leave States like the State of Idaho free to develop and apply the natural resources of the State to the wealth and prosperity of that State. That is the basic principle upon which this Government rests and must rest.

They have created what they call "forest reserves" on open prairie and grazing lands in Idaho to the extent of about 7,000,000 acres. They admit it. There is no question about it. Fully one-third or more of the forest reserves in the State of Idaho have no timber upon them and never will have any timber upon them. All talk about reforestation in Idaho is silly. There is no sense or reason behind it. Why should you be planting forests in any State already 25 per cent timber land? Why not plant forests in places which have not forests?

The amendment I have offered is to prevent the Government from exporting timber from Idaho—not to prevent individuals who own land from sending timber from Idaho, but to prevent the Government from going into the lumber business in the State of Idaho in competition with private individuals at the expense of depleting the forests of Idaho. That is the amendment. The provision ought never to have been stricken out of the bill. The Senate in its wisdom of that hour incorporated it in the bill in the Fifty-eighth Congress, and it was the law, and was satisfactory to the people of Idaho. During my illness at the succeeding Congress, when I was unable to be present, it was stricken out. I merely ask to restore it, and I think in fairness I may ask that. Let the Government keep out of the lumber business in Idaho. Let it preserve the forests, if that is the mission of this Service. Let it cooperate with the State of Idaho, which puts as many fire-patrol people in the field during three months of the year as the Government does. Under the provisions of the law of that State—

Mr. CARTER. Would the Senator deprive the Government of the right to sell matured timber?

Mr. HEYBURN. I would not deprive the Government of the right to sell anything that it owns in the State of Idaho and ought to sell. I would deprive the Government of the right to go into business anywhere in competition with individual industrial enterprises.

Mr. FLINT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. The amendment simply limits the transactions of the Government as to Idaho. It will be just as much in the lumber business elsewhere. The sole object of the Senator would be to hamper the Government in that one State.

Mr. HEYBURN. I believe it has always been recognized as a sound principle in the Senate that the Senators who come here from a particular State are sent here because they are presumed to be able to represent the interests of that State as well as to participate in representing the entire Government, and I have never, since I have been a member of this body, undertaken to object to any measure proposed by any Senator with respect to the State he came from, if he presented it as a matter peculiarly interesting to the people of that State.

When the Senator from California has desired certain exceptions in favor of the State he represents upon this floor I have never interposed an objection, and never should.

Mr. FLINT. I am in entire accord with the views expressed by the Senator from Idaho on that matter, with the exception that it does not seem to me that the property of the Government or the income of the Government in any one State should be limited to that State. In other words, to parallel the proposition of the Senator from Idaho, as was stated by the Senator from Georgia this morning, it could be provided that all the customs receipts coming in at the port of New York should be expended in the State of New York. As a matter of fact, this is the income of the Government, and it is a general proposition, and it should be for the entire nation. In other words, the Forestry Service is a national project and not a local or State proposition.

Mr. HEYBURN. The word "project"—although I do not want to use a disrespectful word—covers more of those indefinable glittering generalities than any other word I have ever known to be used in this body. I think I treated of this the other day. It is this man's policy and that man's policy. I have little regard for those things which rest upon somebody's policy.

Here is something that probably will be interesting to the Senator from California. I have another editorial which I clipped from a paper, and in it it is suggested that it is a part of the policy of this Service to use the income from the forest reserves for the purpose of purchasing other forest reserves.

The management of the forest reserves which the Government already controls has been so able and careful that there is already a large surplus revenue, and it is proposed to apply it gradually to paying for the White Mountain and Appalachian forests.

In the first place there is no surplus revenue, but a deficit of about \$1,300,000.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I do not understand the Senator to claim that that newspaper report is authentic, or that the Forest Service intends to follow the suggestions of the report.

Mr. CLARK of Wyoming. The newspaper report certainly is authentic, because I cited yesterday bills now pending before Congress providing for that very thing, and I suppose, so far as the Bureau is concerned, the Senator will at least admit that Congress has the right to initiate legislation in regard to forest reserves.

Mr. SMOOT. I certainly do.

Mr. CLARK of Wyoming. Whether this report comes from the Bureau of Forestry or not, it is a policy proposed to Congress that all the revenues of all the forest reserves be appropriated until 1918 for the purchase of land in the proposed Appalachian and White Mountain reserves.

Mr. HEYBURN. Mr. President, I mentioned that only incidentally, because of the suggestions of the Senator from California.

Mr. FLINT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I do not agree with the proposition of the Senator from Idaho that the Forest Service shall not have a policy, and we should criticize them for the reason that they have a policy. I think they should have a definite, fixed policy. It is an entirely different proposition whether Senators agree with that policy. As a matter of fact, I do agree with a great deal that has been done by the Forest Service in the management of forest reserves throughout the country, but I do not agree with the proposition as outlined by the Senator, if that is the policy of the Forest Service, that the income from the forest reserves in the West should be used for acquiring forest reserves in the East.

As a general proposition, I am in favor of taking as large a percentage of the proceeds of the forest reserves as is practicable and expending it in the States, just as we have to-day increased the amount from 10 per cent to 25 per cent; but while I agree generally to the policy of Mr. Pinchot in the management of the forest reserves, I want to say to the Senator from Idaho I do not subscribe to everything that is being done or every detail that is being carried out in the Forest Service. However, as a general proposition, I am in favor of what is being done.

Mr. HEYBURN. Mr. President, under the constitution or the admission act, 5 per cent of the proceeds from the sale of public lands in the State of Idaho go to the State for school purposes, in addition to the public lands that were granted; that is, 5 per cent of the proceeds of all the lands the Government sells in the State of Idaho goes to the State for that purpose. As an excuse for not selling public lands, or rather as a method of defeating that provision, they place the public lands in a forest reserve and do not sell them. They are starving the school fund of Idaho in that way. They are starving the reclamation fund of all the arid States by withdrawing this land from sale, because the reclamation fund is comprised entirely of money received from the sale of public lands.

So, with the reservation of 120,000,000 of acres of public lands from sale or settlement, of course the income of the Reclamation Service is at least threatened with that much loss. It is threatened with loss to the extent of the sales of the public lands that would have been made if they were not in a forest reserve. They destroy our 5 per cent school fund in addition to having taken possession of the school lands, because the lands not being sold the State does not receive the 5 per cent for them.

The most dangerous thing Congress can do, the most dangerous thing those who represent the older States can do, is to attempt to put on the bands and dwarf the growth of the Western States, because those States have a citizenship which if not capable to-day of defending their rights, will be, just as sure as the future comes. They are not going to remain mere vassals of the Eastern States. They are going to grow to be as great in population and wealth as the proudest and oldest State in the Union; and while you may embarrass them and cramp them for a short time they will rise up from under it.



There is no aristocracy of age among the States. The newest State was admitted with all the rights possessed by the oldest State. We have the territory and we will get the citizenship. We will drive these laws from the statute books that are placed there for the purpose of keeping the West down, for the purpose of making our States the breeding ground for your fancy animals and the camping ground for your tourists. We will drive these laws from the statute books. It is only a question of time. You can no more keep those people in this kind of bondage than your ancestors could be kept in the bondage of European institutions.

I have heard here for a week little but citations of conditions that exist in Europe. Every precedent that has been stated has been a European precedent—the forest reserves and policy of Germany, France, England, Russia, and Austria. We care just as little for them to-day and for their ideas of government as our ancestors cared for them. Senators whose ancestors took up arms against the policies of Europe, disagreeing with the monarchical institutions represented by the Forestry Service, stand up here and cite us to the magnificent game preserves of Europe, to the magnificent solitudes of the kings' forests in Europe.

We want an American policy based upon the principle that every citizen, whether he live in the Rocky Mountains or within the borders of New England or in any other portion of the country, has the same rights. We do not intend that our country shall be made the plaything either in economics or in politics. We do not intend that our country shall afford only the opportunity for tours in Pullman cars for the purpose of camping and shooting animals. We do not intend that it shall be used as the subject of magic-lantern slides to illustrate the beauties of untamed nature.

The State of Idaho has more square miles in area than all of the New England States combined, with 5,000 square miles to spare. She has a larger percentage of arable and tillable land than any State or any two States in that group of States. Idaho has more acres of land capable of being cultivated and converted into homes than has the State of Pennsylvania.

There is that magnificent State with its millions of population that would have been a forest reserve if these gentlemen could have had their way. William Penn and those who came with him would have been the lord proprietors of Penn's Woods. But those old pioneers knew how to gain their liberty and their freedom from this kind of control, and I can promise the Senate of the United States that the people of those States will know how to throw off this kind of shackle and to attain their full growth, and take the high place which they are entitled to take, and which because of the God-given gift they are in a position to claim and to hold.

Mr. TELLER. Mr. President, I intend to consume but a few moments of the time of the Senate. On Thursday last the junior Senator from Iowa [Mr. DOLLIVER] addressed the Senate at the closing hours of the day's session. I do not see him in the Chamber now. He was here a few moments since. I wanted to call his attention, if I could, to some things he said which I think were probably said in the enthusiasm of making his speech. I read from the RECORD what I did not observe until yesterday, this very remarkable statement, which I am going to challenge, and I am going to inquire of the Senator from Iowa his authority for the statement. Amongst other things the Senator said:

There has never been in the history of human society as completely organized a crime against the human race as the destruction of the American forests in Pennsylvania, in New York, in Michigan, in Wisconsin, in Minnesota; and to make the crime all the more ignoble, it was based upon greed and avarice and the love of money, which we are taught is the root of all evil. So it has proved in that vast public domain. It was despoiled by the spoilers who violate the land laws of the United States, and the witnesses still stand there in the burned trunks of great trees, in this pathetic tangled mass of burned logs and vegetable matter scattered over square miles of territory that, if it had been administered with wisdom and patriotism, might to-day be the permanent source of a lumber supply to us and to our children's children.

The State of New York and the State of Pennsylvania never had any public lands, and I should like to know from the Senator, if it would not be offensive, what he means by saying:

There has never been in the history of human society as completely organized a crime against the human race as the destruction of the American forests in Pennsylvania, in New York, etc.

I know he included Pennsylvania and New York with Wisconsin, Minnesota, and Michigan.

Mr. DOLLIVER. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Colorado yield to the Senator from Iowa?

Mr. TELLER. I yield.

Mr. DOLLIVER. The observations which I made on Friday were made, as the Senator says, in the course of a running and only partially premeditated discussion. Of course I had no intention of saying that indictable offenses had been perpetrated in Pennsylvania and New York, but we had observed in the mountains of Pennsylvania very many evidences of a wanton destruction of the woods which are observable in other sections. I had in mind particularly the destruction of the forests in Michigan, Wisconsin, and the neighboring forested portions of the public domain. I had in mind the occupation of those lands by the pioneer sawmill people and lumbermen, who seemed to have got hold of them in many cases, notably in Michigan, I think, by means very similar to those which have proved distasteful to the Department of Justice in recent years.

I had in mind not particularly an organized conspiracy to violate law, but a wanton destruction of that great natural resource in those States. I repeat what I said, that if there had been wisdom enough in that day and generation, either in the States concerned or in the General Government, to provide for an orderly administration of those forests, we would not now be face to face with what appears to be a total failure of the lumber supply in that large section of the United States.

I do not believe the Senator in reality disagrees with the position I take when I comment upon the wanton destruction of those forests. The evidence stands there to-day. You can ride from one shore of the lake to the other across northern Michigan and northern Wisconsin and on every hand there is a monumental witness of the exact truth of what I tried to say on Friday.

Mr. TELLER. I will challenge both statements. I will challenge, first, that there has been any wanton destruction, and I will challenge the fact that there was any organized effort to secure these lands.

Mr. President, I only want to say a few words about the wanton destruction in Pennsylvania. I was born on the Pennsylvania line. I know all about the Pennsylvania timber, and I know all about the timber of the State of New York on that line. I called attention to it when I was on the floor not long since. There was a very rich timber country, and that country was opened up for settlement soon after the Revolutionary war. But in the immediate section from which I came there was no settlement until after the war of 1812 had closed.

Up to 1840 there was some very fine timber in that section. Practically up to that time there had been no timber exported from very many of the counties in the State of New York and not a great deal from many counties in the State of Pennsylvania. On the headwaters of the Susquehanna River and on the headwaters of the Allegheny there had been export of lumber down each of those rivers by rafts. The Allegheny River folks sent theirs to Pittsburg, Cincinnati, and New Orleans. Down the Susquehanna they sent theirs to the city of Philadelphia. There were seven or eight counties in each State that were timber counties, and from 1840, at least, I know something about that country and the conditions. To say that there was a wanton destruction of the timber is untrue. There was a destruction of timber for beneficial use.

From the headwaters of the Allegheny River, in the State of New York, as early as 1820, and even earlier than that, from 1815 to 1820, there departed every spring a large number of immigrants for the great West. I presume for many years a majority of the men who went from the East into the State of Ohio went down the Allegheny River on rafts. The lumbermen cut lumber, put it in the river, built rafts, and then the settlers went down on those rafts. There were no boats, no railroads, and no transportation except by rafts.

The lumber in those days would not bring more than five or six dollars a thousand after it was sawed. There was a better market for it in New Orleans and Cincinnati than there was up there, and therefore they sent it away. There was no wanton destruction of it.

I object to this, Mr. President, because I know just as well as I know I am living that when the Forest Service take up this question and issue a lot more of publications they will quote from the Senator from Iowa to show this great conspiracy. It will be a great card for them. The Senator from Iowa is a distinguished member of this body; he has been a distinguished Member of the House; he is in the public eye more than many of the rest of us are; and it will be a great card to say, "Here is the Senator from Iowa, who declares that this conspiracy exists and has existed."

Mr. President, I know something of the people. My father was a settler, and he cleared up a farm. My grandfather cleared up a farm, and all my neighbors cleared up farms. When I was 10 years old there was an immense number of

farms that had only comparatively small clearings on them. Is anybody justified in saying that the men who cleared up those farms and made homes are guilty of a crime of such stupendous magnitude because they did not have the foresight to save their pine timber and did not wait forty or fifty years that it might be sold to somebody who came after them?

Mr. President, I remember the first sawmill which was built in the neighborhood in which I lived. It was run by a man who had been a captain in the war of 1812. You could go 12 miles one way and 8 miles another way before you found another mill, and if you took another direction you could go 20 miles before you found a mill. For twenty years there was not a board sawed at that mill which was used outside of the neighborhood in which it was sawed.

But, Mr. President, any quantity of good timber was piled in a heap and set on fire, because that was the only way you could make a settlement in that section of the country. By 1850 they had a pretty thriving settlement all over that part of the State.

Mr. President, I have great admiration for the men who went into the timber and made homes. They did it from the Atlantic Ocean clear up to the Pennsylvania line. They came from Massachusetts, Connecticut, eastern New York, and probably New Hampshire and Maine. They were not vandals; they were not robbers; they were not crime committers. In that section of the country where the Senator charges this crime was organized, particularly in New York and Pennsylvania, I will venture to say there are as good people as live in any country, and I will venture to say that many of the best people of the State of Iowa came from that part of the States of New York and Pennsylvania. In that timber country were raised governors of the State, Members of Congress, public men who have made their mark in the history of this country.

I have served with five Senators from the immediate neighborhood of which I speak. We have furnished from that neighborhood governors to the various Western States. If there has not been a governor in Iowa born in that part of the State I am greatly mistaken. I know Missouri has had one from the immediate neighborhood in which I was born. We furnished all the appliances of civilization. For many years we had a hundred school houses, where we had one sawmill. In later times in some parts of Pennsylvania lumber was exported, as I said, down the rivers; some of it was exported by teams to the canal and was sent down to New York City.

Mr. President, it may seem to be hardly worth while to go into a question of this kind, but I know the people who lived there to be as good as any people in the world. They have departed this life, most of them, but their sons and daughters are living there, those of them who have not gone West. Thousands of them have gone West, and they are the best people in the world.

Mr. President, I do not know so much about what they did in Michigan and Wisconsin, but I do know that until 1885 and afterwards there was no necessity for an organization to steal timber in the State of Michigan. Our laws enabled any man to walk into the land office and pay \$1.25 per acre for the finest timber that ever grew. I knew a member of this body, who after the war deposited \$5 in a land office and took out a patent for 4,000 acres of the finest timber that ever grew in the State of Michigan. Was there any crime in that, Mr. President? The Government of the United States had provided by law that under certain conditions men might take the title to the property. The Government wanted them to take the title to the property. It wanted them to put it to a beneficial use, and Michigan would not be the fine State it is if they had not done so.

The same may be said of Wisconsin. I found the other day a statement that Iowa cut 11,000,000 feet of lumber in one year. I wondered at it. It took me a little time to remember that right across the river from where I lived in Illinois was the town of Clinton, in the State of Iowa. That is one of the biggest lumber-producing sections of the West. But every log sawed there came from Minnesota or Wisconsin. They floated them down the river and sawed them in those great mills and distributed them throughout the State.

Mr. President, is there any reason to cry crime, organized robbery? Those people paid for their land and they had a title under the law.

I have been complaining that misrepresentations were made here. It has been largely, I think, because the conditions were not understood. The greater part of Michigan timber was taken in strict accordance with the law and paid for under the provisions of the law.

I do not know very much about actual affairs in the State of Michigan. I have traveled through it quite extensively, and wherever I went I found a class of people who could hardly be named as guilty of conspiracy against the Government when they did not need to do it under the law.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. TELLER. I do.

Mr. SMITH of Michigan. I am very glad indeed that the Senator from Colorado [Mr. TELLER] has questioned the suggestion of the Senator from Iowa [Mr. DOLLIVER]. So far as this statement concerns the State of Michigan I desire to say that while there may have been a wasteful policy in the beginning of our lumber operations, while millions of feet of timber may have been destroyed, by fire and otherwise, that should have been preserved and safeguarded for future use, yet, Mr. President, I agree with the Senator from Colorado that there has been no conspiracy of destruction in the State of Michigan against our forests, and, furthermore, that the men who took up the land originally from the Government were among the highest types of our sturdy pioneers who blazed the way alone. When they took up this land they were poor, struggling woodsmen who tramped through the forests marking the trees, going often without food, and partially clothed. I know that one of the largest landowners in our State walked without a hat upon his head or a coat upon his back or anything to shelter him for days and for weeks in these forests, carefully selecting his lands under strict regulation of law, borrowing money at high rate of interest, because he had faith in the future value of these timber lands.

I wish to take issue with the statement that there has been conspiracy to denude our forests, and I want to go one step further, and assert that Michigan's supremacy among the States is due, in large part, to the faith of her pioneers.

The Senator speaks of the desolation of a portion of our territory. I can not subscribe to his statements. Wherever forests have been removed a greater, grander, and more ennobling civilization has taken its place. Cities and towns and villages now stand where forests formerly marked the land. If the policy of isolation, advocated by the Senator from Idaho, had been applied to the State of Michigan there would be to-day forests in our State, the abode of wild animals, sheltering themselves in undisturbed supremacy, whereas now we have happy children by the thousands and hundreds of thousands attending schools upon every hillside, where enterprise and law and order reign supreme; where cities thrive and country life is ideal—a citizenship unsurpassed in any State of the Union now occupies every acre of our vast domain.

Mr. President, the land which has been called desolate is now covered with beautiful gardens and magnificent orchards. The very best fruit raised anywhere in the world is now raised where this timber once grew, while commerce and trade and industry thrive everywhere.

I want to say further—it may surprise the Senator from Colorado—that in one portion of our State where forests grew in abundance, where trees were large and valuable, where the forests were depleted, perhaps too quickly, there has come to the surface, as a result of industrial necessity, a product of nature more valuable than the forests which formerly covered the soil. Through the rich Saginaw Valley, its broad acres under the homes of the people and beneath the foundations of their buildings, coal has been developed in abundance so rich and so valuable as to make the value of the forests seem almost infinitesimal.

No, Mr. President, proud cities are our inheritance; good citizenship is our pride. Progressive, happy, prosperous people now busily inhabit the territory where forests once grew in silent solemnity. I do not think that the pioneer or lumberman is to be blamed or to be criticised; I think indeed he is to be praised, for out of it all has come a better condition for mankind, a greater pride in country, and resources of infinitely greater value to the generations yet to come. I candidly believe that the pioneer did our country a great service when he, alone and single-handed, waged his battle with unpropitious elements for home, for schools, for churches, and if he profited by his labor the rewards are rightfully his, as the pains and penalties of solitude and loneliness were his in the early days of his struggles and privations. No, Mr. President, as I said in the beginning, there may have been waste and loss which should have been avoided, but the pioneer lumberman was not a conspirator, but a man of faith and courage worthy of emulation.

Mr. TELLER. Mr. President, I am obliged to the Senator from Michigan [Mr. SMITH]. I suppose that is the condition



of Michigan from what I have seen of it; and from what I know it is the condition in Wisconsin. I know I have been through it, and I have seen the land from which the timber was cut off, where at present there are farms. I can not rid myself of the idea that a home on a piece of land is infinitely better than a piece of unbroken timber. I remember that from the section of New York where we would be led to believe, if we took the Senator literally, that there was vandalism which would be a disgrace to the nation—there came men who rose to high positions in the State and in the nation; and I remember that when the great civil war broke out there was not in any part of the United States—I will not except any—a greater proportion of the people who went into the Army than from that section where the timber had been cleared.

Mr. President, I want to say to the Forest Reserve Service that they shall not quote the remarks of the Senator from New York [Mr. DEWEY] as applying to that part of New York or Pennsylvania; and I am glad the Senator from Michigan [Mr. SMITH] has put in his protest against its applying to Michigan. I have known from the State of Wisconsin some very eminent men who sat in this Chamber and who held other positions in public life. I believe that 90 per cent of the lands taken in the States of Michigan and Wisconsin were taken under the law and in strict accordance with provisions of law. There was no temptation for a man to commit the crime of perjury. We did not have anybody in the Land Office, Mr. President, telling them they should do something different from what the law required. It was supposed in those days that it was the law of the land, and not the rules and regulations of the Departments which governed.

I have heard a great deal about Mr. Pinchot, and I have thought it was exceedingly fortunate that there was no Pinchot who arose in western New York in those days to persuade that great State to turn that section of the country into a solitude for the protection of birds and the protection of game. One would have thought the other day when we heard the Senator from New York talk about it that the birds had disappeared from that State. He said they would have disappeared from the State but for the Audubon Society. Why, sir, there is not any part of the American continent which has more bird life than the farming country in Cattaraugus, Chautauqua, Steuben, and Chemung, and on the other side of the line in Pennsylvania, Erie, Warren, McKean, Bradford, and so on clear across the State. There is a great American college in Warren County, Pa., right over the line, where the stumps were when I was a boy. Now I suppose they have disappeared. There is a civilization there that ought to encourage people in every part of the country, for in those two States, I believe, is the highest type of American manhood that can be found on the continent. None better can be found anywhere.

This [exhibiting] is what we are receiving day by day. Hundreds of pages of that kind of stuff have been sent out by this Forest Service uncontradicted and unquestioned, because nobody has an opportunity to deny it. Who can fight the United States? There is a series of detractions, misrepresentations, and unsupported conclusions as to conditions.

There has been no destruction of forests in the great Northwest except occasionally by fire. There has not been, in my judgment, any wanton destruction of timber anywhere in the United States. When we were in a Territorial organization in Colorado we lost a large amount of timber by fire. Later, after we inaugurated our State government, an attempt was made by the State to take care of our forests to some extent, not as much, perhaps, as there should have been. The Government of the United States did not wait until the forest reserves were provided for.

In 1882, 1883, and 1884 the Interior Department had its agents in the woods all over the country looking after the timber. A modest—a very small—appropriation was made, it is true; but you could see upon the trees notices, "Be careful of fire. When you leave your camp put the fires out." The records of the office show that a large number of fires were put out at a very small expense compared with what it costs now to take care of forest reserves. It may be that they have advanced some. We did not know in those days that the Government of the United States had any business going into a State and building roads; we did not know that the Government of the United States had any business going into the woods and building fences, houses, and cabins; we did not know that the United States could put a fence around a spring in the woods where the cattle, the deer, and the game might want to go; but that is the condition now.

We have now before us a statement, which we have at last succeeded in getting, of which I have had a synopsis made, as to what the distinguished forest preserver desires we should

give him two millions for. I am going to ask that it may be put in the RECORD, because the information it contains is scattered through many pages.

The PRESIDENT pro tempore. In the absence of objection, permission to print the statement in the RECORD is granted.

The statement referred to is as follows:

	Drift fence.		Pasture fence.		Watering troughs.	Telephone lines.	
	Miles.	Amount.	Miles.	Amount.		Miles.	Amount.
Arizona	101	\$26,053	85	\$10,570	5,335	519	\$33,705
Arkansas			24	3,000		140	7,400
California			213	27,132		656	38,570
Colorado	196	24,275	152	19,120		587	34,509
Idaho	20	2,500	134	16,958		826	44,799
Montana	16	1,994	129	16,317		598	35,763
Nebraska			5	875		54	2,746
Nevada	22	3,200	34	4,920		83	6,658
New Mexico	181	21,709	79	9,502		280	18,550
Oklahoma			1	176			
Oregon	10	1,250	83	10,393		618	38,914
South Dakota	10	1,828	12	1,571		75	4,500
Utah	205	25,630	89	11,155		323	19,849
Washington			53	6,647		330	20,044
Wyoming	27	3,379	69	8,717		356	21,194
Alaska			6	1,200			
Total	878	111,378	1,168	148,343	5,335	5,445	327,198

	Traffs.		Cabins.		Barns.	
	Miles.	Amount.	No.	Amount.	No.	Amount.
Arizona	474	\$23,570	33	\$14,202	29	\$2,193
Arkansas	20	1,100	20	9,500	20	1,500
California	1,203	69,426	160	80,897	130	10,755
Colorado	811	45,827	101	54,380	97	7,275
Idaho	1,565	97,988	90	47,506	85	6,540
Kansas				502	1	100
Montana	1,980	121,950	96	51,871	91	7,506
Nebraska			1	801	2	200
Nevada	49	4,104	12	7,719	12	1,450
New Mexico	300	16,700	45	23,156	45	3,600
Oklahoma			1	500	1	75
Oregon	1,461	94,093	61	31,100	61	4,600
South Dakota			9	5,136	9	994
Utah	69	2,500	41	22,500	40	3,450
Washington	1,265	76,375	41	21,900	40	3,950
Wyoming	795	45,587	45	24,650	48	4,600
Alaska			2	1,500	2	300
Porto Rico			2	715	1	100
Total	9,983	602,280	763	400,515	723	59,138

	Bridges.		Inclosing springs.		Fire line.	
	No.	Amount.	No.	Amount.	Miles.	Amount.
Arizona	3	\$450	4	\$115	7	\$2,100
Arkansas					23	5,775
California	29	8,950			72	22,848
Colorado	12	2,400		856		
Idaho	19	4,587				
Kansas					4	600
Montana	5	2,650			4	1,200
Nebraska					16	2,000
Nevada					5	1,235
Oregon	12	2,095			10	3,000
South Dakota	3	600			3	900
Utah	2	210			3	574
Washington	33	8,513				
Alaska					50	15,000
Total	118	29,455	4	971	197	55,232

	Storehouses.		Roads.		Water supply and piping.		Boats.
	No.	Amount.	Miles.	Amount.	Miles.	Amount.	
Arizona	1	\$256	40	\$11,232	9	\$15,000	
California		80	78	26,387		260	
Colorado			24	5,736			
Idaho	1	125	12	20,150			
Montana			21	12,926			
Nebraska	1	250					
Nevada				400		1,500	
New Mexico			60	6,620		2,450	
Oregon			61	18,050			
South Dakota				600			
Utah			16	5,792			
Washington			25	13,500			
Porto Rico							\$3,801
Total	3	611	337	121,296	9	19,210	3,801

Mr. TELLER. Take the Territory of Arizona. It will be seen that two-thirds of Arizona has not got a tree on it. It has some valuable timber, I know, but much of the Territory has no timber on it. I find here 191 miles of drift fences in

Arizona. That is to prevent cattle from drifting away when they have been put off the reservation. I find of pasture fences there are 85 miles. So there are pretty nearly 300 miles of fences there.

Then take Arkansas. The Government wants to put 24 miles of pasture fences in Arkansas. In California the Government has 213 miles of pasture fences. I suppose those who are familiar with the cattle business will know what is meant by "drift fences." They are to prevent cattle from straying and going off. Colorado has 196 miles of drift fences; Idaho, 20 miles; Montana, 16 miles. Summing them up, Mr. President, this estimate provides for 2,046 miles of fencing, and the expense amounts to \$259,721.

There is also an estimate for telephone lines. The Senator from Idaho [Mr. HEYBURN] told us about the people who are sent out there with their cockades, and so forth. They must have telephones, and this estimate, which the committee were cruel enough not to give in full, but only gave half of it, is for 5,445 miles of telephones, costing \$327,198.

Then comes the estimate for trails. In our section of the country we have made our own trails. It is not a timber country, like Pennsylvania and New York. You can ride a horse through any forest reserve in almost any direction you choose without let or hindrance; but these people want 9,983 miles of trails, and they are to cost the small sum of \$602,280.

These lords of the wilderness must have cabins in which to live. The average man who goes into the woods can build a cabin which will not cost more than \$25, and half the time cabins will not cost that much. The estimate here is from four to five hundred dollars each for these cabins, and here are 763 cabins estimated for. Of course I realize that the answer will be that this is a great extent of country, and it is. These cabins will cost \$400,515.

Then they must have barns in which to keep their horses and their stock; and so I suppose the Government is going into the stock business. Seven hundred and twenty-three barns are estimated for at a cost of \$59,188.

Then come bridges. One hundred and eighteen bridges are estimated for at a cost of \$29,455.

Then they make fire lines. I do not suppose anybody here knows what a "fire line" is unless he happens to live in the West. A fire line is made by scraping up the leaves and making a path, so that when the fire reaches that point it will stop. There are of fire lines 197 miles and of storehouses 3,611. Next come roads.

Will somebody tell me what right inside the State of Colorado the Government of the United States has to build a road? Heretofore it was never thought necessary that the Government should build roads to protect the public lands. That is part of the business of the people who live there and of the State; but now when we build them, as the Senator from Idaho has said, the Government takes possession of them and tells our people how and when they can travel over them; and when they drive their stock across there they are liable to be arrested by a forest ranger.

Mr. CLARK of Wyoming. Will it interrupt the Senator if I ask him a question?

Mr. TELLER. Not at all.

Mr. CLARK of Wyoming. I have seen the estimate the Senator holds in his hand, and I think, if I am not mistaken, the exact total amounts to \$2,000,000.

Mr. TELLER. That is what it is.

Mr. CLARK of Wyoming. I want to suggest to the Senator that it is a question in my mind as to whether the \$2,000,000 was fixed first and the estimates furnished afterwards, or whether the estimates were furnished first up to \$2,000,000. It is very singular that in all these thousands of miles of telephone lines and hundreds of miles of road and thousands of miles of fences an estimate should be furnished which should work up exactly to the point of an even \$2,000,000. It occurs to me that the Forester had in his mind about how much money he wanted to spend and then drew an estimate as to what he could spend it for.

Mr. TELLER. I have not any doubt but that that is the fact.

I spoke about inclosing springs. Here is an estimate of \$971 for inclosing four springs. In the forest reserves they ought to inclose four springs for \$10. But why should they inclose the springs? Why should we pay for putting a fence around a spring?

Here is another item, water supply and piping—for 9 miles of piping, \$15,000, and an additional sum of \$260. It does not say how much piping is required; but the total amount for piping is \$19,210.

Here is another estimate of \$3,801 for boats; but whether for one boat or two boats or a hundred boats nobody knows. That is the way the money goes on these forest reservations.

The Senator from Iowa [Mr. DOLLIVER] says if he had his way he would double the amount. He would grant all of this, I suppose, because the committee granted only about a quarter of it. So I suppose there will only be a quarter of these cabins provided for. Instead, I suppose, of 763 cabins, there will only be one-fourth of that number.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. Certainly.

Mr. NEWLANDS. Do I understand the Senator to contend that it is not necessary for the preservation of these forests to construct any cabins or any barns or any fences?

Mr. TELLER. Well, I would not say that. I know that you can hardly travel through that mountain country without finding cabins that would afford these people shelter from the storms. The miners and prospectors have built cabins. What is more, I know and I will now state it, though I never have before, that when the forest ranger finds a poor prospector in a cabin he says, "This is the property of the United States; I am its representative; and you will either pay rent here or you will get out;" and then he charges him all the way from \$3 to \$25.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield further to the Senator from Nevada?

Mr. TELLER. I yield for a question.

Mr. NEWLANDS. I assume that the Senator will admit that if we are to look after the forests it will be necessary for foresters to live somewhere within the boundaries of the forest—

Mr. TELLER. Well, Mr. President—

Mr. NEWLANDS. If the Senator will permit me, I will just continue my question—and that it will be necessary for them to have cabins, it will be necessary for them to have barns, in some cases it will be necessary to have fences, and in some cases it will be necessary to have bridges. I will ask the Senator whether he regards \$550 on the average an excessive amount to be allowed for a cabin in which the foresters live?

Mr. TELLER. I have just said that I regard it as an excessive amount.

Mr. NEWLANDS. Or \$75 for a barn? Does the Senator regard that as an excessive amount?

Mr. TELLER. I have said I regarded it as excessive. A cabin built in the woods for a ranger without a family \$500! Why, there are hundreds of men living in the forest, or there were before this system was inaugurated, prospecting and trying to make homes, living in houses that did not cost a hundred dollars, and raising their families there. The average cabin found through the woods would not cost \$25 instead of \$500.

The United States is a great, lordly landlord; and, of course, it can do things in a great way, but it is a landlord after all. One of the greatest writers on the rights of men declared not long ago that the tenant was the slave of the landlord. While that is not technically correct, yet it is practically so. The man who has command of my means of living is my boss. For a hundred years or more the policy has been to put farmers on these lands and not tenants.

I do not want to keep the Senate long, but remembering what the Senator from Iowa has said and believing that his remarks would be published by the thousands and tens of thousands, I thought it was proper to call his attention and the attention of the Senate to the matters of which I am speaking.

There was a great English lawyer and statesman who said he did not know how to draft an indictment against a whole community. It seems to me the Senator from Iowa can draft an indictment against States and the people thereof pretty easily; and I think, if I may say it without being offensive, without any justification whatever.

If the frauds were as claimed, I would not defend them; but on the floor of the Senate a year ago the senior Senator from Montana [Mr. CARTER] demonstrated the absolute absurdity and falsehood of the repeated charge of fraud on the part of the settler. He showed by the records of the office itself that it was not true. It is easy to shout "fraud" and say that the public lands are being stolen. There is not one acre out of ten thousand of all the great area that has gone into farms in the West that has ever been gotten fraudulently. We never heard of any frauds in the country until this new system came



up, the system of changing laws that Congress had made and that had been enforced for many years, and putting in their place the will and wisdom of some official here, drawing a salary, perhaps, of \$1,200 or \$1,500 a year, and then getting more than he was earning.

Mr. President, I have had some experience with the land business. I have had experience in the Land Office and in the Senate. Congress was called upon to pass a law and to compel the Department of the Interior to observe the law laid down by the Supreme Court for more than a hundred years and in more than fifty cases, the doctrine being that on a controversy between monuments and calls of a patent, the monuments should control and not the calls. The Department undertook to say that the calls should control. I made a brief and sent it to the Department, not having any particular case. They continued to hold that the calls should control, although one call out of a hundred is rarely ever right, while the monuments could not be wrong. So when I went down to the Committee on Mines and Mining the chairman said to me with some astonishment: "Why, Senator, that is the law." I said, "It has been the law, and so declared by the courts for more than a hundred years, but you can not get it executed in the Department of the Interior to-day." So we passed the bill, but it was months after it passed, and only when there was a threat made to the Department that a Senatorial investigation would be made, that they complied with the law and held thereafter that the monument should be the first thing and the call should be a secondary affair.

You need not wonder that we complain when, as I said the other day, a man has spent a hundred thousand dollars, on a mine and some sheep herder—a man who does not know a mine when he sees it—tells him "You have got to go into court to prove that you have put \$500 on this mine." These things are irritating; they are vexatious to the people; they hinder development; and that is what they are intended to hinder. They do not want anybody in a forest reserve; they do not intend to have anybody there if they can prevent it, and while they will professedly follow the law and shout about their anxiety to make homes for the people, they will make it impossible by their regulations that any man shall make a home there if he is a self-respecting American citizen. He must get down on his knees to an understrapper, or he must put his hand in his pocket and pay—which is not an unusual thing—for the protection the law ought to give him and is supposed to give him without the payment of a cent.

Mr. President, I have spent a good deal of time on this matter; I have talked a good deal about it, and I have no doubt that I have wearied the Senate. But this is very important to our people. The question is whether we are to take all the land in Colorado that is susceptible of cultivation and occupation, or whether we are only to take three-fourths of it or one-half of it. The Supreme Court of the United States has said more than once that the Government of the United States holds its lands as a proprietor and holds them for sale or disposition, in trust for the people of the United States. It does not own them in the sense that I own my farm in Colorado, for which I have a patent. It holds them as a trust reposed in the Government of the United States for the benefit of the people of all parts of the country.

Sometimes our Eastern friends think that we have got some special interest in this matter. I can go to the best farming country in Colorado and can find men there from every State of the Union, and I might almost say from all the isles in the sea. The Englishman, the Scotchman, the German, the Irishman, the Scandinavian are there in numbers. They are taking advantage of what somebody calls the "bounty of the Government," but which is not the bounty of the Government, for when they became citizens—and they have to do so before they can take the land—they became a party in interest. It was a part of their inheritance by law.

Mr. DOLLIVER. Mr. President, I disclaim at the outset any purpose to get into a debate with my honored friend the Senator from Colorado [Mr. TELLER] about things which happened in Pennsylvania or New York so long ago. I need not add that I will agree with him that a great many good and great men were nurtured in those communities; and I will say further that out of the gifts of that section to the leadership of public opinion and practical affairs in the United States there was no better contribution than the Senator himself, whose home in western New York I have had an opportunity to visit. The thing that irritates me is that in the debate which is going on here should be mixed up with such controverted questions as the Senator has brought in here to-day.

Mr. TELLER. Will the Senator let me remind him that he brought it in? I did not.

Mr. DOLLIVER. Yes.

Mr. TELLER. And if it was left uncontradicted somebody might have believed that I subscribed to it.

Mr. DOLLIVER. A statement of mine as to the maladministration of the natural resources of Pennsylvania and New York was not liable to be misunderstood in the Senate. The substantial truth of what I said is admitted in both of those States. I have myself within a year been invited to a congress convened in western New York for the purpose of discussing the very questions which I have raised here, and in Pennsylvania it is a fixed part of the policy of the State to correct as far as possible the errors and blunders of past generations.

My honored friend from Michigan interposed an unnecessary defense, as I thought, of the people of Michigan, and it is only necessary for me to say that the State of Michigan is now engaged in an elaborate legislative effort to reforest the waste lands of Michigan, and that the recognition of the fact that they were the subjects of spoliation on a vast scale is universal in the State of Michigan to-day. Of course it is true that cities have been built in northern Michigan. The city of Saginaw, owing to extraordinary and providential good fortune, found other resources than in the wasted timber land. It found salt under the ground. It found coal and other resources. But it still remains true that the passenger passing along the borders of Michigan goes for scores, I may say for more than a hundred, miles at a time through a wilderness that is not only unbroken, but from the nature of the surroundings is likely to be a permanent wilderness unless the State of Michigan should succeed in reforesting the State lands that have been stripped of their natural resources.

I did hint that there were troubles incident to the settlement of those States in the disposition of forest lands. I do not intend to go into particulars, but almost anybody who will study the history of the separation of the Government from its timbered domain in those States will find abundant evidence that land frauds are not confined to the Pacific coast or to the Rocky Mountain region, and one of the fine evidences of the higher moral level of our times, compared with other generations, is the fact that this scheme of obtaining possession of public lands which did not even create a criticism fifty or sixty years ago is to-day obnoxious to the good conscience of the community throughout the United States, and not at all times without interest to the grand jury. I do not intend to discuss that question.

Many of those who thus accumulated vast fortunes are still doing business in those States, although many of them now live in other cities, going back in beautiful reminiscences over frontier periods when for \$1.25 an acre men acquired vast and unnumbered thousands of acres of the best timber lands in the world. If I should be called upon to give evidence of a conspiracy or to indict whole communities, nothing further would be necessary than to cite the statute of the United States which enabled a single man or a single corporation to take \$1.25 an acre and go into the best forests that ever existed in the world and buy them outright in vast aggregated areas, to become the foundations for unheard-of fortunes. It illustrates better that there are in the progress of communities blunders made by nations and by States which are more stupendous than crimes committed by individuals. But I did not rise to discuss that question.

I desire to direct the attention of the Senate for a moment or two to a proposed amendment to the bill which appears to me to be unnecessary and against the public interest. It is proposed in the bill that a very small sum of money shall be used in the Department of Agriculture in giving publicity to questions and to problems connected with the science of forestry, and an amendment is pending here to strike that out. It is claimed in the House that the Division of Forestry is using public money to buy space in newspapers and magazines for the purpose of exploiting its work. If that were true, it would be a subject for fair criticism, but the trouble about that proposition is that it is not true, and it may be safely laid down as a challenge without any qualification that no man can show that \$1 has ever been expended by the Forestry Bureau in purchasing space in newspapers or in hiring magazines or other publications to print any official matter originating in the Department.

It has been said also, by way of criticism, that the Division of Forestry uses its department of publication to exploit itself, to give renown to its officials, and to give a certain advertisement to its work. There is no truth in that either. Not a line has ever been published by the Department of Agriculture through the Division of Forestry which tended even by inference to advertise or exploit any individual connected with that work. What, then, is this amendment aimed at? It is aimed

at a custom which the Division of Forestry has adopted to popularize the work it is doing. Some say it is a strange thing that a bureau of the Government should seek publicity for the work and to give circulation to the results of scientific researches conducted by the Division of Forestry. On the contrary, it is a very common proceeding in practically all the Departments of the Government. So far as I am concerned, I wish it were very much more common.

This Government conducts the greatest printing establishment there ever was in the world, but, without undertaking to criticize it, everybody perceives that a vast part of its work has practically been lost, so far as the public is concerned. The Evening Star the other day printed a statement in respect to what becomes of the printing which the Government does. It interested me very greatly, because I had always thought that a good deal of the printing that was being done failed to accomplish its purpose. This newspaper article says:

Over 700,000 volumes have the past year been reclaimed from the 300 carloads of "junk," accumulated through departmental and library clean-ups, and many tons of the useless books have been sent to the L-street warehouse to await condemnation. Formerly the upper floors of the old Printing Office building were loaded with huge piles of this miscellaneous rubbish, but now those volumes suitable for preservation, distribution, or sale are carefully filed in huge stacks in the seven-story annex to the old building.

It goes on to suggest some methods of their distribution. Not only is it true that hundreds of tons of the official publications of the Government go to waste in the Departments here, in our warehouses, and in our storehouses, but it is also true that a large part of them goes to waste after they reach the custody of members of the Senate and the House of Representatives. There is no library in a town where a Senator or Representative makes his home that is not to-day cluttered up with a vast mass of publications, printed at great expense, intended to convey information to the public, and yet falling entirely short of its purpose, because the publication is put out in a form unsuitable for popular distribution.

As against that a custom has grown up to popularize the work of various Departments. For example: For a long time we have been printing by the ton consular reports. They contain valuable matter. They contain matter of vast importance to the trade and commerce of the American people. But nobody had an opportunity to read them, and it was practically an ineffective use of the public funds until a bright man appeared in the Department of Commerce and Labor and said to his chief: "These consular reports ought to be put before the people." So, by a very little expenditure of money—a few hundred dollars—the consular reports made to the State Department are condensed, rubbish and undesirable matter eliminated from them, and they are put in a literary form and in an attractive form so as to grip the attention of readers; and practically every day from the Department of Commerce and Labor go out those consular reports in a condensed and readable form to millions of interested readers all over the United States. I do not believe that anybody—

Mr. CLARK of Wyoming. I should like to ask a question for information. In just what form are they sent out?

Mr. DOLLIVER. They are sent out as printed slips, to be released on a certain day.

Not only is that true, but the Department of Agriculture from the beginning, because it has had to deal with subjects the people are interested in, has tried to get the results of its researches before the public in some form more effective than the annual reports of the Department, and so Congress has very cheerfully and very wisely, in my judgment, authorized a Division of Publications, which takes the result of scientific research in all the bureaus of the Department of Agriculture and prints it in the form of agricultural bulletins. These bulletins cover a vast variety of subjects, and when bound together constitute a library of practical knowledge almost unapproached in the contemporary scientific literature of our day. And yet, vast as that expense is, anybody can see that it reaches only an insignificant fraction of the 80,000,000 people who ought to have the benefit of the information.

The Bureau of Forestry, instead of reserving information as to the results of its researches to these bulletins of the Department of Agriculture, has adopted, under the law as it now exists, a very simple and a very cheap method of giving the public the benefit of its researches. It has people on its rolls in other capacities who give a little attention to condensing in a readable form the scientific results of the experiments made by the Bureau and other matter suitable for publication and sending it out to the newspapers of the United States. The result is that the bulletins of the Forestry Division of the Department of Agriculture, instead of reaching a few thousand interested specialists on the subject, are to-day read by unnumbered millions of people all over the United States practically without any

expense to the Government. Yet here comes this opposition to the Forestry Bureau, taking the form which I certainly think it ought not to take, of striking out that clause which gives to the Forester the right to take a few hundred dollars and pay the expense of collecting this information and putting it in literary and readable form.

But somebody says this is mere exploitation of the work of the Department. That is not true. It is a publication of the results of researches made by the Department of Agriculture in matters connected with the science of forestry.

Another man says you have no right to use the frank of the Government in sending out those articles. The Post-Office Department says you have. Another man rises and says you have no right to use the frank of the Government in returning to the Department the newspaper which contains the evidence that the matter has been published as sent out. The question was debated here the other day. But, fortunately, the Department of Agriculture submitted that exact question to the Post-Office Department, and their letter is on file stating that under the law it is entirely proper and within the limitations of the statute to furnish the frank of the Department for the return to the Department of marked newspapers containing these matters which refer to the official business of the Department.

Mr. KEAN. Has the Senator that letter of the Department?

Mr. DOLLIVER. I have.

Mr. KEAN. I should like to have it read.

Mr. DOLLIVER. The acting chairman of the committee hands me the letter of Postmaster-General Payne, under date of May 5, 1903, in which he says to the Secretary of Agriculture:

In reply to your communications of the 18th and 21st instants, I have the honor to inform you that it is perfectly proper, under section 3 of the act of July 15, 1884 (chap. 234, 1 Supp.), for you to furnish publishers with penalty envelopes addressed to your Department, to be used by them in transmitting through the mails, free of postage, copies of their publications, for which no charge is made when such publications contain official information necessary to your Department.

Mr. GALLINGER. What is the date of the act referred to?

Mr. DOLLIVER. The act of July 15, 1884.

Mr. CLARK of Wyoming. If it will not interrupt the Senator—

Mr. DOLLIVER. It will not interrupt me, but it will seriously disturb my time.

Mr. CLARK of Wyoming. I will reply in my own time.

Mr. DOLLIVER. I am afraid, if I recollect correctly the order, that I have but a minute more.

I have here, Mr. President, the publications that were sent out during the month of March—every one of them. They are on subjects of universal interest to the American people. They are the results of the scientific researches made by the Department of Agriculture in this matter. It would cost multiplied thousands of dollars to print them as bulletins and circulate them. And yet it is proposed here, out of this general irritation about what has happened in respect to the forest reservations of the country, to take away from the Department the right to serve unnumbered millions of readers all over the United States because it is supposed to irritate and hurt the feelings of some one.

It appears to me that these publications could not be made more effective than through the public press of the United States. They are gladly received, because they are well prepared, put not only in good literary form, but in good newspaper form, so as to attract the attention of readers. I have before me a letter directed to the Department from one of the great publishers of the country thanking the Department for furnishing these valuable and instructive articles in respect to the work of the Forestry Division. After all, the work is educational. Nobody can be impressed with that more completely than by sitting for a few days in the Senate of the United States and listening to this debate, the character of these criticisms, and so forth. All these things indicate that there is needed in the United States a vast store of definite information about what the Department of Agriculture has in view; and I know of no better way of communicating it than through the readers of the daily press of the United States. These articles are not offensive. They do not undertake to retort to criticisms made. On the contrary, the Department of Agriculture stands ready to welcome all these criticisms, and to discuss with Senators and Members of the House all these controverted matters, and the desire of the Department to give a permanent foundation to the work of forestry in the United States, a foundation that will not be disturbed in the future as it has been in the past by short-sighted criticisms coming from any point.

The PRESIDENT pro tempore rapped with his gavel.

Mr. CLARK of Wyoming. Mr. President, I did not intend to say anything in regard to this amendment, as I spoke of it



the other day; but it seems to be intimated that because one objects to an amendment of this sort the objection is factious and without ground.

Mr. President, I undertake to say that no other Department of this Government has assumed or now assumes to ask for the permission which is asked for by the Department of Agriculture through its Forestry Service. There has been an instance in this Congress since I have been here when a bureau or Department of the Government did ask for this very thing, and I think Senators will remember how, when the Panama Canal Commission asked for an appropriation to pay for a publicity agent, we all resented it. When it was proposed to put upon the pay roll men who were to act as publicity agents for educating, if you please, the people of the United States to the benefits of the Panama Canal, it was very promptly disposed of in the Senate and in the other House as well.

Mr. DEPEW. Will the Senator yield to me just for a question?

Mr. CLARK of Wyoming. Certainly.

Mr. DEPEW. Would the Senator abolish the appropriation for the Agricultural Department under which they send these bulletins to farmers all over the country?

Mr. CLARK of Wyoming. Not at all. That is what I am in favor of. But what I am against is paying a man to prepare magazine articles and newspaper articles for the purpose of educating the people up to the glories of this Department. The Senator from Iowa says he wants to educate the people up to what the Department of Agriculture means to do. I do not know whether the Senator knows what the Department of Forestry means to do. I can tell him what its avowed purpose is. Its avowed purpose is to engraft upon the policy of this country the German system of forestry, acknowledged to be the best in the world. What does that mean? When it reaches its perfection we shall have upon the pay rolls of the Forestry Service an army of 117,000 men. I ask the Senate of the United States if they want to pay for educating the people of this nation to an army of 117,000 men, men not under the civil service, but under the control and charge of one single bureau chief of this Government. It is an unheard-of thing for a bureau chief or the head of a Department to come before Congress and ask for an appropriation for the purpose of preparing magazine and newspaper articles. By all means give the widest publicity to the affairs of the Bureau, but do it in an orderly way, do it in a proper way, do it in the way that other Departments and bureaus do.

Mr. President, this amendment, as I understand it, is not before the Senate. If I understand the parliamentary situation, the question is on the amendment of the Senator from Idaho.

Mr. WARREN. No.

The PRESIDENT pro tempore. That is not pending.

Mr. WARREN. That is not pending?

The PRESIDENT pro tempore. The committee amendment was passed over, and is entitled first to consideration.

Mr. HOPKINS. Before the Senator from Wyoming takes his seat, I desire to call his attention to the fact that in Panama they do publish a weekly magazine, and it is paid for out of the money appropriated for canal purposes. It has been very useful. On the line of thought the Senator has suggested, that ultimately there may be 117,000 people engaged in this business, I wish to ask him whether, if that is so, it is not important that we should know all about it by the kind of publication that is sought to be given to us under this provision?

Mr. CLARK of Wyoming. Can the Senator imagine a publication issued by a bureau, or a magazine article prepared under the control of the chief that will not color in some degree at least the work and represent the desires of that Department? I consider that altogether different, Mr. President.

Mr. HOPKINS. I do not agree with the Senator that simply because he is at the head of a department he is not going to present facts to them. I think it is a violent presumption to assume that this chief, or any other, would give anything but the plain facts. I think the publications we have been having from the Agricultural Department support my contention. As was stated by the Senator from Iowa, we have publications there upon almost every subject that interests the farmers.

Mr. CLARK of Wyoming. And to those I have no earthly objection.

Mr. HOPKINS. Just one word. I have never heard up to this time that any of those publications are colored in the interest of the man putting them out.

Mr. CLARK of Wyoming. I have never; and I welcome those publications. Let the Forestry Bureau proceed on the same basis.

Mr. BEVERIDGE. May I call the Senator's attention to the fact that in the closing hours of the last session we ap-

propriated \$125,000 of the people's money for the purpose of distributing a book upon the horse among the farmers of this country to educate the farmers on the subject of horse diseases and the care of horses, and no person was heard in objection to that appropriation, which was very small compared with this expenditure?

Mr. CLARK of Wyoming. That is far from the question.

Mr. BEVERIDGE. We educated them on the horse. Can we not educate them on trees?

Mr. CLARK of Wyoming. That is far from the question; but I ask the Senator from Iowa if he will hand me the reply of the Postmaster-General on that point in regard to the franking proposition? I have just a word to say on that point.

Mr. GALLINGER. If the Senator will permit me, before he comments on that I should like to read to him the law as it is to-day:

That any Department or officer authorized to use the penalty envelope may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto.

Mr. CLARK of Wyoming. That is it exactly.

Mr. GALLINGER. That is the law.

Mr. CLARK of Wyoming. That is the law, and this is for a very different purpose. These penalty envelopes are for the purpose of returning to the Department a copy of the matter that is published in the newspapers, which matter is sent out from the Department itself. Now, reverting to what the Senator from Iowa read, the Postmaster-General says in answer:

It is perfectly proper \* \* \* for you to furnish publishers with penalty envelopes addressed to your Department, to be used by them in transmitting through the mails, free of postage, copies of their publications for which no charge is made, when such publications contain official information necessary to your Department.

Is it official information necessary to the Department to return the very information that has been sent out from the Department?

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. CLARK of Wyoming. Certainly.

Mr. NEWLANDS. As I understand it, Mr. Pinchot has testified that the purpose was to substitute for the bulletin, which went out to only 10,000 people, the general press of the country by communicating to the people through the press the substance of the information in the bulletins in a condensed form. The Secretary of Agriculture says that he allowed the experiment to be made, so as to ascertain whether it would be effective in increasing the circulation of this information among the people.

Now, I ask whether in that connection it would not be important that the Agricultural Department should receive in return the printed slip of the newspaper printing this information in order to ascertain whether it was a more efficient method of publication than the limited method of bulletin publication?

Mr. CLARK of Wyoming. That is about as fair as two-thirds of the arguments or two-thirds of the appropriations in this bill. There is no—

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. NEWLANDS. Mr. President, in looking over the hearings, I found that Mr. Pinchot and the Secretary of Agriculture had presented their views upon this question to the committee, and that Mr. Pinchot had denied fully and explicitly that this press matter contained anything but such information regarding the work of the Department as it was desirable that the public should know.

We all know that this Department is largely a Department of education and of information. The Department itself does not conduct farms except in an educational way. It has experimental farms for that purpose, and it issues bulletins regarding the work upon those farms. It has been the custom to issue 10,000 bulletins. Now, we have 80,000,000 of people in the United States. If the Department is organized for information, is it desirable that that information should go to 10,000 people or to 80,000,000 people?

Mr. Pinchot devised this method, and the Secretary of Agriculture said he permitted it as an experiment, and the results thus far have been satisfactory, for they have demonstrated that this information, instead of going to only 10,000 people through the instrumentality of the bulletin, reached in one single case newspapers with 23,000,000 copies in circulation, and the matter was presumably read by a very much larger number of people. Yet all that was done by simply having a small force, costing not more than from five to seven thousand dollars, engaged in collating the information obtained by the Forestry

Service, condensing it and putting it in readable form, putting it in these press bulletins instead of the pamphlet bulletins, and issuing it to the press of the country.

I ask whether there is anything to be condemned in that practice? What is it that the American people are demanding of all else to-day? Publicity, publicity in the affairs of our railroads, publicity in the transactions of great combinations of capital, publicity regarding the Panama Canal, publicity regarding the operations of the Government everywhere, publicity regarding the transactions of our consular service, the needs of our foreign commerce, the requirements of interstate commerce. Everywhere publicity is required. How is it best secured? By the old system of pamphlet distribution, the pamphlet reaching only 10,000 people and perhaps not read by them, or by this modern method corresponding with the spirit of the times by which this information is distributed to papers with a circulation of 23,000,000 copies through the press of the country?

Mr. CLARK of Wyoming. Of course the Senator does not want to be misunderstood as to Secretary Wilson's position on this matter. So far as I have seen, Secretary Wilson has nowhere said that this experiment was satisfactory. This is what Secretary Wilson said, if I may be allowed the same time that I gave the Senator—

Mr. NEWLANDS. Certainly.

Mr. CLARK of Wyoming (reading):

Secretary WILSON. There are a few words that might be said in regard to this matter. This work is wholly done by the Bureau of Forestry. In consulting with Mr. Pinchot about it he made the same argument to me that he makes now to the committee, and I was willing to have the experiment tried; but it has not gone beyond his Bureau. The reason for that is that his Bureau is entirely new.

That is all the Secretary says. He gives neither his approval or disapproval. He simply says this is the only Bureau in which it has been tried.

Mr. NEWLANDS. I do not recall what I said upon that subject. If I said that the Secretary of Agriculture approved of this method, it is very clear I was mistaken in that statement. But that does not weaken the force of Mr. Pinchot's presentation of the matter, that instead of having a paltry circulation of 10,000 by bulletins you have a circulation of 23,000,000.

Allusion has been made to the publications of the Panama Canal service. It is true that when it was presented and one of the Commissioners was selected simply because he was a press man familiar with the methods of the press, familiar with the methods by which news was distributed, the Senate registered its disapproval. So far as my individual judgment was concerned, my judgment did not concur with that of the Senate regarding that matter. I recognized the value of publicity above all other things in such a gigantic enterprise as that of the Panama Canal; and although we prevented the appointment of a commissioner for that particular purpose, yet the work of publication still goes on. A paper is published at Panama by the Government for circulation among the Government employees; its information is given to every newspaper in the country; and by that means the press of the country is kept familiar with every step in the progress of that great movement. And amongst the employees themselves a pride in the work, an esprit de corps, and a rivalry and competition in producing results have been accomplished that have been of inestimable value to the work of that service.

In this very bill with reference to the Agricultural Department we provide for the dissemination and distribution of the information which is secured by this Department, and this is but a branch of that system. Here we have this provision put in by the House for the first time:

*Provided further, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation of any newspaper or magazine article.*

It says "the preparation," although that newspaper or magazine article might be of the greatest value in giving information to the country.

Now, what is the amendment proposed by the Senate committee? It is simply that the word "publication" shall be substituted for "preparation," and that nothing shall be paid for publication. We have the honor of Mr. Pinchot for the statement that never a dollar has been paid for publication, and that circulation amongst 23,000,000 readers has been secured by the newspapers disseminating this valuable information at the expense of a paltry sum of \$5,000 or \$7,000 in securing capable men to collate and condense and give out the information collected by the Department.

It seems to me that our action should not be confined simply to substituting the word "publication" for "preparation," but that we should strike out the entire proviso and leave this bureau like all the other bureaus of the Department, with the

right to make publications as it sees fit regarding the giving of this public information, leaving the method and the proportion of the expense to be determined by the Secretary of Agriculture.

Mr. FULTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. NEWLANDS. Yes.

Mr. FULTON. Does the Senator know of any other Department, and if so I would be glad to have him name it, which is exercising the privilege sought here?

Mr. NEWLANDS. I do not know, but I would be very glad to see them all adopt it, for if we could get in circulation instead of 10,000 copies by bulletins 23,000,000 copies by the newspapers, and at a trifling expense, I would gladly substitute it.

Mr. FULTON. I observe the Secretary of Agriculture says that it is not the practice in his Department except that he has permitted it to be exercised by this particular Bureau.

The PRESIDENT pro tempore. The time of the Senator from Nevada has expired.

Mr. LODGE. Mr. President—

Mr. FULTON. I supposed I had the floor.

The PRESIDENT pro tempore. The Senator from Oregon had the floor with the consent of the Senator from Nevada. The Senator from Massachusetts has the floor in his own right.

Mr. FULTON. If I had the floor, I should gladly yield to the Senator from Massachusetts.

Mr. LODGE. The Senator is very kind. I should like to answer the Senator's question.

Mr. FULTON. All right.

Mr. LODGE. This habit of publication is certainly not uncommon in the Geological Survey. Within a very short time the Geological Survey published the results of its investigations on the subject of noncombustible materials of construction at the time of the Collinwood schoolhouse fire in Ohio and the Boyertown (Pa.) theater fire, and they were printed by newspapers throughout the country, and were of very great value undoubtedly in the work of construction. I understand that the Geological Survey has given a great deal of material in that way to the press.

Mr. FULTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. I do.

Mr. FULTON. I ask the Senator if that was not prepared in a form of a bulletin such, for instance, as the Department of Agriculture is constantly preparing on different subjects, which are, of course, at the service of anyone who wishes to see them?

Mr. LODGE. The two cases I referred to were certainly given to the press.

Mr. FULTON. The bulletins may be given to the press?

Mr. LODGE. Yes; the bulletins may be given to the press, but these were given directly to the press of the United States. It seems to me that there could be no better way of distributing information and probably get a larger circulation and be a much more inexpensive method of giving out information which is of general interest to all the people of the country on subjects which come within the province of the Geological Survey and the province of the Bureau of Forestry.

Mr. CLARK of Wyoming. I should like to ask if the Senator believes it would be a wise provision to provide a pay roll for a corps of magazine or newspaper writers?

Mr. LODGE. No; I did not know that that had been suggested by anybody, but I think it is perfectly proper to have men in the Department where there is material of general public interest to prepare it and put it in shape so that it can be used by the newspaper press, if they desire to use it. I think it reaches a much larger number than the bulletins and would be in the long run much less expensive to the United States.

Mr. FULTON. Mr. President, I do not know nor will I undertake to charge that this Bureau has abused the privilege which it seems to have exercised heretofore under the permission of the Secretary of Agriculture. I do not undertake to say that this particular Bureau would abuse the privilege were it accorded them by legislative act, but it does seem to me that it is a very dangerous departure, a very dangerous innovation—for it is an innovation—so far as I understand the workings of the several Departments, to imply (and that is what this provision does as it is proposed to be amended by the committee) give to a bureau or a Department—it is a bureau here—the right to employ at the expense of the Government persons to prepare matter especially for newspaper publication.

The mere matter of preparing bulletins that are for general distribution, and can be had by any person who calls for them,



is one thing. I refer to giving the results of experiments and giving the results of special investigations along special lines. There is no objection to that; great benefit has resulted from it. But it is proposed now to authorize and to maintain a special corps of employees to prepare matter for the daily press; not only to give the results of special investigations or experiments, but without limitation to glorify and exploit the work of a particular Department and a particular official.

Senators will say it does not so provide, but there is no limitation in that respect. The temptation of any Department official to indulge in that character of advertisement is too strong always to be resisted. I do not know but what this special officer or special Bureau would resist it, but we do know that all men would not be able to resist the temptation.

I say it is a dangerous innovation. I remember very well when it was discovered that the Panama Commission had on its pay roll one whose duty it was especially to exploit through the newspapers the working of that Commission. It was thought to be a dangerous innovation, a dangerous precedent, and it was discountenanced. I think we ought not to enter upon such a policy. If the right be accorded this Bureau, you must accord every bureau the right, you must accord every Department the right; and the first thing we know, every official will have his own special correspondent, whose duty it is to exploit and glorify the particular work. Let them confine the publications to the mere matter of recording the results of experiments, of investigations, and let them be on file, open to everybody alike, accessible to all newspapers and to all citizens. That is as far, it seems to me, as the Government should go.

Mr. WARREN. The Senator from Oregon, in my judgment, is laboring under a misapprehension. In the first place, in the organic law that established the Agricultural Department the following language was used:

To acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

There is what is expected of the Department of Agriculture, and the Department of Agriculture has proceeded and is proceeding under the organic act creating it to publish and diffuse such information as it sees proper.

Mr. FULTON. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. WARREN. Certainly.

Mr. FULTON. Does not the Senator think there is a very great difference between recording simply the results of an experiment or an investigation and publishing it in the form of bulletins and preparing an especial newspaper article in readable form and in attractive newspaper form detailing and exalting the work the Department is doing? One is a newspaper article designed to attract attention. The other is a mere plain statement of the results of an investigation.

Mr. WARREN. Mr. President, this bogie-man assumption of what is going to be done, or what the Forestry Service is going to do, and what act it is going to commit that is reprehensible, we will take care of in the future when we reach it. What is before the Senate now is a proviso in an act to authorize printing—not an act to authorize printing and diffusion of knowledge. That the Department already has. It is within its rights; it is acting under its rights; it is sending out "useful information" in such form as it may see fit—whether as bulletins, newspaper items, or newspaper or magazine articles—and no question is made against it; but in this bill as it comes from the other House—as the result of an amendment evidently put in on the floor by somebody who was afraid of a shadow—there is this proviso:

*Provided further,* That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the preparation of any newspaper or magazine article.

Now, the plain intent, as it appears to me, was to provide only that the Department should not pay for any articles that were intended to be inserted in newspapers or magazines. They went a little further in the House and proposed also to cut out "preparation" of them; but if you take the language as it appears here, the Department would perhaps have no right to issue bulletins any part of which might later be used by newspapers or magazines. Hence this amendment offered by my colleague [Mr. CLARK of Wyoming] ought not to prevail. The Department has had the right and has been acting under its right in sending out this information as it saw fit. The House sends us a provision which we propose only to temper down sufficiently so that in the future when these articles are prepared they may be used by the newspapers, if the newspapers wish to use them, free of cost to the Department.

Mr. BEVERIDGE. Mr. President, it has been conceded that under the provisions of the law the Agricultural Department

and other Departments of the Government may issue books, pamphlets, and other publications respecting their work. It therefore, of course, is conceded that some person within those Departments may prepare those books, those pamphlets, or those reports; and if a book or pamphlet, a chapter of it. But if this is conceded, the whole case is conceded.

What difference in principle is there in preparing an article for a magazine or a newspaper, on the one hand, or a chapter in a book, upon the other hand? There is no difference in principle, but there is a difference in results. One is not effective and the other is not effective for the purposes for which both are done. In the language of the law, both are done for the purpose of diffusing knowledge.

On the last day of the last session we appropriated unanimously \$125,000 of the people's money to distribute among the farmers of this country a book upon the diseases of the horse, for the avowed purpose, using the language of the committee and of the Senator who reported the resolution, of educating the farmers of this country upon the care of the horse. No person objected to that. And if a book on the horse, of course a book on trees is permissible. But a book is worthless compared with the effectiveness of the same matter in a newspaper or a magazine. So that this *reductio ad absurdum* shows that while there is absolutely no difference in principle, there is infinite difference in effect, and, therefore, no point to the proposition that this Department should not be allowed to put out among the people information concerning forestry, how to take care of our forests, and, in general, how to contribute to that great general movement, which is to-day the largest domestic movement we have—the conservation of our natural resources.

If Senators concede that the Department has a right to print and the Government to distribute a book which will not be effective, it certainly must be admitted that it can publish magazine and newspaper articles which will be effective.

What is the purpose of putting it in type? It is to reach the people; and when one method does not reach the people, why do Senators not complain of that, and when another method does reach the people, why do Senators complain of that?

The Senator from Wyoming [Mr. CLARK], to whom I, in common with all Senators, always listen with the keenest possible interest, because he is always as earnest as he is informed, spoke about an imaginary 117,000 men. That, of course, is method of speech with which we are becoming familiar—that if we employ one man for this or that purpose now, we may employ a million hereafter. That is attractive at first blush, but nonsense on analysis. Since I have learned that we only have about 2,000 men now employed in the Forest Service, on which the Senator bases his estimates of 117,000 men, I am reminded of Falstaff's famous story of his combat, where eleven men in buckram grew out of one; and even that one, as we know from Shakespeare, did not really exist. But suppose we have in the future, ten years, twenty years, or a hundred years from now, because the Senator will not say that a less time will suffice to create these 117,000 preservers of our natural resources—suppose that was in immediate contemplation, what would be the saving to this country?

Mr. President, eight years ago, if I am not mistaken—and if I am, Senators who live in the region can tell me—there was a dreadful forest fire in the State of Washington, one of the kind with which Senators from the West and from various other sections are familiar. That one fire destroyed in two weeks \$12,000,000 worth of stumpage, the property of the people of the United States. That much was found and ascertained and admitted, as well as many millions more estimated. There was another fire, I believe, when within nearly the same space of time \$50,000,000 worth of property was consumed.

Mr. President, since this Forestry Service has been established, in all the forest reserves of this entire Republic only \$76,000 worth of property was destroyed last year; and last year when this question was up I was informed by a Senator from the West that for the last five years the West had been free from smoke.

Mr. President, this is only said with reference to the attack of the Senator from Wyoming upon the work of this Bureau, upon the ground that it is going to create sometime in the indefinite future an enormous army of what? Of property preservers; and I have shown by these signal illustrations that exist within our own present contemporaneous knowledge that even if we had them to-day, nevertheless the fire that has occurred in a single part of the country would pay their salaries for fifty years to come. So that even if we were living a hundred years hence, and even if this army of property preservers were upon the ground now, nevertheless our present experience shows that it would be the highest possible economy.



Mr. President, something has been said about the sending out of this matter. I have shown that there is absolutely no difference in principle between this and a book, except that in practice this is effective and the other is not. The Washington correspondents, men trained to the work, who take this matter, know absolutely all about its source. There is nothing surreptitious; there is not even the element of "the bribery of flattery" in the thing; no man is paid for it; but instead of giving it out in the form of a book, which nobody reads, they give it out in the form of short newspaper notices, which everybody reads.

I make bold to say, Mr. President, that if there is one subject of a material and immediate nature upon which the American people need to be educated and want to be educated it is the question of the preservation and care of our forests.

Do Senators imagine for a moment that the newspapers would print this merely to fill space? No; their space is too valuable. The newspapers print it because it is the kind of matter which their readers want to read, and their readers want to read it because their readers want to know it, and they ought to know it.

I doubt if there is a man upon this floor or in this country who will not immediately admit, when the question is presented, that one of the gravest mistakes we, as a people, have made has been the wanton destruction of our great natural wealth; and that first and foremost in that great march of ruthless destruction has been the slaughtering of our forests, not alone in the West, where every man who has traveled there has seen entire mountains denuded of trees belonging to you and to me and to all the people by men who sawed them into lumber and put the proceeds into their pockets. They have also been destroyed in other sections by reason of the want of education. I know a State—I have in mind now two of them—where the black walnut that formerly covered its hills and its valleys, and even in some instances its plains, has absolutely disappeared, with the result not only of the destruction of their timber supply, but with the gravest possible consequences to their agriculture itself. That is what causes our droughts. That is why our streams are not running bank full and even all the time, but sometimes in torrential flood and at other times dry, so that you may use them for paths.

So, Mr. President, if there is one subject upon which people need to be educated it is this; and if there is one way which is effective it is the modern way of printing this information in a newspaper or magazine, which no man can say differs in principle from the publication of a book, which Senators themselves admit is perfectly proper.

For some time I have been impressed, as I think the whole country has been impressed, with the fact that of all the Departments of this Government, the one that has created more wealth, that has added more to the resources of this people than any other Department—yes, than all the other Departments put together—is the Agricultural Department, at the head of which is Mr. James Wilson, of Iowa, untiring, resourceful, vigilant, and inventive in finding methods to rid the land of agricultural pests that destroy the crops, and of creating methods that provide new crops for the people. And Secretary Wilson's work is crowned by the splendid services of Forester Pinchot acting under his great chief.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. WARREN. I move to lay the pending amendment on the table, Mr. President.

The PRESIDENT pro tempore. The amendment will first be stated.

The SECRETARY. On page 25, line 11, the committee propose to strike out the word "preparation" and insert the word "publication," so as to make the proviso read:

*Provided further*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the publication of any newspaper or magazine article.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming [Mr. WARREN] to lay the amendment on the table.

The motion was agreed to.

Mr. CARTER. I offer the amendment which I send to the desk, to be inserted at the end of line 12, page 25.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 25, after line 12, it is proposed to insert:

Nor shall any article be prepared or published by any officer or employee of the Government of the United States, directly or indirectly, advocating legislation or an increase of an appropriation by Congress, except in the form of estimates and reports required by law; and any officer or employee violating the terms of this proviso shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than \$500 for each offense.

Mr. BEVERIDGE. Let that amendment be again stated, Mr. President.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again read the amendment of Mr. CARTER.

Mr. CARTER. Mr. President, the course of this debate—

Mr. WARREN. I will say to the Senator that I shall make the point of order on the amendment, but will withhold it for the present. I say this in order that he may know what I intend to do.

Mr. CARTER. Perhaps the chairman of the committee will withhold his point of order—

Mr. WARREN. I do withhold it, I will say to the Senator.

Mr. CARTER (continuing). Finally and fully when hearing the persuasive reasons for the adoption of this amendment. [Laughter.]

Mr. President, the course of this debate has indicated that certain Senators believe that the appropriation here being made will be used for the purpose of swelling the appropriation of next year; will be used for a propaganda looking to the employment of new forces and the expenditure of additional sums of money—a propaganda, too, conducted at the expense of the United States. I am one of those who believe that the officers of this Government acting through the Executive Departments are charged with the execution of the law, and not the advocacy of the increase of their own compensation or the employment of additional force. I think it would be little short of a scandal to permit a corps of correspondents to be installed anywhere at the expense of the United States for the purpose of advocating the loot of the Treasury of the United States. Many of these appropriations called for from time to time are needless and unnecessary, and therefore constitute a certain form of public plunder. The executive officer should be confined directly to that which his oath calls upon him to do—to execute the law. Instead of that, unhappily, in this country there has grown up a habit, Mr. President, of executive officers, paid by the United States for the dedication of their whole time to the public service, engaging in a widespread propaganda looking to the increase of force, the increase of pay, the increase of appropriations for every purpose that may be suggested to the executive mind as desirable, if not useful.

The Constitution and the law contemplate the submission of estimates and communications to Congress in a regular and orderly fashion. Under the Constitution the President may address us on the state of the Union, or in detail relating to it. Under the law the Secretary of the Treasury is required to furnish estimates of the sums needed for the public service. In addition to these two regular manners of reaching the ear of Congress, we have the great, enlightened public press of the country, not financially interested in a direct sense, but impelled only by the public good to advocate such measures as seem to be inclined to conduce to the public welfare. But, in addition to that, we have grown to be the victims of a vicious system, under which the men on the pay roll of the country, using the time of the public, likewise begin to importune Congress for a change of law, for an increase of appropriations, and for an additional loot on the Public Treasury; and it is that class of vicious tendency I seek by this amendment to check and forestall.

Mr. WARREN. Mr. President, I will have no differences with the Senator upon what he wishes to reach, but in my judgment this is neither the time nor place to reach it. I do not know why we should legislate in that way in this particular place and at this particular time on an appropriation for the Forestry Service. It casts an unwarranted shadow of suspicion upon the Forestry Bureau.

Mr. CARTER. Mr. President, the Senator will observe that the clause containing the amendment just voted down is as follows:

*Provided further*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article.

Senators believed that it was wrong for the Government to pay for the preparation of such matter. I do not so think, because I think that any knowledge within the legitimate scope of Government officers should be diffused amongst the people.

Mr. WARREN. If I may interrupt the Senator, when he obtained the floor I was about to offer an amendment to cover the same ground. Possibly had I offered it and had it been read, the Senator would have been satisfied with it. I want to say that my views on this question should not be judged entirely upon the motion made to lay the amendment on the table. I only did so to offer something in its place.

Mr. CARTER. Mr. President the suggestion of the Senator was that this amendment at this place was not germane. It must be put in at some place and at some time if we desire to properly guard the Public Treasury.

Mr. WARREN. My objection to that is that it is general legislation that ought to be embraced in a separate measure and framed so as to apply to all appropriation bills.

Mr. CARTER. Mr. President, it is only a clause protecting an appropriation from improper use. I am perfectly willing to make the amendment apply to this specific appropriation; but I think, upon reflection, the Senator will readily realize that if the amendment is a good restraint to apply to this appropriation, it should be extended along the entire line of Government appropriations.

Mr. WARREN. Will the Senator withhold action upon his amendment until I may offer the amendment to this paragraph, which I intend to offer on behalf of the committee?

Mr. CARTER. I will for that purpose. I supposed the amendment was completed.

Mr. WARREN. I offer the proviso which I send to the desk in place of the proviso at the end of the paragraph which terminates in line 12, page 25.

Mr. CARTER. Does the Senator offer it as a substitute?

Mr. WARREN. Yes.

Mr. CARTER. I will withdraw my amendment for the time being, pending the perfection of the text.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 25 it is proposed to strike out the proviso beginning in line 9 and ending in line 12 and to insert in lieu thereof the following:

*Provided further, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.*

Mr. WARREN. I know of no objection that anybody can make to that amendment.

Mr. CARTER. I have no objection to that substitute.

Mr. GALLINGER. I offer an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from New Hampshire proposes an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the proposed amendment the following:

*And provided further, That no official frank shall be used by said Service for the return of newspapers in which matter sent out from the Bureau has been printed.*

Mr. WARREN. The Senator from New Hampshire [Mr. GALLINGER] is one of those experienced Senators who know whether an amendment like that is in order or not. It seems to me that it is not in order on this bill to amend the franking privilege law or to change the franking privilege in any way. If the Bureau has that right now, then it is a change to take away that right. I think I shall have to make the point of order against the amendment on the ground that it is legislation.

The PRESIDENT pro tempore. What is the Senator's point of order?

Mr. WARREN. The point of order is that it proposes to change existing law and is general legislation.

Mr. GALLINGER. Mr. President, "a change in existing law" does not apply to the Senate. I think it is no more general legislation than what the Senator proposes in his own amendment.

Mr. CLARK of Wyoming. Mr. President, a few moments ago when I started to make a remark my time expired. I will make it now.

The proposed amendment does not change existing law, but it serves notice upon this and every other Department that they must no longer violate the existing law; and if the Senator from Utah [Mr. Smoot] will allow me, as he has the specific ruling of the Post-Office Department upon this very thing, I will read it. The ruling of the Post-Office Department under the law is quoted by the Bureau of Forestry as justifying the practice. I should like the attention of Senators to this proposition. The ruling of the Post-Office Department, under Postmaster-General Payne, upon which it is sought to justify the principle of having returned to the Bureau copies of the material sent out to newspapers, is as follows:

It is perfectly proper for you to furnish publishers with penalty envelopes addressed to your Department, to be used by them in transmitting through the mails, free of postage, copies of their publications for which no charge is made when such publications contain official information necessary to your Department.

The only information they send back is a copy of the article or the information already furnished by the Department to that particular newspaper, I suppose for the purpose of finding out whether or not the newspaper to whom they sent the article had complied with their request for publication or had published it without their request.

Mr. BEVERIDGE. In other words, if the Senator will permit me, to find out whether the information has been effective and has accomplished its purpose. I will ask the Senator, if it is lawful, in the first place, to send information out, is it not lawful, in the second place, to find out whether the information has done its work?

Mr. CLARK of Wyoming. Certainly not; no more than the Senator has the right, in corresponding with one of his constituents on public matters, to send a franked envelope to bring the reply back, although it may involve official business.

Mr. BEVERIDGE. The Senator will withdraw that analogy after he thinks a moment, because the law does not give any of us the right to have any matter returned under frank; and in this instance the law does give a right to have it returned under frank.

Mr. CLARK of Wyoming. Let me ask the Senator this question: Does he think that the return of an article in *hac verbis*, which has been sent out by the Bureau to correspondents, contains official information necessary to the Department?

Mr. BEVERIDGE. The Senator asks me a question, and I will answer it at once. In my judgment, emphatically yes; because the information necessary to the Department, above all other things, is whether or not the information originally sent out has done its work. How could a Department know whether it was accomplishing what under the law it proposed to accomplish unless it had precisely that information? They are the perfect parts of one syllogism.

Mr. HEYBURN. Mr. President, in the first place, there is a misapprehension abroad in regard to the character of these articles. I raised the question as to the use of this frank on Saturday, and I believe I raised it in reference to articles that did not purport to be official, that had no official stamp whatever, not signed by any official of the Government of the United States—articles in the shape of editorials or matter to go into the local columns of the newspapers, and there was not anything about them to indicate that they were official; and the one that was handed over to me by a newspaper publisher did not claim to be official. It was for articles written in the interest of the Service along various lines and published, some of them as editorials in order to save the editors writing editorials themselves, and others being published in the news columns, that the franks were sent; so that they do not come within a mile of the provisions of the act of Congress upon which Senators have relied.

Mr. WARREN. The law is as follows:

It shall be lawful for all officers of the United States Government, not including Members of Congress, and the Smithsonian Institute, the National Home for Disabled Volunteer Soldiers, and the Bureau of the American Republics, established in Washington, to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States (or of such institution, Home, or Bureau): *Provided, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an indorsement showing also the name of the Department, and, if from a bureau or office (or officer), the names of the Department and bureau or office (or officer), as the case may be, whence transmitted (with a statement of the penalty for their misuse). And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.*

Then follows section 2:

2. \* \* \* Any Department or officer authorized to use the penalty envelope may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto. \* \* \*

3. \* \* \* This act shall not extend or apply to \* \* \* officers who receive a fixed allowance as compensation for their services, including expenses of postage. \* \* \*

It seems to me, Mr. President, that the amendment offered by the Senator from New Hampshire to the amendment proposed by me is clearly general legislation.

Mr. HEYBURN. Mr. President, if I am within the rule, I would call attention to an item or two here in the report of this Department for 1907 which will probably throw some light on this question. I read from page 290:

Publication of results, forest investigations:

Salaries—	
Preparation of articles	\$1,800.00
Editorial review	1,268.67
Distribution	1,300.00
Proof reading, etc.	1,600.00
Printing, bulletins, circulars, etc.	41,516.96
	\$47,485.63

Educational addresses, etc.:

Salaries	1,508.74
Travel and other expenses	1,169.97
	2,678.71

That is in connection with "educational addresses." Those are the classes of items we are considering.



The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. WARREN. I assume there will be no objection to the amendment, and I ask that it may be again read.

Mr. GALLINGER. Let it be again read.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. On page 25, strike out the proviso in lines 9, 10, 11, and 12, and insert in lieu thereof the following:

*Provided further, That no part of this appropriation shall be paid or used for the purpose of paying for in whole or part the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspapers, magazine writers, and publishers, of any facts or official information of value to the public.*

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

Mr. DIXON. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. On page 25, strike out the paragraph beginning in line 16 and ending in line 21 and insert in lieu thereof the following:

*And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be expended as the Secretary of Agriculture may direct for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests.*

Mr. DIXON. Mr. President, the purpose of this amendment is twofold. The first is to increase the appropriation from \$500,000 to \$1,000,000 in accordance with the recommendation of the Secretary of Agriculture. In his letter transmitting his estimates for the current year the Secretary asked for \$2,000,000 for the purpose of permanent improvements on the forest reserves. The committee has cut that to 25 per cent of the estimate. The amendment proposes to make it 50 per cent of the estimate as made by Secretary Wilson.

The other part of the amendment is to meet the objection of one or two Senators who seem to have some conscientious scruples arising over the fact that the appropriation did not specify with particularity the purposes for which it was to be used. This amendment sets forth that it is for the permanent construction of roads, bridges, fences, telephone lines, fire lanes, foresters' cabins, etc.

The present appropriation of \$500,000 is for the construction of permanent improvements on a territory composed of mountain ranges and woods of over 260,000 square miles, an area of country as long as from Washington to Chicago and as wide as from here to Albany, N. Y.

There has been some criticisms running all through this debate because of the fact that the forest reserves are not productive institutions at this time. If the Chief Forester, Mr. Pinchot, were so disposed he could to-morrow make the national forests yield a revenue of 20 per cent. But in order to do so, he would have to sacrifice the timber which is not at this time ready for market purposes. All this appropriation gives him is the bare sum of less than \$2 per 640 acres of mountainous forest reserves. If the appropriation in its present form was applied to the State of Massachusetts—and I have here the figures taken from the official record—and if Massachusetts, with an area of 8,315 square miles, was all in forest reserves, a rough mountainous country, it would give that area of country the magnificent sum of \$16,000 to open up roads and bridges and trails and build telephone lines, and for the permanent improvement of the State of Massachusetts so as to make that mountainous woodland country a productive proposition on a business basis.

I take the great State of New Hampshire. By the present appropriation, based on a pro rata share, if the great State of New Hampshire was all in a national forest, mountainous as most of it is, the Congress would be giving the Secretary of Agriculture \$18,000 to open up nearly 10,000 square miles of mountain woodland so as to make it productive and get your matured timber ready for the market.

Within the national forests—260,000 square miles—there are to-day nearly 400,000,000 feet of standing timber. At a valuation of \$2 a thousand the present value of the national forests for the timber alone is over \$700,000,000, and yet we give the Secretary of Agriculture, to open up that country permanently, containing over \$700,000,000 worth of timber, one-fourteenth of 1 per cent of the value of the timber alone. For fire protection, for the payment of premiums on fire insurance on your house or business block you pay from 1 to 2 per cent every year. To meet not only the expenses necessary to protect that vast area

against forest fires, but for the permanent opening up of this great country, you give him only one-fourteenth of 1 per cent of the value of the timber alone.

No Senator in this Chamber who, in good faith, is in favor of giving Mr. Pinchot, as head of the Forest Reserve System, an opportunity on the square to show what he can do, can find any fault with the proposition to increase this appropriation to 50 per cent of what the Secretary of Agriculture has asked for. I do not think it is necessary to longer direct the attention of the Senate to what I believe to be the great and important feature of forever settling this annual discussion here, pro and con, about national forests. Do not let us hamper the National Forester in the administration of the national forests by denying him the necessary appropriations and then come into Congress and criticize him because he has not accomplished what you say he should have accomplished.

The extra appropriation called for in this amendment is only one-half of the cost of maintaining one of the great battle ships of the Navy for a period of twelve months. I did not vote for the increased appropriation for four great battle ships because I thought it was the better part of wisdom for the National Congress to devote some of the national revenue to the purpose of developing the internal affairs of this great Republic.

I sincerely hope the amendment will prevail.

Mr. WARREN. Mr. President, I wish to say a word in order that the Senate may know the attitude of the Committee on Agriculture as to this or similar amendments which increase appropriations. That committee is a conservative body. We took under consideration this bill of nearly \$12,000,000, and after several days' careful labor reported it to the Senate with a total addition of only one hundred and thirty-three thousand and odd dollars, as compared with what the bill represented as it came from the House. I think that record has hardly been equalled in late years—that so large a House bill, representing so much money, should receive so little increase in a Senate committee. It was the intention of the committee to bring in a bill to which no one could take exception.

It was our belief that we could bring in a bill which would pass in a few hours at the most, possibly in an hour or two, without opposition, but we have been disappointed and have encountered fierce opposition extending over nearly a week's time, and the end is not yet. Therefore, it seems to me, we had better appeal direct to the Senate.

A point of order of course, will not lie against the amendment, because it was estimated for; and since there has been so much talk here and such diverse opinions expressed, I am willing that the Senate shall vote on the amendment without opposition or advice from the committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. Dixon] [Putting the question.] By the sound the "ayes" have it.

Mr. HEYBURN. Let us have the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are asked for. Is there a second? In the opinion of the Chair there is not a sufficient number up. The yeas and nays are refused.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. CLARK of Wyoming. Let the amendment be again stated.

The PRESIDENT pro tempore. It has already been agreed to.

Mr. CLARK of Wyoming. I know that, but I want the amendment reported as a guide for future action.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 25 strike out the paragraph beginning in line 16 and ending in line 21 and insert in lieu thereof the following:

*And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be expended as the Secretary of Agriculture may direct for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests.*

Mr. HEYBURN, Mr. BACON, and Mr. FULTON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. HEYBURN. Mr. President, it seems to me a most astonishing thing that the Senate should be ready to add \$500,000 to this already objectionable provision of the bill. Giving the committee the credit for the conservatism expressed by the acting chairman of the committee, in which they asked for an appropriation of only \$500,000, that, upon the single state-

ment made to the Senate by the junior Senator from Montana [Mr. Dixon], the Senate should, with such loud acclaim, double the appropriation recommended by the committee, is indeed astonishing. There can be no reasonable defense of the original sum reported, \$500,000, for building roads and telephone and telegraph lines through a country which is never to be inhabited at all, according to the declarations of those who have favored the measure—through a country that is always to remain a solitude. That you are going to equip it with streets and roads and bridges and telephone and telegraph lines seems so absurd, so beyond all bounds of reason, that I can not understand why the Senate should throw \$500,000 in addition to the \$500,000 already proposed for such a measure as this.

If you want to make this measure or this system, or whatever you may call it, more obnoxious and to emphasize this controversy in every recurring Congress, just pursue this policy. You can make it so obnoxious that it will fall of its own weight. I ask for a division.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wyoming will state his parliamentary inquiry.

Mr. CLARK of Wyoming. It is whether a motion to reconsider the last vote would be in order at this time.

The PRESIDENT pro tempore. It would not. A separate vote can be demanded on the amendment in the Senate.

Mr. HEYBURN. I have asked for a division.

Mr. BACON. At the time the yeas and nays were called for on that motion—

Mr. BEVERIDGE. They were denied.

Mr. BACON. They were called for at a time when we did not know what the motion was. I addressed the Chair with a view of asking what was the amendment on which the yeas and nays were called for. I am certain that many Senators—and that is true of myself—did not respond on the proposition with respect to the yeas and nays because we did not know what the amendment was. I addressed the Chair, but failed to get recognition before the Chair announced that a sufficient number had not voted to sustain the call for the yeas and nays. I do not know whether a motion to reconsider is necessary where there is simply a call for a show of hands. But I think the Senate would be willing, if it understood the proposition, to go upon record with respect to the yeas and nays. I should like in such way as the Chair may designate as the proper way to reach it for the Senate to again have the opportunity to be recorded as to the yeas and nays on the question of agreeing to the amendment to increase the appropriation from \$500,000 to \$1,000,000.

The PRESIDENT pro tempore. The Senator from Idaho demanded the yeas and nays. The Chair will again put the question. Is there a second?

The yeas and nays were ordered.

Mr. BACON. I understand the question is on the adoption of the amendment proposing to increase the appropriation from \$500,000 to \$1,000,000.

The PRESIDENT pro tempore. It is. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained from the Senate by illness. So I withhold my vote.

Mr. ELKINS (when his name was called.) I am paired with the junior Senator from Texas [Mr. BAILEY].

Mr. FOSTER (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. McCUMBER]. In his absence, I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent from the Chamber. My colleague [Mr. BOURNE] is also absent. I transfer my pair to him and will vote, I vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. In his absence I withhold my vote. If he were present I should vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. WARNER]. He not being present, I withhold my vote.

The roll call was concluded.

Mr. PILES. I wish to announce that my colleague [Mr. ANKENY] is ill and is unable to be present in the Chamber to-day.

Mr. TALIAFERRO. I have been requested to announce that my colleague [Mr. MILTON] is paired with the Senator from

New York [Mr. PLATT]. I make this announcement to stand for all other votes on the pending bill.

Mr. CLARK of Wyoming (after having voted in the negative). I have a general pair with the senior Senator from Missouri [Mr. STONE] and would be compelled to withdraw my vote. I suggest to the Senator from Virginia [Mr. MARTIN] that we, perhaps, could effect an exchange of pairs, so that both could vote, if that is satisfactory to him.

Mr. MARTIN. It is entirely agreeable to me.

Mr. WARREN. I will ask if the Senator from Virginia is paired with the Senator from Illinois [Mr. CULLOM]?

Mr. MARTIN. I am paired with the Senator from Illinois [Mr. CULLOM]. I vote "nay."

Mr. CLARK of Wyoming. I will allow my vote to stand.

Mr. CLAPP. My pair is absent. If he were present, I should vote "yea."

Mr. MARTIN. My colleague [Mr. DANIEL] is unavoidably absent from the city. He has a general pair with the senior Senator from North Dakota [Mr. HANSBROUGH].

Mr. MONEY. My colleague [Mr. McLAURIN] is absent, sick, but he is on his way to the Senate to vote. I regret that he is not present.

Mr. STONE. The senior Senator from Kentucky [Mr. McCREARY] has been called from the Senate by official business, and he desired me to state that if present he would vote for this amendment.

The result was announced, yeas 36, nays 23, as follows:

YEAS—36.			
Allison	Depew	Hopkins	Perkins
Bankhead	Dixon	Johnston	Piles
Beveridge	Dolliver	Kean	Richardson
Brandegee	du Pont	Knox	Smith, of Mich.
Briggs	Flint	Lodge	Smoot
Brown	Frye	Nelson	Stephenson
Burkett	Fulton	Newlands	Stewart
Carter	Gambie	Nixon	Sutherland
Curtis	Guggenheim	Penrose	Wetmore
NAYS—23.			
Bacon	Clay	Hale	Scott
Borah	Davis	Heyburn	Stone
Bulkeley	Dick	Long	Taliaferro
Burnham	Foraker	Martin	Teller
Burrows	Gallinger	Money	Warren
Clark, of Wyo.	Gary	Owen	
NOT VOTING—33.			
Aldrich	Daniel	La Follette	Rayner
Aukeny	Dillingham	McCreary	Simmons
Bailey	Elkins	McCumber	Smith, of Md.
Bourne	Foster	McEnery	Taylor
Clapp	Frazier	McLaurin	Tillman
Clarke, of Ark.	Gore	Milton	Warner
Crane	Hansbrough	Overman	
Culberson	Hemenway	Paynter	
Cullom	Kittredge	Platt	

So Mr. Dixon's amendment was agreed to.

Mr. BACON. I hope I may be pardoned for saying that if I made a mistake in the vote I cast I was following the arguments, as I understood them, of some of the gentlemen who voted on the other side.

Mr. FULTON. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. On page 23, line 18, it is proposed to strike out all that portion of the bill beginning with the words "and hereafter" and including the word "situated" in line 23, on the same page, as follows—

Mr. FULTON. It should be "and hereafter" on line 18, page 23.

Mr. WARREN. The word "hereafter" is not in the bill under consideration.

Mr. FULTON. I thought it was in. Let the Secretary strike out the words "and hereafter" and say after the words "and the."

Mr. WARREN. I should like to hear the amendment reported, but before it is read I should like to state that I understand that the word "hereafter" was disagreed to when we passed over that portion at an earlier date.

The SECRETARY. On page 23, line 18, after the word "Forests," it is proposed to strike out the following words:

And the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated.

Mr. FULTON. Mr. President, the language proposed to be stricken out implies that the Secretary of Agriculture may, in his discretion, prevent timber and other forest products from the national forests being removed from the State or Territory in which the forest is situated.



I do not think that any good reason can be given why a person purchasing from the Government 10,000,000 feet of standing timber with the privilege of cutting it and manufacturing it, we will say, should not be permitted to let that timber seek any market, whether foreign or in some other State of the Union. While this does not specifically provide that the Secretary may prevent it, yet impliedly it does so, because it says he may permit it to be exported out of the State in which the forest is situated. I confess I can not understand why there should be any such provision, and I would be glad to have it explained.

Mr. WARREN rose.

Mr. FULTON. Without yielding the floor, I should like to have the Senator explain it.

Mr. WARREN. The Secretary of Agriculture under the law undoubtedly has charge of these forests and may cut and remove timber, or not. There happens to be one State, a very large State, which has within its boundaries but a part of one forest reserve. I allude to South Dakota. It is a treeless country except on the extreme west, where a very small area of timber, a part in Wyoming and a part in South Dakota, exists. There are large mining operations in the Black Hills of South Dakota distinct from all other mining operations, a long distance away from all other mines and a long distance away from every other forest. In order to protect the miners, who delve under ground and do this mining work, it is necessary to have a great many posts, poles, and so forth, to brace up the mines. In this small forest reserve there is considered to be sufficient for that purpose and not much to spare for any other purpose.

In the meantime a sort of parasite—

Mr. FULTON. I hope the Senator will not take all my time.

Mr. WARREN. I will yield my time to the Senator gladly if I use his.

The PRESIDENT pro tempore. The Senator can not do that.

Mr. WARREN. Yes; I can take the floor, and the Senator can interrupt me. But, as I was about to say, a disease, a parasite, got into that growing timber in that small forest reserve. Under ordinary circumstances it would all, or nearly all, have been cut and swept away to cure the disease in the timber. But at the suggestion of Senators and Members of the House from South Dakota there was this inhibition put into the law.

Now, in order to get it in, it was necessary before the exception to insert the premises that the Secretary of Agriculture may in his discretion, and so forth. To strike out the language which the Senator suggests does not change the relation in any way, shape, or fashion except as to South Dakota, but it does affect this one small reservation in South Dakota, the timber on which is so badly needed for the purposes for which I have stated.

Mr. FULTON. Mr. President, then why not make a provision for that one State? How can the Senator contend that this does not apply to every State?

Mr. WARREN. If the Senator will undertake, as I have done, to construct its indifferent language, because I wanted to meet his views, I think he will come to the same conclusion that I did, and that in order to get this South Dakota exception in it is necessary to say "the Secretary of Agriculture may, in his discretion," and so forth. But he has the right to sell timber in forest reserves anyway, whether we give it to him in this act or not. But to strike it out, as the Senator would, from the wording of this paragraph he would leave the matter of South Dakota hanging in the air.

Mr. FULTON. It is very easy to make provision for South Dakota. Simply put in a provision saying that as to a certain forest reserve situated in the State of South Dakota the timber may not be exported from the State except by permission of the Secretary. That would cover it all.

Now, in my State we have 16,000,000 acres in a forest reserve. A vast amount of the timber is merchantable, matured timber at the present time. A party takes a contract, as they are doing there, from the Government to cut a certain amount. He ought to be permitted, in order to pay the Government the best stumpage price, to sell the timber wherever he can get the best market for it.

I think this ought to be stricken out, and then if it is desired to put in a provision protecting the State of South Dakota I shall not object to it.

Mr. GAMBLE. Mr. President, the provision which the Senator from Oregon seeks to amend has been in the appropriation bill for a number of years. It has a special application to the western part of the State of South Dakota. The reservation there, I think, is limited to something like 1,000,000 acres. Very large mining operations are going on in that part of

the State. It has within its borders, I think, the largest mining plant in the world—the Homestake mining plant. A great deal of this timber is needed for the mining interest in that section and for domestic purposes in that section.

Mr. FULTON. May I ask the Senator from South Dakota a question?

Mr. GAMBLE. Certainly.

Mr. FULTON. Does not the Senator think it very easy to frame a provision protecting his State and not make it apply to all the States?

Mr. GAMBLE. I think by the provision here it is left within the discretion of the Secretary of Agriculture. There has been no hardship to any State in the Union.

Mr. FULTON. Then the Senator must admit that under this provision the Secretary of Agriculture could prevent timber cut on forest lands in Oregon from being shipped out of the State. We have no local market for that timber at all.

Mr. GAMBLE. As I said, this applies especially to the State of South Dakota. The Secretary of Agriculture has never sought to exercise authority or to place any embargo upon the movement of timber from one section to another. There is a large population in the western part of the State, and very large accessions are being made to it daily by the increase of population and by the extension of railways into that section. So it is a matter of the utmost importance that this limitation should be retained so that the limited amount of timber may not be exported, but that it may be kept for domestic purposes, and especially for the mining interests in that region of the State.

When I was necessarily absent from the Senate attending a hearing before a committee, the senior Senator from Minnesota [Mr. NELSON] offered an amendment to strike out a later provision. It was my understanding, after conferring with Mr. Pinchot, that the proviso from line 24, on page 23, to the word "ten," line 4, page 24, is entirely satisfactory to the people in that region of the State as well as to my colleague, and I understand the amendment offered by the senior Senator from Minnesota was withdrawn.

Mr. WARREN. I have a letter from the Senator's colleague suggesting that the language be used which we have put in, and it has already been adopted.

Mr. GAMBLE. So I understand.

Mr. WARREN. And the Senator from Minnesota withdrew his proffered amendment.

Mr. GAMBLE. I supposed I was responding to the request of my colleague and the sentiment from that section of the State, that it met the concurrence and judgment of the committee, and the amendment proposed by the committee is entirely satisfactory.

Mr. WARREN. Exactly.

Mr. GAMBLE. I hope that the amendment proposed by the Senator from Oregon will be voted down.

Mr. FULTON. Before the Senator takes his seat I ask him if he will be satisfied to insert after the words "national forests" the words "in the State of South Dakota," so as to read:

Hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests in South Dakota, except the Black Hills National Forest, in South Dakota.

Then the provision would apply to South Dakota. No other State wants it.

Mr. GAMBLE. I do not believe that the amendment suggested, as modified, would correct the matter. I believe the law had better remain as it is.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. FULTON].

The amendment was rejected.

The PRESIDENT pro tempore. The Chair is informed by the Secretary that an amendment in the last paragraph of the bill was not acted upon. It simply changes the total. The clerks can be authorized to do it.

Mr. WARREN. That is the usual practice. I ought to have asked, if I did not, that the clerks should have authority to change the total to correspond with the balance of the bill. I make that request now.

The PRESIDENT pro tempore. The request will be complied with. If there be no further amendment, as in Committee of the Whole, the bill will be reported to the Senate.

Mr. CARTER. I offered an amendment, to come in at the end of line 12, page 25, which I subsequently withdrew. In connection with that amendment I desire to make a very brief statement before the bill is reported to the Senate.

In offering the amendment penalizing the use of Government time for the preparation and publication of articles advocating

legislation or condemning legislation and advocating increased appropriations I desired to have that amendment apply to the entire public service. I think the system, which has grown up in certain quarters into an established custom, of executive officers employing time that should be devoted to official duty in condemning, through the public press or elsewhere, the legislation which Congress has enacted, or in advocating legislation which in the judgment of the executive officer Congress should enact, or advocating the employment of more force or the increase of compensation to those employed, should be discontinued.

I do not wish to renew the amendment as to this particular bill in view of the modifications made by the acting chairman of the committee in an amendment heretofore adopted, nor do I wish to renew the amendment as applied to this particular measure for another reason, to wit, that I have no desire whatever to reflect upon this particular service. I think the iniquitous practice has gone through the public service to a degree perfectly alarming to contemplate. Under our system of government we have a Representative in the other branch of the Legislature from every Congressional district of the country. In this Chamber each State is represented by two Senators. The avenues for gaining information and presenting the interests of the public service are thus widespread, and heretofore have been found adequate in every respect.

To supplement these legislative agencies by a continuous propaganda through executive officers is, I think, unfortunate and should be hereafter discontinued. If it is not discontinued, I think Congress will in the near future support some drastic measure intended to compel the discontinuance of that kind of propaganda.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. If there be no objection, the question on concurring in the amendments made as in Committee of the Whole will be taken on the amendments in gross. The Chair hears none.

Mr. BEVERIDGE. I call the attention of the Senator from Wyoming in charge of the bill to page 33, line 23, where I suggest an amendment by the insertion of the word "four" instead of "two," making the amendment \$1,400 instead of \$1,200.

Mr. WARREN. Inasmuch as there was a rise in the item on the line above, the acting chairman of the committee will not object to the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, line 23, before the word "hundred," strike out "two" and insert "four," so as to read:

One assistant in document section, \$1,400.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole. The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### IMMIGRATION STATION AT BOSTON, MASS.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass., which was read the first time by its title.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill. A similar bill was passed by the Senate early in the session. It is the same bill in substance.

The bill was read the second time at length, as follows:

*Be it enacted, etc.,* That the Secretary of the Department of Commerce and Labor be, and he is hereby, authorized and directed to cause to be erected, upon a site now owned by or to be ceded to or purchased by the Government for the purpose of establishing a new immigration station, suitable fireproof building or buildings in connection therewith, at the port of Boston, Mass., on the mainland or in the city of Boston.

SEC. 2. That the expenditure of the sum of \$250,000 is hereby authorized for the purchase of ground for and the complete erection and furnishing of said building, which sum shall be paid from the "immigrant fund;" that the said building shall be erected in accordance with plans and specifications to be prepared by the Supervising Architect of the Treasury Department, and under the supervision of said Department.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill? There being no objection, the bill was considered as in Committee of the Whole.

Mr. LODGE. The House has placed a limitation on the site which may compel the Government to buy land when Government land can be used perfectly well. I desire to strike out the last three lines of the first section of the bill and make it conform to the Philadelphia bill. The words are, "on the mainland or in the city of Boston."

Mr. STONE. Mr. President, I desire to ask why this bill should be specially passed when we are to have an omnibus public-buildings bill.

Mr. LODGE. This is not a public-building bill in the ordinary sense. It is paid for from a special fund, the immigrant fund, and does not come under the head of public buildings. We have passed a bill for Philadelphia and it has become a law. This was recommended by the committees of both Houses, by the Immigration Commission, and by the Department. We passed a similar bill two or three months ago. The House has sent back the same bill with a limitation which I think ought to be removed. I thought it would save time to have it done, as the need of the building is very great.

Mr. STONE. Would not this item ordinarily go on the general bill?

Mr. LODGE. Under no circumstances.

The PRESIDENT pro tempore. The amendment of the Senator from Massachusetts will be stated.

The SECRETARY. In the last line of section 1, on page 1, line 9, after the word "Massachusetts," strike out the words "on the mainland or in the city of Boston."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask the Senate to proceed to the consideration of the post-office appropriation bill.

Mr. WARREN. Will the Senator from Pennsylvania yield to me to have a local bill passed relating to Wyoming?

Mr. PENROSE. After the appropriation bill is before the Senate, I will yield to the Senator from Wyoming.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the Senate proceed to the consideration of the post-office appropriation bill.

Mr. HALE. After the Senator gets up the appropriation bill, I will ask him to yield to me that I may present a conference report.

Mr. PENROSE. After the appropriation bill has been laid before the Senate, I will yield.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1900, and for other purposes.

#### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I wish to change the notice I gave with respect to the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry, namely, that I shall move that the Senate proceed to the consideration of it at the conclusion of the consideration of the post-office appropriation bill.

#### NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective houses as follows:

That the Senate recede from its amendments numbered 8, 12, 14, 15, 28, 36, 61, 71, 72, 73, 74, 100, 103, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 7, 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 31, 32, 33, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65, 66, 68, 69, 70, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 93, 94, 95, 96, 98, 99, 101, and 107, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty million nine hundred and seventy-four thousand two hundred and twenty-five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter all commissioned officers of the active list of the Navy shall receive the same pay and allowances according to



rank and length of service, and the annual pay of each grade shall be as follows: For Admiral, thirteen thousand five hundred dollars; rear-admiral, first nine, eight thousand dollars; rear-admiral, second nine, or commodore, six thousand dollars; captain, four thousand dollars; commander, three thousand five hundred dollars; lieutenant-commander, three thousand dollars; lieutenant, two thousand four hundred dollars; lieutenant, junior grade, two thousand dollars; ensign, one thousand seven hundred dollars. There shall be allowed and paid to each commissioned officer below the rank of rear-admiral ten per cent of his current yearly pay for each term of five years' service in the Army, Navy, and Marine Corps. The total amount of such increase for length of service shall in no case exceed forty per cent on the yearly pay of the grade as provided by law: *Provided*, That the annual pay of captain shall not exceed five thousand dollars per annum; of commander, four thousand five hundred dollars per annum; and of lieutenant-commander, four thousand dollars per annum. All officers on sea duty and all officers on shore duty beyond the continental limits of the United States shall while so serving receive ten per cent additional of their salaries and increase as above provided, and such increase shall commence from the date of reporting for duty on board ship or the date of sailing from the United States for shore duty beyond the seas or to join a ship in foreign waters. The pay of midshipmen shall hereafter be six hundred dollars per annum while at the Naval Academy, and fourteen hundred dollars per annum after graduation from the Naval Academy. The pay of all warrant officers and mates is hereby increased twenty-five per cent, and all paymasters' clerks shall, while on duty, receive the same pay and allowances as warrant officers of like length of service in the Navy. The pay of all active and retired enlisted men of the Navy is hereby increased ten per cent: *Provided further*, That the pay and allowances of chiefs of bureaus in the Navy Department shall be the highest pay of the grade to which they belong, and not below that of rear-admiral of the lower nine, and that the pay and allowances of chaplains in the Navy shall in no case exceed that provided for lieutenant-commanders. Aids to rear-admirals embraced in the nine lower numbers of that grade shall each receive one hundred and fifty dollars additional per annum, and aids to all other rear-admirals two hundred dollars additional per annum each. When an officer of the Navy has been thirty years in the service, he may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with three-fourths of the highest pay of his grade: *And provided further*, That any officer of the Navy who is now serving or shall hereafter serve as chief of a bureau in the Navy Department, and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such bureau chief. The pay of all commissioned, warrant, and appointed officers and enlisted men of the Navy now on the retired list shall be based on the pay, as herein provided for, of commissioned, warrant, and appointed officers and enlisted men of corresponding rank and service on the active list; and all pay herein provided shall remain in force until changed by act of Congress. Nothing herein shall be construed so as to reduce the pay or allowances now authorized by law for any commissioned, warrant, or appointed officer or any enlisted man of the active or retired lists of the Navy, and all laws inconsistent with this provision are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The estimates for the support of the Navy shall hereafter show, under the head of 'Pay of the Navy,' the sums allowed for pay of officers belonging to the line, to the several departments of the staff, and to the retired list; the estimates to show under each head the amount allowed for pay proper, for increases due to longevity and foreign service, and for pay at sea rates to officers employed on shore; together with the total number of warrant and petty officers and seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases. The estimates shall include a list giving the rates of pay for all petty officers and other enlisted men of the Navy."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In the last line of the amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lines 2, 3, and 4 of the proposed

amendment strike out all after the words "United States" and insert in lieu thereof the following: "Is hereby abolished, except for the purposes of safe custody or when part of the sentence imposed by a general court-martial;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lines 5 and 6 of the proposed amendment strike out the word "seventeenth" and insert the word "seventh;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million six hundred and fifty-nine thousand four hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the proposed amendment; and on page 44, lines 3 and 4 of the bill, strike out the words "for the completion of marine barracks, naval station, Charleston, S. C.," and insert in lieu thereof the following: "Naval station, Charleston, S. C.: For the completion of officers' quarters, twenty-five thousand dollars; and for marine barracks, fifty thousand dollars; in all;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert in lieu thereof the words "automobile ambulances;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In the first line of the amendment, after the word "thereof," insert a comma and add the following: "Other than the United States Naval Academy Band at Annapolis, Md.;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 7 of the amendment, after the word "commandant," insert "one colonel," and at the end of said amendment add as a new paragraph:

"To meet the increase in pay of the Marine Corps provided in the act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine, and in section sixteen hundred and twelve of the Revised Statutes of the United States, for officers on the active list, officers on the retired list, enlisted men on the active list, and enlisted men on the retired list, eight hundred and two thousand seven hundred and fifty dollars and fifty-five cents is hereby appropriated: *Provided*, That so much of the foregoing appropriation as is needed to pay the increase for the remainder of the fiscal year ending June thirtieth, nineteen hundred and eight, shall be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-four thousand five hundred and eleven dollars and twenty-eight cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million forty-seven thousand two hundred and fifty-nine dollars and sixty-three cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six million six hundred and ninety-three thousand seven hundred and fifty-eight dollars and sixty-three cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "two" and insert the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Transfer said amendment to page 78, after line 3, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Navy, in his discretion, is hereby authorized to purchase three new steam colliers of American registry, having a cargo-carrying capacity of approximately seven thousand two hundred tons dead weight each, at a cost not exceeding five hundred and twenty-five thousand dollars each; and the sum of one million five hundred and seventy-five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of the colliers above authorized."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In line 6 of the proposed amendment strike out the word "bidder" and insert the word "bidders;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "Thirty million three hundred and seven thousand nine hundred and sixty-two dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "herein," and on page 79, line 3, of the bill, after the word "given," insert the words "by law;" and the Senate agreed to the same.

EUGENE HALE,  
GEORGE C. PERKINS,  
THOMAS S. MARTIN,

*Managers on the part of the Senate.*

GEORGE E. FOSS,  
HENRY C. LOUDENSLAGER,  
L. P. PADGETT,

*Managers on the part of the House.*

The report was agreed to.

#### AIDS TO NAVIGATION.

The PRESIDENT pro tempore. Will the Senator from Pennsylvania yield to the junior Senator from Maine?

Mr. PENROSE. I will.

The PRESIDENT pro tempore. The annual light-house bill is on the Calendar. It contains no appropriation, but does contain limits of cost. It is necessary that it shall be an amendment to the sundry civil appropriation bill, and therefore it is necessary that it shall pass the Senate. I think it will take only a few minutes. Everything in it has been considered by the committee and everything agreed to. I ask unanimous consent that it may receive present consideration.

Mr. ELKINS. I ask if that unanimous consent will displace the unfinished business.

The PRESIDENT pro tempore. It does not.

The Secretary read the bill (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. Mr. President, I did not hear the provision read as to the Delaware River, nor did I hear whether there was a provision in the bill for the light at Greenville.

The PRESIDENT pro tempore. There is.

Mr. PENROSE. I was going to make the same inquiry as that made by the Senator from New Jersey [Mr. KEAN]. My attention has been called to the fact that the aids to navigation on the Delaware River might possibly have been overlooked in the other House, and that I should make the inquiry as to whether the Committee on Commerce provided for aids to navigation on the Delaware.

The PRESIDENT pro tempore. There are four light-houses provided for on the Delaware.

Mr. KEAN. Aids to navigation on the Delaware River and also the light at Bayonne, N. J.?

Mr. ALDRICH. Mr. President, I think this bill had better go over. There seems to be some trouble about it. It is rather an unusual way to pass bills, and so I would suggest that it go over.

The PRESIDENT pro tempore. The Chair would say, if he may be permitted, that this is not an unusual way to pass bills.

The provisions of this bill have to go on the sundry civil appropriation bill as an amendment, and it must pass the Senate promptly, because the Committee on Appropriations will report the sundry civil appropriation bill to-morrow. There is no use of offering any amendment to this bill, as it can not receive consideration again in the other House.

Mr. ALDRICH. The Senator from Maine means, I suppose, that if this bill is to be placed as an amendment on the sundry civil appropriation bill, it must pass in its present form.

Mr. PENROSE. I shall probably want to offer an amendment to the bill, Mr. President. I fear the aids to navigation on the Delaware have been overlooked, but if it would do just as well to pass the bill the first thing to-morrow morning it might be well to let it go over until the Senator from New Jersey [Mr. KEAN] and I can examine it.

Mr. HALE. Mr. President, the pressure upon the Committee on Appropriations from every part of the Senate is very great to hasten the consideration and report of the sundry civil appropriation bill. That is the one great appropriation bill left upon which there may be contests. The committee has been at work day and night and Sundays, and on the question as to what shall be put on for light-houses the committee is dependent on the passage of this bill. Any amendment that is made will send the bill back to the House, and the committee has learned that if it is sent back to the House no amendment which is put on here will be agreed to. Therefore Senators who want amendments put on, if successful here, would not get what they want in the end and the whole bill will practically fail. I hope Senators who want to amend the bill and send it back to the House will refrain, in order that the committee may incorporate the provisions of this bill into the sundry civil appropriation bill and report that bill early to-morrow.

Mr. PENROSE. I should like to ask the senior Senator from Maine whether this bill will be subject to amendment in his committee in case the aids to navigation in the Delaware River have been overlooked in the House.

Mr. KEAN. I will say to the Senator from Pennsylvania that I have looked at the bill since it has been read, and there is a provision for aids to navigation on the Delaware River. I am rather inclined to believe that we can not get anything more out of the House at this session, and I think we had better let the bill pass as it is, though it is not entirely satisfactory to me.

The PRESIDENT pro tempore. There are four items for the Delaware River in this bill.

Mr. KEAN. There is also provision for a light at Bayonne, N. J., of about \$9,000, although it ought to be \$75,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OMNIBUS CLAIMS BILL.

Mr. PENROSE obtained the floor.

Mr. FULTON. Mr. President, I ask that the Senator from Pennsylvania yield to me for a moment in order that I may give a notice.

Mr. PENROSE. I yield to the Senator for that purpose.

Mr. FULTON. Some days ago I gave notice that at the conclusion of the consideration of the agricultural appropriation bill I would move that the Senate consider the omnibus claims bill, which is House bill 15372. I recognize, of course, that the general appropriation bills have the right of way. Therefore, I wish now to give notice that at the conclusion of the consideration of the post-office appropriation bill I shall make that motion.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask the Senate to proceed with the consideration of the post-office appropriation bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. PENROSE. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee first receive consideration. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Postmaster-



General," on page 2, line 15, before the word "inspectors," to strike out "fifty" and insert "seventy-two;" and in line 17, before the word "hundred," to strike out "seventy-two thousand seven" and insert "ninety-nine thousand one," so as to make the clause read:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 10 inspectors, at \$2,400 each; 15 inspectors, at \$2,250 each; 15 inspectors, at \$2,000 each; 10 inspectors, at \$1,800 each; 130 inspectors, at \$1,600 each; 110 inspectors, at \$1,400; and 72 inspectors, at \$1,200; in all, \$599,150.

The amendment was agreed to.

The next amendment was, on page 3, line 12, before the word "at," to strike out "five" and insert "seven;" in line 14, before the word "in," to strike out "and two, at \$600 each;" and in line 15, before the word "dollars," to strike out "ninety-six thousand six hundred and twenty" and insert "ninety-seven thousand one hundred," so as to make the clause read:

For compensation to clerks and laborers at division headquarters, fifteen, at \$1,600 dollars each; nine, at \$1,400 each; twenty-seven, at \$1,200 each; eight, at \$1,100 each; thirteen, at \$1,000 each; seven, at \$900 each; in all, \$97,100.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster-General," on page 4, line 22, to increase the appropriation for compensation to postmasters from \$26,250,000 to \$26,254,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 22, to insert:

That hereafter the compensation paid to postmasters at Boston, Mass., and Philadelphia, Pa., shall be \$3,000 per annum.

The amendment was agreed to.

The next amendment was, on page 5, line 2, before the word "at," to strike out "two" and insert "four;" in the same line, before the word "four," to insert "not exceeding;" in line 3, before the word "at," to strike out "thirty-two" and insert "thirty;" in line 4, before the word "three," to insert "not exceeding;" in the same line, before the word "two," to insert "not exceeding;" in line 6, before the word "two," to insert "not exceeding;" in the same line, before the word "one," to insert "not exceeding;" in line 8, before the word "one," to insert "not exceeding;" in line 9, before the word "one," to insert "not exceeding;" in line 10, before the word "one," to insert "not exceeding;" in line 12, before the word "one," to insert "not exceeding;" in line 13, before the word "one," to insert "not exceeding;" in line 15, before the word "one," to insert "not exceeding;" in line 16, before the word "one," to insert "not exceeding;" in line 18, before the word "one," to insert "not exceeding;" in line 19, before the word "one," to insert "not exceeding;" in line 20, before the word "nine," to insert "not exceeding;" in line 21, before the word "eight," to insert "not exceeding;" in line 22, before the word "seven," to insert "not exceeding;" and in line 23, after the word "dollars," to strike out "Provided, That hereafter a second assistant postmaster may be employed at the city of Chicago post-office at an annual compensation of \$2,500," and insert "And provided further, That hereafter the compensation paid to assistant postmasters at Boston, Mass., and Philadelphia, Pa., shall be \$4,000 per annum," so as to make the clause read:

For compensation to assistant postmasters at first and second class post-offices, 4, at not exceeding \$4,000 each; 30, at not exceeding \$3,000 each; 7, at not exceeding \$2,500 each; 6, at not exceeding \$2,000 each; 12, at not exceeding \$1,900 each; 28, at not exceeding \$1,800 each; 68, at not exceeding \$1,700 each; 105, at not exceeding \$1,600 each; 135, at not exceeding \$1,500 each; 115, at not exceeding \$1,400 each; 255, at not exceeding \$1,300 each; 380, at not exceeding \$1,200 each; 360, at not exceeding \$1,100 each; 300, at not exceeding \$1,000 each; 110, at not exceeding \$900 each; 100, at not exceeding \$800 each; and 60, at not exceeding \$700 each; in all, \$2,500,000. And provided further, That hereafter the compensation paid to assistant postmasters at Boston, Mass., and Philadelphia, Pa., shall be \$4,000 per annum.

The amendment was agreed to.

Mr. PENROSE. In order to make the bill comply with the latter part of the section, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, line 4, after the word "each," it is proposed to strike out "seven" and insert "six."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 6, line 12, before the word "at," to strike out "eight" and insert "sixteen," so as to make the clause read:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 16, at not exceeding \$3,200 each.

Mr. CLAY. Mr. President, I call the Senator's attention to line 12, page 6. I do not remember this amendment being acted upon in committee. It provides for "superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry." The House fixed the number at eight and the Senate committee seems to have fixed it at sixteen. I do not remember the committee having acted upon that. We may have done so, but it escaped me.

Mr. PENROSE. That amendment was required on account of the increase of the salaries of the postmasters at Boston and Philadelphia. The superintendents had to be raised to this grade on that account.

Mr. CLAY. Does the number of superintendents have to be increased?

Mr. PENROSE. The number at this salary has to be increased. It is a necessary part of the amendment to the bill increasing the salaries at those two places.

Mr. CLAY. It escaped me in committee, I am frank to confess.

Mr. PENROSE. I think the reason it escaped the Senator was that the clerk of the committee was authorized to make the bill conform to the main amendment.

Mr. CLAY. I think that is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. PENROSE. Mr. President, I now call the attention of the Senator from Georgia to the amendment I am about to offer, which should have been put in by the committee, in line 17, on page 6, reducing the number of superintendents of delivery from twenty-three to fifteen. The number is reduced on account of the increase above, which will probably explain the matter to the Senator from Georgia.

Mr. CLAY. I understand it now, though I did not before.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania [Mr. PENROSE] will be stated.

The SECRETARY. On page 6, line 17, after the word "mails," it is proposed to strike out "twenty-three" and insert "fifteen."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 11, line 5, before the word "at," to strike out "two thousand nine hundred and fifty-four" and insert "five thousand six hundred and fifty-one," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 5,951, at not exceeding \$1,200 each.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to insert:

For the promotion of post-office clerks from the fifth to the sixth grade, \$321,900.

The amendment was agreed to.

Mr. PENROSE. In order to make the bill conform to the amendment in line 7, page 11, I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 11, line 12, after the word "stations," it is proposed to strike out "six" and insert "three;" in the same line, after the word "thousand," to strike out "one" and insert "four;" and in line 13, after the word "ninety," to strike out "four" and insert "seven," so as to make the paragraph read:

Assistant superintendents of stations, clerks, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 3,497, at not exceeding \$1,100 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 12, line 5, before the word "million," to strike out "twenty-eight" and insert "twenty-nine;" and in line 6, before the word "dollars," to strike out "six hundred and eighty-one thousand five hundred," so as to read:

In all, \$29,000,000.

The amendment was agreed to.

The next amendment was, on page 12, line 20, before the word "at," to strike out "five hundred and thirty" and insert "six hundred and sixty;" in line 21, before the word "hundred," to strike out "two" and insert "three;" in line 22, after the word "hundred," to insert "and twenty-five;" and in line

24, before the word "thousand," to strike out "five hundred and fifty-six" and insert "seven hundred and eleven," so as to make the clause read:

Watchmen, messengers, and laborers, 660, at \$700 each; 325, at \$800 each; and 125, at \$500 each; in all, \$711,000.

The amendment was agreed to.

The next amendment was, on page 13, line 9, to increase the appropriation for compensation to substitutes for clerks and employees at first and second class post-offices on vacation from \$110,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 9, to insert:

That after June 30, 1908, employees in first and second class post-offices and in other post-offices having city-delivery service shall be granted leave of absence with full pay for not exceeding thirty days in a fiscal year.

The amendment was agreed to.

The next amendment was, on page 13, after line 22, to insert:

Whenever a postmaster certifies to the Department that owing to unusual conditions in his community he is unable to procure the services of efficient employees at the initial salary provided for post-office clerks and letter carriers, the Department may authorize, in its discretion, the appointment of clerks and letter carriers for that office at such higher rate of compensation within the grades prescribed by law as may be necessary in order to insure a proper conduct of the postal business.

The amendment was agreed to.

The next amendment was, on page 15, line 4, before the word "hundred," to strike out "four" and insert "six;" and in the same line, after the word "dollars," to insert "of which sum \$29,000 shall be immediately available," so as to make the clause read:

For rent, light, and fuel for first, second, and third class post-offices, \$3,600,000, of which sum \$29,000 shall be immediately available: *Provided*, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of \$500, nor more than \$100 for fuel and light in any one year: *And provided further*, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to insert:

To provide for the rent, equipment, and maintenance of Station H of the New York City post-office in the terminal building of the New York Central and Hudson River Railroad Company, including expenses incident to moving the station from the present quarters, \$90,000.

The amendment was agreed to.

The next amendment was, on page 16, line 12, to reduce the appropriation for pay of letter carriers at offices already established, including substitutes for carriers absent without pay, etc., from \$27,835,000 to \$27,235,000.

Mr. CARTER. I move that the committee amendment in regard to that matter be disagreed to.

Mr. HOPKINS. I call the chairman's attention to the fact that that must be an error. I think it should read "seven," in line 12.

Mr. PENROSE. I join in the request that the committee amendment be disagreed to in line 12.

Mr. BURKETT. On what page?

Mr. PENROSE. Page 16. I also ask that the committee amendment in line 16, on page 16, be disagreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, line 16, it is proposed to increase the appropriation for pay of substitutes for letter carriers absent with pay, etc., from \$1,300,000 to \$1,800,000.

Mr. CLAY. Mr. President, before that amendment is disagreed to, I think we ought to have some explanation. I find the House provided for the pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service, \$27,835,000. The Senate amended that by cutting it down \$600,000. The estimate—and this is one thing I have not been able thoroughly to understand—for this item for last year was \$23,384,700, and the unexpended balance for that year was \$112,124.18. The item itself is nearly \$28,000,000, almost \$5,000,000 more than the estimate. It strikes me, I will say to the Senator in charge of this bill, that that item ought to go in conference for the purpose of considering the difference between the amount we appropriate and the estimate made. I am aware of the fact, Mr. President, that the House increased the clerk hire about \$1,850,000, and I have no objection to that; but I have not been able to understand how the item has been increased nearly \$5,000,000 when the real amount resulting from the increase in salaries is only \$1,850,000. I presume the committee reported the amendment simply in order that the matter might go into con-

ference, with a view and purpose of seeing how it could be adjusted and arranged. But if this item is agreed to in the Senate, then there can be no conference over it. I know that the natural increase ought to be from 5 to 7 per cent, but if you take the growth of the service and add it to the \$1,850,000, it is exceedingly difficult to know how the item has reached \$5,000,000 more than the estimates made by the Department.

I think the Senator will agree with me that it would be better to let this item go into conference. I am not in favor of cutting out the item placed in the bill by the House for the purpose of increasing the carriers' salaries, but I am in favor of seeing whether that item can be reduced. I do not believe the growth of the service is equal to the amount proposed to be appropriated.

Mr. PENROSE. This amendment was put in for the purpose of getting another portion of the bill more completely before the conference. It was put in at my request; and subsequent inquiry has convinced me that it is not necessary to have it in the bill. No objection at any time has been made to the propriety of the original appropriation made by the House. The large increase is due to the enormous increase in this branch of the postal service. I repeat my request, that the Senate recede from its amendment and leave the bill as the House had it.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was, on page 16, line 16, after the word "million," to strike out "three" and insert "eight," so as to read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices already established, \$1,800,000.

The amendment was rejected.

The next amendment was, on page 16, line 22, to increase the appropriation for horse-hire allowance and the rental of vehicles from \$800,000 to \$900,000.

The amendment was agreed to.

The next amendment was, on page 16, line 23, to reduce the appropriation for car-fare and bicycle allowance from \$400,000 to \$350,000.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

For street car collection service, \$10,900.

The amendment was agreed to.

The next amendment was, on page 17, line 14, to reduce the appropriation for car fare for special-delivery messengers in emergency cases, from \$12,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 19, to insert:

Hereafter the provisions of section 3477 of the Revised Statutes shall not apply to payments for rent of post-office quarters made by postmasters to duly authorized agents of the lessors.

Mr. NELSON. I should like to inquire what is the purpose of the provision.

Mr. PENROSE. The amendment was put in at the special request of the Department. There are numerous cases where it is impossible for the Department to deal with the original lessor. He is absent from the country or is in a position where he is not at hand to sign the vouchers, and the Department requested that the postmasters should be permitted to pay the rent to the duly authorized attorney or real estate agent, or whoever might be authorized to collect the same.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 18, line 12, after the word "therefor," to insert the following proviso:

*Provided*, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivative thereof.

Mr. CLAY. If I remember correctly, the proviso—

*Provided*, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivative thereof—

is found in the bill in four or five different places, and my recollection is that it was to be stricken out here and one general provision inserted in the bill to cover these provisos. I will say to the Senator I have not been able to find that general provision.

Mr. BURKETT. It is on the last page.

Mr. PENROSE. The Committee on Post-Offices and Post-Roads was unanimous and fully as zealous as is the Senator from Georgia for this amendment, but it occurs so frequently in the bill that it was thought the purpose would be fulfilled



by having it inserted once in a comprehensive form. If the Senator will complete his reading of the bill he will find it on page 42, at the end of the bill.

Mr. CLAY. One general provision?

Mr. PENROSE. One general provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was on page 18, line 18, after the word "dollars," to strike out the following proviso:

*Provided, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivative thereof.*

The amendment was agreed to.

The next amendment was, on page 18, line 23, to increase the appropriation for mail messenger service from \$1,420,000 to \$1,560,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to insert:

And the Postmaster-General is hereby authorized and directed to investigate and report to Congress not later than January 1, 1909, the feasibility and desirability of the Government purchasing or installing the equipment for pneumatic tube service, and thereafter operating the same in the cities where such service is now in operation, and also ascertain and report the approximate cost of purchase and likewise of installation and the cost of maintenance and operation.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "Illinois," to insert the following further proviso:

*Provided further, That the Postmaster-General is hereby authorized and directed to contract for regulation screen or other wagon service for the transportation of the mails between the Union Depot and the post-office in Denver, Colo., from July 1, 1908, and pay for the same out of the appropriation for such service.*

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to insert:

For rent, light, fuel, electric power, transportation of machinery, installation of plant, and incidental expenses pertaining to the establishment and maintenance of a subworkshop for the repair of mail equipment at Chicago, Ill., \$5,000.

The amendment was agreed to.

The next amendment was, on page 21, line 1, after the word "dollars," to strike out the following provisos:

*Provided, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivative thereof: Provided further, That not exceeding six-sevenths of the amount ascertained pursuant to the weighing of the mail on any route in the year 1905 or in the year 1906 as the annual pay on such route for transporting the mail shall be paid out of the moneys hereby appropriated until such ascertainment shall have been readjusted in accordance with order of Postmaster-General Meyer, No. 412, or until it shall have been finally determined by law that the first recited ascertainments are binding upon the Government for the ensuing fiscal year, notwithstanding any error or wrong in the basis of such ascertainments.*

The amendment was agreed to.

The next amendment was, on page 21, after line 15, to insert:

That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of mails on railroad routes from and after the 1st day of July, 1909, upon the conditions and at the rates provided by law, the average daily weight to be ascertained, in every case, by the actual weighing of the mails for thirty-five successive days, commencing on such date as the Postmaster-General may designate each year, after June 30, 1908, and the result to be stated and verified in such form and manner as the Postmaster-General may direct; and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route. And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

And out of the appropriation for inland mail transportation, the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., in connection with the expenses of taking the weights of mails on railroad routes as provided by law.

Mr. NELSON. Against the matter just read, commencing in line 16, on page 21, and going down and including line 23, on page 22, I make the point of order that it is general legislation. It is an entire change of existing law. Under the present system of weighing the mails they are weighed only once in four years. This provides for an annual weighing. From the debates which occurred in the House of Representatives on this subject it appeared that this would increase the cost to the Government four or five million dollars a year if adopted.

I have the law before me. Under the present system the weighing is only once in four years. The pay is adjusted once in four years.

This paragraph, in addition, contains this provision, which is entirely new legislation, and it is because this whole paragraph is new legislation—it is general legislation.

In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route.

That is entirely new. It is not in existing law. And so with respect to the next item.

And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation—

And so forth.

The whole paragraph is general legislation, and it is general legislation because it is new legislation. It provides a new scheme of weighing the mails.

Mr. CARTER. Mr. President, this amendment has been presented by the committee with the full approval of the Post-Office Department after a very careful consideration of the whole subject involved. The correspondence of the Department on this question is quite voluminous, and I will not now detain the Senate to consider it in detail.

With reference to the point of order, I suggest that the proviso to which the Senator from Minnesota takes exception is merely directory, in that it specifies the manner of ascertaining what is to be paid, and thus only relates to the manner of expending the appropriation. If the mails are to be weighed once in four years, that term will have something to do with the amount to be paid out. If the divisor is to be 7 instead of 6, that fact will have something to do with the determination of the part of the appropriation to be paid to the individual railroad company. We crystallize it into law, in so far as the computation is concerned, the requirement that seven days instead of six days shall be used as the divisor in determining the amount due the railroad company.

Some question has arisen as to the right of the Postmaster-General by regulation to correct any alleged misapplication of the public moneys by the use of the divisor 6 instead of the divisor 7 in computing the amount due the railroad company. This corrects and leaves beyond a question of doubt a matter which has been subject to administration for a long time, and is merely a construction of existing law.

If the Congress, in making an appropriation, can not specify the manner in which the amount to be paid to individuals is to be ascertained without being subject to the claim that it is general legislation, I submit that no direction can ever be made with reference to the payment of an appropriation or the ascertainment of the amount to be paid to any individual or company performing service.

I will, with the permission of the Senate, insert in the RECORD the letters from the Postmaster-General bearing upon the subject-matter of the proposed amendment.

The letters referred to are as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 23, 1908.

Hon. BOIES PENROSE,

Chairman of Committee on Post-Offices and  
Post-Roads, United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the request to be advised with reference to the bill S. 6157, introduced by Senator CARTER, on March 16, 1908, "To provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails," I have to state as follows:

The bill is identical, with one exception, with the revision made by the Department of a draft of a provision submitted by the House Committee on Post-Offices and Post-Roads, and with the changes hereinafter suggested meets with the approval of the Department provided the Congress sees fit to thereby increase the expenditures for transportation of the mails by railroad routes. The compensation for carrying the mails on each route is now adjusted upon a quadrennial weighing. Such adjustment continues without change in the rate of pay for the succeeding four years. Inasmuch as the country is growing rapidly and the weights of mails are therefore proportionately increasing, it is often insisted by railroad companies that if the rate of compensation is no more than adequate at the time of the weighing—and they claim that it is not—it becomes inadequate for the increased service performed before the next quadrennial weighing. An annual weighing would give a readjustment upon the annual increase of the weights of mails and would appear to be equitable and fair. It should, however, be borne in mind that such a provision would increase the gross amount paid for such transportation of the mails and would also add to the annual expense incident to the weighing of the mails. Under the present practice the routes are weighed once in every four years. The increase in the weight of mails occurring during a four-year period is not represented by increase in rate of compensation until the adjustment for the succeeding term, which adjustment continues for the next succeeding four years. Under the provisions of this bill the adjustment would continue

for only one year, and the companies would receive the increased compensation each succeeding year for the increase in weight for each preceding year.

A careful estimate has been made as to the probable increase in the expense for the weighing of the mails—that is, for weighers, tabulators, etc. The following table will show the actual cost for the last four weighings by sections, the estimated cost for each of said sections for thirty-five days based upon the actual cost for the weighing period and the estimated cost by sections for one hundred and five days based upon the same rate.

Weighings.	Number of days.	Actual cost paid weighers, etc.	Estimated cost if weighing had lasted only 35 days.	Estimated cost if weighing had continued for 105 days.
Second section, 1901.....	84	\$108,521.79	\$45,217.55	\$135,652.65
First section, 1904.....	70	\$280,517.17	122,004.42	366,283.26
First section, 1905.....	91			
Fourth section, 1906.....	105	296,726.66	98,908.89	296,726.66
Third section, 1907.....	105	689,799.21	196,599.73	589,799.21
Total.....			462,820.59	1,388,461.78

From the above it appears that the probable expense of a one hundred and five days' weighing—that is, ninety working days, as provided for by present law—would be \$1,388,461.78. This covers the expense of weighing the mails throughout the entire country and covers a period of four years. It also appears that the cost of a thirty-five days' weighing for the entire country would be approximately \$462,820.59, but for one year's weighing only. The cost, therefore, of the weighings for four years upon this basis would be four times this amount, or \$1,851,282.36. Therefore the difference between these aggregates would be \$462,820.58, and represents the increased cost for a period of four years if annual weighings upon the thirty-five days' basis were inaugurated, or an average increase per annum of \$115,705.14.

As to the specific provisions of the bill, I have the following to say: In lines 9 and 10 provision is made for commencing the weighing the first Monday in March each year. It is believed in the Department that such a provision would be inadvisable. It has been customary to weigh the mails in the New England section, for instance, in the fall of the year, for the reason that it is believed to furnish a better average than a weighing at any other season. There are a few exceptional cases also, such as summer routes, where it becomes necessary to weigh at a different season than that during which other routes are weighed. Moreover, where the period is absolutely fixed by law there would be no discretion left in the Postmaster-General to extend a weighing to meet unusual and extraordinary emergencies that might arise in special localities. In lieu of this provision I would suggest the words following the word "days," in line 9, "at such time each year."

The bill further provides for the use of the whole number of days included in the weighing period as a divisor for obtaining the average daily weight. This will give legislative expression to the present practice of the Department based upon my order No. 412, of June 7, 1907.

The bill further provides for an equalization of cost of transportation where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service. This will give legislative expression to the practice of the Department recently adopted.

The immediate administrative difficulty in administering such a law will be in the completion of the adjustments with the present limited force of the division of railway adjustments. It is apparent that so far as computations for adjustments and the work consequent thereto are concerned, there will be four times the amount of work that is now required. It will be impossible for the present force to complete that work within the time necessary to make proper payments to the railroad companies. It is believed, however, that this difficulty can be overcome until adequate provision is made in the legislative bill for additional force, if provision is made which will permit not only the tabulation to be done at Washington, but the employment of tabulators in assisting upon the computations and adjustments. In order to clearly provide for this work, it is suggested that the last paragraph of the proposed bill be modified by the insertion of the words "and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations," after the word "Columbia" in line 21.

The provision, as changed by these suggestions, would read as follows:

"That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of the mails on railroad routes from and after the 1st day of July, 1909, upon the conditions and at the rates provided by law, the average daily weight to be ascertained, in every case, by the actual weighing of the mails for thirty-five successive days, at such time each year after June 30, 1908, and the result to be stated and verified in such form and manner as the Postmaster-General may direct; and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route. And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

"And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighings for assistance in computing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 28, 1908.

HON. BOIES PENROSE,  
Chairman of Committee on Post-Offices and  
Post Roads, United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring further to the request to be advised in regard to bill S. 6157, introduced by Senator CARTER, on March 16, 1908, "to provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails," and to my letter of the 23d instant, I wish to call more specific attention to the practice of the Department in regard to the equalization of cost of transportation where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the service, which the bill provides for as a matter of legislation, among others.

In my annual report for the fiscal year ended June 30, 1907, upon page 24, attention was called to this new feature of economy in readjustments, and I said as follows:

"The elements of expedition, efficiency, and economy are given consideration in arranging for the transportation of mails on railroads. Where through mails are concerned the Department often has the choice of competing routes. A competing route may be shorter than another; it may be more economical by reason of being a land-grant route; or it may perform important terminal or transfer functions which must otherwise be provided for by the Department. After the transportation of the mails has been established over a route and the train schedules remain satisfactory it is not advisable to divert mails merely because a competing route offers to make a satisfactory schedule. The facts that the transportation has been established over such route; that the company has furnished the necessary facilities for their carriage, and that railway postal clerks have been assigned to duty with reference to such mail routing are given due consideration; and if the company carrying the mails can furnish as advantageous service as the competing company it is not advisable to take the mails away from it. Where the Department has the opportunity of dispatching mails by competing routes, one of which is shorter or otherwise less expensive than the other, it appears to be but just to the Government—when such mails are allowed to remain with the longer or more expensive route—to reduce the compensation paid therefor by the amount which the Government would save if the mails in question were dispatched by the shorter or less expensive route.

"Accordingly, the policy has been inaugurated of effecting such a saving in cases of this character arising at the beginning of a contract term and has been applied in some prominent instances in the readjustments in the third contract section."

While it is impracticable at present to give an accurate statement of the amount of saving to the Government which will result for one contract term even, upon the application of this principle to the whole service, it may, nevertheless, be asserted with entire assurance that the economy will be very considerable. This will be apparent when it is remembered that there is a movement of large volumes of through mails between large commercial and postal centers of the country, as, for instance, between New York and Chicago, New York and Washington, Washington and Jacksonville, Chicago and St. Louis, St. Louis and Kansas City, Chicago and Union Pacific Transfer, Iowa, and the middle West centers and the Southwest and West. Specific figures can not be given, however, until weighings are had, the mails concerned segregated, and the weights ascertained and their values determined. The importance of such economy is indicated, however, by the facts in one case in the third contract section, where the Department secured the benefit of an equalization of the cost of transporting through mails between Chicago, Ill., and Union Pacific Transfer, Iowa. The computation has been completed and indicates the probable saving of approximately \$20,000 a year. This is but one case, and it is believed that the Department's efforts in this direction will result in a large annual saving to the Government. While it is the purpose of the Department to continue this practice, the desirability of a specific direction by Congress to the same effect is recognized.

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., May 5, 1908.

HON. BOIES PENROSE,  
Chairman of Committee on Post-Offices and  
Post Roads, United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the request of Senator CARTER that the committee be furnished with a statement of the increase in weights of mails carried by railroads over the entire country for the past four years, I have the honor to submit the following:

It is impracticable to furnish a statement of the increase in the average daily weights for the entire country for any one period of four years, inasmuch as the country is divided into four weighing sections, and the weighing of these succeed each other annually, thus making a weighing in any one section occur once only in four years, but not simultaneous with weighings in other sections. The increase in average daily weights at these several weighings will practically represent, however, the increase in the average daily weights for the entire country, providing the weighings were held simultaneously. The following statement will show these increases:

Section 1, weighed 1901, adjusted from July 1, 1901, to June 30, 1905: Increase in average daily weight shown by this weighing 908,436 pounds, or 28.66 per cent.

Section 2, weighed in 1900, adjusted from July 1, 1900, to June 30, 1904: Increase in average daily weight shown by this weighing 219,598 pounds, or 24.27 per cent.

Section 3, weighed in 1903, adjusted from July 1, 1903, to June 30, 1907: Increase in average daily weight shown by this weighing 559,798 pounds, or 11.97 per cent.

Section 4, weighed in 1902, adjusted from July 1, 1902, to June 30, 1906: Increase in average daily weight shown by this weighing 1,089,355 pounds, or 69.02 per cent.

Total increase in average daily weights for all sections 2,777,487 pounds, or 26.89 per cent.

This represents approximately the increase in the average daily weight of the mails for a period of four years.

Faithfully, yours,

G. V. L. MEYER.



OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 15, 1908.

Hon. BOIES PENROSE,  
Chairman of Committee on Post-Offices and  
Post-Roads, United States Senate, Washington, D. C.

MY DEAR SENATOR: Your attention is respectfully invited to the recommendation made in my report for the fiscal year ended June 30, 1907, upon pages 23 and 24, as follows:

"The act of March 3, 1875 (18 Stat. L. 341), authorizes the payment of the expenses of weighing the mails from the appropriations for railroad transportation. The weighing is done in cars and at railroad stations by employees of the Department. The results are tabulated in the offices of the superintendents of railway mail service at division headquarters and are then certified to the Department, where the average daily weights are computed. For the purpose of securing the greatest economy and uniformity of method, it is desirable to have the tabulations made in the Department. I therefore recommend that Congress authorize the renting of suitable quarters in Washington to accommodate the special force of tabulators employed upon this work."

I therefore have the honor to recommend to your favorable consideration the enactment into law of the following provision, namely:

"And out of the appropriation for inland transportation by railroad routes the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

This provision might properly be placed under the paragraph relating to inland transportation by railroad routes, following line 20, page 18, of the postal bill (H. R. 18347), as referred to your committee.

In further explanation of this recommendation, I have the honor to submit the following:

The country is divided into four contract sections and the mails are weighed as provided for by law not less frequently than once every four years. These weighings are ordered by the Second Assistant Postmaster-General through the division of railway adjustments, and are conducted by the railway mail service. Weighers are employed from available substitute railway postal clerks and others who are employed temporarily during the period. Besides those who actually weigh the mails, there are employed a certain number called "tabulators," who receive the weight cards from the clerks who weigh the mails, adjust all irregularities, and tabulate the weights that are so received daily by trains upon one sheet for each route, which, when completed, shows the total weights taken on and put off for the whole period of the weighing at each station upon the route. This weight circular is certified by the superintendent of railway mail service and is forwarded to the Department, division of railway adjustments. This last-named division has charge of the adjustments of pay, and the clerks, under the direction of the superintendent of railway adjustments, compute the average daily weights for each route, using therefor the weight circular above mentioned.

It will be apparent that the work of tabulation is essentially a part of the computation of the average daily weight and therefore of the division of railway adjustments. If these tabulations were done at Washington under the direction of the superintendent of that division, it would serve good administrative purposes. The force engaged upon the work could be better selected. They would work under one direction and according to a uniform method of procedure. Being employed at one place instead of two, three, or more, the incidental expenses would necessarily be less. Working under one direction and supervision, their services would be more efficient and more economically applied and the number employed would consequently be less. One special feature about the matter should be overlooked even if there was no economy to be attained—that is, that these steps, which are preliminary to the adjustment of railroad pay, a subject of such magnitude and importance, should be conducted with the greatest care in order that there may be no errors, mistakes, or wrong certifications. It is evident that this feature could be best accomplished by having these tabulations done at one point and under the direction of the division which makes and is responsible for the computations.

The expenses of the weighings are paid out of the appropriation for the transportation of the mails in accordance with continuing authority of law (act of March 3, 1875, ch. 128, 18 Stat. L. 341). There is no additional authority of law required to have the work done and paid for by the employment of tabulators at Washington. The only difficulty in the way is that there is no office room in the Department to provide for such additional clerks, and it would be necessary to rent quarters outside. It was for this purpose that the matter was brought to the attention of Congress in order that authority might be secured to rent such quarters. The payment for the same could be made under the act above referred to. The reason that it is necessary to have additional legislation to authorize such rental is because by the act of March 3, 1877 (19 Stat. L. 370) it is provided that no contract shall be made for the rent of any building or part of any building to be used for the purposes of the Government in the District of Columbia until an appropriation therefor shall have been made in terms by Congress.

It will be seen therefore that this recommendation does not involve any additional expenditure excepting what would be incident to the specific authority to rent quarters in Washington for the tabulators. It is now necessary to rent rooms at some division headquarters for this work. It is believed that upon the whole economy of expenditure would be obtained, as well as greater efficiency and better administration secured.

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 15, 1908.

Hon. BOIES PENROSE,  
Chairman of Committee on Post-Offices and  
Post-Roads, United States Senate, Washington, D. C.

MY DEAR SENATOR: Your attention is respectfully invited to the recommendation made in my report for the fiscal year ended June 30, 1907, upon page 25, the purpose of which was to secure consideration of needed legislation to enable the Department to readjust the rates of pay for railroad mail transportation in cases of the diversions of mails during a contract term. The reasons therefor are fully set forth on page 25 of my report and in the report of the Second Assistant Postmaster-General, on page 144 of the Annual Report for the Post-Office Department. I have set forth in my report upon the page referred to the specific language of a proposed provision of law as follows:

"When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom, the Postmaster-General may, in his discretion, ascertain the effect of such diversion by a weighing of the mails so di-

verted for such number of successive working days as he may determine and have the weights stated and verified to him as in other cases, and readjust the compensation upon the routes affected accordingly: Provided, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on either of the routes affected."

This has been prepared in the office of the Second Assistant Postmaster-General by the officer who is charged with the duty of making adjustments and is believed to fully meet the requirements. It might properly be placed under the paragraph relating to inland transportation by railroad routes, following line 20, page 18, of the postal bill (H. R. 18347), as referred to your committee. I have the honor to recommend this to your favorable consideration.

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., May 9, 1908.

Hon. BOIES PENROSE,  
Chairman of Committee on Post-Offices and  
Post-Roads, United States Senate.

MY DEAR SENATOR: In examining the bill (H. R. 18347) reported by you with amendments to the Senate on the 7th instant, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, etc., it is noted that on page 22, in lines 19 to 23, inclusive, provision is made for the rental of quarters in Washington, D. C., in connection with the expenses of taking the weights of mails on railroad routes.

In this connection I have the honor to call your attention to that part of my letter of the 23d ultimo in which I spoke particularly of the work of tabulation and the completion of the computations incident to the adjustments consequent upon annual weighings. The part referred to is as follows:

"The immediate administrative difficulty in administering such a law will be in the completion of the adjustments with the present limited force of the division of railway adjustments. It is apparent that so far as computations for adjustments and the work consequent thereto are concerned, there will be four times the amount of work that is now required. It will be impossible for the present force to complete that work within the time necessary to make proper payments to the railroad companies. It is believed, however, that this difficulty can be overcome until adequate provision is made in the legislative bill for additional force if provision is made which will permit not only the tabulation to be done at Washington, but the employment of tabulators in assisting upon the computations and adjustments. In order to clearly provide for this work, it is suggested that the last paragraph of the proposed bill be modified by the insertion of the words 'and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations,' after the word 'Columbia,' in line 21."

The modified provision which the Department desired to be substituted for the lines reported on page 22, as above noted would, therefore, read as follows:

"And out of the appropriation for inland mail transportation, the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

I earnestly desire to impress upon you the importance of making this provision by the suggested modification. It would be impossible to complete the computations incident to annual weighings with the very limited force in the division of railway adjustments. If it is made clear, however, by this provision of law that the Department can employ the tabulators engaged in tabulating the weights upon the completion of the computations, which are under the direction of the superintendent of railway adjustments, there will be no difficulty in completing the work. I assume that it was an oversight in not changing this paragraph, and I am, therefore, sending this in the earnest hope that the substitution can be made on the floor of the Senate when the bill comes up for consideration.

Faithfully, yours,

G. V. L. MEYER.

Mr. BURKETT. I should like to ask the Senator a question before he sits down. The House provision, at the top of page 21, seems to be an attempt to straighten out the divisor proposition by providing that hereafter only six-sevenths of the amount shall be paid. Am I correct in my understanding that that is what the House attempted to do in that provision?

Mr. CARTER. That seems to have been the purpose of the bill as it passed the House.

Mr. BURKETT. Then I should like to ask the Senator another question. As I understand it, although I have not the law before me, the mails heretofore have been weighed for a hundred and five days, instead of thirty-five, once in four years.

Mr. CARTER. Once in four years.

Mr. BURKETT. That is as I understand it.

Mr. PENROSE. Mr. President, I wish, emphatically, to challenge the statement that this provision will add to the expense of the Government. It is true that the estimate for 1909 was several million dollars in excess of the amount expended for this purpose last year, but a revised estimate was subsequently made by the Department, and this item of \$44,000,000 is identical with the amount appropriated for the last fiscal year for this purpose. So the amount is the same and no additional expense is incurred.

Mr. President, in this connection I desire to offer an amendment to the amendment, which is necessary to facilitate the work in the Department, but which does not add any further amount to the appropriation.

Mr. NELSON. I have made the point of order against this whole amendment that it is general legislation, and it is not disputed. It is general legislation, because it is an entire

change of existing law on this subject. Under existing law and under existing practices the weighing, as has been the custom for over thirty years, I think, is done once in four years. This provides for a weighing annually, and then, in addition to that, it has a paragraph in reference to the carrying of the mail on one of two routes, and then a paragraph requiring notice of such weighing. The whole thing is entirely different, and it is not disputed and has not been disputed by anything that has been said that it differs from existing law. If it does, it is general legislation. I make the point of order that it is general legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania has a right to perfect the amendment pending the point of order.

Mr. PENROSE. I desire to perfect the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 22, in the proposed amendment, strike out the last paragraph, being lines 19, 20, 21, 22, and 23, on page 22, and insert:

And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighing, for assistants in completing computations in connection with the expenses of taking the weights of mails on railroad routes as provided by law.

Mr. NELSON. That is new legislation and general legislation. I make the same point of order as to that.

Mr. LODGE. Mr. President, a word on the point of order. The point that it changes existing law is not, of course, available under our rules. That is the House provision. Our rules say "general legislation." This legislation, as I understand, is simply a modification of existing law. There is no question that the appropriation is in order. There is no question that this bill makes provision for weighing the mail. Every post-office bill makes provision for weighing the mails. This is a mere change in the method of weighing the mails; that is, a change in the system to which the appropriation is incident. It seems to me that it hardly falls within the rule.

Mr. PENROSE. Mr. President, I simply desire to reiterate what the Senator from Massachusetts so concisely stated. It is an extraordinary proposition that in a large and complicated appropriation bill of this character phraseology may not be introduced indicating the method of expending the appropriation. If legislation were put in here revising the criminal code so far as it relates to postal matters or establishing a new bureau, the point of order of the Senator from Minnesota might well apply. But it is impossible for the Department to interpret the appropriation without the explanation as to how it shall be spent.

The PRESIDENT pro tempore. It has been held several times in the Senate, when a matter like this has been submitted to it, that it was in order; that the appropriation itself being in order, the disposition of the appropriation is also in order. Therefore the Chair overrules the point of order.

The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] to the amendment. The amendment to the amendment was agreed to.

Mr. TALIAFERRO. On page 22, I move to strike out—

The PRESIDENT pro tempore. Is it a committee amendment?

Mr. TALIAFERRO. No, sir.

The PRESIDENT pro tempore. Then it is not in order at this time.

Mr. TALIAFERRO. It is an amendment to a committee amendment.

The PRESIDENT pro tempore. Oh, an amendment to a committee amendment. It is in order.

Mr. TALIAFERRO. I move to strike out from line 12, down to and including line 18, on page 22.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment to the amendment of the committee.

The SECRETARY. On page 22 in the committee amendment it is proposed to strike out lines 12 to 18, inclusive, in the following words:

And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

Mr. TALIAFERRO. Mr. President, I think that language must have gotten into the bill by some misapprehension or mistake, for I remember distinctly when the weighing question was being considered by the committee it was understood that it would all be done without any reference to the railroads; in

other words, that the railroad companies should not know the period to be fixed by the Postmaster-General for weighing the mails. This appears to contemplate or to require the Postmaster-General to give notice to the railroads of his intention to weigh and to report weekly or daily, as the case may be, to the company as the weights are taken.

Mr. CARTER. I call the attention of the Senator from Florida to the particular portion of the bill to which I think, on reflection, he will realize his remarks apply. The part to which the discussion was directed will be found in lines 23 and 24, on page 21. The bill as originally framed provided that the weighing should commence on the 1st day of March. It was amended in committee so as to read: "Commencing on such date as the Postmaster-General may designate each year."

This provision applies to the date of commencing the work of weighing the mails, and the committee amended it in the particular to which I have referred. That portion to which the Senator's proposed amendment is directed has another view entirely. Where a given road is carrying the mail known as the "through mail" and the Department proposes to separate the weight of that through mail from the weight of the mail originating on the route, of course the road must have notice in order to have some one present representing the road, if it shall so elect.

The difficulty we sought to correct in the former amendment referred to does not apply to the portion of this particular amendment to which the Senator's motion is directed. I think upon reflection and a thorough examination of the bill the Senator will find that that is correct.

Mr. TALIAFERRO. Mr. President, I remember that the question of notifying the railroads or fixing a date in the law was discussed along the line the Senator from Montana states, but I consider this provision in its place here just as objectionable as the provision that was ruled out by the committee where that notice appeared. I see no reason why the Government should be required by law to give notice to the railroad of the time when they intend to weigh the mails so as to ascertain the average weight of the mails as a basis for compensation to the railroads.

I hope that the amendment to strike out may prevail.

Mr. CARTER. I suggest to the Senator that if his amendment should prevail there would be no means provided by law to notify a given railroad company when the Department contemplated, by a system of weighing, taking a certain weight from that road and transferring it to another road, and when the compensation is reduced the road ought to know whether the reduction is greater than the tonnage or not. Of course, in ordinary fair dealing, when such a separation is made and a reduction is to inevitably follow, the Postmaster-General would in the absence, I assume, of any law, give the road an opportunity to test the weight. It is nothing more than giving the other party to a contract an opportunity to come and look at the scales to determine whether the weighing is properly conducted or not.

I assume that this right, as I said, would reside without this provision of law; and I can not well conceive that a Postmaster-General would deliberately attempt to reduce the amount of compensation due anybody without giving that person a right to see whether the reduction was reasonable or according to the weights.

Mr. TALIAFERRO. The Senator from Montana will recall that the committee specifically, and I think unanimously, decided that these weights should be taken without notice to the railroads.

Mr. CARTER. That was with reference to another subject entirely. The purpose of the committee in leaving the fixing of the date for the commencement of the weighing with the Postmaster-General, instead of fixing the date arbitrarily by law, was to prevent a railroad company, if perchance it felt so inclined, from packing the mails or increasing their weight by certain documents or trash of one kind and another sent through the mails at that particular time. It has been alleged that the mails were, to use the parlance of the streets, "stuffed" during the weighing period; and if the law fixed a date upon which the weighing was to commence and named the number of days it was to continue, of course an arrangement might be made to the great disadvantage of the Government in swelling the mails during that period of time.

So the committee amended the bill by providing that the weighing should commence on such a date as the Postmaster-General might designate. The railroad company will not be advised of the dates of the commencement of weighing, any more than a bank is advised of the date when a bank examiner is to call and examine the state of the bank.



Mr. ALDRICH. This is a very important amendment, and several Senators want to speak upon it. There are some matters of executive business that require attention. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. I ask the Senator from Rhode Island to yield to me that I may have a small local bill passed, for which the Senator from Pennsylvania [Mr. PENROSE] kindly offered to yield whenever I might ask to take it up during the afternoon. It will take but a few moments and there will be no debate.

Mr. KEAN. I suppose it involves no appropriation of money?

Mr. ALDRICH. If there is to be no debate and no appropriation, I will yield.

Mr. WARREN. I do not know about the appropriation. I do not know of any.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Wyoming?

Mr. ALDRICH. I do.

#### RESURVEY OF LANDS IN WYOMING.

Mr. WARREN. I ask the Senate to proceed to the consideration of the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 2, line 18, after the word "inclusive," to insert "township 57 north, range 68 west; townships 54 to 56 north, ranges 80 and 81 west, inclusive," so as to make the section read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made, in the manner now provided by law for the survey and resurvey of public lands, and from time to time as may be necessary, a resurvey of the following townships in the State of Wyoming: Townships 41 to 44 north, ranges 81 to 92 west, inclusive; townships 45 to 48 north, ranges 81 to 104 west, inclusive, except township 48 north, ranges 88 to 91 west, inclusive; townships 49 to 52 north, ranges 89 to 92 west, inclusive; townships 53 to 56 north, ranges 101 to 103 west, inclusive; townships 12 and 13 north, range 86 west; townships 12, 13, and 14 north, range 87 west; townships 12 to 16 north, ranges 88 to 104 west, inclusive; townships 17 to 24 north, ranges 97 to 100 west, inclusive; township 12 north, ranges 105 to 108 west, inclusive; townships 12 to 23 north, ranges 109 to 112 west, inclusive; township 24 north, range 111 west; township 24 north, range 114 west; townships 17 to 26 north, ranges 117 to 121 west, inclusive; township 57 north, range 68 west; townships 54 to 56 north, ranges 80 and 81 west, inclusive; all west of the sixth principal meridian.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 6, after the word "surveyors," to strike out the following: "and for each and every such iron post set for monuments on said resurveys by said deputy surveyors they shall receive, in full compensation therefor, the sum of \$2, in addition to the regular rates of mileage stipulated in the contract, the cost of furnishing, delivering, and setting of the posts provided for by this act to be payable from the same appropriation from which the costs of the resurvey is paid;" and at the end of the bill to insert the following proviso:

*Provided further,* That where it is found that, at the time the resurvey is entered upon, more than half the lands in any township have been disposed of, by entry or otherwise, the resurvey in such township shall not be made; but this proviso shall not apply to lands within railroad land-grant limits.

So as to make the section read:

Sec. 2. That the Secretary of the Interior be, and he is hereby, further authorized and directed to furnish to the deputy surveyors to whom contracts have been awarded by the surveyor-general for the resurvey of any of said townships, iron tubular posts 3 feet long, 2½ inches in diameter, with a 10-inch flare at the bottom, surmounted by a brass cap, for corner monuments, said posts to be furnished without cost to said deputy surveyors and delivered at the railroad station nearest to said contracts, there to be received by the said deputy surveyors: *Provided,* That nothing herein contained shall cause the applications of settlers upon other lands to be rejected, or cause to be increased the amount annually apportioned to the district of Wyoming, out of the appropriation for surveys and resurveys of public lands. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided,* That nothing herein contained shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled: *Provided further,* That before any resurvey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to resurvey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be resurveyed: *Provided further,* That where it is found that, at the time the resurvey is entered upon, more than half the lands in any township have been disposed of by entry or otherwise, the resurvey in such township shall not be made; but this proviso shall not apply to lands within railroad land-grant limits.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 12, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 11, 1908.*

#### PROMOTIONS IN THE ARMY.

##### Corps of Engineers.

Lieut. Col. Thomas W. Symons, Corps of Engineers, to be colonel from May 8, 1908, vice Adams, retired from active service.

Maj. George A. Zinn, Corps of Engineers, to be lieutenant-colonel from May 8, 1908, vice Symons, promoted.

##### Cavalry Arm.

Maj. Charles W. Taylor, Thirteenth Cavalry, to be lieutenant-colonel from May 6, 1908, vice Pitcher, Fourth Cavalry, retired from active service.

Capt. William W. Forsyth, Sixth Cavalry, to be major from May 6, 1908, vice Taylor, Thirteenth Cavalry, promoted.

First Lieut. Beverly A. Read, Sixth Cavalry, to be captain from May 6, 1908, vice Forsyth, Sixth Cavalry, promoted.

#### PROMOTIONS IN THE NAVY.

Lieut. Commander John C. Leonard to be a commander in the Navy from the 23d day of April, 1908, vice Commander Nathaniel R. Usher, promoted.

Midshipman Edgar G. Oberlin to be an ensign in the Navy from the 2d day of February, 1907, to fill a vacancy existing in that grade on that date.

Asst. Surg. David C. Cather to be a passed assistant surgeon in the Navy from the 9th day of July, 1907, upon the completion of three years' service in present grade.

Boatswain Patrick Shanahan to be a chief boatswain in the Navy from the 11th day of March, 1908, upon the completion of six years' service in present grade.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate, May 11, 1908.*

#### PROMOTIONS IN THE NAVY.

Ensign Edward H. Campbell to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1907, upon the completion of three years' service in his present grade.

Lieut. (Junior Grade) Edward H. Campbell to be a lieutenant in the Navy from the 30th day of July, 1907.

Ensign Leo Sahn to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years in present grade.

Lieut. (Junior Grade) Leo Sahn to be a lieutenant in the Navy from the 3d day of February, 1908.

Assistant Naval Constructor Henry T. Wright to be a naval constructor in the Navy from the 4th day of April, 1908, upon the completion of eight years in present grade.

#### POSTMASTERS.

##### ALABAMA.

Thomas U. Baskin to be postmaster at Union Springs, Bullock County, Ala.

##### ILLINOIS.

Archibald W. Fletcher to be postmaster at Highland Park, Lake County, Ill.

Fred O. Munn to be postmaster at La Grange, Cook County, Ill.

John Murvin to be postmaster at Louisville, Clay County, Ill.

##### IOWA.

Samuel H. Hall to be postmaster at Lime Springs, Howard County, Iowa.

Peter S. Narum to be postmaster at Waukon, Allamakee County, Iowa.

##### NEW JERSEY.

Theodore S. Moore to be postmaster at Stockton, Hunterdon County, N. J.

##### PENNSYLVANIA.

Harry B. Clary to be postmaster at Grampian, Clearfield County, Pa.

A. M. Ehart to be postmaster at Wayne, Delaware County, Pa.

George A. Songer to be postmaster at Marienville, Forest County, Pa.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 11, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. LATTI, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On May 5, 1908:

H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

On May 11, 1908:

H. J. Res. 173. Joint resolution for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908.

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902.

H. R. 17516. An act to increase the membership of the Philippine Commission by one member, and for other purposes.

H. R. 17288. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5601. An act to provide for the sale of timber on the segregated coal and asphalt lands of the Choctaw and Chickasaw nations for use in coal and asphalt mining operations, and for other purposes;

S. 1159. An act to correct the military record of James Kane;

S. 4308. An act to change the name of V street, from Florida avenue to Nineteenth street NW., to California street; and

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907.

## ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 1589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5601. An act to provide for the sale of lumber on the segregated coal and asphalt lands of the Choctaw and Chickasaw nations for use in coal and asphalt mining operations, and for other purposes—to the Committee on Indian Affairs.

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907—to the Committee on the District of Columbia.

S. 4308. An act to change the name of V street, from Florida avenue to Nineteenth street NW., to California street—to the Committee on the District of Columbia; and

S. 1159. An act to correct the military record of James Kane—to the Committee on Military Affairs.

## ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on May 9, 1908, they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. R. 17288. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

## WIDENING OF BENNING ROAD.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 4063, an act for the widening of Benning road, and for other purposes, with Senate amendments, and to concur in the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER. Under the rule, a second is considered as ordered, and the gentleman from Michigan has twenty minutes and the gentleman from Tennessee twenty minutes.

Mr. SMITH of Michigan. Mr. Speaker, I desire to occupy only a few moments. There are three amendments to this bill. The first is found on page 2, line 17, which authorizes the Commissioners of the District of Columbia, in their discretion, to direct the Columbia Railway Company to remove its tracks into the middle of the road whenever, in their discretion, it is necessary. This road is 45 feet wide on the south side of where the tracks now lie, and the Columbia Railroad Company owns 30 feet there in their own right. It is proposed by this bill to add 35 feet more on the north side, which will make the road when widened 110 feet.

The second amendment is a change of the words "authorized to be expended" to the word "approved." I think the House will remember that when this bill was passed this with four other bills were amended at the suggestion of a member of the Committee on Appropriations, and the word "appropriated" was stricken out and the words "authorized to be expended" were inserted. I will not take the time of the committee to read, but I would like to insert in the Record as a part of my remarks the opinion of the Auditor, Mr. Tweedale, suggesting the use of the word "appropriated" instead of the words "authorized to be expended."

Mr. WILLIAMS. I wish the gentleman would read it.

Mr. SMITH of Michigan. I will ask the Clerk to read it.

The Clerk read as follows:

EXECUTIVE OFFICE,  
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, April 7, 1908.

Hon. S. W. SMITH,  
Chairman Committee on the District of Columbia,  
House of Representatives.

DEAR SIR: Pursuant to your oral request, received through the clerk of your committee this morning, the Commissioners have the honor to transmit herewith a copy of a communication from the Auditor of the District of Columbia setting forth the importance of including in certain street-extension bills the word "appropriated," which has been replaced therein by the phrase "authorized to be expended," and which is necessary to make the legislation effective.

Very respectfully,

HENRY B. F. MACFARLAND,  
President Board of Commissioners District of Columbia.

OFFICE OF THE AUDITOR, DISTRICT OF COLUMBIA,  
Washington, March 24, 1908.

Hon. HENRY L. WEST,  
Commissioner District of Columbia.

SIR: Your attention is respectfully invited to the action of the House of Representatives in its consideration of certain street extension bills, as noted in the CONGRESSIONAL RECORD of March 23, 1908. The bills in question are as follows:

"H. R. 4063. For the widening of Benning road, and for other purposes.

"H. R. 16269. For the extension of Ninth street NW.

"H. R. 17303. For the extension of Girard street NW. from its western terminus to Fifteenth street NW.

"H. R. 17297. For the extension of New York avenue from its present terminus near Fourth street NE. to Bladensburg road."

These several bills as they were originally submitted by the Commissioners carried an appropriation out of the revenues of the District. They were amended, however, by having the word "appropriated" stricken out and the words "authorized to be expended" inserted in lieu thereof. The bills as so amended are therefore simply authorizations of expenditures from the District revenues without any appropriations being provided from which such expenditures may be made.

Laws carrying appropriations are strictly construed, due to a provision contained in the sundry civil act, approved June 30, 1906, being an extension of the provisions of legislation of similar purport contained in the deficiency act approved July 1, 1902. The legislation referred to is as follows:

"No act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such act shall in specific terms declare an appropriation to be made or that a contract may be executed."

By public act No. 385, approved June 30, 1906, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," the Commissioners of the District were authorized and directed to acquire by condemnation, or otherwise, for the purpose of providing reservations of the United States Government, certain parcels of ground in the District of Columbia on the line of Sixteenth street NW. In compliance with this direction, the Commissioners, through the corporation counsel, filed petitions in the supreme court of the District of Columbia to condemn the land necessary for such reservations. The cases, however, were thrown out of court on the ground that the law was unenforceable by



reason of the failure of Congress to provide the necessary appropriations. Expenses aggregating about \$450 were incurred in connection with these cases and for the payment of which it will be necessary to ask Congress for an appropriation in the general deficiency estimates.

Should the several street-extension bills herein referred to be enacted into law as now amended, they would be unenforceable by reason of the failure of the language as used in the amendments, to carry the necessary appropriations.

This matter is respectfully submitted for the consideration of the Commissioners, with a view of having the bills amended by providing the necessary appropriations, in order that they may be enforced if enacted into law.

Very respectfully,

A. TWEEDALE,  
Auditor District of Columbia.

Mr. SMITH of Michigan. Mr. Speaker, the third amendment is the one amending section 860 of the code with reference to pool selling. In other words, the section is so amended as to forbid gambling at the Benning races. How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has consumed seven minutes.

Mr. SMITH of Michigan. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, I demanded a second more for the purpose of yielding time to any gentleman on this side who might want to say anything than for any other purpose. My position is well known on this measure. It is not necessary for me to say anything further than that I am heartily in favor of the motion, because the amendments of the Senate do not change the effect of the law in any material sense. I think we ought to vote solidly for concurrence in the Senate amendments and forever end race-track gambling in the District of Columbia. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, upon Saturday the Committee on the District of Columbia brought in a bill for a model child-labor law, which passed this House. I stated at that time that in consideration of that indication of a purpose to do business in the direction of remedial legislation I would be willing to see several bills, not exceeding six in number, if they were meritorious, coming from that particular committee, pass the House without a call for the yeas and nays. This is one of the bills that I consider among the number of meritorious ones. I do not believe there will be any objection to the bill upon either side of the House. It does a great public service with regard to the railroad part of it, and it is in the interests of public morals with regard to the antigambling part of it. I had desired that a second should be called for, merely in order that my position might be explained, and my reason for not calling for the yeas and nays upon this particular bill might be understood.

I yield back the balance of my time to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, if no one else on this side desires to say anything, I do not care to occupy any further time.

Mr. SMITH of Michigan. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the motion of the gentleman from Michigan to suspend the rules and concur in the Senate amendments.

The question was taken, and the motion was agreed to.

#### CAPTAIN IN PHILIPPINE SCOUTS.

Mr. HULL of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (S. 652) to create the office of captain in the Philippine Scouts, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the office of captain in the Philippine Scouts is hereby created as a grade of rank in the military establishment. Such captains shall be selected from officers of the grade of first lieutenants in said scouts, and shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent period unless the officers' conduct shall have been satisfactory in every respect: *Provided,* That the number of officers provisionally appointed under the terms of this act shall not at any time exceed the number of companies of said native troops which may be formed by the President from time to time for service in the Philippine Islands.

Mr. HAY. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Virginia demands a second. Under the rule a second is ordered, and the gentleman from Virginia is entitled to twenty minutes and the gentleman from Iowa to twenty minutes.

Mr. HULL of Iowa. Mr. Speaker, the bill is a very simple one and there is no necessity for much discussion. Under the law organizing the Philippine Scouts as part of the Regular Army, the lieutenants—first and second—are appointed from the noncommissioned officers of the Regular Army. I think that has been waived in some cases by appointing a very few Filipinos. Of that I am not positive, and only think so by a statement from the Secretary of War. The captains of the Philippine Scouts are appointed from the first lieutenants of the Regular Army,

and while so acting have the pay of captain. Those lieutenants are not eligible to promotion in the scouts, but have promotion in the line of the Army, and whenever a first lieutenant becomes a captain he joins his company and another first lieutenant is detailed—as I understand the operation of it—to take his place in the scouts; and while acting with the scouts has the pay and allowances of a captain of the line. This, if passed, creates the office of captain of the Philippine Scouts, and will promote the first lieutenants up to the position of captain and fill in the second lieutenants and send to the command the first lieutenants now serving there as captains. It adds about fifty captains to the line by making the captains in place of first lieutenants direct. It is a bill that has been considered by Congress on several occasions. There is nothing in it but the one proposition of the captains—which provides a term of four years. In that respect I think it is wrong. I think it ought to be a regular permanent appointment if they serve, as they have in the Philippine Islands, for any length of time. But it creates for the present—for terms of four years—fifty additional captains, relieving that many regular first lieutenants to come back to their duties as officers of the line.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. Did I understand the gentleman to say that it did not make an increase in the Regular Army?

Mr. HULL of Iowa. I say it does make an increase of fifty, because it makes this office of captain permanent—appointments for periods of four years, but it is a permanent office.

Mr. SLAYDEN. Why do they appoint for the provisional period of four years?

Mr. HULL of Iowa. Because that is what the bill provides for.

Mr. SLAYDEN. Why does the bill provide for it?

Mr. HULL of Iowa. I suppose because they did not ask for a permanent regular appointment. These captains can never be appointed to major under the bill or under the law.

Mr. SLAYDEN. They are applying exactly the same process as in the Porto Rican regiment.

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. Of stealing into the Army.

Mr. HULL of Iowa. Oh, that expression is hardly fair.

Mr. SLAYDEN. Of creeping in.

Mr. HULL of Iowa. They will be kept on the rolls as captains probably as long as they live. They are not subject to retirement, however.

Mr. SLAYDEN. Are they going to put over their heads the same impenetrable roof as the Porto Ricans? They can not get promotion beyond a certain service.

Mr. HULL of Iowa. It is not intended they should have a promotion beyond grade of captain. It is intended that majors and other officers above the grade of major shall be detailed from the Army, and the War Department detaching captains from the line of the Army creates a drain on the officers of the Army that the Army can not well stand.

I will ask in my time to have read the report, which sets out on the subject all there is to be said.

And while that is going to the desk I wish to say just a word in addition. There are bills now before the Committee on Military Affairs urging an increase of the officers of the Army by 680, the gentleman from Michigan [Mr. Young] says. That increase is not only asked for by the Department, but it is asked for by professors of schools, more largely from the South than from the North, saying that it is the best investment the Government can make to detail accomplished officers to teach in the different educational institutions of the country. I now ask that the report be read, and then I reserve the balance of my time.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 652) to create the office of captain in the Philippine Scouts, report the same back to the House with the recommendation that it do pass.

This bill passed the Senate on February 13, 1908, and the report made thereon is hereto attached and made a part of this report.

[Senate Report No. 176, Sixtieth Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 652) to create the office of captain in the Philippine Scouts, has considered the same carefully and now begs leave to report it back to the Senate favorably, recommending its passage without amendment.

A similar measure was favorably reported (S. Rept. No. 5330) and passed the Senate in the Fifty-ninth Congress.

The organization of Philippine Scouts was made by the President in pursuance of authority conferred by section 36 of the act of February 2, 1901. (31 Stat. L., 748.)

The reasons for the enactment of the legislation proposed in the pending bill are fully set forth in the report of the honorable Secretary of War for the year 1904, from which the following is quoted:

"The Philippine Scouts number now a little over 4,000. Half of these companies have been employed in connection with the native

constabulary of the Philippine Archipelago in the suppression of the ladores and have rendered very efficient service. They are amenable to discipline, have a martial spirit, and make excellent soldiers. It is a wise policy by which there shall be maintained in the Philippine Islands, as long as the United States remains in control of them, a small but well-trained Filipino army.

"In the training of these soldiers there should be no halfway measures. If they are to be made soldiers at all, they should be made good soldiers. They should be trained as the American soldiers are, with the same discipline and the same rifle practice, and they ought to have, and need, rather more than American soldiers do, a full complement of officers. There are now in the service two lieutenants to each company. Many of them have rendered praiseworthy service and are entitled to promotion. It seems to me wise, therefore, to create the office of captain in these companies, not for life, but for a term of four years, and to limit the eligibles for appointment to those who are lieutenants in the scouts. The law now provides for the appointment of majors from the regular line to command battalions, of which there would be, if the force were formed into battalions, thirteen.

"With a regular officer as major and the scout officers as captains and lieutenants, the discipline and efficiency of the Philippine Scouts could be largely increased at only the additional cost of the payment of the captains, some fifty in number. I earnestly recommend that this change be adopted. The present law provides for the appointment of captains of scouts from the lieutenants and captains of the Regular Army, but the truth is that the Regular Army can not stand the drain of its officers for such a purpose. The use of thirteen majors is as much as the Regular Army should be called upon to supply for this purpose. There are a few of the lieutenants in the scout companies that are Filipinos, but most of them are Americans."

As there are now in service fifty companies of Philippine Scouts, the operation of the legislation herein suggested would be to add fifty officers of the grade of captain to the existing military establishment. Your committee is unanimously in accord with the honorable Secretary in his opinion that the creation of the office of captain in the Philippine Scouts would be greatly beneficial to that organization, and earnestly indorses the proposed legislation.

Mr. HAY. Mr. Speaker, the excuse for the passage of this bill seems to be that there have been a large number of officers detailed from the Army and taken from the line to perform services either at schools or on the General Staff, or something of that sort. There are in the Regular Army 3,996 officers and there are about 68,000 soldiers—enlisted men. There are in the Philippine Scouts about 141 officers, and it is now proposed—

Mr. HULL of Iowa. Mr. Speaker, may we have order? I wish to hear what the gentleman from Virginia is saying.

Mr. HAY. Mr. Speaker, I feel it my duty to at least oppose this constant addition to the Army. Now, a bill passed in the Senate not long ago, which added 612 officers to the Army, has the same excuse as this bill—that is, that the officers are being detailed from the line to other duties. There can be no good reason, in my judgment, why these Philippine Scouts should be commanded by a captain when through all these years they have been successfully commanded by a first lieutenant. There is no excuse for the passage of this bill on the ground that it is going to be of any advantage to the Philippine Scouts. It seems to me simply to be a bill for the purpose of adding fifty officers to the Regular Army and that we ought not now to do that. We just added the Porto Rican regiment the other day to the Regular Army, and we are constantly legislating with that end in view. I do not care to consume the time of the House, and therefore have nothing further to say than to enter my protest against this kind and character of legislation. I now yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I am afraid, as was suggested by the gentleman from Virginia [Mr. HAY], that it is impossible to excite the interest of the House in this character of legislation. No matter how unnecessary military legislation may appear to those who have examined into it critically the greater support it seems to command. This bill is not necessary for the good of the military; it is not necessary in any sense for the public service. It is not required in any way for the defense of the integrity or sovereignty of the soil of the United States, nor for those undesirable insular possessions with which we are cursed at this time. It is simply an indirect way of increasing the size of the United States Army by fifty men of comparatively high rank, and at the rate of pay which the House voted the other day when it manifested such indifference to the interests of the taxpayers and yielded so pleasantly and promptly to the urgent demands of their friends in the Army. It, moreover, does one other thing which is directly in line with the legislation we passed the other day. Just above the heads of those officers it puts a roof, as it did in the case of the Porto Rican Provisional Regiment, through which the most aspiring, most able of them can not penetrate. It says, no matter what your talent may be, no matter how faithful your service may be, no matter how skillful you may be in your profession, you can not go through this into the higher grades of the Army. It uses to some extent the same language that has always been employed in the Porto Rican Provisional Regiment, even when we were assured it was but a temporary measure, that it was merely to tide over a time between the Spanish-American war and the return of peace and content-

ment which we thought would speedily come, but which the gentleman from Porto Rico himself [Mr. LARRINAGA] tells us has not come and does not seem likely to come very soon, and it gives fifty desirable places to fifty favorites of the War Department, and I have no doubt that the bill will pass.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question. Is it possible for a Filipino to get one of these places?

Mr. SLAYDEN. Some of the Filipinos, my friend from Virginia tells me, are second lieutenants, not captains.

Mr. WILLIAMS. But will it be possible under this bill, if it is passed, for a Filipino to become a captain?

Mr. SLAYDEN. I think not; but it has been some time since I looked it up, and I will ask the chairman of the Committee on Military Affairs if it is possible for a Filipino to get a captaincy?

Mr. HULL of Iowa. If he starts as a lieutenant.

Mr. WILLIAMS. Are there any Filipinos who are lieutenants?

Mr. HULL of Iowa. The report of the Secretary of War says there are a few.

Mr. WILLIAMS. A few are?

Mr. HULL of Iowa. Yes; so the Secretary of War states.

Mr. SLAYDEN. It is not provided for in the law, then? It depends on the will of the Secretary of War?

Mr. HULL of Iowa. The law provides that these lieutenants shall be appointed from the noncommissioned officers of the Army. The Filipino Scouts under the reorganization act are a part of the Regular Army and counted in maximum or minimum number in the Regular Army, and I assume if the Philippine scout who was a member of the scouts were a first-class sergeant he would be eligible to appointment to a second lieutenant after passing the examination required.

Mr. WILLIAMS. Then he might finally get to be a captain?

Mr. HULL of Iowa. I assume so. He could then be promoted to the position of captain; yes.

Mr. WILLIAMS. He could get no higher, could he?

Mr. HULL of Iowa. No; not unless he was a part of the Regular Army outside of the scouts. Mr. Speaker, just one or two words. The charge that this is to fix up some favorites of the War Department is hardly a fair one, for the reason that the appointees for all the lieutenantcies are named from the noncommissioned enlisted force of the Regular Army. A man has got to have a good record and to be recommended by his captain and regimental officers. He has got, in other words, to be an enlisted man before he is eligible to the position of lieutenant. Now, as to the matter of promotion. I know the gentleman from Virginia [Mr. HAY] and the gentleman from Texas [Mr. SLAYDEN] are very accurate, as a rule, in regard to the military bills, but my recollection is that the captains are now from the first lieutenants of the Army, and get the pay of captains while so serving.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question or two for information. How many of these scouts are there altogether?

Mr. HULL of Iowa. They are limited to a certain number.

Mr. CLARK of Missouri. How many are there?

Mr. HULL of Iowa. The Secretary of War says there are about 4,000 now in the service.

Mr. CLARK of Missouri. What do they do?

Mr. HULL of Iowa. They attend to all the duties of soldiers in the Philippine Islands. The law allows 50 companies of 100 men each, and if they were at a maximum there would be 5,000.

Mr. CLARK of Missouri. Who has been commanding them heretofore?

Mr. HULL of Iowa. An officer of the Regular Army.

Mr. CLARK of Missouri. Of what rank?

Mr. HULL of Iowa. He has the rank, I think, of colonel, if there is a full regiment.

Mr. CLARK of Missouri. How many companies are these scouts divided into?

Mr. HULL of Iowa. Fifty companies.

Mr. CLARK of Missouri. Who commands the companies?

Mr. HULL of Iowa. My recollection is that it is a first lieutenant from the line of the Army who commands the company, and a major of the Regular Army commands a battalion of four companies.

Mr. CLARK of Missouri. Now, if the lieutenants have been commanding these companies for ten years, what is the reason the lieutenants can not go on and command them all the time?

Mr. HULL of Iowa. The first lieutenant that commands a company as a captain is only a scout officer while so serving. He belongs to the line of the Army. When he is promoted to captain he goes to the line, and another lieutenant is detailed



as commandant of the company, with the grade of captain while so serving. When you come to the lieutenants they are not selected by the War Department, but from the Army, and from the best class of noncommissioned officers, and their promotion is now limited to that of first lieutenant.

Mr. CLARK of Missouri. Then, you take the noncommissioned officer out of the Regular Army and make him lieutenant of scouts, and when his term expires as lieutenant of scouts, what rank does he hold?

Mr. HULL of Iowa. The position, I suppose, he would hold in the noncommissioned force.

Mr. CLARK of Missouri. Are Filipinos made second lieutenants?

Mr. HULL of Iowa. I understand from the Secretary of War that they are.

Mr. CLARK of Missouri. I thought the gentleman said just now that they were made from the noncommissioned officers of the Army.

Mr. HULL of Iowa. I also said, if the gentleman will remember, that the scouts are a part of the Regular Army, and I assume the construction is that, if a good noncommissioned officer, a Filipino serving in the scouts is eligible to promotion, because he is a part of the Regular Army.

Mr. CLARK of Missouri. Can the Filipinos become captains?

Mr. HULL of Iowa. They can if this bill passes. They can not now. They serve until there is a vacancy in the line. They are scouts until that position comes to them.

Mr. CLARK of Missouri. How long do the scouts serve?

Mr. HULL of Iowa. They are part of the Regular Army and will serve until Congress repeals the law.

Mr. CLARK of Missouri. Then these captains can never be promoted?

Mr. HULL of Iowa. These captains can not be promoted beyond that rank.

Mr. CLARK of Missouri. The men who get that promotion to the line of the Army, are they to be retired like the officers of the Regular Army?

Mr. HULL of Iowa. When an officer of the scouts reaches the age of retirement, if he was appointed from the noncommissioned force, he is retired at the rank he holds in the Regular Army establishment here. If he holds the rank of a first sergeant, he is retired at the grade of first sergeant.

Mr. CLARK of Missouri. What do these lieutenants of scouts get?

Mr. HULL of Iowa. The same as any other in the Army.

Mr. CLARK of Missouri. Two thousand dollars a year and rations?

Mr. HULL of Iowa. It will be that salary after this law goes into effect, but not with rations. I hope the gentleman does not understand that rations are issued to commissioned officers.

Mr. CLARK of Missouri. They get commutation for rations, do they not?

Mr. HULL of Iowa. They do not get commutation of rations.

Mr. CLARK of Missouri. Do they get commutation of quarters?

Mr. HULL of Iowa. They get commutation of quarters where the Government does not furnish quarters.

Mr. HITCHCOCK. Suppose this bill is passed; will the same men who now command these scouts as lieutenants continue to command them as captains?

Mr. HULL of Iowa. Not all of them. All the senior first lieutenants will be promoted to captains and the second lieutenants to first lieutenants, and the filling in will begin at the bottom, with the promotion of the noncommissioned force of the Army to the grade of second lieutenant.

Mr. HITCHCOCK. It means, then, very largely simply an increase of the salary and rank, and not a change in the command?

Mr. HULL of Iowa. It means more than that. It means making permanent these officers, of a captain performing the duties. It means also an increased force of fifty permanently. When officers now doing duty with the scouts are promoted they can go back to duty with their own company.

Mr. HITCHCOCK. Does the gentleman say that second lieutenants are in command of companies now?

Mr. HULL of Iowa. I would not say that.

Mr. HITCHCOCK. If a company is now under the command of a first lieutenant and he becomes a captain, does it not simply mean raising the rank and pay without changing the command?

Mr. HULL of Iowa. Not at all. I can not positively say that every company is now commanded by a captain; but there are fifty captains there in command, unless they are assigned to some other duty, or away from their commands, the same as is done all over the country in the Army and Navy. I can not say how that is with these scouts. This bill increases

the permanent force by fifty officers. It makes fifty permanent captains of the scouts, where they are now detailed of the grade of first lieutenant. But if the gentleman asks me if every company of scouts has a full complement of officers, I would say no. A company never or at least rarely has its full complement of officers; there is some one away all the time.

Mr. HITCHCOCK. Do these scouts perform any but police duties?

Mr. HULL of Iowa. Oh, yes.

Mr. HITCHCOCK. What is it?

Mr. HULL of Iowa. They do as vigorous fighting as any force of the Regular Army.

Mr. HITCHCOCK. Is there any fighting going on there now?

Mr. HULL of Iowa. No; but there is a good deal of lawlessness.

Mr. HITCHCOCK. Then this simply makes the scouts perform police duty?

Mr. HULL of Iowa. Oh, no; they prove some of our best fighting force there.

Mr. HITCHCOCK. Is there any war there now?

Mr. HULL of Iowa. Oh, no.

Mr. HITCHCOCK. If there is no fighting there now, then they are simply doing police duty?

Mr. HULL of Iowa. The constabulary do most of the police duty.

Mr. HITCHCOCK. What are these scouts doing?

Mr. HULL of Iowa. They are stationed in various parts of the island. They are part of the military force of the country. They do what a soldier would be required to do under the same circumstances. Now, the gentleman is begging the question. The idea that they have got to be constantly fighting to justify their existence as a force is an absurdity.

It is absolutely absurd. They are there in the interest of peace, and being there they insure peace. Take them all away from the Philippine Islands, and the gentleman knows we would have trouble at once. With force enough there to guarantee peace, we have peace. It would be simply begging the question to say that they are not fighting all the time.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes, if I have time.

Mr. ADAIR. Do I understand from the gentleman that this does not increase the number of officers in command of the scouts in the Philippine Islands, but does change the rank?

Mr. HULL of Iowa. It does more than that. It releases fifty first lieutenants, now acting as captains, to come back and take their places as first lieutenants here, and makes fifty captains there, so that it does increase it in that way. In other words, there are fifty vacancies here now in lieutenants not with their companies, because they are in the Philippine Islands serving with the scouts.

Mr. ADAIR. It does not increase the number of commanding officers?

Mr. HULL of Iowa. Not with the scouts; no.

Mr. ADAIR. That is the question I asked.

Mr. HULL of Iowa. Oh, no; not at all, not with the scouts. I call for a vote, Mr. Speaker.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. HAY. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 146, nays 112, answered "present" 15, not voting 114, as follows:

YEAS—146.

Acheson	Currier	Hale	Knopf
Alexander, N. Y.	Cushman	Hall	Küstermann
Allen	Dalzell	Harding	Landis
Ames	Davidson	Haskins	Langley
Anthony	Davis, Minn.	Haugen	Lanning
Barclay	Dawson	Hawley	Law
Bartholdt	Denby	Hayes	Lawrence
Bonyngs	Douglas	Henry, Conn.	Longworth
Boutell	Draper	Hepburn	Loud
Bradley	Driscoll	Higgins	Loudenslager
Brownlow	Dwight	Hill, Conn.	Lowden
Burke	Ellis, Mo.	Hinshaw	McGavin
Burleigh	Ellis, Oreg.	Holliday	McGuire
Burton, Del.	Englebright	Howell, N. J.	McKinlay, Cal.
Calderhead	Esch	Howell, Utah	McKinley, Ill.
Campbell	Fairchild	Howland	McKinney
Capron	Fassett	Hubbard, Iowa	McLachlan, Cal.
Cary	Foster, Ind.	Hubbard, W. Va.	McLaughlin, Mich.
Caulfield	Foulkrod	Huff	McMorran
Chaney	French	Hull, Iowa	Madison
Chapman	Fuller	Humphrey, Wash.	Malby
Cocks, N. Y.	Gardner, Mich.	James, Addison D.	Mann
Cole	Gilbams	Jones, Wash.	Miller
Conner	Gillett	Kahn	Mondell
Cook, Pa.	Goulden	Keller	Morse
Cooper, Pa.	Graff	Kennedy, Iowa	Mouser
Cooper, Wis.	Graham	Kennedy, Ohio	Murdock
Crumpacker	Greene	Kinkaid	Nelson

Olcott	Reynolds	Steenerson	Waldo
Overstreet	Rosenberg	Sterling	Wanger
Parker, N. J.	Scott	Sulloway	Watson
Parker, S. Dak.	Siemp	Sulzer	Wheeler
Payne	Smith, Cal.	Taylor, Ohio	Wood
Pollard	Smith, Iowa	Thomas, Ohio	Woodyard
Pray	Southwick	Tirrell	Young
Prince	Sperry	Townsend	
Reeder	Stafford	Voistead	
NAYS—112.			
Adair	Dixon	Henry, Tex.	Rainey
Adamson	Ellerbe	Hill, Miss.	Randell, Tex.
Alken	Favrot	Hitchcock	Ransdell, La.
Alexander, Mo.	Ferris	Houston	Rauch
Ansberry	Finley	Hughes, N. J.	Richardson
Ashbrook	Fitzgerald	Johnson, Ky.	Rucker
Bartlett, Nev.	Floyd	Johnson, S. C.	Russell, Mo.
Beale, Pa.	Foster, Ill.	Kelther	Russell, Tex.
Beall, Tex.	Fulton	Kimball	Sabath
Boeber	Gaines, Tenn.	Kipp	Saunders
Bowers	Garner	Kitchin, Claude	Shackelford
Boyd	Garrett	Lamb	Sheppard
Brodhead	Gillespie	Lassiter	Sherley
Burgess	Glass	Lee	Sherwood
Burnett	Godwin	Lever	Sims
Caldwell	Goldfogle	Lloyd	Slayden
Candler	Gordon	McCall	Smith, Mo.
Carlin	Granger	McLain	Sparkman
Clark, Mo.	Griggs	Macon	Stanley
Clayton	Hackett	Maynard	Stephens, Tex.
Cockran	Hackney	Moore, Tex.	Taylor, Ala.
Cooper, Tex.	Hamilton, Iowa	Nye	Thomas, N. C.
Cox, Ind.	Hamlin	O'Connell	Tou Velle
Craig	Hardy	Padgett	Wallace
Crawford	Harrison	Page	Watkins
Davenport	Hay	Patterson	Willett
De Armond	Heflin	Pou	Williams
Denver	Helm	Pujo	Wolf
ANSWERED "PRESENT"—15.			
Bennet, N. Y.	Goebel	Loverling	Sherman
Broussard	Haggott	McDermott	Small
Brundidge	Howard	Perkins	Washburn
Burleson	Jenkins	Roberts	
NOT VOTING—114.			
Andrus	Edwards, Ky.	Lamar, Fla.	Porter
Bannon	Flood	Lamar, Mo.	Powers
Barchfeld	Focht	Leake	Pratt
Bartlett, Ga.	Fordney	Legare	Reid
Bates	Fornes	Lenahan	Rhinock
Bede	Foss	Lewis	Riordan
Bell, Ga.	Foster, Vt.	Lilley	Robinson
Bennett, Ky.	Fowler	Lindbergh	Rothermel
Bingham	Gaines, W. Va.	Lindsay	Ryan
Birdsall	Gardner, Mass.	Littlefield	Smith, Mich.
Brantley	Gardner, N. J.	Livingston	Smith, Tex.
Brumm	Gill	Lorimer	Snapp
Burton, Ohio	Gregg	McCreary	Spight
Butler	Gronna	McHenry	Stevens, Minn.
Byrd	Hamill	McMillan	Sturgiss
Caldier	Hamilton, Mich.	Madden	Talbott
Carter	Hammond	Marshall	Tawney
Clark, Fla.	Hardwick	Moon, Pa.	Thistlewood
Cook, Colo.	Hobson	Moon, Tenn.	Underwood
Coudrey	Hughes, W. Va.	Moore, Pa.	Vreeland
Cousins	Hull, Tenn.	Mudd	Webb
Cravens	Humphreys, Miss.	Murphy	Weeks
Darragh	Jackson	Needham	Weems
Davey, La.	James, Oille M.	Nicholls	Weisse
Dawes	Jones, Va.	Norris	Wiley
Diekema	Kitchin, Wm. W.	Olmsted	Wilson, Ill.
Dunwell	Knapp	Parsons	Wilson, Pa.
Durey	Knowland	Pearre	
Edwards, Ga.	Lafean	Peters	

So the motion to suspend the rules and pass the bill was agreed to.

The following pairs were announced:

For the session:

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. COUSINS with Mr. FLOOD.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BENNET of New York with Mr. FURNES.

Until further notice:

Mr. JENKINS with Mr. RYAN.

Mr. FORDNEY with Mr. SMALL.

Mr. SCOTT with Mr. LEVER.

Mr. DAWES with Mr. HARDWICK.

Mr. KNAPP with Mr. DAVEY of Louisiana.

Mr. GRONNA with Mr. LAMAR of Florida.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. MCCREARY with Mr. HOWARD.

Mr. COUDREY with Mr. HOBSON.

Mr. POWERS with Mr. PRATT.

Mr. DIEKEMA with Mr. WILEY.

Mr. MADDEN with Mr. BURLESON.

Mr. MUDD with Mr. TALBOTT.

Mr. MARSHALL with Mr. MURPHY.

Mr. WILSON of Illinois with Mr. WILSON of Pennsylvania.

Mr. VREELAND with Mr. WEISSE.

Mr. THISTLEWOOD with Mr. UNDERWOOD.  
 Mr. PEARRE with Mr. WEBB.  
 Mr. SNAPP with Mr. SPIGHT.  
 Mr. STEVENS of Minnesota with Mr. ROBINSON.  
 Mr. PORTER with Mr. RHINOCK.  
 Mr. NORRIS with Mr. REID.  
 Mr. MOORE of Pennsylvania with Mr. PETERS.  
 Mr. OLMSTED with Mr. ROTHERMEL.  
 Mr. MOON of Pennsylvania with Mr. NICHOLLS.  
 Mr. McMILLAN with Mr. McHENRY.  
 Mr. LITTLEFIELD with Mr. McDERMOTT.  
 Mr. LINDBERGH with Mr. LINDSAY.  
 Mr. HUGHES of West Virginia with Mr. LEWIS.  
 Mr. HAMILTON of Michigan with Mr. LENAHEAN.  
 Mr. GARDNER of New Jersey with Mr. LEGARE.  
 Mr. GAINES of West Virginia with Mr. LEAKE.  
 Mr. FOSTER of Vermont with Mr. JONES of Virginia.  
 Mr. FOSS with Mr. OLLIE M. JAMES.  
 Mr. FOCHT with Mr. HULL of Tennessee.  
 Mr. EDWARDS of Kentucky with Mr. HAMILL.  
 Mr. DUREY with Mr. GREGG.  
 Mr. DUNWELL with Mr. GILL.  
 Mr. COOK of Colorado with Mr. EDWARDS of Georgia.  
 Mr. BURTON of Ohio with Mr. CRAVENS.  
 Mr. BEDE with Mr. CLARK of Florida.  
 Mr. BATES with Mr. CARTER.  
 Mr. BARCHFELD with Mr. BYRD.  
 Mr. BANNON with Mr. MOON of Tennessee.  
 Mr. ANDRUS with Mr. BRANTLEY.  
 For the day:  
 Mr. TAWNEY with Mr. BRUNDIDGE.  
 For the balance of the day:  
 Mr. SMITH of Michigan with Mr. SMITH of Texas.  
 The result of the vote was then announced as above recorded.

#### PHILIPPINE SCOUTS.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that I may incorporate in my remarks the section of the law providing for the Philippine Scouts and the appointment of other officers, so that the House may have that information.

Mr. WILLIAMS. If the gentleman will ask unanimous consent to read it, I will have no objection.

Mr. HULL of Iowa. I put in nearly all of it, but this is more full.

Mr. WILLIAMS. I have made it a rule to object to the extending of remarks in the Record, but if the gentleman will read it, I will have no objection.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to have that part read.

The SPEAKER. The gentleman from Iowa asks unanimous consent, for the purpose of getting into the Record as a part of his remarks, to have read a section of the law creating the Philippine Scouts. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 36. That when in his opinion the conditions in the Philippine Islands justify such action the President is authorized to enlist natives of those islands for service in the Army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this act, for the Regular Army. The President is further authorized, in his discretion, to form companies, organized as are companies of the Regular Army, in squadrons or battalions, with officers and noncommissioned officers corresponding to similar organizations in the cavalry and infantry arms. The total number of enlisted men in said native organization shall not exceed 12,000, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time 100,000.

The majors to command the squadrons and battalions shall be selected by the President from captains of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of the grade of major. The captains of the troops or companies shall be selected by the President from first lieutenants of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of captain of the arm to which assigned. The squadron and battalion staff officers and first and second lieutenants of companies may be selected from the noncommissioned officers or enlisted men of the Regular Army of not less than two years' service, or from officers or noncommissioned officers or enlisted men serving, or who have served, in the volunteers subsequent to April 21, 1898, and officers of those grades shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent term unless the officer's conduct shall have been satisfactory in every respect.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, had asked a conference with the House on the disagreeing



votes of the two Houses thereon, and had appointed Mr. DOLLIVER, Mr. PETROSE, and Mr. DANIEL as the conferees on the part of the Senate.

#### INVESTIGATION OF THE OPIUM EVIL IN THE FAR EAST.

The Speaker laid before the House the following message from the President of the United States, which, with accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

In laying before the Congress the accompanying letter from the Secretary of State, I heartily recommend that appropriations be made as therein requested for the participation of the United States in the coming investigation of the opium question in the Far East by a joint international commission.

The cordial reception of this proposal by the governments concerned is a cause of gratification to the American Government and people. The high aim of this international project, placing as it does considerations of human welfare above all others, is a fine example of what is best in modern civilization and international good will and cooperation. Such an undertaking can not but appeal most strongly to the American people, and I am happy to lay before the Congress this opportunity to enable the United States to do its full share in the work.

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 11, 1908.

#### ENLARGED HOMESTEAD.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6155) to provide for an enlarged homestead, with committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres, or less, of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over  $1\frac{1}{2}$  miles in extreme length.

SEC. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section 2290 of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section 1 of this act, and shall pay the fees now required to be paid under the homestead laws.

SEC. 3. That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

SEC. 4. That at the time of making final proofs as provided in section 2291 of the Revised Statutes the entryman under this act shall, in addition to the proofs and affidavits required under the said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section 1 of this act under the provisions of section 2289 of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted.

Mr. HOWLAND. Mr. Speaker, I demand a second.

The SPEAKER. A second is ordered, under the rule. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from Ohio to twenty minutes.

Mr. MONDELL. Mr. Speaker, this is the most perfect homestead bill that an American Congress has ever considered, and if it becomes a law we shall have on the statute books for the first time a real homestead law. The present homestead law allows commutation and payment after fourteen months. This bill requires five years of continuous residence. The present homestead law contains no definite provision with regard to cultivation. This law compels continuous cultivation of at least one-quarter of the area included in the entry. This law, Mr. Speaker, is drafted in line with the recommendation of the President of the United States to this Congress in these words:

The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the dryer regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is altogether inadequate.

In order to meet that condition, widely and universally recognized throughout the West for many years past, we are now presenting, by the unanimous agreement of all Western Members, by practically unanimous report from our committee, this bill which, while it doubles the homestead on the dry nonirrigable, nontimbered lands of the arid and semiarid region, at the same time throws safeguards around the homestead not now thrown around it by existing law. This is a bill more in the interests of the constituents of every Member on this floor than in the interests of my constituents, except that some of their constituents may, under this law, become my constituents. It is not an

enlarged homestead, particularly, for the people already there, it is an enlarged homestead for those we hope will come to help us conquer the desert.

So far as our irrigated lands are concerned we divide them in small acreages and they are not entryable under this law, but the dry lands of that great area west of the Dakotas and Kansas and Nebraska to the Pacific coast require the most thorough methods of cultivation. In many instances they can successfully raise a crop only once in two years. Therefore the necessity of a larger acreage if we are to plant farms and farmers in that great territory. We have been inviting the homesteader on the 160-acre tract. He has been coming to some extent, but in four cases out of five, after enduring the hardships and trials for from one to three years, he has gone back to his folks or his wife's folks in Missouri and Iowa and Illinois. He has not done us any good and we have not done him any good. By giving him enough of these dry lands so that he feels he can afford to make the struggle, so that he feels that it is worth his while to stay there and plant a home, we expect to have very nearly every original entryman a final entryman and a home established, instead of only one original entry out of six or seven on our dry lands being perfected into a final entry.

Mr. ADAIR. How many acres can be entered under this bill?

Mr. MONDELL. Three hundred and twenty acres, twice the present amount. If the land is cultivated as most of it will have to be, under the biennial system, it makes the same acreage of annual crop.

Mr. STAFFORD. Is there anything in this act to prevent the wife or any other relative of a person occupying lands under the homestead laws making an entry under this law?

Mr. MONDELL. No one can take a homestead under the age of 21 years, and a wife, of course, can not take a homestead if the husband has one.

Mr. DRISCOLL. If this is nonirrigable, how can people cultivate it?

Mr. MONDELL. Mr. Speaker, we have been learning in the past few years that on these lands of short grass and short rainfall, where conditions are the best—this will not settle all of these lands by any manner of means, but it will settle the better portion of them—where conditions of soil and rainfall are the best, you can raise crops even with as low a rainfall as 14 inches by biennial farming and summer fallowing, and saving the moisture of two years to put into one crop, and that is the only safe system on those lands.

Mr. ADAIR. This bill does not change the homestead law, except as to the number of acres that can be homesteaded.

Mr. MONDELL. It does, because it repeals the commutation clause, so that a man can not get title until five years of residence. In other words, it repeals the objectionable part of the homestead law so far as these lands are concerned. Further, it has this additional requirement—a definite requirement of cultivation of a quarter of the area.

Mr. ADAIR. Which is an improvement over the old law.

Mr. MONDELL. Very much of an improvement.

Mr. JOHNSON of South Carolina. Can a person who has already taken a 160-acre homestead enter 160 acres more?

Mr. MONDELL. A person living in that region on an unperfected homestead of 160 acres which is dry in character may take an additional 160 acres if there be contiguous land, but he must reside five years then upon the additional land.

Mr. BONYNGE. But one who has 160 acres of perfected homestead can not take the additional 160 acres?

Mr. MONDELL. No. Mr. Speaker, I reserve the balance of my time.

Mr. HOWLAND. Mr. Speaker, this bill increases the number of acres that may be taken under the homestead law from 160 to 320. In support of this measure it is contended that the character of the land remaining in the public domain is such that when used for agricultural purposes 160 acres is not sufficient to enable a man to make a living thereon for himself and family. It is contended that the homestead law, which has been in force for so many years, has broken down when applied to the semiarid lands of the Western States. It is readily conceded that on certain of the public lands in the States of Nevada, Utah, and the Territory of Arizona it is impossible to apply the homestead law, but in many of the States and in the Territory of New Mexico, enumerated in this bill, we are unable to agree with the conclusions of the majority of the committee.

The advocates of this bill have cited the President's message of December 3, 1907, and in the majority report there is set out, on the first page thereof, a short extract taken from page 29 of the message, under the heading of "Public lands."

This quotation, however, when read in connection with the context, can not properly be cited in support of an increased agricultural homestead because the context clearly shows that the President is discussing a grazing proposition and not an agricultural homestead. The paragraph at the top of page 30 of the message is as follows:

Some such legislation as that proposed is essential in order to preserve the great stretches of public grazing land which are unfit for cultivation under present methods and are valuable only for the forage which they supply.

The proposed legislation referred to by the President directs attention to the suggestions of the Public Lands Commission. Referring to the recommendations of that Commission, we find that nowhere in their reports do they recommend an increased acreage for the agricultural homestead. They did recommend in their first partial report the repeal of the timber and stone act and the amendment of the desert-land law, so as to prevent the assignment of desert-land entries. In the second partial report of this Commission, under date of February 13, 1905, on page 2 of the report and paragraph 3, the Commission uses the following language:

The agricultural possibilities of the remaining public domain are unknown. Provision should be made to ascertain them and, pending such ascertainment, to hold under Government control and in trust for such use, the lands likely to be developed by actual settlers.

They further recommend, in paragraph 8, on the same page, that the area of the desert entry should be reduced to not exceeding 160 acres.

In this connection it might be interesting to note that the desert-land law, as originally enacted, provided for a 640-acre entry. This was later reduced to 320 acres, and now the Commission recommends a further reduction to 160 acres under the desert-land laws.

On page 4 of said partial report the Commission insists on a land classification and uses the following language:

The agricultural possibilities of the remaining public lands are as yet almost unknown. Lands which a generation or even a decade ago were supposed to be valueless are now producing large crops, either with or without irrigation. This has been brought about in part by the introduction of new grains or other plants and new methods of farming, and in part by denser population and improved systems of transportation. It is obvious that the first essential for putting the remaining public lands to their best use is to ascertain what that best use is by a preliminary study and classification of them and to determine their probable future development by agriculture. Until it can be definitely ascertained that any given area of the public land is and in all probability will forever remain unsuited to agricultural development, the title to that land should remain in the General Government in trust for the future settlers.

Again, on page 5 of said report, after calling attention to the Kinkaid Act, which provides for a grazing homestead of 640 acres in the sand-hill region of Nebraska, they say:

Your Commission is of the opinion, after careful consideration, that general provisions of this kind should not be extended until after thorough study of the public lands has been made in each particular case, because to do so controverts the fundamental principle of saving the public lands for the home maker. Each locality should be dealt with on its own merits. Even if it should ultimately appear that this law has worked beneficially in Nebraska, it would by no means follow that such a law might safely be applied to other regions, different in topography, soil, and climate. No arbitrary rule should be followed, but in each case the area of the homestead should be determined by the acreage that may be necessary to support a family upon the land, either by agriculture or by grazing. If agriculture is impracticable, until such acreage is determined for each locality any new general law providing a method of obtaining title to the remaining public lands would, in the opinion of your Commission, be decidedly unsafe.

The pending bill is a new general law providing a method of obtaining a title to the public lands applicable to, substantially, all the public-land States and extending from the northern boundary of the country to the southern, including all kinds of climate, soil, and conditions, and, in the opinion of the Public Lands Commission, would be "decidedly unsafe."

In the majority report on page 2, at the middle of the page, it is said that—

The committee did not feel justified in accepting the recommendation of the Commissioner of the General Land Office in his report for the last fiscal year for a 640-acre homestead.

By reference to that report of the Commissioner of the General Land Office, on page 19, we find that this recommendation can not properly be cited in support of the pending bill, but that his recommendation is expressly limited to semiarid lands, not capable of artificial irrigation, and which, because of the fact that they do not furnish potable water sufficient for domestic use or because of other conditions arising out of the semiaridity of the land, are not suitable for continuous habitation. The pending bill requires residence and, of necessity, potable water, and places it entirely beyond the scope of the recommendation of the Commissioner of the General Land Office.

On the top of page 3, in the report of the Committee on Public Lands, filed with this bill, appears a very interesting table, which shows how many years it will take to absorb the re-

maining unreserved and unappropriated public lands in the States and Territories included in this bill at the present rate of final homestead entries. This table might be instructive in this discussion if there were no other way of absorbing the public domain than that of the final homestead entry, but there are many other ways, and the following table, taken from the report of the Commissioner of the General Land Office for the years ended June 30, 1904, 1905, 1906, and 1907, shows the total disposition of the public lands in the States included in this bill for these years.

Total disposition of public lands for the years ending June 30, 1904, 1905, 1906, and 1907.

	1904.	1905.	1906.	1907.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Arizona.....	234,085	151,340	10,754	82,121
California.....	986,253	1,032,382	809,811	579,294
Colorado.....	1,029,905	578,017	1,533,199	2,411,201
Idaho.....	855,754	609,568	734,763	1,162,745
Montana.....	1,052,994	1,086,210	1,782,199	1,218,700
Nevada.....	216,468	88,553	278,904	47,254
New Mexico.....	601,390	603,264	1,235,059	2,758,006
Oregon.....	1,170,655	750,906	615,661	638,815
Utah.....	132,782	185,396	408,010	333,333
Washington.....	953,089	707,457	982,436	876,017
Wyoming.....	402,192	347,714	533,791	897,639
Total.....	8,235,517	6,200,817	8,024,587	11,245,125

Taking the total number of acres that went to the homesteader on final proof as 1,327,510 acres, and the total number of acres as shown by this table that were disposed of during the same time, and it will be noticed that for every acre of the public land that went to the homesteader 9 acres were disposed of in other ways. Eleven million two hundred and forty-five thousand one hundred and twenty-five acres of public lands were disposed of during the fiscal year ending June 30, 1907, and this is an increase of two and one fourth million acres over 1906. At this rate thirty years is an ample period to fix for the complete absorption of the entire public domain and the enthusiasm and energy with which measures are pressed before Congress, providing for its disposition in various ways will, unless checked, materially shorten this period. An argument in favor of this bill is attempted on the alleged ground that the final homestead entries, as compared with the original homestead entries, have fallen off in recent years and that they are now in the proportion of 1 to 4, and at the top of page 4 of the majority report a table is set out showing the original homestead entries in 1902 and the final entries in 1906. We do not contend that there has been no falling off in this respect in recent years, but do contend that the abnormal demand for labor and the high wages paid for the same has in recent years drawn many of the homesteaders into the labor market. It is insisted that the table submitted in the majority report loses sight of the large number of entries that may have been commuted in 1904 and 1905, although they call attention to the commutations of 1906. The table is further fallacious in failing to call attention to final homestead entries involved in contests suspended because of defects in the proof and pending for investigation before the Commissioner of the General Land Office.

In a communication from the Commissioner of the General Land Office, under date of March 27, 1908, we find that there are now pending in that Office 297,847 original homestead entries upon which final proof has not been made, 12,497 final homestead entries not yet approved, and 10,399 commuted homestead entries not yet approved. Taking these figures into consideration it might reasonably be said that instead of the original homesteader abandoning his claim because of hardships, that two or more homesteaders were contesting with each other the right to obtain the same homestead.

We contend that it is bad policy for the Government, as the area of the public land subject to the homestead entry is rapidly decreasing, to increase the number of acres to be taken by the homesteader. If he can not make a living on 160 acres of land, there is something the matter with the homesteader or the land. If the trouble is with the land, a greater quantity of that kind of land will not help the situation. If the trouble is with the homesteader, the amount of land he enters cuts very little figure.

Under this bill the lands must be nonirrigable, but who can say to what lands this term would apply? All lands fit for the plow are irrigable, if you can get the water. Does it mean arid lands or semiarid lands? Does it mean lands where the rainfall is less than 15 inches per annum? If so, then North Dakota should come under the terms of this bill, for in some portions of that State the average rainfall is 14 inches, but her Repre-



sentatives have wisely decided that she does not need the advantages offered by this bill.

A few years ago millions of acres of land were considered non-irrigable that to-day have been reclaimed by irrigation projects, and to-day constitute some of the richest of our farming sections. To-morrow the very lands covered by this bill may be brought within the scope of irrigation projects or new methods of utilizing water supply and storing moisture may be devised.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HOWLAND. Yes; I will yield for one question.

Mr. WILLIAMS. We had a bill the other day, the gentleman will remember, for the purpose of correcting the land evil. Certain land-grant railroads had been prohibited in the original bill from selling above a certain number of acres at a time and above a certain upset price. There was no penalty of forfeiture expressly in the bill. They proceeded, nevertheless, to sell and violated the law. Now, in that connection, suppose this bill provided that only nonirrigable lands shall be homesteaded in quantities of 320 acres, and suppose as a matter of fact patents were issued to lands which were irrigable for 320 acres. What provision is there in this bill to punish the officer who issues the patent, or what penalty is there for the man taking the patent?

Mr. HOWLAND. There is absolutely no provision in this bill, and I take it that if, under the circumstances here, a patent were issued to a man for 320 acres of land who had in good faith believed his lands were nonirrigable and had made such an affidavit, the Government of the United States would have no remedy against him, because he makes the affidavit in good faith.

Mr. WILLIAMS. In connection with these land-grant railroads, the gentleman will remember that patents had been issued by the United States Government.

Mr. HOWLAND. I know that was a case of a condition subsequent—

Mr. WILLIAMS. And there was a plain prohibition, not like the phrase "nonirrigable." There was something that anybody could see, and yet the United States issued the patents and there was no provision to punish the officer of the United States for deliberately violating the law. It struck me that the same difficulty would arise here.

Mr. HOWLAND. Idaho is included in this bill. The Committee on the Public Lands a short time ago reported favorably a bill turning over to the State of Idaho 2,000,000 acres of the public lands for irrigation projects, and on the question of non-irrigable lands in the State of Idaho I wish to quote from the speech of Senator HEYBURN, of that State, reported in the CONGRESSIONAL RECORD of April 1 last, in which he says:

In our State of Idaho we have more water than any other State in the Union. We have lakes on top of high mountains that will afford an enormous amount of power. We have rivers rising up in the mountain chains of that State where you can reservoir and reservoir over and over again the waters of the rivers and have at your command unlimited volumes of water that you can flow onto any lands in the State. It is merely a question of distance that you carry them. In the State of Idaho we deem it a matter of small importance to carry the water 60, 70, 80, or 120 miles, where we need it, and we could carry it 500 miles if we needed to do it.

Under this state of facts it would seem that Idaho, at least, would not get much benefit from this bill, if "nonirrigable" means lands that can not be irrigated.

Speaking in a general way of the operations of the homestead laws, the rapidity with which the public lands are now being taken under the present law conclusively demonstrates that there is no immediate necessity for the enactment of the pending bill. From 1868 down to June 30, 1907, a period of thirty-nine years, we find that with the exception of 1890, 1891, 1901, 1902, that the final homestead entries made for the year ending June 30, 1907, were the largest since the passage of the homestead act, to wit, 26,485 final homestead entries, carrying title to 3,740,567 acres of land. So that it appears that more final homesteads are to-day being created out of the public lands than ever before, with the exception of the four years just mentioned.

At this session of Congress the Committee on the Public Lands reported out a bill known as H. R. 16890, to establish a new land district in the Territory of New Mexico, on the ground that the demand for public land in that Territory was so great that the land office at Clayton could not handle the business. At the Clayton land office the homestead entries for the fiscal year ended June 30, 1906, numbered 3,526, covering 459,597 acres. The entries for the fiscal year ended June 30, 1907, numbered 11,014, covering 1,559,019 acres, and during the first six months of the present fiscal year there were 4,406 entries, covering 595,847 acres.

In order to place the exact situation in each of the States embodied in this bill before the committee I submit tables showing original homestead entries, final homestead entries, and commuted homestead entries and their acreage in each of the States and Territories covered by this bill for the fiscal years ended June 30, 1904, 1905, 1906, and 1907 and the six months of the current year. The figures therein are taken from the reports of the Commissioner of the General Land Office for these respective years.

For the fiscal year ending June 30, 1904:

	Original entries.	Acres.	Final entry.	Acres.	Com-muted.	Acres.
Arizona.....	452	62,032	130	18,092	59	8,820
California.....	1,829	266,317	777	112,639	122	16,545
Colorado.....	2,825	420,035	739	106,678	133	21,637
Idaho.....	3,128	420,774	1,121	160,319	249	32,367
Montana.....	2,492	368,882	974	141,978	360	50,918
Nevada.....	162	24,589	2	316	5	798
New Mexico.....	2,215	339,180	529	79,850	131	19,640
Oregon.....	3,040	442,508	744	109,637	415	62,164
Utah.....	89	13,408	146	21,540	3	292
Washington.....	3,553	508,689	816	115,474	74	108,939
Wyoming.....	1,272	185,432	536	73,466	164	24,988
Total.....	21,057	3,045,846	6,514	939,929	2,407	356,108

Mr. PARKER of South Dakota. Will the gentleman permit a question?

Mr. HOWLAND. I can not yield.

Mr. PARKER of South Dakota. I am from South Dakota, and I want to correct a statement you have made. Now, there was a limitation under the act that you referred to.

Mr. HOWLAND. At any rate, South Dakota is not here asking for this increase to-day.

Mr. PARKER of South Dakota. I know, but as to your statement, under the limitation—

Mr. HOWLAND. I can not yield further.

For the fiscal year ending June 30, 1905:

	Original entries.	Acres.	Final entries.	Acres.	Com-muted.	Acres.
Arizona.....	298	41,328	113	15,909	27	3,886
California.....	1,822	262,973	674	97,377	113	15,230
Colorado.....	2,964	438,534	778	114,048	155	23,335
Idaho.....	3,783	425,364	1,134	161,876	239	31,606
Montana.....	2,386	341,931	1,061	158,140	282	41,285
Nevada.....	110	12,784	6	920	4	555
New Mexico.....	1,909	294,402	670	103,871	159	24,162
Oregon.....	2,801	405,606	739	108,572	269	38,931
Utah.....	118	18,074	109	16,020		
Washington.....	3,865	552,541	1,174	172,465	580	83,040
Wyoming.....	1,444	212,093	574	84,377	110	16,722
Total.....	21,485	3,006,170	7,055	1,033,665	1,929	278,732

For the fiscal year ending June 30, 1906:

	Original entries.	Acres.	Final entries.	Acres.	Com-muted.	Acres.
Arizona.....	427	60,864	79	10,427	16	2,310
California.....	1,461	211,567	524	76,351	82	11,321
Colorado.....	6,116	937,132	862	125,527	163	24,501
Idaho.....	3,146	392,193	1,223	172,060	272	36,500
Montana.....	3,398	508,789	1,109	158,969	226	32,971
Nevada.....	157	17,798	27	2,360	7	1,106
New Mexico.....	6,678	1,041,552	824	127,367	194	29,840
Oregon.....	2,144	308,867	734	109,469	210	31,478
Utah.....	1,777	269,739	83	12,036	2	224
Washington.....	4,565	695,198	1,823	270,896	582	84,670
Wyoming.....	1,564	235,146	683	100,040	96	14,811
Total.....	31,433	4,637,845	7,971	1,165,396	1,850	269,732

For the fiscal year ending June 30, 1907.

	Original entries.	Acres.	Final entries.	Acres.	Com-muted.	Acres.
Arizona.....	465	66,037	96	12,467	17	2,424
California.....	1,229	173,438	430	60,770	44	5,807
Colorado.....	12,277	1,903,616	974	145,677	276	42,566
Idaho.....	3,100	390,567	1,259	176,548	293	39,589
Montana.....	3,347	489,985	1,264	185,790	365	50,093
Nevada.....	286	31,503	70	6,981	2	311
New Mexico.....	16,254	2,540,680	1,076	165,608	267	40,695
Oregon.....	1,940	276,117	866	127,410	239	35,367
Utah.....	879	130,193	46	6,436	1	13
Washington.....	3,189	447,323	2,229	330,423	800	116,791
Wyoming.....	2,674	400,959	716	106,400	111	16,984
Total.....	45,641	6,850,372	9,025	1,324,530	2,415	363,613

Statement of the disposal of public lands under the homestead laws, from July 1 to December 31, 1907, in the following States and Territories:

Original homesteads, State or Territory.	Entries.	Acres.
Colorado.....	5,090	782,654
California.....	754	106,948
Idaho.....	1,627	206,002
Montana.....	2,340	336,841
Nevada.....	245	23,481
Oregon.....	1,281	177,244
Utah.....	348	49,309
Washington.....	1,498	206,612
Wyoming.....	1,762	262,212
Arizona.....	390	54,573
New Mexico.....	6,400	997,571
Total.....	21,734	3,203,433

Final homesteads, State or Territory.	Entries.	Acres.
Colorado.....	488	74,340
California.....	302	43,317
Idaho.....	765	108,949
Montana.....	677	103,592
Nevada.....	35	3,083
North Dakota.....	2,931	439,056
Oregon.....	961	145,301
Utah.....	43	6,336
Washington.....	1,298	195,190
Wyoming.....	465	70,283
Arizona.....	54	7,415
New Mexico.....	656	101,109
Total.....	8,095	1,297,980

Commuted homesteads, State or Territory.	Entries.	Acres.
Colorado.....	377	50,208
California.....	63	8,342
Idaho.....	197	25,917
Montana.....	243	35,861
Nevada.....	2	320
Oregon.....	236	34,162
Utah.....	1	92
Washington.....	458	65,774
Wyoming.....	97	14,087
Arizona.....	21	2,878
New Mexico.....	523	82,057
Total.....	2,216	329,002

These figures demonstrate conclusively that the struggle for homesteads in the remaining public lands of the country is fiercer to-day than ever before in our history.

The general policy of our Government has heretofore limited the homesteads to 160 acres, and this has been done to enable the bona fide settler to obtain a home in the public domain. The more homes that can be established on the public domain the better for the country at large and the particular Commonwealth in which the homestead is located. This bill, however, by doubling the acreage of the homestead entry, provides for only one-half as many homesteaders as would be taken care of under the present law.

In the near future all of our public lands will be gone, and with the flood of immigration now pouring in upon us, together with the natural increase of our population, we may soon come to realize what the term "land famine" means to the older countries of the world. We have only a certain amount of land. The number of people that will soon be demanding it can not even be estimated, and the true policy of the Government in matters of this character should be to conserve our resources, and legislation along the lines of this bill should be defeated. [Applause.]

How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. HOWLAND. I yield two minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, there was some excuse for the passage of the Kinkaid bill, granting 640 acres of land for a homestead. The excuse was that the land could not be cultivated to advantage; that it must be used as grazing land. But this bill, which proposes to give 320 acres, bears on its face evidence that the land can be cultivated. It requires that 80 acres shall be in cultivation by the end of three years other than in native grass; and if there be a homesteader in the West who cultivates more than 80 acres, he cultivates more than he can take care of himself. A man who cultivates 80 acres of land cultivates enough ground for one man. If you are going

to give additional land to every man that can cultivate it, very well. A man who has got 80 acres to be cultivated has got enough land.

Now, Mr. Speaker, as the country grows more populous, as the pressure increases, the tendency ought to be to cut down the amount of the homestead and not to increase the amount. All of this land in the Far West a few years ago was considered barren, a desert. Now, we know that, if not all of it, a very large share of it can be brought into cultivation by irrigation and made use of profitably. It seems to me a wicked proposition to now increase the amount that can be given to a homesteader, to increase the amount which he may cultivate, to double that which was given before. I think we ought to cut down the amount rather than to increase it.

Mr. MONDELL. Just a moment on one or two points raised by the gentleman from Ohio. As to this matter of nonirrigability, the gentleman from Mississippi [Mr. WILLIAMS] very properly asked how could that be determined. First, the entryman selects his land under a law that charges him with the obligation of taking nonirrigable land and which requires him to make an affidavit that the land he seeks to enter is nonirrigable. Second, for five years he is under the fire of contest of all comers, who can contest him successfully at any time within the five years if his land is irrigable. All that period he is being constantly watched by special agents of the Land Office. We have plenty of them in the West watching these entrymen. And at the end of five years, on making final proof, he must swear, and get two neighbors to swear, that his entry is nonirrigable land; and if he swears falsely he can be sent to jail for perjury, and at any time within six years his land can be taken away from him.

Now, as to section 3. It is true the bill provides that the men who have gone upon lands under the homestead law in the last two or three or four years and made an entry of 160 acres may take 160 acres more of the same character of land if there be such land adjoining their homesteads. We do that in order to hold the man there who is now there, because now only one man out of six or seven of those who have in the past few years homesteaded these dry lands have stuck it out the five years. The gentleman from Ohio says, and the gentleman from Illinois says, that in time we will settle these lands without increasing the homestead. Let me read the gentleman from the record. We do not expect to live always, and we want neighbors now. At the present rate that our public lands are being taken under the five-year homestead provision it would take 3,656 years to settle all the land in Arizona; it would take 500 years to settle all the land in California, 195 years to appropriate the land in Colorado, 227 years to take the lands in Montana, and 345 years to enter the lands in Wyoming; and we do not expect to live that long. We want settlers, and we want them now, and we do not want the farmers from Illinois, the people of Iowa, of Michigan, of New England, who come out there to make homes, to get discouraged and leave our country; we want them to remain and become citizens.

We want to give them enough of those lands, so that if they have enough nerve, courage, and "sticktoitiveness" they may establish a prosperous American home. [Loud applause.]

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MONDELL. I shall be glad to.

Mr. FITZGERALD. Was this bill ever submitted to the Department of the Interior?

Mr. MONDELL. The President, in his first message to this Congress, recommends a larger homestead for the dry lands of the West. The Department of the Interior recommended a 640-acre homestead.

Mr. FITZGERALD. Was this bill ever referred to the Department of the Interior?

Mr. MONDELL. Not this particular bill, but two other bills relating to the same matters were referred to the Department.

Mr. BOWERS. Will the gentleman explain what is meant by the term "nonirrigable?"

Mr. MONDELL. Lands that can not be irrigated, having no water supply for their irrigation.

I yield two minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, my voice will not permit me to speak long. This bill ought to pass. It does not affect, except to make better, the homestead laws and possible settlement of the West. The necessity of holding these lands five years renders it impossible for any fraud to be perpetrated, and makes it possible to make a homestead of 320 acres one-fifth as valuable as the original 160-acre homestead in the Middle Western States. It has been charged by an irresponsible crank that this bill will affect the navigation of the Mississippi River and do other dire things. Only a mod-



cum of this water empties into the Mississippi, and it can not have any effect on its flow. No harm can result from this extension of the homesteads on lands now mineral, nonirrigable, and dry. You can not make a home on this additional land; you can not cultivate it to any great extent. You can fence it as an inclosure for milch cows and horses used on the farm and protect the sparse grass from the free range of the loose stock on the public domain, and to that small extent will encourage the settler to build a home in the waste places. No man can afford to enter less than 360 acres of the lands described in this bill and expect to make a decent or valuable home thereon. The West needs settlement. This will aid it to some extent. Three hundred acres of the lands described in this bill are worth less than 20 acres of irrigated land. There is no objection urged against it except by Eastern men, who never saw the public domain and who know nothing of Western conditions. The bill should pass. [Applause.]

Mr. MONDELL. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has six minutes remaining.

Mr. MONDELL. I yield two minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I desire to call the attention of the House to one fact that is quite likely to be overlooked, especially as it refers to California and the other mountainous States. That is, that the remaining public lands subject to entry under this act are very remote from the railroads and must necessarily remain so. They lie back in the hills and mountains, where railroads will never be built, so far as human intellect can now foresee. California and the other Western States are traversed through their great valleys by railroads, and that land has already been entered. The land that is capable of irrigation from the mountain streams has already been taken, and I do not think anyone could find a homestead in California outside of the irrigable valleys which are affected by this bill, without going 25 miles or more away from a railroad. Now, that is a very serious matter, as everyone knows, and it is not possible under any conditions which we can now foresee for railroads to be projected into these remote mountains, where there are little flats that could not be irrigated; and the remainder of the land would simply be a small pasture lot yielding a very meager amount of grass for the farmer's stock. It seems to me it is in the interest of promoting the settlement of these remote mountain valleys which are scarcely large enough to be fairly called valleys. I had a very interesting letter yesterday from a young man in Massachusetts who said that he and a schoolmate desired to go to California and secure a homestead, and I was much interested in their enterprise, and desired to get them into the West, and gave them all the information I could. It is for the benefit of the young men in the East. We are not asking these things for ourselves, or our neighbors, but hoping that it will attract to the West the young men starting out in life, and we desire that they have something approaching the opportunity to make a living which the young men had who settled the great Mississippi Valley and other States of the West in their day. [Applause.]

Mr. MONDELL. I yield one minute to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I desire to say that in my opinion this bill ought to pass. I do not say it without giving some thought to it, neither do I say it without knowing something about the homestead law, for within the last seven years I myself have entered a tract of public land, have lived on it, and made final proof, and I know something of the conditions that the homesteader has to go through. Now, in my State this, perhaps, would be giving the homesteader too much land.

Mr. HOWLAND. Will the gentleman yield?

Mr. FERRIS. I have only one minute.

Mr. MURDOCK. I would like to ask the gentleman a question.

Mr. FERRIS. I am sorry, but I shall have to ask the gentleman to let me have my minute. I want to say, further, that there is an additional reason why this bill should pass, and that is that it is fortified well against the taking of land that is irrigable in quality.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. I now, Mr. Speaker, yield one minute to the gentleman from Oregon.

Mr. ELLIS of Oregon. Mr. Speaker, I think that many gentlemen opposing this bill have an erroneous idea of the value of land contemplated to be taken under this bill if it should become a law. This provides that only nonirrigable lands shall

be taken. Nonirrigable is a term definitely understood in the West. It is land upon which water can not be placed. Ten acres of irrigable land is worth more for a home than any 320 acres which it is possible to take under this act. Any man would rather have five acres of good land which he can irrigate, with a right to permanently use a reasonable quantity of water, than an unlimited quantity of land of the character named in this bill. The cream of the western country has already been taken. As has been stated by other gentlemen, this bill will not be for the sole benefit of those now in the West. We have already taken the best that the country afforded, but we now want to give those who come among us an opportunity to get a homestead upon which they can make for themselves and their families a suitable home.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOWLAND. Mr. Speaker, I now yield one minute to the gentleman from Missouri [Mr. HACKNEY].

Mr. HACKNEY. Mr. Speaker, what is nonirrigable land? Several years ago I went down into the Pecos Valley in New Mexico, and every man would say that the land there was not irrigable, but to-day it is the very garden spot of that country. Several years ago I visited west of Eaton, Colo., and they said that you could not irrigate that land at all. Two years ago I went out there again and found that that same land is irrigated and in the great sugar-beet belt. If you pass this bill and permit them to take up in extended homesteads the lands that can be classed to-day as nonirrigable you will ruin and cripple the reclamation project; and I say the hope of the West lies in the successful operation of this Reclamation Service.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. HOWLAND. Mr. Speaker, I now yield one minute to the gentleman from Kansas [Mr. REEDER].

Mr. REEDER. Mr. Speaker, I am sorry that I have not more time to discuss this subject. I have lived in a public-land State practically all my life, and took a homestead myself thirty-seven years ago and have since lived among the homesteaders. There are so many things that can be said against the bill that I wish we had more time to discuss it. Now, what is considered as nonirrigable land to-day, may be worth \$100 an acre in a short time. In Kansas, where at one period you could buy land for \$50 to \$100 a quarter section, to-day some of it is worth \$200 to \$400 an acre. Hence it is wrong for Congress to dispose of vast tracts of the public domain when it may be very valuable for homes in the near future. It is claimed the purpose of this bill is to secure settlement. The enactment of this bill may permit the transfer of the title of the land from the Government into the hands of people for speculation, and that is what we wish to guard against. [Applause.]

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes.

Mr. MONDELL. I yield the balance of my time to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Speaker, I regard this bill as the most important measure for the future development and settlement of the arid lands of the West of any that has been before Congress since the passage of the reclamation bill. The reclamation act provided for such lands as could be irrigated. This bill provides a means for the settlement and cultivation of that character of land for which there is no water available for irrigation. What irrigable land is is easily determinable. When you can not get water for the land for irrigation, such land is not irrigable.

The conditions to which this law will be applicable are entirely different to those prevailing in that portion of the country where 160 acres was regarded as the proper limit for the homestead unit. The President of the United States, in his message to Congress, recognized that these changes made necessary an enlarged homestead. There are remaining nearly 400,000,000 acres of nonirrigable land in the West that can not be profitably or successfully taken up under the 160-acre homestead law. Let the Members of the House remember that when the great States of the Mississippi Valley were settled the settlers then had the opportunity to take up 160 acres under the preemption law, 160 acres under the homestead law, 160 acres under the timber-culture law, and each settler could thus get at least 480 acres of land. As the land has become less valuable because of its character, we have decreased the size of the homestead, whereas we should have increased its size. These lands will yield a crop only once in two years instead of every year, and if the law is passed you are giving to the settlers only the same amount of land, considered in regard to the

amount of its productivity, as those that have the 160 acres, and that is only upon the further assumption that these lands are equivalent in productivity with the lands settled in the States of the Mississippi Valley. It is not as liberal in its terms as I should have been glad to have it, but it will materially assist in the settlement, growth, and development of the arid States of the West, and I trust the bill will be passed.

The SPEAKER pro tempore (Mr. CAPRON). The question is on the motion of the gentleman from Wyoming to suspend the rules and pass the bill as amended.

The question was taken.

Mr. WILLIAMS and Mr. HOWLAND demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 141, nays 74, answered "present" 12, not voting 160, as follows:

## YEAS—141.

Adair	Davenport	Hill, Conn.	Parker, S. Dak.
Alexander, Mo.	Dixon	Hill, Miss.	Payne
Allen	Driscoll	Hinshaw	Perkins
Ashbrook	Ellis, Mo.	Holliday	Pollard
Bartholdt	Ellis, Oreg.	Houston	Pray
Bartlett, Nev.	Englebright	Howard	Rainey
Beale, Pa.	Esch	Howell, Utah	Randell, Tex.
Bede	Ferris	Hubbard, Iowa	Ransdell, La.
Bell, Ga.	Floyd	Huff	Reid
Bonyunge	Foss	Hull, Iowa	Reynolds
Bocher	French	Humphrey, Wash.	Richardson
Bowers	Fuller	James, Addison D.	Russell, Tex.
Boyd	Fulton	Jenkins	Scott
Bradley	Gardner, Mich.	Jones, Va.	Shackleford
Brownlow	Gilham	Jones, Wash.	Sheppard
Burgess	Gillespie	Kinkaid	Sherley
Burke	Gordon	Knopf	Siemp
Burleson	Goulden	Lamb	Smith, Cal.
Burnett	Graft	Lassiter	Snapp
Burton, Del.	Graham	Lawrence	Steenerson
Candler	Griggs	Lee	Sterling
Calderhead	Haggott	Legare	Stevens, Minn.
Cauffman	Hale	Loving	Sulloway
Chapman	Hall	McGuire	Taylor, Ala.
Clark, Mo.	Hamilton, Iowa	McKinlay, Cal.	Thomas, N. C.
Clayton	Hamlin	McKinley, Ill.	Underwood
Cockran	Haskins	Macon	Volstead
Cocks, N. Y.	Haugen	Madden	Waldo
Conner	Hawley	Malby	Wallace
Cook, Colo.	Hay	Mondell	Watkins
Crumpacker	Hayes	Moore, Tex.	Willett
Currier	Heflin	Norris	Williams
Cushman	Helm	O'Connell	Woodyard
Dalzell	Henry, Conn.	Olcott	
Darragh	Henry, Tex.	Page	
		Parker, N. J.	

## NAYS—74.

Aiken	Foulkrod	Kellher	Patterson
Ames	Gaines, Tenn.	Kennedy, Iowa	Pou
Bates	Garner	Kennedy, Ohio	Reeder
Beall, Tex.	Garrett	Kimball	Robinson
Brantley	Gill	Kitchin, Claude	Rucker
Campbell	Gillett	Kustermann	Russell, Mo.
Cole	Godwin	Lafan	Sims
Cook, Pa.	Goebel	Lever	Smith, Mo.
Cooper, Pa.	Granger	Lowden	Southwick
Cox, Ind.	Hackney	McCall	Spight
Dawson	Harding	McDermott	Storlor
De Armond	Hardy	Madison	Taylor, Ohio
Denver	Harrison	Mann	Thomas, Ohio
Douglas	Howell, N. J.	Miller	Tou Velle
Draper	Howland	Moon, Tenn.	Washburn
Dwight	Hubbard, W. Va.	Mouser	Wilson, Ill.
Finley	Hughes, N. J.	Murdoch	Wood
Fitzgerald	Hull, Tenn.	Nye	
Forster, Ill.	Johnson, Ky.	Padgett	

## ANSWERED "PRESENT"—12.

Adamson	Langley	Moore, Pa.	Small
Bennet, N. Y.	Lorimer	Rothermel	Talbot
Boutell	McMorran	Sherman	Wheeler

## NOT VOTING—160.

Acheson	Coudrey	Goldfogle	Leake
Alexander, N. Y.	Cousins	Greene	Menahan
Andrus	Craig	Gregg	Lewis
Ansberry	Cravens	Gronna	Lilley
Anthony	Crawford	Hackett	Lindbergh
Bannon	Davey, La.	Hamill	Lindsay
Barchfield	Davidson	Hamilton, Mich.	Littlefield
Bartlett, Ga.	Davis, Mian.	Hammond	Livingston
Bennett, Ky.	Dawes	Hardwick	Lloyd
Bingham	Denby	Hepburn	Longworth
Birdsall	Diekema	Higgins	Loud
Broadhead	Dunwell	Hitchcock	Loudenslager
Broussard	Durey	Hobson	McCreary
Brumm	Edwards, Ga.	Hughes, W. Va.	McGavin
Brundidge	Edwards, Ky.	Humphreys, Miss.	McHenry
Burleigh	Elberbe	Jackson	McKinney
Burton, Ohio	Fairchild	James, Oille M.	McLachlan, Cal.
Butler	Fassett	Johnson, S. C.	McLain
Byrd	Favrot	Kahn	McLaughlin, Mich.
Calder	Flood	Keifer	McMillan
Caldwell	Focht	Kipp	Marshall
Carlin	Fordney	Kitchin, Wm. W.	Maynard
Carter	Fornes	Knapp	Moore, Pa.
Cary	Foster, Ind.	Knowland	Morse
Chaney	Foster, Vt.	Lamar, Fla.	Mudd
Clark, Fla.	Fowler	Lamar, Mo.	Murphy
Cooper, Tex.	Gaines, W. Va.	Landis	Needham
Cooper, Wis.	Gardner, Mass.	Laning	Nelson
	Gardner, N. J.	Law	Nicholls

Olmsted	Rhinock	Smith, Tex.	Vreeland
Overstreet	Riordan	Sparkman	Wanger
Parsons	Roberts	Sperry	Watson
Pearre	Rodenberg	Stanley	Webb
Peters	Ryan	Stephens, Tex.	Weeks
Porter	Sabath	Sturgiss	Weems
Powers	Saunders	Sulzer	Weisse
Pratt	Sherwood	Tawney	Wiley
Prince	Slayden	Thistlewood	Wilson, Pa.
Pujo	Smith, Iowa	Tirrell	Wolf
Rauch	Smith, Mich.	Townsend	Young

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

For the balance of day:

Mr. KAHN with Mr. SLAYDEN.

Mr. SMITH of Iowa with Mr. HITCHCOCK.

Until further notice:

Mr. ANTHONY with Mr. ANSBERRY.

Mr. BARCLAY with Mr. STEPHENS of Texas.

Mr. BOUTELL with Mr. BRODHEAD.

Mr. CALDER with Mr. REID.

Mr. CARY with Mr. STANLEY.

Mr. CHANEY with Mr. CALDWELL.

Mr. COOPER of Wisconsin with Mr. CARLIN.

Mr. DENBY with Mr. EDWARDS of Georgia.

Mr. DAVIDSON with Mr. COOPER of Texas.

Mr. FAIRCHILD with Mr. CRAIG.

Mr. FASSETT with Mr. ELLERBE.

Mr. FOSTER of Indiana with Mr. FAVROT.

Mr. GREENE with Mr. GOLDFOGLE.

Mr. HEPBURN with Mr. HACKETT.

Mr. HIGGINS with Mr. HAMMOND.

Mr. KEIFER with Mr. JOHNSON of South Carolina.

Mr. KNOWLAND with Mr. KIPP.

Mr. LANDIS with Mr. LLOYD.

Mr. LONGWORTH with Mr. McLAIN.

Mr. LOUD with Mr. RAUCH.

Mr. LOUDENSLAGER with Mr. SABATH.

Mr. ALEXANDER of New York with Mr. SAUNDERS.

Mr. OVERSTREET with Mr. SHERWOOD.

Mr. MCKINNEY with Mr. CRAWFORD.

Mr. PRINCE with Mr. SPARKMAN.

Mr. RODENBERG with Mr. WILSON of Pennsylvania.

Mr. WATSON with Mr. WOLF.

Mr. NELSON with Mr. PETERS.

Mr. DAVIS of Minnesota with Mr. RYAN.

Mr. BURLEIGH with Mr. SULZER.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. McMOHRAN with Mr. PUJO.

Mr. HAGGOTT. Mr. Speaker, I have a general pair with Mr. WILLIAM W. KITCHIN, of North Carolina. On the roll call I answered "present," but I am informed that if Mr. KITCHIN were here he would vote "aye," and by arrangement with the Democratic whip I wish to change my vote to "aye."

The SPEAKER pro tempore. Call the gentleman's name.

The name of Mr. HAGGOTT was called, and he voted "aye."

The result of the vote was announced as above recorded.

## PROVIDING FOR ADDITIONAL LAND FOR IDAHO UNDER THE PROVISIONS OF THE CAREY ACT.

Mr. FRENCH. Mr. Speaker, I move that the rules of the House be suspended, that Senate joint resolution No. 51 be taken from the Calendar of the Committee of the Whole House, and placed upon its final passage.

The SPEAKER. The gentleman from Idaho moved to suspend the rules and pass the following Senate joint resolution, which the Clerk will report, with amendments.

The Clerk read as follows:

Joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act.

Resolved, etc., That an additional 2,000,000 acres of arid lands within each of the States of Idaho and Wyoming be made available and subject to the terms of section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and by amendments thereto, and that the States of Idaho and Wyoming be allowed under the provisions of said acts said additional area, or so much thereof as may be necessary, for the purposes and under the provisions of said acts.

Amend the title so as to read: "Joint resolution providing for additional lands for Idaho and Wyoming under the provisions of the Carey Act."

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. REEDER. Mr. Speaker, I demand a second. I would like to inquire whether the gentleman from Alabama is opposed to the bill.

Mr. UNDERWOOD. I do not know whether I am opposed to the bill or not. I rose for the purpose of demanding a second, so as to get information as to what the bill meant.



The SPEAKER. Is the gentleman from Kansas opposed to the bill?

Mr. REEDER. I am.

The SPEAKER. Under the rule a second is ordered and the gentleman from Idaho is entitled to twenty minutes and the gentleman from Kansas is entitled to twenty minutes.

Mr. FRENCH. Mr. Speaker, under the present laws there are two great systems of reclamation applicable to arid lands of the western part of the United States. One of those is known as the "reclamation law," that was passed in 1902. Under the provisions of that law the Federal Government bears the expense of building reclamation works, and the settlers later on, acquiring the lands under the homestead law, pay back to the Federal Government the money that the Federal Government has expended in the construction of those irrigation works. This resolution does not pertain to that act. The other act by which lands are reclaimed in large areas is under what is known as the "Carey Act," an act that was passed by Congress in 1894. Under the provisions of that law not to exceed one million of acres was granted to each of the several arid States. Only eight States of the arid belt availed themselves of the privileges of that law. It is necessary under the provisions of the act for the States that seek to avail themselves of the provisions to enact such legislation looking to the reclamation of the lands as will meet with the approval of the Interior Department. Among the States that have enacted such legislation are the States of Idaho and Wyoming. Those two States have almost exhausted the entire grant that was made under the provisions of the Carey Act. Under that act it is provided that the States shall be responsible for the reclamation of the land, or rather that some means be provided by the States for the reclamation of the land. The settlers pay for the reclamation of these lands and ultimately acquire the ownership of the irrigation project, the same as they ultimately will acquire it under the provisions of the Federal law providing for the reclamation of the arid land. This resolution, if passed, will provide for the reclamation of land in those two States, in addition to the lands that will be reclaimed by the Federal Government, but the Federal Government will not be required to bear the expense of the construction of the irrigation works.

The total cost of reclamation will amount to about the same thing to the settlers. No settler, on the other hand, can acquire more than 160 acres of land. The fact of the business is that the average acreage of land acquired is probably less than 100 acres. The fact that we have in Idaho and Wyoming used most of the land that was originally granted under the Carey Act is the reason we have come to this Congress and asked that those two States be granted the additional privilege of claiming lands to the extent of 2,000,000 acres. This is not a grant of 2,000,000 acres to the State. The Secretary of the Interior has control over the lands in the projects that may be applied for, and unless the Secretary is satisfied of the feasibility of the project and the ability of the States to reclaim it, the Secretary may withhold the approving of land to the State for reclamation.

I believe the Federal Government is amply safeguarded in that respect. More than that, under the provisions of the law the State itself can make no profit out of reclaiming the lands. It may charge 50 cents per acre, which pays the machinery for carrying on the work, as the State must carry it on, and if there should be a residue left over after the State has borne the expense of reclaiming the projects, that residue, by operation of the original act as passed in 1894, reverts to a fund which shall be used for the reclamation of arid lands.

Mr. UNDERWOOD. I would like to ask the gentleman a question or two. The Federal law, as it now stands, authorizes the Government under the arid-land act passed to reclaim all arid lands, and, as I understand the law, when the Government takes hold of a project to reclaim the settler must pay the cost of reclamation. Is that so under the Carey law?

Mr. FRENCH. Yes; that is so under the Carey Act.

Mr. UNDERWOOD. As I understand, the Federal law limits the number of acres a settler can take to eighty. Is that so?

Mr. FRENCH. Not necessarily. Under the national reclamation act settlers may acquire as high as 160 acres, although the Department is trying to make the amount of land that they reclaim be granted to as many people as can reasonably build homes upon it.

Mr. UNDERWOOD. What is the distinction between the Federal reclamation and the Carey Act in reference to the number of acres to be taken?

Mr. FRENCH. There is no distinction in the broad principles of the law. Under the Carey Act not more than 160 acres may be granted to any one individual. The fact is that, in my State, the average per individual is less than 100 acres under the Carey Act.

Mr. UNDERWOOD. Now, under the national reclamation act I understand that it requires at least five years' settlement and that only one-fifth of the amount due the Government can be paid each year. It was put in there for the purpose of making the land subject to homestead entry alone. Now, I would like to know what the gentleman has to say as to the Carey Act along those lines. How is the real settler protected?

Mr. FRENCH. Settlement and cultivation are both required under the Carey Act, and I would say this: That no law that either State or Federal Government could pass will so compel actual settlement and cultivation of the land as the necessities that are imposed upon settlers upon irrigated land. A man may buy a piece of land that the rain falls upon and profitably rent it or lease it out. No man can buy a delicate piece of machinery and rent it out to a renter and expect to make a profit, nor can he buy or own irrigated lands and expect to make much profit by the ownership thereof, because the whole system of irrigation is so complex that it requires, to make it the most successful, the living upon the land and actual cultivation thereof.

Mr. UNDERWOOD. The gentleman's answer is good argument, but it does not answer my question.

Mr. FRENCH. I will yield just a little further. I have promised time, and I can not yield much longer to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. The gentlemen did not answer my question as to the distinction between these laws.

Mr. FRENCH. Under both laws the settler may pay out during a period of ten years ten annual payments. Under the reclamation act the national homestead law applies, but it does not apply under the Carey Act. The Carey Act, however, requires actual settlement, and requires the cultivation of not less than one-eighth of the entire land before the patent can issue.

Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. OLCOTT in the chair). The gentleman has eleven minutes left.

Mr. FRENCH. I would now prefer that the gentleman from Kansas [Mr. REEDER] consume some of his time, and I reserve the balance of my time.

Mr. REEDER. Mr. Chairman, since we passed the national irrigation law my attention has been called to the effect of the land laws upon projects of irrigation, and when my attention was called to the question of appropriating 4,000,000 acres of land under the present resolution, I naturally proceeded to examine into this resolution, with no intention of opposing it, because as the law is written it furnishes from these lands homes for the people on the land under the very best conditions possible, which is a great advantage to the nation in the production of the very best class of citizens. But when I came to look into the matter, I learned there was a probability that the lands were not being legally used. I went to the Department and questioned the Secretary of the Interior in an endeavor to learn whether these lands were being so used as intended in the Carey law, and I found that under the law they did not have authority to learn anything about their final disposition. Now, I think that, while I can not say to you I am satisfied the lands are being wrongly used, for I am not absolutely convinced of it, but I do think there is a great big question whether in the outcome you will find these lands are not being utilized as the Carey law directs.

Mr. MONDELL. Will the gentleman allow me to ask him a question?

Mr. REEDER. Certainly.

Mr. MONDELL. Has the gentleman ever been upon a Carey Act project?

Mr. REEDER. Yes, sir; at Twin Falls, Idaho.

Mr. MONDELL. Is there a better irrigation project on the face of the earth?

Mr. REEDER. No, sir; that is a wonderfully good project. And I want to say that if I could be convinced now or at any time in the future that all the lands that are being used will be used in any such a way as in that project I should be for it. When I found I could not get the information that I desired I asked, "Why can not we have this information?" and I was answered that, while it would cost but little to get the information, it could not be obtained under the present laws.

Mr. COOPER of Pennsylvania. Does not the gentleman recollect that in the sundry civil appropriation bill a reappropriation of \$1,000 was made to the Interior Department to make this very investigation that you are talking about?

Mr. REEDER. No, sir.

Mr. COOPER of Pennsylvania. The gentleman from Illinois called attention to the fact.

Mr. MANN. That would not investigate between here and out there.

Mr. COOPER of Pennsylvania. But they did not use it and did not think they needed it.

Mr. MANN. I do not think they said that they did not need it, but that they did not have enough.

Mr. COOPER of Pennsylvania. My recollection is that it had not been used, and it was reappropriated.

Mr. MONDELL. Will the gentleman allow me?

Mr. REEDER. I would like the gentleman to occupy the floor in his own time. I will answer any question when you are on the floor and in your time which anyone on that side chooses to ask. I would like to occupy a little of my time in discussing the bill. On the other bill, which I regard as a very bad bill, I had but one minute. I would like to occupy a good deal more time on this one. I introduced this resolution, and it seemed to me it ought to have passed, but it did not pass:

*Resolved, etc., That the Secretary of the Interior is hereby directed to investigate as to the character and disposition that has been made of the lands granted to the States of Wyoming and Idaho under an act of Congress of August 18, 1894, commonly known as the Carey Act, and report his findings to Congress. It is further provided that said findings shall show what portion of said land is now irrigated and cultivated and also what portion is occupied and cultivated by persons who own the lands.*

Now, I want to say that I asked the Secretary of the Interior quite a number of questions, and here is what I want to bring before the House. Here is what he says:

DEPARTMENT OF THE INTERIOR,  
Washington, March 30, 1903.

HON. W. A. REEDER,  
Chairman Committee on Irrigation of Arid Lands,  
House of Representatives.

SIR: I am in receipt of your letter of March 20, 1903, inclosing for report joint resolution of amendment of S. R. 51, relative to providing for additional land for Idaho and Wyoming under the provisions of the Carey Act.

The following table will show you what States have proceeded under the provisions of said act and the amount of land which has been selected, approved, and patented:

	Number of acres se- lected.	Number of acres ap- proved.	Number of acres pat- ented.
Colorado.....	59,807.04	54,102.99	
Idaho.....	909,104.05	651,713.24	76,041.04
Montana.....	104,748.01	83,338.54	18,296.91
Nevada.....	12,644.61		
Oregon.....	435,701.90	245,287.52	50,038.13
Utah.....	285,207.57	48,226.74	
Washington.....	102,501.34		
Wyoming.....	809,906.45	649,071.93	50,813.00

Nevada and Washington have apparently abandoned all action under said acts.

The difference in the acreages selected by the States and the number which have been approved and patented in some cases is considerable, but it is accounted for by the fact that such difference is included in the number of acres canceled by this Department and by the applications which have been filed and are now in the process of adjudication. The number of acres patented represents the amount for which the States have furnished proof of irrigation and reclamation, as required by the act and the regulations issued thereunder. Proof of the reclamation of certain other land selected has been furnished, but has not yet been accepted by this Department and patent issued to the State. You will observe by the original act of August 18, 1894 (28 Stat., 424), that when satisfactory proof is furnished of the reclamation of such lands this Department issues a patent to the State for such lands. The State then, in turn, issues its patent to the persons to whom it sells the same. The State is bound by the terms of the act and by the conditions of the contract which it enters into with the United States at the time of the approval of its segregation to dispose of the land in quantities of not more than 160 acres to any one person, and then only to bona fide settlers who are citizens of the United States or who have declared their intention to become such citizens. To what extent the States are carrying out this provision this Department is not advised, and it can not give an estimate as to what per cent of the lands which have been sold by the State is still in the possession of the original purchaser or whether he is occupying the land as his home. Neither can an estimate be given as to what per cent of such land has passed into the hands of persons other than actual settlers.

This Department has received circulars issued by some of the States, or rather by the company which is constructing the irrigation system and selling the water right, advertising such lands for sale, and reporting in one instance that nonresidents can purchase such lands and obtain title thereto without the necessity of making settlement. Another State only requires a residence of thirty days upon the land prior to the time of making final proof before patent is issued to him by the State.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
Secretary.

Now, having these facts before me, I want to say that I felt that as I had been interesting myself largely ever since I have been in Congress in these Western lands for the purpose of opening them to settlement, and I believed that they should be prepared for that purpose, we are entitled to know what becomes of lands which have been given to States for the purpose of reclamation. I have even suggested that we let this resolution pass and let each State have a million acres of land. They have

already had a million acres of land each. The proposition is that they now have another million each, and Congress and the people know what is done with it. I can not see that there is anything wrong in such an arrangement. If we can not arrange to get this information we can well afford to wait until the next session of Congress before giving these States these 4,000,000 acres, and permit this inquiry to be made in the meantime. It has been suggested that it will cost a great deal of money to learn the facts, but the Interior Department says it will not cost a great sum. We note that Idaho has only had 76,000 acres patented out of her first 1,000,000 acres, and Wyoming, I think, only 50,000 patented out of her 1,000,000 acres; and the Carey Act has been in existence for twelve years, I believe.

Mr. MONDELL. The State does not secure an acre of this land until it is segregated by direction of the Department of the Interior in certain areas.

Mr. REEDER. They had a right to take it. I am very much in hopes that the Members of this House will not vote to transfer this 4,000,000 acres of land. Here are homes for nearly 100,000 families, of 40 acres each, 500,000 people, and I do believe that we ought not to carelessly vote this land away from the Government. If they will make homes of this land, I am for this bill as much as any man in this House, but I believe we are entitled to know as to what use is to be made of it before we vote to transfer it. We have been so careless about the disposition of our public domain and our other public utilities, because we have so much routine work in Congress, that Members do not become acquainted with the facts as to many of the things that come before us. This is one of the things that I think Eastern Members do not know much about. I think I am peculiarly well situated to know a great deal about it, because I moved into a homestead country thirty-seven years ago. I saw lands that within ten years were not regarded as being worth anything, that have become worth \$200 or \$300 an acre on account of changed conditions.

Mr. MONDELL. Will the gentleman yield?

Mr. REEDER. I decline to yield. I will answer all the gentleman's questions within his own time. I believe that there can be no possible harm in putting this matter off until the next session of Congress. Then we will know more about it. They have plenty of land at present. I will reserve the balance of my time.

Mr. FRENCH. How much time has the gentleman reserved?

The SPEAKER pro tempore. The gentleman from Kansas has twelve minutes remaining.

Mr. FRENCH. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the use of the word "grant" in this legislation is somewhat of a misnomer. There is no absolute grant of land contemplated. There is a law—the Carey Act—under which the Secretary of the Interior, if any one of the States having arid land assures him that a certain area of land can and will be irrigated, may temporarily withdraw these lands for the purpose of their irrigation. That experimental law, when it was passed, limited the area to a million acres in each State.

Mr. REEDER. Mr. Speaker—

Mr. MONDELL. I can not yield. The gentleman would not yield to me.

Mr. REEDER. I thought that possibly the gentleman wanted to ask me some questions now.

Mr. MONDELL. I should be glad to answer the gentleman's question if I had time. We in Wyoming have undertaken the irrigation of nearly all of our first million acres—that is, we are under way with those projects. The gentleman from Kansas says "perhaps," and he has suspicions with regard to these reclamation projects. We have about eight of them in my State under construction. On those, so far as the land is prepared for settlement, it is settled upon in tracts of from 50 to 160 acres, at a price to the settler less than the Government charges under the national irrigation law. If the Secretary of the Interior does not know about the working of this law, it is his fault.

There is \$500,000 in the sundry civil bill for special agents, every dollar of which can be used for the purpose of investigating Carey Act propositions, but there has been no complaint of the workings of this law until the gentleman from Kansas notified us of his suspicions. There has been nothing but praise of its operations, and therefore the Secretary has not uselessly spent public money in making investigations.

Mr. GAINES of Tennessee rose.

Mr. MONDELL. I can not yield. I have only a minute or two remaining. The Secretary of the Interior can now investigate if he desires. When the gentleman from Kansas [Mr. REEDER] was before our committee with his resolution, the



members of the committee asked him if he had any information indicating that these lands were not being irrigated and settled upon. He said no; he had none. And yet simply because he had had a resolution printed with regard to which he had no information, he wanted the committee to call for a dragnet investigation. It would have been quite as proper to have provided for an investigation of the workings of the national reclamation law. It would have been quite as proper to investigate the workings of any other particular law, when all these questions can be investigated under the lump-sum appropriation provided by law for that purpose. The fact is the Carey Act leads to reclamation and settlement. It does not cost the Government a dollar. The law is being fully complied with, but if not, the Secretary of the Interior can compel full compliance with the law.

Mr. WILLIAMS. Does the Government get any pay at all?

Mr. MONDELL. The Government gets nothing, and the State gets nothing, except that the State charges 50 cents an acre, which pays for the State organization and expenditure in looking after the settlement of those lands.

Mr. WILLIAMS. Who does the irrigating, the State or private corporations?

Mr. MONDELL. The State makes contract with private corporations under which they must contract to do a certain class of work, and they must not charge the settler more than a given price per acre, which, in my State, in every instance is from 10 to 30 per cent lower than the Government price under Government projects. The entryman makes entry of the land and makes final proof of reclamation and cultivation as he does in the case of a homestead, and he must show all these things. The Carey Act brings private capital to the work of irrigation reclamation. It works side by side with the national law. In the northern part of my State we have a national irrigation project on one side of the Shoshone River and the Carey project on the other. Both projects are this spring opening their lands to settlement, and one is as good as the other, and on the Carey project the water rights are about \$10 less per acre than on the Government project. It is possible that all the works on the Carey Act project are not as well finished as the Government works, but they are substantial and permanent and the water right costs less.

Mr. FRENCH. Mr. Speaker, anticipating the objections of the gentleman from Kansas, I inquired of the governor of my State, as well as the registers of the land offices in the southern part of the State, where the desert lands are, and I wired to each one of them these questions:

Do actual settlers live on Carey Act lands in Idaho?  
Are lands passing into large holdings of few persons or companies?  
What percentage of land is being put into crops this spring?

The answer of the governor is as follows:

BOISE, IDAHO, April 18, 1908.

Hon. BURTON L. FRENCH,  
House of Representatives, Washington, D. C.:

Actual settlement and cultivation must be made on Carey lands before final proof is allowed by State. State's agent makes personal inspection of settlement and cultivation of all claims for final proof. Law allows 160 acres to individual. Present average holding on Carey lands of this State is less than 100 acres. There is steady decrease in average individual holdings of Carey lands in Idaho. Fully half Carey Act lands where water is available are in cultivation. Under south side Twin Falls project, reclaimed under Carey Act, water was first turned on land three years ago this month. There has been created valuation of more than \$15,000,000; population of more than 10,000 people. New county has been created for this tract alone. Bonds have been sold for erection of schoolhouse at Twin Falls City to cost \$60,000. State of Idaho has taken these bonds. There are now five good-sized towns on this tract, with schoolhouses and churches. Power plant has been installed at Great Shoshone Falls. All this is new wealth. Not a dollar of taxable property was on this tract of land four years ago. People of Idaho only ask for opportunity to develop their State.

F. R. GOODING, Governor.

Now, Mr. Speaker, I would like to ask unanimous consent to insert the other telegrams which I have received answering these questions, if I may have that privilege.

Mr. WILLIAMS. I am sorry, but I shall have to object to the insertion of anything in the Record. The gentleman can read them.

Mr. FRENCH. Then, Mr. Speaker, I would say in answer to the gentleman from Kansas that the reason why the land does not pass to private ownership and patents issue therefor in greater number than that mentioned is because, under the terms of the bill, the settlers have ten years to pay for the water, and they do not need to prove up until a considerable time after they have gone onto the land. The fact of the matter is the first Carey Act tract in Idaho is only begun, and is the one referred to by the governor, where the lands were not reclaimed until about four years ago, and only three crops have been raised on the land. The State of Wyoming is just a very little ahead of the State of Idaho in the work under this act. Now, Mr. Speaker, I reserve the balance of my time.

Mr. REEDER. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has twelve minutes left.

Mr. REEDER. I will yield to the gentleman from Illinois four minutes.

Mr. MANN. Mr. Speaker, this is a great day for the land grabbers. [Laughter.] There would have been and there was a justification for the original Carey Act, passed in 1894, before the irrigation law was adopted by Congress. But there is, in my judgment, no justification now for the Carey Act. Here is the proposition: After having received a million acres of land, the State of Idaho—

Mr. MONDELL rose.

Mr. MANN. Oh, the gentleman from Wyoming need not get up; he would not yield to anybody else, and he need not ask me a question. [Laughter.] He can not take any of my time. Under date of January 18 the Secretary reports that of the million acres provided for the State of Idaho, 41,000 acres have been irrigated, reclaimed, and patented. Now, it strikes me that it might be well to proceed along the lines a little bit further before they want 2,000,000 more acres. When this bill passed the Senate it provided for 1,000,000 additional acres for Idaho. I am not sure, but it seems to me as originally introduced it was for a much smaller amount than 1,000,000 acres. It passed to give Idaho 1,000,000 more, but when it came under the gentle influence of the gentleman from Wyoming, it emerged giving Idaho 2,000,000 acres and Wyoming 2,000,000 acres. Wyoming has done nothing under the original Carey Act worth mentioning.

Mr. MONDELL. Mr. Speaker—

Mr. MANN. I do not yield to the gentleman.

Mr. MONDELL. But the gentleman does not want to make that kind of a misstatement. Wyoming first started work—

Mr. MANN. I do not want this to be taken out of my time. The gentleman is forever interrupting everybody else on the floor and yields to no one.

Mr. MONDELL. But does the gentleman wish to make a misstatement?

Mr. MANN. I ask the gentleman to take his seat. I would not deal with the gentleman in that way, but he constantly refuses to yield; he would not yield at all to anybody sitting on the other side.

Mr. MONDELL. Because the gentleman that asked me to yield had refused to yield to me. He had fifteen minutes and I had five minutes.

Mr. MANN. The gentleman once more wants to talk. The truth of the matter is that the gentleman is so tender because he put in 2,000,000 acres for Wyoming that had not been thought of at all until the bill had passed the Senate, that he does not like to have it mentioned.

Mr. MONDELL. But, Mr. Speaker—

Mr. MANN. He is an able gentleman, and I do not blame him, and I hope he will not take any personal offense at what I say.

Mr. MONDELL. Not if the gentleman does not misstate the facts, but the gentleman has misstated the facts.

Mr. MANN. The "gentleman" has not misstated the facts. He has stated the facts absolutely correctly. I took the trouble to look up this matter when it first passed the Senate. I read the debates which took place in the Senate, which probably the gentleman did not do. I discovered some of the weak points in this, and I wondered as I read it and saw this bill whether it would be possible for this bill to pass the gentleman's committee without bringing in Wyoming, and I discovered when it was reported that Wyoming was in just as big as life, and I do not blame the gentleman for taking care of his State.

Mr. MONDELL. But I have seen the thousands of settlers under the Carey Act in my State and, therefore, I know.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MANN. Now, Mr. Speaker, we have an irrigation project, carried by the Government, where the terms are much stricter in regard to settlement than they are under this original Carey Act. When the Government undertook the irrigation and reclamation service it made it much more stringent about settling than it does under this act. The Carey Act is just as loosely drawn as possible. The taking of this land may at any time interfere with the taking of the land by the Government for reclamation services, and as long as the Government is in the reclamation service and has \$15,000,000 a year for reclamation, I think the Government ought to construct these reclamation irrigation projects, and not permit them to be turned over by the State to some parties interested.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. MONDELL. Where does the Government get the \$15,000,000?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. REEDER. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, it seems to me like Wyoming should be content with what she has.

Mr. MONDELL. Does the gentleman not think that Wyoming wants any more settlers?

Mr. GAINES of Tennessee. Oh, wait a minute!

Mr. MONDELL. Wyoming wants more settlers.

Mr. GAINES of Tennessee. I will give the gentleman my minute of time if he will give me half of his time.

Mr. MONDELL. I will do that.

Mr. GAINES of Tennessee. Has the gentleman any time?

Mr. MONDELL. I have not any. [Laughter.]

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. GAINES of Tennessee. Mr. Speaker, Wyoming "has bit off more than she can chew." The record shows that. The gentleman from Kansas [Mr. REEDER] has called at the Department for information on the point, What are these States doing with the land they have? and nobody has been able to get the information.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. REEDER. I yield half a minute more to the gentleman. Mr. GAINES of Tennessee. He has asked for an investigation and here is this resolution in the Public Lands Committee, which I am ready to vote for, to investigate and find out the facts. Now, can not you do without another million acres until the next session of Congress? You say there is \$500,000—

Mr. MONDELL rose.

Mr. GAINES of Tennessee. No, no!

Mr. MONDELL. The gentleman asked me a question.

Mr. GAINES of Tennessee. You say there are \$500,000 in one of the bills here to investigate this matter. That being true, if Secretary Garfield does his duty, and I presume he will, we will have the facts by next session.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GAINES of Tennessee. So I am opposed to the proposition.

Mr. REEDER. Mr. Speaker, I wish to state to the gentleman before me that I think I acted properly in making an inquiry into the disposition of this land. Now, I have had a good deal to do in Western conventions recently, and there is a good deal of a disposition there to think that Eastern people have no rights in this land. There is a disposition to think that Eastern Members of Congress are not entitled to have anything to do with public-land matters. Now, I do not say that is true of all the people, but I noticed it at the Boise irrigation congress, and I noticed it in the last summer's meeting at Denver.

Mr. MANN. That is true in the House here. They think it is impertinent for anybody to even—

Mr. MONDELL. Mr. Speaker, has the gentleman from Kansas yielded to the gentleman from Illinois?

Mr. REEDER. I have not yielded to anybody. When I commenced to investigate the matter of 320-acre homesteads and the 4,000,000 acres desired under the Carey Act many publications and letters came to my desk urging the passage of these bills. I will only read one or two on account of the limited time at my disposal. This pamphlet or circular is called "The West to the East: An Appeal," and it says this:

The East has had its cake and eaten it; in turn the West, too, desires to munch its cookie in its own way—in the way that will best attract settlers to regions now sparse of population. It is a reasonable and fair ambition; one that you of the older States long since achieved. Therefore we ask you not to permit the door of opportunity to be shut in our face; give us our chance.

Now, I do not believe that there is a Member of Congress that has done more work in the interest of settling the West than I have, and I do not believe there is a Member more desirous of seeing the public domain irrigated and made into homes for those who need homes than I do. I intend to spend some time in talking about it on the floor of the House later. At the Boise convention there was an effort made to pass resolutions asking Congress to appropriate \$100,000,000 out of the General Treasury to augment the national irrigation fund. I said at that time I was utterly opposed to such a resolution or to such an appropriation by Congress, for the reason that by reason of certain land laws we have lost to that fund \$75,000,000 already from the irrigation fund, which has gone into the pockets of

speculators. But I will not spend any more time on that subject now, because I am going to spend an hour soon talking on the land question, and time is now too short. I am sorry I did not do this before we passed the 320-acre homestead law. My inquiry as to what was being done with this land was proper of the Secretary of the Interior—

Mr. FRENCH. Will the gentleman yield? Do you know of one instance—

Mr. REEDER. I inquired of the Secretary of the Interior in good faith, and I was met with the statement that they had no authority to know what became of these lands. I said then I would introduce a resolution to give them such authority, and that resolution was tabled very quickly by the Committee on the Public Lands. Well, I inquired at the Department, as I said, and they replied that they had no information and no power to get such information. Now, I believe this House ought to insist that these States continue to utilize the million acres each now has under the Carey Act until the next term of Congress and let us have the opportunity to get information as to what use is being made of the land they have. I wish to say further that I have learned there is a great deal of interest in the passage of this bill. That arises from a large association of moneyed men who are making money out of those lands.

If it is the policy to sell the land to the settlers for a fair price after it is irrigated as it is stated, and I have no reason to doubt the statement, then I have no objection to the method of handling the land, and I do not object to a great association of Jews making a mint of money out of these lands provided they sell the land at a reasonable rate to the settlers. I have had handed me a statement about the projects in Idaho that are to be developed under the Carey Act. I took this to some person in the Department—now, I will not name persons for this reason, many people have been in the Department for years who are not at the head of the Department, but who know more of the facts than the real head of the Department in many cases.

Mr. MANN. Does the gentleman think these construction companies are out there for their health, or out there for the purpose of grabbing money?

Mr. REEDER. I do not think they seek health solely. I am in favor of the Carey Act, and I am in favor of any proposition or any project which will irrigate these Western lands if it will add one more tillable acre to our national domain, providing it gets into the hands of home owners without paying too great a tribute to speculators.

Mr. GAINES of Tennessee. Will the gentleman yield? What will become of this \$500,000 that has been going into these bills?

Mr. REEDER. I do not think it is intended for this kind of an investigation at all, so far as that is concerned.

Mr. MONDELL. That money is for the investigation of public lands.

Mr. FRENCH. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. Three minutes.

Mr. FRENCH. I yield one minute to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, this matter was before the Committee on Public Lands, examined carefully, and we thought it was all right there. I thought it was right then and I think it is right now. It is a bill that lets the State handle the land and enables the homesteaders to get them irrigated. The legislature, I am advised, has passed laws out there governing the distribution and the letting and subletting of these lands. Those States need some capital to come there and open up those lands. An individual homesteader could not do it, but when they can get a company out there to open a large tract or plat or grant of that land—I care not what you call it—and then let subowners or subhomesteaders under this land grant take up that land and utilize it it brings good results. We had numerous proofs before the committee to that effect. The legislature has enacted, so my friend from Arizona [Mr. SMITH] tells me, laws that make it safe and keep it from getting into the hands of speculators and large tracts of it from getting into the hands of a few.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRENCH. I yield one minute to the gentleman from Oklahoma [Mr. McGUIRE].

Mr. McGUIRE. Mr. Speaker, as a member of the Public Lands Committee I voted against the resolution introduced before that committee by the gentleman from Kansas [Mr. REEDER]. I did it for the reason that I had satisfied my mind that the Secretary of the Interior under existing laws could make all the investigation necessary.

Mr. MANN. He says he can not.



Mr. McGUIRE. And no investigation has been made; the Secretary can make investigation. If there has been the suspicion, as suggested by the gentleman from Kansas, and upon which he has based his argument—if that suspicion has existed any considerable length of time—there is no reason why an investigation could not have been made before the committee considered this measure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRENCH. Mr. Speaker, just a word in conclusion. I want to say this, that when the resolution was pending I asked the gentleman from Kansas [Mr. REEDER], and other members of the committee did, as I remember it, whether or not he could point to a single instance where there had been a breach of faith or violation of the good faith that should exist under this law. He did not point to one, the Department did not point to one, he did not mention a single name of an official of the Department—though we were there as a committee—that could point to a single violation of the law. I want to say this: If you go to the Twin Falls tract, in Idaho, to which he refers, you will find as confirmed—not only by the governor, but by other testimony that I have received—you will find that the average ownership of land there is less than 100 acres of land for each individual. It was a sagebrush plain four or five years ago, but now it is a veritable garden, with over 50 per cent of the land in actual cultivation, with homes, churches, and villages everywhere. And I defy anyone upon this floor or elsewhere to point to a single case where a single violation of the law has occurred. I want to say that any investigation that could be made, and which I would thoroughly approve of, would result in showing to the country the best and fairest law operating for the reclamation of the best lands that can be irrigated throughout the arid West. [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired. All time has expired.

Mr. WILLIAMS. I wish to submit a request for unanimous consent. It is evident that the House can not understand this resolution from the debate that has taken place, and I ask unanimous consent that further time of twenty minutes on each side be granted.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WILLIAMS] asks unanimous consent that further time on this joint resolution (S. 51) be extended, and that twenty minutes be allowed on each side.

Mr. CRUMPACKER. Mr. Speaker—

Mr. MANN. Mr. Speaker, while I would like to see the time extended, owing to the filibustering tactics of the gentleman who makes the request, wasting the time of the House, I shall have to object to this extension.

The SPEAKER pro tempore. The Chair hears objection.

Mr. WILLIAMS. Mr. Speaker, I submit that the remarks of the gentleman from Illinois [Mr. MANN], excepting in so far as they contain the phrase "I object," be stricken from the Record.

Mr. PAYNE. Mr. Speaker, regular order!

The SPEAKER pro tempore. The Chair only heard the phrase "I object." The question is on the motion to suspend the rules and agree to the amendment and pass the joint resolution.

The question was taken, and the Speaker pro tempore announced that the "noes" seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 80, nays 98, answered "present" 15, not voting 186, as follows:

## YEAS—80.

Alexander, N. Y.	Darragh	Heflin	Mouser
Allen	Ellerbe	Howell, Utah	Needham
Beale, Pa.	Ellis, Mo.	Howland	Norris
Bede	Ellis, Oreg.	Huff	O'Connell
Bennet, N. Y.	Englebright	Humphrey, Wash.	Parsons
Bonyne	Fassett	Jones, Wash.	Pray
Bradley	Ferris	Keller	Smith, Cal.
Brantley	Finley	Kinkaid	Snapp
Brownlow	Foss	Küstermann	Southwick
Burgess	Foulkrod	Lafcan	Sperry
Burke	French	Lanig	Steenerson
Burnett	Gardner, Mich.	Lever	Taylor, Ohio
Calderhead	Gardner, N. J.	Loudenslager	Thomas, Ohio
Capron	Gilbama	Lovering	Underwood
Caulfield	Godwin	McGuire	Volstead
Chapman	Goulden	McKinlay, Cal.	Waldo
Cole	Graff	McKinley, Ill.	Wanger
Cook, Pa.	Greene	McLachlan, Cal.	Watson
Cooper, Pa.	Hall	McMillan	Woodyard
Craig	Hamilton, Iowa	Macon	The Speaker
Crumpacker	Harding	Malby	
Cushman	Hawley	Mondell	
Dalsell	Hay	Moore, Pa.	

## NAYS—98.

Adair	Floyd	Kimball	Rauch
Adamson	Foster, Ill.	Kipp	Reeder
Andrus	Fuller	Kitchin, Claude	Reid
Ansberry	Gaines, Tenn.	Knopf	Richardson
Beall, Tex.	Garner	Lamb	Russell, Mo.
Bowers	Gill	Lassiter	Russell, Tex.
Boyd	Gillespie	Lawrence	Sabath
Burleson	Gillett	Lee	Sheppard
Campbell	Granger	Lowden	Sherley
Candler	Hackney	McCall	Sims
Clark, Fla.	Hamlin	Madden	Sparkman
Clark, Mo.	Hardy	Mann	Spight
Clayton	Haskins	Miller	Stephens, Tex.
Cockran	Helm	Moon, Tenn.	Sullivan
Cooper, Tex.	Henry, Tex.	Moore, Tex.	Thomas, N. C.
Cox, Ind.	Hill, Miss.	Murdock	Tou Velle
Currier	Hinsaw	Nye	Townsend
Dawson	Houston	Olcott	Wallace
De Armond	Hughes, N. J.	Padgett	Washburn
Denver	Hull, Iowa	Page	Watkins
Draper	Hull, Tenn.	Patterson	Willett
Driscoll	Johnson, Ky.	Payne	Williams
Dwight	Johnson, S. C.	Pollard	Wilson, Ill.
Favrot	Kellher	Randell, Tex.	
Fitzgerald	Kennedy, Iowa	Ransdell, La.	

## ANSWERED "PRESENT"—15.

Boutell	Hill, Conn.	McKinney	Scott
Crawford	Holliday	McMorran	Sherman
Haggott	Jenkins	Madison	Talbott
Harrison	Lorimer	Rothermel	

## NOT VOTING—186.

Acheson	Dixon	James, Addison D.	Pou
Aiken	Douglas	James, Ollie M.	Powers
Alexander, Mo.	Dunwell	Jones, Va.	Pratt
Ames	Durey	Kahn	Prince
Anthony	Edwards, Ga.	Kennedy, Ohio	Pujo
Ashbrook	Edwards, Ky.	Kitchin, Wm. W.	Rainey
Bannon	Esch	Knapp	Reynolds
Barchfield	Fairchild	Knowland	Rhinock
Barclay	Flood	Lamar, Fla.	Riordan
Bartholdt	Focht	Lamar, Mo.	Roberts
Bartlett, Ga.	Fordney	Landis	Robinson
Bartlett, Nev.	Fornes	Langley	Rodenberg
Bates	Foster, Ind.	Law	Rucker
Bell, Ga.	Foster, Vt.	Leake	Ryan
Bennett, Ky.	Fowler	Legare	Saunders
Bingham	Fulton	Lenahan	Shackleford
Birdsall	Gaines, W. Va.	Lewis	Sherwood
Boober	Gardner, Mass.	Lilly	Slayden
Brodhead	Garrett	Lindbergh	Slomp
Broussard	Glass	Lindsay	Small
Brams	Goebel	Littlefield	Smith, Iowa
Brundidge	Goldfogle	Livingston	Smith, Mich.
Burleigh	Gordon	Lloyd	Smith, Mo.
Burton, Del.	Graham	Longworth	Smith, Tex.
Burton, Ohio	Gregg	Loud	Stafford
Butler	Griggs	McCreary	Stanley
Byrd	Gronna	McDermott	Sterling
Calder	Hackett	McGavin	Stevens, Minn.
Caldwell	Hale	McHenry	Sturgiss
Carlin	Hamill	McJain	Sulzer
Carter	Hamilton, Mich.	McLaughlin, Mich.	Tawney
Cary	Hammond	Marshall	Taylor, Ala.
Chaney	Hardwick	Maynard	Thistlewood
Cocks, N. Y.	Haugen	Moon, Pa.	Tirrell
Conner	Hayes	Morse	Vreeland
Cook, Colo.	Henry, Conn.	Mudd	Webb
Cooper, Wis.	Hepburn	Murphy	Weeks
Coudrey	Higgins	Nelson	Weems
Cousins	Hitchcock	Nicholls	Weisse
Craveus	Hobson	Olmsted	Wheeler
Davenport	Howard	Overstreet	Wiley
Davey, La.	Howell, N. J.	Parker, N. J.	Wilson, Pa.
Davidson	Hubbard, Iowa	Parker, S. Dak.	Wolf
Davis, Minn.	Hubbard, W. Va.	Pearre	Wood
Dawes	Hughes, W. Va.	Perkins	Young
Denby	Humphreys, Miss.	Peters	
Diekema	Jackson	Porter	

So, a majority not voting in favor thereof, the motion was lost.

Mr. BENNET of New York. Mr. Speaker, I desire that my name be called again. My colleague [Mr. FORNES], with whom I am paired, I understand, if he were present, would vote "aye." Therefore, as I would vote "aye," I ask that my name be called.

The name of Mr. BENNET of New York was called, and he voted "yea."

The following additional pairs were announced:

Until further notice:

Mr. BENNET of Kentucky with Mr. TAYLOR of Alabama.

Mr. TIRRELL with Mr. RUCKER.

Mr. STERLING with Mr. ROBINSON.

Mr. REYNOLDS with Mr. RAINEY.

Mr. PARKER of South Dakota with Mr. POU.

Mr. MCGAVIN with Mr. MAYNARD.

Mr. GRAHAM with Mr. GRIGGS.

Mr. GAINES of West Virginia with Mr. GORDON.

Mr. ESCH with Mr. GLASS.

Mr. DOUGLAS with Mr. GARRETT.

Mr. CONNER with Mr. FORNES.

Mr. FOWLER with Mr. BELL of Georgia.

Mr. COCKS of New York with Mr. BOOHER.

Mr. BURTON of Delaware with Mr. BARTLETT of Nevada.

Mr. BATES with Mr. ASHBROOK.  
 Mr. BARTHOLOTT with Mr. ALEXANDER of Missouri.  
 Mr. AMES with Mr. AIKEN.  
 Mr. SLEMP with Mr. FULTON.  
 Mr. HOLLIDAY with Mr. DIXON.  
 Mr. HOWELL of New Jersey with Mr. SMITH of Missouri.  
 Mr. JENKINS with Mr. DAVENPORT.  
 For the balance of the day:  
 Mr. HALE with Mr. SHACKLEFORD.  
 The result of the vote was then announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 20784. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

## ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 4063. An act for the widening of Benning road, and for other purposes.

The Speaker announced his signature to enrolled joint resolutions of the following titles:

S. R. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico; and

S. R. 79. Joint resolution authorizing the widening of the channel of Michigan City Harbor.

## ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 1589. An act granting pensions and increase of pension to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

## DRAINAGE OF CERTAIN LANDS IN MINNESOTA.

Mr. MONDELL. Mr. Speaker, I ask that the motion which I send to the desk may be read.

The Clerk read as follows:

I move to suspend the rules, take from the Speaker's table the bill (H. R. 19541) entitled "An act to authorize the drainage of certain lands in the State of Minnesota," disagree to Senate amendments numbered 1, 2, and 3, agree to amendment numbered 5, and agree to amendment numbered 4 with an amendment striking out all of said amendment and inserting: "That unless the purchasers of unentered lands shall within ninety days after the sale provided for in section 3, pay to the proper receiver the fees, commissions, and purchase price to which the United States may be entitled as provided in section 5, and unless the purchasers of entered lands shall within ninety days after the right of redemption has expired make like payments as provided for in this section, any person having the qualifications of a homestead entryman may pay to the proper receiver for not more than 160 acres of land for which such payment has not been made: First, the unpaid fees, commissions, and purchase price to which the United States may then be entitled; and second, the sum at which the land was sold at the sale for the drainage charges, and in addition thereto, if bid in by the State, interest on the amount bid by the State at the rate of 7 per cent per annum from the date of such sale, and thereupon the person making such payment shall become subrogated to the rights of such purchaser to receive a patent for said land. When any payment is made to effect such subrogation the receiver shall transmit to the treasurer of the county where the land is situated the amount at which the land was sold at the sale for drainage charges together with interest paid thereon, if any, less any sum in excess of what may be due for such drainage charge if the land when sold was unentered."

Mr. WILLIAMS. I demand a second.

The SPEAKER. The Clerk will read the Senate amendments to the bill. He has just read the motion.

The Senate amendments were read, as follows:

Section 5, page 2, after the word "time," insert in line 25 "within three months." Page 3, line 7, after the words "homestead laws," insert the following:

"If such payment is not made to the receiver within three months from the date of such sale all right to purchase or enter said land on the part of the person purchasing at the sale provided in section 3 of this act, shall cease and determine and said land shall, without further action or proceeding, be subject to entry under the homestead laws, subject, first, to the payment to the receiver of the minimum price of \$1.25 per acre, or such price as may have been fixed by law for such land, together with the usual fees and commissions charged in entry; second, to the payment to the receiver by the purchaser at such sale of the amount appearing to have been paid therefor under the provisions of section 4 of this act."

In line 9, page 4, after the word "time," insert "within ninety days."

In line 19, after the word "entryman," insert the following:

"Provided, That unless the payment of \$1.25 per acre, or such other price as may have been fixed by law for such land, together with the usual fees and commissions charged in entries, be paid to the receiver within said ninety days, all rights of the entryman and all rights of the purchaser at the sale provided for in section 3 of this act shall cease and determine, and said lands shall, without further action or proceedings, be subject to homestead entry under the provisions of the homestead laws, subject to paying to the receiver, first, the minimum price of \$1.25 per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws; and, second, upon payment to the receiver for the benefit of the purchaser at the sale provided for in section 3 of this act, the amount which may appear due from the statement of such sale provided for in section 4 of this act."

Page 5, line 23, after the word "ownership," insert:

"SEC. 8. That hereafter homestead entries and final proofs may be made upon all ceded Chippewa Indian lands in Minnesota embraced in the withdrawal under the act of June 21, 1906, entitled 'An act making appropriations for the current and contingent expenses of the Indian Department' (34 Stat. L., p. 325), and patents may issue thereon as in other homestead cases, upon the payment by the entryman of the price prescribed by law for such land and on entries on the ceded Red Lake Reservation in addition thereto the sum of 3 cents per acre to repay the cost of the drainage survey thereof, which addition shall be disposed of the same as the other proceeds of said land."

Mr. WILLIAMS. I ask a second.

The SPEAKER. The gentleman demands a second. Under the rule a second is ordered. The gentleman from Wyoming [Mr. MONDELL] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. MONDELL. Mr. Speaker, this is a House bill with certain Senate amendments. The motion is to disagree to Senate amendments Nos. 1, 2, and 3, to agree to amendment No. 5, and to agree with an amendment to amendment No. 4. As we have disagreed to three Senate amendments, it is not necessary to discuss those three amendments. Now, as to the amendment to which we agree, that amendment is a provision contained in a bill which has been favorably reported by the House Committee on the Public Lands. It has this effect: Several years ago there was some hope in Minnesota that the Government might enter upon swamp-land reclamation up there, and with that idea in view certain lands and homestead entries were temporarily suspended in the hope that the Government would go on with the reclamation. This is a law under which the State is to reclaim those lands, and the last amendment which we adopt is simply a provision restoring those lands to entry and to final proof that were withdrawn some time ago, and to charge them with 3 cents an acre in order that they may reimburse the Treasury in the sum of \$25,000, an appropriation made for their drainage survey a year or two ago.

Now, as to amendment No. 4, which we amend—

Mr. WILLIAMS. Did the bill as it passed the House contain a charge of 3 cents an acre?

Mr. MONDELL. No; the bill as it passed the House—

Mr. WILLIAMS. It charged whatever the expense might be, did it not?

Mr. MONDELL. Yes; but that charge against these lands that have been withdrawn and are now restored to entry is a special charge of 3 cents an acre to reimburse the Treasury for a small appropriation made for their survey. Now, the Senate amendments that we disagreed to were all intended by the Senate to safeguard the final entry of the lands after they were reclaimed. I am inclined to think that the bill was properly safeguarded as it passed the House, but these Senate amendments do place additional safeguards around it. So we felt that instead of accepting them in three amendments we would condense them in one. So this motion is practically to agree to the Senate amendments to the bill, putting those amendments in a somewhat different form, and the amendment relates entirely to the manner in which the homestead entrymen shall enter the land. The House has carefully considered the bill. These amendments perfect it, or were so intended, and I believe they do. We adopt them, but we put them together in what we believe to be better form than the Senate amendments.

Mr. Speaker, I reserve the remainder of my time.

Mr. WILLIAMS. Mr. Speaker, this is the most absolutely satisfactory illustration of the thoroughly unsatisfactory manner of doing business that has been adopted by an otherwise helpless majority. Here is a motion to suspend the rules, take from the Speaker's table a bill which I have barely managed to procure from the document room, a bill containing about five and a half pages, and to "disagree to Senate amendments numbered 1, 2, and 3," to "agree to another amendment numbered 5," and "to agree to an amendment numbered 4," with an amendment striking out all of said amendment and inserting something. There is nothing in the motion to tell anybody what the amendments are. There is nothing before the House to do that except what the Clerk has read from the desk. There is no



opportunity for anybody to have it before him on his desk and examine it and understand precisely what it means. The gentleman from Wyoming has undertaken to explain it, and I will undertake to say now that there is not a man within the sound of my voice who, if he votes "no" upon this motion, will know what he is voting against, or, if he votes "aye," will know what he is voting for. There is not a man within or without the sound of my voice, except the conferees, who knows anything under the sun about it. The only thing that is set out is the House substitute for one Senate amendment which is set out in the motion. It would of course be possible to take this bill, read it before the House, give some idea to the House what was contained in it, to send to the Speaker's desk and read again in extenso as read by the Clerk in the usual way, amid the usual disorder, without any attention being paid to the Senate amendments by anybody. If that were attempted, the bill and amendments could not be read within the twenty minutes of time at my disposal. It is absolutely impossible for me to know, it is absolutely impossible for any of you to know, what this motion will consummate if it passes, or what would be defeated by voting against the motion.

Now, Mr. Speaker, it is a very good rule of legislation that the proponent of a proposition be charged with the burden of proof himself to make the merits of the proposition clear to the legislators. They must understand that they are being asked to do something which they ought to do, and if that understanding is not effected it is a very safe rule to vote "no." Whenever you are in doubt, vote "no;" whenever you are in ignorance, vote "no," unless that ignorance be an ignorance that could be overcome by some exertion of your own industry, your own intelligence, or your own ingenuity before the time to vote comes. It would be absolutely impossible within the time before the House to make even a studied and careful examination of the matter set up in this motion contained in the amendment and contained in the bill. So that there is not only ignorance in the minds of the House, but there is absolute inability to dispel that ignorance.

Now, Mr. Speaker, there ought to be a little reason in all things. A matter as complicated as this, at any rate, ought not to come up in this manner. There is no opportunity to take a separate vote upon the proposition to agree to a certain Senate amendment, to disagree to certain others, and to agree to yet another with an amendment. We are just in this attitude and no other—that the conferees upon every bill before this House can, under the precedent set by this motion and under your special rules, do anything. In some of these long appropriation bills there will be amendments amounting to thirty or forty or fifty, and they will be able to bring in here a motion to suspend the rules with some twenty minutes' debate on each side for examination and discussion, and agree, say, to Senate amendments numbered 1, 5, 6, 10, 12, 15, 21, 22, 29, 31, 46, 79, 81, 82, 83, and 97, and disagree to the balance of 100 amendments without anybody's knowing what any of them contain; and the excuse for this sort of a thing is that the constitutional right to call for the yeas and nays might possibly be put in operation by the minority. The excuse is that the majority is so absolutely helpless that it can not devise any manner of exercising its legislative power in connection with which the House itself can understand what the House is doing or is asked to do.

Now, I am not talking aimlessly; I am looking several of you in the face. It would be interesting to know how many of you would be willing to stand up on the floor now and say that you understand what you are voting for and what you are voting against if you vote either "aye" or "no" on the pending proposition. You do not even know whether the conferees have legislated or not. You do not even know whether the conference report contains anything not contained in the subject-matter of the bills which passed the House or the Senate. You do not know whether there is any new matter inserted in the conference report. What have you left to intelligent men to do except simply to vote "no?" There is no clearer-headed man in the House than the gentleman from Wyoming. There is no Member on the floor that does not recognize that fact. He might be subject to criticism of other description, but his worst enemy could never accuse him of not being able to make as clear a statement as any man on the floor, and yet he has made what he regards as a sufficient statement on the pending subject-matter to this House, and not one of you is wise to what he wants. I would be willing to give bond that seven-eighths of the House right now could not go out in the lobby with me—and I will give a bond for \$1,000 that fully seven-eighths can not go out now—and tell me what they would be voting for if they voted "aye" or what they were voting against if they voted "nay," except that they might say that it was "in favor of a motion offered by the gentleman from

Wyoming" or that they were voting "against a motion made by the gentleman from Wyoming."

And this is what you call a deliberative assembly; this is the American House of Commons. You have such a stringent set of fixed rules and such drastic special rules as the world has never seen, and yet you can not do business with intelligent understanding on the part of the House. In the Senate and in the British House of Commons, where they have no such rules, people can understand what they are doing when they legislate.

You have made it preeminently true that the safest vote for a Representative who does not want to do wrong is to vote "no." The gentleman from Wyoming [Mr. MONDELL] and the conferees perhaps understand this proposition. For all I know the proposals may be perfectly right; for all I know, if I could understand it, I would vote with them, and for all I know, if I understood it, I would be horribly opposed to the result of the motion made by the gentleman from Wyoming. Mr. Speaker, is it possible that the Committee on Rules and the majority can not devise, with the patience and wisdom of the Speaker, the industry of the gentleman from New York [Mr. SHERMAN], the lawyerly ingenuity of the gentleman from Pennsylvania [Mr. DALZELL], some method whereby a large majority in the American House of Commons can make attempted and proposed legislation intelligible to the Members of the House and to the country? There is not a man in the press gallery who could render an intelligent report to his newspaper after this motion passes or after it is defeated, whichever may be the case, of what the effect of the vote had been. Not one-tenth of the membership of the House can do it. The gentleman from Wyoming [Mr. MONDELL] has reserved a part of his time, and I hope that within the time reserved by him the House may be made to understand just precisely what Senate amendments are disagreed to—not by number, but by context and content—just exactly what are agreed to, just exactly what amendment is stricken out, and what new amendment substituted for it by content and not merely numerically. Why, there never was an object lesson equal to this of pitiable impotency upon the part of a majority! How powerful the minority must be, how helpless the majority must be, when they can not, with plenary power, concoct even special rules under which the House of Representatives can understand what it is doing within the time that is put at its disposal! I am not blaming the gentleman from Wyoming much, because he could not within the twenty minutes' time at his disposal make things plain, because he could not read to the House the original House bill, read to the House the Senate amendments, read to the House the House amendments to the Senate amendments, and give the reasons for disagreement, agreement, or amendment.

I will reserve the balance of my time.

Mr. MONDELL. Mr. Speaker, I call the attention of the gentleman from Mississippi [Mr. WILLIAMS], whom I thank for the very kindly compliment he pays me, to the fact that we on this side of the Chamber are not responsible for the present parliamentary situation.

Mr. WILLIAMS. Does the gentleman think that the Committee on Rules can not bring in any rule that it chooses; that it could not give four hours instead of twenty minutes in explanation of this matter, or one hour or thirty minutes?

Mr. MONDELL. If the matter were important enough, I have no doubt that the Committee on Rules would bring in such a rule, but I think if the gentleman will give me his attention—

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Mississippi a question right there, if the gentleman from Wyoming will pardon the interruption—that is, if the difficulty is not that the framers of the Constitution in making a requirement for the yeas and nays and recording it did not contemplate that in the year 1908 a gentleman like the gentleman from Mississippi would be elected to the House of Representatives, insisting on a roll call upon the question of adjournment or taking a recess after 5 o'clock in the afternoon.

Mr. WILLIAMS. Oh, Mr. Speaker, I do not think the forefathers foresaw either the "gentleman from Mississippi" or the gentleman from New York [Mr. PAYNE]. [Laughter.] I am certain if they had foreseen the gentleman from New York they would have made a different Constitution. [Laughter.]

Mr. MONDELL. Now, both the gentleman from New York [Mr. PAYNE] and the gentleman from Mississippi [Mr. WILLIAMS] are kindly, considerate gentlemen, and if they will give me their undivided attention for two or three minutes I think I can explain this motion. In the first place, the House knows all about, or ought to know all about, the provisions of the bill, as we passed the bill some time ago after considerable discussion, and almost unanimously, as I recall. It is a bill author-

izing the State of Minnesota to reclaim some swamp lands. It was a good bill as it passed the House. When it reached the Senate, the gentlemen in the Senate thought that our provisions as to the procedure of the settler when he should go upon the lands after they had been reclaimed were not clear enough, were not explicit enough, and so they offered several amendments, and I will be glad to call the attention of the House to the amendments. The first amendment is the words "within three months;" the third amendment consists of the words "within ninety days."

Mr. WILLIAMS. Where are those in the original bill?

Mr. MONDELL. They are on pages 2 and 4 of the bill. The second amendment and the fourth amendment are amendments intended by the Senate to more clearly define the method, simply the method, the procedure, for entry of these lands after reclamation. The House accepts those amendments, but instead of accepting them in two separate amendments we put them together in one amendment, slightly modified, in order to make the purpose and intent clearer, and we think that we still further clarify the process of clarification inaugurated by the Senate. So much for those provisions. The last amendment is an amendment that simply restores to entry some lands that the people from Minnesota had withdrawn temporarily from entry some time ago, I think, because at that time they hoped the Government would expend Federal funds for the reclamation of these lands. Now, that they are to be reclaimed by the State, those lands must be restored, and we laid upon them a 3-cent-an-acre charge to pay for the small appropriation that was made for the reclamation survey at the time they were withdrawn. Mr. Speaker, I am sure the House understands this much more clearly than it understands a great deal of legislation that comes in here on conference reports.

The provisions relate only to the manner in which the settler shall avail himself of the opportunity under the homestead law to settle upon and acquire the land. Mr. Speaker, how much time have I remaining?

The SPEAKER. Seven minutes.

Mr. MONDELL. Mr. Speaker, I yield five minutes, or more if he desires, to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, I do not know that I ought to take up the time of the House in further explanation, as it was quite fully explained at the time the original bill was passed in the House. I want to call attention to this: That the Senate amendments are not in such form that we can accept them. The first amendment, for instance, on page 2, says that patent must issue inside of three months. The idea is not to compel a patent to issue inside of that time, but to compel payment of the money due to the United States. The same is true as to the amendment on page 4, numbered 3. It was inadvertently inserted with the idea that it would compel payment within ninety days, while, as a matter of fact, it says patent shall issue within that time. Amendments 2 and 4 refer to the same thing. The object of the first four amendments, I think, are far more clearly set forth in the amendment which we offer at this time. The amendment which is offered now is intended to take the place of the four first amendments.

The trouble with the bill, as the Senators saw it, was this: They thought a man might perfect his claim under the drainage proceedings and assert a right to the land without making payment to the United States. It is perfectly evident to me that he could not refuse to make such payment and still claim possession of the land. We are glad to accept the suggestion of the Senate to compel payment inside of a certain time, and to provide that if such payment is not made, then the land may be paid for and taken by some one else.

Mr. MANN. Will the gentleman yield for a question?

Mr. VOLSTEAD. Yes.

Mr. MANN. How much land is it possible for one person to obtain under this bill with the gentleman's proposition?

Mr. VOLSTEAD. A hundred and sixty acres, if it is entered; if it is entered, the entryman can only hold 160 acres. It is intended to guard it carefully, so that no one can get more than 160 acres.

Mr. MANN. It will not be possible, under the bill, where the land is sold for nonpayment of assessment or in any other way for one person to acquire a large tract of land?

Mr. VOLSTEAD. Not except that if it has been entered the policy is to treat it as though it were privately owned land.

Mr. MANN. Suppose it has not been entered, can any person acquire a large tract of land?

Mr. VOLSTEAD. No; if it has not been entered he can only get 160 acres—a quarter section—and at this time let me call attention of the House once more to this feature. We do not ask from the National Government anything. We provide that every dollar that the United States Government can get out of

this land, if it passes to patent in the ordinary way, must be paid before patent can issue to anyone under the provisions of this drainage bill.

We have taken extra precautions to see that the Indians who are interested in this money will not lose anything. There are, as I called attention to, twenty townships which are practically all one swamp. Why should we not have the opportunity of reclaiming that? We do not ask the National Government to pay anything for this reclamation, we only ask an opportunity to do it ourselves, charge the expense of the improvement to the land, to hold the land for it the same as we do with privately owned land.

Mr. WILLIAMS. Why does the gentleman object to Senate amendment No. 2?

Mr. VOLSTEAD. We do not in fact object to the object sought by amendments 2 and 3. The provision in No. 2 is open to this objection.

It provides that the money shall be paid to the receiver, and there is no provision under which that money can be paid back to the county. We would, under that amendment if it became a part of the law, have to have an act of Congress to transfer this payment from the receiver back to the county. We agree to what is sought by that amendment and substantially accept it. Amendment No. 4 is subject to the same objection.

Mr. WILLIAMS. How do you accept it, when you say in the motion here to disagree?

The SPEAKER. The gentleman's time has expired.

Mr. MONDELL. How much time have I left, Mr. Speaker?

The SPEAKER. Six minutes.

Mr. MONDELL. I yield three minutes more to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. We accept it because we expressly provide that payment of this money shall be made to the receiver practically as is provided in amendments 2 and 3, but we direct the receiver to pay the drainage money to the county.

Mr. MANN. Is this part of amendment No. 2 in your substitute subject first to the payment to the receiver or anybody else at the minimum price of \$1.25 per acre?

Mr. VOLSTEAD. Both of the provisions, in No. 2 and No. 4, are embodied in the amendment which I offer, and they are substantially the same, except that the provisions contained in the Senate amendments would work a forfeiture of the purchaser's right to the land unless he paid the United States inside of three months. On the other hand, this amendment provides that any one qualified as a homesteader may go to the receiver and pay the amount due the United States Government and for drainage charges, and then be subrogated to the right of the purchaser at the sale for drainage.

Mr. MANN. How do you provide in your substitute for the payment of this minimum price of \$1.25 per acre? What part of your substitute covers that?

Mr. VOLSTEAD. It says that if they fail to pay within ninety days, then any person who is qualified to enter land as a homesteader may pay to the receiver for 160 acres, first, the fees, commissions, and purchase price to which the United States will then be entitled, and then, second, the sum for which the land was sold at the sale. It expressly provides that the purchase price specified in section 4 and section 5 must be paid. There can not be any question about it. The Government can not possibly be defrauded, and it seems to me we ought to have this opportunity to make use of these lands.

I yield back the balance of my time.

Mr. MONDELL. Does the gentleman from Mississippi [Mr. WILLIAMS] desire to use the balance of his time?

Mr. WILLIAMS. Mr. Speaker, Senate amendment No. 2 says:

If such payment is not made to the receiver within three months from the date of such sale, all right to purchase or enter said land on the part of the person purchasing at the sale provided in section 3 of this act, shall cease and determine and said land shall, without further action or proceeding, be subject to entry under the homestead laws, subject, first, to the payment to the receiver of the minimum price of \$1.25 per acre, or such price as may have been fixed by law for such land, together with the usual fees and commissions charged in entry; second, to the payment to the receiver by the purchaser at such sale of the amount appearing to have been paid therefor under the provisions of section 4 of this act.

Now, then, this motion says that we are to disagree to Senate amendments Nos. 1, 2, and 3; that we are to agree to Senate amendment No. 5; we are to agree to amendment No. 4, with an amendment striking out all of said amendment—that is, amendment No. 4—and inserting what follows below. Now, nowhere in there do I find where this minimum of \$1.25 per acre is expressly protected as a first charge upon the land.

Mr. VOLSTEAD. If the gentleman will excuse me, it provides that he must pay the amount specified in sections 4 and 5.

Mr. WILLIAMS. The question is, whether he is entitled to



it after the Government has donated the land. Now, Mr. Speaker, it seems to me the conferees are right about agreeing to Senate amendment No. 1.

Mr. MANN. May I call the attention of the gentleman from Mississippi to page 3, where it refers to the minimum price of \$1.25 per acre? Now, does not the substitute cover by reference—

Mr. WILLIAMS. It does if this language does:

First, the unpaid fees, commissions, and purchase price to which the United States may then be entitled.

Mr. MANN. That is the purchase price. It can not be less than \$1.25 an acre.

Mr. WILLIAMS. Unless that language covers the point, nothing else in the bill does.

Mr. VOLSTEAD. If the gentleman will excuse me, it does—

Mr. WILLIAMS. Wait a minute. The gentleman is to remember that this is an act of donation.

Now, then, in view of that fact, how would the court hold as to what the United States was "entitled to?"

Mr. MONDELL. This is scarcely an act of donation. It is simply a provision that Government lands shall be subject to the State reclamation law of Minnesota.

Mr. WILLIAMS. It makes them subject to the reclamation charges by the State if the State complies with the provisions of the act.

Mr. MONDELL. And our amendment compels the entryman to pay those charges.

Mr. STEENERSON. Will the gentleman from Mississippi allow me to make this explanation; that is, that the amount due to the Indians, whether it be \$4 an acre or \$1.25 an acre, is first to be paid. That is the first lien on the land.

Mr. WILLIAMS. That comes in under section 5.

Mr. MANN. That is already in section 5 of the bill.

Mr. WILLIAMS. I say that the part due to the Indians is part of Senate amendment 5 to section 8.

Mr. MANN. The original section 5 provides that \$1.25 an acre, the minimum price, must be paid before any patent can be issued.

That at any time after any sale of unentered land has been made in the manner and for the purposes mentioned in this act patents shall issue to the purchaser thereof upon payment to the receiver of the minimum price of \$1.25 per acre.

Mr. WILLIAMS. That is as to the unentered land.

Mr. STEENERSON. That applies to everything not now entered, and that is practically the most of the land.

Mr. WILLIAMS. Well, the gentleman considers that Senate amendment No. 5 fully protects the Indians?

Mr. VOLSTEAD. It was drawn at the Land Office.

Mr. WILLIAMS. For that purpose? Well, it seems to me, frankly, to do so.

Mr. VOLSTEAD. It is not intended to cheat the Indians.

Mr. WILLIAMS. Well, I do not know. We white people have not been doing anything else for a century and a half where we got a chance. I am not charging that against the gentlemen in the new States. The people of Georgia and Mississippi and Arkansas in their time did the same thing, but I am calling attention to the fact, and it is well always to watch out for the repetition.

Mr. STEENERSON. I would like to call the attention of the gentleman to the fact that unless this law is passed the Indians will never get anything out of the million and a half acres of land they have there, because nobody will buy it; and that which is subject to the payment of \$1.25 an acre or \$4 an acre will forever remain unpaid because the land will not be sold.

Mr. MANN. If this law is not passed, some other one will be.

Mr. WILLIAMS. I am convinced about Senate amendment No. 5. I think I shall agree to amending Senate amendment No. 4, but I do not see why we should disagree to Senate amendment No. 2.

Mr. VOLSTEAD. That is a double safeguard.

Mr. WILLIAMS. What is the trouble about having a double safeguard?

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I yield two minutes to the gentleman from Missouri.

Mr. HACKNEY. Mr. Speaker, as a member of the Committee on Indian Affairs, I was on the subcommittee that examined a bill looking to the drainage of the Indian lands in Minnesota. It became apparent to the members of that committee that the Government could not take up the project, and we were of the opinion that the State should take up the project on the lines of this bill. I believe there is merit in the bill. I have taken pains to examine the amendments, and it does seem to

me every right is conserved. The Indian rights are protected and the Government rights are protected.

Mr. WILLIAMS. Do you not think that we could agree to the Senate amendments and pass the bill?

Mr. HACKNEY. I do not think the Senate amendments are in as good shape as they will be if the suggestion of the gentleman from Wyoming embodied in the pending motion is carried out. I concede that we are somewhat hampered in dealing with this matter by not having the proposed amendment printed; but I have taken pains to examine a typewritten copy of the amendment as suggested, and, in my judgment, every right is protected. I believe the Senate amendments ought to be concurred in so far as it is recommended, and that we should disagree to the amendments asked to be disagreed to. In that way, in my judgment, every right is properly protected. The great body of land up there will remain unreclaimed unless this improvement is made. This is the very best disposition that can be made of these Indian lands. We ought to pass this bill now and let the State of Minnesota do this work, which in this bill we are giving it the right to do.

Mr. MONDELL. Mr. Speaker, this is clearly good legislation. It will lead to the reclamation of large areas of swamp land in Minnesota. As the gentleman from Missouri has very clearly pointed out, it protects the interests of the Government, the Indians, and the settlers, and as the bill is perfected by the proposed amendments, it will be complete in all its details, and I believe will accomplish much good in the reclamation of these lands.

The SPEAKER. As many as favor agreeing to the motion will say "aye"—

Mr. WILLIAMS. Mr. Speaker, to save the time of the House, I ask for the yeas and nays.

The SPEAKER. Pending the demand for the yeas and nays, if there be no objection, the Chair will lay before the House certain personal requests.

#### LEAVE TO WITHDRAW PAPERS—OAKLEY RANDALL.

By unanimous consent, at the request of Mr. HUBBARD of West Virginia, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Oakley Randall (H. R. 5391, Fifty-ninth Congress) no adverse report having been made thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LOWDEN, on account of the illness of his mother.

#### DRAINAGE OF CERTAIN LANDS IN MINNESOTA.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays on motion of the gentleman from Wyoming [Mr. MONDELL].

Mr. PAYNE. To save time, I make the point that no quorum is present.

The SPEAKER. The Chair will count. [Having counted the House.] One hundred and forty-six Members are present; not a quorum. The Doorkeeper will close the doors, and the Sergeant-at-Arms will notify absent Members.

As many as favor the motion of the gentleman from Wyoming will, when their names are called, answer "aye;" as many as are opposed will answer "no;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 141, nays 39, answered "present" 17, not voting 190, as follows:

#### YEAS—141.

Adair	Cushman	Hall	Loudenslager
Alexander, N. Y.	Dalzell	Hamilton, Iowa	Lowden
Allen	Dawson	Hamlin	McGavin
Andrus	Draper	Harding	McGuire
Bartlett, Nev.	Dwight	Haskins	McKinlay, Cal.
Bates	Ellis, Oreg.	Hawley	McKinley, Ill.
Beale, Pa.	Englebright	Hay	McKinney
Bede	Esch	Heflin	McLachlan, Cal.
Bonyuge	Ferris	Henry, Conn.	Macon
Bowers	Finley	Hinshaw	Madden
Boyd	Foss	Howell, Utah	Madison
Burke	Foster, Ind.	Howland	Malby
Burnett	Foster, Vt.	Hubbard, W. Va.	Mann
Burton, Ohio	Fowler	Huff	Monnell
Calderhead	French	Hull, Iowa	Moore, Pa.
Campbell	Fuller	Hull, Tenn.	Mouser
Candler	Gaines, Tenn.	Humphrey, Wash.	Murdock
Capron	Gardner, Mich.	Jenkins	Norris
Caulfield	Gardner, N. J.	Jones, Wash.	Nye
Chapman	Garner	Kelifer	Olcott
Cocks, N. Y.	Gilliams	Keliber	Overstreet
Cole	Gillespie	Kennedy, Iowa	Padgett
Cook, Colo.	Godwin	Kennedy, Ohio	Parsons
Cook, Pa.	Goebel	Kinkaid	Payne
Cooper, Pa.	Goulden	Knopf	Perkins
Craig	Graff	Knowland	Pollard
Crumpacker	Greene	Küstermann	Pray
Currier	Hackney	Lafear	Rauch

Richardson  
Robinson  
Rosenberg  
Russell, Mo.  
Scott  
Sherley  
Smith, Cal.  
Snapp

Sperry  
Splight  
Stafford  
Steenerson  
Stephens, Tex.  
Sterling  
Stevens, Minn.  
Sulloway

Taylor, Ohio  
Thomas, N. C.  
Townsend  
Underwood  
Volstead  
Vreeland  
Wanger  
Washburn

Weeks  
Williams  
Wilson, Ill.  
Wood  
Woodyard

Adamson  
Ansberry  
Beall, Tex.  
Brantley  
Burleson  
Carlin  
Clark, Mo.  
Clayton  
Cox, Ind.  
Denver

Ellerbe  
Fitzgerald  
Floyd  
Foster, Ill.  
Gill  
Griggs  
Hardy  
Harrison  
Helm  
Henry, Tex.

Houston  
Howard  
Hughes, N. J.  
Johnson, S. C.  
Jones, Va.  
Kitchin, Claude  
Moon, Tenn.  
Moore, Tex.  
O'Connell  
Page

Patterson  
Randell, Tex.  
Russell, Tex.  
Sabath  
Sheppard  
Sims  
Tou Velle  
Watkins  
Willett

Bennet, N. Y.  
Boutell  
Bradley  
Broussard  
Brundidge

Cary  
Dixon  
Hill, Conn.  
Hill, Miss.  
Lorimer

Smith, Iowa  
Tawney

#### NOT VOTING—190.

Acheson  
Alken  
Alexander, Mo.  
Ames  
Anthony  
Ashbrook  
Bannon  
Barchfeld  
Barclay  
Bartholdt  
Bartlett, Ga.  
Bell, Ga.  
Bennett, Ky.  
Bingham  
Birdsall  
Booher  
Brodhead  
Brownlow  
Brumm  
Burgess  
Burling  
Burton, Del.  
Butler  
Byrd  
Calder  
Caldwell  
Carter  
Chaney  
Clark, Fla.  
Cockran  
Conner  
Cooper, Tex.  
Cooper, Wis.  
Coudrey  
Cousins  
Cravens  
Crawford  
Darragh  
Davenport  
Davey, La.  
Davidson  
Davis, Minn.  
Dawes  
De Armond  
Denby  
Diekema  
Douglas  
Driscoll

Dunwell  
Durey  
Edwards, Ga.  
Edwards, Ky.  
Ellis, Mo.  
Fairchild  
Fassett  
Favrot  
Flood  
Focht  
Fordney  
Formes  
Foulkrod  
Fulton  
Gaines, W. Va.  
Gardner, Mass.  
Garrett  
Gillett  
Glass  
Goldfogle  
Gordon  
Graham  
Granger  
Gregg  
Gronna  
Hackett  
Haggott  
Hale  
Hamill  
Hamilton, Mich.  
Hammond  
Hardwick  
Haugen  
Hayes  
Hepburn  
Higgins  
Hitchcock  
Hobson  
Holliday  
Howell, N. J.  
Hubbard, Iowa  
Hughes, W. Va.  
Humphreys, Miss.  
Jackson  
James, Addison D.  
James, Ollie M.  
Johnson, Ky.  
Kahn  
Kimball  
Kipp  
Kitchin, Wm. W.  
Knapp  
Lamar, Fla.  
Lamar, Mo.  
Lamb  
Landis  
Langley  
Lanning  
Lassiter  
Law  
Lawrence  
Leake  
Leo  
Legare  
Lenahan  
Lever  
Lewis  
Lilley  
Lindbergh  
Lindsay  
Littlefield  
Livingston  
Lloyd  
Longworth  
Loud  
McCall  
McCreary  
McDermott  
McHenry  
McLain  
McLaughlin, Mich.  
McMillan  
Marshall  
Maynard  
Miller  
Moon, Pa.  
Morse  
Mudd  
Murphy  
Needham  
Nelson  
Nicholls  
Olmsted  
Parker, N. J.  
Parker, S. Dak.  
Pearre  
Peters  
Porter  
Pou  
Powers  
Pratt  
Prince  
Pujo  
Raney  
Ransdell, La.  
Reeder  
Reid  
Reynolds  
Rhinoek  
Riordan  
Roberts  
Rothermel  
Rucker  
Ryan  
Saunders  
Sherwood  
Slayden  
Slomp  
Smith, Mich.  
Smith, Mo.  
Smith, Tex.  
Southwick  
Sparkman  
Stanley  
Sturgiss  
Sulzer  
Talbot  
Taylor, Ala.  
Thistlewood  
Thomas, Ohio  
Tirrell  
Waldo  
Wallace  
Watson  
Webb  
Weems  
Weisse  
Wheeler  
Wiley  
Wilson, Pa.  
Wolf  
Young

So the motion was agreed to.

The following additional pairs were announced:  
Until further notice:

Mr. ACHESON with Mr. BURGESS.  
Mr. BROWNLOW with Mr. CLARK of Florida.  
Mr. DARRAGH with Mr. COCKRAN.  
Mr. FOULKROD with Mr. CRAWFORD.  
Mr. GILLETT with Mr. DE ARMOND.  
Mr. HAUGEN with Mr. FAVROT.  
Mr. SMITH of Iowa with Mr. HITCHCOCK.  
Mr. HAYES with Mr. JOHNSON of Kentucky.  
Mr. HEPBURN with Mr. KIMBALL.  
Mr. HUBBARD of Iowa with Mr. KIPP.  
Mr. OLLIE M. JAMES with Mr. LAMB.  
Mr. LOUD with Mr. LASSITER.  
Mr. MILLER with Mr. LEE.  
Mr. NEEDHAM with Mr. LEGARE.  
Mr. SOUTHWICK with Mr. RANSDALL of Louisiana.  
Mr. STURGISS with Mr. SAUNDERS.  
Mr. WALDO with Mr. WALLACE.  
For balance of the day:  
Mr. DRISCOLL with Mr. COOPER of Texas.  
Mr. REEDER with Mr. LEVER.

The result of the vote was then announced as above recorded, and the doors were opened.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS. Upon that I ask for the yeas and nays.  
The yeas and nays were ordered.

The question was taken, and there were—yeas 117, nays 70, answered "present" 12, not voting 188, as follows:

#### YEAS—117.

Adair	Ellis, Oreg.	Jenkins	Pollard
Alexander, N. Y.	Englebright	Jones, Wash.	Fray
Allen	Esch	Keller	Reeder
Andrus	Foss	Kennedy, Iowa	Rosenberg
Beale, Pa.	Foster, Ind.	Kennedy, Ohio	Scott
Bede	Foster, Vt.	Kinkaid	Smith, Cal.
Bonyne	French	Knopf	Southwick
Boyd	Fuller	Klostermann	Sperry
Bradley	Gardner, Mich.	Lafean	Stafford
Brownlow	Gardner, N. J.	Loudenslager	Steenerson
Burke	Gilham	Lovering	Sterling
Calderhead	Gillett	Lowden	Stevens, Minn.
Campbell	Goebel	McGavin	Sulloway
Capron	Graff	McGuire	Tawney
Caulfield	Greene	McKinlay, Cal.	Taylor, Ohio
Chapman	Hall	McKinley, Ill.	Thistlewood
Cocks, N. Y.	Hamilton, Iowa	McKinney	Thomas, Ohio
Cole	Harding	McLachlan, Cal.	Townsend
Conner	Haskins	Madison	Volstead
Cook, Colo.	Haugen	Malby	Waldo
Cook, Pa.	Hawley	Mann	Wanger
Cooper, Pa.	Henry, Conn.	Mouser	Washburn
Crumppacker	Hepburn	Murdock	Watson
Currier	Higgins	Norris	Weeks
Cushman	Hinshaw	Nye	Wilson, Ill.
Dalzell	Howell, Utah	Olcott	Wood
Dawson	Howland	Overstreet	Woodyard
Draper	Hubbard, W. Va.	Parsons	
Driscoll	Huff	Payne	
Dwight	Humphrey, Wash.	Perkins	

#### NAYS—70.

Adamson	Foster, Ill.	Hill, Miss.	Richardson
Ansberry	Gaines, Tenn.	Howard	Russell, Mo.
Bartlett, Nev.	Garner	Hughes, N. J.	Russell, Tex.
Beall, Tex.	Garrett	Hull, Tenn.	Sabath
Bowers	Gill	Johnson, S. C.	Sheppard
Brantley	Gillespie	Jones, Va.	Sims
Burleson	Godwin	Kellher	Small
Candler	Goulden	Kitchen, Claude	Sparkman
Clark, Mo.	Granger	Macon	Stephens, Tex.
Clayton	Gregg	Moon, Tenn.	Thomas, N. C.
Cox, Ind.	Hackney	Moore, Tex.	Tou Velle
Craig	Hamlin	O'Connell	Underwood
Denver	Hardy	Padgett	Watkins
Ellerbe	Harrison	Page	Willett
Ferris	Hay	Patterson	Williams
Finley	Heflin	Randell, Tex.	
Fitzgerald	Helm	Rauch	
Floyd	Henry, Tex.		

#### ANSWERED "PRESENT"—12.

Ashbrook	Cary	Hill, Conn.	Shackleford
Bennet, N. Y.	Dixon	Lorimer	Sherman
Boutell	Haggott	McMoran	Smith, Iowa

#### NOT VOTING—188.

Acheson	Denby	Kipp	Olmsted
Alken	Diekema	Kitchin, Wm. W.	Parker, N. J.
Alexander, Mo.	Douglas	Knapp	Parker, S. Dak.
Ames	Dunwell	Knowland	Pearre
Anthony	Durey	Lamar, Fla.	Peters
Bannon	Edwards, Ga.	Lamar, Mo.	Porter
Barchfeld	Edwards, Ky.	Lamb	Pou
Barclay	Ellis, Mo.	Landis	Powers
Bartholdt	Fairchild	Langley	Pratt
Bartlett, Ga.	Fassett	Lanning	Prince
Bates	Favrot	Lassiter	Pujo
Bell, Ga.	Flood	Law	Raney
Bennett, Ky.	Focht	Lawrence	Ransdell, La.
Bingham	Fordney	Leake	Reid
Birdsall	Formes	Lee	Reynolds
Booher	Foulkrod	Legare	Rhinoek
Brodhead	Fowler	Lenahan	Riordan
Broussard	Fulton	Lever	Roberts
Brumm	Gaines, W. Va.	Lewis	Rothermel
Brundidge	Gardner, Mass.	Lilley	Rucker
Burgess	Glass	Lindbergh	Ryan
Burling	Goldfogle	Lindsay	Saunders
Burnett	Gordon	Littlefield	Sherwood
Burton, Del.	Graham	Livingston	Slayden
Burton, Ohio	Griggs	Lloyd	Slomp
Butler	Gronna	Loud	Smith, Mich.
Byrd	Hackett	McCall	Smith, Mo.
Calder	Hale	McCreary	Smith, Tex.
Caldwell	Hamill	McDermott	Snapp
Carlin	Hamilton, Mich.	McHenry	Splight
Carter	Hammond	McLain	Stanley
Chaney	Hardwick	McLaughlin, Mich.	Sturgiss
Clark, Fla.	Hayes	McMillan	Sulzer
Cockran	Hitchcock	Madden	Talbot
Cooper, Tex.	Hobson	Marshall	Taylor, Ala.
Cooper, Wis.	Holliday	Maynard	Tirrell
Coudrey	Howell, N. J.	Miller	Vreeland
Cousins	Hubbard, Iowa	Mondell	Wallace
Cravens	Hughes, W. Va.	Moon, Pa.	Webb
Crawford	Hull, Iowa	Moore, Pa.	Weems
Darragh	Humphreys, Miss.	Morse	Weisse
Davenport	Jackson	Mudd	Wheeler
Davey, La.	James, Addison D.	Murphy	Wiley
Davidson	James, Ollie M.	Needham	Wilson, Pa.
Davis, Minn.	Johnson, Ky.	Nelson	Wolf
Dawes	Kahn	Nicholls	Young
De Armond	Kimball		

So the motion was agreed to.



The following additional pairs were announced:  
On this vote:

Mr. McCREARY with Mr. BURNETT.  
Mr. MADDEN with Mr. GRIGGS.  
Mr. MONDELL with Mr. REID.  
Mr. MOORE of Pennsylvania with Mr. ROBINSON.  
Mr. VREELAND with Mr. SHACKLEFORD.  
Mr. WHEELER with Mr. SPIGHT.

The result of the vote was then announced as above recorded.

Accordingly, the House (at 5 o'clock and 8 minutes p. m.) adjourned until to-morrow at 12 o'clock m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for expenses of international conference for framing rules for a prize court (H. R. Doc. 928)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the chief clerk of the Court of Claims submitting an estimate of appropriation for printing and binding for the Court of Claims (H. R. Doc. 927)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for expenses of the Revenue-Cutter Service for the remainder of the current fiscal year (H. R. Doc. 929)—to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DOUGLAS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6417) to amend sections 4467 and 4468 of the Revised Statutes, relating to lists of passengers on steam vessels, reported the same without amendment, accompanied by a report (No. 1635), which said bill and report were referred to the House Calendar.

Mr. McMORRAN, from the Committee on Banking and Currency, to which was referred the bill of the Senate (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company, reported the same without amendment, accompanied by a report (No. 1637), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17906) providing for the construction of dry docks, reported the same with amendments, accompanied by a report (No. 1638), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6987) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1634), which said bill and report were referred to the Private Calendar.

Mr. SAUNDERS, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2712) to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jordron, Yankton Sioux allottee, should it prove to be fictitious, reported the same without amendment, accompanied by a report (No. 1636), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 21807) to authorize the Secretary of the Interior to certify certain lands to the State of

Kansas, and for other purposes—to the Committee on the Public Lands.

By Mr. MOORE of Texas: A bill (H. R. 21808) to renew and extend certain letters patent—to the Committee on Patents.

By Mr. DAVENPORT: A bill (H. R. 21809) making an appropriation to reimburse the Eastern and Emigrant Cherokees for attorneys' fees paid out of the fund recovered against the United States and expenses in making the roll of Eastern and Emigrant Cherokees, and for other purposes—to the Committee on Indian Affairs.

By Mr. VREELAND: A bill (H. R. 21810) to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. FULTON: A bill (H. R. 21811) to authorize the Secretary of the Interior to sell certain lands belonging to the Cheyenne School Reserve and the Cheyenne and Arapahoe Agency Reserve in Oklahoma and to give settlers on adjacent lands preference rights to purchase said lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. GRANGER: A bill (H. R. 21812) for the erection of a monument to Admiral Esek Hopkins—to the Committee on the Library.

By Mr. DENBY: A bill (H. R. 21813) to amend an act approved June 30, 1906, entitled "An act creating a United States court for China, and prescribing the jurisdiction thereof—to the Committee on Foreign Affairs.

By Mr. CAULFIELD: A bill (H. R. 21814) providing for the resignation of judges of courts of the United States—to the Committee on the Judiciary.

By Mr. GREENE: A bill (H. R. 21815) to amend the laws relating to navigation, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Vermont: Joint resolution (H. J. Res. 181) for the relief of the firm of Fearon Daniel & Co., of New York and Shanghai—to the Committee on Foreign Affairs.

By Mr. DAWSON: Concurrent resolution (H. C. Res. 41) providing for the printing of the proceedings of the conference of governors of the States and Territories called to consider conservation of the country's natural resources—to the Committee on Printing.

By Mr. FERRIS: Memorial of the legislature of Oklahoma in support of the establishment of a bureau of mines and mining—to the Committee on Mines and Mining.

Also, memorial of the legislature of Oklahoma relative to the irrigation of the arid lands of the West—to the Committee on Irrigation of Arid Lands.

Also, memorial of the legislature of Oklahoma with reference to the segregated coal and asphalt lands of that State—to the Committee on the Public Lands.

Also, memorial of the legislature of Oklahoma relative to the improvement of inland waterways—to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARLIN: A bill (H. R. 21816) for the relief of the estate of Matilda W. Fitzhugh, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 21817) granting an increase of pension to Samuel Brown—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 21818) granting an increase of pension to Charles H. Carey—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 21819) granting a pension to Bridget Dardis—to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 21820) authorizing the city of Marlow, Okla., to purchase an isolated tract of land for school and park purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 21821) for the relief of Mrs. Sallie L. Minter, formerly widow of C. L. Campbell, deceased—to the Committee on Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 21822) for the relief of the Tennessee School for the Blind, at Nashville, Tenn.—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 21823) granting an extension of Letters Patent No. 473019 to William J. Plecker—to the Committee on Patents.

By Mr. HALE: A bill (H. R. 21824) for the relief of W. L. Brown—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 21825) granting a pension to Catherena E. Dohm—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 21826) granting an increase of pension to Frederic Stanhope Hill—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 21827) granting arrears of pension to Pauline M. Beach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21828) for the relief of Carlos R. Tompkins—to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 21829) granting a pension to Frederick A. Emery—to the Committee on Pensions.

Also, a bill (H. R. 21830) granting an increase of pension to Andrew B. Shattuck—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 21831) granting an increase of pension to Lancaster D. Baldwin—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 21832) granting an increase of pension to Samuel Hilton—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 21833) for the relief of the heirs of Thomas Duty, deceased—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 21834) granting a pension to Mary Jane Brayton—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 21835) granting an increase of pension to Patrick Handran—to the Committee on Pensions.

By Mr. WASHBURN: A bill (H. R. 21836) granting an increase of pension to Franklin E. Bullard—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 21837) granting an increase of pension to Thomas L. McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21838) granting an increase of pension to Charles Osthelder—to the Committee on Invalid Pensions.

By Mr. WOLF: A bill (H. R. 21839) granting an increase of pension to Leonhard Koebler—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the conference of the Methodist Episcopal Church, held at Baltimore, Md., praying for the enactment of legislation to prohibit the liquor traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ACHESON: Petitions of citizens of New Castle, New Brighton, and McDonald, Pa., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of the Manufacturers' Association of Pittsburg, Pa., against H. R. 21358, the Sterling anti-injunction bill, and H. R. 21359, the Payne anti-injunction bill—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petitions of George H. Wahl, Henry W. Wehner, and J. E. Turman, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of citizens of Topeka, Kans., against barbarities of the Russian Government toward its own citizens—to the Committee on Foreign Affairs.

Also, petitions of Cigar Makers' Union of Leavenworth, Kans., and labor organizations of Horton, for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of C. F. Ferguson, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BANNON: Petition of labor unions of Ironton, Ohio, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. BONYNGE: Petition of citizens of Denver, Colo., for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Fortnightly Club of Yarmouth, Me., for conservation of natural resources of the country—to the Committee on Agriculture.

By Mr. CALDER: Petition of National Irrigation Association, favoring the 320-acre dry-land farming bill (S. 6155)—to the Committee on Irrigation of Arid Lands.

Also, petition of citizens for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

Also, petitions of Hopkins & Co., Heckla Iron Works, A. J. Robinson & Co., and other manufacturing concerns and builders, against amendment to Sherman law—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of citizens of Springfield, Ill., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. CARLIN: Paper to accompany bill for relief of Mrs. Matilda W. Fitzhugh—to the Committee on War Claims.

By Mr. CARY: Petition of Oshkosh Chamber of Commerce, for legislation to conserve natural resources of the country—to the Committee on Agriculture.

By Mr. CHANEY: Paper to accompany bill for relief of Samuel Brown—to the Committee on Invalid Pensions.

Also, petition of Arley Wallace and others, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of Print Cutters' Association of Philadelphia, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of citizens of Racine, Wis., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of Walworth County, Wis., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. DAVENPORT: Petitions of citizens of Tecumseh and Ardmore, Okla., for election of United States Senators by direct vote of the people—to the Committee on the Judiciary.

Also, petition of labor organizations of Bartlesville, Okla., for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, papers to accompany House bill granting an increase of pension to Charles H. Casey—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Oshkosh Chamber of Commerce, for legislation to conserve natural resources of the country—to the Committee on Agriculture.

Also, petition of National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories, for H. R. 16734, granting compensation to civil employees injured in line of service—to the Committee on Naval Affairs.

By Mr. FERRIS: Petitions of citizens of Eldorado, Ardmore, Carter, and Tecumseh, and Pottawatomie County, Okla., for H. J. Res. 177, enlarging powers and rights of citizens of the United States—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Mrs. Sallie L. Minter—to the Committee on Claims.

By Mr. FOSTER of Illinois: Petition of Progressive Grange, No. 371, Patrons of Husbandry, of Wabash County, Ill., for H. R. 15837—to the Committee on Agriculture.

By Mr. FULLER: Petition of retail merchants of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of New York, for increase of salaries of United States circuit judges—to the Committee on the Judiciary.

Also, petition of E. T. Bent and others, of Oglesby, Ill., for Beveridge-Parsons bill, prohibiting child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Dr. M. R. Harned, of Rockford, Ill., favoring S. 4432, for betterment of Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of Pastors' Union of Rockford, Ill., for Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of S. M. Tabor, of Chicago, Ill., favoring the Fuller bill (H. R. 19250), for a volunteer officers' retired list—to the Committee on Military Affairs.



By Mr. GILLET: Petition of citizens of Massachusetts, for legislation to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Athol and Springfield, Mass., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of Mrs. Cora B. White and other citizens of St. Joseph, Mich., for legislation looking to development of method of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON: Petition of citizens of New York City, for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Petition of members of Silver Lake Grange, No. 130, of Sharon, Conn., for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. HOUSTON: Petition of citizens of Nashville, Tenn., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of St. Patrick's Alliance of New Jersey, against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of George Kingland—to the Committee on Claims.

By Mr. HOWELL of Utah: Petition of citizens of Salt Lake City, for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

By Mr. OLLIE M. JAMES: Petition of Cigar Makers' International Union of America, No. 185, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of Cigar Makers' Union No. 212, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. KAHN: Petition of Sign Painters' Union of San Francisco, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Federated Improvement Clubs of San Francisco, Cal., favoring appropriation for four battle ships—to the Committee on Naval Affairs.

By Mr. KELIHER: Petition of Women's Educational Industrial Union of Boston, for legislation to conserve the natural resources of the country—to the Committee on Agriculture.

Also, petitions of citizens of Boston and Boilermakers and Iron Ship Builders of America, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Francis H. Rowley and others, of Boston, favoring concurrent resolution No. 28, against atrocities by the Russian Government—to the Committee on Foreign Affairs.

By Mr. KENNEDY of Iowa: Petition of citizens of Henry County, Iowa, against H. R. 4897, to protect the first day of the week as a day of rest in the District of Columbia, and against H. R. 4929, prohibiting labor on buildings in the District of Columbia on the Sabbath day, or any like measure—to the Committee on the District of Columbia.

Also, petition of S. U. Bosworth and others, for bill excluding liquor from District of Columbia—to the Committee on the District of Columbia.

By Mr. KÜSTERMANN: Petition of Vessel Loaders' Union No. 68, of Marinette, Wis., for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. LAMB: Petition of citizens of Virginia, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of W. P. Pirle and other citizens of Minnesota, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of National Irrigation Association of Chicago, against the so-called "320-acre dry-land farming bill" (S. 6155)—to the Committee on Irrigation of Arid Lands.

Also, petition of John Magill and others, of Brooklyn, N. Y., for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Hugh Getty, John Pirkel Iron Works, Jackson's Mantle and Grate Works, and John Hankin & Bro., against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of the Lincoln Farm Association of New York City, for the enactment of H. R. 17295, to aid the Lincoln Farm Association of New York to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on Appropriations.

Also, petition of Wilmer Atkinson, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles Hall Davis, favoring H. R. 21263, relative to postal savings system—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of William Blackburn and others, of Camden, N. J., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. MCGAVIN: Petition of Civic Federation of Chicago, against change from tunnel system to wagon system in handling mails in Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petitions of Granges Nos. 1081, 1212, 1265, 119, 573, 246, 310, 988, 1017, and 894, all in the State of Pennsylvania, favoring H. R. 12682, guaranteeing deposits in all banks—to the Committee on Banking and Currency.

By Mr. McMILLAN: Petition of United Garment Workers' Association No. 84, of Wappingers Falls, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Carlos R. Tompkins—to the Committee on Military Affairs.

By Mr. MANN: Petition of Woodlawn Improvement Association, of Chicago, Ill., for conservation of resources of the United States—to the Committee on Agriculture.

Also, petition of Cincinnati Chamber of Commerce, for a survey of Michigan and Erie Ship Canal—to the Committee on Railways and Canals.

Also, petition of Illinois Audubon Society, in relation to the conservation of natural resources of the United States—to the Committee on Agriculture.

Also, petition of M. B. Steczynski, favoring Bates resolution for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petitions of citizens of Chicago and Danville, Ill., and South Chicago Trade and Labor Association, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Los Angeles Chamber of Commerce, for extension of Sierra Forest Reserve—to the Committee on Agriculture.

Also, petition of Brotherhood of Paper Makers, Sulphite, etc., of Kalamazoo, against repeal of wood-pulp duty—to the Committee on Ways and Means.

By Mr. MAYNARD: Petitions of American Federation of Labor and Local No. 679, International Association of Machinists, of Portsmouth, Va., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Hamilton County, Tenn., for amendment to the Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. NICHOLLS: Petition of citizens of Carbondale, Pa., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of citizens of Rochester, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. POWERS: Petition of Downey Lodge, No. 241, International Brotherhood of Maintenance of Way Employees, for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of citizens of New York City, for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. ROBERTS: Petition of sundry citizens of Wakefield, Mass., favoring bill to investigate and develop method of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Cincinnati Chamber of Commerce, for the bill authorizing survey of Michigan and Erie Ship Canal—to the Committee on Railways and Canals.

Also, petitions of Illinois Audubon Society and Western Society of Engineers, for legislation to conserve the natural resources of the country—to the Committee on Agriculture.

By Mr. SMITH of Missouri: Petition of Brotherhood of Railway Contractors of America, of De Soto, Mo., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. SPERRY: Petitions of citizens of New Haven and Derby, Conn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Cardiff, Ill., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. SULZER: Petition of William F. D. Perkins, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of Charles Hall Davis, for H. R. 21263, relative to postal savings system—to the Committee on the Post-Office and Post-Roads.

Also, petition of George H. Maxwell, for the National Irrigation Association, against the 320-acre dry-land farming bill (S. 6155)—to the Committee on Irrigation of Arid Lands.

Also, petitions of John Pirk Iron Works, John Hankin & Bros., and Hugh Gelty, for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. TIRRELL: Petition of Edw. W. Emerson, in favor of passage of H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petitions of Winfield S. Brown, Charles A. Buler, and George W. Hunter, of Ardmore, Pa., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WASHBURN: Petition of Moses Gross and other citizens of Worcester, Mass., favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Franklin E. Bulard—to the Committee on Invalid Pensions.

By Mr. WILLETT: Petition of M. B. Steczynski, for the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

By Mr. WILSON of Pennsylvania: Petition of Ancient Order of Hibernians at Renovo, Pa., against treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Women's Christian Temperance Union, of 80 members of Wellsboro, Pa., to prohibit the sale of intoxicants in all property controlled by the United States Government, to prohibit the shipment of liquor into prohibition States, to pro-

hibit the importation of opium except under the strictest regulations, and to prohibit the sale of cigarettes—to the Committee on the Judiciary.

Also, petition of Building Association League of Philadelphia, Pa., to amend H. R. 18525—to the Committee on Ways and Means.

By Mr. WOOD: Petition of Charles Harrison and others, for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Jesse S. Camac—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, May 12, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 652) to create the office of captain in the Philippine Scouts.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4063) for the widening of Benning road, and for other purposes.

The message further announced that the House had passed the bill (S. 6155) to provide for an enlarged homestead, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19541) to authorize the drainage of certain lands in the State of Minnesota, Nos. 1, 2, and 3; agrees to amendment No. 5, and agrees to amendment No. 4 with amendments, in which it requested the concurrence of the Senate.

### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice-President:

H. R. 4063. An act for the widening of Benning road, and for other purposes;

S. R. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico; and

S. R. 79. Joint resolution authorizing the widening of the channel of Michigan City Harbor.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Union No. 5, International Brotherhood of Papermakers, Pulp, Sulphite, and Paper Mill Workers, of Luzerne, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the General Conference of the Methodist Episcopal Church of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of Local Branch No. 29, International Quarry Workers' Union, of Hallowell, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Leo Council, No. 716, Order of Knights of Columbus, of Moline, Ill., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of the Mothers' Study Club of Rockford, Ill., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens and labor organizations of Urbana and Granite City, in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.



Mr. KEAN presented a petition of the New England Society of Orange, N. J., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of Dr. Byron E. Fortiner, of Camden, N. J., remonstrating against the passage of the so-called "Johnston Sunday-rest bill," which was ordered to lie on the table.

He also presented a petition of Local Division No. 135, Brotherhood of Locomotive Engineers, of Jersey City, N. J., praying for the enactment of legislation to promote the safety of employees upon railroads, which was referred to the Committee on Interstate Commerce.

He also presented the petition of Atwell Bartholomew, of Hackensack, N. J., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens and business firms of Paterson, Newark, and Jersey City, all in the State of New Jersey, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of sundry citizens of Tunnelton, Grafton, Roncverte, and of Branch No. 100, Glass Bottle Blowers' Association, of Wheeling, all in the State of West Virginia, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DIXON presented petitions of sundry citizens of Harlowton, Livingston, Helena, and Butte, all in the State of Montana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRIGGS presented memorials of sundry citizens of Pleasantville, Hackensack, Ridgely, Elizabeth, Ridgewood, Roselle Park, Jersey City, Newark, Cape May Court House, Hammonton, and Camden, all in the State of New Jersey, remonstrating against the passage of the so-called "Johnston Sunday-rest bill," which were ordered to lie on the table.

He also presented petitions of the Woman's Club of Flemington and of sundry citizens of Butler and Summit, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of the Business League of Atlantic City, of the Civic Association of Montclair, and of Richard S. Buck, of Upper Montclair, all in the State of New Jersey, praying for the enactment of legislation providing for the conservation of the natural resources of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Plainfield, Little Falls, Bayonne, East Orange, Paterson, Haddonfield, Pompton Lakes, Passaic, Clifton, Atco, Stanhope, and Villa Park, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Cumberland Glass Manufacturing Company, of Bridgeton, N. J., remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and labor organizations of Bayonne, Trenton, Princeton, Atlantic City, Millville, Paterson, Orange, Jersey City, Williamstown, and Rutherford, all in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Elmira, Binghamton, Buffalo, and Green Island, and of Journeymen Barbers' Union No. 141, of Buffalo, and Elmira Division, No. 100, Order of Railroad Telegraphers, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PILES presented a petition of Local Union No. 14, Metal Polishers, Buffers, Platers, Brass Molders, Brass and Silver Workers' Union of North America, of Seattle, Wash., and a petition of sundry citizens of Spokane, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented sundry papers to accompany the bill (S. 3907) granting a pension to Margaret S. Alexander, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 6690) granting an increase of pension to David Keller, which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of Local Union No. 1243, United Brotherhood of Carpenters and Joiners of America, of Newport, R. I., and a petition of Local Union No. 574, International Wool Sorters' Union, of Providence, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of sundry citizens and labor organizations of Horton, Wichita, Weir, and Cherokee, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens and labor organizations of New Haven, Hotchkissville, New London, Portland, and Hartford, all in the State of Connecticut, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Natchaug Grange, No. 68, Patrons of Husbandry, of Chaplin, Conn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented the memorial of A. E. Henderson, of East St. Louis, Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a memorial of the Illinois Lumber Dealers' Association, of Chicago, Ill., remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Mothers' Study Club of Rockford, Ill., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURKETT presented a petition of the Fire Department Employees' Union, No. 10446, of Omaha, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented petitions of Woman's Relief Corps, No. 205, of Rushville; of the Equal Suffrage Club of Rushville, and of the Ladies' Aid Society of the First Presbyterian Church of Valentine, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

Mr. DICK presented a memorial of the Hagar Straw Board and Paper Company, of Xenia, Ohio, and a memorial of the Munroe Falls Paper Company, of Massillon, Ohio, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Ohio Agricultural Experiment Station, of Wooster, Ohio, praying for the enactment of legislation to prevent the manufacture, sale, or distribution of adulterated or misbranded fungicides, Paris green, lead arsenates, and other insecticides, which was referred to the Committee on Manufactures.

He also presented a petition of Local Branch No. 98, Glass Bottle Blowers' Association, of Warwick, Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented the petition of Cyrus D. Ferris, of Linden Heights, Ohio, and a petition of the congregation of the Methodist Episcopal Church of Milford Center, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were ordered to lie on the table.

He also presented a memorial of the Lone Creek Distilling Company, of Cincinnati, Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented a memorial of the Dayton Employers' Association, of Dayton, Ohio, remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Franklin Lodge, No. 628, Brotherhood of Railroad Trainmen, of Columbus, Ohio, and a petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen and Enginemen, of Columbus, Ohio, praying for the enactment of legislation to promote the safety of employees upon railroads, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by sundry Polish citizens of Chicago, Ill., expressing their disapproval of the expropriation law enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Lunkenheimer Company, of Cincinnati, Ohio, praying for the adoption of a certain amendment to section 6 of the act to regulate commerce relating to manufacturers who make contracts for their goods at a delivered price, which was referred to the Committee on Interstate Commerce.

Mr. ELKINS presented a paper in support of the bill (S. 3549) granting an increase of pension to Cyrus Trough, which was referred to the Committee on Pensions.

Mr. STONE presented a paper to accompany the bill (S. 4238) for the relief of Sidney J. Wetherell, assignee of A. V. Davis, which was referred to the Committee on Claims.

Mr. TELLER presented petitions of sundry citizens and labor organizations of Grand Junction, Coal Creek, Colorado Springs, Lafayette, and Denver, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Bakers' Union No. 26, American Federation of Labor, of the State of Colorado, praying for the enactment of legislation providing for the construction of at least one of the new battle ships at a Government navy-yard, which was ordered to lie on the table.

#### CURRENCY SYSTEM.

Mr. TELLER. I have here an extensive memorial favoring the enactment of legislation on the currency system, written by an intelligent gentleman in my State, Mr. Albert Talmor Morgan, who sent it to the junior Senator from Wisconsin [Mr. LA FOLLETTE], with the request that it be put in the Record. The Senator from Wisconsin has sent it to me. I have objected for many years to putting a great amount of such matter in the Record. I will not ask to have the memorial put in the Record, but I ask to have it published as a document instead of going in the Record, and that it be referred to the Committee on Finance.

There being no objection, the memorial was ordered to be printed as a document and referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, reported it with amendments, and submitted a report (No. 637) thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 5294) to authorize the issuance of patents in fee to Indians under the jurisdiction of the Quapaw Agency and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;

A bill (S. 5152) to authorize the issuance of patents in fee to Indians under the jurisdiction of the Quapaw Agency, and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes; and

A bill (S. 5209) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5879) to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark., reported it with an amendment, and submitted a report (No. 638) thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. Lodge on the 11th instant, relative to the purchase of two steamships of American registry for the use of the Isthmian Canal Commission, etc.,

intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. DICK, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits, asked to be discharged from its further consideration, and that it be referred to the Committee on Pacific Islands and Porto Rico, which was agreed to.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 17296) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, reported it with an amendment.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry, reported it without amendment and submitted a report (No. 639) thereon.

Mr. HEMENWAY, from the Committee on Claims, to whom was referred the bill (S. 6665) for the relief of Charles H. Dickson, reported it without amendment, and submitted a report (No. 640) thereon.

#### ARTHUR H. BARNES.

Mr. OVERMAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 6700) for the relief of Arthur H. Barnes, to report it favorably without amendment. I call the attention of the Senator from Missouri [Mr. STONE] to the report.

Mr. STONE. I ask unanimous consent for the present consideration of the bill just reported by the Senator from North Carolina.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Arthur H. Barnes, of Marshall, Saline County, Mo., \$68.06, salary due him as chaplain, Sixth Missouri Infantry, war with Spain, from July 1 to July 15, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. DILLINGHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7089) granting an increase of pension to William H. Nichols; and

A bill (S. 7090) granting an increase of pension to John A. Paddock.

Mr. McLAURIN introduced a bill (S. 7091) to grant to the State of Mississippi certain lands for the use of the common schools in that State, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CLAPP introduced a bill (S. 7092) to provide for the identification of missing persons, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. OVERMAN introduced a bill (S. 7093) for the relief of the estate of Riley Wetherington, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 7094) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7095) granting an increase of pension to M. Taylor McFarland (with accompanying paper);

A bill (S. 7096) granting a pension to Charles E. Stedman; and

A bill (S. 7097) granting a pension to Nancy M. Jarvis, now Rose.

He also introduced a bill (S. 7098) to appropriate the sum of \$30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, which was read twice by its title and referred to the Committee on the Library.



He also introduced a bill (S. 7099) to amend section 4756 of the Revised Statutes, relating to half rating to disabled enlisted persons serving twenty years in the Navy or United States Marine Corps, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7100) for the purchase of a site for a Federal building for the United States post-office at Sunbury, Pa.; and

A bill (S. 7101) for the purchase of a site for a Federal building for the United States post-office at Ridgway, Pa.

He also introduced a bill (S. 7102) for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 7103) for the relief of the heirs of Abraham Parsons, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BANKHEAD introduced a bill (S. 7104) for the relief of the heirs of Dr. Ira G. Wood, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BAILEY (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7105) for the relief of L. Levy (with accompanying papers); and

A bill (S. 7106) for the relief of Mrs. Sarah E. Dixon.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 7107) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FOSTER introduced a bill (S. 7108) granting a pension to Florinda Butler Evans, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a joint resolution (S. R. 84) to amend an act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," approved March 28, 1908, which was read twice by its title.

Mr. CLAPP. I should like to have the joint resolution read and I wish to obtain unanimous consent for its present consideration. I also send to the desk a letter which may be read.

Mr. CULBERSON. In view of the notice given by the Senator from Maryland [Mr. RAYNER] I object to its present consideration.

The VICE-PRESIDENT. Objection is made. Does the Senator from Minnesota desire a reference of the joint resolution?

Mr. CLAPP. No, sir; I think it will be easily explained when it is called up. It is an amendment of the law which was passed the other day.

The VICE-PRESIDENT. The joint resolution, with the accompanying letter, will lie on the table.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. DICK submitted an amendment proposing to appropriate \$10,000 to defray the expenses of making petroleum tests under the direction of the Secretary of the Interior, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$3,000 to purchase from Adolph C. Ruebsam, engraver of the electoral chart, 15,000 copies of the publication entitled "United States of America official summary of electoral votes cast for each President," etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. DIXON submitted an amendment proposing to appropriate \$170,000 for the erection of a public building at Missoula, Mont., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### ADDITIONAL CLERK TO COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. PENROSE submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, authorized to employ an additional clerk, at an annual salary, at the rate of \$1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

GEORGE Q. ALLEN.

Mr. CULLOM. I ask leave to call up the bill (S. 4435) for the relief of George Q. Allen.

Mr. CULBERSON. In view of the notice given by the Senator from Maryland that he would address the Senate immediately after the conclusion of the morning business, I am constrained to object at this time.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Illinois.

#### THE PHILIPPINE ISLANDS.

Mr. STONE. Mr. President, I desire to make a brief statement.

Several months ago I introduced a joint resolution (S. R. 52) requesting the President, on a day named, to deliver the control and possession of the Philippine Islands to the authorities representing the people thereof. The joint resolution provides, in substance, for a time when the United States shall remove its authority from the Philippines, and also provides that certain steps shall be taken by this Government, in connection with other governments, to secure the neutrality of the Philippines.

Mr. President, I am assured by Senators on both sides of the Chamber, who have been in sympathy with the general purpose of the joint resolution, that there is a prevailing opinion among them, or such as I have had an opportunity to talk to, that it would be better under the circumstances to have the joint resolution go over until the next session. Because of this consensus of views I rise merely to say that I will ask that the joint resolution lie on the table until the next session of Congress, when I shall call it up.

#### REMOVAL OF RESTRICTIONS FROM INDIAN ALLOTMENTS.

Mr. OWEN. Mr. President, I wish to give notice that tomorrow morning, after the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

#### ORDER OF BUSINESS.

Mr. RAYNER rose.

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. RAYNER. Certainly.

Mr. SCOTT. I wish to make a statement. I do not wish to interfere with the business of the Senate. There are seven pension bills on the Calendar, and I am informed from the House that unless we pass them to-day and get them over there it will be impossible to have them enacted into laws at the present session.

I do not want to interfere with the Senator from Maryland, or with the Senator from Pennsylvania, in charge of the pending appropriation bill, but I should like at some time to-day to get those seven bills before the Senate and have them passed, so that they can be sent to the other House.

Mr. PENROSE. Mr. President, I have yielded the floor to the Senator from Maryland. After the conclusion of his remarks I shall ask the Senate to proceed to the consideration of the post-office appropriation bill. Later in the day I will endeavor to arrange a suitable opportunity for the Senator from West Virginia to call up the pension bills and have them passed.

#### COL. WILLIAM F. STEWART.

Mr. RAYNER. Mr. President, I call up Senate joint resolution 82, and I should like to have the joint resolution read.

The VICE-PRESIDENT. The Chair lays the joint resolution before the Senate. It will be read by the Secretary.

The Secretary read the joint resolution (S. R. 82) relating to certain charges against Col. William F. Stewart, of the Coast Artillery, as follows:

Whereas certain charges are now pending in the War Department against Col. William F. Stewart, Coast Artillery, United States Army; and

Whereas a certain report containing these charges has been filed with the President of the United States, and both the charges and report contain statements affecting the qualifications and status of Colonel Stewart as an officer of the United States Army; and

Whereas Colonel Stewart has not been served with a copy of these charges, and although he has applied for a court of inquiry in order to ascertain the truth or falsity of the same his request has been denied, and he was nevertheless, without the opportunity of defense or trial, upon the basis of these ex parte accusations deprived of his command and ordered to be retained at Fort Grant, Ariz., long an abandoned military post, until he reaches the minimum age of compulsory retirement in the year 1911, and was thereafter ordered to another abandoned military post, without command, at St. Francis Barracks, St. Augustine, Fla., and upon reaching St. Augustine has been ordered back again to the abandoned post at Fort Grant, Ariz.; and

Whereas this punishment has been inflicted upon him without afford-

ing him any opportunity whatever to relieve himself from the charges aforesaid and without giving him the slightest information in reference to the same: Therefore

*Resolved, etc.,* That the President of the United States be authorized and directed to convene a court of inquiry to consist of not less than five officers of the Army, whose duty it shall be when so convened to fully investigate all the charges and accusations against Col. William F. Stewart, of the Coast Artillery, now on file in the War Department or that may be contained in the report of the same heretofore submitted to the President of the United States, or any other charges affecting the character or qualifications of the said Col. William F. Stewart as an officer of the United States Army; and that the said Col. William F. Stewart have the right to appear in person and be represented by counsel and to be confronted with the witnesses against him and to have a copy of the specifications containing such charges in the proceedings before such court, and that the said court report its opinion upon all the facts and specifications before them as is usual in the procedure of courts of inquiry: *Provided*, That the court be convened as soon as possible and that the said Col. William F. Stewart shall be allowed the same right of challenge as is allowed by law in trials by court-martial.

Mr. RAYNER. Mr. President, I want to preface the brief presentation that I propose to make of this matter by saying that I am entering upon the subject with no feeling whatever of hostility or enmity to the President of the United States. I have upon several occasions before in this body differed with the President very widely in regard to certain principles and policies that he has advocated, but I have always done so in a deferential and respectful way. This occasion does not warrant any personal feeling or afford any justification for it. I think that the President has made a mistake, and that he has again fallen into a grave error in regard to the extent of his prerogative under the laws of the country, and in stating my position I should like to have it distinctly understood that it would not be a matter of the slightest concern to me to which party the President belonged, for if the President was a member of my own party and took the same view of his legal and constitutional rights that he now does, I would not have the slightest hesitation in opposing him with all the zeal and power at my command.

Senators here know that I have no political object in view, and that I would never use this forum for any such purpose. I am not sufficient of a partisan to use an occasion of this sort for the purpose of gaining any political advantage. I am animated by a higher purpose, because the subject under consideration involves to my mind one of the most important questions that has ever been presented to the Congress of the United States.

Mr. President, I want to state who Colonel Stewart is. Colonel Stewart is a colonel of the Coast Artillery. He is not a graduate of West Point, but he entered the Army as a commissioned officer at the age of 17 years. He comes from a military family, his father before him being a colonel in the United States Army. He has been recommended for a medal of honor, and he has been promoted in the Indian warfare for gallantry upon the field of battle. He has been in the service of his country for over forty years. He is now one of the fourteen colonels of the Coast Artillery. He is second in rank upon the list of Coast Artillery colonels on the active list, and is likewise the second ranking colonel among all the colonels of both the Coast and Field Artillery on the active list. Colonel Greenough is now the ranking artillery colonel. He will retire in December, 1908, when Colonel Stewart will become the ranking colonel on the active list of all the Coast or Field Artillery colonels. He will not be 62 years of age until June 13, 1911. This is the minimum retirement age. He can be compulsorily retired by the President on that date, if he declines to retire sooner of his own volition.

Now, having stated who Colonel Stewart is, I want to state where Fort Grant, Ariz., is, so as to bring the objects in juxtaposition with each other. Fort Grant, Ariz., is an abandoned military post. It consists of a group of old buildings in charge of a single caretaker, who I think has been sick during most of the period he has been at that place. There are no troops whatever stationed there. The only companions of Colonel Stewart at this place of punishment are a care taker and a teamster, both civilians; and Colonel Stewart while he is confined there has no right officially to communicate with any other post. He can only communicate direct with the Department. The nearest railroad station, I believe, is 25 miles from the place where the President has located him, stripped of his command, and the nearest surgeon is at a cavalry post in Arizona 75 miles distant; and the surgeon could not be ordered direct but only through orders from Washington.

I want to have it distinctly noted, as I have already stated that Colonel Stewart is on the line of promotion, there being but one artillery officer between him and the head of the artillery service, as I am informed.

Now, I want to read the process through which Colonel Stewart passed, which is as interesting as it is cruel, before he reached the place where the President has him now.

WAR DEPARTMENT,  
September 23, 1907.

Col. William F. Stewart, Coast Artillery Corps, Fort Barrancas, Fla.—  
He was stationed at Fort Barrancas, Fla., which I understand is a fort 9 miles from Pensacola—

SIR: Pursuant to instructions from the President, the Department is prepared to issue an order assigning you to station, probably Fort Grant, Ariz., without command. The President has directed, however, that before this order is issued an opportunity be given you to apply for immediate retirement under section 1243, Revised Statutes, and by direction of the Acting Secretary of War that opportunity is hereby given you.

The Acting Secretary of War directs that immediately upon receipt of this communication you telegraph acknowledgment thereof to this office and that within twenty-four hours afterward you advise this office by telegraph whether you do or do not desire immediate retirement, under section 1243, Revised Statutes.

Very respectfully,

BENJ. ALVORD, Adjutant-General.

No charge, no notice of any offense or delinquency that was committed, no information on the subject, no condemnation by a court or otherwise, but "pursuant to instructions from the President." No instructions were ever given to him, or a copy of them forwarded to him. He is given twenty-four hours to retire from the Army of the United States without being given any cause at all of what his retirement was asked for, or anything else up to this date.

That is the commencement of this process. Here is the answer of Colonel Stewart. I am not reading the whole of these letters, because they are not relevant. Here is the answer:

FORT BARRANCAS, FLA., September 30, 1907.

ADJUTANT GENERAL U. S. ARMY.

SIR: Your letter of the 23d instant sent direct to me by registered mail was a surprise to me.

In order to cause such a letter to be sent there must have been some report or charge made against me to the War Department. I am ignorant of the purport of the report or charges. In law a person is presumed innocent until proven guilty.

The Colonel is mistaken. Under this Administration certain persons are presumed to be guilty unless they are proven innocent. The maxim is reversed. He was laboring under a delusion, therefore, when he said that a person is presumed innocent until proven guilty.

Before any action is taken on a report against me, I am, I believe, entitled to know the report or charges, or should have a chance to confront the witnesses. In this case I have had no chance to defend myself. I therefore request that a court of inquiry, as provided for in the One hundred and fifteenth article of war, be appointed to examine into the accusations or imputations made against me.

STEWART, Colonel.

Now here comes the letter from the Adjutant-General in answer to this:

WAR DEPARTMENT, October 2, 1907.

SIR: You are hereby relieved from duty at Fort Barrancas, Fla., and will proceed without delay to Fort Grant, Ariz., and take station there. That post has been withdrawn from the command of the commanding general, Department of the Colorado, and you will, therefore, communicate directly with this Office on all official matters pertaining to yourself or your station. The travel directed is necessary to the military service.

By order of the Acting Secretary of War.

HENRY P. MCCAIN,  
Adjutant-General, War Department.

Then comes the President's action—

SIR: In response to your letter of the 15th ultimo, I am directed by the Acting Secretary of War to advise you as follows:

Your request for a change of station is disapproved. The Quartermaster-General has been directed to take prompt measures to remedy all the defects complained of by you in reference to the habitability, comfort, and sanitary conditions of your quarters at Fort Grant.

If you desire, provision can be made to quarter the care taker at Fort Grant in another building, or a different care taker can be ordered there. If you desire either of these changes made, you will make report to that effect to this Office for the action of the Secretary of War.

The action of the President that determined your present status was based upon a report submitted and acted upon by the President—

Not a line of which Colonel Stewart has ever been given the right to read or examine—

which contained the distinct recommendation that you be retained at Fort Grant until you reach the minimum age (62 years) permitting of your compulsory retirement by the President, unless in the meantime your application to be retired after forty years' service should be received; then of course you would be ordered to your home on retirement.

It is therefore to be inferred that the President contemplates no modification of your present status (which you yourself have chosen in preference to being retired) until your retirement.

Very respectfully,

HENRY P. MCCAIN, Adjutant-General.

Now, there is a supplement to this, and that is that within the last few weeks he was ordered from Fort Grant, Ariz., to Fort St. Francis Barracks, St. Augustine, Fla., and the day that he reached there last week he was ordered again to this post at Fort Grant, Ariz. He is there now.

The Senate will understand that Colonel Stewart has never received notice of the charges that have been preferred against him. He has never been allowed to see a copy of the charges.

Mr. FORAKER. Mr. President—



The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. FORAKER. I dislike to interrupt the Senator, but I should like to ask him if he does not find in the correspondence from which he has been reading a report of the War Department from Colonel Stewart giving an account of the situation existing at Fort Grant, the kind of a place it is, and its location generally, and the condition of the buildings that he must occupy. If so, I would suggest to the Senator that I think that letter would be important enough to be put into the Record in this connection, if it would not disturb the Senator.

Mr. RAYNER. I have no such communication. I do not know whether the Senator heard my statement just now, when I gave a short description of that spot to the Senate. I gave a description of Fort Grant as well as I could. The President sent me a letter a few days ago and gave me a copy of the charges, and then he demanded that I should return the charges. Under the circumstances I did not think that I had a right to have the charges copied, and I have never had the charges myself, except only the opportunity to look over them. I considered the charges somewhat in the nature of a confidential communication. If those charges contain any other description of Fort Grant than what I have given, of course I should like very much to have them.

Mr. FORAKER. I do not refer to the charges. I refer to the official report on the application made by Colonel Stewart for an order transferring him to some other post because of the disagreeable conditions existing at Fort Grant. I saw it in some paper which was sent to me by somebody through the mails, I do not know by whom. I think I can get it.

Mr. RAYNER. I have no doubt that is perfectly correct; and I will say to the Senator from Ohio I suppose the letter which I have just read must have been in answer to the communication of Colonel Stewart, in which the Adjutant-General says:

The Quartermaster-General has been directed to take prompt measures to remedy all the defects complained of by you in reference to the habitability, comfort, and sanitary conditions of your quarters at Fort Grant.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. Yes, I do.

Mr. TALIAFERRO. Before the Senator from Maryland leaves St. Augustine and the St. Francis Barracks, I would ask if he means to explain to the Senate why Colonel Stewart was ordered from St. Francis Barracks back to Fort Grant, Ariz.?

Mr. RAYNER. I have so much to refer to that, unless the Senator from Florida wants me to do it further on, I prefer not to go into that, and I will give the Senator from Florida an opportunity to say why Colonel Stewart was transferred. I have merely said that he was transferred without stating anything more about it; and before I took the floor this morning I stated to the Senator from Florida that I should make that statement just in this way. If the Senator wants time further on, he can give reasons why Colonel Stewart was transferred; or, if he wants me to do it, I will do it, though I had rather go on now. It is not a question of where the man is that I am discussing; it is the question of the right to treat him as the President has treated him.

Mr. TALIAFERRO. I thought, Mr. President, that it would make the Senator's argument more complete if he took up those questions as he went along.

Mr. RAYNER. I am much obliged; but I would prefer, very politely and courteously, to be the judge of the completeness of my argument myself. I am very much obliged to the Senator, and I shall explain, before I have finished, the reasons, or I will give the Senator the right to do so, but I would rather he would do so in his own time. I do not, however, object to interruptions at all on the main point. Why Colonel Stewart was sent from one post to another is collateral and irrelevant to the subject that I have in hand.

Mr. TALIAFERRO. I shall not interrupt the Senator again.

Mr. RAYNER. I will give the Senator the right now, or I will state it myself further on.

Mr. TALIAFERRO. I did not mean to pass critically upon the completeness of the Senator's argument, but simply wanted him to do justice, as I thought, as he went along. If he prefers that later on I shall make the statement. Of course I will do it, if necessary, in my own time and in my own right.

Mr. RAYNER. Mr. President, I come to a letter that the President has written to me, and I am not prepared to say now that I will read that letter. I propose to read extracts from it. If it is necessary I will have the letter published when my remarks are published in the Record, but I do not intend to have the whole letter read now.

Before reading this letter I want to state what some of these charges are. They are all charges which, even if they were true—and I am informed that they are not true, and that the untruth of the charges could be sustained if this officer were afforded an opportunity to produce testimony and witnesses in his own behalf—the charges are frivolous and petty charges, not in the slightest degree affecting Colonel Stewart's character as a man, his honor as a citizen, or his courage as a soldier.

One of the charges relates to a controversy that occurred between Colonel Stewart and a civilian when Colonel Stewart was located at Fort Williams, Me., in which a gentleman by the name of Cushing wanted his employees to use the Government boats, and Colonel Stewart refused him the right. Another charge relates to a controversy that occurred between him and an engineer of the United States Army when he was at Pensacola, Fla., in which the engineer desired to use the Government barracks for certain purposes on the eve of his daughter's marriage; and Colonel Stewart, being a strict disciplinarian, denied him that right. Another charge relates to a controversy which occurred between him and a plumber in Pensacola, Fla., in reference to some trivial matter. Another charge—and I think I am going over all of them—alleges that Colonel Stewart's quartermaster-general, I think, was convicted of embezzlement, and the President seemed to think that he was not sent to the penitentiary soon enough; that Colonel Stewart ought to have expedited him to that point a little quicker than he did, although his conviction was procured by Colonel Stewart. Another charge relates to some emphatic language that Colonel Stewart indulged in with some subordinate in the United States Army. In other words, there are charges, as the President is pleased to call them, of temperamental infirmities, certain peculiarities of disposition that manifest themselves whenever there is any opposition to the display of individualism. [Laughter.] The President has come to the conclusion that Colonel Stewart is a man who wants to have his own way. [Laughter.] Whenever there is a controversy between himself and others, imitating the example of the Constitutional Commander of the Army, he wants to dominate the situation, that he has his own ideas about his public duties, and that he does not propose to be interfered with in the performance of them. [Laughter.]

Those are not the charges, Mr. President, that Colonel Stewart makes against the President, but the charges that the President makes against Colonel Stewart. [Laughter.] He has not the temperament that the President has—that fine system of adjustment and compromise that is always suggestive of restraint and calmness and moderation. [Laughter.] As you will observe, none of these charges are of a grave and serious nature, but relate to petty controversies, in which the President thinks that Colonel Stewart ought to have yielded, as the President has always done upon similar occasions. [Laughter.]

One instance relates to a discussion with a subordinate officer, in which the Colonel is said to have used rather emphatic language in maintaining his side of the argument. The President finds great fault with this particular temperamental weakness because in his own official intercourse it is well known that the President never indulges in any forcible or vehement expression either in oral discourse or in written communications. [Laughter.]

Of course, Mr. President, even if these charges are true, it is a matter of deep regret that a military officer should not be able to imitate the example of the Constitutional Commander in Chief of the Army, and at all times and upon every occasion and with every person exercise that degree of tranquillity and repression that for the last few years has given us, free from every kind of tumult and commotion, the most serene and placid Presidential epoch that we have ever been blessed with in the annals of this country. [Laughter.]

Having, Mr. President, given the status of Colonel Stewart, I come now to the propositions that are involved in this resolution. Have we a right to pass this resolution? I want to give you what the President says, and then I want to give you what I say, or rather what others say, for I shall not depend upon any original thought of my own in reference to this resolution.

In the meantime I want to read a letter the President has at this moment sent to me. It is as follows:

THE WHITE HOUSE,  
Washington, May 12, 1908.

MY DEAR SENATOR RAYNER: Senator TALIAFERRO informs me that he understood that you felt you were not at liberty to publish my letter without my consent, and had written to ask for that consent. I have not received any request from you to this effect. You are entirely at liberty to publish the letter, which was not marked confidential or private.

Sincerely yours,

THEODORE ROOSEVELT.

Hon. ISIDORE RAYNER,  
United States Senate.

I will now read my two letters to the President. This is the first:

UNITED STATES SENATE,  
Washington, D. C., May 4, 1908.  
HON. THEODORE ROOSEVELT,  
Executive Mansion.

MY DEAR MR. PRESIDENT: I have thought over the matter in connection with Colonel Stewart, and I would take the liberty of suggesting to you the calling of a court of inquiry upon the subject. The facts contained in the record, extracts from which you read me, could then either be established or Colonel Stewart could be vindicated. As I understand the method of procedure, and I have had some experience in the matter, neither penalties nor punishments necessarily follow the findings of the court, but the object of the proceedings would be simply to find the facts, and either sustain the record or vindicate the officer. I would kindly and respectfully ask you to give this matter your consideration as soon as possible. I would like, in the meantime, to have a copy of the charges that you read to me, and I shall be extremely obliged to you for the same. I am receiving numbers of communications upon the subject and, of course, my recollection is not specific upon the points in question, and I would like to have them before me.

I do not want to inconvenience you in this matter, but it was your own suggestion that you intended to embody them in a communication to me, in answer to my letter to the Secretary of War. With respect and esteem, believe me,  
Very truly, yours.

The second letter I wrote him reads:

UNITED STATES SENATE,  
Washington, D. C., May 9, 1908.  
HON. THEODORE ROOSEVELT,  
Executive Mansion, Washington, D. C.

MY DEAR MR. PRESIDENT: I have just received your communication, and, of course, I will wait until you see the Senator from Florida to-day. I would, however, in the most respectful manner, call your attention to the fact that it is not so much a question where Colonel Stewart is to be sent as it is whether he ought to be punished in this way at all without a trial. I therefore again submit to you, with all due consideration, that a court of inquiry could easily dispose of this subject, and I earnestly hope that upon further reflection you will assent to the propriety of this course in the interest of justice. It is the only way in which the truth or untruth of the charges can be ascertained.

In the case of General Howard a joint resolution in a similar matter was passed by Congress, and a court of inquiry was held, and the accused officer was vindicated. I want to avoid such a proceeding if possible, and I therefore kindly ask you to give this matter your further consideration before arriving at a final conclusion refusing the appeal of Colonel Stewart for an official inquiry into the charges that have been made against him.

Of course, you will easily draw the distinction between a court-martial and a court of inquiry, and while you said to me, and I entirely agree with you, that the accusations would not justify a court-martial, they constitute the very kind of charges that a court of inquiry could easily dispose of.

Yours, very truly.

I will, in a moment, read the conclusion of the President's letter in reply to this. Then I wrote:

MAY 7, 1908.  
HON. THEODORE ROOSEVELT,  
Executive Mansion, Washington, D. C.

MY DEAR MR. PRESIDENT: I desire to thank you for the prompt attention you have given to the case of Col. William F. Stewart, and hope that you understand my position in regard to the same. I have been asked to submit a resolution to Congress asking for a court of inquiry in the matter. If I take this course I am acting strictly in accordance with law and with a well-established precedent in which the right of Congress to take action in a matter of this sort was established. I have had occasion to examine the question very closely, and have no doubt about the power of Congress to pass a resolution directing a court of inquiry to be called. I gather from your letter that you do not think it proper to convene the court. In view of the fact that you state in your communication that you have not made a final decision upon the subject, and inasmuch as Congress will adjourn in a few weeks, I shall gladly wait until the expiration of the present week before I offer any resolution upon the subject—

That was last week—

You will understand that I have no idea of impeaching the conclusions you have reached upon the ex parte statements that have been submitted to you. You have heard one side of the case; now what Colonel Stewart's friends want is to have his side of the case heard. I therefore, respectfully submit that you might change your mind if the testimony should be in his favor, instead of against him, before the court. He has never had a copy of the charges upon which this severe punishment is now being meted out to him. I am quite sure that you do not want to convict him upon the testimony against him, without hearing his testimony, no matter from what distinguished source the charges against him may emanate, and it is for this reason that a court of inquiry would be the proper forum before which the evidence on both sides could be submitted, and to which I am confident you will give your most careful consideration. The most extreme measures have been resorted to in reference to the punishment inflicted upon this officer, and he must have the right to have his case heard before a tribunal that can present to you the testimony on both sides.

I return herewith the memoranda which you have asked me for, and I again thank you for your courtesy and for the consideration that you have given this matter.  
Very truly, yours.

Now, the answer in the President's letter is as follows:

Now, as to your suggestion as to a trial. For the reasons given above, and also in the memorandum which I herewith forward, there is no point in having a court-martial. At present I do not see how a court of inquiry could be of use, for I do not see how any court of inquiry would express an opinion to which I should pay more heed than to the judgment of Generals Wade, Grant, Murray, Duvall, and Davis, in accordance with whose recommendations I have acted.

Senators will observe that this officer has never been given the slightest opportunity to defend himself against the charges

of Generals Wade, Grant, Murray, Duvall, and Davis. Without saying one word against these officers, because I think I know some of them well and I know the distinguished services they have rendered to their country, I want to say that, with a single exception, these officers have all been promoted over the head of Colonel Stewart, as I am informed, to the positions that they now occupy.

You say it is only by a court of inquiry that "we could ascertain the truth or untruth of the charges." I feel that the truth of the charges has been established beyond the possibility of upsetting by the reports quoted in the body of my letter.

What do we think of that? The prosecution has been heard, but not a word for the defense, and the truth of the prosecution has been established "beyond a possibility of upsetting," when the man has never had the slightest opportunity of defending himself or even being confronted with the witnesses against him or of giving his testimony. That is the President's conception of his constitutional prerogative. It has never been paralleled in the military records of American history. I challenge the production of a case that is a parallel to it. Language is not too strong for the condemnation of such a course of procedure as this.

I will, however, consider this matter of a court of inquiry carefully before making a final decision; but at present I am not inclined to view the proceedings with favor. There is nothing to be inquired about. The testimony before the inspecting officer by both Colonel Stewart and the officers whose testimony I have mentioned, and others, was under oath. So that as to the concrete case there is nothing to find out, and as to the general opinion of the service it is clearly set forth, not only by the testimony of the officers who served under him, but by the reports above mentioned of the last five general officers under whom he served. The case is absolutely clear.

Nothing would more quickly destroy all discipline in the Army than continually to grant courts of inquiry to contentious, inefficient, or disobedient officers whose misconduct is already proved beyond the possibility of rebuttal. Baseless requests for such courts are continually made by offenders of contentious disposition.

"Contentious disposition." [Laughter.]

It would be wholly undesirable to grant them. I do not understand your allusion to a joint resolution by Congress.

Such measures as those taken in this case are purely within the scope of the President's duties and authority. The course followed in this case is the course which will hereafter be followed, to the great benefit of the Army in all such cases. Letters to this effect have already been addressed to the commanding officers of the several departments.

Now let us look at whether the President is right or not. I shall go very briefly into the cases, because the proposition is so perfectly plain that I do not think any tyro in his profession would dispute them. The propositions that I make are three—first, that Congress has the right to order a court of inquiry; second, that the President has no right as the Commander in Chief of the Army to inflict any punishment whatever upon an officer of the United States; and, third, that as Commander in Chief he is bound by the laws of Congress.

The principal question is: Is the President of the United States bound by the laws of Congress in reference to his duties as Commander in Chief of the United States Army?

The President—

(Read from the Constitution)—

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States;

But—

Congress shall have power \* \* \* to raise and support armies,

And—

To make rules for the government and regulation of the land and naval forces.

My proposition is that any law or rule or regulation that this Congress makes commands and demands the obedience of the President, to quote the language of a text writer to whom I shall presently refer, as much as it does the loyalty and obedience of any private in the ranks.

Here is the precedent for my resolution. I would not have offered the resolution; I would have hesitated to have offered it, if I did not have precedents; but this whole question was discussed in the Forty-third Congress. The Senator from Maine (Mr. FAYE) was then a member of the House of Representatives, and he participated in the discussion. In this Chamber the question was decided by as able a body of men as ever gathered within its presence. Conkling participated in the debate; Sumner participated in the debate, as did Morrill, Logan, Thurman, and others. The result was the passage of a resolution identically in the terms of this resolution, with one slight correction, which I will endeavor to have made, and that is the resolution I have introduced "authorizes and directs" the President; whereas the resolution passed in the Forty-third Congress "authorizes and requests" him. I did not know that the President would pay any attention to a request, and so I thought I had better put it as strongly as I could, and therefore



I used the word "direct;" but I am perfectly willing to change the word "direct" and put in the word "request." With that exception the resolution of the Forty-third Congress is the precedent for my resolution. It is a matter of grave importance in connection with this discussion. It was passed on the 30th of January, 1874, in the Forty-third Congress, first session. The resolution was as follows:

*Be it resolved, etc.,* That the President of the United States be requested and authorized to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be, when so convened, to fully investigate all the charges against Brig. Gen. O. O. Howard, contained in the communication of the Secretary of War to the Speaker of the House of Representatives of date December 5, 1873, and to report their opinion as well upon moral as upon technical and legal responsibility for such offenses, if any, as may be discovered.

I have left that last sentence out. It is not necessary at all.

*Provided,* That the accused may be allowed the same right of challenge as is allowed by law in trials by court-martial.

The resolution was discussed in the House and it was discussed in the Senate. It unanimously passed the House and the Senate. A court of inquiry was convened and General Howard was honorably—I will not say acquitted—but he was honorably vindicated. I merely want to read a few words from what Senator Conkling said upon that occasion:

Now, learning, as I do, that General Howard has no objection to this inquiry, which I think is to his credit, I can not suppose that this proceeding will fail to address itself to the sensibility of every member of the Senate. Here is an officer, certainly distinguished in service, distinguished in the sufferings which his service inflicted upon him, a man maimed in body, and who until this inquiry shall be made must be regarded as maimed in reputation. If he is willing or desirous that his conduct shall be inquired into, and by a court so rigorous as must be a court to whom apply especial obligations and considerations of honor, in that respect, it seems to me, there should be no doubt.

Mr. Thurman addressed the Senate with a very instructive argument, and wound up by saying:

Mr. President, I shall vote for this resolution. It is time this investigation was made, and it is proper that it should be made, in my judgment, by a court of inquiry.

I will not read the whole debate, but it is all there. There was not a dissenting opinion in the House of Representatives of the United States as to the propriety and legality of the passage of such a resolution. The only point that was taken was that the statute of limitations had run, and if the court of inquiry had decided against General Howard a court-martial could not be convened to punish him. The Senate passed by that objection and gave him a court of inquiry without reference to it. I want to say, in passing, that the statute of limitations had run in the case of Admiral Schley. When the case of Admiral Schley was tried before the court of inquiry a question arose in reference to the statute of limitations, but, nevertheless, the court of inquiry was held in that case. Here is what Mr. Morrill says:

Now, why should not this inquiry be made? My friend by my side (Mr. Morton) says it will result in nothing. I say it will result in much. This man is under a cloud. Here is a distinguished officer of the United States Army in whose reputation and character we all have a just pride; a man who entitled himself to honor, who entitled himself to the good wishes of his countrymen; conspicuous in war, maimed, and will go down to his grave maimed, in a very worthy service; a man whose reputation up to this time has been as spotless as that of any man living. He is under a cloud. It is said that this investigation will result in no legal proceedings thereafter. Suppose that were so; is it not an object to relieve this man from this cloud which hangs over him? Have we no duty in this case to him and to the Department? Has not my honorable friend made this investigation absolutely necessary by his voice in denunciation here this afternoon?

Then the amendments were ordered to be engrossed, the joint resolution to be read a third time, and the joint resolution was read the third time, and passed.

So I am not here without a precedent. I am here with about as well-considered a precedent as could be desired. If I had no precedent, the text writers are all unanimous upon this subject, it seems to me. But here is a precedent, and I have drawn this resolution, with the one exception to which I have referred, just in the line of that precedent.

I come to the point, What is a court of inquiry? But before I advert to that let me point to the Army Regulations on this subject. I read from article 99 of the Articles of War, which relates to the dismissal of officers:

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation itself.

Then following that are provisions relating to the punishment of officers. There are only one or two cases where summary punishment can be inflicted and in each one of these cases a court-martial is provided for. There is no such thing in the military jurisprudence of the United States, under the Constitution, as the commanding officer inflicting punishment upon

anybody in the military service of the United States. The authorities are all against it; and I will refer the Senate presently to a whole line of authorities where it has been held over and over again that the President has not the slightest right, and no commanding general has the right, to inflict punishment without a resort to the military court.

What is a court of inquiry? I want to refer to Winthrop just for a moment. He cites the Howard case on page 795. I am hurrying through this case because I want to say that I am not here merely for the purpose of addressing the Senate. If the Senate is simply very kindly giving me its attention while I am making this speech and this man should be compelled to stay out there for three years, my speech will amount to very little. I must call this resolution up later in the week for some practical action on it, because you see what the President is determined to do. The President is determined to keep him there for the next three years. The President has put him in this position: "I demand that you send in your application for retirement; I deny you the right to have a copy of the charges against you; and if you do not retire, I will keep you there for the next three years. You have either to stay there or you must retire and surrender—one or the other."

No such edict as that, so far as I have been able to ascertain, has been promulgated in the imperial armies of the European continent, where the law is different from what it is here, because there a military officer loses his identity as a citizen, but here an officer of the United States Army never loses his identity as a citizen, and he is always to be protected under the fifth amendment to the Constitution, which provides that—

No person shall be \* \* \* deprived of life, liberty, or property, without due process of law.

The office is his property, and the President has no right to deprive him of that office without due process of law. A court of inquiry, so called, is not a court at all. I am glad the members of the Committee on Military Affairs are giving me their attention, because I shall not be able to appear before them:

The court of inquiry, so called, is really not a court at all. No criminal issue is formed before, it arraigns no prisoner, receives no pleas, makes no finding of guilt or innocence, awards no punishment. Its proceedings are not a trial, nor is its opinion (when it expresses one) a judgment. It does not administer justice, and is not sworn to do so, but simply to "examine and inquire." It is thus not a court, but rather a board—a board of investigation, with the incidental authority (when expressly conferred upon it) of pronouncing a conclusion upon the facts. But, as it is a sworn body, and as the witnesses before it are sworn and examined and cross-examined, as before courts-martial, it is a board of a higher sort in the nature of a court, and has thus come to be termed a court in the law military. This is from Winthrop.

Then in giving the most prominent cases that have come before courts of inquiry, he gives this case to which I have just referred.

I know all about what a court of inquiry is. I had four months' experience with one of them. This case in some respects is like the Dreyfus case. Dreyfus was sentenced to a place like this. Of course it can be said to the eternal honor of the French Republic that it annulled the sentence and restored him to his position and vindicated his character. But, at least, he was before a court. He was convicted upon the testimony of suborned and perjured witnesses, it is true. But he was tried. He was represented by a master of the criminal law in France. This man has had no counsel and no friend except his wife in Washington, who is the granddaughter of William Pinkney. It has been impossible to communicate with him. It has been impossible to get a list of his witnesses. Such a proceeding was never heard of, that I can find, in the military records of any civilized country on this earth.

What does the President mean? Who are his advisers? Is a man entitled to a trial? The President says "I am satisfied he is guilty, and I do not want to hear the defense." What would you think of a judge upon the bench who promulgated such a brutal decree as that? It makes the blood rise to a fever heat to see the President announce such a doctrine to the Senate of the United States. If the man is guilty, convict him. If he is innocent, acquit him. But the greatest felon in the land is entitled to a trial, and certainly this man ought to be entitled to one after forty years of distinguished service to his country. He became engaged in a quarrel with a plumber. How many quarrels has the President been in with plumbers and everybody else? Suppose the President was sent to a place like this for every quarrel he got into and for every emphatic expression he made use of? This man is convicted because he imitated the example of the Commander in Chief.

Mr. President, I think he has a right to demand a court of inquiry. The President says not. What can we do? I think under the one hundred and fifteenth article of war he has the right. The President will not give it to him. Let me

read that one hundred and fifteenth article for just a moment. It seems to be very plain:

A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

Does not that give him the right to demand it? The President, the commanding officer, says not, and he relies upon some construction of some of the officers of the War Department, that although the officer demands it, there must be, nevertheless, the assent of the President before it can be granted. What can this man out there do? Tell me what he can do out there at Fort Grant, Ariz.? Let us assume that he is entitled to a court of inquiry. The President denies it. There is no process in the civil courts by mandamus or otherwise by which he can enforce his rights. That has been held. Must he stay there for three years, or obey the President's request for retirement, or has he the right to come to the Congress of the United States and ask it to do as it did in the case quoted upon almost a similar state of facts, to grant him a trial, to which every American citizen ought to be entitled?

I come now to another point, an exceedingly important point. Has the President the right to inflict punishment? No one doubts that this is punishment. I challenge the President or his law officers to produce a single case in which it has ever been held that a commanding officer has the right to inflict punishment without resorting to a summary court or a court of inquiry or a court-martial. Let me give you an authority on that point, with at least thirty or forty cases, in favor of the proposition I now state. I quote from Winthrop, volume 1, page 679. I have another authority, the best we can get on that subject. On page 679 Mr. Winthrop states the law in this way:

By the authorities nothing is more clearly and fully declared than that punishments can not legally be inflicted at the will of commanders—that they can be administered only in execution of the approved sentences of military courts.

No officer has the authority in any case to inflict punishment for past offenses of any kind.

It is stated much stronger in Mr. Porter's admirable work.

Mr. Porter, on page 730, states it in this way, and he would not have stated it in this way if it had not been a true statement of the law:

We have in our military law no system of disciplinary punishments. Except in a few cases, unimportant in themselves or of rare occurrence in practice, our code recognizes no punishments other than such as may be adjudged upon trial and conviction by a military court.

If the Military Committee will examine this case at page 730, they will find no less than thirty or forty military decisions in favor of the proposition. All through the President's letter—I have marked the points—he speaks of it as punishment.

Listen to the letter:

For the reason that while a court-martial would undoubtedly award some punishment it would fall short of what was really needed, the separation of Colonel Stewart from active service.

It must be remembered that the desire throughout was primarily to benefit the Army, and that the punishment of Colonel Stewart was wholly incidental to this end.

If he had consented to retire, there would not have been any punishment at all. Four times on one page the President speaks of "punishing" an officer of the Army of the United States, and over and over again in the military annals of this country it is stated that no military officer at this day has the right to inflict the slightest punishment upon any officer or soldier of the Army except by regular trial by court, unless otherwise provided by law.

Now, I come to another proposition. Why did not the President give the man a retiring board? I ask this in passing. He would not even send him before a retiring board. If he is mentally or physically or temperamentally disabled, if he has this temperamental infirmity or any of these new diseases which have sprung up in American politics, why not try him before a retiring board? They can retire him. I will not quote the provisions, but there is provision after provision for a retiring board. You can bring any officer before a retiring board, and if he is mentally or physically disqualified you can retire him at any time. You can not only retire him on half pay, but you can retire him without any pay at all. The President will not have him before a court-martial. The President will not have him before a court of inquiry. The President will not give him a retiring board, but he proposes to be the witness, the judge, and the executioner at the same time. Of course I claim that he can not be retired.

This brings me to the most interesting part of this discussion. I have now taken longer than I intended.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I shall be very glad to yield.

Mr. FORAKER. A few minutes ago I called the Senator's attention to a certain letter which I had seen in the correspondence between the War Department and Colonel Stewart, and I asked the Senator if he had the letter, and if so whether he did not think it should find a place in the Record in connection with his speech. Since then I have been furnished with a copy of the letter. In connection with the question whether or not punishment has been imposed upon this officer, I should like to ask the Senator whether he does not think the letter should be inserted in his speech. It is a letter from Colonel Stewart, written from Fort Grant, after he had been there four months, telling of the conditions existing there and by which he was surrounded and to which he was subjected.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Certainly.

Mr. BAILEY. I simply want to suggest to the Senator from Maryland that he might read without hesitation anything furnished him by the Senator from Ohio. [Laughter.]

Mr. FORAKER. I certainly would not try to mislead the Senator from Maryland.

Mr. RAYNER. I want to say to the Senator from Texas that he is entirely mistaken on that proposition and the case the Senator from Ohio is advocating, with all deference to the Senator from Ohio, because there is no one for whom I have greater regard and esteem. The case of the Brownsville rioters differs as much from this case as it is possible for two cases to differ. There is no possible connection between them. I am not for one moment attacking the claim the Senator from Ohio makes. I am not for one moment entering into that discussion.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. I should like to finish the sentence.

Mr. FORAKER. I was about to suggest, if the Senator will allow me, that I will take the responsibility of reading the letter as a part of the interruption of the Senator if he prefers it.

Mr. RAYNER. I want to read the letter, and I am very much obliged to the Senator for giving it to me. I shall certainly read it. I appreciate his kindness in giving it to me. Without passing upon the Brownsville matter at all, for I have not examined that matter, I may say that this is an entirely different case. If there is any intimation made by the Senator from Texas, I want to point now to Article 4—

Mr. BAILEY. The Senator from Maryland—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Yes, I yield.

Mr. BAILEY. The Senator from Maryland was so much engrossed with his subject that he did not catch the point of my remark. The Senator from Maryland must certainly understand that I differ more widely than he does with the Senator from Ohio on the Brownsville controversy, which is not now before the Senate, and I only had reference to the well-known cordial relations which exist between the Senator from Ohio and the President of the United States when I said that the Senator from Maryland could be positive that the Senator from Ohio is not furnishing any disproof of what the Senator from Maryland was saying. But having said that much in a jocular spirit, I want to say, also, that I do not believe the Senator from Ohio would furnish anything that he did not believe would enlighten us on the subject.

Mr. FORAKER. I had that purpose in view, and certainly I had no thought of the Brownsville matter in that connection, strange as that may appear to Senators.

I will say to the Senator that to-morrow or at an early day I will try to get before the Senate the Brownsville bill, when I shall undertake to indicate the points of that controversy. If the Senator from Maryland will allow me, I will read that letter.

Mr. RAYNER. I will read the letter. I am much obliged to the Senator for giving it to me. I have not come to any conclusion on the law of the case in the Brownsville affray. There is a broad distinction between that case and this. That case is governed by article 4 of the Articles of War, which reads in this way:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment



to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

I am not passing an opinion upon this, and I am only stating it as a distinction between the discharge of enlisted soldiers and the punishment of an officer. The first case is provided for by article 4 of the Articles of War and the second case, in reference to the discharge of an officer, is provided for by article 99, and that article particularly states that no officer shall be discharged except by trial by court-martial, and this article does not embody that provision. I shall read this letter.

Mr. FORAKER. Just a word further. There is, of course, this broad distinction: An officer holds his position by virtue of an appointment which is confirmed by the Senate. The enlisted man sustains a contractual relation to the Government. It makes all the difference in the world.

Mr. RAYNER. Now, I will read this letter of Colonel Stewart, which the Senator from Ohio has so kindly given me.

FORT GRANT, ARIZ., February 15, 1908.

The ADJUTANT-GENERAL,  
United States Army.

SIR: I respectfully request that I be ordered to take station at Washington, D. C. This request is made in order that I may obtain access to certain records in the War Department and to obtain counsel to enable me to properly present to the War Department a defense against the unjust reports made against me. Situated as I am, I can not properly defend myself.

I beg leave to invite attention to the way in which I am situated here. I have now been here over four months. I have no companionship, and no means of recreation; there are two men at the post besides myself—the caretaker, Mr. W. F. Vall, and the teamster.

The quarters I occupy, the best at the post, are not in the condition of repair, etc., to which I am entitled. During the bad weather we have had of late—snow, sleet, wind, and rain—it has been impossible, owing to the small open fireplaces, to keep the building warm. The grounds about the building are in a poor state of police.

There are practically no sanitary conveniences for me. On my arrival here, October 12, 1907, I found the caretaker occupying this house; he still occupies one side, and I have the other side.

Mr. Vall was an inmate of the hospital at Fort Bayard, N. Mex., to September, 1905, where he was "treated for tuberculosis." He states that he did not have consumption, but be that as it may, he is a sick man.

In case of sickness or injury I have no means of obtaining medical attendance, except to send a messenger to Willcox and telegraph to you. If you then order, by telegraph, a doctor at Fort Huachuca (the nearest post to this) it would probably be from two to four days from the time I started a messenger until the doctor arrived here. I urgently request that this application be approved.

I should have made this application some time ago had I known that I was to have been kept here so long.

Mr. FORAKER. I observe that the Senator has passed one paragraph of the letter.

Mr. RAYNER. I did not think that part was exactly proper to read before the Senate and galleries.

Mr. FORAKER. I ask that the whole letter may be printed in the RECORD.

Mr. RAYNER. Let it go into the RECORD.

The VICE-PRESIDENT. Without objections the letter will be printed in the RECORD.

The letter referred to is as follows:

FORT GRANT, ARIZ., February 15, 1908.

The ADJUTANT-GENERAL,  
United States Army.

SIR: I respectfully request that I be ordered to take station at Washington, D. C. This request is made in order that I may obtain access to certain records in the War Department and to obtain counsel to enable me to properly present to the War Department a defense against the unjust reports made against me. Situated as I am, I can not properly defend myself.

I beg leave to invite attention to the way I am situated here. I have now been here over four (4) months. I have no companionship and no means of recreation; there are two men at the post besides myself—the caretaker, Mr. W. F. Vall, and the teamster.

The quarters I occupy, the best at the post, are not in the condition of repair, etc., to which I am entitled. During the bad weather we have had of late, snow, sleet, wind, and rain, it has been impossible, owing to the small open fireplaces to keep the building warm. The grounds about the building are in a poor state of police.

There are practically no sanitary conveniences for me. On my arrival here, October 12, 1907, I found the caretaker occupying this house. He still occupies one side and I the other side.

Mr. Vall was an inmate of the hospital at Fort Bayard, N. Mex., to September, 1905, where he was "treated for tuberculosis;" he states that he did not have consumption, but be that as it may, he is a sick man—he is often sick and remains in the house for from one to four or five days at a time; he expectorates frequently, and I am kept awake at night by his coughing.

The bath and toilet room in this building (they have been torn out of the other buildings at the post) have and are still being used by Mr. Vall. I can not use them, except in an emergency, as I do not consider it safe, owing to Mr. Vall's sickness. In case of sickness or injury I have no means of obtaining medical attendance, except to send a messenger to Willcox and telegraph to you. If you then order, by telegraph, a doctor at Fort Huachuca (the nearest post to this) it would probably be from two to four days from the time I started a messenger until the doctor arrived here. I urgently request that this application be approved.

I should have made this application some time ago had I known that I was to have been kept here so long. I put it off hoping and expecting an order to leave this post.

Respectfully, etc.,

WM. F. STEWART,  
Colonel, Coast Artillery Corps.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law.

Mr. ELKINS. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent that the unfinished business be temporarily laid aside. Without objection it is so ordered.

Mr. RAYNER. Mr. President, before I conclude, I am going to ask the Secretary to read the whole of the President's letter, so that there may not be any mistake about the President's letter being before the Senate. I shall conclude in a few moments.

Now, I come to the last proposition which has been delayed by the interruption. Is the President as Commander in Chief of the Army governed by law? We may as well have this question decided one way or the other, and this is the proper place to decide it. Is the President as Commander in Chief of the Army governed by law? The President says he is not; that he is above the law; and that the Constitution vests in him as Commander in Chief powers incidental and implied that can not be affected, controlled, or disturbed by law. I say he is mistaken. I say he is subject to every law and regulation that Congress may pass; and I will now give to the Senate extracts from the best text writers upon this subject sustaining the proposition for which I contend, a proposition of great magnitude and vast importance to military circles of the Army at least, if not to the people of the country.

Here is the best text writer on the subject, I think. See how he puts it. I read from O'Brien on Courts-Martial, page 25:

According to the Constitution, Congress has absolute power over the Army. It can create, organize, increase, or disband it at its mere will and pleasure. It has the exclusive power of making rules and articles of war and of legislating for the public force. The military laws which it may be pleased to enact, in pursuance of the Constitution, are as binding on the President as on the private soldier, and there is no power in the Commonwealth which dare disregard or deviate from the slightest of its ordinances.

On page 31 he puts it in this way:

In all that relates to the raising of an army, to its strength, to its organization, to its criminal code, Congress is omnipotent; the President powerless.

\* \* \* \* \*

The command of the President is, indeed, absolute within its sphere, but its sphere is bounded on all sides by law. The moment the Executive oversteps the boundaries prescribed he becomes powerless and his commands are of no force.

\* \* \* \* \*

So contracted is the actual authority of the President that, but for the protective power of his qualified veto, his command might be so restricted by legislation as to destroy its utility.

As the Executive has no legislative power, it is plain that the regulations issued by him to the Army are not law; and as he is as much bound by law as any other citizen, it follows that if any of them conflict with law they are so far null and void.

Then we come to a statement by Mr. Curtis, who puts it just as strongly, but a little more concisely. Let me give you what he says upon the subject:

The President is the Commander in Chief of the Army and Navy, not only by force of the Constitution, but under and subject to the Constitution, and to every restriction therein contained, and to every law enacted by its authority, as completely and clearly as the private in his ranks.

Has the President ever read any one of these authorities?

He is General in Chief; but can a general in chief disobey any law of his own country? When he can, he superadds to his rights as commander the powers of a usurper; and that is military despotism.

If the Constitution had provided that a commander in chief should be appointed by Congress, his powers would have been the same as the military powers of the President now are. And what would be thought by the American people of an attempt by a general in chief to legislate by his decrees for the people and the States?

Besides, all the powers of the President are executive merely. He can not make a law. He can not repeal one. He can only execute the laws. He can neither make, nor suspend, nor alter them. He can not even make an article of war.

Mr. President, what the President has done is martial law. That is what he has done. He has proclaimed against this officer martial law, and using the language of one of the greatest patriots and advocates of his day—Sir Edward Coke—defining what martial law is, said: "Martial law is no law at all."

I want to add to what Sir Edward Coke said on the subject what Mr. Justice Woodbury, in the celebrated case of *Luther v. Borden*, speaking of martial law, said:

By it every citizen, instead of reposing under the shield of known and fixed laws as to his liberty, property, and life, exists with a rope around his neck, subject to be hung up by a military despot at the next lamp-post, under the sentence of some drumhead court-martial.

Hallam, in his *Constitutional History*, says that its use by—the commissioners to try military offenders by martial law was a procedure necessary, within certain limits, to the discipline of an army,

but unwarranted by the Constitution of this country. Indeed, a distinguished English judge has since said that "martial law," as of old, now "does not exist in England at all;" was "contrary to the Constitution, and has been for a century totally exploded."

This is nothing but martial law. This is not the law of the Constitution; it is not the law of the land. It is the law of the President, beyond the Constitution and above the laws of the land.

I have said now, Mr. President, all that I intend to say upon this subject. I might say a great deal more. I want, when I conclude this address, to have the President's letter read in full, because I had no idea that he would give me the right to offer it, and I only learned this morning that he gave me the right. I looked upon it as a private communication.

I want to say in conclusion I am not here to pass upon the guilt or innocence of this officer. I do not know, and I so told the President, whether these charges are true or whether they are untrue. They may be true or they may be false. I am here to claim a right of trial for the accused officer. I am here to claim the right of having him furnished with a copy of the charges. I am here to claim the right under the Constitution of having him confronted by the witnesses who are against him, a right, accorded as I have said, to every citizen in the land.

He has not, as an officer of the Army, lost his constitutional right. The authorities are all one way upon that subject. A man does not cease to be a citizen without constitutional rights because he is an officer in the United States Army. His office is his property, and he should not be divested of it without due process of at least military law. He is now an outcast and an exile, and I hold that in time of peace he can not thus be deprived of his liberty without a trial. I am not criticising the President; I am not assailing his motives. He may be right in the conclusion he has reached upon the facts. He is wrong in not permitting the facts to be investigated. The President is not involved in this controversy. All I ask for is a trial. It would be a mockery of our system of military jurisprudence if an officer who has given forty years of his life to the service of his country could be thus degraded without an opportunity to be heard.

In all the days of the common law, since star-chamber process passed into oblivion, no precedent can be found for such a practice. If we have a military code in this country that permits without a hearing the humiliation of an officer of the Army, that strips him of his command without notice of his alleged delinquency, that without a charge against his character or his courage or his honor can banish him to solitary exile and offer him the alternative of retirement or acceptance of this punishment, if he can be driven from one abandoned post to another, and when he asks for the charges that have been made against him can be denied the right to have any information upon the subject, if this is the law of the land, then the law of the land is a disgrace to the land and ought to be obliterated from the statute book; and I venture to say that if this be its true interpretation, it is an instrument of despotism that has no counterpart among any "other people claiming to be civilized or under any other government purporting to be free." [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will admonish the occupants of the galleries that under the rules of the Senate applause is not permitted.

Mr. RAYNER. I will now ask for the reading of the letter.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter as requested.

The Secretary read as follows:

THE WHITE HOUSE,  
Washington, May 6, 1908.

MY DEAR SENATOR RAYNER: I have received your letter of May 3d and also the letter you wrote to the Secretary of War in reference to the case of Col. W. F. Stewart. The facts are as follows:

I made a careful investigation of the case of Colonel Stewart. I have before me the report of the Judge-Advocate-General upon it, and the full report by Major-General Duvall, and have looked at the original reports of Generals Grant, Murray, and others. It appears that Colonel Stewart has been forty-one years in the Army, having entered it when very young. He is now entitled to retire, having served forty years. He refuses to retire unless he is made a brigadier-general. I shall certainly not make him a brigadier-general, because he is grossly unfit not merely to be a brigadier-general, but to hold his present rank in the Army. His career has not been distinguished for a number of years; his usefulness has been diminishing—indeed, it has not only irrevocably passed, but he is a nuisance in the service, being both incompetent and temperamentally unfit to exercise command over enlisted men, or to control other officers, or to behave with propriety when brought in contact with civilians.

As General Duvall reports, it is well known throughout the artillery service that Colonel Stewart is an "impossible" commanding officer, and he is a man who in civil life could under no circumstances have risen to any position of influence or authority over his fellows. During the last three years the trouble with Colonel Stewart has reached a climax. In 1905, when he was in command at Fort Williams, Me., an officer of his command, his quartermaster, was court-martialed, dis-

missed from the Army, and sentenced to the penitentiary for the perpetration of most outrageous frauds upon the Government, which had extended over a considerable period of time. Apparently all this went on almost under the very eyes of Colonel Stewart, but he failed to detect the crimes of the officer, in so doing being culpably remiss in exercising supervision over his subordinates. At the same place he became embroiled with a civilian, Mr. Cushing, a resident of the neighborhood of the military reservation, and the War Department was obliged to interfere and stop his wrangling with Mr. Cushing. He also became so abusive and tyrannical in his treatment of a civilian employee, Mr. Randall, a plumber, that the latter was obliged to appeal to the War Department for protection. These were only some among the instances which were brought to the attention of the Department.

In 1906 Brigadier-General (now Major-General) Grant, the Department Commander, forwarded the report on Colonel Stewart's command to the division headquarters, with the comment that the "unhappy condition of affairs at Fort Williams" was due to the action of the commanding officer, his shortcomings being temperamental, which caused him so to irritate those around him that in the opinion of General Grant the only way to meet the defect was to "get rid of the irritant, which can be done by offering Colonel Stewart an alternative of relief from command or retirement on his own application."

The Chief of Artillery then investigated the matter and reported that the irritation caused to those around him by Colonel Stewart had been known unofficially to the office of the Chief of Artillery for some time, and that Colonel Stewart's "methods have appeared to cause irritation and annoyance to officers and men at his own post and at the other posts of the artillery district of Portland which he has commanded. Complaints have also been made to the War Department by civilians." In conclusion, the Chief of Artillery indorsed General Grant's recommendation that Colonel Stewart be offered the alternative of relief from command or retirement.

However, the Department did not act on this suggestion, desiring to give Colonel Stewart another chance; for the action of the Department was marked by extreme lenience. Accordingly Colonel Stewart was ordered to Fort Barrancas, Department of the Gulf. Early in 1907 General Duvall submitted a memorandum in which he gave several reasons for Colonel Stewart's unfitness for his position through temperamental and other defects. These reasons included "tyrannical conduct" in assigning a lieutenant to isolated and unpleasant duty at a subpost of Fort Barrancas, when this lieutenant had already within a short period served many months thereat and while there were two other available officers for this duty, one of whom had never been assigned thereto and the other for but a short time. (The facts having come to the notice of the Department Commander he ordered Colonel Stewart to change this assignment.) Also failure through lack of comprehension, or through obstinacy bordering on insubordination, to carry out instructions from the War Department in the matter of the newspaper reports alleging that soldiers of his command had fired on a railroad passenger train near his post. General Duvall closed his memorandum with the following:

"In consideration of the facts stated in this paper and of many other subordinate ones distributed over a long period of service, and well known throughout the artillery, the undersigned, for the good of the service, strongly indorses the recommendation of the commanding general, Department of the East, and the Chief of Artillery in this case."

Colonel Stewart, having forwarded an application to be appointed a brigadier-general, the department commander declined to recommend it, and stated that Colonel Stewart's arrogant narrowness, his suspicion of those about him, his frequent if not habitual tyrannies, and his apparent malice and vindictiveness toward those who had incurred his resentment, were not faults which could be ignored, even if the Colonel had been, which he was not, a commander of high technical value. The division commander in forwarding the application to the War Department stated that judging from the letters and indorsement before him Colonel Stewart was entirely unfit for the duties of a commanding officer.

Complaints continued. In July, 1907, Colonel Stewart was found to have been guilty of tyrannical and unreasonable conduct toward a civilian employee of the Government, Mr. J. E. Turtle. This led to an investigation. It was officially found that the action of Colonel Stewart, resulting in injustice to Mr. Turtle and failure to safeguard the interests of the Government, was due to groundless antagonism toward Turtle, and that Colonel Stewart had been guilty of incorrectness of statement in his testimony. Incidental to this investigation unimpeachable testimony by certain officers was introduced as to Colonel Stewart's violence in his language to enlisted men, one officer stating that he had accused enlisted men of open mutiny for trifling military derelictions, and that he worried both officers and enlisted men by nagging about minor and petty details until the command was demoralized. Another officer, Major Walke, second in command of Colonel Stewart's post, stated that Colonel Stewart had applied opprobrious epithets to enlisted men, in one case calling a first sergeant of twenty-nine years' service a "dirty, insolent pup," and stating further that he considered that the demoralization of the force (due to Colonel Stewart's conduct) rendered the conditions of the command very poor and practically put a stop to intercourse between the people of Pensacola and the members of the garrison. Lieutenant Wilson, Colonel Stewart's adjutant, as well as Lieutenant Rhoades, Colonel Stewart's quartermaster, corroborated this testimony. I call attention to the fact that this testimony is from Colonel Stewart's second in command, and the two most important officers on his staff, who under any ordinary conditions could be trusted to wish to support their commander in anything he did. The inspector reported that if desired such testimony could be supplemented to almost any extent by precisely similar testimony. Brig. Gen. J. M. K. Davis, commanding the Department of the Gulf, referring to Colonel Stewart, considered that "he should not be intrusted with the command of a post. This opinion is based in the main not only upon actual service with him, but upon information that has reached me at various times of the unhappy condition of affairs at posts under his command." The Chief of Artillery, General Murray, then reported as follows:

"There can be but one conclusion from the testimony of his division and department commanders, his corps commander, his second in command, his own staff officers, and all others who have been called upon; Colonel Stewart is unfit for command. Instead of performing a useful function, he is a hindrance to the transaction of public business, and little short of a scourge to those who are so unfortunate as to be under his control."

"It is believed that this officer should be relieved from the command of his post and district, but this can not be accomplished by bringing



him before a general court-martial, for while he has committed many overt acts for which he might be punished, it would probably be impossible successfully to prosecute charges which would result in his dismissal from the service, and to sentence him to any less punishment would not be a proper or effective remedy; it can not be accomplished by bringing him before a retiring board, as recommended by the inspector, Major Cronkhite, because mentally and physically he is to all appearances perfectly sound, though believed to be often irresponsible through ungovernable temper.

"The recommendation of General Grant, as concurred in by the commanding general, Department of the Gulf, and myself, as Chief of Artillery, appears to be the only practicable solution. It is therefore again recommended that to Colonel Stewart there be offered the alternative of relief from command or retirement upon his own application under section 1243, Revised Statutes."

On this recommendation the Acting Chief of Staff, Brigadier-General (now Major-General) Duvall stated that the Chief of Artillery understated rather than exaggerated the case, but recommended that the option of honorable retirement be offered to Colonel Stewart for the reason that while a court-martial would undoubtedly award some punishment it would fall short of what was really needed, the separation of Colonel Stewart from active service.

It must be remembered that the desire throughout was primarily to benefit the Army, and that the punishment of Colonel Stewart was wholly incidental to this end, so much so that if he had consented to retire there would have been no punishment at all, and what of punishment has occurred has been purely owing to the insistence of the Colonel himself, though he has been not only a very inefficient but a pernicious officer, that he should be retired as a brigadier-general. Accordingly, on the advice of the four general officers, Grant, Duvall, Davis, and Murray, all of them his superior officers, who were most intimately acquainted with the facts of the case, Colonel Stewart was sent to the ungarisoned post of Fort Grant. It was found upon inquiry that there were four posts available for such assignment. Fort Assiniboine was deemed unsuitable, as the winter season is long and severe. Fort Keogh, although without a regular garrison, is occupied by a small detachment of troops; Colonel Stewart's conduct toward enlisted men has been so tyrannical and unjust that the Department would not consent to subjecting them to his exclusive control, and therefore Fort Keogh was excluded. Fort Brown, at Brownsville, Texas, has been left without a garrison; as Colonel Stewart has been continually embroiled with civilians, it is deemed inadvisable that he should be sent to this particular post. There remained only Fort Grant. It is an entirely healthy post, and the question of its employment as a light artillery post is now under consideration. It is provided with excellent quarters for the commanding officer, who should have no difficulty in making himself very comfortable there. But there are no enlisted men or junior officers over whom Colonel Stewart can tyrannize, but few civilians with whom he can quarrel, and no officer of superior rank to whose command he might, to the great detriment of the Army, some day succeed.

Criticism has been made of this action by people who desire that "mercy" should be shown to Colonel Stewart, or who speak as if he had been "tyrannized" over. In effect this criticism is a demand that Colonel Stewart be kept in some position where he can himself tyrannize over subordinates who are helpless to resist this tyranny unless it becomes overt to a degree which he has been careful not to permit. The very persons who are apt to clamor against corrective measures when employed against enlisted men who need them, or to be jealous of the actions of officers of the army when the right is on their side in controversies with civilians, have now demanded improper favoritism for Colonel Stewart, although his is a case in which the officer has really treated enlisted men and subordinate officers improperly, and has in actual fact behaved improperly toward civilians.

A few weeks ago the War Department, being inclined to be as merciful as possible to Colonel Stewart, consented that he should go to St. Francis Barracks, St. Augustine, Fla.; but through Senator TALLAFERRO I have received emphatic protests against this assignment. One of the protests is from the adjutant-general of Florida, on behalf of the State, to which the barracks in question at St. Augustine had been turned over by the War Department. The Secretary of War notified the Florida authorities that it would exempt from the terms of the lease the commanding officer's quarters, the purpose being to place therein Colonel Stewart; the State authorities assert that this would entirely disarrange the plans that they have made for complete military headquarters at St. Augustine, and that they do not think it should be done save in the event of "a military exigency of great importance." I agree with them. In addition, Senator TALLAFERRO submitted to me the protest of a gentleman for whose standing and trustworthiness that Senator writes that he heartily vouches. This protest runs:

"About a year or so ago a Col. W. F. Stewart of the United States Army was in command of the military post here at Fort Barrancas. He is of a very unfortunate and quarrelsome disposition and very distasteful to everybody who came in contact with him. I also understand that he has had differences with nearly every officer at the post, and in fact I have heard that he has been in hot water at every army post at which he has been stationed. I believe it is a disease with him. It became notorious at Fort Barrancas. . . .

"It is very greatly to the interest of the business community here, as well as those who come in contact with the commanding officer at Fort Barrancas, not to have a commanding officer with Colonel Stewart's disposition. . . . I think he is more to be pitied than anything else, but it would be most unfortunate for this community if he were sent back here."

In view of these protests, Colonel Stewart has been directed to remain at Fort Grant. The facts above given show that Colonel Stewart is entitled to no consideration whatever; that he ought to be retired from the Army forthwith, and that to adopt any other disposition of the case than that which has actually been adopted would be unfair to the interests of the Army and particularly unfair to the interests of the enlisted men and unjust to the civilians at any post to which he might be assigned.

Now as to your suggestion as to a trial. For the reasons given above, and also in the memorandum which I herewith forward, there is no point in having a court-martial. At present I do not see how a court of inquiry could be of use, for I do not see how any court of inquiry would express an opinion to which I should pay more heed than to the judgment of Generals Wade, Grant, Murray, Duvall, and Davis, in accordance with whose recommendations I have acted. You say it is only by a court of inquiry that we "could ascertain the truth or untruth of the charges." I feel that the truth of the charges has been established beyond the possibility of upsetting, by the reports quoted in the body of my letter. I will, however, consider this matter of a court

of inquiry carefully before making a final decision; but at present I am not inclined to view the proceedings with favor. There is nothing to be inquired about; the testimony before the inspecting officer by both Colonel Stewart and the officers whose testimony I have mentioned and others was under oath, so that as to the concrete case there is nothing to find out, and as to the general opinion of the service it is clearly set forth not only by the testimony of the officers who served under him, but by the reports above mentioned of the last five general officers under whom he served. The case is absolutely clear; nothing would more quickly destroy all discipline in the Army than continually to grant courts of inquiry to contentious, inefficient, or disobedient officers whose misconduct is already proved beyond the possibility of rebuttal. Baseless requests for such courts are continually made by offenders of contentious disposition; it would be highly undesirable to grant them. I do not understand your allusion to a joint resolution by Congress; such measures as those taken in this case are purely within the scope of the President's duties and authority. The course followed in this case is the course which will hereafter be followed, to the great benefit of the Army, in all such cases; letters to this effect have already been addressed to the commanding officers of the several departments.

Very truly, yours,

THEODORE ROOSEVELT.

HON. ISIDOR RAYNER,  
United States Senate.

P. S.—Please return the inclosed memorandums when you are through with them.

Mr. RAYNER. I ask that the joint resolution may lie on the table, and I wish to give notice that I shall call it up Thursday for the consideration and action of the Senate.

The VICE-PRESIDENT. Is there objection to the request that the joint resolution lie on the table? The Chair hears none.

Mr. WARREN. Does the Senator from Maryland mean that he expects action upon the joint resolution without its going to a committee?

Mr. RAYNER. I make the request that it now lie on the table, and I shall call it up on Thursday for the action and consideration of the Senate. When I call it up Thursday and make a motion in reference to it, the Senator from Wyoming can make a motion to refer it to the Committee on Military Affairs. I think it is best for all interests concerned that the measure should take the course I have suggested.

Mr. WARREN. The present request is simply that it lie on the table?

Mr. RAYNER. That it lie on the table, and I shall call it up on Thursday.

Mr. FORAKER. I suggest to the Senator from Maryland that the Committee on Military Affairs meets on Thursday, and if the joint resolution lies on the table until Thursday without any action being taken it will be a week from that date before it could be considered by the committee, unless a special meeting for the purpose should be had. I think, unless the Senator wants it to lie over so as to further discuss it, it would be better for the joint resolution to go to the Committee on Military Affairs now, if it is to go there at all.

Mr. RAYNER. I will change my notice that instead of calling it up on Thursday I will call it up to-morrow. I shall call up the joint resolution to-morrow.

#### ENLARGED HOMESTEADS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6155) to provide for an enlarged homestead.

Mr. NELSON. I move that the Senate disagree to the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. SMOOT, Mr. CLARK of Wyoming, and Mr. McLAURIN as the conferees on the part of the Senate.

#### DRAINAGE OF LANDS IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19541) to authorize the drainage of certain lands in the State of Minnesota numbered 1, 2, and 3, agreeing to the amendment of the Senate numbered 5, and agreeing to the amendment of the Senate numbered 4, with an amendment, which was to strike out all of the amendment and to insert: "That unless the purchasers of unentered lands shall within ninety days after the sale provided for in section 3, pay to the proper receiver the fees, commissions, and purchase price to which the United States may be entitled as provided in section 5, and unless the purchasers of entered lands shall within ninety days after the right of redemption has expired make like payments as provided for in this section, any person having the qualifications of a homestead entryman may pay to the proper receiver for not more than 160 acres of land for which such payment has not been made: First, the unpaid fees, commissions, and purchase price to which the United States may then be entitled; and second, the sum at which the land was sold at the sale for the drainage charges,

and in addition thereto, if bid in by the State, interest on the amount bid by the State at the rate of 7 per cent per annum from the date of such sale, and thereupon the person making such payment shall become subrogated to the rights of such purchaser to receive a patent for said land. When any payment is made to effect such subrogation the receiver shall transmit to the treasurer of the county where the land is situated the amount at which the land was sold at the sale for drainage charges, together with interest paid thereon, if any, less any sum in excess of what may be due for such drainage charge if the land when sold was unentered."

Mr. CLAPP. I move that the Senate recede from its amendments numbered 1, 2, and 3 and concur in the amendment of the House to the amendment of the Senate numbered 4.

The motion was agreed to.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of the post-office appropriation bill.

Mr. FRYE. Let it be done by unanimous consent, or else it would displace the unfinished business.

Mr. PENROSE. Certainly; I ask for unanimous consent.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that the post-office appropriation bill be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1900, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Florida [Mr. TALIAFERRO] to the amendment of the committee, on page 22, in the amendment of the committee, to strike out lines 12 to 18, inclusive.

Mr. TALIAFERRO. Mr. President—

Mr. CURTIS. I should like to have the amendment again stated and to have the words proposed to be stricken out read.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 22 it is proposed to strike out from line 12 to line 18, inclusive, as follows:

And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

Mr. TALIAFERRO. Mr. President, I notice on page 22, beginning at the end of line 3, the following language:

In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route.

I would ask the chairman of the committee to explain the purpose of that provision. I understand that the Postmaster-General under the law possesses the right to send the mails by the routes which he thinks most advantageous to the public service; and this seems to contemplate some unusual condition, I will say, if my understanding of the law is correct.

Mr. CARTER. Mr. President, the Postmaster-General has under existing law the right to contract with any railroad company that he may elect for the carriage of the mails between two points. But it occurs now and then that after making the contract with a given company a shorter line of road is constructed and made available, and by this shorter line of road the mails can be carried cheaper. But in the meantime the railway postal clerks have established their homes along the line of the road having the contract, and the whole service is adjusted to that line. The time made by the two lines may be the same, but yet, instead of transferring to the shorter line which will do the work cheaper, this provision gives the Postmaster-General authority to permit the longer line to carry the mails at the same charge for which the shorter line will carry the mails. This avoids a needless system of readjustment in the middle of contracts.

By reference to page 6325 of to-day's CONGRESSIONAL RECORD the Senator will perceive an explanation in a letter of the Postmaster-General, under date of April 28, on this subject. In the course of that letter the Postmaster-General says:

After the transportation of the mails has been established over a route—

Mr. TALIAFERRO. From what is the Senator reading?

Mr. CARTER. I am reading from the letter of the Postmaster-General of April 28, the third division or paragraph of the letter, found on page 6325 of the CONGRESSIONAL RECORD.

Mr. TALIAFERRO. Very well.

Mr. CARTER. I will read the entire paragraph. It is as follows:

The elements of expedition, efficiency, and economy are given consideration in arranging for the transportation of mails on railroads. Where through mails are concerned the Department often has the choice of competing routes. A competing route may be shorter than another; it may be more economical by reason of being a land-grant route; or it may perform important terminal or transfer functions which must otherwise be provided for by the Department. After the transportation of the mails has been established over a route and the train schedules remain satisfactory it is not advisable to divert mails merely because a competing route offers to make a satisfactory schedule. The facts that the transportation has been established over such route; that the company has furnished the necessary facilities for their carriage, and that railway postal clerks have been assigned to duty with reference to such mail routing are given due consideration; and of the company carrying the mails can furnish as advantageous service as the competing company it is not advisable to take the mails away from it. Where the Department has the opportunity of dispatching mails by competing routes, one of which is shorter or otherwise less expensive than the other, it appears to be but just to the Government—when such mails are allowed to remain with the longer or more expensive route—to reduce the compensation paid therefor by the amount which the Government would save if the mails in question were dispatched by the shorter or less expensive route.

In the absence of such a provision, I submit to the Senator from Florida that when a lower rate was furnished the Postmaster-General would have no discretion but to cancel the existing contract and accept the lower rate. This provision permits, however, the contracting company to reduce the rate to that for which the competitor offers to do the service.

Mr. TALIAFERRO. Does the Postmaster-General have anything to say on the subject of the weighing—the giving notice as to the weighing?

Mr. CARTER. The Postmaster-General in that behalf, on the same page of the RECORD to which I have referred, in a letter of another date, says as to the portion of the bill with reference to readjusting weights:

This will give legislative expression to the practice of the Department recently adopted.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. I do.

Mr. CURTIS. Does the Postmaster-General, I would ask the Senator from Montana, recommend the change of the weighing of the mails from a period of one hundred and five days to thirty-five days?

Mr. CARTER. The Postmaster-General so recommends.

Mr. CURTIS. Well, might it not be to the disadvantage of the Government to select thirty-five days, because of the fact that those thirty-five days might be at a time when the mail was exceedingly heavy?

Mr. CARTER. Mr. President, the Postmaster-General selects the time for the weighing. The railroads have nothing to do with selecting the time when the weighing shall commence. It will be thirty-five consecutive days, but the Postmaster-General names the first day. In the main it must be taken into account that the Department keeps pretty fair track of the average mails of the year, and the Postmaster-General can be relied upon, we think, to select such time as will give a fair average and not an average higher than it normally is.

Mr. CURTIS. Do I understand that the Postmaster-General recommends this amendment?

Mr. CARTER. The Postmaster-General recommends this amendment precisely as stated.

Mr. BURKETT. Mr. President, I am of the opinion that unless some arrangement is made for the weighing of the mails for a longer period than thirty-five days it would be putting too much power and too much responsibility in the hands of the Postmaster-General. As I understand, the practice now is to begin in one part of the country to weigh the mails, and then the weighing is followed up in another section, and so on. So that it is really divided into four periods, which altogether consume a good deal of time in the weighing of the mail. I can not make out from this provision whether the Postmaster-General is now going to weigh the mail in sections, so that it will be going on thirty-five days in one section, then thirty-five days in another section, and so on, in perhaps four divisions, and thus consume one hundred and forty days in weighing, or whether the idea is to weigh all the mail in thirty-five days.

The point which the Senator from Kansas [Mr. CURTIS] suggested is, to my mind, a pretty patent one, because I suppose all of us have had criticisms come to us that in some way or other the railroads are getting the best of it in the weighing of the mails. In fact, Congress, a year ago, to satisfy itself in that matter, provided, and the Department cooperated—if I remember correctly it was done by an act of Congress—for a special weighing of the mails in a special manner in the Post-Office De-



partment, so as to establish public confidence in this mail weighing, and, I think, to a great degree it did establish public confidence in this mail weighing. I remember seeing a newspaper article, which went through the press quite generally, complaining that the mail was weighed at a certain time of the year when the mails were heaviest, and consequently the Government was getting the worst of it, so to speak, in this mail weighing. I took the matter up at the time with the Post-Office Department. The Postmaster-General informed me of the process of weighing at that time, and it seemed to me that, under that system, it was practically impossible for the railroads to concentrate the mail in such a manner as to defeat the Government or to defraud the Government in the mail weighing.

But it does seem to me that the question which the Senator from Kansas asked is one as to which we ought to be informed, and I should, at least, like to be. If the mail is to be weighed in thirty-five days, then it would be possible to concentrate a good deal of mail in those thirty-five days' weighing, which would last for a whole year, and in this way defraud the Government. I am not saying that it would be done, but it would make it possible to raise that point and to make it more important than it otherwise would be.

Mr. HOPKINS. Mr. President, I am in sympathy with the suggestion made by the Senator from Nebraska [Mr. BURKETT], but I should like to ask him how it would be possible to so concentrate the mail?

Mr. BURKETT. I confess, I will say to the Senator from Illinois, that I do not know how it would be possible for the railroads to concentrate the mail unless they should enter into some sort of a league with great mercantile houses that were sending out a great number of catalogues to get them all to go out at a certain time, or enter into a conspiracy of some kind. I have really never taken much stock in the claim, but the Senator will remember seeing an article that went through the press—not only one article, but a great many articles—and, as one Senator, I have received a great many letters on the subject calling it to my attention that Congress had not sufficiently protected the Government in this matter of the weighing of the mails. Now, it occurred to me that after—

Mr. HOPKINS. The reason, I will state to the Senator, is that I have served on the Post-Office and Post-Roads Committee, both in the House and the Senate, and I have always found the Post-Office Department was very exacting at such times.

Mr. BURKETT. I have no doubt of that, I will say to the Senator from Illinois, because I recall that a few years ago a special committee of the House of Representatives was appointed to investigate the whole matter of the mail weighing. A Representative from Massachusetts, now on the Supreme bench, Judge Moody, was chairman of that committee, and they made a very exhaustive report. However, it occurs to me that if we are going to make a change in the system of weighing, reducing the time from one hundred and five days to thirty-five days, for one I should like to have a pretty full explanation of it, showing that it is going to be for the protection of the Government, rather than otherwise.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. I should like to state—

Mr. CURTIS. I should like to make a statement right here, if I can, and I should like to ask the Senator from Montana a question.

Mr. CARTER. Very well.

Mr. CURTIS. I have been informed, but have not had time to look up the data, that the reduction of the period of weighing to thirty-five days instead of one hundred and five days will increase the expense to the Government at least 7 per cent.

Mr. PENROSE. That is not correct, Mr. President. The appropriation contained in this bill is \$44,000,000, exactly the same as for the current year. No increase whatever will be incurred by this amendment.

Mr. CURTIS. Mr. President, that may be true, so far as the bill is concerned, but if this change did increase the expense to the Government, there is nothing to prevent the Postmaster-General from submitting an estimate for a deficiency appropriation at the opening of the next Congress. At the proper time I should like to move to strike out the word "thirty-five" and insert instead the words "one hundred and five."

Mr. PENROSE. I should like to say here, Mr. President, that this amendment comes to the Senate direct from the Department. Its phraseology is identical with the amendment submitted by the Postmaster-General, with the exception of a suggestion made by the Senator from Florida [Mr. TALIAFERRO] leaving the question open as to when the Postmaster-General should designate the time for weighing.

Mr. TALIAFERRO. I understood the Senator from Pennsylvania to say something about the Senator from Florida, but I did not catch his remarks.

Mr. PENROSE. I stated that the amendment as it came to the Committee on Post-Offices and Post-Roads from the Department fixed the time when the weighing should take place.

Mr. TALIAFERRO. Yes.

Mr. PENROSE. And that at the suggestion of the Senator from Florida, in committee that fixed period was eliminated from the bill and it was left open to the Postmaster-General without notice to the railroads to proceed with this weighing.

Mr. TALIAFERRO. And it is, Mr. President, in the spirit of that objection which the Senator from Florida made in committee that he now objects to the language contained in the bill.

Mr. PENROSE. I think the other proposition is an entirely different one.

Mr. CARTER. Mr. President, in answer to the question of the Senators from Kansas and Nebraska, I feel that this observation is due: The mails have heretofore been weighed in sections of the country quadrennially. The increase between one weighing and another has been probably 20 to 25 per cent, marking the normal growth of the mails carried on the trains. The weighing of the mails in sections has given very little data to the Department of any especial value, because the mail has only been weighed in a given section of country during a particular year; the next year it will be weighed in another subdivision; and so on throughout four years into which the time of weighing is divided.

There are some elements of injustice in this in the computation of the amounts due the roads under their contracts. It is true that if the mail was constantly diminishing in volume the Government would be injured, and if constantly increasing the contractor would be injured. It was desired to invoke some rule under which fair dealing could occur in this transaction, and at the same time to make the weighing throughout the country uniform during a given period of time, instead of divided into sections as formerly.

Mr. CURTIS. May I interrupt the Senator long enough to say that I think the change from the system of weighing every four years to weighing each year is good and should be adopted?

Mr. CARTER. Yes, Mr. President, a joint commission which was authorized by Congress to look into certain matters connected with second-class mail some years ago ascertained that the statistical data at present in the Department with reference to the volume and growth of the mail was of no value whatever as a basis upon which to form any deduction as to the cost of performing any part of the service. That was due to the fact of infrequent weighing and the lack of uniformity over the country in weighing. This provision will result in the weighing of all the mails carried on trains during thirty-five consecutive days, the days to commence at such time as the Postmaster-General shall designate. It is believed that the Postmaster-General—

Mr. TALIAFERRO. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Florida?

Mr. CARTER. When I have finished the sentence. It is believed that the Postmaster-General, advised as to the thirty-five days during which a normal volume of mail ordinarily passes over the road, will select such time with reasonable care as to safeguard the Government against any unusual period marking an unusual volume of mail. Now, I yield to the Senator from Florida.

Mr. TALIAFERRO. I desire to ask, Mr. President, if the Senator from Montana understands by "consecutive days" that Sundays are included in this weighing process?

Mr. CARTER. Sunday is not excluded.

Mr. TALIAFERRO. Is not excluded?

Mr. CARTER. Not excluded. I understand the mails will be weighed for thirty-five consecutive days.

Mr. TALIAFERRO. Because if thirty-five days of consecutive weighing does not include Sundays, we would not get the division of seven days in the week, as I understood the bill would provide.

Mr. CARTER. The bill provides for a seven-day divisor. The seven days' weighing is to continue throughout the entire period.

Mr. CLAY. Mr. President, I want to understand this matter thoroughly. Do I understand the Senator to say that the rule fixed by Mr. Cortelyou, Postmaster-General at that time, making a divisor of seven instead of six, will be enforced in the event of the adoption of this amendment?

Mr. CARTER. This amendment makes that rule the law.

Mr. BACON. May I ask the Senator what is the purpose of the provision which requires that notice shall be given to the railroads?

Mr. CARTER. Mr. President, it will be observed that that portion of the proceeding does not involve any charge against the Government of the United States at all. Where the Government desires to modify its action under an existing contract by taking away from a road a portion of the mail being carried upon that road under the contract, it shall give the road notice of its intention so to do.

Mr. BACON. As I understand, the notice that is given is of its intention to weigh the mails.

Mr. CARTER. Weighing the mail for the purpose of taking the contract from one road and passing it to another.

Mr. BACON. Very well; but nevertheless it gives the opportunity for the railroads to have a greater or less amount of mail at that time if they could effectuate it, and it would be to their interest to do so.

Mr. CARTER. Not at all, Mr. President. The action under the former provision is such that an increase of mail would mean an increase of compensation in this subdivision. The taking from a road of part of the mail held by it under contract does not involve a question of the aggregate amount of pay at all, but merely a determination of the amount of pay to be taken from the road in view of the amount of mail taken from it and passed upon another line. That is according to the present practice of the Department. When, for instance, the Southern road takes the contract for carrying the Florida mails, and during the period of the contract, the Postmaster-General concludes that the interests of the service will be best subserved by transferring one-half or all of the through mail to the Seaboard Air Line, he must give the Southern road notice of his intention to take that mail away from them. Now, when he undertakes to take mail away, be it understood that he can not take it all away, because the Richmond mail and the mail of the stations on the line of the Southern road not reached by the other line will of course remain with the Southern road. The Postmaster-General, when beginning this weighing, will determine as best he can by a weighing process the weight of the local mails as distinguished from the through mail which he intends to transfer to another line.

Mr. BACON. As I understand, though, Mr. President, the purpose of weighing is to ascertain what amount of mail in pounds is being carried by a road. Now, would not that be more accurately ascertained—with less liability to influences being brought to bear to affect that question—if the weighing were done without notice? I can understand why notice would be given if part of the mail is to be taken away, but what is the purpose of giving notice that at a certain time they are going to weigh the mail I do not understand.

Mr. CARTER. Mr. President, of course the taking away from a road a volume of mail or a portion of a volume of mail it has contracted to carry involves the necessity of the reduction of equipment and the withdrawal of the force that has been employed in the carrying of that large volume which is to be diverted. At the same time a portion of the mail pay, to the extent that it is local, will remain with the road under the contract. The road must be given timely notice in order to withdraw its equipment, and the amount of equipment to be withdrawn is dependent upon the amount of mail to be deflected from the road.

Mr. BACON. Exactly.

Mr. CARTER. So that it is an ordinary business matter, and the Government's charge is in no case affected one way or the other to the extent of a farthing.

Mr. BACON. Exactly. I understand that; but still the Government desires to ascertain honestly and truthfully what is the weight of the mail before it determines to divide it. The question I do not have a satisfactory answer to is this: When the Postmaster-General conceives the purpose to divide the mail, why can he not go and make his examination and have the weights taken without notifying them in advance that he is going to weigh the mails? It is proper that he should notify them in advance if he divides it, after weighing it to make the division, but what is the reason that the road should be put upon notice that he intends to weigh, unless it may be, perhaps, that they may take the opportunity to present the best weight that may be most favorable to them. That is what I want to understand.

Mr. CARTER. They might stimulate the local mail.

Mr. BACON. Very well; but they ought not to have the right to stimulate anything. What is wanted is that the Government shall ascertain what is the weight without stimulation. Why should we give them an inducement to stimulate? What I want is to ascertain the truth, and the way to ascertain the truth is to go and weigh the mail without giving any notice about it.

Mr. CARTER. But, Mr. President, if the Senator will carefully read the text of the amendment he will find that the Postmaster-General does not, in the notice, specify the day upon which he is going to weigh the mail. There is no provision for the railroad company having anything to do with packing the mails for weight purposes, but the notice given is to the effect that a portion of the contract is to be canceled. That would be another way of putting it.

Mr. BACON. That part of it giving the notice is all right; but, then, why should he give them notice of his intention to take the weight of the mails? Why can not he go and take it without giving them notice?

Mr. CARTER. That would be equivalent to no notice at all, because when the weights are taken the mail is instantly removed.

Mr. BACON. Not necessarily.

Mr. CARTER. It may be that the weights would be taken thirty days later than the notice given or at any time within thirty days following the giving of the notice.

Mr. TALIAFERRO. The Senator from Montana will observe that on line 16 there is this language added:

And shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

I appreciate the Senator's point that this does not increase the cost to the Government, for the Government pays the same price to the one company that it would to the other; but I can not understand the necessity for giving the railroad company any notice whatever of the time of weighing the mails or of reporting to them weekly during the progress of the weighing. There is an incentive there for the railway company to act, as corporations usually act, in their own interest.

Mr. CARTER. In what manner can they serve their interests?

Mr. TALIAFERRO. To stimulate or to reduce the volume of mail as might seem to them best for their interest.

Mr. CARTER. Mr. President, I will ask what interest the road could have when notice is given practically of a termination of a part of their contract in attempting to handle the mails? Again, how can a railway manipulate the shipping of mails over its lines when the shipment is directed by the Department itself, and the road has nothing whatever to say about it? This, I will say to the Senator from Florida, is, according to the Department, putting into statutory law that which is now the regular line of procedure and has been the regular line of procedure in the Department for some time. If this presented a case where the burden of the United States could be increased to the extent of a penny, there might be some reason for not giving notice of the intention to cancel the contract in whole or in part. But this does not increase the burden of the United States. In no manner or form can the notice do aught so far as the railroad company is concerned except to advise the company of about the amount of equipment which it will be required, as a matter of economy, to withdraw from its lines, and that amount will be dependent upon the weight of the mails withdrawn from the line. Of course they are entitled to notice of that.

Mr. TALIAFERRO. Practically there is very little to that argument. The railroad company could not withdraw its equipment until the mails were diverted. The diversion would occur when the operation of weighing the mail had been completed, and the company would then be notified of the amount of diversion, and its equipment would then be withdrawn, and not before that. So that information given to the company during the process of weighing would not be at all useful in reference to the suggestion of the Senator from Montana that it might be needed to let them know what equipment they would have to furnish.

Mr. CARTER. The transfer of the mails occurs gradually. They do not wait to weigh all, but at the end of the week weigh a certain amount and pass it over to another road, and so on. I think the Department is correct in its conclusion.

Mr. BURKETT. Mr. President, I do not want to prolong this discussion, but I do not know that I will ever understand what is the plan of weighing the mails, and I do not know that the people generally ever will understand it. I suggest to the Senator, in connection with this question, that it seems to me there is one time when the railroad company should have notice, and that is in the case of a new railroad coming into competition with the existing one. The bill says that in that event the Postmaster-General may have the right to send the mail over either route. Then he shall weigh it, in order to readjust the allowances. Of course he could not weigh it on the new route until it starts over the new route; and unless he did give the old road which had been carrying the mail notice that he was going to weigh it on the shorter route, they would



go on with the full equipment. It would be proper in that case, it seems to me, to give the railroad which has had the contract and from which he is going to take the mail and give it to another road notice of his intention. On page 21 the bill provides for the readjustment annually of the compensation and for the weighing, and so forth. Then in line 12 on page 22 it is provided:

And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights.

That has reference to all the weights that are being taken under the entire appropriation on pages 21 and 22. And the objection the Senator from Florida makes would apply to all of it except in the one particular I have mentioned.

Mr. CARTER. The Senator should read the entire sentence, I think. I will read it, so that a proper construction may be placed upon it by the Senate.

And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly, etc.

This is wholly for the purpose of readjusting under the contract made, as provided for the weighing, to be conducted as prescribed on page 21. It is entirely a matter of adjustment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida to the committee amendment, which will be stated.

The SECRETARY. It is proposed to strike out of the committee amendment lines 12 to 18, inclusive, on page 22.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. CURTIS. On page 21, line 22, I move to strike out the word "thirty-five" and insert "seventy," so as to read "by the actual weighing of the mail for seventy successive days."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 23, line 13, to reduce the appropriation for railway post-office car service from \$4,800,000 to \$4,600,000.

The amendment was agreed to.

The next amendment was, in the item for railway mail service, on page 23, line 17, to increase the appropriation for the salaries of eleven assistant division superintendents from \$2,000 each to \$2,250 each.

The amendment was agreed to.

The next amendment was, on page 24, line 13, to increase the total appropriation for the railway mail service, from \$18,588,000 to \$18,590,750.

The amendment was agreed to.

The next amendment was, on page 24, line 14, after the word "dollars," to strike out the following proviso:

*Provided, That the Postmaster-General may, in his discretion, under such regulations as he may provide, allow a clerk who is sick leave of absence with pay, his duties to be performed without expense to the Government during the period for which he is granted leave, not exceeding thirty days in any fiscal year.*

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to insert:

That the Postmaster-General be, and he is hereby, authorized to create an additional division of the railway mail service with headquarters at New Orleans, La., and to assign to duty one division superintendent, in addition to those heretofore appointed, and who shall be paid a salary of \$3,000 per annum; and one additional assistant division superintendent at \$2,000 per annum.

The amendment was agreed to.

The next amendment was, on page 25, after line 2, to insert:

That hereafter the Postmaster-General may, in his discretion, under such regulations as he may provide, allow a railway postal clerk leave of absence with pay for a period not exceeding thirty days, or in cases of sickness thirty days additional in any one year, with the understanding that his duties will be performed without expense to the Government during the period for which leave is granted, he to provide a substitute at his own expense to perform said duties.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

That hereafter railway postal clerks on entering the service shall receive the salary of the lowest grade, and no clerk shall be advanced more than two grades in any period of one year's service.

The amendment was agreed to.

The next amendment was, at the top of page 26, to insert:

To enable the Postmaster-General to guarantee to substitutes who qualify themselves for the work and hold themselves in readiness for all calls, a minimum compensation of \$25 per month, \$50,000.

The amendment was agreed to.

The next amendment was, on page 26, line 9, after the word "duty," to insert:

Who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, and if said period of disability exceeds one year, then at the rate of 50 per cent of his annual salary for the period of disability exceeding one year, but not exceeding twelve months additional.

So as to make the clause read:

For acting clerks, in place of clerks or substitutes injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, and if said period of disability exceeds one year, then at the rate of 50 per cent of his annual salary for the period of disability exceeding one year, but not exceeding twelve months additional, and to enable the Postmaster-General, etc.

The amendment was agreed to.

The next amendment was, on page 27, line 2, before the word "dollars," to strike out "twenty thousand" and insert "one million," and in the same line, after the word "dollars," to insert:

*Provided, That from and after July 1, 1908, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed \$1 per day, while away from the terminal where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.*

So as to make the clause read:

For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, railway mail service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$1,000,000: *Provided, That from and after July 1, 1908, etc.*

Mr. CULBERSON. I respectfully call the attention of the chairman of the committee to this amendment, with a view of having an explanation of it. The increase seems to be from \$20,000 to \$1,000,000.

Mr. PENROSE. The reason of that is that heretofore while apparently, from the reading of the bill, these expenses were allowed to railway postal clerks, as a matter of fact there was never any appropriation to make any allowance for it. They are the only class of Government employees who do not receive this allowance. This is one of the issues in this bill, and has been publicly discussed. It is recommended by the Department. It has been considered moderate and fair that these men should be allowed compensation not exceeding \$1 a day for their actual traveling expenses. Under the \$20,000 appropriation they practically, of course, have no allowance for traveling expenses.

Mr. CULBERSON. The way the bill reads it is simply a straight, direct increase from \$20,000 to a million dollars for the actual and necessary expenses of the persons named in the bill; and it occurred to me, while I am not especially familiar with the matter, not now being a member of the committee—

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. CULBERSON. Certainly. I simply invite attention to it for the purpose of getting information.

Mr. CLAY. Mr. President, it is true this amendment is a new departure in the Post-Office Department in regard to railway mail clerks. Heretofore railway mail clerks have simply had a salary, the maximum, I believe, being \$1,600 a year. They pay all their hotel bills while away from home. There are 13,000 railway mail clerks. It is estimated that about 6,500 of them, half of them, are out all the while, and it is estimated that a dollar per day will pay their expenses for lodging while out on duty. I believe this to be the most meritorious amendment that was added to the bill. I believe the railway mail clerks do really more hard, substantial work and come in contact with greater dangers than any other class of Government employees. This million dollars is intended to pay each one of them a dollar per day while he is out, away from home, for his actual expenses.

Mr. PENROSE. I would correct the Senator from Georgia in that respect. It is not exceeding a dollar a day.

Mr. CLAY. That is correct—not exceeding a dollar per day.

Mr. PENROSE. Many of them will get only a quarter or half a dollar.

Mr. CULBERSON. Where is the provision that it shall not exceed a dollar a day?

Mr. CLAY. I will read it, with the permission of the Senator. I have it here.

Mr. CULBERSON. Oh, yes. It is at the top of page 27.

Mr. CLAY. Page 27.

Mr. PENROSE. It is in line 6, on page 27:

*Provided, That from and after July 1, 1908, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed \$1 per day, while away from the terminal where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.*

Mr. CULBERSON. I will ask the Senator if the traveling expenses—that is, so far as the railway expense is concerned—are not provided for in the contracts with the companies?

Mr. CLAY. That is correct. This sum is not intended to have reference to anything except board and lodging while away from home.

Mr. CULBERSON. Why is the word "traveling" employed?

Mr. CLAY. I think the words "and necessary traveling" should be stricken from the bill.

Mr. PENROSE. I understand that "traveling" covers the board and lodging.

Mr. CULBERSON. The traveling expenses are included in the contract with the railroad company.

Mr. CLAY. That is correct.

Mr. PENROSE. It does not refer to railroad fare, and it is a term well understood by the auditing officers.

Mr. CLAY. The railway mail clerks have no traveling expenses. They do not travel by private conveyance at all. They simply travel on railway cars. Consequently it looks to me that "actual expenses" would cover it, and that it would be better to strike out "and necessary traveling."

Mr. PENROSE. I would hesitate to alter the phraseology. It is well understood by the auditing officers and generally accepted.

Mr. CULBERSON. I move to strike out the word "traveling," because otherwise in my judgment it would authorize the Postmaster-General to pay the railway traveling expenses of these employees, whereas it is already included in the contract with the railroad company. Therefore it would be double pay.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

The SECRETARY. On page 27, line 5, after the word "necessary," it is proposed to strike out "traveling," so as to read "actual and necessary expenses."

Mr. DICK. Mr. President, this phraseology is that generally used in laws of this character. It has been construed by the Department, and inasmuch as the word "actual" precedes the words "traveling expenses," nothing could possibly enter into the accounts of these agents except only such actual expenses as were necessarily incurred in the discharge of their official duties.

Mr. BURKETT. I would suggest to the Senator from Texas that striking out the word "traveling" would enable the Department to pay their expenses of every kind—traveling and everything else. There would not be any limit whatever to it. I think, by striking out "traveling," he makes it broader than by leaving in the word.

Mr. CULBERSON. In view of the fact that the traveling expenses are already provided for by law, we ought not to provide for them again. I do not know that I am in favor of the amendment at all.

Mr. GALLINGER. Would not the Senator from Texas make a distinction between "traveling expenses" and "transportation?" Transportation is provided, but traveling expenses are not included.

Mr. CULBERSON. The Senator from Georgia has kindly informed us that they have no other expense than for board and lodging.

Mr. GALLINGER. I have an impression that the words "traveling expenses" cover their incidental expenses, and I think it is so understood.

Mr. CLAY. Does the Senator mean board and lodging by the term "traveling expenses?" The only expense they have is for board and lodging. There might be a little other incidental expense—street-car fare. I do not know about railway clerks having any expense of that kind.

Mr. FORAKER. I am told that the Department construes the term "traveling expenses" to include lodging and board.

Mr. PENROSE. That is my understanding.

Mr. FORAKER. If so, that phrase as there employed would be all right.

I originally introduced this amendment in the Senate. I did it because I learned that the railway mail clerks are required to be absent from their homes a good deal of the time, and that they are at an expense when they are away, not only for board and lodging, but for another item, of which I will speak in a moment, and that they have no compensation allowed them for that.

For instance, take a city like Cincinnati. Many of these men are unable to own homes in the city. They live in the suburbs. Some of them live 20 or 25 or 30 or 50 miles away. They have to go into the city to start on their runs. They have a traveling expense of that kind which is not included in the transportation expenses that the Government provides for them.

Mr. BURKETT. Is it the intention of the amendment to cover the expenses in such cases, when the clerks live at their homes away from the terminal?

Mr. FORAKER. Not their expenses when they are at their homes, but their expenses when they are away from home. A man has to live somewhere, and he lives according to his necessities. He is allowed his expenses to the extent of a dollar a day. That is all. That is certainly reasonable enough, considering the character of the service they render and the dangers to which they are subjected constantly. There is nothing harder than the service they render. I was astonished when I saw, a few days ago, the number of deaths last year among railway mail clerks while in the line of duty and the great number who were injured.

Mr. DICK. If I may suggest to my colleague—

Mr. FORAKER. Certainly.

Mr. DICK. They are the single exception in all the official roster of the Government where men are required to travel and their expenses are not provided for by an appropriation.

Mr. FORAKER. I have been told that that is the case; and if so, they certainly ought to be treated like the others. I thought of moving an amendment to that language, but if the Department construes the language in the way I understand it does, I think the amendment is perhaps all right as it is.

Mr. PENROSE. The phraseology comes direct from the Department.

Mr. BURKETT. I did not understand this amendment as I seem to get the interpretation of it from the Senator from Ohio. I understood that these expenses were to be allowed. For instance, the clerks start on a long run—some of them in our country for a run extending over four or five days. I understand that this is to pay the traveling expenses when they are away from the terminal. They have a boarding arrangement or home arrangements at the terminals, and this is to pay their expenses when they are on duty between the terminals, away from their homes. The Senator from Ohio now speaks of it as paying their expenses to enable them to get to the terminal when they live 25 miles or so in the suburbs.

Mr. FORAKER. Perhaps I am in error in giving it that kind of an interpretation. I spoke of that condition as a fact known to be true. I know in our city most of the clerks live out of the city proper. They are at that expense, whether it is 15 cents, or 25 cents, or half a dollar, in order to reach the terminal. I suspect the Department would construe this to apply to board and lodging and such expenses as they might incur between their terminals when they are actually in the discharge of their duty.

Mr. BANKHEAD. Mr. President, I wish to make one observation in reference to this amendment.

I quite agree, sir, with the Senator from Georgia [Mr. CLAY] that this is perhaps the most meritorious amendment that has been added to the bill by the committee. The Post-Office authorities were before the committee and explained the reason for the amendment to my entire satisfaction. For instance, if a railway mail clerk starts out from Washington on his trip and that trip ends at Atlanta or Charlotte, he there remains all night, and, necessarily, he must incur expense at the hotel; that is, he must pay for his board and lodging. The railway mail clerk is the only employee of the Government who has that to do, so far as I know; and the purpose of this amendment is simply to enable the Post-Office Department to pay to the railway mail clerk a sum not to exceed \$1 per day when he is away from home.

It was shown to the committee that many of these clerks leave their homes in the morning, make their runs, and return at night. In that case they would get 25 cents for their dinner, and so on. It was estimated that a million dollars would pay the entire expense incurred by the railway mail clerks while away from home for actual board and lodging. Railway transportation has nothing to do with it. That is already provided for, of course. The purpose of the amendment is to put these men upon an equality with all the other employees of the Government similarly situated, it being recognized by the committee, and I think by everyone else, that they are engaged in the most hazardous employment of any employees of the Government. They are discriminated against to that extent. I think the amendment is a good one.

Mr. BURKETT. I want to say to the Senator from Alabama that under his interpretation of what the amendment does I certainly think the amendment is a good one and one that I have favored for a long time, because it has always occurred to me, as the Senator says, that these are about the only Government employees whom we keep away from home and do not provide for any expense account. But upon the interpre-



tation that seemed to be given to it, the amendment seemed to be far different from what the Senator from Alabama has explained it to be.

Mr. BANKHEAD. I think that was the way it was explained by the Post-Office Department.

Mr. CULBERSON. I will ask the Senator from Alabama, in view of his very clear explanation of the purpose of the amendment, whether he thinks the word "traveling" ought to remain in?

Mr. BANKHEAD. That depends upon how you construe the word. I do not think it would make any difference whether it remains in or goes out. I am sure the Post-Office Department will construe the amendment to mean just what I have said, because that was the statement made before the committee, that the purpose, and the only purpose, of the amendment was to pay these men while away from home on actual duty something like their actual expenses. It was explained that at these terminal points they had some sort of a dormitory arrangement by which they could get lodging for 25 cents and a meal for 25 cents. Therefore it was said that a dollar a day would meet their actual expenses, not traveling expenses, not railroad fare, or anything of that sort.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas [Mr. CULBERSON] to the amendment of the committee.

Mr. PENROSE. I hope the amendment will not be adopted. The amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 28, line 11, after the word "railroads," to strike out the following proviso:

*Provided, however, That not to exceed \$30,000 of the amount hereby appropriated may be expended, in the discretion of the Postmaster-General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise.*

The amendment was agreed to.

The next amendment was, on page 28, line 17, to increase the appropriation for transportation of foreign mails from \$3,508,862 to \$4,608,862.

Mr. CLAY. I do not remember this amendment of the committee. I see that the amount is \$4,608,862 instead of \$3,508,862.

Mr. GALLINGER. I will explain to the Senator that that was a part of the ocean mail bill which passed the Senate, and the committee, as I understand it, agreed to insert that bill in the appropriation bill as an amendment. In preparing the bill the amount was separated from the other provisions of the bill, which will be found on the next page, but the increased amount is a part of the amendment which I offered to the bill.

Mr. CLAY. The amount provided in the amendment?

Mr. CULBERSON. Adding \$1,100,000?

Mr. GALLINGER. Adding \$1,100,000. That was the amendment which the Committee on Commerce sent to the Committee on Post-Offices and Post-Roads, which was agreed to, I understand, and was to become a part of the bill.

Mr. CLAY. I will state to the Senator I knew the ocean mail-service measure was put on the bill. I was not aware of the fact, however, that the amount of this appropriation had been changed.

Mr. GALLINGER. Yes; that increase became necessary.

Mr. CLAY. I see into it now.

Mr. GALLINGER. It is precisely the amount that was passed by the Senate.

Mr. CULBERSON. I understand that the amendment on page 28 is subject to the adoption of the amendment on pages 29 and 30.

Mr. CLAY. Would it not be better to pass over this amendment until that is considered?

Mr. GALLINGER. If that course is desired, I think it would be wise.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The next amendment was, on page 29, line 6, after the word "piers," to strike out the following proviso:

*Provided, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivative thereof.*

The amendment was agreed to.

The next amendment was, on page 29, after line 9, to insert the following proviso:

*Provided, That the Postmaster-General is hereby authorized to pay hereafter for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philip-*

*pinas, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act, and in vessels of the third class on said routes, at a rate per mile not exceeding the rate applicable to vessels of the second class, as provided in said act: Provided, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster-General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected: And provided further, That the total expenditure of foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.*

Mr. CLAY. I believe this amendment has passed the Senate. I think it is the same measure that passed the Senate.

Mr. GALLINGER. Word for word.

Mr. CLAY. I think that is correct. I made no fight, so far as I am individually concerned, against its passage when it went through the Senate. I believe the bill passed without any division or without any yea-and-nay vote being called.

I voted against this amendment in the Committee on Post-Offices and Post-Roads for the reason that I did not believe it ought to be inserted in an appropriation bill. I believe it to be a bad practice to legislate generally on appropriation bills. We have a fixed rule in the Senate which provides that you shall not insert any general legislation in appropriation bills, and I believe it to be a wise and a just rule.

As a general thing, when appropriation bills come before the Senate they are simply considered in the Senate by the members of the committees from which they come, and other Senators are not expecting to have inserted in appropriation bills general provisions of law not relating to those bills. If this rule was not in force, the result would be that frequently most dangerous legislation would be inserted in appropriation bills which otherwise would be carefully and critically examined by Senators.

It is true that heretofore matters of this kind have been inserted in appropriation bills, legislation of a more grave character than this, but I do not believe it to be a course that ought to be pursued, except where it is of the utmost importance to the country that such legislation shall be inserted and where Congress has not the time to enact it as a separate measure.

Mr. President, this post-office appropriation bill contains more general legislation than any post-office appropriation bill has contained in a number of years. It is true that in all probability the postal laws of the country ought to be revised, but such needed legislation as is required to perfect our postal laws ought to be enacted outside of appropriation bills. I regret that this measure is here on account of the interest felt in it by Senators. I say, when the Senate has taken the matter up and debated and passed it, without practically a division, and it has gone to the House, the question ought to be left to the House, and we ought not to go out of the ordinary rule in order to enact this legislation on an appropriation bill.

Now, take the post-office appropriations and see how they have grown. It is remarkable. There is another thing that you will find. This bill will carry this year for this purpose about \$1,000,000, next year probably \$2,000,000, and the next year \$3,000,000. These items ought not to be charged to the Post-Office Department. Whether this be wise or unwise legislation, it ought not to be charged to the Post-Office Department.

The country's attention will be called to the fact that the post-office appropriation bill is growing each year and becoming larger than it ought to be. Items that do not belong to the Post-Office Department are now gradually being charged to that Department. Let each appropriation bill carry its own burdens, and do not charge the Post-Office Department with \$3,000,000 that belong to another Department of the Government.

Mr. President, this bill will amount to about \$229,000,000, and the country will say that these are expenses incident to the Post-Office Department and not for the ocean mail service. If the ocean mail service has merit, let it rest upon that merit, and do not charge it to the Post-Office Department.

I insist that this amendment is general legislation not provided by law, and I make the point of order against it.

Mr. HOPKINS. I wish to ask the Senator from Georgia if the amendment is not to provide that the American mails shall be carried in American bottoms and under the American flag? Is not that the purpose of the adoption of this amendment?

Mr. CLAY. That is true; but it is not an ordinary expense incident to the Post-Office Department.

Mr. HOPKINS. It has not been up to date.

Mr. CLAY. It never has been so considered, and it never has been placed in the post-office appropriation bill.

Mr. HOPKINS. Does not every loyal American believe that the American mail should be carried in American bottoms and

under the American flag? Is it not as much to the interest of the people of the country that this amendment should be adopted and the mail be carried in the manner provided in the bill as any other provision of the bill?

Mr. CLAY. I know of two or three or half a dozen bills on different subjects pending before the Senate in committee of paramount importance to the country that in all probability ought to be enacted into legislation, but that is no reason why we should place them in this or any other appropriation bill.

Mr. GALLINGER. Mr. President—

Mr. CLAY. I withdraw the point of order, if the Senator wants to discuss the amendment.

Mr. GALLINGER. Mr. President, I am quite willing that the point of order shall be made, as I feel sure that it is not well taken. First I wish to call the attention of the Senator from Georgia to the fact that he is laboring under a misapprehension when he says that this appropriation does not belong in the post-office appropriation bill.

He will observe, by turning to page 28, line 11, the words "for transportation of foreign mails, \$3,508,862." That is the appropriation made by the House for this purpose, and all that is contemplated by the amendment is to increase that appropriation for the purpose of increasing the service. So the contention that this item does not belong on the post-office appropriation bill is a mistake on the part of the Senator from Georgia.

Now, if the Senator has made his point of order, I want to address myself for a moment to that. Did the Senator make the point of order?

Mr. CLAY. Yes.

Mr. GALLINGER. The Senator from Georgia is unfortunate, I think, in his contention that an appropriation bill ought not to contain general legislation, in view of the fact that he had to confess before he got through that this very bill contains more general legislation than any post-office appropriation bill he had any knowledge of. As we have gone along considering this bill I regret that the Senator from Georgia did not feel it incumbent upon him to make a point of order against several other provisions in the bill that were undoubtedly obnoxious to the rule.

The Senator from Georgia has made a point of order against a provision that is not obnoxious to the rule, as I shall endeavor to show. The amendment was introduced by me and referred to the Committee on Commerce. That committee, after full consideration, instructed me to report it favorably to the Senate and move its reference to the Committee on Post-Offices and Post-Roads, which was done. Under the rule that effectually disposes of the proposed increase of appropriation, it being provided in Rule XVI that if a standing committee recommends an increased appropriation, and it is referred to the committee having in charge the appropriation bill, it is in order. So the point of order can not possibly lie against the proposed increase in the appropriation.

Now, Mr. President, it has been decided over and over again that when an appropriation is made for a special purpose Congress has a right to define what use shall be made of that appropriation, and that is all that the provision on page 29 does. The amendment provides, in the first place, that we shall increase this appropriation \$1,100,000. It then provides that we shall establish additional mail routes for the purpose of expanding that appropriation, and it provides nothing else in the world.

On yesterday a very similar contention was raised in the Senate when the distinguished President pro tempore was in the chair. I will not take the trouble to read the debate. It will be found in the Record of yesterday's proceedings. The Senator from Minnesota [Mr. NELSON] made a point of order against an amendment that it was general legislation. The President pro tempore ruled very promptly, and, in my judgment, very properly, on that point of order, and he said:

It has been held several times in the Senate, when a matter like this has been submitted to it, that it was in order; that the appropriation itself being in order, the disposition of the appropriation is also in order. Therefore the Chair overrules the point of order.

There are many precedents for that ruling. This amendment comes directly in that class of amendments. We have made an additional appropriation; we have provided how that additional appropriation shall be expended, and that is all there is to it.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. Certainly.

Mr. CULBERSON. I should like to ask the Senator from New Hampshire a question. The third subdivision of Rule XVI provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

I will ask the Senator if the proviso at page 29 does not change existing law?

Mr. GALLINGER. Well, Mr. President, so far as that is concerned—

Mr. CULBERSON. So that it will be general legislation amending the act of March 3, 1891.

Mr. GALLINGER. I will suggest to the Senator the change of existing law has no bearing upon the question, because we have no rule on that point in the Senate. That is a House rule.

Mr. CULBERSON. Does the Senator doubt that a provision in an appropriation bill which changes existing law is general legislation?

Mr. GALLINGER. Well, that depends. If it is connected with an added appropriation and simply directs how that appropriation shall be expended, I should say not; that when we increase an appropriation we have a right to specifically define what use shall be made of that added appropriation, and that is all that this amendment contemplates.

Mr. CULBERSON. But the rule I submit to the Senator is very broad:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. GALLINGER. That would apply to an amendment not connected with an appropriation contained in the bill, I will say to the Senator, as I interpret the rule. If we had not increased the appropriation in this bill, beyond a question the Senator's point of order would be well taken, but coupling it with the fact that it is connected with an increased appropriation, the Senator's point is not well taken.

Now, Mr. President, I feel sure that if the Chair will examine the precedents, and they are quite numerous, the Chair will find that the contention as made to-day has been made over and over again on similar occasions, and generally overruled either by the Chair or the Senate. It was made yesterday and was overruled, and I feel quite confident that the Chair will, in his wisdom, overrule the point of order which has been made by the Senator from Georgia.

Mr. CLAY. Mr. President, the Senator from New Hampshire did not intend to be unjust, I am sure. The Senator says that I said that these were special amendments to this bill which were general legislation and that I had simply selected this one to make the point of order against it.

Mr. GALLINGER. Well, Mr. President, what did I say?—

Mr. CLAY. One moment; I will go a little further, with the Senator's permission. I believe that one or two points of order have already been made against general legislation in the pending bill, and if the Senator will turn over a little further he will find four or five statutes that have been amended in it. I doubt if that ought to have been done. You take a penal statute and amend it, changing the penalty, and it sometimes will slip through in an appropriation bill, when otherwise it would be most critically examined and carefully debated in the Senate.

Mr. GALLINGER. I quite agree, if the Senator will permit me, with him on that point, and I have no disposition to criticize the Senator at all.

Mr. CLAY. I know the Senator has not.

Mr. GALLINGER. What I did say was what the Senator himself confessed, that the bill carries more general legislation than any similar bill he had knowledge of; and I meant to express, as a matter of regret, that the Senator from Georgia should select this most meritorious amendment, an amendment that had the almost universal concurrence of the Senate when it was here in the form of a bill, and which purposes great public good. I regretted that the Senator had selected that amendment against which to make a point of order.

Mr. CLAY. I intended to make two or three other points of order. I will say to the Senator that we have passed upon this question on a separate bill in the Senate; it has gone to the House, and if the House passes it or fails to pass it, the House is responsible for it. It is true that by putting a measure into an appropriation bill, whether Congress wants it or not, sometimes you can get it through. I do not desire to criticize this measure. I simply say it is dangerous to place general legislation in an appropriation bill, especially when we expect, in considering appropriation bills, that they contain only the items necessary to carry out existing law. But I do not care to argue the merit of it.

Mr. President, just a minute in regard to the rule, and I am through. The rule contains three provisions. I refer to the first part of Rule XVI:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation—



Stopping there, if nothing else appeared, it would be objectionable to the rule—

or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

I concede that the amendment is not objectionable to that rule, because it was referred, I understand, to the Committee on Commerce and the Committee on Commerce reported it back to the Senate favorably and it then went to the Committee on Post-Offices and Post-Roads, where it was adopted. I concede that it is not objectionable to that part of the rule, but now take the third subdivision:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received—

I am not prepared to say that this part of the rule would exclude it—

nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

But in my judgment this provision of the rule does make it objectionable:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Now, what is the amendment? It is general legislation. It is a bill to amend existing law, to change it, and to make material changes in it. How it can be judged as being any other than general legislation I confess I am not able to understand.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. CLAY. Certainly.

Mr. BURKETT. I should like to ask the Senator a question. As I understand the law it now provides that certain rates can be paid to ships of the first class.

Mr. CLAY. Yes.

Mr. BURKETT. In short, if that class of vessels run to the ports of South America there would not be any question about it; that would be just the law as it is, as I understand it. In fact, all the change there is is adding "second class" after "first class." That merely is a provision that in distributing this money for carrying the mails to South America it can be used for second-class vessels just the same as it can be used now for first-class vessels. So it does not change the law, but simply distributes the money in a different way to that class of vessels.

Mr. CLAY. It does change the law. It provides a different rule of compensation.

Mr. BURKETT. Every appropriation bill provides for a different rule of compensation. That is the object of it.

Mr. CLAY. Every appropriation bill carries out existing law, and if this bill simply attempted to carry out the statute as it now exists there would be no trouble about it, but this is an effort to amend and change the existing statute. I do not care to consume the time of the Senate, however, because I know the chairman of the committee is anxious to complete the bill.

Mr. FRYE. Mr. President, on yesterday there came up a question precisely like this in every regard. It was on the amendment touching the weighing of the mails, and it did change the existing law in many respects. The point of order was made by the Senator from Minnesota [Mr. NELSON] that it was general legislation. I had the honor at the time to be presiding and, without any hesitation, I overruled the point of order entirely on the ground that the appropriation in the bill was legitimate and that it was not general legislation to give the details of how the appropriation should be expended. It has been so held by the Senate at least four times, and never held otherwise but once. It was so held by a presiding officer of the Senate at one time when I offered an amendment to the post-office appropriation bill appropriating a large sum of money for carrying the mails to South America. I do not see that there is any distinction whatever between this amendment and the case where I overruled the point of order made by the Senator from Minnesota. An appropriation is made here entirely in order and entirely legitimate relating to the carrying of the foreign mails. Then this provision simply prescribes how that additional money appropriated shall be expended. I can not for the life of me see how that can be regarded as general legislation, and if I had been presiding to-day, without any hesitation at all I should have overruled the point of order made by the Senator from Georgia [Mr. CLAY].

The VICE-PRESIDENT. A similar question has been presented to the Senate a number of times. The question as to whether an amendment substantially similar to the one challenged was in order has as a general rule been submitted to

the Senate by other occupants of the chair. The Chair will now submit the question to the Senate. Is the proposed amendment in order?

Mr. CULBERSON. I call for a division, Mr. President.

The VICE-PRESIDENT. A division is demanded.

Mr. FRYE. We had better have the yeas and nays.

Mr. GALLINGER. I will ask for the yeas and nays.

Mr. CLAY. We have voted on this matter, and I hope we will not have the yeas and nays.

Mr. CULBERSON. I ask for the yeas and nays on the point of order.

The yeas and nays were ordered.

Mr. BANKHEAD. Mr. President, may I inquire what is the pending question?

The VICE-PRESIDENT. The question is whether the amendment proposed by the committee is in order.

Mr. BANKHEAD. That is submitted to the Senate?

The VICE-PRESIDENT. That question is submitted to the Senate.

Mr. CULBERSON. I understand the question is one of order merely.

The VICE-PRESIDENT. It is a question of order.

Mr. KEAN. The question, as I understand, is, Is this amendment properly in the bill?

The VICE-PRESIDENT. That is the effect of the question submitted to the Senate.

Mr. PENROSE. All those who believe the amendment is in order will vote "yea," as I understand?

The VICE-PRESIDENT. That is correct.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], but I will transfer that to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILMAN], who is detained by illness. I will transfer that pair to the senior Senator from Washington [Mr. ANKENY] and vote. I vote "yea."

Mr. FOSTER (when his name was called). In the absence of my pair, the senior Senator from South Dakota [Mr. KITTREDGE], I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent. I will transfer that pair to the junior Senator from Kansas [Mr. CURTIS] and vote. I vote "yea."

Mr. TALIAFERRO (when Mr. MILTON's name was called). I understand my colleague [Mr. MILTON] is paired with the Senator from New York [Mr. PLATT].

Mr. OVERMAN (when his name was called). I have a pair with the junior Senator from Missouri [Mr. WARNER]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. PILES. I desire to announce the illness of my colleague [Mr. ANKENY], who is therefore detained from the Senate to-day.

Mr. GAMBLE (after having voted in the affirmative). I have already voted, but I have discovered that the senior Senator from Nevada [Mr. NEWLANDS] has not voted. I have a general pair with that Senator, but I will transfer it to the junior Senator from Nebraska [Mr. BROWN], and will let my vote stand.

The result was announced—yeas 46, nays 12, as follows:

#### YEAS—46.

Allison	Crane	Gamble	Penrose
Bankhead	Cullom	Guggenheim	Perkins
Borah	Dick	Hale	Piles
Bourne	Dillingham	Hemenway	Richardson
Brandegee	Dolliver	Heyburn	Scott
Briggs	du Pont	Hopkins	Smith, Mich.
Bulkeley	Elkins	Kean	Stephenson
Burkett	Flint	Knox	Sutherland
Burnham	Foraker	Long	Warren
Burrows	Frye	Martin	Wetmore
Carter	Fulton	Nelson	
Clark, Wyo.	Gallinger	Owen	

#### NAYS—12.

Bailey	Frazier	McCreary	Paynter
Clay	Gary	McLaurin	Taliaferro
Culbertson	Gore	Money	Teller

#### NOT VOTING—34.

Aldrich	Davis	McCumber	Smith, Md.
Ankeny	Depew	McEnery	Smoot
Bacon	Dixon	Milton	Stewart
Beveridge	Foster	Newlands	Stone
Brown	Hansbrough	Nixon	Taylor
Clapp	Johnston	Overman	Tilman
Clarke, Ark.	Kittredge	Platt	Warner
Curtis	La Follette	Rayner	
Daniel	Lodge	Simmons	

So the amendment of the committee was decided to be in order.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Third Assistant Postmaster-General," on page 31, line 1, before the word "envelopes," to strike out "and official;" and in line 2, after the word "agency," to strike out "at Dayton, Ohio, including expenses attendant on inspection of manufacture of official envelopes at Cincinnati, Ohio," so as to make the clause read:

For pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and expenses of agency, \$25,000.

The amendment was agreed to.

The next amendment was, on page 31, line 8, to increase the appropriation for pay of agent and assistants to examine and distribute postal cards, and expenses of agency, from \$6,000 to \$8,500.

The amendment was agreed to.

The next amendment was, on page 31, after line 10, to strike out—

For payment of limited indemnity for the loss of pieces of first-class domestic registered matter, \$25,000. That hereafter all moneys recovered or collected on account of loss of first-class domestic registered matter which in the course of adjustment are not restored to the original owners, shall be covered into the Treasury of the United States.

For payment of limited indemnity for the loss of registered articles in the international mails, \$10,000.

And in lieu thereof to insert:

For the payment of limited indemnity for the loss of first-class domestic registered matter and for the loss of registered articles in the international mails, \$25,000: *Provided*, That all moneys now in the hands of officers and agents of the Post-Office Department and all moneys hereafter recovered, collected, or received from any source on account of the loss of registered mail of any kind, either foreign or domestic, shall be deposited in the Treasury for service of the Post-Office Department; and an appropriation is hereby created, to be denominated "Indemnity for lost registered mail," which shall be credited with all such deposits. All appropriations made for the payment of indemnity for the loss of registered mail, either foreign or domestic, shall be available until expended, without regard to fiscal years, for the payment of indemnity for lost registered mail, either foreign or domestic, and for the reimbursement to the owners of such moneys as they may equitably be entitled to and which have previously been deposited in the Treasury to the credit of this appropriation: *Provided*, That Senators, Representatives, and Delegates in Congress are authorized to send by registered mail, free of charge, United States maps and other especially valuable Government publications.

The amendment was agreed to.

The next amendment was, on page 32, after line 21, to strike out:

For the employment of special counsel to be appointed by the Attorney-General, when requested by the Postmaster-General, and at compensation to be fixed by the Attorney-General not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post-Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, \$10,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 3, to insert:

Amend section 3847 of the Revised Statutes of the United States to read as follows:

"Any postmaster, having public money belonging to the Government, at an office within a city or town where there is no Treasurer or assistant treasurer of the United States, or designated depository, may deposit the same temporarily, at his own risk and in his official capacity, in any national bank in the State in which the said postmaster resides, or in which his office is located, or within a reasonable radius of his post-office in an adjacent State, but no authority or permission is or shall be given for the payment to or receipt by a postmaster or any other person, of interest, directly or indirectly, on any deposit made as herein described."

The amendment was agreed to.

The next amendment was, on page 33, after line 16, to insert:

Amend sections 3646 and 3647 of the Revised Statutes of the United States (as amended by act of June 19, 1906) to read as follows: "Whenever any original check or warrant of the Post-Office Department has been lost, stolen, or destroyed, the Postmaster-General may authorize the issuance of a duplicate thereof within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond or indemnity as the Postmaster-General may prescribe: *Provided*, That when such original check or warrant does not exceed in amount the sum of \$50, and the payee is, at the date of the application, an officer or employee in the service of the Post-Office Department, whether by contract, designation, or appointment, the Postmaster-General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee of an original check or warrant."

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

The Secretary of the Treasury and the Postmaster-General shall cause to be destroyed, in such manner as they may deem best, all money-order statements rendered by postmasters and all paid money orders accompanying the same, as well as all descriptive lists of international money orders certified to or by the exchange offices desig-

nated for conducting money-order transactions with foreign countries, and all coupons of issued international money orders now filed in the office of the Auditor for the Post-Office Department, or which may hereafter be filed therein, after three years shall have elapsed from the expiration of the period covered by such statements and lists: *Provided*, That the Postmaster-General, upon evidence satisfactory to him, and under such special regulations as he shall prescribe, may cause payment to be made in the manner prescribed in sections 4 and 11 of the act approved January 27, 1894, of the amount of any domestic money order remaining unpaid after the lapse of three years from the date of its issue. And it shall hereafter be the duty of the Auditor for the Post-Office Department to maintain a complete and permanent record of all unpaid money orders issued by postmasters in the United States, or such of its insular possessions as are amenable to the authority of the Postmaster-General for payment within its own territory, such record to serve as a basis for adjudicating claims for payment by warrant of the amounts of said orders.

The amendment was agreed to.

The next amendment was, on page 35, after line 11, to insert:

That section 3893 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"And the term 'immoral' within the intentment of this section shall include matter of a character tending to incite arson, murder, or assassination; and the Postmaster-General is hereby authorized to exclude from the second-class mailing privileges any anarchistic publication which contains matter that suggests, advocates, or approves the abolition, overthrow, or destruction of any and all government, or the commission of arson, murder, or assassination."

Mr. SUTHERLAND. Mr. President, I observe in line 19 the word "publication" is qualified by the word "anarchistic." It seems to me that that constitutes an unnecessary limitation upon what follows in the section. The provision reads:

And the Postmaster-General is hereby authorized to exclude from the second-class mailing privileges any anarchistic publication which contains matter that suggests, advocates, or approves the abolition, overthrow, or destruction of any and all government, or the commission of arson, murder, or assassination.

Manifestly a publication which contains matter of that kind ought to be excluded from the mails whether it can be characterized as "anarchistic" or not. So I move to strike out the word "anarchistic."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 35, line 19, before the word "publication," it is proposed to amend the amendment of the committee by striking out the word "anarchistic."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. I will ask what became of the provision on page 35?

The VICE-PRESIDENT. It was amended and then agreed to.

Mr. HALE. I will ask that that amendment be considered open.

The VICE-PRESIDENT. Without objection, the amendment will be considered as open.

Mr. PENROSE. What amendment is that?

Mr. HALE. The amendment at the bottom of page 35.

Mr. FRYE. The first amendment or the last one?

Mr. HALE. The last one.

Now let the Secretary read the amendment beginning in line 15, page 35, and I ask the Senate to listen to it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That section 3893 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"And the term 'immoral' within the intentment of this section shall include matter of a character tending to incite arson, murder, or assassination; and the Postmaster-General is hereby authorized to exclude from the second-class mailing privileges any publication which contains matter that suggests, advocates, or approves the abolition, overthrow, or destruction of any and all government, or the commission of arson, murder, or assassination."

Mr. HALE. I hope the Senate will realize what the effect of this will be.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. KEAN. I call the Senator's attention to the fact that, as I understand, this provision proposes to amend section 3893 of the Revised Statutes. I do not know what the section of the Revised Statutes referred to is; but as this is the only thing that is described as immoral, I should think this is destroying existing law on the subject.

Mr. HALE. Undoubtedly it is.

Mr. PENROSE. I do not understand the objection and criticism of the Senator from Maine to this section.

Mr. HALE. I only said that I thought the Senate ought to realize the effect of this amendment, amounting, as it does, to a practical censorship of the press by the Post-Office Department. It is a matter entirely for the Senate to decide.



The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 36, line 4, before the word "dollars," to insert "five hundred;" and in line 7, before the word "and," to strike out "four thousand five hundred" and insert "five thousand," so as to make the clause read:

For pay of agent and assistants to examine and distribute registry envelopes, agent, \$2,500; chief clerk, \$1,000; one clerk, at \$900; and one laborer, at \$660; in all, \$5,060.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

For pay of agent and assistants to examine and distribute official envelopes, agent, \$2,500; chief clerk, \$1,000; two clerks, at \$900; and one laborer, at \$660; in all, \$5,960.

The amendment was agreed to.

The next amendment was, on page 37, line 9, to reduce the appropriation for wrapping twine and tying devices from \$225,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 37, line 17, to increase the appropriation for the purchase, exchange, and repair of type-writing machines, envelope-opening machines, etc., from \$105,000 to \$130,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 18, to insert:

To defray the cost of printing a new edition of Street Directory of the Principal Cities of the United States, \$12,000.

Mr. BURKETT. I should like to inquire what this item is.

Mr. PENROSE. That is a publication which the Government itself makes. It is not a copyrighted book. It appears that there are a large number of letters addressed with the name of the party and the street, but not the city, the writer carelessly omitting the city. This is a directory which the Government has brought down to date and which indicates what cities in the United States have streets of certain names.

Mr. BURKETT. I understand.

Mr. PENROSE. In that way a great many letters are enabled to reach the addressees which otherwise would go to the dead-letter office.

Mr. BURKETT. The reason why I asked the Senator is that I had some communications saying an attempt was being made to compile a directory of the patrons of the various post-offices, and protesting against it. I did not know but that this would be that sort of a directory.

Mr. PENROSE. This is a work already published and which has been brought down to date by the Government.

The amendment was agreed to.

The next amendment was, on page 38, line 12, to increase the appropriation for pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, etc., from \$35,573,000 to \$39,303,685.

The amendment was agreed to.

The next amendment was, on page 38, line 18, before the word "Provided," to insert:

That after June 30, 1908, letter carriers of the rural-delivery service shall receive a salary not exceeding \$1,000 per annum.

The amendment was agreed to.

The next amendment was, on page 38, line 25, after the word "year," to strike out:

Provided, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind.

The amendment was agreed to.

The next amendment was, on page 39, after line 6, to insert:

That the account of Edward Rosewater, deceased, late a delegate to the Universal Postal Congress at Rome, Italy, be settled, in the discretion of the Secretary of the Treasury, within the amount allotted to him by the Postmaster-General as salary and expenses out of the \$5,000 appropriated for the salary and expenses of delegates to that congress, without the further filing of vouchers.

Mr. PENROSE. I think there is some misunderstanding regarding this amendment. There is another person involved in the claim, and I offer an amendment as a substitute for the paragraph just read.

The VICE-PRESIDENT. The Senator from Pennsylvania proposes an amendment in the nature of a substitute which will be stated.

The SECRETARY. In lieu of the committee amendment, on page 37, lines 7 to 13, both inclusive, it is proposed to insert:

That the accounts of Edward Rosewater, deceased, and of N. M. Brooks, late delegates to the Universal Postal Congress at Rome, Italy, be settled, in the discretion of the Secretary of the Treasury, within the amounts allotted to each by the Postmaster-General as salary and expenses out of the \$5,000 appropriated for the salary and expenses of delegates to that congress without the further filing of vouchers.

Mr. CULBERSON. I rise to make an inquiry about this item, small though it be. I will ask Senators on this side of the Chamber who are on the committee if they are able to give me the information. I desire to know why it is that vouchers in this case are to be expressly dispensed with.

Mr. CLAY obtained the floor.

Mr. PENROSE rose.

Mr. CLAY. I beg pardon.

Mr. PENROSE. No; let the Senator proceed. I would rather have the Senator from Georgia explain it.

Mr. CLAY. Mr. Rosewater died just after the services had been performed. The Department recognized that the services had been performed; and the money had been appropriated for that purpose, and most of it had been used. They simply ask to close up the account without the filing of vouchers, for the reason that Rosewater is dead and they can not be obtained. There is only \$5,000 involved. There were two delegates. The other one paid his money, and the vouchers have been filed.

Mr. CULBERSON. The new provision exempts Mr. Brooks from filing vouchers as well as the estate of Mr. Rosewater. It is a small matter, but I should like to have it explained.

Mr. CARTER. Mr. President, the fact is that the sum of money allotted to these persons for their expenses in connection with the service was actually advanced to each of them by the Treasury Department under and in conformity with the law. They did not understand that any vouchers would be required. They prepared no vouchers, nor did they retain any, as I understand. The amount spent was considerably in excess of the amount delivered to them for expenses. The nature of the employment, the extent of the travel, and the amount of entertaining necessarily involved the expenditure of a sum much larger than the Government allowed.

In the meantime, as suggested, before being called upon for any vouchers with which to make any settlement with the Treasury on account of the advances made, Mr. Rosewater died suddenly. His colleague in that service, as before suggested, failed to retain any vouchers, and it would now be practically impossible for him to do more than to swear to his accounts and submit them to the Treasury Department for adjustment.

Mr. CLAY. I did not understand that Mr. Brooks was involved in this. I understood that this simply had reference to the accounts of Edward Rosewater, deceased.

Mr. CARTER. The amendment offered by the Senator from Pennsylvania, the chairman of the committee, as a substitute for the amendment provides for the adjustment of the accounts of Mr. Rosewater's colleague.

Mr. CLAY. I did not know anything about that. My statement had reference to this item:

That the account of Edward Rosewater, deceased, late a delegate to the Universal Postal Congress at Rome, Italy, be settled, in the discretion of the Secretary of the Treasury, within the amount allotted to him by the Postmaster-General as salary and expenses out of the \$5,000 appropriated for the salary and expenses of delegates to that congress, without the further filing of vouchers.

That amendment was considered by the committee. My understanding was that for the purpose of paying his expenses the money had been advanced to Mr. Rosewater before he went, or after he went—

Mr. CARTER. Before.

Mr. CLAY. And he then died. He could not file the vouchers after he returned. This is simply to allow a settlement of his accounts. The other matter I had not heard of. That, I presume, has been offered on the floor of the Senate.

Mr. CARTER. It was offered on the floor of the Senate. I will state to the Senator that both accounts were before the committee, but in the hurry incident to closing up the bill only the Rosewater account was acted upon. The Senator is correct in that behalf, but the reasons applicable to the settling of one account apply, of course, equally to the other. The death of Mr. Rosewater renders it utterly impossible for his administrator to submit the vouchers.

Mr. CLAY. I can readily see, if Mr. Rosewater died and his vouchers can not be obtained, why his estate ought not to be required to present them. But if the other party is living and kept an account of his expenses and has the vouchers, it presents an entirely different case.

Mr. BURKETT. Mr. President, I think I can straighten this out somewhat for Senators, because I have been through it, especially with reference to the account of Mr. Rosewater. This appropriation of \$5,000 was made for the expenses of the delegate to the International Postal Congress at Rome. Afterwards the letter "s" was added, in order to have two delegates, and the appropriation was not increased. They appointed Mr. Brooks, from the Department, and Mr. Rosewater to go to the conference. Mr. Rosewater had gone to the International Postal Congress before, and had always taken the appropriate

tion as it was made and had spent it. He never before had been required to produce any vouchers. That never had been the practice. He just took the appropriation, which is made in full of expenses. The amount that Congress appropriated never has paid the expenses. Accordingly the Department never required any accounting, because it would come short, and the Government would always owe the delegate something.

Last year, when the delegates returned, the Postmaster-General thought there should be an accounting, and he made an order to that effect. Neither delegate had kept any vouchers whatsoever of his expenses, having both of them gone before, and according to custom never before having to account for their expenditures. So neither of them had any vouchers.

I only speak for Mr. Rosewater's estate now because I do not know Mr. Brooks, but I take it he is exactly in the same position. Immediately when Mr. Rosewater was asked for vouchers, he set about to get them. He went back and retraced his steps and sent out letters to get vouchers from every hotel where he stopped and every railroad from which he bought a ticket and from the steamship companies, the stage coaches, the busses, and all such services. He was collecting them together and had a goodly number—I have them here from the Department; he had collected this many [exhibiting] when suddenly, as I think every one in the Senate recalls, about the 1st of August, he died of apoplexy or heart failure. The work of collecting the vouchers had not been finished. He had part of them collected. There the matter ended.

The administratrix of the estate, Mrs. Rosewater, took up the matter to finish the settlement, and of course she has no way of knowing where to get the rest of the vouchers. Accordingly, since the requirement has been made to file the vouchers, the Treasury Department can not settle the account without the vouchers. Therefore it is necessary to have this amendment made authorizing the Auditor to settle without the filing of vouchers.

Mr. Brooks was in a good deal the same condition. It seems he has not been able to get vouchers, and the amendment which is offered by the chairman proposes to include him, he being in the same condition, as I understand, except that fortunately he is still living, while Mr. Rosewater is dead. It is absolutely impossible for Mrs. Rosewater to collect these vouchers, and as I understand it is also impossible for Mr. Brooks to get his together. But with respect to him, perhaps, some one else will speak. I have not been asked to say anything about Mr. Brooks. I have the vouchers as far as Mr. Rosewater located them, written in all kinds of languages. I have here all those he did receive, and they were filed, but they are not complete.

Mr. BANKHEAD. Mr. President, the matter we are now considering was referred to me as a special committee of the Committee on Post-Offices and Post-Roads, and all the papers in the case, so far as there are any papers, were turned over to me for examination. I went through them pretty carefully. I ascertained that it had not been the custom of the Post-Office Department to require the delegates to the Postal Congress to file vouchers for their expenses. There was \$5,000 appropriated. Two thousand two hundred and fifty dollars was turned over to each of the delegates. Five hundred dollars of the amount was retained in the Treasury and is now in the Treasury subject to the settlement.

I apprehend that if the amendment passes, and I think it ought to, it will simply amount to permitting these accounts to be settled without annoyance to anybody, especially to the widow of Rosewater. There is no intention to increase the amount of the appropriation at all. That has been settled. The money was paid to the delegates and was spent by them, except the \$500 which is in the Treasury, and doubtless when this settlement is made that money will remain in the Treasury. I have no question about it. This is simply to permit a settlement of these accounts at the Department without further annoyance to these people, and I think the amendment ought to be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania in the nature of a substitute for the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 39, after line 21, to insert:

That the term and authority of the Joint Commission authorized under the act approved March 2, 1907, to investigate the business system of the Post-Office Department and the postal service, and the time for the filing of the report of said Commission, are hereby extended until as soon as practicable after the beginning of the second session of the Sixtieth Congress. And said Commission is authorized to codify the postal laws of the United States and to incur any necessary expense in connection with said work.

And the unexpended balance appropriated for the expenses of said Commission is hereby reappropriated, together with the further sum of \$10,000, to be paid out on the audit and order of the chairman or vice-chairman of the said Commission under the method authorized in said act approved March 2, 1907, said appropriation to be immediately available.

The amendment was agreed to.

The next amendment was, on page 40, after line 13, to insert:

That enlisted men of the United States Navy may, upon selection by the Secretary of the Navy, be designated by the Post-Office Department as "Navy mail clerks" and "assistant Navy mail clerks," who shall be authorized to receive and open all pouches and sacks of mail addressed to naval vessels, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster-General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the postal service, and shall give bond to the United States in the sum of \$1,000 for the faithful performance of his duties as such clerk, and shall be amenable in all respects to naval discipline, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed \$500 per annum, and in that of assistant mail clerks not to exceed \$300 per annum, as may be determined and allowed by the Navy Department.

Mr. SCOTT. Does that provide an appropriation for these naval mail clerks? If a sailor is required to carry a supply of stamps and to perform duties other than his duties as a sailor, I think we ought to provide some extra compensation for him.

Mr. PENROSE. There is such a provision on page 41, beginning in line 14, permitting the Navy Department to allow them extra compensation.

Mr. SCOTT. Very well.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Post-Offices and Post-Roads.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to insert:

That no part of the appropriations herein made shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivative thereof.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PENROSE. I now ask unanimous consent to go back in order to offer several amendments necessary to perfect the bill, which were overlooked.

I will say, in this connection, that after these few amendments which I shall offer to perfect the bill shall have been passed upon by the Senate, I shall yield to the Senator from West Virginia [Mr. SCOTT] for the purpose of calling up the pension bills, and then will have the pending bill printed, so that the Senate may have full opportunity to examine it and take it up in the morning.

Mr. HALE. Why not pass the bill to-night?

Mr. KEAN. Yes; pass it to-night.

Mr. CARTER. Let us pass the bill, and then take up the pension bills.

Mr. PENROSE. It occurred to me that there might be other amendments.

Mr. HALE. I think we had better pass the bill to-night.

Mr. PENROSE. All right.

Mr. BACON. Do I understand the Senator from Maine to suggest that the bill be passed to-night? The Senator from Pennsylvania, the chairman of the committee, has suggested that the bill—

Mr. PENROSE. I withdraw the suggestion.

Mr. BACON. Well, I do not want you to withdraw it.

Mr. PENROSE. The Senator from Georgia can make the suggestion himself, I withdraw it.

Mr. BACON. I will have my say on it, and then the Senator can do as he pleases. The suggestion was that as a number of amendments had been put upon the bill and Senators had not had an opportunity to properly examine the bill in that condition, it should be printed in order that we might do so.

I am not on the Appropriations Committee, and I presume I am like a great many other Senators who are not on that committee. We know absolutely nothing about the details of bills that are passed here containing appropriations of hundreds of millions of dollars.

Mr. HALE. The Appropriations Committee has nothing to do with this bill.

Mr. BACON. I am using that term in its generic sense.



Mr. HALE. The Senator need not make his customary criticism of the Appropriations Committee. The Appropriations Committee has nothing to do with this bill.

Mr. PENROSE. The Senator's colleague is a member of the committee.

Mr. BACON. I am not using that term as specifically applicable to the Committee on Appropriations, but to all committees which have charge of appropriation bills.

Mr. PENROSE. The Senator from Georgia has very little confidence in his colleague, a faithful watchdog of the Treasury, who is a member of the Committee on Post-Offices, and usually is one of the conferees.

Mr. BACON. I have every confidence in him, and if the committee had been governed by his suggestions the bill would not carry nearly so much money as it does carry.

Mr. PENROSE. I do not at this time recall any reduction proposed by the Senator from Georgia. There may have been.

Mr. President, I offer the amendments I send to the desk.

The VICE-PRESIDENT. The Senator from Pennsylvania proposes amendments which will be stated.

Mr. BACON. I simply desire to ask that the original suggestion of the Senator from Pennsylvania be carried out—that we may see this bill after it shall have been reprinted.

Mr. PENROSE. I believe I have the floor for the purpose of offering amendments, Mr. President.

The VICE-PRESIDENT. The Senator from Pennsylvania proposes amendments which will be stated.

The SECRETARY. On page 6, line 17, heretofore the committee has recommended striking out "twenty-three" and inserting "fifteen," and it was agreed to. It is now proposed to strike out "fifteen" and insert in lieu thereof "nineteen."

The VICE-PRESIDENT. Without objection, the amendment will be regarded as open. The question is on agreeing to the amendment proposed by the committee to the amendment.

The amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. On page 7, line 5, after the word "registry," it is proposed to strike out "thirty-six" and insert "thirty-four."

The amendment was agreed to.

The SECRETARY. On page 7, line 11, it is proposed to strike out "twenty-three" and insert "twenty-two."

The amendment was agreed to.

The SECRETARY. On page 7, line 16, it is proposed to strike out "twenty-one" and insert "twenty."

The amendment was agreed to.

The SECRETARY. On page 2, line 22, after the words "three hundred and," it is proposed to strike out "twenty-five" and insert "fifty."

The amendment was agreed to.

The SECRETARY. On page 16, line 3, before the word "assistant," it is proposed to strike out "ten" and insert "twelve."

The amendment was agreed to.

The SECRETARY. In line 9 on the same page strike out "thirty-four" and insert "thirty-eight."

The amendment was agreed to.

Mr. PENROSE. On page 16, line 16, I ask the Senate to reconsider the vote by which the committee amendment was disagreed to, and then I shall ask the Senate to agree to the committee amendment.

Mr. CLAY. I did not catch the Senator's statement on that point. Did the Senator move to reconsider the vote by which the amendment was rejected?

Mr. PENROSE. In line 16, page 16, an amendment to insert "eight" instead of "three" was disagreed to.

Mr. CLAY. Yes.

Mr. PENROSE. It was a committee amendment. I move to reconsider the vote by which it was rejected, and if it is so reconsidered I shall ask that the committee amendment be adopted.

The VICE-PRESIDENT. Without objection, the vote disagreeing to the amendment is reconsidered, and the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PENROSE. I offer the amendment I send to the desk. It makes the amount the same as the House had it—\$400,000. I suppose I ought properly to move to reconsider the vote by which the amendment was agreed to.

The SECRETARY. On page 16, line 23, the committee reported an amendment in the item "for car fare and bicycle allowance," to strike out "four hundred" and insert "three hundred and fifty."

Mr. PENROSE. I move to reconsider the vote by which the amendment was agreed to.

The VICE-PRESIDENT. Without objection, the vote will be reconsidered. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. PENROSE. It leaves the amount \$400,000, the same as the House had it.

The VICE-PRESIDENT. The question is on agreeing to an amendment which has been passed over, which will be stated.

The SECRETARY. On page 28, line 17, after the word "mails," it is proposed to strike out "three million five," and insert "four million six," so as to read:

For transportation of foreign mails, \$4,608,862.

The amendment was agreed to.

Mr. BURNHAM. I offer an amendment to come in on page 38.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 38 after the word "dollars," in line 15, insert the following proviso:

*Provided, That for the purpose of ascertaining the practicability of establishing the special local parcel-post system on the rural delivery routes throughout the United States, the Postmaster-General is hereby authorized and directed to experiment and report to Congress, not later than January 1, 1909, the result of such experiment by establishing a special local parcel-post system on rural delivery routes in not to exceed four counties in the United States, for packages of fourth-class matter originating on a rural route or at the distributing post-office for delivery by rural carriers to patrons thereof, at such special rates of postage and under such regulations as the Postmaster-General may deem advisable: Provided further, That nothing herein contained shall be taken as authorizing the acceptance, or delivery at such special rate of postage of any parcel offered by any person acting as agent or representative, upon commission or otherwise, for any person or company not resident on such rural delivery routes or in the town from which the route or routes emanate: And provided further, That only such parcels shall be received for delivery at the special rates of postage as are offered by bona fide merchants or dealers whose regular places of business are on such rural delivery routes or in the town from which the route or routes emanate, in the ordinary and regular course of their business and by residents on such routes or in the town from which the route or routes emanate in their individual capacity.*

Mr. HALE. As I listened to the amendment I became aware that it is open to ten or twelve different points of order. I make only a single point of order—that it is an elaborate scheme of new legislation.

Mr. NELSON. General legislation.

Mr. HALE. General legislation.

The VICE-PRESIDENT. The Chair is clearly of the opinion that the amendment proposes general legislation, and therefore the Chair sustains the point of order.

Mr. GORE. I desire to submit an amendment. On page 22, after line 18, I move to insert the following proviso:

*Provided, That the Postmaster-General shall not pay more for the transportation of mails than express companies pay for the transportation of express of similar weight and character.*

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. GORE. Mr. President, I will state the reason why I offer the amendment. In a great many countries in the world the railroad companies carry the mails free of charge. That is true in France, I understand, except where the cars belong to the Government, in which case a nominal charge is paid amounting to 1 cent per car mile. In Austria-Hungary and in Germany one car per train is carried free of charge on other than Government railroads. In Italy and in Belgium the mails are carried free of charge, as I am informed.

Now, it is not my purpose or the purpose of anyone to ask the railroads of this country to transport mails free of charge; but, sir, the charges received by the railroads paid by the Government are far in excess of that which is reasonable and just.

I will cite a few discriminations based upon estimates rendered a few years ago. The charge from New York to Boston on first-class freight matter was 38 cents a hundred; on express it was 50 cents a hundred, and on mail it was 89 cents a hundred. From New York to Atlanta, Ga., the first-class freight charge was \$1.26 a hundred; the express charge was \$2 a hundred, and the mail charge was \$3.50 a hundred. From New York to Chicago the charge was 75 cents a hundred for first-class freight, \$1.25 for express, and \$3.56 for mail. The charge from New York City to San Francisco at the same time was \$3 a hundred for first-class freight, \$6.75 for express, and \$13.28 for the mails.

Now, sir, there is no justice and no justification in discriminations of that character, and I therefore move to limit the charge for mail to the charges paid by the express companies to the railroads for similar services.

In the Dominion of Canada mail is classified as freight of the lowest classification and bears the lowest rate. This amendment carries no proposition of that sort, but it seeks to protect the Government against charges which are unreasonable and

unjust. If there is any justification for paying so much greater charges for postage than for express, I should like to see some Senator justify it.

Mr. PENROSE. Mr. President, the conditions are so absolutely dissimilar between the character of express and mail matter that I trust the Senate will not agree to the amendment.

The amendment was rejected.

Mr. GORE. On page 23 I move to strike out lines 13 and 14, in the following words:

For railway post-office car service, \$4,600,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. GORE. I move to strike out those lines because, as I have suggested, we pay very much more for carrying the mails than is paid for either freight or express matter, and in addition to that we pay an excessive charge for rental of the cars in many instances. I therefore move to strike out these lines. The amendment was rejected.

Mr. GORE. At the end of line 14 on page 23 I move to insert:

That the Postmaster-General shall not pay more annual rental for postal cars than 33½ per cent of the cost of the car.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was rejected.

Mr. GORE. I move to insert after line 14, on page 23,

That the Postmaster-General shall not pay more annual rental for postal cars than the cars cost.

I submit that the Government has paid at times practically three times as much annual rental for postal cars as the cars cost. Now, that is a self-evident injustice and extortion. Possibly no Senator will say that these cars ought to realize to the railroads 300 per cent, or even 200 per cent, and not more possibly than 100 per cent. In the interest not of justice, but of common decency, I move to limit the rental to at least the cost of the cars.

The VICE-PRESIDENT. The Secretary will report the proposed amendment.

The SECRETARY. On page 23, at the end of line 14, insert:

Provided, That the Postmaster-General shall not pay more annual rental for postal cars than the cars cost.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GORE. On that I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. CLAY. I send an amendment to the desk, to come in after the word "dollars," on page 21, line 1.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, line 1, after the word "dollars," insert:

That the Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of trains, and railroads failing to comply with this provision shall forfeit all pay for each trip where such delay occurs, unless it shall be shown to the Postmaster-General that such delay was caused by unavoidable accidents or conditions.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. PENROSE. I hope that the amendment will not be adopted.

Mr. HALE. It is general legislation.

Mr. PENROSE. I make the point of order that it is general legislation.

Mr. CLAY. My recollection is that it went through the Senate at the last session. It was knocked out in conference.

Mr. PENROSE. The point of order must have been overlooked at the last session.

The VICE-PRESIDENT. In the opinion of the Chair the amendment clearly proposes general legislation, and therefore is in plain conflict with the provisions of subdivision 3 of Rule XVI. The Chair therefore sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. HALE. I move that the Senate do now adjourn.

Mr. PENROSE. I hope the Senator will withdraw that motion.

Mr. FRYE. There are a few pension bills to be considered.

Mr. HALE. I will withdraw the motion.

Mr. PENROSE. The Senator from West Virginia [Mr. SCOTT] wishes to have some pension bills passed to-day, that they may go to the other House to-morrow.

Mr. SCOTT. They must go to the House to-morrow in order to be enacted at the present session.

Mr. HALE. I will withhold the motion for the present.

#### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. BULKELEY. On behalf of the senior Senator from Ohio [Mr. FORAKER] I desire to call attention to the notice he gave that he would call up Senate bill 5729 immediately after the consideration of the post-office appropriation bill was finished. He has been obliged to leave the Chamber on account of temporary illness, and desired to have me give notice that he will ask the Senate to give consideration to Senate bill 5729 immediately after the conclusion of the morning business to-morrow.

#### PENSION LEGISLATION.

Mr. SCOTT. I ask unanimous consent for the consideration of eight pension bills, which are on the Calendar, in order that they may go over to the House. First I ask the Senate to proceed to the consideration of the bill (S. 3720) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of the following Indians: Mary Bullhead, widow of Henry Bullhead, late Lieutenant, United States Indian police, Standing Rock Agency, N. Dak.; Annie Shavehead, widow of Charles Shavehead, late sergeant, United States Indian police, Standing Rock Agency, N. Dak.; Shell Pipe (Mrs. James Littleeagle), widow of James Littleeagle, late sergeant, United States Indian police, Standing Rock Agency, N. Dak.; Catherine Akicitch, widow of Paul Akicitch, late private, United States Indian police, Standing Rock Agency, N. Dak.; Red Deer (Mrs. Hawkman), widow of Hawkman No. 1, late private, United States Indian police, Standing Rock Agency, N. Dak.; Edward Armstrong, son of John Armstrong, deceased, late private, United States Indian police, Standing Rock Agency, N. Dak., and pay each of them a pension at the rate of \$12 per month; Alexander Middle, late United States Indian police at the Standing Rock Agency, N. Dak.; Bull Snake, Crow Indian Agency, Mont., and Old Coyote, Crow Indian Agency, Mont., and pay each of them a pension at the rate of \$20 per month from the date of the passage and approval of this act.

Mr. GALLINGER. Mr. President, this strikes me as being a most extraordinary bill. If we are going to commence granting pensions to widows of people who have been policemen—

Mr. SCOTT. A similar bill was passed at the last session, if the Senator will allow me.

Mr. GALLINGER. It does not make any difference if it was passed a thousand times, it is a most extraordinary bill, and I shall vote against it. I will not raise any objection to its consideration.

First, Mr. President, I want to move to strike out the word "twenty" before "dollars" in line 2, page 4, and to insert "twelve." The widows of the soldiers of the civil war have been waiting for forty-odd years to get \$12 a month, and that was given to a large portion of them only this year. I do not see why these people should get more than the widows of our soldiers.

Mr. DIXON. Will the Senator from New Hampshire yield for an explanation?

Mr. GALLINGER. Yes; I will yield for that purpose.

Mr. DIXON. The \$20 per month on the last page applies only to two Indians who were shot in the Rosebud fight under General Crook. The widows of policemen who were killed at the Standing Rock fight get only \$12 per month under the bill. The \$20 per month is provided for the two Indians, Bull Snake and Old Coyote.

Mr. GALLINGER. There are a hundred thousand widows whose husbands incurred disabilities or were killed on the field of battle, and they are getting only \$12 per month.

Mr. DIXON. That is all the widows get under this bill. The pension of \$20 is for the two last-named Indians, who were shot when with General Crook. I have in my office a photograph of Old Coyote's hip. For twenty-eight years—since the fight left him with one leg—he has never had a pension. He was shot in battle. His hip bone sticks out 6 inches from the body.

Mr. GALLINGER. This is for those Indians?

Mr. DIXON. For two Indians wounded in the Rosebud fight.

Mr. GALLINGER. Then, I will not move the amendment, but will content myself by voting against the bill. The Senate can vote as it pleases.



The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I ask the Senate to proceed to the consideration of the bill (S. 5306) granting increase of pensions to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 9, after the word "same," to strike out "and pension shall continue at this rate until the beneficiary has reached the age of 70 years, when the rate shall be increased to \$15 per month, and shall continue at this rate until the beneficiary has reached the age of 75 years, when it shall be increased to \$20 per month;" and in line 10, after the word "twelve," to strike out "fifteen, or twenty dollars, according to age, or in accordance with this act" and insert "dollars per month," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of every survivor who is now on the roll or may hereafter be placed on the roll, under the acts of July 27, 1892, and June 27, 1902, to \$12 per month from the date of filing application for same: *Provided,* That nothing herein contained shall prevent any survivor entitled to pension under the aforementioned acts from filing an original application and obtaining a pension at the rate of \$8 per month from June 27, 1902, up to the date of filing application for increase when the rate may be increased to \$12 per month.

The amendments were agreed to.

Mr. GALLINGER. The bill proposes granting arrears of pension?

Mr. KEAN. Yes; they can make application from June 27, 1902.

Mr. SCOTT. It follows the general law.

Mr. GALLINGER. We have absolutely refused to do that in the matter of special pension bills for survivors and widows of the civil war. The bill provides—

That nothing herein contained shall prevent any survivor entitled to pension under the aforementioned acts from filing an original application and obtaining a pension at the rate of \$8 per month from June 27, 1902, up to the date of filing application for increase, when the rate may be increased to \$12 per month.

I move to strike out this proviso.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 4, strike out the proviso beginning on that line and continuing to the end of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I ask the Senate to proceed to the consideration of the bill (H. R. 19863) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, to strike out lines 6 to 10, inclusive, in the following words:

The name of Susan Wigley, dependent mother of Charles V. Wigley, late of Company C, Forty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$18 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to strike out:

The name of Sarah N. Clark, widow of William R. Clark, late of Captain Stephen's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to strike out:

The name of Lucy Tucker Catlett, widow of John Catlett, late of Company A, Captain McGown's Second Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out:

The name of Charles J. Tribble, late of Troop D, Seventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to strike out:

The name of Ellen J. Johnson, widow of Isaac Johnson, late of Captain Battle's company, Second Regiment Tennessee Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of Martha Ann Pruett, widow of George W. Pruett, late of Captain Dickerson's company, Third Regiment North Carolina Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to strike out:

The name of Amelia M. Salmon, widow of Jefferson D. Salmon, late of Company B, First Regiment Georgia Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "Regiment," to strike out "Second" and insert "Fifteenth," so as to make the clause read:

The name of William F. Mead, late of Troop H, Fifteenth Regiment United States Cavalry, and pay him a pension at the rate of \$46 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to strike out:

The name of Olinde A. Darby, widow of John W. Darby, late of Captain Bradley's independent company, Florida Foot Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of Elizabeth H. Shannon, widow of Thomas E. Shannon, late of Captain Chesnut's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to strike out:

The name of Carl Roepke, late of Company A, Fifth Regiment United States Cavalry, war with Spain.

The amendment was agreed to.

The next amendment was, on page 6, after line 17, to strike out:

The name of Margaret L. Campbell, widow of Thomas M. Campbell, late of Company E, Third Regiment Kentucky Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 22, to strike out:

The name of Susan T. Day, widow of Joel A. Day, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. BANKHEAD. On page 5, line 8, before the word "dollars," I move to strike out "twenty" and insert "thirty."

I wish to make this statement briefly. The beneficiary in this case is now 80 years old. He is blind. He was a former governor of Alabama, and one of our most distinguished citizens. He is poor. He owns 15 acres of land, valued at \$300, and that is the only property he has. I ask the chairman of the committee to accept the amendment.

Mr. SCOTT. What is the suggestion of the Senator from Alabama?

Mr. BANKHEAD. On page 5, line 8, to strike out "twenty" and insert "thirty."

Mr. SCOTT. I will accept it.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 5, line 8, before the word "dollars," strike out "twenty" and insert "thirty;" so as to make the paragraph read:

The name of Rufus W. Cobb, late of Captain Long's company, Hay's Regiment Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 19101) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 5, to strike out:

The name of Cecil I. Smith, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$10 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "account," to insert "of each;" in the same line, after the word "minor," to strike out "child" and insert "children;" and in line 4, after the word "until," to strike out "she reaches" and insert "they reach," so as to make the clause read:

The name of Miriam A. F. Jett, widow of Jesse T. Jett, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of said Jesse T. Jett until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 10, after the words "rate of," to strike out "fifteen" and insert "twelve," so as to make the clause read:

The name of Richard M. Robinson, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the words "rate of," to strike out "twenty-four" and insert "sixteen," so as to make the clause read:

The name of Henry W. Schroder, late of the United States Marine Corps, United States Navy, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 19475) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 5, to strike out:

The name of Elizabeth Moody, widow of John R. Moody, late of Captain Robert's company, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, beginning in line 1, to strike out the following clause:

The name of Kizzie Gill, widow of Jeremiah Gill, late of Captain Johnson's company, First Regiment (Bailey's) Florida Mounted Militia, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to strike out the following clause:

The name of Alfred Johnson, late of Troop F, Ninth Regiment United States Cavalry.

Mr. BURKETT. I move that that amendment be disagreed to.

Mr. SCOTT. I would say to the Senator from Nebraska that I have a statement here in reference to that case, but I am probably not as familiar with these bills as is the chairman of the committee, who has been called home and left them in my charge. I find there are objections from the chairman to changing this amendment. It is represented that the claimant was kicked in the leg by a horse, and that he did not make application for a pension until twenty years afterwards. Is that correct?

Mr. BURKETT. I will say that the soldier served ten years in the Army. There does not seem to be any question that he

was injured. He has evidence showing that he was kicked by a horse during his enlistment. He is now 55 years of age. The trouble, of course, is that the Pension Bureau will not connect his present lameness with that kick of the horse, but the medical and other evidence he has in reference to this particular disability shows that it came from that. Then, he has affidavits of two persons who saw him injured by a horse at that time. The whole question involved is that it is an injury which the medical examiners in the Pension Bureau can not trace back. The injury came from that kick, and the injury, as he advances in age, has become more serious, so that he has become very lame and very badly disabled.

Mr. SCOTT. I will accept the suggestion of the Senator that the amendment be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 3, after line 20, to strike out:

The name of Flemon Boles, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$10 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to strike out:

The name of Isapheny Hardin, widow of William R. Hardin, late of Company G (Captain Turner's), First Regiment Georgia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

The name of Priscilla A. Nicolson, widow of John O. Nicolson, late Lieutenant, United States Navy, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 24, to strike out to and including line 16, on page 5, as follows:

The name of Emily C. Cooper, widow of Hillary Cooper, late of Company D, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The name of Nannie E. Lenderman, widow of John K. Lenderman, late of Company H, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The name of Mary Fowler, widow of Richard Fowler, late of Company A, Twelfth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The name of Harry A. Bishop, late of Company K, Seventh Regiment Ohio Volunteer Infantry, war with Spain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 6983) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

George Evans, late of Company G, Twenty-fifth Regiment United States Infantry, and pay him a pension of \$12.

B. H. Randall, late sutler at Fort Ridgely, Minn., during the Sioux Indian outbreak, and pay him a pension of \$16 per month in lieu of that he is now receiving.

Miami L. Pervell, widow of Leighton M. Pervell, alias Charles H. Hunt, late of Company K, Twenty-third Regiment United States Infantry, and pay her a pension of \$12.

Sallie Pickett, widow of George E. Pickett, late second Lieutenant, Second United States Infantry, war with Mexico, and pay her a pension of \$40.

Vincent A. Witcher, dependent father of Adison Witcher, late of Company F, Ninth Regiment United States Infantry, war with Spain, and pay him a pension of \$20.

Joseph L. Cooper, late of Company E, First Regiment Nebraska Volunteer Infantry, war with Spain, and pay him a pension of \$12.

Julia M. Tisdale, widow of Ryland D. Tisdale, late lieutenant, United States Navy, and pay her a pension of \$35, and \$2 per month additional on account of each of the minor children of said Ryland D. Tisdale until they reach the age of 16 years.



Willie C. Wilmot, late of Company C, First Regiment New Hampshire Volunteer Infantry, war with Spain, and pay him a pension of \$12.

Margaret F. Jewell, widow of James M. Jewell, late second lieutenant, Fourteenth Regiment United States Cavalry, and pay her a pension of \$25, and \$2 per month additional on account of the minor child of said James M. Jewell until she reaches the age of 16 years.

Mr. GORE. I submit an amendment, which I send to the desk, inserting a clause for the payment to Eva Seeley, widow of Oscar Seeley, late paymaster's steward, U. S. S. *North Carolina*, Connecticut, and *Commodore Hull*, United States Navy, and pay her a pension at the rate of \$30 a month in lieu of the amount she now receives.

Mr. SCOTT. I will accept the Senator's amendment if he will make it \$24, which is the committee recommendation.

Mr. GORE. I thought the committee recommendation was \$30.

Mr. SCOTT. I suggest to the Senator that we should pass a separate bill covering the case to which he refers. This being an omnibus bill, it would be better, in my judgment, that we should pass it without amendment. I think there will be no objection to a separate bill covering the case the Senator has in charge.

Mr. GALLINGER. These are House bills, are they not?

Mr. SCOTT. This is a Senate bill. I am perfectly willing, however, to accept the amendment, if the Senator from Oklahoma desires that it shall go on.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following paragraph:

The name of Eva Seeley, widow of Oscar Seeley, late paymaster's steward, U. S. S. *North Carolina*, Connecticut, and *Commodore Hull*, United States Navy, and pay her a pension at the rate of \$24 per month in lieu of the amount she is now receiving.

Mr. GALLINGER. I will ask the Senator—the widow seems now to be receiving a pension—if paymasters' stewards are pensionable under the law? Have we ever pensioned one of them?

Mr. SCOTT. No. I will say to the Senator that Mrs. Seeley was pensioned when the Senator from New Hampshire was chairman, I believe, of the Committee on Pensions, and she is now drawing a pension of \$16 per month.

Mr. GALLINGER. Then this is simply an increase of that pension.

Mr. SCOTT. This is simply an increase of that, as the widow is totally blind and is the only support of a grandchild, as I understand.

Mr. GALLINGER. It is all right.

Mr. SCOTT. It is a gratuity, I suppose.

Mr. GALLINGER. Undoubtedly.

Mr. WARREN. I do not rise to object to the bill, but, if I may be allowed, I should like to ask a question of the Senator from New Hampshire. Are we in the habit or has it been the general practice to allow pensions to widows of civil employees?

Mr. GALLINGER. It has not been the habit, Mr. President. I am not familiar with this particular bill, but the Senator from West Virginia seems to put the burden on me by saying that it passed when I was chairman of the committee. I have no recollection of it. I know that we were very scrupulous in keeping out that class of cases from pensions.

Mr. SCOTT. I certainly agree with the Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 3610) granting a pension to James M. Fitch.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James M. Fitch, late of Company B, Eleventh Regiment United States Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SCOTT. I now ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war, together with the amendments reported by the Committee on Pensions of the Senate to the amendment of the House of Representatives.

The VICE-PRESIDENT. The Chair lays before the Senate the amendment of the House of Representatives to the bill named by the Senator from West Virginia, the question being on concurring in the amendment of the House of Representatives as proposed to be amended by the Committee on Pensions of the Senate. The amendments proposed by the Senate committee will be first stated.

The amendments of the Senate committee to the amendment of the House of Representatives were, on page 29, line 8, before the word "dollars," to strike out "fifteen" and insert "twelve"; on the same page, after line 8, to strike out "the name of John H. Pepper, late landsman, United States Navy, and pay him a pension at the rate of \$8 per month"; on page 30, after line 8, to strike out "the name of Jesse G. Lott, late of Company I, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$6 per month; the name of Mary Lois Wriston, widow of John P. Wriston, late of Company A, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on the same page, line 24, before the word "dollars," to strike out "twenty" and insert "twelve"; on page 31, line 11, before the word "dollars," to strike out "twenty" and insert "twelve"; on page 31, line 15, before the word "dollars," to strike out "fifty" and insert "thirty"; on page 32, line 2, before the word "dollars," to strike out "fifty" and insert "thirty"; on page 33, after line 3, to strike out "the name of Eliza Norman, widow of Richard G. Norman, late of Captain Sweat's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving; the name of Caroline Cowart, widow of Abel Cowart, late of Captain Stewart's and Roberts's companies, Florida Volunteers, and Captain Jarnigan's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on page 34, after line 2, to strike out "the name of Mary A. Kinsey, widow of Stephen Kinsey, late captain First Regiment Texas Cavalry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on page 35, after line 10, to strike out "the name of Martha A. Gardner, widow of John H. Gardner, late of Capt. Aaron Jernigan's company, Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; at the top of page 36, to strike out "the name of Susan E. Hodges, widow of Marcus A. Hodges, late of Captain Henry's company, Second Regiment Tennessee Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; at the top of page 39, to strike out "the name of Elizabeth Ann Langford, widow of Nicholas Langford, late lieutenant of Captains Langford's and Bradley's companies, Florida Militia, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving; the name of Satirhe Feagle, widow of Adam Feagle, late of Company L, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving; the name of Lucretia Grice, widow of Eldred S. Grice, late of Captain Jones's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; the name of Sarah D. Jones, widow of Dabney Jones, late of Captain Jones's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving; the name of Carrie Trotter, widow of Jacob M. Trotter, late of Captain Denny's company, First Regiment South Carolina Militia, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on page 40, after line 2, to strike out "the name of Lucy W. Binford, widow of John G. Binford, late of Company I, First Regiment Virginia Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on page 40, after line 15, to strike out "the name of Margaret E. McCoy, widow of Thomas F. McCoy, late first lieutenant Company D, Eleventh United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on page 40, line 24, before the word "dollars," to strike out "fifty" and insert "thirty"; on page 41, line 2, before the word "dollars," to strike out "seventeen" and insert "twelve"; on page 41, after line 2, to strike out "the name of Elizabeth Nobles, widow of John B. Nobles, late of Captains Whitehead's and Hill's companies, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on page 42, line 6, before the word "dollars," to strike out "twenty-four" and insert "twelve"; on page 42,

after line 17, to strike out "the name of Martha Shinn, widow of Jacob L. Shinn, late of Company A, Mounted Regiment Arkansas Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving"; on page 44, after line 4, to strike out "the name of William D. Gibson, late of Company M, Second Regiment Arkansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month"; on page 44, line 15, before the word "dollars," to strike out "sixteen" and insert "twelve"; on page 44, line 22, before the word "dollars," to strike out "twenty" and insert "twelve"; on page 45, line 5, before the word "dollars," to strike out "twenty-four" and insert "twenty"; on page 46, line 6, before the word "dollars," to strike out "twenty" and insert "twelve"; on page 46, line 23, before the word "dollars," to strike out "fifty" and insert "thirty"; on page 47, line 12, before the word "dependent," to insert "helpless and"; on page 48, after line 6, to strike out "the name of Harry Landau, late of Troop C, Fifth Regiment United States Cavalry, and pay him a pension at the rate of \$65 per month in lieu of that he is now receiving; the name of Thomas Smith, late of Company L, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$10 per month"; and on page 49, after line 13, to strike out "the name of Morgan J. Treadway, late captain of Company G, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$8 per month," so as to make the House amendment read:

The name of Julia F. Noyes, widow of George O. Noyes, late of Company C, First Regiment United States Infantry, and Company E, Twenty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month.

The name of James W. Freeman, late of Ninth Company, United States Coast Artillery, and pay him a pension at the rate of \$12 per month.

The name of Phillip Margetts, late of Captain Burton's Company B, Utah Mounted Volunteers, Utah Indian disturbances, and pay him a pension at the rate of \$8 per month.

The name of Rachel Travis, widow of Peter O. Travis, late recruit Fifth Regiment Indiana Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month.

The name of Luella S. Gallup, widow of Charles C. Gallup, late first Lieutenant Company C, Fifth Regiment United States Artillery, and pay her a pension at the rate of \$17 per month.

The name of James A. McDavid, late of Company F, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Ulysses G. Powell, late of Company B, Third Regiment Nebraska Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Sarah R. Williams, widow of Ferdinand Williams, late first lieutenant, Engineer Corps, United States Army, and pay her a pension at the rate of \$25 per month, and \$2 per month additional on account of the minor child of said Ferdinand Williams until she reaches the age of 16 years, such pension being in lieu of that granted by private act approved February 1, 1907.

The name of Seth S. Nye, late of Company K, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$12 per month.

The name of James Francis Flynn, late of U. S. S. New York, United States Navy, war with Spain, and pay him a pension at the rate of \$30 per month.

The name of Mary Meeler, widow of John Meeler, late of Company L, Second Regiment Arkansas Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of the said John Meeler, until they reach the age of 16 years.

The name of Harry C. Newton, late of Company F, Eighteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Loring R. Clayton, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Caroline M. Douglas, dependent mother of William H. Douglas, late of Company H, Eighth Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month.

The name of Nancy J. Stephens, dependent mother of Oliver P. Stephens, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month.

The name of Malinda Foust, widow of Philip E. Foust, late of Captain Allen's company, Tennessee Militia, war of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of John Winter, late of Troop E, Second Regiment United States Dragoons, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Billings A. Clark, late of Captain Burch's Company B, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Albert Nelson, late gunner's mate, second class, United States ship Wheeling, United States Navy, war with Spain, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Robert White, late of Company F, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Victoria St. C. E. C. Mickelson, widow of Michael Mickelson, late of Capt. Thomas Smith's company, Ninth Regiment Oregon Mounted Militia, Oregon and Washington Territory Indian war, and pay her a pension at the rate of \$12 per month.

The name of Manuel R. Sanchez, late of Capt. William Mosley's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of George E. Ryno, late of Company F, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Frank Bremigan, late of Company H, Twentieth Regiment United States Infantry, and pay him a pension at the rate of \$16 per month.

The name of Patrick Burton, late of Company H, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Lawrence Nichols, late of Company L, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

The name of John D. McKinlay, late of Capt. James G. Dell's company, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Charles A. Young, late of Capt. Robert Mickler's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Mansfield Burris, late of Capt. William Fitzhugh's Company D, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of William H. Jones, late of Captains Hembree's and Swan's companies, Tennessee Volunteers, Cherokee Indian disturbance, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Annie A. Robbins, late nurse, Medical Department, United States Army, war with Spain, and pay her a pension at the rate of \$12 per month.

The name of William Kelly, late of Company A, Fifth Regiment, and Company H, Seventeenth Regiment, United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth E. Wood, widow of Francis Wood, late pharmacist, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Renvey E. Dees, widow of Henry Dees, late of Captain Coffee's company, Florida Volunteers, war with Mexico, and pay her a pension at the rate of \$8 per month.

The name of Margaret Aston, formerly Margaret Dunn, late nurse, Medical Department United States Army, war with Spain, and pay her a pension at the rate of \$12 per month.

The name of Harriette M. Maxwell, late nurse, Medical Department United States Army, war with Spain, and pay her a pension at the rate of \$12 per month.

The name of Agnes Boon Otis, widow of Elmer Otis, late Lieutenant-colonel Seventh Regiment and colonel Eighth Regiment United States Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elenor Sanborn, widow of Nathaniel Sanborn, late of Captain Holt's company, Massachusetts Militia, war of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Hutchinson Smith, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Josiah B. Law, late of Captain Stewart's mounted company, Special Battalion Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Edward C. McGeachy, late of Captain Kendrick's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Charles M. Montgomery, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of \$17 per month.

The name of Stephen T. Hancock, late of Captains Mizell's and McClellan's companies, Florida Mounted Militia, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of William Standley, late of Captain Steven's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of George E. Mills, late of Captain Mills's company, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Esther H. Kautz, widow of Albert Kautz, late rear-admiral, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna O. D. Mickley, widow of Joseph P. Mickley, late chief engineer, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Thomas B. Brown, late of Company A, Thirty-third Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$17 per month.

The name of Catherine S. Miller, widow of Marcus P. Miller, late major, Fifth United States Artillery, United States Army, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Oliver M. Reid, late of Company I, Twentieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The name of Martin Bolster, late of Company M, Ninth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Richard R. Russell, late of Capt. William G. Moseley's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Daniel G. W. Norman, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of John F. Jones, late of Capt. Robert Bullock's independent company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.



The name of Isham Walker, late of Captain Bready's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Henry Tyrriver, late of Company B, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of John Hatcher, late of Capt. Joseph J. Knight's company, Florida Militia, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Pearl Y. Newcomb, widow of Marcellus L. Newcomb, late of Troop D, First Regiment United States Volunteer Cavalry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said Marcellus L. Newcomb until they reach the age of 16 years.

The name of Annie E. Tisdell, widow of Moses H. Tisdell, late first Lieutenant Company A, Second Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$17 per month, and \$2 per month additional on account of each of the minor children of the said Moses H. Tisdell until they reach the age of 16 years.

The name of Justin McCarthy, late of Second Artillery Corps, United States Army, war with Spain, and pay him a pension at the rate of \$30 per month.

The name of William J. Meadows, late of Capt. William H. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Vianna R. Huston, widow of Robert B. Huston, late captain Company L, Forty-seventh Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of William L. Deane, late of Captain Newell's company, Oregon Scouts, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Jobeny Mullinar, late of Captains Lyons's and Cessna's companies, Georgia Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of William Leggett, late of First Lieut. R. B. Turner's detachment, Florida Foot Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of David Raulerson, late of Capt. Giles W. Ellis's company, Florida Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Christopher Kneup, late of Company C, Third Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Clara D. Miller, widow of John Miller, late of Company M, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month.

The name of Martin J. Frey, late of Company H, Third Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Edward W. Hall, late of Company L, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$17 per month.

The name of Arthur Onderdonk, late of Company B, Second Regiment United States Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Guy R. Martin, late of Company B, Fortieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$55 per month.

The name of Bright Evans, late of Captain Cleveland's company, Georgia Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Jacob Slem, late of Company D, Tenth Regiment United States Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William H. Long, late of Company H, Sixteenth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Paul K. Hubbs, Jr., late of Captain Smalley's Company G, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of John Muir, late of Company D, Second Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of William H. Hall, late of Company E, First Regiment District of Columbia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Barzilla P. Greenwood, late of Captain Haley's Company C, Battalion Rangers, Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Margaret Talbut, widow of William Talbut, late private, Ordnance Detachment, United States Army, and pay her a pension at the rate of \$12 per month.

The name of Edward F. L. Jones, late of Company F, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The name of Elijah H. McAlmond, late of Capt. I. N. Ebey's company, First Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Arthur E. Truitt, late of Company G, First Regiment Louisiana Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ellis R. Brock, late of Company K, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Joseph H. Glover, helpless and dependent son of John Glover, late of Company I, Sixteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of \$12 per month.

The name of Nora R. Willett, widow of Eugene Willett, late of Company A, Twentieth Regiment Kansas Volunteer Infantry, war with

Spain, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of the minor child of the said Eugene Willett until she reaches the age of 16 years.

The name of William Q. Anderson, late of Battery D, Utah Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry F. Mann, late of Company L, Second Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Vance V. Pearsall, late of Troop B, Eleventh Regiment United States Cavalry, war with Spain.

The name of William S. Sykes, late of Second Company, United States Coast Artillery, and pay him a pension at the rate of \$40 per month.

The name of William McCrockin, late of Company I, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$80 per month in lieu of that he is now receiving.

The name of Charles M. Stebbins, late of Company F, Second Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Margaret F. Bell, widow of Clarence W. Bell, late of Troop K, First Regiment Illinois Volunteer Cavalry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of the said Clarence W. Bell until she reaches the age of 16 years.

The name of James B. Waters, late of Company I, Eighth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jesse T. Reese, late of Company G, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alzina Wilcher, widow of Stephen Wilcher, late of Captain Winters's company, Illinois Volunteers, Black Hawk Indian war, and pay her a pension at the rate of \$12 per month.

Mr. HEMENWAY. Mr. President, I ask the Senate to disagree to the amendment of the Senate committee on page 31, line 11, so as to leave the amount at \$20.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee on page 31, line 11, to the amendment of the House of Representatives.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the Senate committee amendments, with the exception of the one which has been rejected, to the amendment of the House of Representatives.

The amendments to the amendment were agreed to.

The VICE-PRESIDENT. The question now is on concurring in the amendment of the House of Representatives as it has been amended.

The amendment of the House of Representatives, as amended, was concurred in.

On motion of Mr. SCOTT, the title was amended so as to read: "An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and other wars and to certain widows and dependent relatives of such soldiers and sailors."

ALVAH B. DOBLE.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 6949) to remove the charge of desertion from the record of Alvah B. Doble.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That Alvah B. Doble shall hereafter be held and considered to have been honorably discharged as a private of Company F, Seventh Regiment Maine Volunteer Infantry, as of date January 28, 1863; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Alvah B. Doble an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### OMNIBUS CLAIMS BILL.

Mr. FULTON. I move that the Senate proceed to the consideration of House bill 15372.

Mr. KEAN. If the Senator from Oregon has any intention of making such a motion, I shall move that the Senate adjourn.

Mr. FULTON. I renew my motion that the Senate proceed to the consideration of House bill 15372. I will say that I intend to ask that the bill be laid aside after it is taken up.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Maine?

Mr. HALE. I have the floor, I think.

The VICE-PRESIDENT. The Chair recognized the Senator from Oregon [Mr. FULTON] in his own right.

Mr. CULLOM. Mr. President—  
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. If the Senator will just allow me to have the bill laid before the Senate, I will then ask that it be temporarily laid aside.

Mr. GALLINGER. If it is taken up, it will displace the unfinished business.

Mr. HALE. Yes; it will displace the unfinished business.

The VICE-PRESIDENT. The Senator from Oregon moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts.

Mr. KEAN. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey that the Senate adjourn. [Putting the question.] By the sound the noes have it.

Mr. KEAN. Division, Mr. President.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. A division is asked.

Mr. BACON. I understood the Senator from Oregon to say that he rose to a point of order.

The VICE-PRESIDENT. The Chair did not hear him. The Senator will state his point of order.

Mr. FULTON. It is rather a parliamentary inquiry, because I am not certain that I have a right to make a point of order; but when a motion had been put to take up a bill, and the motion has been stated by the Chair, was it in order, before it was voted upon, to move to adjourn?

Mr. GALLINGER and Mr. HALE. Undoubtedly.

The VICE-PRESIDENT. A motion to adjourn is one of the privileged motions.

Mr. FULTON. That is the question I wished to ask.

Mr. CULLOM. I think the Senator from Oregon had better withdraw his motion.

Mr. FULTON. I shall not withdraw the motion.

The VICE-PRESIDENT. A division is demanded. Those in favor of the motion will rise and stand until counted.

Mr. WARREN. I should like to ask the Senator from Oregon a question.

Mr. FULTON. Mr. President, what is the motion we are voting on now?

The VICE-PRESIDENT. A division is demanded on the motion to adjourn.

The question being put, there were, on division—ayes 10, noes 16.

The VICE-PRESIDENT. A quorum of the Senate has not voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Guggenheim	Overman
Bourne	Dick	Hale	Paynter
Brandegge	Dixon	Hemenway	Penrose
Briggs	Dolliver	Heyburn	Piles
Bulkeley	du Pont	Hopkins	Scott
Burkett	Flint	Kean	Stephenson
Burnham	Foster	Long	Tallaferro
Burrows	Frye	McCreary	Teller
Carter	Fulton	McLaurin	Warren
Clapp	Gallinger	Martin	
Crane	Gamble	Nelson	
Culom	Gore	Owen	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum of the Senate is not present.

Mr. FULTON. I ask that the names of the absentees be called.

The VICE-PRESIDENT. The Secretary will call the names of the absent Senators.

The Secretary called the following names:

Aldrich	Daniel	La Follette	Simmons
Allison	Davis	Lodge	Smith, Md.
Ankeny	Depew	McCumber	Smith, Mich.
Bailey	Dillingham	McEnery	Smoot
Bankhead	Elkins	Milton	Stewart
Beveridge	Foraker	Money	Stone
Borah	Frazier	Newlands	Sutherland
Brown	Gary	Nixon	Taylor
Clark, Wyo.	Hansbrough	Perkins	Tillman
Clarke, Ark.	Johnston	Platt	Warner
Clay	Kittredge	Rayner	Wetmore
Culberson	Knox	Richardson	

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 13, 1908, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, May 12, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Infinite Spirit, God, our Heavenly Father, everywhere present, moving upon the hearts of men, upholding, sustaining, guiding in right thinking and in pure living, so move upon our hearts that we may grow day by day into the measure of the stature of the fullness of Christ.

We bless Thee, our Father, for that sympathetic chord which when touched by calamity visited upon any people makes the whole world kin. Our hearts go out in sympathy and love to our people everywhere who have been thus visited, and especially do we pray for the people of the young State of Oklahoma, who have thus been bereft of homes and friends. God grant that we, who have escaped, may go to their succor and comfort. Hear us, O Lord, and answer our prayer, in the name of Christ, the Lord. Amen!

The SPEAKER. The Clerk will cause the Journal to be read.

The Clerk read the Journal.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. WILLIAMS. Mr. Speaker, objection is made.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The question is on the motion of the gentleman from New York that the Journal be approved.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 278, nays 3, answered "present" 10, not voting 96, as follows:

YEAS—278.

Adair	Davidson	Hay	McLaughlin, Mich.
Adamson	Davis, Minn.	Hayes	McMillan
Aiken	Dawson	Heflin	McMorran
Alexander, Mo.	De Armond	Helm	Macon
Allen	Denby	Henry, Conn.	Madden
Ames	Denver	Henry, Tex.	Malby
Ansberry	Dixon	Hepburn	Mann
Anthony	Douglas	Higgins	Miller
Ashbrook	Draper	Hill, Conn.	Moon, Pa.
Bannon	Driscoll	Hill, Miss.	Moon, Tenn.
Barchfeld	Durey	Hinschaw	Moore, Pa.
Barclay	Dwight	Hitchcock	Moore, Tex.
Bartholdt	Ellis, Oreg.	Holliday	Morse
Bartlett, Nev.	Englebright	Houston	Mouser
Bates	Esch	Howell, N. J.	Murdock
Beale, Pa.	Fairchild	Howell, Utah	Needham
Beall, Tex.	Fassett	Howland	Nelson
Bede	Ferris	Hubbard, Iowa	Norris
Bennet, N. Y.	Finley	Hubbard, W. Va.	Nye
Bennett, Ky.	Fitzgerald	Hughes, N. J.	O'Connell
Bonyne	Floyd	Hull, Iowa	Olcott
Boomer	Focht	Hull, Tenn.	Overstreet
Boutell	Fornes	Humphrey, Wash.	Padgett
Bowers	Foss	James, Addison D.	Page
Boyd	Foster, Ill.	James, Ollie M.	Parker, N. J.
Bradley	Foster, Ind.	Jenkins	Parsons
Brodhead	Foster, Vt.	Johnson, Ky.	Patterson
Brownlow	Foulkrod	Johnson, S. C.	Payne
Burgess	Fowler	Jones, Va.	Pearre
Burke	French	Jones, Wash.	Perkins
Burleigh	Fuller	Kahn	Pollard
Burleson	Fulton	Keller	Pray
Burnett	Gaines, Tenn.	Kennedy, Iowa	Pujo
Burton, Del.	Gaines, W. Va.	Kennedy, Ohio	Rainey
Burton, Ohio	Gardner, Mich.	Kimball	Randell, Tex.
Calder	Gardner, N. J.	Kinkaid	Rauch
Childwell	Garner	Kipp	Reeder
Campbell	Garrett	Kitchin, Claude	Reynolds
Candler	Gibbams	Knapp	Rhinock
Capron	Gill	Knopf	Richardson
Carlin	Gillespie	Knowland	Rodenberg
Carter	Gillett	Kuftermann	Rucker
Cary	Glass	Lafont	Russell, Mo.
Caulfield	Godwin	Lamb	Russell, Tex.
Chaney	Goldfogle	Lassiter	Ryan
Chapman	Gordon	Law	Sabath
Clark, Mo.	Goulden	Lawrence	Shackelford
Clayton	Graham	Lee	Sheppard
Cockran	Granger	Lever	Sherley
Cocks, N. Y.	Greene	Lindbergh	Sherwood
Cole	Gregg	Lloyd	Sims
Cook, Colo.	Hackett	Longworth	Slemp
Cook, Pa.	Hackney	Loudenslager	Smith, Cal.
Cooper, Tex.	Hale	Lovering	Smith, Iowa
Cox, Ind.	Hall	McCall	Smith, Mich.
Craig	Hamilton, Iowa	McDermott	Smith, Mo.
Crawford	Hamlin	McGuire	Snapp
Crumpacker	Hammond	McHenry	Southwick
Currier	Harding	McKinlay, Cal.	Sparkman
Cushman	Hardy	McKinley, Ill.	Sperry
Dalzell	Harrison	McKinney	Splight
Darragh	Haugen	McLachlan, Cal.	Stafford
Davenport	Hawley	McLain	Stanley



Steenerson	Thistlewood	Vreeland	Weeks
Stephens, Tex.	Thomas, Ohio	Waldo	Wheeler
Sterling	Tirrell	Wallace	Williams
Surgiss	Tou Velle	Wanger	Wilson, Ill.
Sulloway	Townsend	Washburn	Young
Taylor, Ala.	Underwood	Watkins	
Taylor, Ohio	Volstead	Watson	

NAYS—3.

Kelliber	Slayden	Sulzer
	ANSWERED "PRESENT"—10.	

Broussard	Legare	Sherman	Tawney
Brundidge	Lorimer	Small	
Conner	Rothermel	Talbott	

NOT VOTING—96.

Acheson	Ellerbe	Landis	Porter
Alexander, N. Y.	Ellis, Mo.	Langley	Pou
Andrus	Favrot	Laning	Powers
Bartlett, Ga.	Flood	Leake	Pratt
Bell, Ga.	Fordney	Lenahan	Prince
Bingham	Gardner, Mass.	Lewis	Ransdell, La.
Birdsall	Goebel	Lilly	Reid
Brantley	Graff	Lindsay	Riordan
Brumm	Griggs	Littlefield	Roberts
Butler	Gronna	Livingston	Robinson
Byrd	Haggott	Loud	Saunders
Calderhead	Hamill	Lowden	Scott
Clark, Fla.	Hamilton, Mich.	McCreary	Smith, Tex.
Cooper, Pa.	Hardwick	McGavin	Stevens, Minn.
Cooper, Wis.	Haskins	Madison	Thomas, N. C.
Coudrey	Hobson	Marshall	Webb
Cousins	Howard	Maynard	Weems
Cravens	Huff	Mondell	Weisse
Davey, La.	Hughes, W. Va.	Mudd	Wiley
Dawes	Humphreys, Miss.	Murphy	Willett
Diekema	Jackson	Nicholls	Wilson, Pa.
Dunwell	Kitchin, Wm. W.	Olmsted	Wolf
Edwards, Ga.	Lamar, Fla.	Parker, S. Dak.	Wood
Edwards, Ky.	Lamar, Mo.	Peters	Woodyard

So the Journal was approved.

The Clerk announced the following pairs:

Until further notice:

Mr. ACHESON with Mr. BRANTLEY.  
 Mr. ALEXANDER of New York with Mr. BYRD.  
 Mr. CALDERHEAD with Mr. CLARK of Florida.  
 Mr. COOPER of Pennsylvania with Mr. DAVEY of Louisiana.  
 Mr. COOPER of Wisconsin with Mr. GRIGGS.  
 Mr. DUNWELL with Mr. EDWARDS of Georgia.  
 Mr. ELLIS of Missouri with Mr. ELLERBE.  
 Mr. GRAFF with Mr. FAVROT.  
 Mr. HAMILTON of Michigan with Mr. HAMILL.  
 Mr. HUFF with Mr. LEAKE.  
 Mr. LANDIS with Mr. LEGARE.  
 Mr. LANGLEY with Mr. LENAHAN.  
 Mr. LANING with Mr. LINDSAY.  
 Mr. LITTLEFIELD with Mr. MAYNARD.  
 Mr. LOUD with Mr. NICHOLLS.  
 Mr. MCGAVIN with Mr. POUL.  
 Mr. MADISON with Mr. RANDELL of Louisiana.  
 Mr. ANDRUS with Mr. BELL of Georgia.  
 Mr. PORTER with Mr. REID.  
 Mr. SCOTT with Mr. ROBINSON.  
 Mr. STEVENS of Minnesota with Mr. SAUNDERS.  
 Mr. WEEMS with Mr. SMITH of Texas.  
 Mr. WOOD with Mr. THOMAS of North Carolina.  
 Mr. WOODYARD with Mr. WEBB.  
 Mr. EDWARDS of Kentucky with Mr. WEISSE.  
 Mr. CONNER with Mr. WILLET.  
 Mr. GARDNER of Massachusetts with Mr. WILSON of Pennsylvania.

Mr. HASKINS with Mr. CRAVENS.  
 Mr. JACKSON with Mr. WOLF.  
 Mr. FORDNEY with Mr. SMALL.  
 Mr. HUGHES of West Virginia with Mr. LEWIS.  
 Mr. TAWNEY with Mr. BRUNDIDGE.  
 Mr. OLMSTED with Mr. ROTHERMEL.  
 Mr. GRONNA with Mr. LAMAR of Florida.  
 Mr. BINGHAM with Mr. LIVINGSTON.  
 Mr. ROBERTS with Mr. BROUSSARD.  
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
 Mr. BIRDSALL with Mr. LAMAR of Missouri.  
 Mr. MCCREARY with Mr. HOWARD.  
 Mr. COUDREY with Mr. HOBSON.  
 Mr. POWERS with Mr. PRATT.  
 Mr. DIEKEMA with Mr. WILEY.  
 Mr. MUDD with Mr. TALBOTT.  
 Mr. MARSHALL with Mr. MURPHY.  
 Mr. LOWDEN with Mr. PETERS.  
 Mr. DAWES with Mr. HARDWICK.

For the session:

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. SHERMAN with Mr. RIORDAN.

Mr. COUSINS with Mr. FLOOD.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate had passed, with amendments, the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed, with amendment, the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass., in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6190. An act authorizing a resurvey of certain townships in the State of Wyoming.

## NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the conference report upon the naval appropriation bill, and agree to the same.

Mr. HULL of Iowa. Mr. Speaker, I demand a second on that.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and agree to the conference report on the naval appropriation bill. Without objection, the Clerk will read the statement—

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. WILLIAMS. Mr. Speaker, this is not the proper time to demand a second, as I understand it.

The SPEAKER. Not until the reading.

Mr. WILLIAMS. That is what I say, but the statement can be substituted for the report only by unanimous consent. I would prefer to have the regular order and the reading of the conference report.

The SPEAKER. The gentleman from Mississippi desires the conference report to be read, and the Clerk will read.

The Clerk read the conference report as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 8, 12, 14, 15, 28, 36, 61, 71, 72, 73, 74, 100, 103, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 7, 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 31, 32, 33, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65, 66, 68, 69, 70, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 93, 94, 95, 96, 98, 99, 101, and 107, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty million nine hundred and seventy-four thousand two hundred and twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter all commissioned officers of the active list of the Navy shall receive the same pay and allowances according to rank and length of service, and the annual pay of each grade shall be as follows: For Admiral, thirteen thousand five hundred dollars; rear-admiral, first nine, eight thousand dollars; rear-admiral, second nine, or commodore, six thousand dollars; captain, four thousand dollars; commander, three thousand five hundred dollars; lieutenant-commander, three thousand dollars; lieutenant, two thousand four hundred dollars; lieutenant, junior grade, two thousand dollars; ensign, one thousand seven hundred dollars. There shall be allowed and paid to each commissioned officer below the rank of rear-admiral 10 per centum of his current yearly pay for each term of five years' service in the Army, Navy, and Marine Corps. The total amount of such increase for length of service shall in no case exceed 40 per centum on the yearly pay of the grade as provided by law: *Provided*, That the annual pay of captain shall not exceed five thousand dollars per annum; of commander, four thousand five hundred dollars per annum; and of

lieutenant-commander, four thousand dollars per annum. All officers on sea duty and all officers on shore duty beyond the continental limits of the United States shall while so serving receive 10 per centum additional of their salaries and increase as above provided, and such increase shall commence from the date of reporting for duty on board ship or the date of sailing from the United States for shore duty beyond the seas or to join a ship in foreign waters. The pay of midshipmen shall hereafter be six hundred dollars per annum while at the Naval Academy, and fourteen hundred dollars per annum after graduation from the Naval Academy. The pay of all warrant officers and mates is hereby increased 25 per centum, and all paymasters' clerks shall, while on duty, receive the same pay and allowances as warrant officers of like length of service in the Navy. The pay of all active and retired enlisted men of the Navy is hereby increased 10 per centum: *Provided further*, That the pay and allowances of chiefs of bureaus in the Navy Department shall be the highest pay of the grade to which they belong, and not below that of rear-admiral of the lower nine, and that the pay and allowances of chaplains in the Navy shall in no case exceed that provided for lieutenant-commanders. Aids to rear-admirals embraced in the nine lower numbers of that grade shall each receive one hundred and fifty dollars additional per annum, and aids to all other rear-admirals two hundred dollars additional per annum each. When an officer of the Navy has been thirty years in the service, he may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with three-fourths of the highest pay of his grade: *And provided further*, That any officer of the Navy who is now serving or shall hereafter serve as chief of a bureau in the Navy Department, and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such bureau chief. The pay of all commissioned, warrant, and appointed officers and enlisted men of the Navy now on the retired list shall be based on the pay, as herein provided for, of commissioned, warrant, and appointed officers and enlisted men of corresponding rank and service on the active list; and all pay herein provided shall remain in force until changed by act of Congress. Nothing herein shall be construed so as to reduce the pay or allowances now authorized by law for any commissioned, warrant, or appointed officer or any enlisted man of the active or retired lists of the Navy, and all laws inconsistent with this provision are hereby repealed."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The estimates for the support of the Navy shall hereafter show, under the head of 'Pay of the Navy,' the sums allowed for pay of officers belonging to the line, to the several departments of the staff, and to the retired list; the estimates to show under each head the amount allowed for pay proper, for increases due to longevity and foreign service, and for pay at sea rates to officers employed on shore, together with the total number of warrant and petty officers and seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases. The estimates shall include a list giving the rates of pay for all petty officers and other enlisted men of the Navy."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In the last line of the amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lines 2, 3, and 4 of the proposed amendment strike out all after the words "United States" and insert in lieu thereof the following: "is hereby abolished, except for the purposes of safe custody or when part of the sentence imposed by a general court-martial;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lines 5 and 6 of the proposed amendment strike out the word "seventeenth" and insert the word "seventh;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million six hundred and fifty-nine thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the proposed amendment, and on page 44, lines 3 and 4 of the bill, strike out the words "For the completion of marine barracks, naval station, Charleston, S. C.," and insert in lieu thereof the following: "Naval Station, Charleston, S. C.: For the completion of officers' quarters, twenty-five thousand dollars; and for marine barracks, fifty thousand dollars; in all;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert in lieu thereof the word "automobile-ambulances;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In the first line of the amendment, after the word "thereof," insert a comma and add the following: "other than the United States Naval Academy band at Annapolis, Md.;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 7 of the amendment, after the word "commandant," insert "one colonel," and at the end of said amendment add as a new paragraph:

"To meet the increase in pay of the Marine Corps provided in the act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine, and in section sixteen hundred and twelve of the Revised Statutes of the United States, for officers on the active list, officers on the retired list, enlisted men on the active list, and enlisted men on the retired list, eight hundred and two thousand seven hundred and fifty dollars and fifty-five cents is hereby appropriated: *Provided*, That so much of the foregoing appropriation as is needed to pay the increase for the remainder of the fiscal year ending June thirtieth, nineteen hundred and eight, shall be immediately available."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-four thousand five hundred and eleven dollars and twenty-eight cents;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million forty-seven thousand two hundred and fifty-nine dollars and sixty-three cents;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six million six hundred and ninety-three thousand seven hundred and fifty-eight dollars and sixty-three cents;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "two" and insert the word "three;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Transfer



said amendment to page 78, after line 3, of the bill; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Navy, in his discretion, is hereby authorized to purchase three new steam colliers of American registry, having a cargo-carrying capacity of approximately seven thousand two hundred tons dead weight each, at a cost not exceeding five hundred and twenty-five thousand dollars each; and the sum of one million five hundred and seventy-five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of the colliers above authorized."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In line 6 of the proposed amendment strike out the word "bidder" and insert the word "bidders;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty million three hundred and seven thousand nine hundred and sixty-two dollars;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "herein," and on page 79, line 3, of the bill, after the word "given," insert the words "by law;" and the Senate agree to the same.

GEORGE EDMUND FOSS,

H. C. LOUDENSLAGER,

L. P. PADGETT,

*Managers on the part of the House.*

EUGENE HALE,

GEO. C. PERKINS,

THOMAS S. MARTIN,

*Managers on the part of the Senate.*

The SPEAKER. The Clerk will read the statement.

Mr. FITZGERALD. Mr. Speaker, I wish to reserve the point of order against the conference report before the statement is read.

The SPEAKER. The Clerk will read the statement.

Mr. FITZGERALD. Mr. Speaker, I wish to reserve a point of order before the statement is read.

The SPEAKER. Well, if the point of order is well taken and the gentleman is not too late about it, the Chair does not intimate any question it would or would not be, the reading of the statement would not affect it.

Mr. FITZGERALD. The point of order must be reserved under decisions before the statement is read, and I wish to reserve a point of order before the statement be read; that is all. Then we can discuss it.

The SPEAKER. Well, let it be as it may, the gentleman has the benefit of reserving the point of order whether it is too late or not.

Mr. WILLIAMS. Reserve all points of order.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, on page 4 of the conference report on the naval appropriation bill at the bottom of that page, occurs the following language:

In line 7 of the amendment, after the word "commandant," insert "one colonel."

Now, I desire to call attention to what follows:

And at the end of said amendment add as a new paragraph: "To meet the increase in pay of the Marine Corps provided in the act making appropriation for the support of the Army for the fiscal year ending June 30, 1909, and in section 1612 of the Revised Statutes of the United States, for officers on the active list, officers on the retired list, enlisted men on the active list, and enlisted men on the retired list, \$892,750.55 is hereby appropriated: *Provided*, That so much of the foregoing appropriation as is needed to pay the increase for the remainder of the fiscal year ending June 30, 1908, shall be immediately available."

Now, the point of order that I make, Mr. Speaker, is that that language of that paragraph is not a settlement of any difference by the conference committee between the two Houses, but is legislation ingrafted upon the bill by the conference committee without anything in the bill as it left the House or in the bill as it left the Senate to justify its insertion as a compromise or settlement of any difference between the two Houses?

Mr. FOSS. Mr. Speaker—

The SPEAKER. Let the Chair understand the gentleman. The Chair understands the gentleman makes the point of order on—and I will read from the report:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows.

Then it goes on and states what is agreed to.

Mr. WILLIAMS. Mr. Speaker, my point of order is that there is nothing in the bill that makes the amendment which is inserted there a settlement of any differences which had arisen between the two Houses, but that it is new legislation. Now, if the Chair will pardon me one moment more—

The SPEAKER. The Chair will be glad to have amendment numbered 67 read. The Chair has not been able to get it yet. The Clerk will read the amendment of the Senate numbered 67.

The Clerk read as follows:

No. 67. Page 69, after line 22, insert:

"That from and after the passage of this act, and in order to further increase the efficiency of the United States Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps are hereby authorized and directed, namely: One major-general commandant, in lieu of the present brigadier-general commandant; one lieutenant-colonel; two majors; eighteen captains; seven first lieutenants; fourteen second lieutenants; one assistant adjutant and inspector, with the rank of lieutenant-colonel; one assistant quartermaster, with the rank of lieutenant-colonel; one assistant quartermaster, with the rank of major; and three assistant quartermasters, with the rank of captain; one assistant paymaster, with the rank of major; one assistant paymaster, with the rank of captain; two sergeant-majors; fifteen quartermaster-sergeants, five of whom are to serve in the pay department; twenty first sergeants; fifty sergeants; one hundred and twenty-five corporals; ten drummers; ten trumpeters; and five hundred and eighteen privates: *Provided*, That hereafter the number of enlisted men in the United States Marine Corps shall be such as the Congress may from time to time authorize.

"That the vacancies now existing in the line and staff departments of the United States Marine Corps and those created by this act shall be filled in the manner provided by law."

The SPEAKER. As the Chair understands it, the amendment just read is the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, I desire merely to say something in reference to the point of order, if the Chair desires to hear me.

The SPEAKER. The Chair is trying to hastily examine the bill as it passed the House, together with the Senate amendment, and also the provision reported in the conference by the conference committee. Now, the Chair will be glad, without passing upon the merits of the point of order, which the Chair could do after something further of an examination, to hear from the gentleman from Mississippi [Mr. WILLIAMS] or the gentleman from Alabama [Mr. UNDERWOOD] touching the motion that is pending, namely, to suspend the rules and agree to the conference report.

Mr. WILLIAMS. Mr. Speaker, I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I think the distinction is clearly this: In the rules of the House and of the Senate there are certain rules that provide what shall be a conference report, and we can not change the nature of a conference report by suspending the rules. Now, the suspension of the rules goes strictly to the procedure in considering a bill. It goes to the procedure as to how you shall consider the proposition. It does not go as to what shall be in a conference report. Now, there is no question that has ever come before this House that the Speakers have regarded with more care and been more careful in reserving the rights of the House in than to see that the conferees are limited strictly to the matters in conference, because that is the only way we can intrust the great bills that come before this House to a conference committee.

Mr. WILLIAMS. They have no other jurisdiction.

Mr. UNDERWOOD. They have no other jurisdiction in the matter. If this was called up, Mr. Speaker, as an original bill, and the gentleman from Illinois [Mr. FOSS] sought to suspend the rules and pass this bill, not as a conference report, but to pass it as an original bill, he could do so, but it would have to go back to the Senate to be acted upon. But when he comes in here with a conference report and submits it as a conference report, before he can make any motion, before anything else can be done, it must have its status before the House as a conference report. Now, under the uniform rulings of this House, it is not a conference report if they submit in what purports to be a conference report new matter that has not been in dispute by either House. And the point of order that is made by the gentleman from Mississippi [Mr. WILLIAMS] does not go to the question of how this question shall be considered by the House, but as to whether the paper lying before the Chair is a conference report or not. And it is not a conference report

if the conferees have exceeded their authority and brought in new matter that has not been considered by either House.

The SPEAKER. The Chair will hear the gentleman from Illinois [Mr. Foss] briefly.

Mr. FOSS. When the House bill went to the Senate and was reported by the Senate committee to the Senate, it reported it with the amendment 67, relating to the Marine Corps, and that provides for an increase in the number of officers in the Marine Corps. Now, during that time there was pending in the Army bill a provision increasing the pay of officers of the Army and the Marine Corps.

It was agreed to here in the House to increase the pay of the officers of both the Army and the Marine Corps, under the provision of the Revised Statutes which is mentioned here on page 4 of the conference report:

To meet the increase in pay of the Marine Corps provided in the act making appropriation for the support of the Army for the fiscal year ending June 30, 1909—

And in section 1612 of the Revised Statutes of the United States.

This section states that the pay of the officers of the Marine Corps shall be the same as that of the corresponding grade in the Army.

Mr. TAWNEY. Will the gentleman from Illinois permit a question?

Mr. FOSS. Yes. And the President has signed the Army bill.

Mr. TAWNEY. Conceding that the Army bill does increase the salaries or pay of the Marine Corps, which it does, and that the President has signed the bill, and the statutes referred to authorize an appropriation, where do the conferees get authority to make an appropriation for which there has never been an estimate and which neither House has considered?

Mr. FOSS. These conferees were on the naval appropriation bill, and not the Army appropriation bill.

Mr. TAWNEY. Where do the conferees on the naval bill, or any other conferees, obtain authority to incorporate legislation which has never been considered by either House, or authority to insert an appropriation which has not been estimated for or considered by either House? Does not the fact that the conferees do this entirely destroy the conference report?

Mr. FOSS. I want to say to the gentleman that the pay of the Marine Corps, the officers and the men, has always been carried in the naval appropriation bill and nowhere else, and it is the proper place for it to go.

Mr. TAWNEY. That may be, after the matter has been considered by the two Houses. If there is any difference between the two Houses it is within the jurisdiction and power of the conferees to adjust that difference; but the conferees have no power or authority to insert matter in a conference report that has not been considered by either House and which is entirely foreign to the amendment which it proposes to amend.

Mr. FOSS. Well, the gentleman is making a very small point on a very large subject. The Revised Statutes provide that the officers of the Marine Corps shall be paid the same as the officers of the Army. Does the gentleman mean to stand here for a moment and say, after you have provided for an increase in the pay of the officers and men, you shall not carry out that provision in regard to the Marine Corps?

Mr. TAWNEY. I do not say that, but I want to state to the gentleman from Illinois that when we provided for an increase in the compensation of the Army the conferees did not go to work to make an appropriation for the purpose of meeting that increase in pay. On the other hand, the War Department has or will submit estimates that are necessary to carry out the increase for the Army, and that is exactly what the Marine Corps would have done if the conferees had not assumed authority to make an appropriation that they had no right to make.

Mr. FOSS. You say the War Department has come to your committee, but has the Marine Corps?

Mr. TAWNEY. There is no authority for an increase as yet, and will not be until this bill is passed.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. FOSS. Mr. Speaker, I desire to make the further point that a motion to suspend all rules does away with all requirements under the rules, and that the point of order is not in order.

Mr. TAWNEY. Mr. Speaker, I want to say a word in regard to that. The motion to suspend the rules is for the purpose of considering and passing the conference report. It does not relate to any rule that pertains to the subject-matter in the conference report which might be subject to a point of order.

The SPEAKER. The Chair will hear the gentleman from New York. The Chair will be glad to hear the gentleman from New York touching the effect of the motion to suspend the rules

upon this point of order, if it is well taken. The Chair does not intimate any opinion as to whether, under different conditions, it would or would not be well taken.

Mr. FITZGERALD. Mr. Speaker, I think this is one of the most important questions that has been presented for decision in this session of Congress. It affects not only the right of Members to have the rules of the House enforced, but it involves the protection of the privileges of the Members of both Houses. Gentlemen say that this is a motion to suspend all rules. Mr. Speaker, there is one rule of the House of Representatives which provides that the Speaker shall not entertain a motion to permit any persons except certain designated persons to be admitted to the floor of the House. Would any Member contend that if a motion were made to suspend that rule, the Speaker in the discharge of his duty should recognize anybody for the purpose of making such a motion?

But this is outside of the control of the ordinary business of the House. The two Houses of Congress, not by any rules adopted by either House, but by a long series of precedents which have grown up from time immemorial, in the regulation of the conduct of the business of the two Houses, have provided that the men appointed by the two Houses to adjust differences between the two Houses shall not have the power to go outside of the matters in difference so as to incorporate matters not in difference between the two Houses. It has been ruled that it is not in order to ask for a conference in either House when the papers are not before that House. Would the Speaker, under a motion to suspend the rules of the House, hold that, the papers being absent in the possession of the other body, it was then in order to suspend the rules and to ask for a conference?

The precise question before the House has never arisen between the two Houses in the transaction of their business. It has been held that the sustaining of a point of order against a conference report because of the inclusion of matter not authorized in it is equivalent to a vote rejecting the report on the part of the House. And this point of order, if sustained by the Chair, is equivalent to the House itself voting to reject the report. This question becomes of importance principally because of the peculiar conditions existing at this time in this House. Ordinarily the motion to suspend the rules would require the vote of two-thirds of the Members of the House. If this precedent be established, then, by the adoption of a rule making a majority sufficient to suspend the rules, the conferees on any bill may exercise their own sweet will as to the incorporation of matters into these bills in conference, and the House would have no protection against the men selected to protect the interests of the House. This goes beyond the ordinary procedure. It is a question affecting the privileges of the two Houses. The rule binds not only one House; it is a rule that is binding upon both Houses; and I submit that this House, under a suspension of its rules, can not abrogate or do away with the rules which from time immemorial have controlled the conduct of the two Houses in their relations with each other. I have looked hastily and I find that this question has never arisen, but I submit that it is of the gravest importance that these conferees should not be permitted in this way to take advantage of their accidental position; and since the sustaining of the point of order is equivalent to a negative vote, it seems to me that this point of order should be sustained and the conferees restrained and compelled to follow the uniform practice of the House.

The SPEAKER. The Chair is prepared to rule.

Mr. WILLIAMS. Mr. Speaker, just one word before the Chair rules.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS. I want to submit this point to the Chair: The request before the House is "to suspend the rules" and pass "a conference report." It is not to suspend the rules and do anything else; it is to suspend the rules and pass a conference report. Now, the point of order made is that a part of the subject-matter considered can not be a part of a conference report at all, and that therefore what has been read is not a conference report, but would constitute a new bill and new legislation. It goes back to the right of the House to legislate, and the logically consequential denial of the right of a conference report to legislate.

Mr. TAWNEY, Mr. FOSS, and Mr. MANN rose.

The SPEAKER. The Chair is prepared to rule.

Mr. TAWNEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Is there or is there not a rule of the House prohibiting the conferees from considering matters not in difference between the two Houses?

The SPEAKER. There is no specific rule. There is a line of precedents of thirty-odd years' standing, that matters not in conference should not be considered.



Mr. TAWNEY. Then the motion to suspend the rules does not necessarily include a suspension of the practice?

The SPEAKER. The Chair will say to the gentleman that the motion to suspend the rules, if agreed to by a proper vote of the House, suspends all the rules which otherwise would prevent the consideration of the pending matter. The Chair will crave the attention of the House for a moment. There is no rule of the House or the Senate, as the Chair is informed, touching this matter. The practice has grown up in the House—and the Chair believes it is a wise practice—that the Chair on a point of order being made that the conferees have acted without jurisdiction, or upon a matter of legislation not before them, shall rule on the point of order, which, if sustained, vacates the conference report as much as a vote of the House would vacate it.

Now, the Chair, acting in harmony with this rule, following the precedents of former Speakers, has rigidly, whenever the point of order has been made, sustained it, where the facts warranted the point of order. The practice in the Senate is different from what it is in the House. A point of order is only sustained by a vote of the Senate on the report itself. The presiding officer does not decide the point of order; it is for the Senate by vote to determine whether or not they will reject a report if the report covers matters not committed to the conferees.

Formerly, the Chair is informed, and that is the Chair's recollection, because this question has frequently been before the House for twenty years, to the Chair's knowledge—formerly the practice of the House was unsettled, but it has been very well settled for almost a generation.

Now, the Chair does not intimate any opinion as to whether this point of order would be sustained or not. He has hastily examined the provision in the House bill, he has hastily examined the Senate amendment, and hastily examined the report that the conferees have agreed upon. If the Chair had to rule upon this point of order, he would require a more careful examination than the Chair has been able to give it to see whether it is well founded or not. But this proceeding is allunde the ordinary proceeding. The motion is under the rules of the House, as they now exist, whereby every day is made a suspension day for the remainder of the session and whereby a majority vote suspends the rules. This motion is to suspend all rules, which otherwise might forbid consideration of the report; and that includes all practice, all parliamentary precedents, if you choose; for a precedent or practice manifestly is not of higher dignity than a formal rule of the House. Therefore, in the opinion of the Chair, the point of order under this condition is not well taken. The House, of course, has its remedy, if it desires to exercise it, by rejecting the conference report, if such is the judgment of the House, or by agreeing to the report. The Chair does not desire now to express any opinion as to whether or not the point of order would be sustained if it was otherwise presented than under a motion to suspend the rules; and for the reason assigned the Chair overrules the point of order.

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rules a second is ordered.

Mr. FITZGERALD. The statement has not yet been read.

The SPEAKER. The Clerk will read the statement.

Mr. WILLIAMS. Pending that I want to submit a request for unanimous consent. This bill contains 107 Senate amendments. Under the rule there would be twenty minutes debate on each side. Some of these amendments are very important. I ask unanimous consent that there may be one hour debate on each side in the consideration of the motion.

The SPEAKER. Is there objection?

Mr. FOSS. I object.

Mr. PAYNE. I wish the gentleman would not object to that.

Mr. HULL of Iowa. We had that much on the Army bill.

Mr. TAWNEY. I would suggest to the gentleman from Mississippi [Mr. WILLIAMS] that he provide for a division of the time to be under the control of the gentleman from Illinois and some minority member of the committee, some man who is against the report.

Mr. WILLIAMS. I will modify the request, Mr. Speaker, and ask unanimous consent that the time be extended so that there shall be one hour's debate on a side, and in order that I may divest myself of all interest in the matter, that that time be equally controlled, shared, between the gentleman from Illinois [Mr. Foss] and the gentleman from Minnesota [Mr. TAWNEY].

The SPEAKER. Is there objection?

Mr. FOSS. Mr. Speaker, under that arrangement, which the gentleman has stated clearly, I beg to say that I withdraw my objection.

Mr. AMES. Mr. Speaker, I object. We might have had an hour that the gentleman from Mississippi [Mr. WILLIAMS] took in approving the Journal this morning. I object.

The SPEAKER. The gentleman from Massachusetts objects. Mr. WILLIAMS. Mr. Speaker, I did not hear the remark of the gentleman.

The SPEAKER. The gentleman objects. That is the material part of it. The Clerk will read the statement.

Mr. SHERMAN. Mr. Speaker, I raise the point of order that it is not necessary to read the statement. This is a motion to suspend the rules and adopt the conference report. Does the Chair think that it is incumbent upon the part of the House to have read to it the statement under such a motion as that? The statement is simply a supplement to the conference report, made necessary under the rules. The rule is suspended, and without the rule there will be no statement.

The SPEAKER. The gentleman may be right, and still the Chair is in sufficient doubt, so that the Chair suggests the statement better be read.

Mr. SHERMAN. Mr. Speaker, I will withdraw the point of order on the suggestion of the Chair.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement, as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 provides for an increase in the appropriation for "Pay of the Navy" of \$3,700,024 to provide for the increase of pay of all active and retired commissioned officers, midshipmen, warrant and appointed officers, mates, and all active and retired enlisted men of the Navy, as is provided by amendment No. 2, and the House recedes.

Amendment No. 2 provides for the pay of all officers and enlisted men of the Navy. This amendment places the pay of the Navy on the same basis as the Army pay, or as near as it is possible to do so, as provided in the bill H. R. 17288, as amended by the Senate and agreed to in conference by both Houses, making appropriation for the support of the Army for the fiscal year ending June 30, 1909. This amendment provides for an increase of \$500 in all grades from rear-admiral to ensign, with the exception of the grade of lieutenant, which is increased \$600, and that of ensign, \$300 per annum. It provides for the 10 per cent longevity up to 40 per cent, provided that the pay of a captain shall not exceed \$5,000 per annum; of commander, \$4,500 per annum, and of lieutenant-commander, \$4,000 per annum. It likewise provides for a 10 per cent increase for all officers on sea duty and all officers on shore duty beyond the continental limits of the United States. This provides for the officers of the Navy the same additional pay as enjoyed by officers of the Army when performing similar duty.

It also provides for the pay of midshipmen at the Naval Academy in the same manner as is provided for cadets at the Military Academy and increases the pay of midshipmen after graduation from the Naval Academy from \$950 to \$1,400 per annum. It also provides for an increase of 10 per cent for all enlisted men of the Navy on the active and on the retired lists.

The amendment also provides that the chiefs of bureaus in the Navy Department shall have the highest pay of the grade to which they belong, placing them on the same basis as officers holding like positions in the Army, and likewise placing the pay of chaplains on the same basis as provided in the Army. Aids to rear-admirals are granted a similar increase to that provided in the Army.

An officer of the Navy after having had thirty years' service may, upon his own application, in the discretion of the President, retire from active service and be placed on the retired list, thereby placing the Navy on the same basis as other branches of the military service in this respect; and the House recedes from its disagreement and agrees to the Senate amendment as above amended.

Amendment No. 3 grants to the widow of any officer or enlisted man on the active list of the Navy or Marine Corps an amount equal to six months' pay upon the death of such officer or enlisted man from wounds or disease contracted in the line of duty, thereby placing the Navy and Marine Corps on the same basis as the Army; and the House recedes.

Amendment No. 4 provides that the Secretary of the Navy shall send to Congress at the beginning of the next regular

session a complete schedule showing the amount in money of all pay under the provisions of this act; and the House recedes.

Amendment No. 5: The House recedes with amendment providing that the estimates submitted to Congress hereafter shall show under the head of "Pay of the Navy" the sum allowed for pay of officers on the active and retired lists and the allowances granted by law.

Amendment No. 6 provides for the sum of \$4,564.05 for the equipment and maintenance of the dispensary at the Yerba Buena Island, California. This was urgently requested by the Navy Department in a supplemental estimate, and the House recedes.

Amendment No. 7 provides for the increase in the appropriation due to amendment No. 6, and the House recedes.

Amendment No. 8 provides for an appropriation of \$50,000 for the maintenance of a naval training station at Port Royal, S. C., and the Senate recedes.

Amendment No. 9 provides for badges and ribbons to be distributed to officers and men of the Navy and Marine Corps who have participated in engagements worthy of commemoration and appropriates \$3,500, and the House recedes with the amendment that the words "to be immediately available" be stricken out.

Amendment No. 10 provides for the abolition of the use of irons as a form of punishment in the Navy, and the House recedes with an amendment whereby it is provided that irons can not be used as a punishment for minor offenses, but provides for their use for the purpose of safe custody or when part of the sentence imposed by a general court-martial.

Amendment No. 11 provides for an increase in the appropriation of \$65,000 for naval prison at Portsmouth, N. H., and \$25,000 for the extension of the quay walls in the navy-yard. The appropriation for the naval prison extension was earnestly recommended by the Navy Department, and the House recedes.

Amendment No. 12 provides for a foundry, to cost \$60,000, at the navy-yard, Key West, Fla., and the Senate recedes.

Amendment No. 13 provides for a reappropriation of \$114,792 for the improvement of the water front at the navy-yard, New York, and raises the limit of cost of dry dock No. 4 at the navy-yard, New York, to \$1,500,000 instead of \$1,000,000, and the House recedes, with the amendment that the word "seventeenth," in lines 5 and 6, be changed to "seventh."

Amendments Nos. 14 and 15 provide for an addition to the brass and iron foundry at the navy-yard, Washington, D. C., to cost not to exceed \$300,000, and the Senate recedes.

Amendment No. 16 provides for the completion of the central power plant at the navy-yard, Norfolk, Va., instead of merely continuing it, as recommended by the House, and raises the appropriation \$100,000, and the House recedes.

Amendment No. 17 provides for improvements to water front at the navy-yard, Norfolk, Va., with an appropriation of \$100,000, which was urgently recommended by the Navy Department in a supplemental estimate, and the House recedes.

Amendment No. 18 raises the appropriation for the navy-yard at Norfolk to provide for amendments 16 and 17, and the House recedes.

Amendment No. 19 provides for improvements in the navy-yard, Charleston, S. C., to the extent of \$32,000, all of which were recommended by the Department, and the House recedes.

Amendment No. 20 provides for the increase due to amendment No. 19, and the House recedes.

Amendments Nos. 21 and 22 provide for improvements to river front at the naval station, New Orleans, La., and the House recedes.

Amendments Nos. 23 and 24 provide for the completion of central power plant extensions at navy-yard, Puget Sound, Washington, instead of continuing same as recommended by the House, and the House recedes.

Amendment No. 25 provides for the establishment of a naval station at Pearl Harbor, Hawaii, by the expenditure of \$1,000,000, and in view of the fact that the House unanimously passed a bill (H. R. 20251) for the same purpose, the House recedes.

Amendment No. 26 provides for an appropriation of \$2,400 for the transfer of the 100-ton shears from the Boston Navy-Yard to the Portsmouth Navy-Yard, which was recommended by the Navy Department in a supplemental estimate, and the House recedes.

Amendment No. 27 provides for the increase in the appropriation for public works at navy-yards and stations in accordance with the amendments heretofore stated as agreed to by the House, and the House recedes.

Amendment No. 28 provides for the completion of four officers' quarters, marine barracks, navy-yard, Philadelphia, instead of three recommended by the House, and the Senate recedes.

Amendment No. 29 provides for \$20,000 for officers' quarters at marine barracks, navy-yard, Philadelphia, and the House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment striking out "thirty" and inserting "fifteen," leaving the amount \$15,000.

Amendments Nos. 30 and 31 provide for an appropriation of \$75,000 for the completion of officers' quarters and marine barracks at naval station, Charleston, S. C., and the House recedes from its disagreement and agrees with the Senate amendment by striking out the proposed amendment and inserting an amendment restricting the expenditure for officers' quarters to \$25,000 and \$50,000 for marine barracks; in all, \$75,000.

Amendment No. 32 provides \$5,000 to complete officers' quarters at marine barracks, navy-yard, Pensacola, Fla., and the House recedes.

Amendment No. 33 provides for an appropriation of \$10,000 for necessary repairs and improvements to the Marine Corps buildings at the naval station, New London, Conn., and the House recedes.

Amendment No. 34 provides for the increase in appropriation under "public works, Marine Corps," and the House recedes with amendment striking out the words "two hundred and seventy" and inserting in lieu thereof the words "two hundred and fifty-five," leaving the amount \$255,000.

Amendment No. 35 provides for the purchase of automobiles by the Bureau of Medicine and Surgery and the House recedes with the amendment striking out the words "automobiles" and inserting in lieu thereof the word "automobile-ambulances."

Amendment No. 36 provides for the purchase of and feed of horses and cows "other than for hospitals," and the Senate recedes.

Amendment No. 37 provides for a corps of trained women nurses in the United States Navy, placing such corps on the same basis as now exists for the corps of trained women nurses in the Army, and the House recedes.

Amendment No. 38 provides that the enlisted men of the hospital corps shall receive the same pay as that provided for in the corresponding ratings of the seaman branch and other staff corps of the Navy. These men being paid less than the corresponding ratings in other branches of the service under existing law, the House recedes.

Amendments Nos. 39, 40, 41, 42, 43, 44, 45, 46, 47 provide for the expenditure out of lump-sum appropriations under the various bureaus of the Navy Department various sums of money for the repairs and changes in vessels specifically set forth wherein such repairs or changes exceed \$200,000; and the House recedes.

Amendment No. 48 changes the word "plant" to the plural "plants;" and the House recedes.

Amendment No. 49 provides for the completion of the machinery of the seagoing tugs *Patapasco* and *Patuxent*, now building at the Portsmouth and Norfolk navy-yards, by expenditures from the appropriation "steam machinery," without increasing same; and the House recedes.

Amendments Nos. 50, 51, 52, 53, 54, 55 provide for a 20 per cent increase in the salaries of the civilian professors and instructors at the Naval Academy; from all of which the House recedes.

Amendments Nos. 56 and 57 provide for the increase in pay of two paymasters' clerks at the Naval Academy; and the House recedes.

Amendment No. 58 provides for the increase in the appropriation due to the 20 per cent increase in pay of the civilian professors and instructors at the Naval Academy; and the House recedes.

Amendment No. 59 is an authorization to the Secretary of the Navy to close the accounts of a certain fund at the Naval Academy and make said fund subject to the supervision of the Bureau of Supplies and Accounts at Washington, D. C. As this is a mere matter of bookkeeping, the House recedes.

Amendment No. 60 provides that Navy bands or members thereof shall not receive remuneration for music furnished outside of military posts when such service places them in competition with local civilian musicians, and the House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment by inserting after the word "thereof," in the first line of the amendment, the words "other than the United States Naval Academy Band at Annapolis, Md."

Amendment No. 61 provides for a 20 per cent increase in the pay of draftsmen at the Naval Academy, and the Senate recedes.

Amendment No. 62 changes the total appropriation for the Naval Academy so as to provide for the amendments agreed to hereinbefore stated, and the House recedes.

Amendment No. 63 provides for the increased appropriation for pay and allowances prescribed by law of officers on the



active list due to the increase in the Marine Corps hereinafter agreed to, and the House recedes.

Amendment No. 64 provides for the pay of the additional officers of the Marine Corps provided for in this act to be immediately available, and the House recedes.

Amendments Nos. 65 and 66 provide for the increase for the additional enlisted men allowed in this act; part of the appropriation is made immediately available, and the House recedes.

Amendment No. 67 provides for an increase of 750 enlisted men and 50 officers in the United States Marine Corps and gives to the commandant of the corps the rank of major-general, instead of brigadier-general. The increase of enlisted men herein authorized brings the total enlisted force of the Marine Corps to 9,521 men, a greater strength of command than is awarded to the command of a major-general in the Army, and likewise places the commandant of the Marine Corps on an equal footing as regards rank with the chiefs of bureaus of the Navy Department. The number of large ships to be placed in commission in the near future, together with the necessity for the relief of the enlisted men and officers doing duty in the Tropics and for the relief of the present arduous duties performed by the enlisted men at the various shore stations at home, require the increase recommended, and the House recedes with the amendment providing for an additional colonel of the line and for the increase in pay provided in the act making appropriation for the support of the Army for the fiscal year ending June 30, 1909, as authorized by section 1612, Revised Statutes of the United States.

Amendments Nos. 68, 69, and 70 provide for the increase in the appropriation due to the increase in the Marine Corps as agreed to in amendment No. 67, and the House recedes.

Amendments Nos. 71, 72, 73, and 74 provide for the increase in the salary of clerks in the Marine Corps, and the Senate recedes.

Amendment No. 75 provides for the appointment of two clerks in the quartermaster's department of the Marine Corps, which are deemed necessary because of the increase in the Marine Corps, and the House recedes.

Amendment No. 76 provides for the increase due to the appointment of these two clerks mentioned in amendment No. 75, and the House recedes with the amendment striking out the words "thirty-five thousand three hundred and eleven" and inserting "thirty-four thousand five hundred and eleven" in lieu thereof.

Amendment No. 77 provides for the change in the appropriation due the amendments heretofore agreed to on the Marine Corps, and the House recedes with the amendment striking out the words "\$3,245,309.08" and in lieu thereof inserting "\$4,047,259.63."

Amendments Nos. 78, 79, 80, 81, 82, 83, 84, and 85 are increases due to the increase in pay and the increase in the personnel of the Marine Corps, and the House recedes.

Amendment No. 86 provides for printing and binding for the Marine Corps, which has heretofore been provided for under the Navy Department proper. The Secretary of the Navy has directed that the Marine Corps provide for the expense of its own printing and binding, and the House recedes.

Amendment No. 87 provides for motor wagons, carts, and drays for the quartermaster's department of the Marine Corps for the purpose of transporting goods and merchandise and not for pleasure purposes, and the House recedes.

Amendments Nos. 88, 89, and 90 are increases in the total appropriations for the Marine Corps due to the increases heretofore agreed to, and the House recedes.

Amendment No. 91 provides for the building by contract of the ten torpedo-boat destroyers, not more than two to be built by any one contractor. The House recedes with the amendment by striking out the word "two" and in lieu thereof inserting the word "three" in order that greater competition among the bidders can be obtained.

Amendment No. 92 provides for the conditions under which the contracts for the building of the ships shall be awarded, and the material to be used in construction, and the House recedes, but said amendment is placed after the paragraph in the bill providing for the construction of two fleet colliers in order that said amendment may apply to their construction as well as the other vessels authorized in this act.

Amendments Nos. 93, 94, and 95 provide for a reduction in the speed of the two fleet colliers when carrying not less than 12,500 tons of cargo and bunker coal, and the House recedes.

Amendment No. 96 provides that one of the fleet colliers be built on the Pacific coast, and the House recedes.

Amendment No. 97 provides for the purchase of three new steam colliers of American registry, and the House recedes with amendments. After the word "Navy," in the first line of the

amendment, insert the words "in his discretion." In lines 2 and 3 of the amendment strike out the words "ready for service." In line 5 of the amendment strike out the words "six hundred thousand" and insert the words "five hundred and twenty-five thousand." In line 6 of the amendment strike out the words "eight hundred" and insert in lieu thereof the words "five hundred and seventy-five." The effect of these amendments is to leave it in the discretion of the Secretary of the Navy to purchase any three new steam colliers of American registry of the designated carrying capacity at a cost not to exceed \$525,000 each.

Amendments Nos. 98 and 99 provide for an appropriation of \$2,000,000 additional for submarine boats heretofore authorized, which sum was submitted as a supplemental estimate, and the House recedes.

Amendment No. 100 authorizes the Secretary of the Navy, in his discretion, to purchase a destroyer or torpedo boat of the type known as "subsurface," "semisubmerged" (or the like), and two smaller boats of the same type, provided, when built, they will meet all reasonable requirements of naval warfare; and an appropriation is made to the amount of \$445,000, and the Senate recedes.

Amendment No. 101 is a provision stricken out and reinserted in amendment No. 102, which follows immediately.

Amendment No. 102 makes an appropriation of \$7,000,000 toward the construction and machinery and armor and armament of the vessels authorized by this act, and the House recedes with amendment. In line 6 strike out the word "bidder" and in lieu thereof insert the word "bidders."

Amendment No. 103 provides for the expenditure of \$500,000 for new trunked-in ammunition hoists for battle ships and armored cruisers, and the Senate recedes.

Amendment No. 104 provides for the total appropriation under "Increase of the Navy," and the House recedes with the amendment striking out the words "thirty-one million four hundred and seventy-seven thousand" and inserting in lieu thereof the words "thirty million three hundred and seven thousand," leaving the amount \$30,307,962.

Amendment No. 105 strikes out the words "at Washington," and the Senate recedes.

Amendment No. 106 restricts the expenditure of any money under this act to authority given in this act, and the House recedes with the amendment striking out the word "herein," on page 79, line 3, of the bill, and after the word "given" insert the words "by law." This amendment prohibits the expenditure of any money appropriated in this act for expenses at the Navy Department, Washington, D. C., unless specific authority is given by law.

Amendment No. 107 repeals an act whereby monitors of the Navy are named after States and authorizes the President to name the monitors as he may direct, and the House recedes.

The total amount of increase in the naval appropriation bill for this year by Senate amendments agreed to in conference is \$17,257,346.60, of which amount \$1,575,000 is under "Increase of the Navy" for colliers; \$2,000,000 for submarine boats heretofore authorized; \$7,000,000 for construction of ships authorized in this bill; \$1,000,000 for the establishment of a naval station at Pearl Harbor, Hawaii; \$3,700,024 for increase of the pay in the Navy; \$1,428,558.55 for increase in personnel and increase in the pay and quartermaster's departments of the Marine Corps; \$45,000, public works, Marine Corps; \$487,000, public works, Navy; \$21,764.05 for miscellaneous items.

GEORGE EDMUND FOSS,

H. C. LOUDENSLAGER,

L. P. PADGETT,

*Conferees on the part of the House.*

Mr. FOSS. Mr. Speaker, I desire to state this report is a full agreement on the naval appropriation bill. This report has already been adopted by the Senate. This bill, if adopted, will carry \$122,662,715. This is an increase over the amount carried by the bill as it passed the House of \$17,257,346, of which \$1,575,000 is appropriated for three colliers which were placed in the bill by the Senate, \$9,000,000 for the three ships authorized in this bill and for submarines heretofore authorized by Congress, \$1,000,000 for the establishment of the naval station at Pearl Harbor, \$3,700,024 for increase in the pay of the Navy, \$1,428,558 for increase in personnel and increase in the pay and quartermaster's department of the Marine Corps, \$45,000 for public works in the Marine Corps, \$487,000 for public works in the Navy, \$21,764 for miscellaneous items.

Mr. JOHNSON of South Carolina. What is the total amount carried by the bill as agreed upon in conference?

Mr. FOSS. One hundred and twenty-two million six hundred and sixty-two thousand seven hundred and fifteen dollars. Mr.

Speaker, that is a general statement which I desire to make in reference to the bill. We provide here for the increase in the pay of the officers of the Navy and also an increase in the pay of the enlisted men, 10 per cent. The provision for the increased pay of the officers fixes it the same as the Army received under the bill which was passed here the other day. An increase of \$500 is made in the different grades from that of major-general, or rear-admiral, down to that of ensign, except second lieutenant in the Army, the corresponding grade, except lieutenants and ensign, which are \$600 and \$300, respectively. We have provided for 10 per cent increase in the pay of officers and men on board ships and on shore outside of the continental limits, and I may say that in the Army bill a provision was inserted increasing the pay of officers of the Army and enlisted men on transports.

Mr. DRISCOLL. Of this \$3,700,000 for increase in the pay of the Navy, will the gentleman state how much is for increase in the pay of officers of the Navy?

Mr. FOSS. The increase in the pay of the officers and midshipmen on the active list is \$1,654,121; officers on the retired list, \$250,985; retired officers on active duty, \$34,000, making in all for officers \$1,939,106. The increase in pay of the enlisted men on the active list and retired list amounts to \$1,760,918, making in all \$3,700,024.

Mr. DRISCOLL. What rate per month of increase do the enlisted men get?

Mr. FOSS. They get only 10 per cent increase. The gentleman will recall that in the Army bill the increase in the enlisted men was, I think, in the neighborhood of 35 per cent.

Mr. Speaker, I reserve the balance of my time.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the gentleman a question for information. What is the pay of a paymaster's clerk in the Navy now?

Mr. FOSS. It varies from \$1,000 to \$1,800, according to the ship or station to which he is attached.

Mr. HULL of Iowa. What is the pay of a warrant officer now?

Mr. FOSS. The pay of a warrant officer ranges from \$1,200 to \$1,800.

Mr. HULL of Iowa. Then this bill increases each of those 25 per cent?

Mr. FOSS. It increases those 25 per cent, and that provision is put in because there is no corresponding grade in the Army.

Mr. HULL of Iowa. We have paymasters' clerks in the Army.

Mr. PERKINS. Will the gentleman yield for one question? Perhaps he has already explained it.

Mr. FOSS. I yield for a question.

Mr. PERKINS. Am I correctly informed that this bill contains a provision that when a naval officer goes to sea and is at sea then he gets an increase of 10 per cent on his pay?

Mr. FOSS. He does.

Mr. PERKINS. Why, is not he paid for going to sea, at any rate?

Mr. FOSS. Let me state to the gentleman that when a naval officer goes to sea he loses all his allowances and all his commutation for quarters.

Mr. PERKINS. He gets free quarters on board ship.

Mr. FOSS. When an Army officer goes to sea on a transport he gets the 10 per cent extra pay, as provided by amendment 33 of the Army appropriation bill.

Mr. PERKINS. The Army officer does not go to sea.

Mr. FOSS. In the transport service he goes to sea. Let me read you this provision of the Army bill, amendment 33, which was adopted by the House:

For additional 20 per cent increase to enlisted men on foreign service, \$767,000: *Provided*, That officers and enlisted men who have served on army transports in the Philippine Archipelago at any time since May 26, 1900—

Back eight years, if you please—

under the control and orders of the commanding general, Philippines Division, or who may hereafter so serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men serving at shore stations beyond the limits of the United States.

Under the Army appropriation bill they have put in here that an Army officer shall receive all the allowances and commutations for quarters while they are in transit in the transport service, and not only that, but they have gone back eight years and say they shall be reimbursed for all those eight years. Now, that is in the law, and the House has passed upon it.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield—

Mr. FOSS. Now, I want to state another fact. For instance, when an Army officer goes to the Philippine Islands and leaves his family behind him he gets quarters for his family. That is the custom.

Mr. HULL of Iowa. I think the gentleman is absolutely wrong on that. If the Government furnishes any quarters at all his family is not considered—

Mr. FOSS. This is the statement. If that family goes to the Philippines they get commutation of quarters or quarters by the Government, either one or the other. Now, if an Army officer goes alone and his family stays here, what is the practice in the Army? Let me tell you—

Mr. HULL of Iowa. I should say it was a violation of law—

Mr. FOSS. Let me tell you what the practice is. The Army officers' families are in quarters about all the time, whether the officer is in the field or not; the officer's family retains their quarters at the post. This is invariably the practice.

Mr. HULL of Iowa. You are speaking about commutation; they get no commutation at all under such circumstances.

Mr. SHERLEY. Mr. Speaker—

The SPEAKER pro tempore (Mr. CAPRON). Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. FOSS. No; I do not. Now, as soon as a naval officer goes aboard ship all his allowances are stopped, so that, as a matter of fact, when that officer goes to sea it takes away from his pay and allowances at least 20 per cent.

Mr. PERKINS. But his salary is fixed on the theory he is going to sea; that is what he is appointed for.

Mr. FOSS. While his salary is reduced, at the same time he has two establishments to keep up. Now, I was about to suggest this, that if you provide for this 10 per cent for officers when they are aboard ship, you will provide about 10 per cent less than the pay for the Army.

Mr. TAWNEY. Will the gentleman from Illinois answer one question, please?

Mr. FOSS. Yes.

Mr. TAWNEY. Can you state to the House how much the 10 per cent on account of sea service will add to the pay of officers of the Navy, approximately?

Mr. FOSS. Yes. It would require about \$295,000.

Mr. TAWNEY. It would add \$800 to every admiral of the senior grade when he is at sea.

Mr. FOSS. We have only one or two of those at sea.

Mr. TAWNEY. And the subordinate officers in proportion.

Mr. FOSS. It will add \$200,000 or \$250,000 a year to the pay of subordinate officers, depending on the number at sea. That would be simply a rough guess, but in view of what the Army has done, I am of the opinion that it is no more than fair and just, in view of the fact that when the officer goes to sea he loses all his commutation for quarters and all his allowances of every character whatever, whereas with the Army officer he generally has them, whether he is on board a ship or transport or whether he is on shore. In view of that fact, I say to this House that it is no more than fair and just that you should pass and adopt this provision.

Mr. FINLEY. Will the gentleman yield?

Mr. FOSS. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. FOSS. I think, in view of the fact that my colleague desires to speak, I will reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WILLIAMS] is recognized.

Mr. WILLIAMS. Mr. Speaker, I did not take an appeal from the decision of the Chair a moment ago, because I regarded that decision as such a grave departure from all parliamentary usage and such a serious crippling of the power of the House itself that I did not want the House of Representatives to approve of it and thereby strengthen it as a precedent. I knew that in the present partisan temper of the House the Speaker's decision would be sustained, right or wrong.

Mr. Speaker, if that decision is to be a precedent, then for the future all that is needed in order to make conference committees of this House legislative bodies is that the Committee on Rules should bring in a rule to permit a bill or bills, or all bills, to go through under the suspension of the rules. How many other things there are upon the bill that are new legislation neither I nor anybody else knows, except perhaps the conferees.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. WILLIAMS. We have only twenty minutes debate, and amid the hurry and the ignorance of the House concerning this matter, I want to save as much time as possible in order to give it to others.

This is a precedent that will return to plague us. Mr. Speaker, it is a point of honor for members of conference committees not to legislate. They have been appointed by their brethren to settle differences between the two Houses, and, as



a matter of honor to the House, in execution of that sole trust, jurisdiction, and authority, they ought not to legislate. And a motion to suspend the rules ought not to be considered of such high importance as to release men from the relation which they bear to the House, a relation of honor not to betray the confidence of the House as conferees and not to legislate, but to confine themselves to the jurisdiction committed to them. Why, Mr. Speaker, this committee might just as well have placed upon this bill the Freeland currency bill. Now, that sounds like an extreme statement, but it is absolutely within the compass and measure of moderation. As I say, they might just as well have placed upon it the Freeland bill as this provision to which I call attention. The one is no more than the other ultra vires of their authority and functions. Why, Mr. Speaker, at the end of every session, to show how far this ruling may go, the last six days are days of suspension of the rules, and hereafter those last six days might be entitled, and properly, too, if this House in its sober second thought ever sustains the ruling this morning, "days for legislation by conference committees." Jobbery, jobs innumerable and unprecedented, and to a large extent undiscoverable by the average Member of the House, will find this precedent their legislative mother.

I am speaking seriously about it. There is but one way for this House now to prevent this precedent from operating, and that is to vote down this conference report, independently of the merits of the report, with 107 differences between the two Houses settled by it. This House can maintain power to handle committees; it can disestablish this new-born precedent giving a right to conference committees to legislate in its stead only by voting down this conference report. If I were in favor of every single, solitary item upon this conference report, I would still vote against it, to prevent the establishment of this precedent. And that is not all. As if the precedent established in the hurry of twenty minutes' debate on a side was not serious enough, the gentlemen objected to the extension of the time of debate and explanation for one hour, and the reason given, as well as my defective hearing could catch it, was that the request had been made by me, although the request was to give the control of the time to two Republican Members of the House. Now, Mr. Speaker, having said that much, I will ask how much time I have consumed?

The SPEAKER pro tempore. Six minutes.

Mr. WILLIAMS. I then have fourteen minutes left. I now yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, the Committee on Naval Affairs—

Mr. WILLIAMS. One word. Before the gentleman from Iowa begins, in the interest of clear legislation by the House, I renew my request that the time shall be extended for debate so that it will amount to one hour upon each side; that one half of that time shall be controlled by the gentleman from Illinois [Mr. Foss] and the other half by the gentleman from Minnesota [Mr. Tawney], the time that I have consumed to be taken out of the hour on the latter side.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the debate be extended for two hours, one hour to be controlled by the gentleman from Illinois, and the other half by the gentleman from Minnesota.

Mr. FOSS. Do I understand the gentleman's request to be that we extend debate for two hours?

Mr. WILLIAMS. So that it shall amount to two hours' time, and taking the six minutes I have consumed out of the one hour in opposition to the motion.

Mr. FOSS. I have no objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request? [After a pause.] The Chair hears no objection, and it is so ordered. The gentleman from Iowa is recognized.

Mr. WILLIAMS. I now yield ten minutes to the gentleman from Iowa, if he desires it. I beg pardon; the control of the time has passed by my own request from me to the gentleman from Minnesota.

Mr. TAWNEY. I yield ten minutes to the gentleman from Iowa.

Mr. HULL of Iowa. Mr. Speaker, I am glad for the extension of this time, as I think a full discussion of all matters in this agreement will result in good and should be had.

I want to compliment the Committee on Naval Affairs on the part of the House, at least, for the good they have accomplished. They have fixed the pay of the officers of the Army and the Navy on substantially the same basis. That is to say, an increase in each grade of a flat \$500, the same in this as fixed for the Army. But, Mr. Speaker, some years ago the pay of a naval officer was 15 per cent more at sea than on shore. The

naval officers then made the argument to Congress that their expenses were greater on shore than at sea, and that, therefore, they ought to have the same pay on shore that they received at sea; and Congress repealed the act containing that restriction and gave them the same pay on shore and at sea. Now, we have equalized up the two arms of the service, in the first place, and then we go right ahead and restore the old inequality, giving the naval officers 10 per cent more on ship than when on shore. Now, that simply means that in the future we have got the same old fight, to equalize up and never to equalize down.

A naval officer from the time he is appointed a cadet is educated at Annapolis at the expense of the Government; he is taught from the time he takes the oath as a cadet that his duties are on shipboard, and from the minute he goes on a ship he has everything furnished to him but his food. Servants are furnished, his table linen, all his household fixtures, and everything except the bare cost of food. He is given fuel and light, so that his expenses on shipboard are less than at any other time, with the exception, as the gentleman from Illinois referred to—and I want to be entirely frank in this matter—that his family at home have to be looked out for. That is true. The gentleman states that an Army officer, when he goes to the Philippines, when he is on a transport, from the time he leaves San Francisco until he reaches Manila, and during that time, receives commutation of quarters. I want to say that no Army officer on active duty away from his station gets commutation of quarters. Now, it is true—

Mr. FOSS. Does he not—

Mr. HULL of Iowa. One minute. It is true that at Fort Myer and other posts of the country there are quarters; and if his family want to live in them, there is no charge made, if they are available; but he gets no commutation.

Mr. LOUDENSLAGER. And at Manila—

Mr. HULL of Iowa. At all posts in the United States; but in nine cases out of ten, where a man is gone for two years, his family accompanies him, if they want to; but if they do not accompany him, and do not stay at the post, they get no commutation of quarters, no matter where they go. That is the point I want to make. We give no commutation at any place to any man if he is furnished quarters. If he is located at Washington and there are no quarters here for him, he gets commutation of quarters. If he is ordered from here, the family can remain here, but they get no commutation of quarters.

Mr. LOUDENSLAGER. How many officers are so stationed at the present time in the Army?

Mr. HULL of Iowa. How do you mean?

Mr. LOUDENSLAGER. In the field, in a tent, without commutation for themselves or their families.

Mr. HULL of Iowa. Very few, but a great many without commutation.

Mr. LOUDENSLAGER. Does the chairman of the Committee on Military Affairs know how many?

Mr. HULL of Iowa. The chairman knows that every officer at a post gets no commutation.

Mr. LOUDENSLAGER. He gets quarters, however.

Mr. HULL of Iowa. He gets quarters, but no commutation; and if he is ordered away from there to the Philippines, his family gets no commutation.

Mr. LOUDENSLAGER. He gets his extra percentage.

Mr. HULL of Iowa. He gets 10 per cent extra while serving in the Philippines.

Mr. LOUDENSLAGER. The same as the Navy.

Mr. HULL of Iowa. And that is limited to the Philippine Islands and Alaska, and should be repealed since we adopted this increase of pay. If I had known as much about the rules as I do now, I should have stuck on that conference for a repeal of this extra-duty pay in place of continuing it; but it goes to two places. It does not go to Porto Rico, it does not go to Hawaii; while under this provision, I should imagine from your amendment, if an officer gets on shipboard and goes beyond the 3-mile limit, he gets the extra 10 per cent. That would be for your rear-admirals of the senior grade, \$800; for your rear-admirals of the junior grade, \$600; for your captains, \$450 or \$500, and so on down the list.

Now, I submit that when an officer is appointed in the Navy he is appointed to go to sea; and to pay him extra for doing that is not a fair proposition, but one that will lead to further trouble.

Now, on your enlisted force, there has been no law of Congress fixing the pay of the enlisted force of the Navy, because the President has had jurisdiction of it. And when we had what is called the "Dick-Capron bill" before us, which dealt with all arms of the service, those representing the Navy stated that they did not need any legislation increasing the pay of the enlisted force of the Navy, that it was fixed now at the

full amount for the commercial marine, for the sailors in other lines of life, and it was no trouble to keep their ranks full. Their pay, as the gentleman from New Jersey can show, and will in a little while, is so much higher than the Army even with its increase of 35 per cent, that it is at least one-half more than the pay of the Army now, and they have no trouble in keeping up their enlistments. If we needed 10 per cent or 20 per cent increase in order to enlist the force in the Navy I would be in favor of it, because I recognize that we want to keep the complete full list of the enlisted force of the Navy. But, if it is simply a donation, with the idea of taking from the President the right to fix the pay of the Navy (and I imagine this does that, because the President can not lower what is fixed by law) it is a mistake on the part of the Committee on Naval Affairs to meddle with it. It is fixed now, so that the President can adjust it. It is fixed so that if prices go down he can lower it. If prices go up he can raise it, all the time adjusting it to what is needed for the service.

Mr. DRISCOLL. When the gentleman refers to prices, does he refer to prices of commodities or prices of labor?

Mr. HULL of Iowa. I mean the pay of seamen. I do not recognize that the same rule applies to enlistments in the Navy as that which applies to enlistments in the Army. In the Navy you have got to compete with the merchant marine.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. HULL of Iowa. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. You spoke just now of the pay being about what it should be for the enlisted men, and therefore, as I infer, argued that it should not be increased. Now, if the pay is sufficient, if it is proper and just, why are there so many desertions from the Navy, and why have there been so many from the Army?

Mr. HULL of Iowa. I do not think that the desertions from the Army and Navy are controlled or governed in any way by the pay. I think they are due to the conditions in the service.

Mr. TAWNEY. If the gentleman from Iowa will permit me, it appeared before the Committee on Appropriations yesterday that the Navy is recruited almost to its full strength and that they have ceased maintaining recruiting stations.

Mr. GAINES of Tennessee. That may be true; they put up beautiful billboards and show them a great big man-of-war, a beautiful flag, entertaining things to the eye, and then they get them in—a great many go from my own State—and yet we have desertions, and I am trying to get at the reason.

Mr. HULL of Iowa. The question of desertions has nothing to do with the pay.

Mr. FOSS. I would like to ask the gentleman from Iowa what was the percentage of increase of pay in the Army bill as it became a law?

Mr. HULL of Iowa. I think it was a little over 27 per cent for the enlisted force.

Mr. FOSS. Is it not nearer 35?

Mr. HULL of Iowa. I am taking the statement of the gentleman from New Jersey, Mr. PARKER.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. TAWNEY. I yield to the gentleman five minutes more.

Mr. FOSS. The gentleman from Virginia [Mr. HAY] says that the increase is 35 per cent.

Mr. HAY. That is the statement of the Paymaster-General. Mr. HULL of Iowa. Then that is correct. We increased it so much a grade and did not increase it by a percentage. The pay of some men was increased 80 per cent.

Mr. MILLER. May I ask the gentleman a question?

Mr. HULL of Iowa. I will yield to the gentleman.

Mr. MILLER. If the Army bill increased the pay of the enlisted men 35 per cent, why should the naval bill increase the pay of the seamen only by 10 per cent?

Mr. HULL of Iowa. If the gentleman was doing a service for the Government on substantially the same lines as another and getting \$5,000 a year, and the other man doing substantially the same service was getting \$2,500 a year, and you increased the pay of the \$2,500 man 35 per cent, would that be an argument for pushing up the pay of the other man, and especially when his own employer says he does not need any increase, that he keeps the ranks full of men, that they are paid so as to amply compete with the merchant marine? There was not a man connected with the Navy before us that did not state positively that the enlisted force was well taken care of under the present law. The question of percentage has nothing to do with it. It is a question of fair pay, and if the Navy is getting double the pay of the Army—

Mr. MILLER. The Navy does not get double the pay of the Army. That is an unfortunate misstatement by the gentleman from Iowa.

Mr. HULL of Iowa. I will say that in some lines the Navy gets almost double the pay of the Army. For instance, a private soldier in the Army, before we passed this bill, got \$13 a month. A great many seamen of the Navy get \$30 a month. Other seamen that started in as common seamen got \$16 a month—men who had no experience at sea. I am not finding fault with it, but if we are to take the statement of the naval authorities as to what they ought to have, there is no excuse for increasing the pay. I am one of those who believe that it is better for the President to have control of it, as he has had for nearly a century. The Navy has got to have men trained for the sea, and they have got to have the pay that they can get in another line of following the sea, and the President can adjust it as the changed conditions arise. If you pass this, no matter how much higher the merchant marine might go, the President can not adjust it, and they are compelled to come back to Congress for it. I think that is unfortunate for the Navy, and is one of the objections I have to this bill.

Now, I want to say one word as to the transport service in the Philippines. When we captured the Philippines the first year we appropriated for the Army, sending troops there, and we did provide that they should have 10 per cent extra for service there. That was supposed to apply to this service of the transports and for those on land. The Comptroller held that up, and we changed it so that it could apply to this service on transports. My own judgment is that this service on the transports should not have had it. My own judgment is that they should not have increased service pay, no matter where they are sent.

Mr. FOSS. They have got it.

Mr. HULL of Iowa. Yes, they have got it; but it is something that will be perpetuated more by raising the pay of the Navy 10 per cent than it would be if you left it out and let us cut it out of both forces. Then it must always be borne in mind that the difference between the Army and the Navy is that the naval officer goes to sea and carries his house with him.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. GAINES of Tennessee. Mr. Speaker, I want to ask that the gentleman be given a minute more so that I may ask a question.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FOSS. Mr. Speaker, I will be glad to yield the gentleman one minute.

Mr. GAINES of Tennessee. Mr. Speaker, I like to start at the ground and go up. The human thought is like cotton, it does not grow until the tap root strikes the hard ground. I would like somebody to tell me how much it costs to maintain a military private—that is, a private soldier, and what it costs to maintain an ordinary seaman—a private, who goes on a man-of-war.

Mr. AMES. Between ten and twelve hundred dollars.

Mr. GAINES of Tennessee. I would like to get that information.

Mr. HULL of Iowa. I can not tell anything about the Navy.

Mr. AMES. Between ten and twelve hundred dollars a year.

Mr. GAINES of Tennessee. For which?

Mr. AMES. Either—well, for a private in the Army.

Mr. GAINES of Tennessee. I now ask for a private in the Navy.

Mr. HULL of Iowa. For maintenance?

Mr. AMES. Yes.

Mr. HULL of Iowa. I should imagine not.

Mr. AMES. Including the whole Army equipment.

Mr. HULL of Iowa. That is a different proposition.

Mr. GAINES of Tennessee. I want to know about a private in the service.

Mr. AMES. That includes the whole Army establishment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, we want to do what is fair on the subject of pay to the enlisted men, beyond all question. Last year I made a short talk on pay, promotion, and retirement and command in the Army and Navy, and added some details, which may be found in the Record of February 12, 1907. I will not now go into those details. Anyone who desires to look at them can do it. At that time I found that the pay of the enlisted force of the Army was wonderfully below that of the Navy. For instance, the highest pay to a very small class of skilled mechanics was \$75 or \$85 a month—electricians and occupations of that sort. The pay in the Navy went up for chief boatswain to \$167.50 a month. They had a system of warrant officers to which enlisted men were pro-



moted, and on the whole it averaged in this way: If all the pay—that is, \$14,500,000 in round numbers, the sum that went to the enlisted and warrant force of the Navy—be divided by the number of men, an average of \$378 a year is obtained, whereas in the Army, if you take the whole force of enlisted men, sergeants, and all up to sergeant-major and the skilled electricians and divide the amount appropriated by the number of men, it gives an average of only \$212 a year. We found that our sergeants and the upper grades were not well paid, and therefore we increased the first sergeant to \$45 a month. Compare that with the chief boatswain at \$167 a month. We increased the private to \$15 a month. Compare that with an able seaman, who when he gets to be a gunner gets up to something nearly double that.

Mr. FOSS. May I ask the gentleman a question right there?

Mr. PARKER of New Jersey. Oh, I will not be able to answer the gentleman's questions about the Navy.

Mr. FOSS. But I want to ask about the Army.

Mr. PARKER of New Jersey. I can give the average. I say we tried to make an increase. This increase they say adds 35 per cent, a little more than a third. Add that to the \$212, and you have not got up to \$300 on an average. The Navy is getting \$378 on an average by the President's order. What is more, they have an arrangement by which the President can put the pay up or down in any particular grade, and by this bill they will turn it into a hard-and-fast arrangement which is not applicable to the Navy. But they propose to make an average all through the Navy of over \$400 a man, while our average is under \$300 a man all through. That is what I want to get before the House.

Last year I said a word more about the commissioned officers. The peculiarity of every service consists in the fact that it does not make so much difference as to the pay of the man in each class as it does as to how many there are in each class. Over 40 per cent of the Navy officers in number hold a rank equivalent to major or better. Less than 16 per cent of the Army hold any such rank. As a result, even if majors and captains and all officers receive the same pay according to rank in the two services, the men in the Navy get a great deal more. I have figured it out in the remarks I referred to, and it is not worth while going over it again. The principle has been established that we shall try to make the pay the same in the two services. But we certainly do not mean, and we never have meant, that when we send an Army officer out of the country we pay him 10 per cent extra pay. We pay it to him only when he has to live in what we thought was a tropical or unhealthy place, like the Philippines, or where he was absolutely isolated from civilization, like the interior of Alaska. Ten per cent has never been given to a man because of mere absence from the country. I believe I am right in that, am I not?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Mr. Speaker, I ask the gentleman from Illinois to use some of his time.

Mr. FOSS. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. Dawson].

Mr. DAWSON. Mr. Speaker, I do not like to divert the attention of the House from this larger subject of the pay of the Navy to other subjects which are perhaps less important, but there are one or two things in this conference report in which I believe the House feels a lively interest. Amendment No. 10, inserted by the Senate, embraces the subject of the barbaric practice of the use of irons, single and double, in the Navy of the United States as a punishment, and I will say to the gentleman from Tennessee [Mr. GAINES], who was making inquiry a few moments ago with regard to desertions from the Navy, that in my judgment the continuation of this outworn, barbaric practice of taking young men who go into the Navy and putting them on a par with convicts and criminals by the use of the ball and chain and the handcuff simply for an infraction of regulations, has had much to do with many of the desertions from the Navy.

Mr. GAINES of Tennessee. Are there any cases like that of such punishment for a mere infraction of a regulation?

Mr. DAWSON. The Navy regulations provide for the use of irons, single or double, in a large number of cases which are not criminal in their character but simply infractions of regulations, disobedience of orders, and other minor offenses. In this amendment No. 10, following the lead of the House Committee on Naval Affairs, the Senate has put an amendment in this bill providing for the abolition of irons as a means of punishment in the Navy. The amendment follows the bill introduced by Mr. Esch, and the House conferees have accepted the amendment, after modifying it in accordance with the views of our committee.

Mr. GAINES of Tennessee. Does the gentleman mean to say that they have had actual cases in recent years where men have been put in irons for infraction of a rule?

Mr. DAWSON. Why, I might say to the gentleman from Tennessee that it was brought to my attention that an enlisted man in the Navy undergoing punishment for infraction of regulations was actually in bed in a hospital with irons on him.

Mr. TAWNEY. Will the gentleman from Iowa permit an interruption?

Mr. DAWSON. Certainly.

Mr. TAWNEY. Does the gentleman from Iowa think for a moment that if the House refuses to suspend the rules and adopt the conference report and this bill goes back to conference again that the conferees on the part of the House will recede from the amendment of which the gentleman is now speaking?

Mr. DAWSON. I hope not.

Mr. TAWNEY. The gentleman knows very well there is no danger of that. I do not know how far he expects that fact to influence Members of the House.

Mr. DAWSON. But I stated at the outset I thought the Members of this House were entitled to know something about some of the other provisions of this conference report, and I was simply showing how certain men were treated in the Navy.

Mr. DRISCOLL. Did the Navy Department recommend the abolition of this kind of punishment of men?

Mr. DAWSON. Not absolutely, although I will say to the gentleman from New York that the committee has safeguarded the proposition so as to meet any objections from that direction, I think. The amendment which was originally inserted provided for the complete abolition of irons in the Navy. The conference committee have modified that so as to permit of their use for purposes of safe custody.

Mr. DRISCOLL. Have they introduced the water treatment or something like that in place of this treatment of irons?

Mr. DAWSON. No.

Mr. HULL of Iowa. I do not want to interfere with my colleague, although I know he will have plenty of time; but as I read this amendment as adopted by the Senate they abolish it absolutely.

Mr. DAWSON. But the conferees agreed to an amendment to the Senate amendment providing for its abolition except for the purpose of safe custody, or when part of a sentence imposed by a general court-martial.

Mr. HULL of Iowa. I see they have made an exception. What I was going to ask the gentleman from Iowa is, Does not he believe the Senate provision is better than the House, to absolutely abolish such barbaric treatment?

Mr. DAWSON. Cases of mutiny may arise, or other cases where an enlisted man might become crazed by drink or otherwise and run amuck on a ship, and it seems to me this provision here in the conferees report is adapted to such cases and would take care of exceptional cases of that kind. Now, the other provision in this bill in which I think the House will likewise be interested is embraced in amendment No. 37.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSS. I yield the gentleman five minutes more.

Mr. DAWSON. Amendment No. 37 embraces a bill which I had the honor of favorably reporting from the Naval Committee to this House, at this session, providing for a corps of trained women nurses in the Navy, and I am very glad that the House conferees have agreed to the amendment which the Senate inserted, which is in the language of the bill previously reported to this House by the Naval Committee.

Everybody recognizes the special aptitude of the woman nurse for taking care of the sick and of the injured. This amendment establishes the corps on the same basis exactly as the corps of women nurses in the Army, and I believe, and all of the authorities in the Navy Department believe that great benefit will result from the establishment of this corps of trained women nurses in the Navy. Their duties will be confined largely to large naval hospitals, although the amendment provides that they may be assigned to hospital ships or to any special duty to which the Secretary of the Navy may see fit to assign them.

Mr. GAINES of Tennessee. Mr. Speaker, could that woman attendant get on a boat at Manila and bring a lot of invalids across the Pacific back to the United States?

Mr. DAWSON. Under the terms of this bill they are eligible for duty at naval hospitals and on board of hospital and ambulance ships, and for such special duties as may be deemed necessary by the Secretary of the Navy.

Mr. GAINES of Tennessee. I think they can do a great deal of good in that long, tempestuous voyage from Manila to San

Francisco. I am very glad that the amendment has been made, and I hope it will be elastic enough to cover that kind of a case.

Mr. DAWSON. Mr. Speaker, I yield back the balance of my time.

Mr. LOUDENSLAGER. Will the gentleman from Minnesota [Mr. TAWNEY] now use some of his time?

Mr. TAWNEY. I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, more than ten years have now come and gone since the U. S. battle ship *Maine* was destroyed in Habana Harbor. That deplorable tragedy wrote a memorable page in our history and a chapter of much moment in the annals of America. The records in the Navy Department show that 231 men were killed when the *Maine* was blown up; that 24 bodies were immediately recovered and buried in Key West, Fla.; that later 144 bodies were recovered and buried in Habana; that these bodies were subsequently brought home and buried in the national cemetery at Arlington; that at least 63 bodies were never recovered or accounted for and are now entombed with the wreck of the *Maine* in the mud and muck of Habana Harbor.

For some inexplicable reason the wreck of the *Maine* has never been raised and these bodies of the nation's dead recovered and brought home for burial. Our dereliction in this matter is little less than a national disgrace. Public sentiment has demanded for years that the wreck of the *Maine* be raised; that the truth of her destruction be told; that the bodies of these heroic dead be recovered and brought home for burial in Arlington Cemetery. But little or nothing to accomplish this purpose seems to have been done thus far in the matter by our Government.

Sir, in response to what I believe is the ever-increasing public sentiment of this country, I introduced, on the 15th day of February, 1908, just ten years after the *Maine* was blown up, the following resolution:

*Resolved*, That the Secretary of the Navy be, and he hereby is, requested, if not incompatible with the public interests, to send to the House of Representatives, as early as may be practicable, all letters and data as to the cost and legal status under which the Congress may exercise immediate or future action for the removal of the wreck of the U. S. battle ship *Maine* and provide burial for the dead now lying with the hulk in the harbor of Habana, Cuba.

Mr. Speaker, this resolution was favorably reported by the Naval Committee and unanimously passed the House of Representatives on the 10th day of March, 1908, and on the 25th day of March, 1908, the Secretary of the Navy, in compliance with the resolution, sent some of the data called for to the House of Representatives and it is printed as H. R. Document No. 812.

In that document the Secretary of the Navy makes the following statement:

The best information at the command of the Navy Department respecting the probable cost of the removal of the wreck of the *Maine* and the burial of the dead now lying in the hulk of that vessel, with regard to which inquiry is made in the resolution of the 10th instant, is afforded by an examination of the expenditures actually incurred in the attempt to accomplish those objects and in their partial achievement under the appropriations above cited.

It is a matter of record and tradition that when in February, 1898, this work was undertaken representatives of the wrecking companies visited the Department and suggested that on account of the peculiar circumstances under which the vessel was sunk, the nature of the work, and the conditions existing in the harbor at the time, it would be extremely difficult to name in advance any reasonable lump sum at which the task could be undertaken, or to give assurance that the vessel itself could be raised; and after full conferences it was determined that the work of recovering the bodies entombed in the ship and saving such portions of the armament and equipment as could be reached should be immediately entered upon, provision being at the same time made for the raising of the vessel if found practicable.

I now read a recent letter from the Secretary of the Navy to the Secretary of State concerning the matter. It is as follows:

NAVY DEPARTMENT,  
Washington, March 4, 1908.

Sir: Your letter of the 27th ultimo inclosing a translation of a note from the Cuban minister inquiring "whether the decision reached by this Government recognizing Cuba's rights in the matter of the wrecks of the *Alfonso XII* and *Maine* also applies to the wrecks of all the Spanish war ships destroyed during the war of 1898 in Cuban waters," was duly received.

In reply I have the honor to state that the Secretary of the Treasury, Mr. Shaw, in a letter dated January 9, 1908, said that the Treasury Department did not desire to take further action regarding wrecks in Cuban waters and "was inclined to the opinion that any authority or rights it may have had formerly may properly be considered as having lapsed in favor of the Government of Cuba." (Sec. 3755, R. S.)

On the contrary, however, the Navy Department (letter of July 1, 1902, to Mr. George Richardson, copy herewith, and in other correspondence) has taken the attitude that the disposal of the wreck of the *Maine* rests with the Congress, and that no Executive Department could give assurance of its abandonment by the United States. With respect to the wreck of the *Maine* and those of the Spanish war ships destroyed during the war of 1898 in Cuban waters, however, it may be added that the Navy Department is not now engaged in, and has not in contemplation, any work thereupon.

After correspondence on the subject, the Department of State, October 27, 1904, expressed the view that "in order to obtain a valid and effective disposition of the *Maine* wreck" the matter should appropriately "be settled by a convention with Cuba."

The Navy Department expressed its concurrence in this view; but it is understood that the action thus suggested has not been taken.

Very respectfully,

V. H. METCALF, Secretary.

The SECRETARY OF STATE.

That letter and the report of the Secretary of the Navy made it clear to me that legislation was necessary to accomplish the object desired. Hence, on the 20th day of April, 1908, I introduced a bill which I now send to the Clerk's desk and ask to have read.

The Clerk read as follows:

A bill (H. R. 21176) to raise the wreck of the U. S. battle ship *Maine* in Habana Harbor, and remove the bodies therein to Arlington Cemetery for interment.

*Be it enacted*, etc., That the Secretary of the Navy be, and he hereby is, authorized and directed to forthwith prepare and publish proposals requesting bids for the removal of the wreck of the U. S. battle ship *Maine*, now sunk in Habana Harbor, and have the bodies therein brought to Washington for interment in the national cemetery at Arlington; and that the contract or contracts for the purposes herein specified shall be let to the lowest responsible bidder.

SEC. 2. That the President be, and he hereby is, authorized and directed to make the necessary arrangements, if any be necessary, for the purposes herein designated, with the Republic of Cuba.

SEC. 3. That any money now at the disposal of the Navy Department is hereby made applicable for the purposes herein specified, and if the same be not sufficient to carry out the purposes herein specified, then such sum of money as may be necessary to meet all the requirements of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. That bill, sir, speaks for itself. It is now pending in the Committee on Naval Affairs. I have done everything in my power to get it reported, but thus far without success. It should be speedily reported and passed ere this session of Congress adjourns. It will accomplish the object desired, and it meets with the patriotic approval of the people of this country. The delay has been disappointing to the friends of the *Maine's* heroic dead. But I am not disheartened. I shall keep working in this matter until the *Maine* is raised and the bodies of our dead sailors are brought home for interment. These brave men died for their country. In the words of one of our own poets:

Down in that tropic, torpid bay,  
In the slime and filth of the Spanish way,  
Shall the hulk of the *Maine* forever stay?  
Shall the ship that stood for Freedom rot  
In the stench of that unhallowed spot?  
No! No! Let the people rise as one,  
With a firm demand that right be done,  
And the dead be honored—the dead who died  
That Liberty should be satisfied.  
Take the old ship out of her filthy grave  
To the clear blue sea and the white-capped wave,  
And there in the depths, serene and pure  
Give her a glory sepulture,  
And moor above her the flag that waves  
Forever above all our heroes' graves.

Now, Mr. Speaker, this naval conference report is before the House, but I have only had time to read it in a very brief way. We can take action now regarding the *Maine*, if we want to do so. I had indulged the hope that there would be in this conference report a provision to raise the battle ship *Maine*. I tried to do this, but so far without results. The whole matter is now pending before the committee, and I have been urging action for months. I have tried to get an amendment on the naval appropriation bill, but could not; but I thought something would be done regarding the matter in the Senate, but nothing has been done. The veterans of the Spanish-American war, from one end of the country to the other, are very much in favor of action along the lines of my bill, and nearly every camp has passed resolutions favoring its speedy enactment into law. The neglect of the dead sailors buried in the wreck of the *Maine* is a shame and a disgrace to the Government. The wreck of the *Maine* must be raised. The bodies of our gallant seamen must be brought home and interred with military honors in the national cemetery. Let us do our duty to-day. Let the truth be known. No American is afraid of the truth. The raising of the *Maine* will forever dissipate doubt—forever clear the sky of history.

Mr. Speaker, I do not know just why the Committee on Naval Affairs refuses to take action in this matter. I have done my best to get my bill reported. I would like to have some reason for this delay. The patriotic press of the country rings with commendable editorials day in and day out in favor of this legislation. The Government has been derelict in its duty to these brave and gallant men. The Congress must act. The wreck of the *Maine* must be raised. The bodies of her heroic dead must be brought home. Gratitude commands it. Patriotism demands it. Let us meet the occasion now and put in



this naval conference report a provision to accomplish what the people so urgently request. Is there anyone here opposed to it? If so, let the Member stand up and say so. Now is the time to act. Let us do our duty to the patriotic dead that sleep in the wreck of the *Maine* in the mud and slime of Habana Harbor.

Mr. DRISCOLL. Have these conferees jurisdiction to do that?

Mr. SULZER. Certainly they have. They have legislated matters in this conference report of much less moment.

Mr. DRISCOLL. Would they not be subject to the same criticism if they did that as they are for what they have now done?

Mr. SULZER. If the conferees are going to legislate on a conference report, I want them to do something in which the people of the country take a deep and abiding interest—to respond to a great patriotic sentiment. I want action this way or some way, and I want action as quickly as I can get it. We must raise the *Maine*! We must bring home the heroic dead and bury the bodies with military honors in the national cemetery at Arlington! That is the duty of the hour!

Mr. Speaker, I ask unanimous consent to print, in connection with my remarks, a few letters and newspaper comments regarding this matter.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

The data are as follows:

[From the Newark Evening News, April 23, 1908.]

PRaise FOR MR. SULZER—VETERANS INTERESTED IN HIS BILL TO RAISE THE "MAINE"—SENATOR COLBY'S LETTER.

To the Editor of the News:

SIR: Patriotic organizations, together with survivors of the civil and Spanish wars in this State, numbering something over 100,000, are deeply interested in association and individual effort to remove the wreck of the battle ship *Maine* and her dead to a final resting place under the flag which was honored by "the *Maine* and her men." Keenly recognizing the conspicuous national indifference and neglect of a decade in the matter of the sunken *Maine*, a deep sense of national pride and local patriotism have steadily worked together through the public press, and fraternal organizations, to initiate and support Congressional action, which has now taken encouraging shape and promise, in a bill just introduced by Congressman SULZER.

Thousands of survivors of the civil war, both Union and Confederate, congratulate Mr. SULZER for the introduction of this bill, and they stand ready, with a soldier's welcome, for the success of its purpose and provisions. The drift of sentiment, outside of this, may be seen in a letter from a distinguished State senator. It was written by Senator Everett Colby on April 13, last, and sent to Congressman SULZER. The letter follows:

"MY DEAR SIR: I want to add a word to the many you are receiving in favor of the movement to raise the battle ship *Maine*. Your efforts are indorsed by the veterans of our State, for whom I am glad to speak."

Thanking you in advance for giving space to this I remain,  
Yours, truly,

ARLINGTON, April 27, 1908.

VETERAN.

[From the Newark News, March 31, 1908.]

WOULD RAISE THE "MAINE"—NEGLECT OF SHIP AND THE NATION'S DEAD UNPARALLELED IN HISTORY OF NAVY.

To the Editor of the News:

SIR: Your valued editorial comment on the recent action of the Secretary of the Navy, in sending to Congress all information in the possession of his Department concerning the wreck of the battle ship *Maine* and the men who went down with her, is read with interest and appreciation in this State by the majority of those who are identified with patriotic and veteran organizations that was ever moved by an appeal to Congress and national honor in behalf of a famous ship and the nation's dead.

The national indifference to and neglect of the *Maine* since her "terrible taking off" is unparalleled in the history of our Army and Navy, and the repeated charges that the United States feared to face the facts, such as the wounds of the *Maine* would disclose, have been publicly charged and reiterated to such an extent that popular sentiment has almost surrendered to feelings akin to the humiliation of an apology to the perpetrator of a crime that shocked the civilized world. In this connection it is recalled that after the Cuban war was over and the details of peace were settled in Paris the Spanish commission said to our representative that "the United States had put a stigma on Spain in charging that Spaniards had wrecked the *Maine*, and they asked the privilege of raising the battle ship and proving that she was blown up from the inside." However, great credit is due to Congressman WILLIAM SULZER for his untiring efforts, up to and including the passage of his resolution in behalf of the *Maine* and its dead on the tenth anniversary of her destruction.

Survivors of the civil and Cuban wars, together with the membership of a patriotic organization numbering over 47,000 in New Jersey alone, are enthusiastic supporters of the movement to float the *Maine* and give proper sepulcher to her honored dead—to have them "brought home to sleep under the Stars and Stripes."

Yours, truly,

A. KING (VETERAN 1862-1865).

NEWARK, March 29, 1908.

[From the New York Sun, April 29, 1908.]

THE SULZER BILL TO RAISE THE "MAINE."

Representative SULZER, of New York, has introduced a simple and effective measure designed to obliterate a national scandal and disgrace. Mr. SULZER's bill is now in the hands of the House Committee on Naval Affairs. It authorizes and directs the Secretary of the Navy

to contract for raising the wreck of the battle ship *Maine* and removing the bodies found therein to Arlington Cemetery, to rest hereafter alongside others of the nation's dead. It authorizes and directs the President to make the necessary arrangements for this purpose with the Republic of Cuba.

There should be no partisanship of attitude toward the patriotic, just, decent, and necessary action proposed by Mr. SULZER. The bill represents the common interests and well-nigh unanimous desire of the American people. We are informed that eminent Republicans, as well as Democrats, from this and other States are hastening to assure Mr. SULZER of their approval and support. The sentiment of the veterans, both Union and Confederate, and likewise of the blue and the gray that blended in the Spanish war, is strongly enlisted in the movement.

How could it be otherwise? The thought of those neglected and forgotten bones in Habana Harbor is argument enough. Shall Decoration Day of 1908 pass with the Sulzer bill not yet enacted?

[From the New York Sun, April 13, 1908.]

RAISE THE "MAINE."

If Congress should decide to remove the hulk of the ill-fated *Maine* from its resting place in the mud of Habana Harbor, painful as that decision might be to the naval bureaucracy, it would probably settle one way or the other some momentous questions.

It has always, for instance, been difficult to understand how it happened that the Spaniards who blew up our man-of-war managed to hold their tongues. It will be conceded that more than one Spaniard must have been concerned in that dark deed, must have shared in making the deadly engine of destruction, and must have had to do with submerging it beneath the fated vessel's hull. Indeed, it would seem that there must have been several persons privy to such an enterprise. When it is considered that the sentiments with which their fellow-countrymen would have varied somewhat from those with which we viewed it here, it is difficult to believe that the conspirators, one and all, have for a whole decade preserved the silence of the grave. It is against human nature. Such secrets are never kept, except when the commission of the act involves its authors in annihilation.

We have stated one of the reasons why we have never believed that the Spaniards had anything to do with the destruction of the *Maine* in Habana Harbor. We wish we could be as clear in our minds as to what was the contributing and active cause that led to the finding by the committee of inquiry that the *Maine* was destroyed by an external explosion. The raising of her devastated hulk might afford some clew to the mystery, some fact hitherto obscured or concealed, and so make known the truth.

It is a deplorable confession that for twenty-five years the naval bureaucracy has been in every matter that touched upon its own convenience or selfish advantage a packed jury. However the welfare of the service or the interests of the public might be involved, the bureaucracy has never receded one inch from its selfish autocracy. Was it any easier in 1898 to lay the destruction of an American battle ship at the door of Spain than it is to-day to suppress the evidence of the existing criminal mismanagement of this identical bureaucracy? The raising of the *Maine* has been steadily circumvented and defeated by the naval bureaucracy. It will be defeated now by the same agency unless Congress proves the stronger. And if Congress prevails the recovery of the hulk will bring no tangible evidence to light unless the most diligent precautions are exercised to the contrary.

The questions which interest the whole American people may be roughly resumed in this fashion: Is it not true that a search of the harbor bottom about the sunken *Maine* revealed no fragment or trace of the engine by which it was assumed that the ship was destroyed? Is it not true that the nature of the external rent in her structure as reported by the divers gave no indication whatever that the force producing it had operated from without? Was it not, on the contrary, evident, so far as it was possible to ascertain, that it had been produced from within? Was not the *Maine* structurally defective in that her magazine was inadequately isolated from her coal bunkers? Were not the coal bunkers filled at the time with a coal notoriously liable to spontaneous ignition? Is there not in the Navy Department a record of the discussion of these very points? If so, what was the evidence upon which this discussion was based and in what circumstances did it come before the bureau head? Precisely what obligation rested upon the naval bureaucracy in the early spring of 1898 of according a material and concrete casus belli with Spain? Whence was derived the warlike spirit which construed the *Maine's* injuries with such convenience to its hot desire? Whose was the hand that dictated the finding that the *Maine* was sunk by an explosion from without? Whose lust for strife coincided at this critical juncture with the comfort of the bureaucracy of the American Navy?

If Congress can answer these questions by raising the *Maine*, it will hardly shrink from undertaking the task.

TO REMOVE WRECK OF THE "MAINE."

Editor the Morning Star.

SIR: All survivors of both sides of the civil war feel greatly indebted to Congressman SULZER for his consistent and patriotic efforts in Congress to remove the wreck of the battle ship *Maine* and its dead from Habana Harbor. To them it recalls a war-time sentiment of respect for the dead, which is, in this case, extended to the wreck itself, and that was always recognized to the exclusion of all other feelings on the battlefield itself. This, together with the unparalleled national neglect which has given the "Old *Maine*" humiliating prominence before the world for more than ten years, moves every man who has served under the Stars and Stripes, ashore or afloat, to enthusiastic support of Congressman WILLIAM SULZER, who has just had the following amended resolution passed in the House:

"Resolved, That the Secretary of the Navy be, and he hereby is, requested, if not incompatible with the public interests, to send to the House of Representatives as early as may be practicable all letters and data as to the cost and legal status under which the Congress may exercise immediate or future action for the removal of the U. S. battle ship *Maine* and provide for the burial of the dead now lying with the hulk in the harbor of Habana, Cuba."

ALFRED KING (1862-1865).

NEW YORK, March 13, 1908.

Much satisfaction is expressed hereabout, and doubtless throughout the country generally, with the action of Representative WILLIAM SULZER, of New York, in introducing a resolution into Congress pro-

viding for the raising of the wrecked battle ship *Maine*, which, with the bodies of seventy-four sailors, has been lying on the slimy bottom of Habana Harbor for the past ten years. It seems incredible that our Government, so great and generous in other respects, should have so long neglected this important work; but it is comforting to think that there is some prospect at last of the bodies of the victims of the famous disaster being given decent burial. Better late than never, and more power to Mr. SULZER.

MR. SULZER AND THE BATTLE SHIP "MAINE."

To the Editor of the Sun.

SIR: An appeal has been made to the authorities in Washington every year during the last five years at least in behalf of the wreck of the battle ship *Maine* and her dead, which lie with the hulk in the ooze and pollution of Habana Harbor. This appeal has been extended to the President and to the two Senators from Maine by those who have seen service under the Stars and Stripes in two wars, but without avail, until last week when at the earnest request of survivors of the civil and Spanish wars the matter of the *Maine* was looked into by Congressman WILLIAM SULZER, and if the gentleman had dropped everything else he could not have done more in the time in response to the request than he has accomplished. His characteristic resolution in behalf of the *Maine* submitted on the tenth anniversary of the destruction of the ship is appended.

ALFRED KING.

NEW YORK, February 21.

Resolved, That the Secretary of the Navy be, and he hereby is, requested, if not incompatible with the public interests, to send to the House of Representatives, as early as may be practicable, all letters and data as to the present international status and rights, if any there be, under which the Congress may exercise immediate or future action for the removal of the wreck of the United States battle ship *Maine* and provide proper burial for its dead now lying with the hulk in the harbor of Habana, Cuba.

[From the Sun, February 15, 1908.]

THE NEGLECTED BATTLE SHIP.

To-day is the tenth anniversary of the destruction of the battle ship *Maine*. For ten years the hull of that ill-fated vessel has been a nuisance to shipping in a foreign harbor and a reproach to the country whose flag she bore.

An engineer of experience and recognized standing, fully conversant with the condition of the ship, has recently said that for a sum not exceeding \$300,000 it would be possible to lift the hull from the harbor bottom and tow it to sea for burial in the deep water of the Florida Straits. Such should be its disposition, whether the expense to the nation is \$300,000 or \$3,000,000.

The President might well make this the subject of a special message to Congress, and the Congress might well recognize the tenth anniversary of the war with Spain by an appropriation that would remove from sight the most lamentable reminder of the quarrel. The foremast of the vessel should be brought to Arlington and set up as a monument over the graves of the dead seamen. If guns or other equipment suitable for such use could be recovered they also might be used for the same purpose there or elsewhere. The ship should have decent sepulture. If we do not care to do this as a matter of national honor, we should at least do it as a matter of courtesy to a friendly neighbor in whose principal harbor the wreck constitutes a nuisance and a menace to shipping and an obstacle to projected harbor improvement.

The joint resolution which directed and empowered President McKinley to use the entire land and naval forces of the United States to compel the immediate relinquishment of Spanish authority and government in Cuba was passed on April 20, 1898. Before that date this year provision should be made for the honorable interment of the vessel whose destruction was one of the exciting causes of the war.

[From the Newark Star, March 14, 1908.]

TO REMOVE WRECK OF THE "MAINE."

Editor the Morning Star.

SIR: All survivors of both sides of the civil war feel greatly indebted to Congressman SULZER for his consistent and patriotic efforts in Congress to remove the wreck of the battle ship *Maine* and its dead from Habana Harbor. To them it recalls a war-time sentiment of respect for the dead, which in this case, extended to the wreck itself, and that was always recognized to the exclusion of all other feelings on the battlefield itself. This, together with the unparalleled national neglect which has given the "Old *Maine*" humiliating prominence before the world for more than ten years, moves every man who has served under the Stars and Stripes, ashore or afloat, to enthusiastic support of Congressman WILLIAM SULZER, who has just had the following resolution passed in the House:

"Resolved, That the Secretary of the Navy be, and he hereby is, requested, if not incompatible with the public interests, to send to the House of Representatives, as early as may be practicable, all letters and data as to the cost and legal status under which the Congress may exercise immediate or future action for the removal of the United States battle ship *Maine* and provide for the burial of the dead now lying with the hulk in the harbor of Habana, Cuba."

ALFRED KING (1862-1865).

NEW YORK, March 13, 1908.

[From the Albany Argus, March 14, 1908.]

THE WRECK OF THE "MAINE."

Speaking of the resolution offered by Representative WILLIAM SULZER, of this State, asking the Secretary of the Navy to give his opinion to the Congress on the right of the Government of the United States to raise the wreck of the battle ship *Maine* and clear the harbor of Habana of the obstruction, the Cincinnati Commercial Tribune, in an interesting editorial comment, says:

"It is altogether probable that Congressman SULZER, with his colleagues of the House, is fully advised of the rights of the United States in the premises. The raising of the wreck might revive the old question of its destruction by connivance or by direct instructions from the Spanish Government, or by an explosion which came from within the *Maine* and from causes over which the Spanish Government did not and could not control. That the wrecking of the *Maine* precipitated hostilities is not to be doubted, neither is it to be doubted that hostilities between the two countries were inevitable and would

have come about even if the *Maine* had steamed safely out of the harbor where she never should have been sent. That the explosion was due to connivance or to direct instructions of the Spanish Government is not believed to-day. If the explosion came from the outside, it was the work of Spanish scoundrels determined to bring on the war or the work of hot-headed Cubans who saw in the certainty of war their certainty of independence. But apart from all questions of that nature, the wreck of the *Maine* should be cleared from Habana Harbor and the causes of the explosion determined if they are possible of determination. It is not altogether creditable that the gallant ship should find burial in foreign waters, and history will not be satisfied without the knowledge of the cause of the explosion. The revival of the question of the cause might be acute for a time, but with all other questions of the war settled the acuteness would neither hurt nor become chronic."

Mr. SULZER's activity in this matter is very generally commended. It is nothing short of a national disgrace that to-day (more than ten long years after the destruction of the *Maine*) the hulk of that ill-fated battle ship should still be obstructing the harbor of a friendly city—or an unfriendly one, for that matter—and the bones of those who perished in her be left without decent interment.

Nor does it give a creditable—nor, in our opinion, an accurate—impression of American sentiment to have it said abroad that we as a nation are afraid to raise the *Maine* for fear it will be proved that the explosion was from within.

The American people are never afraid to do the right thing and to stand for truth, right, and justice. If it was an accidental explosion from the inside which destroyed the *Maine*, all the world is entitled to the knowledge of the fact, and it would set at rest many ugly rumors and hints made at the time of the explosion and since.

[From the Passaic Daily News, Saturday, February 15, 1908.]

"REMEMBER THE 'MAINE.'"

Ten years ago to-day the world was startled by the news that the second-class battle ship *Maine*, of the American Navy, had been blown up in Habana Harbor with the loss of 260 officers and men.

It does not seem like ten years. The event is as fresh in our minds as though it had happened but yesterday. It came upon us, at first, like a crushing blow. We thought only of the horror of it, of the death of so many brave men, of the widowed wives and childless mothers. Then the nation took second thought, when it was realized that the ship was blown up, and that there was a suspicion that it was blown up from the outside. Wrath took the place of sorrow, and the nation, down to its last man, was determined that the outrage should be avenged. "Remember the *Maine*!" was the cry that arose from Maine to Florida and from New York to California. It was with this cry upon their lips that men sprang to arms, and alike it was the inspiration of the military and naval operations of the ensuing war—in Manila Bay, at Santiago, as well as in the great camps in the South. It will be years ere the memory of the departure of the Passaic company of the old Second Regiment is effaced. Thousands watched the men depart, and "Remember the *Maine*!" was the thought in each cheering onlooker's mind.

Many events have taken place since February 15, 1898. By a series of successes upon land and sea America sprang into the first rank as a sea power, and governments over seas realized, as they had not before, that America must be taken into the world's reckonings. From that time on America has forged steadily ahead, and to-day its Navy ranks second in the world in effectiveness and the Republic's possessions beyond the seas are imperial in their dimensions.

But what of the *Maine*? A fine new vessel—not so new, after all, as is the lot of battle ships—has taken the place of the ill-fated sister ship of the *Texas*. But the *Maine*—the original *Maine*, a battered hulk, still lies, half submerged, in Habana Harbor. Why has the wreck not been raised? Is there a fear that we might be obliged to confess to the world, after all, that the ship was not blown up from without? That Spain was innocent of this heinous crime?

"Remember the *Maine*?" Rather, raise the *Maine*! It was one thing for an inflamed nation to jump to an apparently obvious conclusion in the face of a crisis. But history demands that the wreck of the *Maine* be raised, that historical justice may be done.

[From the Washington Post, February 16, 1908.]

ANNIVERSARY OF THE "MAINE"—HABANA DISASTER RECALLED BY RESOLUTION AND HOUSE CHAPLAIN'S PRAYER.

With the view to the raising of the ill-fated battle ship *Maine* and "the proper burial for its dead, now lying with the hulk of that vessel in the harbor of Habana, Cuba," Representative SULZER of New York yesterday introduced in the House a resolution calling upon the Secretary of the Navy for papers and correspondence bearing on the international status of the question and the rights of the Government of the United States in the matter.

Chaplain Conden, in his invocation, recalled the destruction of the *Maine*, and prayed that war may never visit this country again. After referring to the abiding patriotism of the American people, he said:

"We are reminded of the brave men who, ten years ago to-day, went down to death in the ill-fated *Maine*. Grant, O God, that their sacrifice may be an inspiration to the living. Make us to know that our country is not only worth living for, but if need be it is worth dying for; that vigilance is not only the price of liberty, but it is the price of everything worth while. Help us, therefore, to be patriots in times of peace as in times of war; but we most fervently pray, O God, that war shall never come to us again, but that we may live in harmony with each other and in peace with all the world."

[From the New York World, March 26, 1908.]

THE PROJECT TO RAISE THE "MAINE."

Secretary Metcalf, in accordance with the Sulzer resolution, has furnished the House of Representatives with a statement of the work done in recovering the bodies of officers and men lost with the battle ship *Maine* and in saving equipment and machinery, together with a report on the present status of the project.

The total number of bodies recovered was 138, leaving 63 unaccounted for. A balance of \$145,000 remains of the \$200,000 appropriated by Congress for the purpose in February, 1898, and \$3,000 from the additional appropriation of \$10,000 for the removal of the bodies to Arlington Cemetery. Some pieces of armament were saved and the loose wreckage dumped at sea.



What is left is a worthless hulk. But sentiment attaches to it as the tomb of American sailors, and considerations of patriotism urge the raising and removal of the wreck, if only to settle finally the causes of the *Maine's* destruction. If a convention with Cuba is necessary, it can readily be arranged.

AN APPEAL FOR THE "MAINE"—STATE COUNCIL OF THE JR. O. U. A. M. SENDS RESOLUTIONS TO PRESIDENT ROOSEVELT.

To the Editor of the News.

SIR: Survivors of both sides of the civil war and every patriotic American will be glad to learn that the State council of New Jersey, Jr. O. U. A. M., representing over 47,000 members in the State of New Jersey alone, will include in the published report of its recent session at Trenton the following preamble and resolutions as an appeal from all councils to President Roosevelt in behalf of the wreck of the battle ship *Maine*:

"Whereas the wreck of the U. S. battle ship *Maine* now lying in the harbor of Habana, Cuba, together with scores (seventy-four) of her dead entombed in the hulk are and have been the object of national neglect and indifference, unparalleled in the annals of our Army and Navy: Therefore, be it

"Resolved, That the State council of New Jersey, Jr. O. U. A. M., hereby respectfully requests the President to include in his recommendations to our next National Congress such measures as may be deemed most practical and effective for the early removal of the battle ship *Maine* from the Habana Harbor and for the proper sepulture of her dead under the flag of our country, for which they died; and be it further

"Resolved, That the recording secretary of this council be, and is hereby, ordered to send a copy of these resolutions, under the seal of the council, to the President at Washington."

These resolutions are signed by Frank R. Sharp, State councilor.

Yours, truly,

VETERAN, 1862-1865.

TRENTON, November 4, 1907.

[From the New York Sun, April 8, 1908.]

#### THE WRECK OF THE "MAINE."

If we do not err about the temper of the House of Representatives, an appropriation will soon be made to raise the unsightly and melancholy wreck of the battle ship *Maine* in the harbor of Habana after almost ten years of neglect and vacillation. Mr. SULZER's amended resolution calling upon the Secretary of the Navy to send to the House "all letters and data as to the cost and legal status under which the Congress may exercise immediate or future action for the removal of the wreck," and provide burial for the unrecovered dead, was adopted on March 10, and on March 25 Mr. Metcalf complied. His report was referred to the Committee on Naval Affairs the following day.

There was at first no disposition to disregard an obvious duty. Eight days after the blowing up of the *Maine*, which occurred on the evening of February 15, 1898, Congress appropriated \$200,000 to recover the remains of the dead, raise the ship, and save any parts of the machinery and equipment that might be used again. On March 30 the sum of \$10,000 was appropriated "for the removal of remains of officers and men who perished by the destruction of the U. S. S. *Maine*." A wrecking and a towing company contracted to do the work. It was abandoned on April 2, 1898, after a report had been made by a naval board recommending that because the contractors were "disinclined to work during the rainy season" and it would take from six to eight months to raise the shattered hull, it was advisable to suspend operations. Meanwhile the court of inquiry had taken evidence and reported, on March 21, that the *Maine* had been wrecked by the explosion of a mine "under the bottom of the ship at about frame 18 and somewhat on the shore side of the ship." On April 20 President McKinley signed the joint resolution of Congress declaring war upon Spain.

Of the original appropriation of \$200,000, the sum of \$54,043.94 was expended in stripping the wreck above water and recovering four 6-inch guns, the paymaster's safe, two 6-pounder guns, two searchlights, a steam cutter, the breech mechanism of the after 10-inch guns, and 100 shells. The naval board estimated the value of material which could be recovered if the ship were raised "in good order" at \$670,600. It was the judgment of the board that "the machinery would not suffer from being submerged several months." It went on record, March 28, 1898, with the opinion that it had "no doubt of the ability of a good company to do such work." Of the appropriation of \$10,000 for the transfer of dead to the United States and their burial at Arlington, \$6,968.72 was expended. One hundred and eighty-eight bodies were recovered and buried, and sixty-three were "not found."

Among the documents in the case sent by Secretary Metcalf to the House is a statement of the date of May 16, 1902, by Charles E. Magoon, who is now the provisional governor of Cuba and at that time was acting chief in the division of Insular Affairs, War Department. Mr. Magoon wrote, in response to an inquiry:

"The military government of Cuba will take no further steps in regard to the *Maine*, and after the withdrawal of our military forces from Cuba, unless Congress should otherwise provide, any attempt made by this Government to raise the *Maine* will come within the jurisdiction of the Navy Department."

The Navy Department has steadily maintained (to quote Mr. Metcalf) "that no Executive Department of the Government has authority to dispose of or to abandon the wreck, but that such power rests solely, so far as this Government is concerned, in the Congress." In one instance, when the Hon. William H. Moody was Secretary of the Navy, the Department (December 3, 1902) disapproved emphatically of Senate bill 5806 "for raising the wreck of the battle ship *Maine*."

"The Department does not regard with favor the raising of the *Maine* for the purpose of photographing her, with the view of entering upon another investigation as to the cause of her destruction. No reason is perceived why the former investigation is not sufficient. The material of the vessel would not be of value to the Navy Department. The sentimental consideration attached to the raising of the *Maine* appeals to all, but the Department does not recommend the passage of the bill."

Earlier in 1902 Representative ROBERTS, of Massachusetts, had introduced a bill "for raising the wreck of the battle ship *Maine*," and Acting Secretary Darling, on behalf of the Department, wrote to Chairman Foss of the House Naval Committee that "no objection is perceived to the passage of the measure." Six months later, when Chairman HALE of the Senate Naval Committee consulted Mr. Moody about a Senate bill, the Secretary overruled his assistant.

In view of the fact that Cuba is now ruled by a provisional governor, with Army officers governing the provinces and an advisory law

commission presided over by Col. E. H. Crowder, United States Army, making the laws, the meetings of congress having been suspended by decree of Secretary Taft—in view of these conditions an opinion given by Secretary of State Hay to the Secretary of the Navy on October 8, 1904, is interesting:

"It might be advisable, in order to obtain a valid and effective disposition of the *Maine* wreck, that the matter be settled by a convention with Cuba, which could be submitted to the Senate of the United States for its concurrence."

Mr. Paul Morton, then Secretary of the Navy, concurred. Cuba is no longer in a position to enter into a subvention on the subject. Her right to do so has been suspended. It is renewable at the pleasure of the United States, and the time of the renewal has not been definitely determined. There can be no doubt that the Cuban people would like to have the wreck of the *Maine* removed, for the reason, if for no other, that it is an obstruction to navigation. To the American people it is an eyesore when they see it and a heartache when they think about it. Their Government now has the power, if it has the will, to remove the wreck of the *Maine* without having to ask the permission of Cuba, which would not be withheld if Cuba were articulate politically.

There is no longer any excuse for not raising the *Maine*. The American people desire that it be done. Let Congress make the appropriation and direct the President to execute the will of the people.

#### THE RAISING OF THE "MAINE."

We congratulate Mr. John T. Collins, the newly elected commander of the Department of the State of New Jersey of United Spanish War Veterans, that it is highly probable during his term of office, through the New Jersey and associate departments of Spanish War Veterans, the long-neglected wreck of the U. S. battle ship *Maine*, with the remains of nearly fourscore of her crew, are to be removed from the ooze and sewage of Habana Harbor and, if nothing more, given a sailor's burial in the clean water of the Gulf, suitably marked as the grave of the *Maine*. To this end the following resolution was adopted unanimously at the State encampment on the 9th instant:

ELIZABETH, N. J., August 9, 1907.

To His Excellency the President of the United States:

Whereas the wreck of the U. S. battle ship *Maine*, now lying neglected, with the remains of those who went down with her, in the harbor of Habana, Cuba; and

Whereas the neglect of this famous wreck and her honored dead is heartless and a reflection upon our national honor and the spirit of patriotism of this country: Therefore be it

Resolved, That the Department Encampment of New Jersey of the United Spanish War Veterans in session at Asbury Park, N. J., August 9, 1907, would respectfully make an appeal, through you our comrade, to the next session of the United States Congress to take action toward the raising of the *Maine*, and that the remains of her dead sailors be buried with military honors.

JOHN T. HILTON,  
CLAUDE V. GUERIN,  
WM. D. NEWMAN,  
Committee.

TWIN OAKS, NEWPORT, R. I.,  
May 5, 1908.

DEAR SIR: Admiral Luce has sent me your letter to him in re raising the *Maine*. He suggests that as a member of the board of inquiry upon the cause of her loss, that I give you my views in the matter.

I have always held that the ship should be raised and the work be done in a way to allow a thorough examination of her condition as she lies. This would, of course, require the building of a cofferdam which could be pumped out. It should have been done at once after the war. While absolutely sure that the conditions will be found such as described in our report, the question of result should have no bearing in the matter. The board did its duty according to its lights, and I am sure that I can answer for the other surviving members as well as for myself, in saying that we should welcome any new light which exposing the wreck might bring.

Our failure to raise the wreck has undoubtedly given an impression to many of a want of openness and straightforwardness on the part of the Government. It is our duty to remove this. We can afford to say we were mistaken; we can not afford the imputation of fearing the truth.

I am, very truly, yours,

F. E. CHADWICK,  
Rear-Admiral, Retired.

ARLINGTON, N. J., May 9, 1908.

HON. WILLIAM SULZER, M. C.,  
Washington, D. C.

MY DEAR SIR: I have mentioned the fact that you have decided to speak for the "*Maine* and her men" in the House to several of my friends who have expressed an interest along the lines of our effort in behalf of the famous wreck and its dead. This information is gratefully accepted by all, many of whom think it most commendable as means to record just what was done from a purely patriotic impulse and sense of honor due the nation and its dead.

If you have not already gotten all the data as to the facts of the *Maine* when she rode at anchor in Habana Harbor, allow me to say that the ship, as she stood before the explosion, represented an outlay of \$5,000,000, according to Captain Sigbee, her commander. Her machinery cost \$735,000. The hull represents tons of mild steel. The turrets were steel, 8 inches thick, of which there were two, equipped with 10-inch guns. She was protected for a length of 180 feet amidships with harveylized steel armor 12 inches thick, worth \$500 a ton. Her entire equipment was all that is represented by a first-class battle ship of her class at the time. We shall look with interest for all that you may say of the *Maine*.

Yours,

ALFRED KING.

HEADQUARTERS OF THE DEPARTMENT OF NEW JERSEY,  
UNITED SPANISH WAR VETERANS,  
Rutherford, N. J., December 26, 1907.

Mr. ALFRED KING, Arlington, N. J.

MY DEAR SIR: I have just learned of your correspondence with Q. M. Gen. Charles Burrows, Grand Army of the Republic, in regard to bringing the question of floating the old battle ship *Maine*, now lying in the harbor of Habana, to the attention of Congress during its present session. The greatest indifference and neglect seems to be the rule in connection with this famous wreck, and it is certainly com-

commendable on the part of the survivors of the Union armies to ask for national legislation in behalf of the *Maine*. In this connection I desire to say in our own behalf that the Spanish War Veterans are deeply interested, and peculiarly so, in the fate or removal of the wreck of the U. S. battle ship *Maine* from Cuban waters, and also that we are in hearty accord with this movement or any other that your efforts may adopt to give the hulk, with its honored dead, an appropriate and final resting place under the flag of our country.

Fraternally, yours,

JOHN T. COLLINS,  
Department Commander.

ARLINGTON, N. J., April 10, 1908.

HON. WILLIAM SULZER, M. C.,  
Washington, D. C.

MY DEAR SIR: Through the public press and private correspondence of those who are taking a personal interest in raising the old battle ship *Maine*, I learn of your past and continued efforts in Washington in behalf of the survivors of the civil and Spanish wars, who are taking a deep interest in floating this famous wreck and giving proper burial to its dead. I desire to say in this connection, as an ex-soldier of the Spanish war, that your efforts to float the remains of this battle ship have the support and best wishes of all who are glad to be recognized as comrades and ex-soldiers of the war with Spain for the freedom of Cuba.

Sincerely, yours,

FRANK KOCH.

CHICAGO, ILL., May 5, 1908.

HON. WILLIAM SULZER.

SIR: It was a source of pleasure to me to read of your bill in Congress to have raised the battle ship *Maine*, now lying in Habana Bay. This has been my hope and desire since the destruction of the battle ship on February 15, 1898, and I am sure in that bill you voiced the sentiments of the whole American people. My son, Edward F. Kean, was on duty as a marine guard that night, as I understand, in the lower cabins, and is still among the missing, as also another Chicago boy named Shillington. I trust you will keep the matter of the raising of the battle ship before this honorable session so the work will not be delayed more than is necessary, and, thanking you for your kindly and true American spirit, I remain,

Respectfully,

Mrs. MARGARET KEAN,  
Per M. K.  
1006 North Talman Avenue, Chicago, Ill.

ARLINGTON, N. J., March 31, 1908.

HON. WILLIAM SULZER, M. C.,  
Washington, D. C.

MY DEAR CONGRESSMAN: Allow me to most sincerely thank you for your generous package of "Document No. 812" containing the "Sulzer resolution" on the proposition to raise the U. S. S. *Maine* and provide burial for her dead. The Secretary's reply interests me very much, and will afford great satisfaction to those who hoped for it, but who have long since experienced feelings of "hope deferred," and so forth, in regard to the *Maine*, and failed most conspicuously to express encouragement in my efforts at this end of the line. Looking over the details of the Secretary's reply, in a general way, it looks to me as if the Sulzer resolution was the first offered under this name in behalf of the *Maine*. Now we shall all wait with interest for the sequel, which, of course, will follow in speaking to the Secretary's reply and giving your reasons for an appropriation and authorization to float the ship and burial of her dead. Should you refer to personal or special effort in this matter, it will not be too much to say that the movement was led by veterans of the civil war.

Yours,

ALFRED KING.

Mr. TAWNEY. Mr. Speaker, I desire to ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman has twenty-nine minutes remaining.

Mr. TAWNEY. How much has the gentleman from Illinois? The SPEAKER pro tempore. The gentleman has 39 minutes.

Mr. TAWNEY. I ask the gentleman from Illinois to use part of his time now.

Mr. FOSS. I yield 15 minutes to the gentleman from Tennessee.

Mr. PADGETT. Mr. Speaker, I shall not use a great deal of time. The gentleman from New York [Mr. SULZER], who has just taken his seat, criticised the conference committee because we declined, or neglected, or refused, whichever phase of the matter might be considered, to initiate legislation upon which both the House and the Senate had wholly and absolutely refused to take any action whatever. Other gentlemen have criticised the committee because the committee, it is said, had legislated upon some matters on which the Senate had legislated. Some criticism has been offered to the conference report with reference to Senate amendment 67, because the conferees agreed to the Senate amendment with an amendment. I wish to say that in my opinion—

Mr. TAWNEY. If the gentleman from Tennessee will pardon me, the agreement on the part of the conferees was to insert the word "colonel," and then they add at the end of the amendment an entirely new paragraph, which had no relation whatever to the amendment of the Senate.

Mr. PADGETT. It relates to it.

Mr. TAWNEY. It had no relation to anything in difference between the two Houses?

Mr. PADGETT. Oh, yes; I beg to differ with the gentleman. When the bill left the House it contained no provision whatever with reference to an increase of the Marine Corps, either officers

or men. The Senate added amendment No. 67, providing for an increase in the Marine Corps of 750 officers and men altogether.

Mr. TAWNEY. If the gentleman will permit me, that is a legislative provision.

Mr. PADGETT. That is a legislative provision.

Mr. TAWNEY. And the new matter is an appropriation to meet the increase; and that appropriation is made by the conferees, and not by either House?

Mr. PADGETT. Certainly; and I do not dodge that issue. The naval appropriation bill is fundamentally and substantially—and, I might say, exclusively—an appropriation bill, because under the rules we can only legislate in the House by unanimous consent, as a point of order will eliminate from the naval appropriation bill any legislative provision. In the Senate a different rule prevails; and when the bill comes back from the Senate with a legislative provision upon it it is not subject under the rules to a point of order, because the Senate is competent to place upon the bill any amendment which addresses itself to its discretion and its judgment.

Now, this bill came back to the House with an amendment which is a legislative provision. The bill was sent to the conferees for the purpose of considering the action of the Senate. That provision was for an increase of the Marine Corps. We had the right to complete and perfect that legislation. We had the right to deal with it in such manner as to make it a completed whole and bring it back to this House as a completed and substantial proposition.

Now, then, it is puerile—I speak it respectfully—in my humble judgment, to provide in an appropriation bill, in one body, for an increase of 750 men, and yet to refuse, in perfecting that amendment, to include the appropriation to pay those identical men.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FITZGERALD. Is it not a fact that the Senate not only provided for an increased number of men, but by amendment it also provided for their compensation? What did the conferees do? Why, they provided for additional compensation. That was not in dispute between the two Houses.

Mr. PADGETT. No, sir; we did not.

Mr. FITZGERALD. I will read the bill in a little while and show that that is what happened.

Mr. PADGETT. I will read it right now.

The Senate provided for an increase in the number of officers and men in the Marine Corps, and in order to perfect that amendment we agreed to accept the Senate amendment with an amendment, which is common in the procedure of the House and in conference committees. That amendment which the conferees propose to the Senate amendment, and which is reported now before the House, is in these words:

To meet the increase in pay of the Marine Corps provided in the act making appropriation for the support of the Army for the fiscal year ending June 30, 1909, and in section 1612 of the Revised Statutes of the United States, for officers on the active list, officers on the retired list, enlisted men on the active list, and enlisted men on the retired list, \$802,750.55 is hereby appropriated: *Provided*, That so much of the foregoing appropriation as is needed to pay the increase for the remainder of the fiscal year ending June 30, 1908, shall be immediately available.

Mr. TAWNEY. Does the gentleman claim that it was within the jurisdiction of the conferees to enact that separate paragraph?

Mr. PADGETT. I say it was.

Mr. TAWNEY. Then, what is the necessity of either House considering appropriations, either as to their necessity or the amount which should be appropriated, if the conferees can usurp or take jurisdiction of that subject?

Mr. PADGETT. I state that the conferees have neither usurped nor wrongfully taken jurisdiction. We were dealing with a Senate amendment, and this is a germane amendment to that amendment.

Mr. TAWNEY. This is a separate paragraph.

Mr. PADGETT. If we are to authorize the enlistment of 750 men, it is not only germane, but it is sensible to provide for their payment. And the conferees acted fairly on the proposition.

Mr. TAWNEY. It is entirely sensible to provide for their compensation, but that provision should be enacted in accordance with law and in accordance with the rules of the House of Representatives.

Mr. PADGETT. I say it is being proceeded with in conformity with law and in conformity with the rules of the House of Representatives, because it is always proper, it is always pertinent, and it is always in order for the conferees to accept an amendment of the other House with an amendment germane to the original proposition.



Mr. GAINES of Tennessee. Can you put in an entirely new proposition?

Mr. PADGETT. We did not.

Mr. GAINES of Tennessee. Is it within the power of the conferees to put in an entirely new proposition?

Mr. PADGETT. It is not.

Mr. GAINES of Tennessee. Then where is the limit? I have listened with a great deal of interest to the remarks of my colleague. Will he tell me where the limitation on the conferees comes in?

Mr. PADGETT. One body or the other must have dealt with the proposition, and then we can amend or perfect that proposition by germane amendment.

Mr. GAINES of Tennessee. The two Houses and the conferees might agree on this increase of the enlisted men, but neither House agree on the question of pay for them, might they not?

Mr. PADGETT. They could do it if they wanted to.

Mr. GAINES of Tennessee. You did put in the pay?

Mr. PADGETT. Yes.

Mr. GAINES of Tennessee. And that was not considered by either House?

Mr. PADGETT. It is being considered now.

Mr. GAINES of Tennessee. It was not considered by either House.

Mr. PADGETT. No; but this is an appropriation bill, and must be considered to deal with and perfect the measure.

Mr. GAINES of Tennessee. I will say to my colleague that I myself think, with the greatest deference to the gentleman and the committee, that the practice is mighty dangerous for the conferees to step out and put something in a conference report that neither House has passed on.

Mr. HOUSTON. I would like to ask the gentleman a question.

Mr. PADGETT. Yes.

Mr. HOUSTON. I should like to ask if the increase you fixed is in accordance with the rate fixed by the Senate in its amendment.

Mr. PADGETT. It is, absolutely. Now, answering the gentleman from Tennessee [Mr. GAINES], the last proposition he made, that the conferees can put in nothing that either House has not put in and that they must be confined to the very words of one House or the other, would result in this, that the conferees would have no power whatever. They could not amend, they could not change, they could not alter, because if the conferees can not alter the verbiage, if we can not perfect the measures that one body or the other may suggest, there can be no compromise and there can be no common ground of agreement. The conferees must possess the power to change verbiage. They must possess the power to add to or take from the amendment of the other in order to perfect it or to eliminate differences.

Mr. GAINES of Tennessee. Suppose both Houses had agreed to increase the enlistment, but both Houses said "We will do that without making any appropriation for their payment now." Would the conferees have the right to insert it?

Mr. PADGETT. They would not, because it would not have been in conference. There would have been no disagreement between the two Houses. There must be a disagreement between the two Houses. One House or the other must have acted and the other not have acted, or one House must have acted in one way and the other House in a different way, so that there is a difference between the two Houses.

Mr. HUGHES of New Jersey. As I understand the gentleman's proposition, he claims that the conferees practically have the power to make an appropriation.

Mr. PADGETT. I do not.

Mr. HUGHES of New Jersey. Well, I will take the proposition of the gentleman from Tennessee. If one House had authorized an increase and the other House had not authorized an increase—

Mr. PADGETT. And had agreed to it.

Mr. HUGHES of New Jersey. No; but the matter came in conference and one House authorizes the increase and the other House has not authorized the increase, the gentleman from Tennessee holds that the conferees have a right to bring the two Houses together and make an appropriation.

Mr. PADGETT. Yes.

Mr. HUGHES of New Jersey. And thereby the gentleman claims that the conferees have a right to appropriate.

Mr. PADGETT. They have a right to add a germane amendment to it. To illustrate, take the concrete proposition here. The House bill contains no provision for the increase of the Marine Corps. The Senate put on a proposition for the increase by 750 men in the aggregate, officers and men. But that agree-

ment was incomplete, to speak respectfully, and we wanted to perfect that amendment. We had a right to perfect it, and in the perfection of it we had a right to add to it any germane amendment. We agreed to the Senate amendment, with an amendment germane that perfected it, and made it a complete proposition.

Mr. TAWNEY. I now yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, if the gentleman from Tennessee had examined a little more carefully the provisions of the bill, I doubt whether he would have made some of the statements that he has made. The Senate did incorporate in the naval appropriation bill amendment 67, which provides for a certain increase in the Marine Corps. The Senate also incorporated in the bill amendments 64 and 66, and those amendments provided that so much of the foregoing amounts which were for the pay of the Marine Corps should be available to pay the additional men authorized in Senate amendment 67. So that the Senate by its amendment—

Mr. PADGETT. Will the gentleman submit to an interruption?

Mr. FITZGERALD. Yes.

Mr. PADGETT. The gentleman said it provided for the appointment of additional men. It says to pay the additional officers, but does not include the men.

Mr. FITZGERALD. Let me read it. Amendment 66—

Mr. PADGETT. Sixty-four.

Mr. FITZGERALD. I said amendments 64 and 66.

So much of the foregoing appropriation as is needed to pay the additional enlisted men of the Marine Corps shall be immediately available.

I repeat that if the gentleman from Tennessee had been familiar with the Senate amendment, he would not have made some of the statements he has made. Now, the two Houses agreed to the Senate amendments 64 and 66, so that there was no controversy between the two Houses as to the pay of the men authorized in Senate amendment 67. While this bill was pending in conference the conferees waited to ascertain what the House would do in regard to the conference report on the Army bill. In the Army bill provision was made for an increase of compensation in the Marine Corps; and that having been agreed to, then the conferees on the naval appropriation bill, there being no difference whatever between the two Houses upon the question of compensation, through the pretense of an amendment, provided for an additional officer by inserting the word "colonel" after "one major-general commandant" and before "the lieutenant-colonel," and then, as the amendment shows, provided to agree to that amendment with an amendment. The amendment adds to the paragraph authorizing the appropriation to carry out the provisions of the Army act, which is not yet a law, by the way, but to carry out certain provisions in the Army appropriation bill upon which there was no difference of opinion between the two Houses, an appropriation that had never been considered in either House.

What has been the practice of this House in the past thirty years? There have been times when conferees in meeting would find such a situation as this. They had no jurisdiction; they had no power; they had no authority to insert matters entirely foreign to matters in difference between the two Houses. The practice has been for the conferees to return to the House, explain the situation, and then be authorized by concurrent resolution to make provision in the bill for some matter over which at that time the conferees had no jurisdiction.

This side of the House is more interested in the enforcement of the rule that the conferees shall not exceed their jurisdiction than is the majority. The minority is always in the minority on a conference committee.

Unless these conferees are compelled to adhere strictly to matters within their jurisdiction, not only is the House powerless to protect itself against the conferees doing what they please, but this side of the House particularly is helpless against legislation which it should have an opportunity to consider and to discuss. I repeat, Mr. Speaker, that anybody who will examine these separate amendments will see that there has been incorporated here an appropriation for a matter which neither House has considered and which both Houses should for their own protection have an opportunity to consider before it is incorporated in this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSS. I yield three minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, replying to the gentleman from New York [Mr. FITZGERALD], who has just taken his seat, and who refers to amendments 64 and 66 in the bill, a reference to

those amendments will show that it has reference to pay of the additional men authorized in amendment 67, according to the old schedule, but the Senate had put on amendment No. 2, which the gentleman entirely ignores. Amendment No. 2 provides for the increase of the pay of these men.

Mr. FITZGERALD. But the gentleman does not mean to say—

Mr. PADGETT. Oh, I have only three minutes and I can not yield. Nos. 64 and 66 provided for the pay of these men authorized by No. 67, according to the old schedule, but when the conferees agreed to Senate amendment No. 2, which changed the pay and made an increase of pay, then it became necessary for the conferees to modify Senate amendment No. 67 to conform to Senate amendment No. 2, which had been agreed to by the conferees.

Mr. FITZGERALD. The gentleman knows this amendment 67 particularly provides money to carry out the provisions of the Army appropriation bill, not of amendment No. 2 in this bill, but of the Army appropriation bill.

Mr. PADGETT. But the Marine Corps, which is increased 750 men, occupy a dual relation. Their appropriation is always carried in the naval appropriation bill while they are under the jurisdiction and control of the Army department.

Mr. FITZGERALD. But Senate amendment No. 2 does not in any way affect the compensation of men in the Marine Corps. That is what you appropriated for in the amendment to Senate amendment 67.

Mr. PADGETT. The Senate amendment 67, the modification of it, was made necessary because of the passage of an agreement to Senate amendment No. 2, and in order to perfect the whole scheme and arrangement of reclassifying the pay of the officers and the men in the Navy and Marine Corps.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. TAWNEY. I yield three minutes to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, I am opposed to this report, and believe that it should be sent back to the conference and to the Senate, not because the gentlemen of the Military Affairs Committee are attacking it, for in my judgment they set a bad example along the same lines and in the same direction. The House passed a fairly liberal bill for Army appropriations, and they came in with a report carrying about ten millions increases from their conference with the Senate conferees. The confirmation of this report should be denied because it is unreasonably extravagant. It contains an increase of expenditures which is entirely unnecessary. As nearly as I can figure it out, we are running behind about \$108,000,000 during the present fiscal year, and with that deficit staring the country in the face these gentlemen increase their appropriations by leaps and bounds—about \$17,000,000 in the Army appropriation bill—and now this committee comes in here with a report and asks for its confirmation, containing an increase of seventeen and a quarter millions of dollars, put in by the Senate and consented to by the House conferees. Nearly two millions of this increased appropriation are for officers in the Navy—\$500 to each man, practically, all along the line—and then 10 per cent additional when they are on their ships at sea and doing exactly what they are hired to do, exactly what they were sent to the Naval Academy to learn how to do, exactly what they were educated to do, and exactly what they profess to do, and what they are expected to do if they do anything to earn their money. There are altogether too many of them here in Washington and in other large cities, enjoying social life instead of being with the fleets and on the seas where their profession calls them.

Again, this report proposes to raise the salaries of the midshipmen just as soon as they leave the Naval Academy from \$950 to \$1,400 a year in one jump. What necessity is there for this? Why not let them serve for the compensations heretofore paid them, and if they are to be advanced, why not do it gradually, in the manner we advance officials and employees in the civil service of the Government?

Mr. OLCOTT. Will the gentleman yield for a moment?

Mr. DRISCOLL. I have only a few minutes.

Mr. OLCOTT. I only wanted to know whether the gentleman had any idea of what uniforms cost.

Mr. DRISCOLL. Mr. Speaker, the cost of a uniform can not have advanced \$450, and no new law has been enacted requiring different uniforms from those heretofore worn. But this is a Republic, and not a kingdom or an empire. Cheaper uniforms would last as long and serve the purpose quite as well; but perhaps more gold lace and gilt buttons would appeal to the belles of social life more effectively. I believe in the simplicity of the Republic all along the line, and not in the show, style, and grandeur which seem to be taking possession of our people.

We should continue to esteem simplicity above splendor, peace above war, and honor above glory; and should endeavor to keep before the minds of the people, and before the minds of our military and naval officers, the ideals, traditions, sentiments, and principles on which the great Republic was founded.

These cadets and midshipmen are taken from farms, stores, and other ordinary vocations, and from schools, and sent to the Military and Naval academies. I make all my appointments in pursuance of competitive examinations. Any boy, whoever he may be and whatever his antecedents, who wins out in a fair competitive examination receives my recommendation. You make your recommendations arbitrarily, as a matter of favor or in any way you please. But I can say, to the credit and honor of the boys in my district, that all they ask is a fair chance in the examination, and those who fail never grumble or pout.

A boy taken from the farm and put through the Naval Academy, at a cost to the Government of perhaps \$30,000, gets a thorough education and accomplishments for social life. If he has aptitude and fitness for that profession, his appointment means more to him than anything that can come to you or me at our time of life. Some of them leave the service after they have received their education and can earn larger salaries in civil life. That should not be done or permitted if possible to prevent it. I make all the boys who enter my examinations promise that, if successful, they will enter the academy and never voluntarily leave the service. That pledge may not mean much, but they can not enter the examinations until they make it.

A young man of good, fair, average ability, who works hard and behaves himself, can keep up his studies and graduate with his class; and with the same ability and attention to his duties he will receive his promotions in regular order. Some of them may, in later years, regret that they chose that profession. They may think they might have made more money in some other profession or in business. That is true. They might have done better and they might have done much worse. Some professional men earn larger incomes. But the average lawyer, physician, minister, journalist, and teacher makes much less. Most business men fail some time during their careers, and the most successful of them have years of worry before they reach easy circumstances. Our military and naval officers have no occasion to worry about the future. They are assured of life work and of a livelihood. If they are injured or their health fails, they are retired on a comfortable pension. And when they become a little enfeebled by age and service they are also retired with three-quarters pay during life. When they die their widows are fairly well taken care of. Their Uncle Samuel is a kind and considerate master. In what other profession or business is a man so fully assured of agreeable work and a comfortable living while on earth?

I make these suggestions not in a spirit of censure or criticism. I take off my hat to the brave, patriotic, and efficient officer or enlisted man, on land or sea. But I do not admit that theirs is a life of self-abnegation and sacrifice for the good of the nation; and when they are demanding more pay the plain people throughout the country, who are slaving and economizing to make ends meet and pay their taxes, should be considered.

Of the \$3,700,000 put on this bill by the Senate for increase of pay in the Navy, about \$2,000,000 thereof go to the officers and about \$1,700,000 to the men. I respectfully submit that the men do not get their share. In the Army bill a few days ago the salaries of Army officers were raised \$500 all along the line, and in this bill the salaries of naval officers are raised to equalize those in the Army; and when they are on sea they get 10 per cent additional. Next year the Army officers will demand 10 per cent additional when they are on land. They all want bonuses for doing what they are hired to do.

This bill was large when it left the House, and has been made larger in the Senate by \$17,357,346.60, and is now upward of \$123,000,000. When and where will this wild reign of extravagance stop? It ought to be checked right here. This report ought to be rejected by such an emphatic vote that the conferees will understand that the House will not submit to many of these unnecessary and wasteful expenditures.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DRISCOLL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record exactly upon this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.



The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. SULZER]? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Speaker, what is the condition as to time?

The SPEAKER pro tempore. Each side has twenty-one minutes remaining.

Mr. FOSS. Well, I yield six minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, I have been interested in the remarks just made by the gentleman from New York [Mr. DRISCOLL]. I think no one will doubt that he believes in simplicity, but simplicity in the military service means regulation, and when we provide by regulation that officers shall provide themselves with uniforms and other necessary things for their service they have to pay for them, and everyone knows they have to pay more for them now than they did ten years ago, while their pay is exactly what it was ten years ago. Therefore that is a reason why their pay should be increased. I have not had the time to go over all the details of this conference report, but there is one thing in it which specially appeals to me, and that is the provision which provides for the increase of pay of officers serving on board ship, on seagoing ships, and those serving in sections outside continental limits. The Army provides that officers serving beyond the limits of the United States shall receive 10 per cent increase in their pay. There is no such provision in the Navy pay table to-day. There ought to be, for there is exactly the same reason why the naval officer serving in Manila or Porto Rico should receive additional pay that there is for an Army officer. But in addition to that the officer who serves at sea should receive an increase in his pay, because when he is on shore he receives commutation for quarters or quarters. He receives his light and his heat, but when he goes to sea his family has to leave the quarters which he has occupied and move to private quarters for which he has to pay.

Therefore that additional burden comes on him at once, and in addition to that he has to pay his mess bill which largely increases his ordinary expenses of living. Further than that, most of the Members in this House, in my judgment, do not appreciate the burden which is placed on officers at sea and serving in foreign countries for entertaining purposes. I have had a little experience in that way, and the necessary expenses which the officers are put to for entertaining purposes are so considerable that they become a real burden unless the officer has means outside of his pay. For that reason I sincerely hope that that provision which provides for 10 per cent increase in the pay for officers serving at sea and outside the United States will certainly be adopted. I want to call the attention of the House to the fact that probably 90 per cent of the officers of the Army are receiving either commutation for quarters or are serving beyond the limits of the United States where they receive this extra pay, while 60 per cent at least of the officers of the Navy are serving on seagoing ships where they do not receive any additional pay, certainly no pay commensurate with the increased expense to which they are put on account of the manner in which they are obliged to live. Therefore, Mr. Speaker, I hope there will be no failure in adopting this provision of the conference report. [Applause.]

Mr. TAWNEY. Mr. Speaker, if the House defeats the motion to agree to suspend the rules and adopt the conference report, it will not interfere in the least with a final agreement on any meritorious proposition now involved in the report. If the conference report is disagreed to, the next step would simply be for the House to vote to further insist upon its disagreement to the Senate amendments. The bill with the amendments would go back to conference and perhaps, when it comes to the House again, the House will have an opportunity to consider, independent of the meritorious propositions that are bottled up in the report, these propositions which the House as yet has had no opportunity to consider.

I am referring now to the legislative provisions embodied in the Senate amendments. I insist in all seriousness, gentlemen, that when we are enacting legislation that will impose upon the people a new tax burden, not for next year alone, but for all time to come, it should have the most serious consideration of both branches of Congress before it becomes a law. I criticised the conference report on the Army bill a few days ago for the same reason. At that time none of us were informed as to what that conference report embodied. We, or some of us, are just now beginning to discover what was included in that report. Much to the surprise of Members of this House, we now find that by adopting that conference report en bloc, embodying the legislation it contained, imposing a permanent burden upon the people and the revenues of the Government, we not

only increased the pay of the officers of the Army, but we also automatically increased the pay of about 280 officers of the Revenue-Cutter Service and 61 officers on the retired list.

Now, Mr. Speaker, in consequence of the result of that action the officers of the Revenue-Cutter Service have had their salaries automatically increased by our adopting a conference report embodying this legislation, concerning which we were all ignorant. The House had no opportunity to consider that legislation. We did this, too, notwithstanding the fact that at this very session of Congress we passed a bill, and it became a law on the 16th of April, increasing the rank and pay of some of the officers of the Revenue-Cutter Service. In adopting the conference report on the Army bill we gave some of the officers of the Revenue-Cutter Service two increases of pay at this session. This fact alone should be sufficient to prompt the House to reject this report, in order that we may investigate what it does and then consider some of its provisions upon their merits. Otherwise we may again unconsciously create permanent obligations against the revenues with no knowledge as to their extent or the necessity for so doing. The Committee on Appropriations to-day was called upon to consider an estimate for an appropriation of \$20,000 for the balance of this fiscal year because of the increase of pay in the Army conference report to the officers of the Revenue-Cutter Service.

The legislation which is embodied in this bill goes into effect immediately. It does not go into effect when the appropriations become available on the 1st of July. Consequently, we will have, because of changing the law on an appropriation bill regarding the pay of officers of the Army, the Navy, and of the Revenue-Cutter Service, to carry deficiency appropriations for the remainder of this fiscal year.

Mr. Speaker, I submit that when the conferees agree to legislation of this character, proposed by the other House, that that is bad enough, but when conferees representing both Houses incorporate in a conference report legislation which has not been considered by either House, it becomes the duty of both Houses to resent the unauthorized action of the conferees in that respect and assert their right to insist that their conferees shall not, upon their own motion, initiate or agree to legislation that has not been proposed or considered in either House.

Let me read the provision which the conferees have enacted—not the House nor the Senate. A conference is for what purpose? It is for the purpose of bringing the two Houses together on matters that are in disagreement between them. A conference is not for the purpose of initiating legislation. In this case the Senate added to the naval appropriation bill a provision creating a new marine regiment. Has any Member of this House considered the necessity of creating this new regiment of marines? Has the subject been discussed here to-day? And yet when we adopt this conference report we are imposing upon the revenues of the Government a perpetual charge to meet the pay of the enlisted men and officers of this new regiment. Has anybody stated to the House why we should have a new regiment of marines?

Mr. FOSS. May I interrupt the gentleman?

Mr. TAWNEY. No; not a word [laughter] as to the necessity, and no opportunity is afforded us to consider the question of the necessity for this additional regiment. Gentlemen, that is not the way we should legislate or vote away the people's money. I now yield to the gentleman from Illinois [Mr. FOSS]. I am answering my own question, Mr. Speaker, and not the inquiry of the gentleman from Illinois [Mr. FOSS]. [Laughter.]

Mr. FOSS. I want to ask the gentleman whether as a conferee he has not many a time agreed to Senate amendments without bringing them back to the House for consideration?

Mr. TAWNEY. Unquestionably. Conferees agree to Senate amendments, but when a Senate amendment involves legislation of the character carried in this bill and on the Army bill, which imposes an additional burden, not for next year alone, but for all time, I say that in all good conscience the conferees ought to give their House an opportunity to consider the proposition. But that is not what I was discussing. I was asking why is it necessary to increase the Marine Corps by adding to it an additional regiment, and thus imposing this permanent charge upon the people and the revenues of the Government of the United States?

The Senate did it, and the conferees on the part of the House agreed to it. Then what follows? A proposition was originated by the conferees appropriating the amount necessary to enable the Department to pay the enlisted men and officers the increase of pay thus authorized, without authority of either House. This proposition reads as follows: "Add at the end of amendment 67 a new paragraph;" not an amendment to amendment 67, but a new paragraph. Just

as would be done in considering a proposition here on an appropriation bill. If a gentleman has an amendment to offer to the paragraph, he offers it as an amendment to the paragraph; but if he has an entirely new proposition he must under the rules of the House offer it as a separate, distinct paragraph; and here in this instance, the conferees on the part of the House and the Senate added to the amendment which was in disagreement between the two Houses an entirely new proposition, a proposition which is intended to and does appropriate the money to meet the new authorization in the form of legislation that has just been agreed to between the two Houses.

Now, Mr. Speaker, there is no man on this floor who knows better than the chairman of the Committee on Naval Affairs that the proposition to appropriate, in conference, for the increased pay for the Marine Corps was not a matter in difference between the two Houses, and was therefore beyond the jurisdiction of the conferees. But notwithstanding that, they not only propose to appropriate, but they propose also to legislate. Let me read this new paragraph:

To meet the increase in pay of the Marine Corps provided in the act making appropriation for the support of the Army for the fiscal year ending June 30, 1909—

They knew that the bill for the increase of the pay of the Army was signed yesterday, before this conference report was submitted to the House; but in anticipation of that they wrote in a proviso for the increased pay of the Marine Corps, authorized by the act which was signed only yesterday by the President of the United States.

Mr. FOSS. May I ask the gentleman—

Mr. TAWNEY. One minute.

And in section 1612 of the Revised Statutes of the United States, for officers on the active list, officers on the retired list, enlisted men on the active list, and enlisted men on the retired list, \$302,755.55 is hereby appropriated.

Then—

Provided, That so much of the foregoing appropriation as is needed to pay the increase for the remainder of the fiscal year ending June 30, 1908, shall be immediately available.

Who ever heard of a conference committee adopting an original proposition of this kind, appropriating, upon their own motion, for an increase of pay to any branch of the public service for the next fiscal year, and then by a proviso making a deficiency appropriation by making so much of the appropriation as is necessary immediately available? Now, I yield to the gentleman from Illinois.

Mr. FOSS. I want to ask the gentleman whether or not the Army bill did not carry an appropriation for the increase of the Marine Corps, and if the Committee on Naval Affairs should not make this appropriation for it on the regular appropriation bill, where it is always made, where, in what bill, and by whose committee would it be made?

Mr. TAWNEY. It matters not, Mr. Speaker.

Mr. FOSS. It does matter a good deal.

Mr. TAWNEY. It matters not whose committee makes it. I simply say that the conference committee has not the power to make it; it requires the action of both branches of Congress. No conference committee has the power to make an appropriation unless authorized by law. If you state that the conferees had that power, then when legislation is enacted creating a new service or legislation changing existing law to increase salaries and neither House appropriates for the increase, the conferees, upon their own motion, may make the necessary appropriation.

In other words, according to the logic of the gentleman from Illinois, it would be entirely competent for the conferees on the part of the House and the Senate to say how much shall be appropriated to meet the requirements of any law if neither House had previously considered the matter.

Why, it is the most illogical and most indefensible proposition that I have known to be urged by any man upon this floor.

Now, Mr. Speaker, I submit that in view of our experience the other day on the Army bill; in view of the fact that the new legislation has not been discussed, that the necessity for many of these increases has not even been mentioned, this House is not justified in indorsing the action of the conferees in so far as they have adopted this new legislation creating permanent charges against the revenue of the Government, but especially should the House reject the report on the ground that the committee has exceeded its jurisdiction. To do otherwise would be equivalent to our abdicating all of our legislative functions.

Mr. Speaker, if you concede that the conferees in this instance were justified in doing what they have done, then here in the closing hours of the session, when conference report after

conference report will have to be considered by the House, if the conferees exceed their jurisdiction as they have done in this case, none of us will know until after the adjournment of Congress what provisions have been enacted by us or what the effect of their enactment will be.

I submit, Mr. Speaker, that it is of the gravest importance, and that no one will suffer any loss, and no meritorious provision in this bill will have to be eliminated from the final report if this report is now rejected. The House conferees will continue their conference, while on matters the conferees had no right to consider and on matters of legislation permanent in character this House ought to have and would have an opportunity to consider. We should do this for the purpose of determining, first, whether there is any necessity for this increased service, and if there is any necessity for it, the extent to which that service should be increased.

Therefore I hope that this House will vote down the report and give the House an opportunity further to insist upon its disagreement to the Senate amendments, when we will then have an opportunity to consider this question.

One word more. I call attention to the fact that the House bill, as it came from the conference, is increased \$17,000,000, which will make our naval budget for next year as great as that of any country of the world. We have criticised the Senate, the public has criticised the Senate for voting millions upon millions of dollars without any consideration whatever. What man on the floor of this House has had any opportunity to consider the necessity for this proposed increase of \$17,000,000? I submit, and I express the hope, that the House will reject the report and further insist upon its disagreeing votes.

Mr. FOSS. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has sixteen minutes remaining.

Mr. GAINES of Tennessee. Will the gentleman allow me to make an inquiry of the gentleman from Minnesota?

Mr. FOSS. Not in my time.

The SPEAKER pro tempore. The gentleman from Minnesota has three minutes remaining.

Mr. GAINES of Tennessee. Does the gentleman contend that the appropriation of money to pay for these increased officers, made by the conferees, is not germane to the subject of increasing the number of officers?

Mr. TAWNEY. It is germane.

Mr. GAINES of Tennessee. Then wherein have the conferees done wrong on that particular point?

Mr. TAWNEY. Is it competent for the conferees to make an appropriation that has not been submitted to either House?

Mr. GAINES of Tennessee. I do not think it is.

Mr. TAWNEY. That is what they have done. The law provides a method for giving to these officers and enlisted men of the Marine Corps their increased pay when the law is enacted and approved. No gentleman of this House need fear that any officer, either in the Army, the Navy, or the Marine Corps, will fail to get his estimate here for this increased pay before we adjourn. Why, within twenty-four hours after the ink was dry that wrote the signature of the President to the Army bill, we had an estimate here for the increase of pay to the officers of the Revenue-Cutter Service and officers of the Army. There is no trouble about that, and they will be carried in the deficiency appropriation bill, where they belong.

Mr. FOSS. Mr. Speaker, I should like the attention of the House for a few minutes. The gentleman from Minnesota seems to object because the House conferees have come back here with a full and complete report on the naval appropriation bill, which has already been adopted by the Senate. I ask the gentlemen upon this side of the Chamber whether the condition of affairs in this House is timely for the opening up of all these matters for discussion before the House? If you vote down this conference report it may mean 108 roll calls here upon this floor, and I want to say to the gentleman from Minnesota that he will come back here as a conferee upon this bill with a full and complete agreement before this House, and ask this House to adopt that report. The condition of affairs in this Chamber is such that that must necessarily be so. Why does the gentleman stand here and object to our agreeing to a provision increasing the Marine Corps?

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. FOSS. I can not be interrupted now.

Mr. TAWNEY. I want to answer the gentleman in regard to the number of roll calls. The gentleman can not scare me or any Member of the House.

Mr. FOSS. The "gentleman from Illinois" does not want to scare the gentleman.

Mr. TAWNEY. He knows that if this conference report is voted down that the motion will be to further insist on the



disagreement, and he takes it back to conference, and he can bring in a complete agreement as to all matters.

Mr. FOSS. Yes, but the House will not have any time for the consideration of the provisions separately. The gentleman says "come back again with a complete agreement," and he would be the first man to say "Why did you agree in full to these amendments?" I want to say to the gentleman from Minnesota that he is quibbling over a very small matter. If we do not appropriate for the increased pay of these men this House has already enacted into law in the Army bill, what committee will report it? The Committee on Appropriations. The Committee on Naval Appropriations, and that is the only question before this House. It is simply what committee shall make the appropriation—the Committee on Appropriations or the Committee on Naval Affairs, which has always made the appropriations for the pay of the officers and the pay of the men. It is nothing but a mere squibble, and that is all.

Now, we agreed on this provision as to the Marine Corps. The officers of the Marine Corps came and said they wanted 3,000 men. We reported a bill making provision for 1,500 men, but we could not get consideration of it. The Senate put on a provision for 750 men, and that 750 we have agreed to in conference. So much for that part of the bill.

Now, there is another thing I want to say here, that we have not put in a single provision in this bill that gives the Navy one penny more than the Army, not one single dollar. We have increased the officers just the same as the Army conferees increased it in the Army bill. The conferees on the naval bill waited for the action of the House the other day. We would not consider the increased pay of the officers until after the action of the House on the Army bill, and then we took the provisions of the Army bill and wrote them into the naval bill, and if there is a man here who says that we did more for the Navy than was done for the Army, let him stand up and say so now.

Mr. HULL of Iowa. Well, I say so.

Mr. FOSS. All right, in what respect?

Mr. HULL of Iowa. You give to that part of the Navy sailing out from the shores of the United States a 10 per cent increase.

Mr. FOSS. And the Army bill gives the Army 10 per cent increase—

Mr. HULL of Iowa. Yes; but we limit it to certain localities.

Mr. FOSS. I will read it and let the Members on the floor decide whether or not you do. I read from the Army bill:

That increase of pay for service beyond the limits of the States comprising the Union and the territory of the United States contiguous thereto shall be now as provided by law.

That is 10 per cent. Now, let me read another section, Senate amendment 33, agreed to in the Army bill, adopted by the House, whether the House knew anything about it or not.

For additional 20 per cent increase to enlisted men on foreign service, \$767,000: *Provided*, That officers and enlisted men who have served on Army transports in the Philippine Archipelago any time since May 6, 1900—

You go back eight years; you are not content with starting from now and moving on, but you go back eight years and take in all who have ever been in service on an Army transport. Then what do you do?

or who may hereafter serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men at shore stations beyond the limits of the United States.

There it is written in the law; 10 per cent increase the moment the Army leaves the continental shores of the United States. That is all we have done for the Navy. As has been stated here, the moment a naval officer goes aboard his ship all allowances are cut off, whereas the Army officer has his allowances or his family occupies Government quarters. When a naval officer goes onto a ship, all allowances are cut off; he has to provide for his family, and he has to provide entertainment for foreign officers and officials in foreign ports. He is at a great expense. If we should increase it 20 per cent, they would not then receive any more than the Army, because they get allowances if they do not have Government quarters. Now, what more have we done? We have increased the enlisted men 10 per cent. What did the Army do? Why, the gentleman from Virginia told us a moment ago, and it stands here undisputed. You increased the pay of the enlisted men 35 per cent, and all we are asking is simply 10 per cent for the seamen of the Navy.

Mr. HULL of Iowa. Will the gentleman state just how much difference there is in the pay? Do not talk about per cent, but talk about what the pay is.

Mr. FOSS. The pay of the landsman in the Navy when he enters is \$16. When he becomes an ordinary seaman it is \$19. Now, the private got \$13, and then he gets an increase of 35 per cent under this bill. If you compare the seaman with the private on the shore, that is the situation; but in the Army transport service, where they employ seamen, what do they pay their seamen? Thirty-five dollars a month. I have it here.

Mr. HULL of Iowa. They are not part of the Army; they are not enlisted at all. They are hired men.

Mr. FOSS. The Revenue-Cutter Service give their seamen anywhere from \$30 to \$37. The Coast Survey give them from \$25 to \$40.

Mr. HULL of Iowa. But there are no allowances with that at all. They are simply hired men.

Mr. FOSS. In the Light-House Service \$30 and \$40, and even \$50 a month, whereas the enlisted man enters the Navy at \$16, and when he becomes an ordinary seaman he gets \$19, and we are increasing his pay 10 per cent. Now, in view of the fact that we are equalizing the pay of the Navy and the Army, and it is an equalization, and I stand here to say it is nothing more than equalizing the two, I ask this House to stand by the conferees and adopt this report. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the motion of the gentleman from Illinois to suspend the rules and agree to the conference report.

The question was taken.

Mr. FOSS. Mr. Speaker, I demand a division.

Mr. HAY. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 139, nays 124, answered "present" 4, not voting 120, as follows:

## YEAS—139.

Allen	Douglas	Hill, Conn.	Mouser
Ames	Draper	Howell, N. J.	Murdock
Barchfeld	Dwight	Huff	Needham
Barclay	Ellerbe	Humphrey, Wash.	Olcott
Bartholdt	Ellis, Mo.	James, Addison D.	Padgett
Bartlett, Nev.	Ellis, Oreg.	Jenkins	Parsons
Bates	Englebright	Jones, Wash.	Patterson
Beale, Pa.	Esch	Kahn	Pearre
Bradley	Fairchild	Kelfer	Pollard
Brodhead	Fassett	Kennedy, Iowa	Pray
Broussard	Focht	Kennedy, Ohio	Prince
Brownlow	Fornes	Kinkaid	Pujo
Brumm	Foss	Kipp	Reynolds
Burleigh	Foster, Vt.	Knapp	Roberts
Burton, Del.	Foulkrod	Knopf	Rothermel
Calder	Fowler	Knowland	Scott
Calderhead	French	Kuftermann	Slemp
Caldwell	Fuller	Law	Smith, Cal.
Capron	Gaines, Tenn.	Legare	Snapp
Carter	Gaines, W. Va.	Longworth	Sperry
Cary	Gardner, N. J.	Loudenslager	Sterling
Chapman	Gill	Lovering	Sulloway
Cocks, N. Y.	Goulden	McHenry	Talbott
Cole	Graham	McKinlay, Cal.	Taylor, Ohio
Cook, Colo.	Greene	McKinley, Ill.	Thistlewood
Cook, Pa.	Gregg	McKinney	Tirrell
Cooper, Pa.	Hackney	McLachlan, Cal.	Townsend
Cooper, Wis.	Hale	McLaughlin, Mich.	Washburn
Crumpacker	Hall	McMillan	Watkins
Currier	Hammond	McMorran	Watson
Cushman	Harrison	Madison	Weeks
Dalzell	Haskins	Malby	Wheeler
Davis, Minn.	Hawley	Miller	Wilson, Ill.
Dawson	Hayes	Moon, Pa.	Wood
Denby	Henry, Conn.	Moon, Tenn.	

## NAYS—124.

Adair	Ferris	Howland	Reeder
Aiken	Finley	Hubbard, W. Va.	Rhinock
Alexander, Mo.	Fitzgerald	Hughes, N. J.	Richardson
Andrus	Floyd	Hull, Iowa	Robinson
Ansberry	Foster, Ill.	Hull, Tenn.	Rodenberg
Ashbrook	Foster, Ind.	James, Ollie M.	Rucker
Beall, Tex.	Fulton	Johnson, Ky.	Russell, Mo.
Bonyng	Gardner, Mich.	Johnson, S. C.	Russell, Tex.
Booher	Garner	Jones, Va.	Ryan
Bowers	Garrett	Kellher	Sabath
Boyd	Gillespie	Kitchin, Claude	Saunders
Brantley	Glass	Lassiter	Shackelford
Burgess	Godwin	Lindbergh	Sheppard
Burleson	Goebel	Littlefield	Sherley
Burnett	Goldfogel	Lloyd	Sherwood
Campbell	Graff	McCall	Sims
Caulfield	Granger	Macon	Slayden
Chaney	Griggs	Madden	Smith, Iowa
Clark, Mo.	Hamilton, Iowa	Mann	Smith, Mo.
Clayton	Hamlin	Moore, Tex.	Spight
Conner	Hardy	Morse	Stafford
Cox, Ind.	Haugen	Nye	Stanley
Craig	Hay	O'Connell	Stephens, Tex.
Crawford	Heflin	Page	Sturgiss
Davenport	Helm	Parker, N. J.	Sulzer
De Armond	Henry, Tex.	Payne	Tawney
Denver	Hill, Miss.	Perkins	Tou Velle
Dixon	Hinsaw	Pou	Underwood
Driscoll	Holliday	Rainey	Volstead
Favrot	Houston	Randell, Tex.	Wallace
	Howell, Utah	Rauch	Williams

## ANSWERED "PRESENT"—4.

Adamson	Gordon	Haggott	Small
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## NOT VOTING—120.

Acheson	Durey	Langley	Parker, S. Dak.
Alexander, N. Y.	Edwards, Ga.	Lanling	Peters
Anthony	Edwards, Ky.	Lawrence	Porter
Bannon	Flood	Leake	Powers
Bartlett, Ga.	Fordney	Lee	Pratt
Bede	Gardner, Mass.	Lenahan	Ransdell, La.
Bell, Ga.	Gilham	Lever	Reid
Bennet, N. Y.	Gillett	Lewis	Riordan
Bennett, Ky.	Grona	Lilley	Sherman
Bingham	Hackett	Lindsay	Smith, Mich.
Birdsall	Hamilton, Mich.	Livingston	Smith, Tex.
Boutell	Hamill	Lorimer	Southwick
Brundidge	Harding	Loud	Sparkman
Burke	Hardwick	Lowden	Steenerson
Burton, Ohio	Hepburn	McCreary	Stevens, Minn.
Butler	Higgins	McDermott	Taylor, Ala.
Byrd	Hitchcock	McGavin	Thomas, N. C.
Carlin	Hobson	McGuire	Thomas, Ohio
Clark, Fla.	Howard	McLain	Vreeland
Cockran	Hubbard, Iowa	Marshall	Waldo
Cooper, Tex.	Hughes, W. Va.	Maynard	Wanger
Coudrey	Humphreys, Miss.	Mondell	Webb
Cousins	Jackson	Moore, Pa.	Weems
Cravens	Kimball	Mudd	Weisse
Darragh	Kitchin, Wm. W.	Murphy	Wiley
Davey, La.	Lafean	Nelson	Willett
Davidson	Lamar, Fla.	Nicholls	Wilson, Pa.
Dawes	Lamar, Mo.	Norris	Wolf
Diekema	Lamb	Olmsted	Woodyard
Dunwell	Landis	Overstreet	Young

So the motion to suspend the rules and adopt the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. EDWARDS of Kentucky with Mr. THOMAS of North Carolina.

Mr. BANNON with Mr. BELL of Georgia.

Mr. BENNET of New York with Mr. COCKRAN.

Mr. BOUTELL with Mr. CRAVENS.

Mr. BURKE with Mr. GORDON.

Mr. HARDING with Mr. HACKETT.

Mr. HEPBURN with Mr. LAMB.

Mr. MUDD with Mr. KIMBALL.

Mr. NELSON with Mr. LEE.

Mr. NORRIS with Mr. McDERMOTT.

Mr. OLMSTED with Mr. McLAIN.

Mr. OVERSTREET with Mr. MAYNARD.

Mr. SMITH of Michigan with Mr. SPARKMAN.

Mr. BURTON of Ohio with Mr. CARLIN.

Mr. GILLET with Mr. HITCHCOCK.

Mr. GILHAM with Mr. LEVER.

Mr. HUBBARD of Iowa with Mr. TAYLOR of Alabama.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. LAMB. Mr. Speaker, I would like to vote; I have just come in.

The SPEAKER pro tempore. Was the gentleman listening when his name was called?

Mr. LAMB. No, sir; I just came in—I have just gotten here.

The SPEAKER pro tempore. The gentleman does not come within the rule.

Mr. CONNER. Mr. Speaker, I would like to vote.

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. CONNER. I was in here; I do not know just what progress had been made when I came in.

The SPEAKER pro tempore. Call the gentleman's name.

Mr. CONNER's name was called and he answered "no."

The result of the vote was announced as above recorded.

## CHILD-LABOR BILL.

Mr. OLCOTT. Mr. Speaker, I move to suspend the rules, take from the Speaker's desk Senate bill 4812, popularly known as the "child-labor bill," insist upon the House amendment to the Senate bill, and agree to a conference.

The SPEAKER. The gentleman from New York moves to suspend the rules and take from the Speaker's table the bill indicated, popularly known as the "child-labor bill," insist on the House amendment, and agree to the conference asked by the Senate. The Clerk will report the title of the bill.

The Clerk read as follows:

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second; but it seems to me the Speaker ought to order the Senate amendments to be read.

The SPEAKER. The Clerk will report the action of the Senate on the House amendment.

The Clerk read as follows:

Resolved, That the Senate disagrees to the amendment of the House of Representatives to the bill (S. 4812) to regulate the employment

of child labor in the District of Columbia and asks a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. DOLLIVER, Mr. PENROSE, and Mr. DANIEL be the conferees on the part of the Senate.

Attest:

CHARLES G. BENNETT, Secretary,  
By H. M. ROSE, Assistant Secretary.

Mr. WILLIAMS. Mr. Speaker, I demand a second, for the purpose of getting an explanation of the exact status of the matter.

The SPEAKER. Under the rules a second is ordered. The gentleman from New York is entitled to twenty minutes and the gentleman from Mississippi is entitled to twenty minutes.

Mr. OLCOTT. Mr. Speaker—

Mr. WILLIAMS. This is the bill we passed the other day?

Mr. OLCOTT. This is the bill we passed which was a substitute for the bill that the Senate had passed. It went over to the Senate, and the Senate declined to accept the bill that we passed for theirs, and now they simply send it back to us and ask for a conference.

Mr. WILLIAMS. Then the whole result of this motion to suspend the rules would be to grant that conference—

Mr. OLCOTT. That is all.

Mr. WILLIAMS. So that the House could insist upon its bill?

Mr. OLCOTT. That is all.

Mr. WILLIAMS. Mr. Speaker, I shall surrender all the balance of my time, and I hope that the motion will pass at once.

The question was put, and, in the opinion of the Chair, a majority having voted therefor, the rules were suspended and the motion was agreed to.

The SPEAKER announced the following conferees.

The Clerk read as follows:

Mr. OLCOTT of New York, Mr. TAYLOR of Ohio, and Mr. JOHNSON of Kentucky.

## SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6190. An act authorizing a resurvey of certain townships in the State of Wyoming—to the Committee on the Public Lands.

## ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20784. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

PROVIDING ADDITIONAL PROTECTION FOR OWNERS OF PATENTS OF THE UNITED STATES.

Mr. HINSHAW. Mr. Speaker, I move to suspend the rules and pass the following bill with one amendment.

The SPEAKER. The gentleman from Nebraska moves to suspend the rules and pass the following House bill with an amendment. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 7653) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes.

Be it enacted, etc., That section 4919 of the Revised Statutes of the United States be, and is hereby, amended by adding thereto the following:

"And whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States, without license of the owner thereof, such owner may recover reasonable compensation for such use by suit in the Court of Claims: *Provided, however*, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement, as set forth in title 60 of the Revised Statutes, or otherwise."

The SPEAKER. Is a second demanded?

Mr. KÜSTERMANN. Mr. Speaker, I demand a second.

Mr. WILLIAMS. Mr. Speaker, I demand a second, and I understand there is an amendment. Has the amendment been read?

The SPEAKER. Under the rules a second is ordered. The gentleman from Nebraska is entitled to twenty minutes and the gentleman from Wisconsin is entitled to twenty minutes.

Mr. HINSHAW. Mr. Speaker, this bill as originally introduced contained a provision—

Mr. WILLIAMS. Was that amendment read?

Mr. HINSHAW. Yes; I will explain it—contained a provision, "and whenever an invention described in and covered by a patent of the United States has been or shall be used by the United States." The amendment made by the Committee on Patents, unanimously reported, struck out the words "has been



or" and inserted the word "hereafter," so that it will read, "and whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States," and so forth.

The object of this bill is to provide a remedy for the owners of patents which have been appropriated by the United States Government without compensation. It simply provides that the Court of Claims shall have jurisdiction to hear and determine and assess the amount of damages which the patentee has suffered by the unjust appropriation of the patent. All other civilized countries, I think, provide this by statute, but in this country the United States Government has been in the habit of appropriating the patents of men who have made inventions of great merit and value, which have been used in the Navy and in the Army, in the Post Office Department, and in various other governmental functions, without the slightest compensation. The law only authorizes the payment of these damages where there is an express contract between the United States Government and the patentee, or where there are such relations existing between the patentee and the Government as will imply a contract.

The result, however, has been, under the management of affairs by our executive officers, that patentees have never, or in rare instances, been able to recover any damages whatever. This does not provide for condemnation proceedings on the part of the United States Government, but it simply provides that the Government may take possession of a patent and use it, and the patentee may have his recourse only in the Court of Claims, and there the amount which the court shall find as a just and reasonable compensation shall be allowed.

Mr. GAINES of Tennessee. Can the gentleman give the House a case of that kind, or of any kind, that this bill will cover—an Army officer or Navy officer?

Mr. HINSHAW. Oh, I suppose patents in relation to guns, ammunition, cannon, and these devices for selling postage stamps, and devices for the catching of the mails by trains as they pass stations, and such devices as that.

Mr. GAINES of Tennessee. The gentleman knows we passed a resolution here last session directing the Bureau of Commerce and Labor to investigate the ownership of a number of patents claimed by Army officers and naval officers that were discovered in line of duty and when they were working by the direction of the Government of the United States and using the fuel, money, time, opportunity, and so forth, of the Government.

Mr. HINSHAW. That is not covered by this bill, I think.

Mr. GAINES of Tennessee. By what the gentleman says, I think it is.

Mr. HINSHAW. This simply provides that when a man has made an invention and has received a patent for it and it is appropriated by the Government he shall have the same chance for a remedy that he now has against an infringer who is not the United States Government.

Mr. GAINES of Tennessee. The gentleman, as I understood him, said an Army officer or naval officer.

Mr. HINSHAW. I said where some one had made an invention for the Navy or for the Army, for the Post-Office Department, or for any other of the great Departments of the Government.

Mr. GAINES of Tennessee. Suppose he is a naval officer, and with the time, machinery, and opportunity, and by direction of the Government he has discovered something and takes a patent out in his own name and the United States Government claims it, then what?

Mr. HINSHAW. The bill which the gentleman refers to may possibly cover that proposition.

Mr. DOUGLAS. Will the gentleman yield for one question?

Mr. HINSHAW. Yes.

Mr. DOUGLAS. Does this bill cover cases in the past or in the future?

Mr. HINSHAW. Only in the future. I said a moment ago that that part as to the past was stricken out of the bill. It was urgently sought that this should cover a period of six years backward, but our committee thought that it would open a wide field for controversy, and we provided only for the future.

Mr. GOLDFOGLE. Why do you not leave the patentee to the remedy he now has? He comes before Congress, his claims are here presented and passed upon by the Committee on Claims or such other committee to whom the claim may be referred.

Mr. HINSHAW. Because he practically has no remedy at all at the present time.

Mr. GOLDFOGLE. Congress has the remedy in its hand.

Mr. HINSHAW. Congress has plenary power, but rarely exercises it.

I want to yield five minutes to the gentleman from New Hampshire [Mr. CURRIER], and I will reserve the balance of my time.

Mr. CURRIER. Mr. Speaker, the purpose of this bill is simply to give some compensation to the owner of a patent which has been appropriated by the Government by permitting him to go to the Court of Claims. The Court of Claims now has jurisdiction only of matters of contract, express or implied. The courts hold that an infringement of a patent is a tort; so that the Court of Claims has no jurisdiction whatever. The gentleman from Tennessee—

Mr. MADDEN. Will the gentleman allow me to ask him a question there?

Mr. CURRIER. Yes.

Mr. MADDEN. I assume that the gentleman is familiar with the provisions of the bill. The language of the bill, in line 7, seems to indicate that it is in the power of a person having a claim against the United States to make a claim for things used in the past.

Mr. CURRIER. Not at all. That has been amended. It is now made so that it is for patents "hereafter" used. This bill has been twice unanimously reported from the committee.

Now, the question that the gentleman from Tennessee [Mr. GAINES] referred to. Let me say that the Supreme Court of the United States passed on a matter of that kind, and held that the Government has the right, without compensation, to take the patents that are secured by men in the Government employ, using the Government's time, the Government's material and money.

Mr. GAINES of Tennessee. And yet to such parties as obtained these patents the Government is paying for the use of the patents.

Mr. CURRIER. The only thing that the court guards against—that is, when the United States issues a patent to the inventor it gives him certain property rights, and the Government ought to respect its own grant and be the very last to infringe upon it.

Mr. GARRETT. Is there any danger that if this bill passes the Government will not wait and make a contract with the owner of the patent, but will just go on and take it?

Mr. CURRIER. That is what it does now; not merely in guns, but in everything.

Mr. GARRETT. I understand the rule in regard to the Army and the Navy.

Mr. CURRIER. I am speaking of patents generally; anything that the Government thinks is useful and appropriate. It is said that the Government ought to have the right to appropriate all patents that are needed for the national defense or for any other object, and nobody questions that right, and this bill seeks in no way to restrict it.

Mr. GARRETT. I question the right, but do not question the power.

Mr. CURRIER. No one desires to enact any legislation which will allow an inventor to enjoin the Government or its officers from appropriating his patent. This bill recognizes and concedes that right. But we do feel that there ought to be legislation which, when the Government has appropriated the patent, will allow the inventor to go to some court somewhere for reasonable compensation.

Mr. GAINES of Tennessee. Can the gentleman give the House a single case where the Government has appropriated a man's patent and he has not been compensated for it thereafter?

Mr. CURRIER. Surely; and let me cite a case now. The case of Russell against the United States (182 U. S., p. 516, 1900).

Mr. GAINES of Tennessee. What was that?

Mr. CURRIER. It there appeared that at the Government's invitation Russell exhibited his patented invention to a board of officers appointed by the Secretary of War. The Government announced that it would adopt and use a device embodying his invention. Prior to the adoption and use of the device Russell communicated his patent to the War Department, showing that his patent covered the device and tendered the use of his invention to the Government for reasonable compensation. The Government proceeded to use the device without denying Russell's right to compensation, but with the remark that he should seek his remedy by some means other than Executive action. And the Russell case is only a sample case; one of many.

Mr. GAINES of Tennessee. Did we not make an appropriation to pay Russell not long ago?

Mr. CURRIER. I am not sure.

Mr. GAINES of Tennessee. I think we did.

Mr. CURRIER. I do not know; I do not remember any case since I have been here of Congress appropriating money or com-

pensation to an inventor except some matter that went through the Court of Claims in which the gentleman from New York took an interest.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HINSHAW. I yield two minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. I should like to ask a question: Does this bill provide that the Court of Claims shall give a judgment or simply a finding of facts, leaving a subsequent appropriation by Congress necessary?

Mr. HINSHAW. The bill does not provide anything on that subject. It provides that the owner may recover reasonable compensation for the use by a suit in the Court of Claims.

Mr. GOLDFOGLE. That implies a judgment, does it not?

Mr. WILLIAMS. From that I take it that the court would merely make a finding, because a court can not order money paid out of the Treasury of the United States, the Constitution providing that all money paid out shall be by course of law.

Mr. PERKINS. Does not the gentleman know that it is the practice when the Court of Claims has awarded any judgment against the United States, for Congress to appropriate for it as a matter of course, on judgments of the Court of Claims?

Mr. WILLIAMS. I am very sorry to say, Mr. Speaker, that I do not know that to be a fact. There are hanging up now against the Government of the United States many claims where there is a favorable finding by the Court of Claims, and Congress subsequently does not make appropriations, or else in the slowest possible sort of a way. That is especially true when the claims are Southern war claims.

Mr. TIRRELL. Or French spoliation claims.

Mr. WILLIAMS. But I do not want to take up time on that question. I am in favor of this bill. I do say that a great government ought to be honest, just like anybody else. The Government ought not to take the fruit of a man's intellectual labor away from him without giving him compensation for it. It is absolutely thievish and dishonest for the United States to use a man's idea for the benefit of the United States Government and give him no sort of way for being compensated for the benefit which he has conferred upon the Government and upon the people.

Mr. KÜSTERMANN. Mr. Speaker, being somewhat versed in foreign languages, let me give you a translation of this bill in plain English: "We, the Government of the United States, through our agents, the heads of the different Departments, have not given to some firms holding numerous patents as much as they demanded. We are sorry for it. We repent. We want to change our ways, and being afraid that we might again fall into temptation to do wrong, we authorize the courts to make us do what is right."

I am entirely against the provisions of this bill. I am not in favor of putting more work upon the already overburdened Court of Claims. This is not a bill that concerns the people of the United States. It is not for the general benefit of our people. Only a few people are concerned in it, and to judge from parties who called on me regarding this bill I have an idea that it is solely in the interest of one or two firms that through this bill are trying to get more than they are entitled to. If that is the case, if only one or two firms seek relief in this way, this should have been put on the Private Calendar and not on the House Calendar. It is class legislation pure and simple.

A poor man can not go to the Court of Claims and pay the expense of a lawyer admitted to practice in that court. Those lawyers are expensive luxuries. But you may say that a poor man does not hold a patent, and you are right. Under our very defective patent laws no poor man can hold a patent for any length of time against the wishes of a man of wealth. While he may rejoice over the document that he receives from the Patent Office; while he may admire the gold seal; while he may dream of riches that are coming to him, of silk dresses for his wife and pie for his children, his dreams will cease when, only a few days later, letters reach him saying, "You will be sued for infringement if you put your patent on the market," and he will either drop it or accept a paltry sum for it.

I do sincerely hope that the time may come when the fruits of genius will be reaped by the real inventor. What we need as much as a tariff revision is a revision of our patent laws.

But to return to the bill. Let me say that our Departments are already doing their best to protect the owners of patents. I hold in my hand a contract which the Post-Office authorities enter into with those who furnish articles used in the Department. It says:

That the articles herein agreed to be supplied shall not infringe any patent of which the said party of the second part is not the patentee or assignee, and which he is not lawfully entitled to sell or transfer for the purposes of this contract, and that the said party of the second

part will at all times well and truly save, keep, and bear harmless and fully indemnify the United States, and any and all of its officers and agents, from and for all damages and claims for damages, costs, and expenses, in law and equity, that may at any time arise or be set up on account of any infringement of the patent rights of any person or persons by the use by the Post-Office Department, or any of its officers or agents, of any of the articles agreed to be supplied under this contract.

If there is any further protection provided let us give it to the Government of the United States. Look at our canceling machines. We are being robbed; we are paying exorbitant prices for the rent of those machines, and the Government should be protected instead of those who have gathered up a lot of patents so as to extort unreasonable profits. I sincerely hope that this bill will not pass. [Applause.] I now yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, it seems to me that the provisions of this bill, if enacted into law, would work serious damage to the Government. To-day the Census Office is using tabulating machines. I do not know who the patentee of these machines is, and I do not pretend to know, but they have already endeavored to embarrass the Government by compelling it to discontinue the use of these machines. I have a recollection of numerous cases being called to the attention of the Committee on Appropriations by men who have said that they were the authors of certain patents that were being used by the Government, and demanding from the Government fabulous fees as due them because of the fact that the Government was using what they claimed to be theirs.

Mr. WILLIAMS. Will the gentleman permit me an interruption?

Mr. MADDEN. Certainly.

Mr. WILLIAMS. Granting all that is true, does not the gentleman think for that reason there ought to be a court where these people could enter and where the Government could be heard upon evidence, and if they were pretenders and trying to get something for nothing, that would appear?

Mr. MADDEN. It seems to me, Mr. Speaker, that if we are to enact a law on the subject at all it ought to be enacted so that every person who is called upon to vote on the question will understand just what is sought to be secured by the enactment of the law. My judgment is that under the language of this bill the Government would be called upon to pay not only for the use of patents in the future, but for any use it may have had in the past.

Mr. HINSHAW. The gentleman is mistaken.

Mr. MADDEN. If the Government is using a patent belonging to anyone to-day, the continuance of the use of that patent from to-day on, assuming that the bill should become a law, would compel the Government to begin to pay from to-day at least, and perhaps compel it to pay for any use it may have had of the patent in days gone by.

Mr. LITTLEFIELD. Why should not the Government pay?

Mr. HINSHAW. It may be that it should, but this only provides that it should pay for use hereafter.

Mr. MADDEN. It does not seem to me that the bill is sufficiently clear as to what the Government would be obligated to do, and until we have a bill that does make it clear no legislation should be enacted on the subject.

Mr. KÜSTERMANN. I now yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I want to say to the House that this bill is a step in the right direction, but it is not worded right and does not go far enough. When the Government takes a man's property the Government should pay for it, but there is no discrimination here at all in this bill. It says "whenever an invention described in and covered by a patent of the United States." Now, the Government is claiming the right to use the smokeless-powder patents, powder patents taken out by an Army or a Navy officer in line of duty, and the Government issued a patent in the name of that officer. He claims to be, and would be, under the words of this bill, the "owner," but the Government of the United States also "claims" to be the owner, but its patent reads otherwise.

There are similar instances, and only last session, Mr. Chairman, the distinguished chairman of the Appropriations Committee [Mr. TAWNEY], or the gentleman from Iowa [Mr. SMITH], after the gentleman from Iowa [Mr. HERBURN] and myself had discussed the smokeless-powder patent matter, thought so much of it as to refer the matter for full investigation to the Commerce and Labor Department to investigate and report, and that has been done, I am told, but the Department has not reported. Why no report to Congress?

Mr. SHERLEY. The bill itself gives to the Government the right to plead any such defense, and that cures such a case as the gentleman suggests.



Mr. GAINES of Tennessee. But here is a man that claims to be the owner. The statute says the owner, and yet the Government of the United States claims to be the "owner," and he has even gone so far as to take his patent and sell rights in it to foreign nations, and they to-day are making smokeless powder and may use it in wars against the United States Government.

Mr. MADDEN. The Government of the United States paid this man for his time while he was claiming to make the patent.

Mr. GAINES of Tennessee. Exactly. He was doing the Government's work and the Government told him to do it, and yet he is claiming all the benefit, and under this statute he can go into court and sue the United States Government because on the face of the patent he is the "owner" and the Government of the United States is not. Now, the United States has some rights, and that is what I speak for. If this man is the owner, let us have that point adjudicated, but this says if on the face of the patent—

Mr. DALZELL. Will the gentleman yield?

Mr. GAINES of Tennessee. Yes.

Mr. DALZELL. I think the point that the gentleman attempts to make is covered by the bill, the last proviso of which says:

*Provided, however, That in any such case the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement, as set forth in Title LX of the Revised Statutes, or otherwise.*

And the Supreme Court of the United States has held that it would be a defense to a suit that the party made the invention out of the time or means of the party sued.

Mr. GAINES of Tennessee. But there are no words here that expressly protect and literally give the Government of the United States that right, and that I want, and made sure. The language may do it, and yet here we are, innocently trying to be honest with everybody and with the Government, about to pass a law that I should say may, in all probability, mulct the Federal Government in millions of dollars. Give the right to sue, but do not limit the Government to pleas, as in cases of "infringement," which this bill does.

The SPEAKER. The time of the gentleman has expired.

Mr. KÜSTERMANN. I yield five minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, the bill carries with it the implication that the Government is dishonest enough, or, as the distinguished gentleman from Mississippi [Mr. WILLIAMS] expressed it, is thievish enough to appropriate to itself, without right, inventions that are valuable to the inventor. I have been a member of the Committee on Claims for many years in this House, a committee to which is referred claims against the Government. Yet in the course of about eight years I can only remember—and I think my memory serves me well—that there were but two cases in which inventors presented to Congress claims based on the allegation that our Government unjustly appropriated to itself the use of the invention, and one of those two cases—

Mr. McGAVIN. Will the gentleman yield?

Mr. GOLDFOGLE. For a question; yes, sir.

Mr. McGAVIN. Having served during the last Congress with the gentleman on the Committee on Claims, I want to ask him if it is not a fact that the Krag-Jørgensen people have a claim before that committee and have been presenting that claim for fifteen years, and the Government has mulcted them out of something like \$300,000, and all they wanted was an opportunity to go into the Court of Claims, and they have been refused that right?

Mr. GOLDFOGLE. Mr. Speaker, that claim is probably one of the two to which I was about to refer. Congress has ample power to pass on these questions. Its committees can either recommend a direct appropriation or send the claim to the Court of Claims for findings or adjudication. The employees of the Government have been knocking at our door year in and year out, endeavoring to secure the passage of a bill that would afford them relief in cases of accidents in which they were injured through the fault or negligence of the Government. Yet no relief could be obtained. Numerous cases have arisen in which some unfortunate employee has been injured—some crippled for life—yet they can not get Congress to heed their meritorious claims or even get an opportunity to go to the Court of Claims. Before we oblige one or two inventors or persons succeeding to their interests, and whose claims are exceedingly doubtful, I believe we ought to throw open the doors of the Court of Claims to a more deserving class of people—the employees and workmen of the Government who, being injured in the public service without fault on their part, and

through the neglect or perhaps recklessness of the Government, come to us with meritorious cases for relief.

Mr. CLARK of Missouri. May not the reason that they do not have any more claims of this character down there in that committee grow out of the fact that it is almost impossible to get the Government to pay a claim?

Mr. GOLDFOGLE. No; if they had a just claim they would come here and present it.

Mr. GRAHAM. Mr. Speaker, they have been knocking at the doors of the Committee on Claims, to my knowledge, for years, and have failed to receive that justice to which they are entitled.

Mr. GOLDFOGLE. The gentleman is a very useful and efficient member of the Committee on Claims, and belongs to the majority. Why does not the Committee on Claims act?

Mr. GRAHAM. Because Members like the gentleman from New York [Mr. GOLDFOGLE] would oppose those things.

Mr. GOLDFOGLE. Not at all. I never have opposed a just claim in the Committee on Claims. I have endeavored to pass on each case upon its merits and on that alone. I have favored every good bill and opposed every bad one. I will be the first one to stand in favor of a claim if the evidence shows the claim to be just.

Mr. GRAHAM. I may be misleading in making the statement that the gentleman opposed these claims.

Mr. GOLDFOGLE. I accept the gentleman's apology.

Mr. GRAHAM. I say they have been opposed, and opposed vigorously, so much so that these claims are pigeonholed in the committee.

Mr. GAINES of Tennessee. I think we paid the Russell claim a short time ago.

Mr. GOLDFOGLE. I must decline to yield further. Mr. Speaker, the time allotted does not permit a careful examination of the bill, such as should be given to it, nor can we know the motives that may underlie the measure. I do not wish to impugn the motive. I do not wish to question it, and have no desire to do that, but I do believe there is time enough between now and the next session of Congress to carefully consider the advisability of passing such a measure as this. This bill deserves more careful thought than can be given it in the hurried way in which it necessarily must be considered now. We are almost in the closing hours of the session. Who will say that we are not venturing on a kind of legislation which if passed now, hastily and hurriedly, we will later on have cause to regret? I am opposed at this time to the passage of this bill, which, it seems to me, is pressed on our attention in favor of a favored few.

Mr. KÜSTERMANN. I reserve the balance of my time.

Mr. HINSHAW. Mr. Speaker, I yield four minutes to the gentleman from Massachusetts [Mr. WASHBURN].

Mr. WASHBURN. Mr. Speaker, the issues in this case have been a little obscured by some things that have been said. I do not profess to rival my friend from Wisconsin [Mr. KÜSTERMANN] in his knowledge of foreign tongues, but I have some acquaintance with the teachings of the Ten Commandments, and I want to say to him that this bill says to the United States, "Thou shalt not steal." [Applause.]

This bill provides for amending section 4919 of the Revised Statutes, in order that owners of patents may be provided with a remedy for the unauthorized appropriation of their property by the Government of the United States.

When the Government grants letters patent for an invention it confers upon the patentee an exclusive property, which can not be appropriated or used by the Government itself without just compensation any more than land which has been patented to a private purchaser can without compensation be appropriated or used by the Government.

If the United States should appropriate the patented invention of another and declined to pay for its use, the injured party would have no remedy except by an appeal to Congress, because the United States Government can not be sued in its own courts without its consent, and the Court of Claims has no jurisdiction under any existing statute of an infringement suit brought against the United States. The infringement of a patent is a tort, and the Court of Claims has no jurisdiction of claims for mere torts. Some element of contractual liability must lie at the foundation of every action.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. WASHBURN. I will.

Mr. GOLDFOGLE. How many cases does the gentleman know of that have arisen, say, within the past six years of the Government appropriating unto itself the use of the invention of another?

Mr. WASHBURN. There have been several cases in the Court of Claims, as I understand—

Mr. GOLDFOGLE. How do they get there?

Mr. WASHBURN (continuing). Arising under implied contracts.

Mr. GOLDFOGLE. How did the claims get into the Court of Claims?

Mr. WASHBURN. Arising under an implied contract between the Government and another.

Mr. GOLDFOGLE. Well, it was simply a breach of contract, or possibly the matter was presented upon the—

Mr. WASHBURN. Well, my friend, that is a slow way to get relief. How long did it take Ericsson to get his claim recognized by Congress, the man who contributed more to the advancement of the Navy of the United States than any other man who ever lived up to his time?

Mr. GOLDFOGLE. Can you cite another case beside Ericsson's?

Mr. WASHBURN. Many, and recent. Now, my friend, I can not yield any longer.

Article 5 of the Amendments to the Constitution provides as follows:

Nor shall private property be taken for public use without just compensation.

To secure to owners of patents the rights thus guaranteed by the Constitution, it is proposed to amend section 4919 of the Revised Statutes by adding the following:

And whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States, without license of the owner thereof, such owner may recover reasonable compensation for such use by suit in the Court of Claims: *Provided, however, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement, as set forth in title 60 of the Revised Statutes, or otherwise.*

The patent laws of nearly all the foreign countries contain provisions for the purchase of patents by such government for state purposes. The character of these provisions is exemplified in the patent laws of Great Britain, Ireland, and the Isle of Man, as follows:

29. A patent shall have to all intents the like effect as against His Majesty the King as it has against a subject: *Provided, That any government department, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on, with the approval of the treasury, between the department and the patentee, or, in default of agreement, as may be settled by the treasury after hearing all parties interested.*

Substantially the same provision appears in the patent laws of New Zealand, Queensland, Tasmania, Victoria, and Western Australia. Several of the countries provide for a compensation to be fixed by agreement, and in default of reaching an agreement, by the courts. The countries in the laws of which this provision exists are as follows: Austria, Germany, and Sweden.

*The laws of Canada provide that—*

The government of Canada may at any time use any patented invention, paying to the patentee such sum as the commissioner reports to be a reasonable compensation for the use thereof.

*The laws of Ceylon provide that the compensation shall be reached by agreement with the inventor, approved by the governor in executive council. The laws of Denmark provide for a compensation fixed by mutual agreement, and in default thereof, by the estimate of a commission of four experts—two appointed by the minister of the interior and two by the holder of the patent—together with an umpire unanimously chosen by the four experts, or, in default, by the court at the domicile of the patentee. The laws of Finland have the compensation fixed by the Emperor or grand duke. The laws of Japan provide that the indemnity shall be fixed by the minister of state for agriculture and commerce. The laws of Norway provide that the compensation shall be fixed by agreement, or, in default thereof, the indemnity shall be determined by arbitration. The laws of Switzerland provide that the indemnity shall be fixed by the federal tribunal.*

In view of these provisions of statute of the various countries providing for the use of any invention for state purposes it does not appear that an unauthorized appropriation by the government of any of these countries is possible.

In this country the power of the United States to secure to inventors exclusive privileges is derived from the eighth section of the first article of the Constitution:

Congress shall have the power to promote the progress of science and of the useful arts by securing for limited terms to authors and inventors the exclusive right to their respective writings and discoveries.

If it should be argued that because this right is conferred by the Government a limitation might equitably be placed upon the grant that the Government should have the free use of any patented invention, it might properly be said in reply that if all

pecuniary reward is withheld from inventors who patent devices which the Government finds useful, the incentive is largely removed for making such inventions; and that the Government would be the loser in the event that this policy were followed is apparent when it is realized how large the number is of inventions of use primarily to the Government, some of which are:

1. Ordnance, comprising forty-seven subclasses and including heavy guns, rapid-fire guns, machine guns, sights, submarine guns, and loading and firing devices.
2. Ammunition and explosives, including cartridges, primers, projectiles, shells, torpedoes, submarine mines, and line-carrying projectiles.
3. Buoys and life-saving apparatus.
4. Ships, including war-ship construction, rams, turrets, armor plating, submarine boats, torpedo boats, torpedoes, torpedo launching, torpedo guards, and gun ports.
5. Military implements, including swords, intrenching implements, and bayonets.

Mr. KÜSTERMANN. Mr. Speaker, the gentleman from Massachusetts referred to the Ten Commandments, especially to that part which says, "Thou shalt not steal." Now, indirectly, he says that to Congress, but directly he is saying it to the heads of our Departments. Now, I for one have implicit confidence in the heads of our Departments and I believe that they all are straight, honorable, conscientious men who wish to be fair with everyone they are dealing with. Now, why not leave these matters for them to settle?

Mr. WASHBURN. Will the gentleman yield?

Mr. KÜSTERMANN. Yes; I will yield.

Mr. WASHBURN. Here is what an executive officer of the United States did say to one of these people:

An executive officer, without hazarding the interest of the United States by agreeing to pay more than he has a right to, can not use this. The executive officer can not be brought into the court. You can not sue or restrain him. The remedy for you is to appeal to Congress; now, go there.

Mr. KÜSTERMANN. An executive officer should certainly not pay more than he considers fair and right.

Mr. WASHBURN. He simply told him he had no remedy except to come to Congress.

Mr. KÜSTERMANN. Well, having come to Congress, I hope that he will receive the right answer, a refusal to pass the bill drawn up in his interest.

Mr. HINSHAW. I yield the balance of my time to the gentleman from Pennsylvania [Mr. DALZELL], who introduced the bill.

Mr. DALZELL. Mr. Speaker, this seems to me to be a very plain proposition. Under the Constitution to Congress is delegated the power to pass laws to protect a patentee in the exclusive use of his patent. We have a Patent Office, and the United States Government issues patents, and it insures to every patentee the exclusive right to use his invention. The Supreme Court of the United States says that a patent is property. The Supreme Court of the United States says also that it is within the constitutional provision that protects property from appropriation without compensation, and yet in the very same sentence it says that the patentee can not protect his property, because there exists no court into which he can go. The Court of Claims has no jurisdiction except as to matters that rise in contract. The infringement of a patent is a tort, and therefore of all the citizens of the United States, the one only citizen who has no protection to his property under the law is the owner of a patent.

Nobody denies the right of the United States Government to appropriate a patent that may be useful to it for governmental purposes in time of peace or in time of war, but every honest man ought to deny the right of the Government, after the appropriation of that patent, to deny to the owner the fair compensation to which he is entitled. Every civilized government on the face of the earth, with the exception of Russia and the United States, has provided a tribunal where a patentee and his government may settle the question as to their respective rights one against the other—the right of the patentee as against the government—for the appropriation of his patent. This is a measure that is in the interest of justice—justice to the only citizen, I say, who, without the passage of this measure, has no relief except in the generosity of the Government.

Mr. MADDEN. Why does not the bill except the men who are in the service of the Government from the right to claim against the Government?

Mr. DALZELL. It does.

Mr. MADDEN. It does not.

Mr. DALZELL. I say it does.

Mr. MADDEN. It does not.

Mr. DALZELL. The last proviso points out—

Mr. MADDEN. It simply gives the Government the right to contest the right of another person.



Mr. DALZELL. The Supreme Court has said that which under this bill would respond to the claims made by the gentleman.

The SPEAKER. The gentleman's time has expired. All time has expired.

The question is on suspending the rules and passing the bill. The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

## RECESS.

Mr. PAYNE. Mr. Speaker, pending that, I move that the House take a recess until 11.30 a. m. to-morrow.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 141, nays 94, answering "present" 6, not voting 146, as follows:

## YEAS—141.

Alexander, N. Y.	Denby	Huff	Overstreet
Allen	Douglas	Hull, Iowa	Parker, N. J.
Ames	Draper	Humphrey, Wash.	Parsons
Bannon	Driscoll	James, Addison D.	Payne
Barchfeld	Dwight	Jenkins	Perkins
Barclay	Ellis, Oreg.	Jones, Wash.	Pollard
Bartholdt	Englebright	Kahn	Pray
Beale, Pa.	Esch	Keifer	Rauch
Bennet, N. Y.	Focht	Kennedy, Iowa	Reynolds
Bonyuge	Foss	Kennedy, Ohio	Rodenberg
Bradley	Foster, Vt.	Kinkaid	Scott
Brownlow	Foulkrod	Knopf	Siemp
Brumm	Fowler	Kistermann	Smith, Cal.
Burleigh	French	Lafcan	Smith, Iowa
Burton, Del.	Fuller	Landis	Smith, Mich.
Calderhead	Gardner, N. J.	Langley	Southwick
Caldwell	Goebel	Lanning	Sperry
Capron	Graft	Lawrence	Stafford
Cary	Graham	Lindbergh	Sterling
Caulfield	Greene	Longworth	Sturgiss
Chaney	Hale	Loudenslager	Taylor, Ohio
Chapman	Hall	McGavin	Tirrell
Cocks, N. Y.	Hamilton, Iowa	McKinley, Ill.	Townsend
Cole	Hammond	McKinney	Volstead
Conner	Haskins	Madden	Waldo
Cook, Pa.	Haugen	Madison	Wanger
Cooper, Pa.	Hawley	Mann	Washburn
Cooper, Wis.	Hayes	Miller	Watson
Crumpacker	Henry, Conn.	Moon, Pa.	Weeks
Currier	Higgins	Morse	Wheeler
Cushman	Hinsaw	Mouser	Wilson, Ill.
Dalzell	Holliday	Murdock	Wood
Darragh	Howell, N. J.	Needham	Woodyard
Davidson	Howland	Norris	
Davis, Minn.	Hubbard, Iowa	Nye	
Dawson	Hubbard, W. Va.	Olcott	

## NAYS—94.

Adair	Ellerbe	Hill, Miss.	Rothermel
Adams	Ferris	Houston	Rucker
Aiken	Finley	Hughes, N. J.	Russell, Mo.
Alexander, Mo.	Fitzgerald	Hull, Tenn.	Russell, Tex.
Ansberry	Floyd	James, Ollie M.	Ryan
Asbrook	Forbes	Johnson, Ky.	Sabath
Bartlett, Nev.	Foster, Ill.	Johnson, S. C.	Shackelford
Beall, Tex.	Gaines, Tenn.	Keliher	Sheppard
Bell, Ga.	Garner	Kimbball	Sherley
Boober	Garrett	Kitchin, Claude	Sherwood
Bowers	Gillespie	McHenry	Sims
Burgess	Godwin	McLain	Slayden
Burleson	Goldfogle	Macon	Smith, Mo.
Candler	Goulden	Moon, Tenn.	Stanley
Carter	Granger	Moore, Tex.	Stephens, Tex.
Clark, Mo.	Gregg	O'Connell	Sulzer
Clayton	Griggs	Padgett	Thomas, N. C.
Cooper, Tex.	Hackney	Page	Tou Velle
Cox, Ind.	Hamlin	Patterson	Underwood
Craig	Harrison	Pou	Wallace
Davenport	Hay	Randell, Tex.	Watkins
De Armond	Hefflin	Ransdell, La.	Williams
Denver	Helm	Rhinock	
Dixon	Henry, Tex.	Robinson	

## ANSWERING "PRESENT"—0.

Hill, Conn.	Rainey	Small	Tawney
McMorran	Sherman		

## NOT VOTING—146.

Acheson	Byrd	Fairchild	Hamilton, Mich.
Andrus	Calder	Fassett	Harding
Anthony	Campbell	Favrot	Hardwick
Bartlett, Ga.	Carlin	Flood	Hardy
Bates	Clark, Fla.	Fordney	Hepburn
Bede	Cockran	Foster, Ind.	Hitchcock
Bennett, Ky.	Cook, Colo.	Fulton	Hobson
Bingham	Coudrey	Gaines, W. Va.	Howard
Birdsall	Conins	Gardner, Mass.	Howell, Utah
Boutell	Cravens	Gardner, Mich.	Hughes, W. Va.
Boyd	Crawford	Gilham	Humphreys, Miss.
Brantley	Davey, La.	Gill	Jackson
Brodhead	Dawes	Gillet	Jones, Va.
Broussard	Diekema	Glass	Kipp
Brundidge	Dunwell	Gordon	Kitchin, Wm. W.
Burke	Durey	Gronna	Knapp
Burnett	Edwards, Ga.	Hackett	Knowland
Burton, Ohio	Edwards, Ky.	Haggott	Lamar, Fla.
Butler	Ellis, Mo.	Hamill	Lamar, Mo.

Lamb	McCall	Parker, S. Dak.	Steenerson
Lassiter	McCreary	Pearre	Stevens, Minn.
Law	McDermott	Peters	Sulloway
Leake	McGuire	Porter	Talbott
Lee	McKinlay, Cal.	Powers	Taylor, Ala.
Legare	McLachlan, Cal.	Pratt	Thistlewood
Lenahan	McLaughlin, Mich.	Prince	Thomas, Ohio
Lever	McMillan	Pujo	Vreeland
Lewis	Malby	Reeder	Webb
Lilley	Marshall	Reid	Weems
Lindsay	Maynard	Richardson	Weisse
Littlefield	Mondell	Riordan	Wiley
Livingston	Moore, Pa.	Roberts	Willett
Lloyd	Mudd	Saunders	Wilson, Pa.
Lorimer	Murphy	Smith, Tex.	Wolf
Loud	Nelson	Snapp	Young
Lovering	Nicholls	Sparkman	
Lowden	Olmsted	Spight	

So the motion was agreed to.

The following additional pairs were announced:

For this session:

Mr. McMorran with Mr. PUJO.

Until further notice:

Mr. TAWNEY with Mr. BRUNDIDGE.

Mr. MUDD with Mr. TALBOTT.

For this vote:

Mr. McMillan with Mr. KIPP.

Mr. KNAPP with Mr. JONES of Virginia.

Mr. McGUIRE with Mr. HARDY.

Mr. LOVERING with Mr. GILL.

Mr. HILL of Connecticut with Mr. GLASS.

Mr. GARDNER of Michigan with Mr. FAVROT.

Mr. FOSTER of Indiana with Mr. CRAWFORD.

Mr. FASSETT with Mr. BURNETT.

Mr. DUREY with Mr. BRODHEAD.

Mr. BEDE with Mr. BRANTLEY.

Mr. ANTHONY with Mr. BYRD.

Mr. LOWDEN with Mr. LLOYD.

Mr. SNAPP with Mr. SPIGHT.

Mr. FAIRCHILD with Mr. RICHARDSON.

Mr. McLAUGHLIN of Michigan with Mr. FULTON.

Mr. VREELAND with Mr. TAYLOR of Alabama.

Mr. MOORE of Pennsylvania with Mr. LASSITER.

Mr. MALBY with Mr. LEGARE.

The result of the vote was then announced as above recorded.

Accordingly (at 5 o'clock and 6 minutes p. m.) the House was declared in recess until 11.30 a. m. to-morrow.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21811) to authorize the Secretary of the Interior to sell certain lands belonging to the Cheyenne School Reserve and the Cheyenne and Arapahoe Agency Reserve, in Oklahoma, and to give settlers on adjacent lands preference rights to purchase said lands, and for other purposes, reported the same without amendment, accompanied by a report (No. 1640), which said bill and report were referred to the House Calendar.

Mr. CONNER, from the Committee on the Library, to which was referred House bill 20435, reported in lieu thereof a bill (H. R. 21848) to aid in building a memorial to Abraham Lincoln on the site of the Lincoln birthplace, in Kentucky, reported the same without amendment, accompanied by a report (No. 1641), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred House bill 11128, reported in lieu thereof a resolution (H. Res. 414) referring to the Court of Claims the papers in the case of Eli Pettijohn, accompanied by a report (No. 1642), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5573) for the relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr., reported the same without amendment, accompanied by a report (No. 1643), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GRAHAM: A bill (H. R. 21840) for an examination and survey of the port of Pittsburg—to the Committee on Rivers and Harbors.

By Mr. YOUNG: A bill (H. R. 21841) making an appropriation for extending the breakwater at the harbor at Marquette, Mich.—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: A bill (H. R. 21842) for the erection of a suitable memorial to the mother of Washington—to the Committee on the Library.

By Mr. SMITH of Missouri: A bill (H. R. 21843) providing for the erection of a public building at De Soto, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER of New York: A bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment—to the Committee on the Judiciary.

By Mr. RICHARDSON: A bill (H. R. 21845) to increase the appropriation for a public building at Florence, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. HINSHAW (by request): A bill (H. R. 21846) providing for the lowering of the grade of Rhode Island avenue NE.—to the Committee on the District of Columbia.

By Mr. HEFLIN: A bill (H. R. 21847) to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same—to the Committee on Agriculture.

By Mr. CONNER, from the Committee on the Library: A bill (H. R. 21848) to aid in building a memorial to Abraham Lincoln on the site of the Lincoln birthplace, in Kentucky—to the Union Calendar.

By Mr. SMITH of Missouri: A bill (H. R. 21849) to extend the provisions of the pension acts of June 27, 1890, and of February 6, 1907, to all State militia and other organizations that were organized for the defense of the Union and cooperated with the military or naval forces of the United States in suppressing the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. FULTON: Joint resolution (H. J. Res. 182) for the relief of storm sufferers in Oklahoma—to the Committee on Appropriations.

By Mr. WALDO, from the Committee on Claims: Resolution (H. Res. 414) referring to the Court of Claims the bill H. R. 11128—to the Private Calendar.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 21850) granting an increase of pension to William G. Birch—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21851) to extend patent No. 400533, issued September 29, 1891—to the Committee on Patents.

By Mr. CLARK of Florida: A bill (H. R. 21852) to authorize the President to appoint James H. Gillis commodore of the United States Navy, retired, a rear-admiral in the United States Navy, and place him on the retired list as such rear-admiral—to the Committee on Naval Affairs.

By Mr. CRAWFORD: A bill (H. R. 21853) granting an increase of pension to Hiram Rice—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 21854) authorizing the city of Marlow, Okla., to purchase an isolated tract of land, the same being a remnant of the Kiowa-Comanche, and Apache Reservation, for school and park purposes—to the Committee on Indian Affairs.

By Mr. FLOYD: A bill (H. R. 21855) granting a pension to G. P. Frederick—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 21856) granting a pension to William O. Clark—to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 21857) granting arrears of pension to Eliza C. Jones—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21858) for the relief of heirs or estate of Mrs. Grace Ann Mitchell, deceased—to the Committee on War Claims.

By Mr. MCKINLEY of Illinois: A bill (H. R. 21859) for the relief of Samuel J. Bumstead—to the Committee on War Claims.

By Mr. McLAIN: A bill (H. R. 21860) for the relief of heirs or estate of Patrick J. Finley, deceased—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 21861) for the relief of Parsey O. Burrough—to the Committee on Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 21862) granting an increase of pension to Hiram M. Stacy—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 21863) to restore to the active list of the United States Army the name of Jean Sullivan Oakes—to the Committee on Military Affairs.

By Mr. SNAPP: A bill (H. R. 21864) granting an increase of pension to John C. Lang—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 21865) granting a pension to Missouri L. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21866) granting an increase of pension to Robert Henry Sylvester—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 21867) granting an increase of pension to Joseph R. Howe—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 21868) to correct the military record of Urias Bolyard, now deceased—to the Committee on Military Affairs.

By Mr. WASHBURN: A bill (H. R. 21869) granting a pension to Walter McLaughlin—to the Committee on Pensions.

By Mr. CLARK of Florida: A bill (H. R. 21870) placing James Henry Gillis, commodore, United States Navy, on the retired list with an advanced rank—to the Committee on Naval Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of general conference of the Methodist Episcopal Church, favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. ACHESON: Paper to accompany bill for relief of William G. Birch—to the Committee on Invalid Pensions.

Also, petition of citizens of New Castle, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Association of Retail Hardware Dealers, against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN: Petition of Edith McAlpine, of Portland, favoring H. R. 18445, for methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. M. Butler and 16 other citizens of Maine, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Union No. 162, United Brewery Workmen, of Newark, Ohio, for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of citizens of Middletown, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BURKE: Petitions of Simonds Manufacturing Company, Pittsburg Steel Construction Company, and other manufacturing companies, against passage of anti-injunction bill—to the Committee on the Judiciary.

Also, petitions of citizens of Pittsburg and other cities of Pennsylvania, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. CALDER: Petition of Charles W. Martin and others, favoring remedial legislation excluding labor unions from provisions of the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of John Croke and others, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Wilmer Atkinson, of Philadelphia, Pa., favoring a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Hugh Getty, John Hankin & Bros., Paul E. Vernon & Co., and Jackson's Mantel and Grate Works, for ex-



emption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. CAULFIELD: Petitions of Cigar Makers' Union and Local No. 1, Inside Wiremen, of St. Louis, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. CHAPMAN: Petition of citizens of Harrisburg, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. COUSINS: Petitions of citizens of Howell, Mich.; Brooklyn, N. Y.; Altoona, Pa.; Peoria, Ill.; Albion, Mich., and Yarmouth, Me., favoring concurrent resolution No. 23, expressing sympathy for the Russian people—to the Committee on Foreign Affairs.

By Mr. DAVIDSON: Petition of Mrs. W. J. Shumway and several hundred other residents of Wisconsin, in favor of H. R. 18445, to investigate and develop methods of treatment for tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of Hancock Post, No. 146, Grand Army of the Republic, of Henderson, Minn., protesting against discontinuance of pension agencies—to the Committee on Appropriations.

By Mr. DAWSON: Petition of Loras Council, No. 532, Knights of Columbus, of Davenport, Iowa, for Harrison bill for making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of George W. Olney and other citizens, of Clinton, Iowa, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of National Irrigation Association, against the so-called "320-acre dry-land farming bill" (S. 6155)—to the Committee on Irrigation of Arid Lands.

Also, joint resolution of New York State senate and assembly, 1907, relating to contingent expenses of the war of 1812—to the Committee on Claims.

By Mr. DUREY: Petition of citizens of Palmer, N. Y., for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. ELLIS of Oregon: Petition of Multnomah Typographical Union, of Portland, Oreg., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Local Union No. 337, of Portland, Oreg., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FERRIS: Petition of citizens of Rush Springs, Grady County, Okla., praying for certain amendments to the Constitution (H. J. Res. 177)—to the Committee on the Judiciary.

By Mr. FLOYD: Paper to accompany bill for relief of Richard A. Hutson—to the Committee on Military Affairs.

By Mr. FRENCH: Petition of citizens of Boise, Idaho, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. FULLER: Petition of National Irrigation Association, favoring the 320-acre dry-land farming bill (S. 6155)—to the Committee on Irrigation of Arid Lands.

Also, petition of Chicago Credit Men's Association, for H. R. 13266—to the Committee on Banking and Currency.

Also, petition of James McCarty, of Sandy Hill, N. Y., for the Fuller bill (H. R. 19250), for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of J. E. Palmer, of Rockford, Ill., favoring S. 4432, Improvement of the Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of citizens of Syracuse, N. Y., for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of heirs of Sebastian Tujayne—to the Committee on War Claims.

By Mr. GARNER: Petitions of Fronteriza Union, No. 304, of Laredo, and citizens of San Antonio, Tex., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of Highways Laborers' Protective Union No. 12324, American Federation of Labor, of Eighteenth Congressional District of New York, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Lenox Iron Works, Employers' Architectural Iron Workers, Joseph Dillon & Son, Union Equipment and Bronze Company, R. H. Carey, William J. Olvany, Edwin Outwater, Building Trades Employers' Association, and De La Vergne Machine Company, all of New York City, against any anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of George A. Reynolds and others, favoring S. R. 20, relative to carrying Government supplies in American bottoms—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Phelps Squadron No. 12, of San Francisco, favoring H. R. 220, preventing desecration of the American flag—to the Committee on the Judiciary.

By Mr. GRAFF: Petitions of Local No. 120, United Brotherhood of Leather Workers, and U. M. B. A., of Peoria, Ill., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of citizens of Pittsburg and other cities of Pennsylvania, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petitions of Manufacturers' Association of Pittsburg, Simons Manufacturing Company, and Nelson-Snyder Manufacturing Company, against passage of Sterling or Payne anti-injunction bill—to the Committee on the Judiciary.

Also, petition of George W. Eberhardt, favoring S. 6367 and H. R. 20311—to the Committee on Ways and Means.

Also, petition of I. Ollendorff Company, favoring financial legislation—to the Committee on Banking and Currency.

Also, petition of Amalgamated Sheet Metal Workers' Union, for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of Brotherhood of Railway Trainmen, favoring S. 4831, bill for relief of Pembroke B. Banton—to the Committee on Claims.

Also, paper to accompany bill for relief of Pembroke B. Banton (S. 4831)—to the Committee on Claims.

By Mr. HENRY of Texas: Petition of citizens of Waco and McLennan counties, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of Dr. Julia E. Foster, of Butler, Pa., on behalf of Woman's Club of Butler, favoring conservation of natural resources—to the Committee on Agriculture.

By Mr. HUMPHREYS of Mississippi: Paper to accompany bill for relief of heirs of Mrs. Grace Ann Mitchell—to the Committee on War Claims.

By Mr. HUMPHREY of Washington: Petition of American League of Independent Workmen, of Spokane, favoring legislation to conserve natural resources of the country—to the Committee on Agriculture.

Also, petition of citizens of Seattle, Elmer, and other cities and towns of Washington, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of citizens of Washington, for H. R. 40, prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Washington, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of citizens of Washington, against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. JENKINS: Petition of citizens of Bayfield County, Wis., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. KAHN: Petition of Leather Workers' Union No. 57, of San Francisco, Cal., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. KEIFER: Petitions of Mrs. A. C. McDowell and 37 other citizens of Plain City; I. Irvine Innes and 22 other citizens of Salem, Ohio, and Mrs. J. E. Johnson and 21 other citizens of New Carlisle, Ohio, for relief of certain Russian subjects, as per concurrent resolution 28—to the Committee on Foreign Affairs.

By Mr. KIMBALL: Papers to accompany H. R. 7101, for the relief of Mrs. Ellenor Gibson Whitney—to the Committee on Claims.

By Mr. LINDBERGH: Petitions of Charles R. Ilse, Albert Sabin, and Anton Stantly, of Brainerd, Minn., and Peter Dewar, of Staples, Minn., for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of E. E. Hoffmann and others, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Stephen E. A. Weinberg, president of Ethan Allen Historical Society, favoring ratification of an international arbitration treaty—to the Committee on Foreign Affairs.

Also, petitions of Daniel J. Ryan and the Hayden Company, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of Henry Deastel and others, for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of A. J. McConnerty, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LOVERING: Petition of citizens of Massachusetts, favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of citizens of Massachusetts and elsewhere, favoring H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petitions of citizens of Milton, Mass., and Massachusetts State Federation of Women's Clubs of Boston, favoring H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. McKINLEY of Illinois: Petition of Sorosis Club, of Galesburg, Ill., favoring H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY: Petition of Tri-City Printing Pressmen and Assistants' Union No. 98, of Moline, favoring the Wilson bill—to the Committee on the Judiciary.

By Mr. MURPHY: Petitions of 29 citizens of Delton; 23 citizens of Merrimack; Oliver S. Rendell, of Baraboo; committee of Mount Hope Woman's Christian Temperance Union; 20 members of Mineral Point Woman's Christian Temperance Union; F. G. Snyder, of Reedsburg; 20 citizens of Sauk County; Woman's Christian Temperance Union of Reedsburg; Emery Lodge, No. 311, Independent Order of Good Templars, of Mineral Point; and Methodist Episcopal Church Woman's Home Missionary Society of Platteville, all of the State of Wisconsin, favoring prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of citizens of Iowa and Grant counties, Wis., against prohibition in the District of Columbia; T. J. Brown, of Rocktown, and citizens of Elroy and Baraboo, Wis., against Sunday legislation in the District of Columbia; and letter of pastor of Methodist Episcopal Church of Platteville, Wis., for H. R. 4776 and the McCumber-Tirrell bill and against the repeal of the anticanteen law—to the Committee on the District of Columbia.

Also, petition of C. N. Rebetty, Reedsburg, Wis., for H. R. 20472—to the Committee on Interstate and Foreign Commerce.

Also, petition of Women's Club of Platteville, Wis., for S. 5117 and H. R. 18445—to the Committee on Appropriations.

Also, petitions of 28 citizens of Highland, Wis., and 50 citizens of Longville, Wis., for H. R. 18537—to the Committee on Agriculture.

Also, petitions of citizens of Westby, Hillside, Spring Green, Soldiers' Home, and North Freedom, Wis., for law in aid of Lincoln Farm Association—to the Committee on Appropriations.

Also, petition of Local No. 441, American Federation of Musicians, of Cuba City, Wis., against competition of military bands with civilian bands—to the Committee on Labor.

Also, petition of dealers in musical instruments at Wonewoc, Dodgeville, and Spring Green, Wis., relating to copyright law—to the Committee on Patents.

By Mr. NEEDHAM: Petition of citizens and labor organizations of California, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of citizens of Stockton and Lodi, Cal., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of S. E. Mason—to the Committee on War Claims.

By Mr. PAYNE: Petition of citizens of Weedsport, N. Y., in favor of concurrent resolution 28, relative to Russian atrocities—to the Committee on Foreign Affairs.

By Mr. ROBERTS: Petition of citizens of Saugus, Mass., for S. 5117 and H. R. 18445, relative to methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Missouri: Petition of workers and sympathizers of the Carpenters of America, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. RYAN: Petitions of president of Press Feeders' Union; Insulators and Asbestos Workers' Union No. 4; H. E. Porter and others; paper hangers; marine firemen; water tenders and oilers; Meat Cutters' Union; Metal Polishers' Union No. 17; boiler makers; and Grain Shovelers' Union, Local No. 109, all of Buffalo, N. Y., for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of residents of Utica, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Nashville, Tenn., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of Federation of Labor at Wichita Falls, Tex., for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. STERLING: Petition of Master Painters and Decorators, favoring the Marshall bill (H. R. 20472)—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Petition for legislation to investigate and develop methods of treatment of tuberculosis (H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Urias Bolyard—to the Committee on Military Affairs.

By Mr. SULZER: Petition of citizens of New York City, for legislation for development of method of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

Also, petition of John J. Parks, for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Daniel J. Ryan and the Hayden Company, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. TIRRELL: Petition of Grace E. Lawrence and others, favoring H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petitions of Harry Hale and Howard Stauffer, of Rogersford, Pa., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. WASHBURN: Paper to accompany bill for relief of Walter McLaughlin, otherwise called Walter S. Hall—to the Committee on Pensions.



## SENATE.

WEDNESDAY, May 13, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Vice-President being absent, the President pro tempore assumed the chair.

The Journal of yesterday's proceedings was read and approved.

## FREEDMEN'S HOSPITAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of reappropriation of the unexpended balance of the appropriation for furnishing new building, Freedmen's Hospital, made by the sundry civil act of March 4, 1907, the same to remain available until expended, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

## TESTS OF PETROLEUM.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation for expenses of making petroleum tests and of meeting of the international commission for standardizing of methods of testing petroleum, etc., \$10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## LIGHT-HOUSE ESTABLISHMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor, submitting estimates of appropriations for additional light-houses and other public works in the Light-House Establishment, \$940,325, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of William W. Dewhurst, as administrator, with the will annexed, of George Dewhurst, deceased, v. United States; and

In the cause of Herbert R. Green, administrator de bonis non of Nathaniel Green, deceased, v. United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLCOTT, Mr. TAYLOR of Ohio, and Mr. JOHNSON of Kentucky, managers at the conference on the part of the House.

## ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 20784) an act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, and it was thereupon signed by the Vice-President.

## PETITIONS AND MEMORIALS.

Mr. PLATT presented a memorial of Local Union No. 5, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Wadley, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Albion, Brooklyn, Poughkeepsie, Salamanca, Utica, and Yonkers, all in the State of New York, praying for the adoption of certain

amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. MCCREARY presented a petition of sundry citizens of the United States praying for the enactment of legislation to prohibit any President, Cabinet officer, or assistant Cabinet officer to be nominated by any political party as a candidate for the Presidency unless he shall have resigned his office at least six months before such nomination is made, which was referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a memorial of the East Washington and West Washington citizens' associations, of the District of Columbia, remonstrating against the enactment of legislation changing the names of Georgia avenue SE. and Brightwood avenue NW., in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the elimination of grade crossings in the District of Columbia, including the tracks to the navy-yard, which was referred to the Committee on the District of Columbia.

Mr. HALE presented a memorial of Local Union No. 27, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Millinocket, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Branch No. 29, Quarry Workers' International Union, of Hallowell, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Athene Club, of Bangor, Me., praying for the enactment of legislation for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SUTHERLAND presented a petition of sundry citizens of Ogden, Utah, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Chicago, Breese, Urbana, Kewanee, Beardstown, Peoria, Freeport, and Ottawa, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BROWN presented petitions of the Ladies' Aid Society of the First Presbyterian Church of Valentine; of the Equal Suffrage Club of Rushville, and of Woman's Relief Corps, No. 205, of Rushville, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented petitions of sundry citizens and labor organizations of Omaha and South Omaha, in the State of Nebraska, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. RICHARDSON presented a petition of sundry citizens of Magnolia, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Chicago Heights, Cairo, Kewanee, O'Fallon, and Belleville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. du PONT presented a petition of sundry citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. GORE presented a petition of the board of county commissioners of Carter County, Okla., praying for the enactment of legislation permitting the present United States jail at Ardmore, in that State, to be used as a county jail for Carter County, which was referred to the Committee on the Judiciary.

Mr. STONE presented petitions of sundry citizens and labor organizations of Springfield, Hannibal, Kansas City, Sedalia,

St. Louis, St. Joseph, Joplin, Keota, Moberly, Poplar Bluff, Connelville, Clifton Hill, Novinger, Graniteville, Bevier, Cape Girardeau, Marceline, De Soto, Charleston, Sikeston, Flat River, all in the State of Missouri, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens and labor organizations of Franklin and Seattle, in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented petitions of sundry citizens and labor organizations of Seattle and Spokane, in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented a memorial of sundry citizens of Walla Walla, Wash., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STEPHENSON presented petitions of sundry citizens and labor organizations of La Crosse, Superior, Racine, Waukesha, Madison, South Kaukauna, Marinette, and Milwaukee, all in the State of Wisconsin, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CLAPP (for Mr. KITTREDGE) presented a petition of sundry citizens of South Dakota, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of sundry citizens and labor organizations of Weir and Leavenworth, in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

#### CHOCTAW INDIAN ROLLS.

Mr. CURTIS. I present the memorial of Green McCurtain, principal chief of the Choctaw Nation, remonstrating against the reopening of the tribal rolls of that nation. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, to report it with sundry amendments, and I submit a report (No. 641) thereon.

This is a bill of considerable detail and its importance, of course, is well known to the Senate. I need not call attention to this fact or to the situation as respects the bill. Therefore, without calling attention to the details, I wish to say that I shall ask the Senate to-morrow morning, after the completion of the routine business, to take up the bill, with the expectation that it can be passed with proper dispatch.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. FLINT. From the Committee on Pacific Islands and Porto Rico, I report back favorably without amendment the bill (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits, and I submit a report (No. 646) thereon. I ask for the immediate consideration of the bill.

Mr. TELLER. This is an important bill, and it ought to be printed and lie over.

The PRESIDENT pro tempore. The bill will go to the Calendar, under the objection of the Senator from Colorado.

Mr. OWEN. From the Committee on Public Lands, I report back with an amendment the bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., and I ask for its present consideration.

The Secretary proceeded to read the bill.

Mr. SCOTT. Let the bill go over.

The PRESIDENT pro tempore. Objection is made and the bill goes to the Calendar.

Mr. OWEN, from the Committee on Public Lands, to whom was referred the bill (S. 6246) authorizing the Secretary of the Interior to set aside a certain tract of land for town site purposes, reported it with an amendment.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 6641) to incorporate the American National Institute (Prix de Paris) at Paris, France, reported it without amendment, and submitted a report (No. 647) thereon.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6544) to remove the charge of desertion from the record of William H. Atkins (Report No. 644); and

A bill (H. R. 5297) to complete the naval record of John Shaughnessy (Report No. 645).

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1750) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies (Report No. 648); and

A bill (S. 6082) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance (Report No. 649).

#### SCHOOL LANDS IN MISSISSIPPI.

Mr. McLaurin. I report back from the Committee on Public Lands with an amendment the bill (S. 7091) to grant to the State of Mississippi certain lands for the use of the common schools of that State, and I ask unanimous consent for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 12, after the word "canceled," to insert the words "the title to;" and at the end of line 12, after the word "shall," to strike out the words "be thereby granted to" and insert "thereupon vest in," so as to make the bill read:

*Be it enacted, etc.,* That the public lands of the United States in the State of Mississippi be, and are hereby, granted to the State of Mississippi, the proceeds of the sale thereof to be used in the support of the common schools of said State.

Sec. 2. That the grant made in section 1 of this act shall not interfere with the claim of any person who has before the passage of this act initiated a homestead of any of said public lands, but said homestead claim shall proceed as if this act had not been passed. If said homestead shall for any cause be canceled the title to the land included therein shall thereupon vest in said State of Mississippi.

Sec. 3. That this act shall take effect from and after its passage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HOWARD B. CARPENTER.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (S. 3810) for the relief of Howard B. Carpenter, to report it favorably without amendment, and I submit a report (No. 643) thereon. I call the attention of the Senator from Wyoming [Mr. WARREN] to the bill.

Mr. WARREN. I ask for the immediate consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Howard B. Carpenter \$2,446.34, the balance due him for survey of boundary line between the States of Idaho and Montana, under contract dated February 10, 1904.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MILITARY POSTS.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the following resolution, submitted by Mr. Scott April 13, 1908, reported it with amendments and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to:

*Resolved,* That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military posts of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpoena witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties, the expenses incurred to be paid out of the contingent fund of the Senate.

#### MISSOURI RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6966) to extend the



time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr., to report it favorably with amendments, and I submit a report (No. 642) thereon.

Mr. BURKETT. I ask unanimous consent that the bill be put upon its passage.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 6, after the word "Company," to strike out the words "a corporation duly organized under the laws of the State of Nebraska, its assigns, successors, grantees, mortgagees, representatives, successors in interest;" in line 9, after the word "to," to strike out the words "own, operate, and maintain;" in line 10, before the word "Missouri," to strike out "the;" and after the word "Nebraska," in line 12, to strike out all of the bill down to and including the word "same" on line 1, page 2, so as to make the bill read:

*Be it enacted, etc.,* That section 7 of the act approved March 26, 1902, as amended by an act approved June 30, 1906, authorizing the South Omaha Railroad and Bridge Company to build a bridge and approaches thereto across Missouri River at or near the city of South Omaha, Douglas County, Nebr., is hereby amended by extending the time for the construction of said bridge and approaches thereto to April 15, 1910.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LOUISE STEWART V. UNITED STATES.

Mr. FULTON, from the Committee on Claims, to whom was referred the letter from the chief justice of the Court of Claims, transmitting a letter from the Assistant Attorney-General requesting that the case of Louise Stewart, widow, v. The United States, No. 10102, Congressional, be returned to the court for further proceedings, reported the following resolution, which was read:

*Resolved,* That, in compliance with a request of the chief justice of the Court of Claims, the Secretary of the Senate be, and he is hereby, directed to return to the Court of Claims the following Congressional case, namely, of Louise Stewart, widow, v. The United States, No. 10102, Congressional, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

Mr. TELLER. I wish the Senator who reported the resolution would explain what it means. I do not understand it.

Mr. FULTON. It is a bill which was sent to the Court of Claims, I think, several sessions ago, and it went on the calendar for dismissal. I understand that it had not been prosecuted with the diligence required by the rules of the court, and it was placed on the calendar for dismissal by mistake. So the letter from the chief justice states. He simply sent in a letter here requesting that the record be changed.

Mr. TELLER. I do not object to the resolution.

The resolution was considered by unanimous consent and agreed to.

#### PUBLIC BUILDING AT JONESBORO, ARK.

Mr. CLARKE of Arkansas. I ask leave to call up the bill (S. 5879) to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark. It is a local matter reported yesterday from the Committee on Public Buildings and Grounds. I was unavoidably absent, and that is my reason for making the request at this time for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, before the word "dollars," to strike out "one hundred" and insert "eighty," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building and furnish the same for the use and accommodation of the post-office and other Government offices at Jonesboro, in the State of Arkansas, the cost of same not to exceed \$80,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EFFICIENCY OF THE MILITIA.

Mr. HEMENWAY. I desire to ask for the consideration of the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903.

The PRESIDENT pro tempore. The bill will be read to the Senate for information.

The Secretary proceeded to read the bill.

Mr. CULBERSON. I ask the Senator in charge of the bill if it does not amount to a reorganization of the militia?

Mr. HEMENWAY. It changes the Dick bill, which was passed several years ago, but is reported by the unanimous action of the Committee on Military Affairs both of the House and Senate. Of course, if the Senator desires to discuss the bill, or if any Senator desires to discuss it, I will not press it now.

Mr. CULBERSON. I have not had time to read it.

Mr. KEAN. I wish the Senator from Indiana would withdraw his request at the present time.

Mr. HEMENWAY. If there is to be any discussion, I will withdraw the request.

Mr. KEAN. I should like to state that the military board of the State of New Jersey object to several features of the bill and I have some amendments to offer, but I have them not here.

The PRESIDENT pro tempore. Objection is made to the consideration of the bill. The introduction of bills and joint resolutions is in order.

#### BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 7109) granting an increase of pension to James W. Coburn, which was read twice by its title and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 7110) to aid in building a memorial to Abraham Lincoln on the site of the Lincoln birthplace in Kentucky, which was read twice by its title and referred to the Committee on the Library.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 7111) for the relief of the Alaska Terminal and Navigation Company, which was read twice by its title and referred to the Committee on Commerce.

Mr. NEWLANDS introduced a bill (S. 7112) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States, which was read twice by its title and referred to the Committee on Commerce.

Mr. BURKETT introduced a bill (S. 7113) making appropriation for repairs and reconstruction of buildings destroyed by cyclone at Fort Crook military post, which was read twice by its title and referred to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. TALIAFERRO submitted an amendment proposing to pay Maj. G. S. Bingham a sum equivalent to the amount of pay withheld from him because of the acceptance of the quartermaster's steamer *Joseph E. Johnston*, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. DICK submitted an amendment relative to the amounts found due the several States for expenses incurred and paid by them under the act of July 27, 1861, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

#### COL. WILLIAM F. STEWART.

The PRESIDENT pro tempore. The morning business is closed.

Mr. RAYNER. I call up Senate joint resolution No. 82.

The PRESIDENT pro tempore. The Senator from Maryland calls up a joint resolution, which will be read by title.

The SECRETARY. Table Calendar 17, a joint resolution (S. R. 82) relating to certain charges against Col. William F. Stewart, of the Coast Artillery.

Mr. RAYNER. Mr. President, I would be perfectly willing to forego the present consideration of the joint resolution and permit it to go to the Committee on Military Affairs if I had any assurance from the Military Committee that in some shape or another they would give me a report on it by the end of the week.

That committee meets to-morrow, and if the chairman of the committee will state that either in the form that I offer it or in some other and modified form they will make either a favorable or an unfavorable report on it, or that some action will be taken on it by the end of the week, I am perfectly willing that the joint resolution shall go to the Military Committee. If no such assurance is given, I propose to press the presentation of the joint resolution in a little different form from the way in which I offered it yesterday.

Mr. WARREN. Does the Senator wish some explanation now?

Mr. RAYNER. I do. I would be much obliged to the Senator.

Mr. WARREN. Mr. President, the joint resolution is, of course, tantamount to a bill, and the regular course is that it should go to some committee. I want to say to the Senator from Maryland that if he thinks there is any standing committee of the Senate which is more appropriate or which he feels would be less apt to be prejudiced than the Committee on Military Affairs, I shall not object to its going to some other standing committee. I shall, of course, object to its being taken from the table and passed by the Senate without going to committee, because I think that is a dangerous way of legislating.

Now, as to what the Military Committee will do with it, I want to ask the Senator if that committee has ever been, to his knowledge, accused of pigeonholing or being unduly slow in the consideration of any matters intrusted to it by the Senate?

Mr. RAYNER. Does the Senator want me to answer now?

Mr. WARREN. I do.

Mr. RAYNER. I do not make the slightest suggestion that the joint resolution shall go to any other committee. If it goes to any committee, I prefer the Military Committee. But that is not the question. The question I ask the Senator is whether as chairman of that committee, not speaking for the committee but speaking simply for himself, he will give me assurance that in some shape or another the joint resolution will be reported before the end of the week.

Mr. HOPKINS. Mr. President, I desire to suggest to the chairman of the Committee on Military Affairs that that request is unusual, and it seems to me that it ought not to be made by the Senator from Maryland. The Military Committee, as every other committee of the Senate, is composed of men of high character and patriotism, men who are as quick to look after the interests of every citizen as the Senator himself.

It seems to me that it is a little unseemly for him to attempt to interrogate the chairman of the Military Committee as to what that committee will do in advance of any evidence being presented to it. The Senator has made his speech here upon the floor, and has had the benefit of that both in the Senate and in the country. Now, if this matter is to go to the committee, it should go there untrammelled by any prejudice, either for or against this officer.

The Senator and the friends of this officer will have an opportunity there to present their facts, and after all these questions are considered in that committee the question then will come as to the report and when the report shall be made. It may be that facts and circumstances will develop before that committee that they can not report in a week. It may be that they will be able to report in two days. But it should be left entirely open, so that every member of the committee will feel free to act as he believes in the interest of justice.

Mr. RAYNER. Mr. President, with great respect to the Senator from Illinois, I do not think it was necessary for the Senator from Illinois to answer the question I addressed to the Senator from Wyoming.

Mr. HOPKINS. I will say to the Senator, if he will allow me—

Mr. RAYNER. One moment. I have the floor, and just a moment. I think the Senator from Wyoming is capable of answering the question. I made no request that the Military Committee should speak. I asked the Senator from Wyoming whether, speaking for himself as chairman of the committee or as a member of the committee, he could give me any reasonable assurance that the joint resolution would be reported by the end of the week. I will supplement that by saying, reported within such time, one way or the other, so that I can arrive at some consideration of it in the Senate.

The situation here is entirely different from the situation on ordinary bills and resolutions. As I understand it, the Senate will adjourn in about ten days. I am perfectly willing to change the nature of the resolution, and instead of being a joint resolution to be passed by the Senate and House I am willing to put it in such shape that it will only give expression to the opinion of the Senate, and instead of directing the President to proceed in the matter I will submit a resolution to authorize and request him to proceed. I have a resolution of that sort and I will read it to the Senator from Wyoming.

Mr. HOPKINS. Mr. President—

Mr. RAYNER. I have the floor. I yield to the Senator from Wyoming, as I think the Senator had better answer the proposition, and then I will yield to the Senator from Illinois.

Mr. HOPKINS. The Senator from Wyoming, of course, is able to do that, but at the proper time I desire to submit a remark or two on the subject.

Mr. RAYNER. I yield to the Senator from Wyoming. I want to hear what the Senator from Wyoming has to say about it.

Mr. WARREN. Does the Senator from Maryland yield to me now to complete my answer to his question?

Mr. RAYNER. Certainly. I did not interrupt the Senator. The Senator from Illinois interrupted him.

Mr. WARREN. I thank the Senator from Illinois for protecting the Military Committee and the rights and privileges of all the committees of the Senate. Why do we have committees if not to consider these questions?

If the Senate sees fit to instruct the Committee on Military Affairs, the chairman and the committee will undoubtedly follow its instructions. If uninstructed, the chairman of the committee will without delay bring the matter before the committee, and if that committee does as it has always done since I have been connected with it, it will consider in due season, and in a proper way, this whole subject exactly as it has considered other matters heretofore.

I am unable to promise whether the joint resolution can be reported to-morrow or next week. All I can say is that so far as I am concerned, individually and as chairman of the committee, I shall hope to become so well acquainted with the facts in the case that a report will be made in season to accomplish the Senator's purpose. But I can make no further promise, for the reason I shall state:

Here is a matter which comes before the Senate that is not alone a reproof and a direction to the President, but it is an attack upon the discipline of the Army, and likewise, although indirect, upon the Navy. It is an attack upon the President as Commander in Chief of the Army and Navy, and under it lies the fact that this case has been passed upon by all the general officers from the Chief of Staff down to this officer, and that the President has merely approved what they have recommended.

Presidents may come and Presidents may go, and we will undoubtedly have some other man in the Presidential chair after the 4th day of next March, but the officers of the Army are there for life. The discipline of our fighting force must be such that it shall remain a virile and forceful force, and there must be loyalty, subordination, courage, and a patient bearing of all the ills incident to both war and peace conditions, even though discomfort and hardship follow.

When this matter is taken up, I want to say to the Senator that I shall look for precedents, and I shall look a little to the hereafter, because, even since this matter has been talked about, the chairman of the Committee on Military Affairs has been approached by officers of the Army and indirectly by others in the interest of officers of the Navy, desiring to correct alleged wrongs which, while not exactly like this alleged wrong, are nevertheless along similar lines. For instance, it is reported that the commander of the vessel *Mayflower* ran the boat aground. Officers examined into it and reported that there should be certain action taken. The President disapproved of some of the terms of the finding, as I understand it, and reduced them in severity so that he was removed from command of the *Mayflower* and placed as a subordinate officer on another boat.

Now, Mr. President, I do not want to establish here a precedent whereby when a man is sent to a post in Alaska which may be thousands of miles away from railroads instead of hundreds, or is sent some place where he has no command or the command of only a few people, he can knock at the door of the Senate and ask that some one shall propose a measure and demand that it shall be passed off the table, without committee consideration, to give him relief, regardless of what may be the consequences of the hereafter, or regardless of what might possibly be an attack upon the discipline of the Army or Navy. The only assurance I am able to give the Senator is that we will take the case under consideration and treat it with the consideration which the committee has accorded all the business that has come before it, and I hope that we may be able to make an early report.

Mr. RAYNER. I yield to the Senator from Illinois.

Mr. HOPKINS. The Senator from Wyoming has answered the very proposition I desired to suggest to the Senator from Maryland. I was not coming to the rescue of the Senator from Wyoming, the chairman of the Military Committee, because in my service in public life I have always found that he was able to take care of himself and the interests of the committee he represented. My objection was that this request was an unseemly one in the Senate and one that ought not to be made to the Military Committee or any other committee formed of Senators. These committees have jurisdiction over various subjects, and it is a violent presumption to assume that the



committee will not discharge its duty. From my experience here in the Senate I have always found that the Military Committee was quick to respond to its duty on any subject presented to it. I do not know why this case should take any different course from any other question that goes to the committee.

Assuming the statement made by the Senator from Maryland to be correct, I believe that prompt action should be taken here, but I do not think that he ought to interrogate the chairman of the committee or any member of the committee to learn in advance of the joint resolution going there what the action of the chairman or of the committee will be.

Mr. CULBERSON. Mr. President, we were interrupted on this side of the Chamber when the Senator from Wyoming was making an explanation. I would be glad to ask him a question, therefore, in order that we may understand him.

Mr. WARREN. I was not aware that I was making any explanation.

Mr. CULBERSON. The Senator was making a reply, then, to a question addressed to the Senator by the Senator from Maryland.

Mr. WARREN. Yes.

Mr. CULBERSON. I understood the Senator from Wyoming to suggest that if the joint resolution was referred to the committee without instructions, as chairman of the committee, he would submit it promptly to that committee at its next meeting and have the matter acted upon by the committee, but he could not make any definite promise as to when a report would be made by the committee, whether to-morrow or the next day or next week, or any particular time. I then understood the Senator to go further, though I may have misunderstood him, to argue against the passage of the joint resolution by suggesting that it was an attack upon the authority of the President as Commander in Chief of the Army.

Mr. WARREN. Mr. President, will the Senator permit me?

Mr. CULBERSON. I simply rose to make that inquiry.

Mr. WARREN. I want to say to the Senator from Texas that it will not matter to me what the Senator from Maryland or any other Senator may in a speech say or set forth regarding this Stewart case. I know nothing about it. I do not wish to know anything about it until it comes to the committee—other than what may come in the regular way—because if the committee is to take this subject up, it ought to take it up entirely unprejudiced as to the case of Stewart. But I say it is a wrong procedure to take from the table and pass resolutions here upon the statement of a single Senator that may affect the well-being of the Army and Navy and the discipline thereof. I object to that mode of legislation; that is all.

Now, if this matter comes to the Committee on Military Affairs, so far as the chairman is concerned it will come to him without any prejudice for or against this man, and he will intend to get at the bottom of the facts surrounding the case. If it can be done to-morrow or next week, it will be done then; and if it can not be done for a week or ten days, the chairman will not consent to have it done until the committee can get the facts, which I understand are here in the city—the papers and all the matters that surround it. I do not believe in ex parte legislation, and therefore my remarks are directed to that and not to the conduct of the committee.

If the Senator wishes to commit me to the statement that I will promptly bring it before the committee to-morrow, and that to-morrow it will act, I shall not go that far. But we meet in regular meeting to-morrow; and if we have a quorum there for business, this matter will be mentioned; and if the committee wishes to proceed with it, there will be no delay offered on the part of the chairman further than that we shall have all the facts that are considered necessary in weighing out this question.

Mr. CULBERSON. Mr. President, I stated to the chairman of the committee that in consequence of interruptions and conversation on this side of the Chamber we were unable to hear his statement, and I asked him, in effect, if I was correct in my statement of what he had said. I do not desire to commit the Senator to any proposition. I simply wanted to understand what the Senator had said and how far he was willing to go with reference to the matter; that is all.

Mr. WARREN. I am entirely willing that the Senator shall interrogate me upon that point; but I want that Senator and every Senator to understand that so long as I am chairman of the Military Affairs Committee it will proceed in the way that that committee deems best and most proper in the examination of all questions, unless the Senate shall direct it to do otherwise when the matter is sent to it or thereafter before a decision is reached.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Georgia?

Mr. RAYNER. Certainly; I yield to the Senator from Georgia. I will be glad to yield to him.

Mr. BACON. This case presents several questions. The matter of influence which brings it here is one doubtless personal to Colonel Stewart. Questions, however, have been raised by the discussion and by the communications which have been sent to the Senate which are very much graver than any question which can concern any individual, whether he be a military man or a civilian.

I am very frank to say that so far as the individual is concerned I am not very favorably impressed; and I make this allusion because the remarks of the chairman of the Military Committee seemed to be addressed almost exclusively to the question of those matters which will concern him individually. I think that so far as the individual is concerned, while I recognize his right to a trial, the presentation is not one which commends him to me very strongly from a personal standpoint.

But there are two questions which are raised here which are of the most vital importance, not simply in their effects upon the individual, but upon the country at large, upon the principles of our Government, and in the effect upon the maintenance and the security of our institutions. These questions are, first, as to the rights of a man to a trial. However we may be satisfied of the guilt of a man, or whatever may be the charge against him, or by whomsoever it may be made, the fundamental principle in this country and in the country from which we derive our institutions is the right of a man to a hearing and a fair trial.

Again, one of the very gravest of issues is raised by the attitude of the President, in which he directly takes the position that, holding the office of Commander in Chief of the Army, that he is not responsible to law; that no statute law can control him, because he holds his position as constitutional Commander in Chief of the Army; that matters affecting the authority of that office are within his exclusive discretion, and that he can say to the Senate and to the Congress of the United States that no statute passed which interferes with his discretion in the management of the Army is a statute which he is bound to obey. That is to me a most astounding proposition. That is the great issue, one of the greatest of issues that this committee will be called upon if it passes upon all of the questions which are raised in this case.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. If the Senator from Georgia thinks, and if he is right about it, that the law should be construed by that committee, does he think the matter ought to be foreclosed by the promise that a report will be made to-morrow or the next day?

Mr. BACON. So far as that branch of it is concerned, I must unhesitatingly say, "No." That was the purpose I had in the very few remarks which I propose to submit to the Senate. I am not going to discuss that question. It is too broad a question, too big a question, too grave a question, too vital a question to be treated lightly or in any offhand manner.

Mr. WARREN. The chairman of the Committee on Military Affairs had that in view, as well as the more practical points which he stated in his remarks a few moments ago. The Senator from Georgia is right.

Mr. BACON. Mr. President, I am so impressed with the gravity of this proposition that I am unwilling that it shall go to the committee under the remark which has been made, with apparent acquiescence on the part of the Senate in the suggestion, that the question was one which related simply to the character of Colonel Stewart and to whether or not he was a worthy and meritorious officer. Of course, I think that so far as Colonel Stewart is concerned this committee ought to act promptly, because, if he is being treated with injustice, that injustice ought to be rectified. I regret exceedingly that it is so near the end of the session, because the questions raised are questions which go to the very fundamentals of our Government, and I wish that time remained for its full discussion and settlement.

If it be true that our fathers, freed, as they had been, after seven years of struggle, from the domination and tyranny of one-man power, erected a government and designedly and purposely put at the disposal of one man the Army and Navy of the United States, and in its control freed him from the control of the law, then certainly it is the greatest anomaly in the

political history of the world. It is impossible that this can be so. As I have said, I regret that it is so near the end of the session, because such an issue when raised ought to be settled, and ought to be settled by the Congress of the United States in the most emphatic and positive terms. I recognize, Mr. President, that it can not be settled if there is any controversy over it in the limited time which intervenes between to-day and the day which is generally understood to be the one upon which we are to adjourn. But, so far as the particular rights of Colonel Stewart are concerned, whether or not he is, in fact, in prison, whether or not he is being meted out punishment without a trial—

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. Now, upon the question of the punishment of this officer; as I understand, he is under no sentence, is not imprisoned, and is under no duress. He is sent to that post just as he would be sent to any other post, to remain there subject to orders, and to carry his communications and work through the War Department in the usual way. He might be sent to Barrancas; he might be sent to other posts; but in each and every case it is the act of the Commander in Chief, or some officer under him who has the authority, to detail an officer to a certain post, to take command there if there is a command to take, or to remain there. So that technically, so far as sentence or punishment is concerned, there is nothing in it. The most that can be said is that it incidentally is a punishment that he is given an inferior post without the command of troops, as compared with others who occupy the same position as a lieutenant-colonel, we will say, at larger posts where they do have commands. But he receives his full salary, all of his allowances and rations, and all the personal freedom that he would receive anywhere else. He is simply at that particular post, instead of at a better one.

Mr. BACON. Mr. President, I think those are questions which the committee is to consider, but I did not understand that the Senator was prepared to express a definite and final opinion about the case, because, if that is so, there is no use for the resolution to go to the committee.

Mr. WARREN. The Senator does not do me justice. I stated it as it appears from what comes before us through the Senator from Maryland [Mr. RAYNER] and from the letter read at the desk yesterday. That is all.

Mr. BACON. Well, now, Mr. President, I am not endeavoring to present a conclusion on the facts. I am speaking of the question which is to be before the committee, if there is a reference of the resolution—whether it is or is not true that, under the guise of an order to a post, this officer is not in fact in prison. That is the question for the committee to determine; and I say that is a question that ought to be determined without delay, if the committee has to sit night and day until it is done, because the liberty of a citizen is involved; and the question of whether or not a citizen is being deprived of his liberty without due process of law, either civil or military, is a question which, if it is submitted to the Senate for determination, is one not to be delayed.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. Mr. President, the Senator is almost convincing me that possibly this matter ought to go to the Committee on the Judiciary on law points. Is that the intention of the Senator?

Mr. BACON. I had no such thought in my mind.

Mr. WARREN. I should be perfectly willing to have it go there.

Mr. BACON. We can very readily understand that it is not a pleasant task for anybody. Nobody would suggest, except the Senator from Wyoming, the possibility of this matter going to any other committee than the Committee on Military Affairs. Everybody recognizes the propriety of its going there, if it is referred at all. There has been no suggestion to the contrary by anyone except the Senator himself.

I was simply trying to differentiate in what I said as between these grave questions, the gravest, I think, that could be presented to the Senate of the United States—the question of the right of a man to trial before punishment, the question whether the President of the United States, by reason of the fact that the Constitution places in him the command of the Army, is by virtue of that freed from the control of the law and is above the law. That is the great question, although I

can imagine but one answer to it. I do not suppose it is possible, however, that that can now be disposed of, but the question of personal liberty is one which can now be disposed of. While we may not be in a position to determine these graver questions, nevertheless whether Colonel Stewart is legally imprisoned or whether he is imprisoned at all or whether or not he is entitled to a trial, these are things which can be determined without undue delay.

Mr. HOPKINS. Mr. President, as to whether Colonel Stewart is imprisoned or not will depend upon the character of the order that sends him to this post, will it not?

Mr. BACON. It will depend on all the circumstances; yes.

Mr. HOPKINS. Now, is there anything in the order assigning him to that post which would indicate that he is deprived of his liberty?

Mr. BACON. I will answer the question when the Senator has completed it. I am waiting for the Senator to conclude the question, because I wish to answer it.

Mr. HOPKINS. That is all there is to my question, is there anything in the order showing that Colonel Stewart is deprived of his liberty?

Mr. BACON. I do not propose to be the judge in that matter. That is a matter to be determined, if it goes to the committee, by the investigation of the committee. If the Senator wants my impressions, however, I do not hesitate to give them.

I repeat that, so far as Colonel Stewart is concerned, I am not favorably impressed with his record, although I know nothing personally. I recognize the fact that he has gone from post to post, and that he has not been deemed a desirable officer at the various posts where he has been on duty. I am not concerned personally in his favor, except to see that he has accorded him the right that every man in this country has. The fact that I have no personal interest in him makes all the stronger my view that he should be accorded a trial of the charges on account of which he has been thus exiled.

As to whether the power of the President has been exercised in an undue degree, the impression on my mind is that there has been an attempt to coerce this man into an application for retirement, and that, as an alternative, in the absence of any consent on his part to such an application, he has not simply been ordered to an undesirable post, but he has been placed where he is practically in prison, and that he is where there is no military duty to perform.

Mr. WARREN. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. The Senator will pardon me until I finish the sentence. Then I will yield with great pleasure.

It seems to me that Colonel Stewart is not only where there is no military duty to be performed, but that he is where there is no association; that he is put in a position the most disagreeable that it is possible for a military officer to be put in; and, in order that it may be complete in all its features short of actual imprisonment, he is confined to that post and not allowed to have that post occupy the relation to the commanding general that all other posts in the United States occupy in relation to the commanding general in charge of particular divisions of the territory of the United States; but that it is segregated and that he is allowed to communicate only with the War Department.

Mr. TALIAFERRO. Mr. President—

Mr. BACON. I say that it strikes me—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BACON. I promised to yield to the Senator from Wyoming [Mr. WARREN] first.

Mr. WARREN. I simply want to ask a question.

Mr. BACON. I want to say, before the Senator asks the question, that while these are my impressions, I am not presuming to pass judgment upon the matter.

Mr. WARREN. Possibly the Senator from Maryland [Mr. RAYNER] will answer if the Senator from Georgia [Mr. BACON] will permit. The Senator from Georgia makes the statement—and I know he wants to be accurate, and perhaps he is, and I am asking for information, and not undertaking to destroy the force of the Senator's argument—as I understand it, from the reading of the matter yesterday, the first talk of retirement came through the application of this officer to be retired as a brigadier-general. That application was denied, and out of that grew this proffered retirement.

Mr. BACON. I think, if the Senator will pardon me, if what is said about him is correct, the promotion as a brigadier was properly denied.



Mr. WARREN. Let me say one word more. The Senator is, as he ought to be, a great stickler for law. The President of the United States has not the power under the law to retire Colonel Stewart as a brigadier-general.

Mr. BACON. I am not contending that he should do so.

Mr. WARREN. He has the power to make him a brigadier-general in the active force, if the Senate consents, but under a law passed two years ago an officer can not be raised in rank to brigadier-general and retired until after he shall have served one year in that grade, or because of his disability or arriving at the age limit in the meantime.

Mr. BACON. The Senator does not understand me—

Mr. RAYNER. I have no objection to the Senator from Georgia interrupting me, but I do object to other Senators interrupting him and going on with an argument.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Georgia?

Mr. RAYNER. I yield cheerfully to the Senator from Georgia, but the Senator from Wyoming is making an argument.

Mr. WARREN. I beg pardon of the Senator from Maryland. I supposed the Senator from Georgia was occupying the floor in his own right.

Mr. RAYNER. I have not yielded the floor except to the Senator from Georgia.

Mr. WARREN. Very well; I had another question, but I will not ask it as the Senator from Maryland objects.

Mr. RAYNER. I have no objection to yielding to the Senator from Georgia.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. Senators will have their own time. We are going ahead and the Senator from Georgia is discussing the case, but I do not desire any discussion irrelevant to the issue. I should like to hear the Senator from Georgia, and then, when the Senator from Georgia is through, I will yield to the Senator from Florida. That is the proper way to do.

Mr. TALIAFERRO. Mr. President, I rise to a question of order. Is it to be understood when a Senator yields the floor to another Senator that he can do so with the understanding that that Senator can not allow an interruption? I should like to know what the rule is on the subject. I wish to interrupt the Senator from Georgia, and the Senator from Georgia is willing to be interrupted. Can the Senator from Maryland, who has yielded the floor to the Senator from Georgia, object properly under the rule to my interrupting the Senator from Georgia?

Mr. RAYNER. I should like to be heard on that proposition.

The VICE-PRESIDENT. If the Senator from Maryland yielded the floor for a temporary interruption, the Chair is of the opinion that he may resume it. If he has yielded unconditionally, then the Senator lost the right to the floor.

Mr. TALIAFERRO. The Senator from Maryland, Mr. President, has said to the Senate that he yielded the floor to the Senator from Georgia to discuss this case and that he wished to hear the Senator from Georgia in that discussion. Now a Senator desires to interrupt the Senator from Georgia, perchance to correct him on some point in his discussion or to bring out some points for the Senator from Georgia to elaborate or elucidate, and the Senator from Maryland undertakes to say to whom the Senator from Georgia should yield and to whom he should not yield and the order of his yielding.

The VICE-PRESIDENT. The Chair thinks under that statement of the situation—the present occupant of the chair having recently resumed the chair—that the Senator from Georgia had the floor, and that the Senator from Georgia would have a right to yield to the Senator from Florida.

Mr. RAYNER. Mr. President, I have not yielded the floor except for an interruption. If the ruling of the Chair is correct, I respectfully submit to the President that a Senator who was allowed to take the floor could yield to every Senator in the Senate.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BACON. Mr. President, I regret very much that I had not concluded, but I yield to the Senator now.

The VICE-PRESIDENT. The Senator from Georgia yields to the Senator from Florida.

Mr. TALIAFERRO. Mr. President, the Senator from Georgia was stating that the order assigning Colonel Stewart—

Mr. BACON. Mr. President, as I hold the floor by the courtesy of the Senator from Maryland and as he objects, I will yield the floor altogether.

Mr. BURKETT. Mr. President, what is before the Senate? Mr. RAYNER. Senate joint resolution No. 82 is before the Senate.

The VICE-PRESIDENT. The Chair understands that the present discussion is proceeding by unanimous consent.

Mr. BURKETT. That is as I understand it. So I do not see how anybody has the floor practically except by the unanimous consent of everybody else.

The VICE-PRESIDENT. If there is objection, the debate can not proceed.

Mr. FRYE. Mr. President, the Senator from Maryland [Mr. RAYNER], when this matter was up before, asked that the joint resolution lie on the table. He made no request that it should be subject to his call. I know of no way under parliamentary law by which it can be brought before the Senate for consideration without a motion, and, in my judgment, when the motion is made that the Senate proceed to its consideration, that motion is not debatable. So clearly this discussion now, under my opinion parliamentarily, is proceeding only by unanimous consent.

The VICE-PRESIDENT. The Chair entirely agrees with the Senator from Maine, and stated that the debate was proceeding by unanimous consent.

Mr. WARREN. I agree with the Senator from Maine, but I want to ask him if a motion to bring up the joint resolution for consideration does not leave it yet subject to the rules of the Senate, so far as its going to a committee or elsewhere is concerned, unless some motion of a special nature is made.

Mr. FRYE. It can not be sent to a committee without a motion to refer it to a committee, and such a motion has not been made by anyone.

Mr. WARREN. But it can not be considered finally without going to a committee, if a motion is made to send it to a committee, until that motion be settled.

Mr. FRYE. That would be for the Senate to say, of course.

Mr. TALIAFERRO. Mr. President, so far as I am concerned, I will simplify the situation. The Senator from Georgia declines to continue, in view of my interruption and the objection of the Senator from Maryland. I therefore withdraw my request to interrupt the Senator from Georgia, and if I have anything to say further on I will say it in my own time and in my own right.

Mr. WARREN. Mr. President, I move that the joint resolution be referred to the Committee on Military Affairs. I do not do that to cut off debate, but in order that the motion may be before the Senate.

Mr. GALLINGER. The Senator can not cut off debate by that motion.

Mr. WARREN. I do not wish to do so.

Mr. FORAKER. Mr. President, I rise merely to call attention to the status of this joint resolution of the Senator from Maryland. On yesterday, at the conclusion of his speech, he asked that the resolution, which was at that time before the Senate for consideration, might lie on the table until to-day, when he would call it up for further consideration. The Record bears out that statement, and it seems to me that, while in a technical sense possibly the resolution may not be before the Senate, yet really and according to our practice it is before the Senate for such consideration and such further discussion as any Senator may see fit to engage in with respect to it.

Mr. RAYNER. Mr. President, if it is necessary, I ask unanimous consent to make a statement. I think that I have a right to bring—

The VICE-PRESIDENT. The Chair would say that the pending question is on the motion of the Senator from Wyoming [Mr. WARREN] to refer the joint resolution to the Committee on Military Affairs. That motion is debatable.

Mr. WARREN. Certainly; and the Senator can proceed under the motion.

Mr. BAILEY. Mr. President, I desire to inquire—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. I do.

Mr. BAILEY. I rise to a question of order.

The VICE-PRESIDENT. The Senator will state his question of order.

Mr. BAILEY. Do I understand the Chair to rule that this joint resolution of the Senator from Maryland is not now before the Senate?

The VICE-PRESIDENT. The Chair so understands.

Mr. BAILEY. With all due deference, I submit that if the Chair will examine the Record, the Chair will withdraw that ruling. The Senator from Maryland, as indicated by the Senator from Ohio [Mr. FORAKER], undertook to leave the resolution for consideration to-day. He resumed his seat with that understanding, I have no doubt.

The VICE-PRESIDENT. The Chair has not now the Record containing the statement made by the Senator from Maryland before him, but he has the notice which appears upon the Calendar of business. It reads as follows:

That Wednesday, May 13, at the conclusion of the morning business of that day, he would ask the Senate to consider Table Calendar No. 17, S. R. 82, "Joint resolution relating to certain charges against Col. William F. Stewart, of the Coast Artillery." (May 12, 1908.)

If that is a correct statement, it amounts simply to a notice and does not bring the resolution automatically before the Senate.

Mr. BAILEY. But my understanding is, as the Record will show, that the Senator from Maryland resumed his seat with that understanding; and I should regret very much to see it become the practice of the Senate that a Senator must be absolutely and technically accurate or else have his resolution lose its place in the consideration of this body.

Mr. CULBERSON. Mr. President, it seems to me that the statements made by the Senator from Ohio [Mr. FORAKER] and my colleague [Mr. BAILEY] are correct, as shown by the Record, and that in every substantial sense the Senator from Maryland asked that this resolution lie on the table subject to his call. I will read that part of it. It is on page 6384 of the CONGRESSIONAL RECORD.

Mr. WARREN. The present request is simply that it lie on the table?

The Senator from Maryland then answered:

That it lie on the table, and I shall call it up on Thursday.

He did not ask generally that it lie on the table subject to his call, but went further and stated specifically that it would lie on the table and he would call it up on that particular day.

Mr. RAYNER. And then, at the suggestion of the Senator from Ohio, I changed it to to-day.

Mr. BAILEY. Then, a little farther on, Mr. President, the Senator from Wyoming asked the Senator from Maryland this question:

Does the Senator from Maryland mean that he expects action upon the joint resolution without its going to a committee?

The Senator from Maryland replied:

I make the request that it now lie on the table, and I shall call it up on Thursday for the action and consideration of the Senate.

It is perfectly plain that the Senator from Maryland expected his resolution to be before the Senate to-day.

Mr. BEVERIDGE. Mr. President, I merely wish to call the attention of Senators to the fact that the joint resolution is now before the Senate, upon the motion just made by the Senator from Wyoming [Mr. WARREN], to refer the joint resolution to the Committee on Military Affairs. That motion, as I understand, is open to debate, and that is the present parliamentary situation. I will ask the Chair if that is not true?

Mr. BAILEY. That, Mr. President, is true. The Senator from Maryland in the discussion with the Senator from Wyoming stated that when he had his joint resolution before the Senate to-day the Senator from Wyoming could make the motion to refer; but if the joint resolution is not now before the Senate the Senator's motion would not be in order.

Mr. BEVERIDGE. The Senator has already made his motion, I think, and that motion is subject to debate. I ask if that is not the parliamentary situation?

Mr. MONEY. Mr. President, the Senator from Wyoming can not make that motion and thereby take from the floor the Senator from Maryland.

Mr. BEVERIDGE. Certainly not.

Mr. MONEY. Then the motion of the Senator from Wyoming is not before the Senate, and the Senator from Maryland is entitled to the floor.

Mr. BEVERIDGE. If the Senator will permit me, on the contrary, I understand this is the parliamentary situation: The motion of the Senator from Wyoming gives the Senator from Maryland no right to the floor at all, since we are now proceeding under unanimous consent. The parliamentary situation, as I understand it to be—and the Chair can state whether my understanding is correct or not—is that this resolution is now properly before the Senate upon the motion of the Senator from Wyoming [Mr. WARREN] to refer it to the Committee on Military Affairs. It was up to that moment before the Senate merely by unanimous consent. That motion has been made; it is subject to debate, and therefore we can go on in the regular way.

Mr. BAILEY. I am not willing to concede the point that this resolution is only before the Senate this morning as a matter of unanimous consent. It is before the Senate in pursuance of the unanimous consent given yesterday. Just a little further down—I have been glancing over the Record hurriedly—the Senator from Wyoming again put the question:

The present request is simply that it lie on the table?

The Senator from Maryland [Mr. RAYNER] replied:

That it lie on the table, and I shall call it up on Thursday—

The Senator from Maryland plainly thinking that he was keeping his resolution before the Senate, and his request was at least equivalent to a request that it lie upon the table subject to his call this morning.

Mr. WARREN. I should like to ask the Senator from Texas a question.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. BAILEY. Certainly.

Mr. WARREN. Then, as I understand the Record, the Senator from Maryland did not ask and did not receive unanimous consent for anything. He simply gave a notice, as is often done. The Senator from Oregon [Mr. FULTON] gave a notice a few days ago that he would ask the Senate to take up a certain bill at a certain time if the Senate should choose to take it up. There was no unanimous consent. Now, to show—

Mr. BAILEY. If the Senator from Wyoming will examine the Record he will find that the Senator from Maryland expressly says "I make the request." He did prefer a request.

Mr. WARREN. The Chair did not put it as a request for unanimous consent. When unanimous consent is given by the Senate, it is usual for the Chair to state that unanimous consent is asked, so that opportunity may be given to object if there is objection. To show that I understand it in the same way—and it will be remembered that I did not participate in the debate at all—after there was a request made that it go to the table I asked if the Senator from Maryland meant that he expected to act upon it without its going to the committee, and he said:

I make the request that it now lie on the table.

And after that paragraph I said:

The present request is simply that it lie on the table.

That is my understanding as expressed at that time.

Mr. BAILEY. But the Senator from Maryland then added to what the Senator from Wyoming says the additional statement that he would call it up.

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Texas to the concluding statement upon this subject made by the Senator from Maryland, which clearly indicates that the Senator regarded the matter as in the nature of a notice and not as governed by an order. He says, quoting from the Record:

Mr. RAYNER. I will change my notice that instead of calling it up on Thursday I will call it up to-morrow. I shall call up the joint resolution to-morrow.

There was no order of the Senate made upon this subject; and, in the absence of an order of the Senate, the Chair does not understand that the request or notice would have the effect of an order.

Mr. BAILEY. Half of the Senators in this body believe to-day that is precisely what the Senator intended to do, and that that would be sufficient. Now, I am not willing to see the rule established here that a Senator must reduce his request to writing with the precision of a law pleading or else lose his place. To obviate it, however, I am going to ask—

Mr. ALDRICH. Mr. President—

Mr. BAILEY. Or, if the Senator from Rhode Island is on his feet for the purpose of asking that this matter be laid before the Senate—

Mr. ALDRICH. That is my purpose.

Mr. BAILEY. That is all right.

Mr. ALDRICH. I propose to ask unanimous consent—

The VICE-PRESIDENT. The Chair would state to the Senator from Texas that he has no doubt that the Senator from Maryland understood his notice would have the effect now claimed. Now, plainly, the Chair, of course, is governed by the strict letter of the rule. The considerations suggested by the Senator from Texas appeal, of course, to the Senate strongly in favor of granting unanimous consent.

Mr. ALDRICH. I ask unanimous consent that the joint resolution referred to be taken from the table for present consideration.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the joint resolution, the title of which will be read by the Secretary, be taken from the table for present consideration.

The SECRETARY. A joint resolution (S. R. 82) relating to certain charges against Col. William F. Stewart, of the Coast Artillery.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. WARREN. I move that the joint resolution be referred to the Committee on Military Affairs.



Mr. TELLER. The claim made by the Senator from Maryland—

Mr. KEAN. Mr. President, is the joint resolution before the Senate?

Mr. TELLER. It is.

The VICE-PRESIDENT. The resolution by the motion—

Mr. KEAN. The Chair has not announced it.

The VICE-PRESIDENT. The Chair did announce it.

Mr. TELLER. The claim made by the Senator from Maryland that the joint resolution was before the Senate previous to the request of the Senator from Rhode Island is entirely in accordance with the practice of the Senate. Whenever a Senator introduces a resolution and says "let it lie on the table subject to my call," it has been understood that he was entitled to call it up.

Mr. FRYE. The Senator added the significant and necessary words "subject to my call."

Mr. TELLER. This joint resolution is properly before the Senate. I think it was before the Senate prior to the suggestion of the Senator from Rhode Island. It certainly was so considered by the chairman of the Military Affairs Committee, or he would not have moved to send it to the committee. This is an important joint resolution. It is just as important as an ordinary statute, and in this case perhaps more so.

I am in entire sympathy with the Senator from Maryland in this matter. I myself believe that he was justified in presenting to the Senate the matter he did in the way he did. I was glad that he did. Colonel Stewart disappears in some respects from this controversy. The question is, whether we shall pass a law of a certain character which shall call upon the President to do certain things. In my judgment that question ought to go to a committee. I do not believe we ought to pass joint resolutions in the nature of laws without reference to a committee, except in extraordinary cases. If we do that, we will incur some very unfortunate consequences. While I am in entire sympathy with the proposition of the Senator, I shall feel compelled, as a question of order, to vote to send the joint resolution to a committee. As to what the committee may do, we may say that the committee shall report immediately. It is simply a question of propriety whether we shall direct the committee to report to-morrow or the next day or in a week. The power exists in the Senate. It is a great, big question. It involves, as the Senator from Georgia has said, more than the question whether this man has been improperly treated or not. It is a question of law. The question is exceedingly plain to me.

The President evidently believes that he has the power to do this. I do not believe he has. I do not believe any committee of the Senate will ever agree that he has the power. I do not care to go into a discussion of the details as affected by individual interest we may have in Colonel Stewart. I do not believe the President has the power. I myself believe it would have been better to have sent this matter to the Committee on the Judiciary. It is a question of law. But it is a question of military law, which, I think, the Committee on Military Affairs is competent to decide. In voting for the motion to refer I do not want anybody to think that I think Colonel Stewart has been treated as he ought to have been treated. I do not inquire what is the man's character. The question is whether the President has the power to impose the punishment without any tribunal having passed upon the case. It is contrary to my ideas of justice. No matter what the character of the man may be, no matter how offensive he may be, he has certain rights under the Constitution and the unwritten law which have accrued ever since King John granted the Magna Charta. It is contrary to that as well as the plain words of the Constitution. I think we should proceed in an orderly way, and that the committee should take up this question, and therefore I shall vote to send the joint resolution to the committee.

Mr. RAYNER. Mr. President, not by the slightest insinuation have I cast any reflection upon the Committee on Military Affairs or any member of that committee. I prefer that the joint resolution should go to the committee. The Senator from Illinois and the Senator from Wyoming are entirely mistaken in the view they have taken. I am absolutely satisfied the committee will give it the consideration it deserves. The only matter that concerns me now is the matter of time. The Senator from Wyoming must realize of course that unless I get some action now it will be impossible to have any action upon the joint resolution at this session. I should like in this connection—although of course I have no right to interrogate the Senator—to ask the Senator from Wyoming whether he will permit me to appear before the Committee on Military Affairs to-morrow, if I consent to let the joint resolution go there?

The Senator from Wyoming has spoken of certain facts. I have not presented a single fact to the Senate. I have not a

single fact which I could present to the Senate. I have not a witness on behalf of Colonel Stewart. I do not know what his own testimony would be. It has been impossible to communicate with him. Therefore there has not been a single fact on behalf of Colonel Stewart presented to this body. The prosecution has been heard. The defense has not been heard, and there has been no opportunity given to the defense to be heard.

I know the Senator from Wyoming will give the joint resolution all the consideration it deserves. I have the utmost faith that he will treat it in a spirit of justice. The urgency of the joint resolution comes from the fact that whether restrained of his liberty or not, whether punished or not, it is proposed to keep Colonel Stewart there until he sends to the President an application for his retirement; and unless there is some action by the Senate, he will stay there. He asks for a court of inquiry. I will be satisfied if the President shall be authorized to give him a court of inquiry. I have no hostility to the committee or any member of the committee. What I want is urgent action, and if the Senator from Wyoming will permit me to appear before the committee to-morrow I shall be satisfied. I am not able to present any facts at all. I know nothing about the merits of this controversy.

I will go so far as to say that the man may have committed the offenses charged. That is not the point. The Senator from Wyoming has not directed himself to a consideration of the point. It is not a question whether he is being punished. I tried my utmost to differentiate the question before the Senate from the question the Senator from Wyoming submits to it. Suppose he was not punished. Suppose he was not sent up here into the clouds, with his reputation clouded, two or three thousand feet above sea level.

Mr. WARREN. I will not interrupt the Senator again unless he wishes me to, but he appears to be addressing his questions to me. I desire to say that the inhabitants of many of the States of this Union represented on this floor live at greater altitudes than this post. The post is nearly a thousand feet lower than the average altitude of Colorado or Wyoming.

Mr. RAYNER. That just shows how little the gravity of the situation has appealed to the Senator from Wyoming. What is the difference where he is, or how high the altitude, or how salubrious the climate may be?

Mr. WARREN. The Senator from Maryland raised the question of altitude, not the Senator from Wyoming.

Mr. RAYNER. Very well. The Senator corrects me on the question of altitude. The question of altitude is not germane to this discussion at all. Colonel Stewart has to stay there until the President retires on the 4th of March. Unless the Senate passes some resolution or gives some authority or makes some regulation, he will stay there. Let us look at this matter practically for a moment. It is not a question of sentiment. Unless the Senate shall do something, the man will stay there so long as the President remains where he is.

Colonel Stewart will stay there as long as the President remains in the White House if nothing is done by the Committee on Military Affairs. He is there in captivity. He has been stripped of his command. He is humiliated. He is degraded. He can not leave there. He has no department commander. He is not within 25 miles of a railroad station or 75 miles of a surgeon. It is proposed—according to the President's letter—to keep him there unless he sends in a letter of retirement. Five times the President states in his communication that he is punishing him. He has repeated it five times. It is a punishment which he has no right to inflict. I have no facts. I have not a single witness. I have never seen Colonel Stewart. I never knew he was a colonel or an officer of the United States Army. I have purposely had no communication with any member of his family. I have never seen his wife. I do not care what the man is. He is entitled to a trial. All I ask is for the passage of this joint resolution through the Senate and the House.

This is a practical proposition with which we are dealing. If it is referred, I shall have to get it out of the committee. I do not know what the committee in the House may do. I may have to endeavor to pass it over the President's veto. I realize that that is impossible in the few days which remain of this session.

I want to read to the Senate, because, if adopted, it will save me the trouble of appearing before the committee, what I would be perfectly willing to take as a substitute:

*Be it resolved*, That in the opinion of the Senate Col. William F. Stewart, of the Coast Artillery, is entitled to a court of inquiry to investigate the charges and accusations that have been made against him, now on file in the War Department, or that may be contained in the report of the same heretofore submitted to the President of the United States, or any other charges affecting the character or qualifications of the said Col. William F. Stewart as an officer of the United

States Army, and that the President is authorized and requested to convene such court, to consist of not less than five officers of the Army, and that the said Col. William F. Stewart have the right to appear in person and be represented by counsel and to be confronted with the witnesses against him and to have a copy of the specifications containing such charges in the proceedings before such court, and that the said court report its opinion upon all the facts and specifications before them, as is usual in the procedure of courts of inquiry.

It is further provided, That the court be convened as soon as possible and that the said Col. William F. Stewart shall be allowed the same right of challenge as is allowed by law in trials by court-martial.

The President need not obey that resolution. He need not avail himself of the authority it contains. He need pay no attention to the request embodied in this, but I hope that the Senate will express its opinion that this man is entitled to what every citizen in the land is entitled to; that he is guaranteed, as a citizen, under the Constitution, against being deprived of life, liberty, or property without due process of law. The fact that a man is an officer in the Army does not divest him of his constitutional rights.

I have not the slightest feeling of hostility to any member of the committee. I know the committee will deal with this question fairly; and I will consent to the motion to refer it to the committee if the Senator from Wyoming will permit me tomorrow to submit some further authorities in support of the proposition I have advanced, and give me the privilege of appearing before the committee to-morrow.

Mr. WARREN. The Senator from Maryland says he has no difference with the committee or any of its members. I wish to assure the Senator from Maryland that I have no differences with him. I honor the Senator for his loyalty to a friend and his desire to help a friend. That, to my mind, is one of the finest traits of character human nature can possess. The Senator will understand that I do not attack him for his personal love of a friend or his personal desire to defend him; but, Mr. President, this question now raised is bigger and broader than friendship for or the personal convenience of any one man. It affects fundamental principles of government.

The Senator from Maryland says this officer is at a certain place and must stay there. I take it the same authority that ordered him there can order him away at any time.

I have had no conference at the other end of the line regarding the Senator's letter. I am uninformed. I want to inquire whether the public prints were correct—and they usually are as to substance—and whether or not the Senator from Maryland approached this question with a threat that if this officer was not removed from this post a resolution would be introduced in the Senate?

Mr. RAYNER. I want to answer that question. I utterly deny that proposition, and I hope the Executive has not made that statement. I have not seen the Executive of the United States, I think, for two years. I have had no occasion to see the President. Upon Friday of one or two weeks ago I received a letter from him, to my surprise, to come up to see him. I had not intended to see him. I had not any idea when he asked me to come up to see him what would be the subject-matter of the conversation. He had a large number of pages containing charges against Colonel Stewart. He ran over them rapidly.

He sent me those charges at my request. I regarded them as a confidential communication. I did not have them copied for that reason. Therefore I am without a copy. So far as concerns threatening the President, I should like the Senator from Wyoming to tell me what sort of a threat I could make against the President.

The letter I read to the Senate yesterday embodied the suggestion that I would be compelled to ask Congress to pass a resolution. There is no threat contained in it. It is worded in the most deferential terms, and is in quite a different spirit from the letter to me and other Senators. I told him there was no recourse left if he would not give a court of inquiry. There is no civil court that can grant a writ of mandamus in such a case. There is no tribunal that can prevent the President from keeping Colonel Stewart in exile.

This is not a political question. I have not any feeling against the President. It matters not to what political party he may belong, I think the President has fallen into one of the greatest blunders in his whole Administration in conceiving that the Commander in Chief is not subject to the Constitution and the laws.

At no time did I make a threat. I made the statement that if no court of inquiry was granted there was no recourse but Congress. The President in his last statement said that he would consider the matter. I wrote him another communication asking him to delay the matter, and I would wait during the whole of last week, which I did.

The question before the Senate is not political in the slightest degree. The question is whether the President shall keep this man where he is, in banishment or exile, and compel him to remain there unless he sends in his application for retirement three years before the time arrives for him to retire under the laws of Congress.

Mr. WARREN. I asked the Senator the question because I was uninformed. The Executive has never, to my knowledge, said—certainly he has not said to me, and I do not know that he has said to anybody else—that the Senator from Maryland approached him with any threat. I was speaking of the newspaper reports, and I asked in the gentlest manner whether they were right about it or not.

Mr. RAYNER. I hope the Senator does not hold me responsible for all the newspaper articles published in the United States.

Mr. TALIAFERRO. Mr. President—  
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Florida?

Mr. WARREN. Certainly.

Mr. TALIAFERRO. I understood the Senator to state that Colonel Stewart might be ordered from Fort Grant at any time. I should like to ask the Senator from Wyoming if as a matter of fact Colonel Stewart has not been ordered from Fort Grant since he was first assigned there when he was given to understand that he would be kept there until he retired.

Mr. WARREN. It was somewhere in the South, above sea level.

Mr. TALIAFERRO. That order assigned him to St. Francis Barracks, which place can not be described at least as the Senator from Maryland has described Fort Grant in Arizona. It is one of the most delightful winter resorts in this country, and in the State of Florida is regarded as one of the most delightful and desirable summer resorts in that State. It is almost immediately on the seashore, and there reside in St. Augustine many of the best people in the State of Florida. So Colonel Stewart could not justly complain of the quarters at St. Augustine, and he certainly could not justly complain of the environments in any respect.

I now send to the desk, with the permission of the Senator from Wyoming, a letter from the adjutant-general of the State of Florida, which I used as a basis of a protest filed with the President against assigning Colonel Stewart to St. Francis Barracks and against taking these barracks from the State for any Government purpose whatever, unless there should be a great military exigency.

I should have protested against any other officer going there just as I protested against Colonel Stewart going there. This is the information that I tried so hard to get before the Senate yesterday during the eloquent address of the Senator from Maryland. If he had asked me the question which he put to the Senator from Ohio, whether it was for or against him, I would have been able to answer that its purpose had no relation to the immediate case of Colonel Stewart, but was sent here solely and purely in the interest of the State of Florida.

If the Secretary may read, with the indulgence of the Senator, I should be obliged.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

STATE OF FLORIDA, MILITARY DEPARTMENT,  
OFFICE OF THE ADJUTANT-GENERAL,  
Tallahassee, April 23, 1908.

HON. JAMES P. TALIAFERRO,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have to appeal to you again to assist me in a matter of vital importance to the military department of Florida. As you know, the legislature of 1907 passed a bill requesting the War Department to turn over to this State, for use as an arsenal and general military headquarters, St. Francis Barracks, at St. Augustine, Fla. Under this act the governor took the matter up with the War Department, with the result that on August 15, 1907, a lease was entered into by the terms of which all of the buildings and property included in this reservation were turned over to the State to be used for the purposes named, with the exception of the national cemetery and one building to be retained for the use of the superintendent of the cemetery.

Under these conditions the State took over the property and commenced the letting of contracts for repairing and properly equipping the buildings. This has already and will still involve heavy expense, for while the exterior of the buildings was repaired during the early part of last year, nothing was done to the interior, and all of the buildings were in very bad condition and unfit for occupancy. This work has been proceeded with as fast as possible and is now in progress. The State has had a paid custodian in charge of the property, and about two weeks ago Maj. H. M. Snow, the acting quartermaster-general, occupied the quarters which had been assigned him and took charge, preparatory to receiving the stores which were to be shipped from Tallahassee and other points.

Of course it was necessary to plan out in advance how the buildings could be used to best advantage. It was planned to use the barracks proper for storerooms, etc., and the large building outside for offices.



The woodwork of all these buildings has already been repainted and the walls are now being finished. It was necessary to pipe all of the buildings for gas and to wire them for electricity. The water pipes had rusted out, and the sewerage was so out of repair that most of it had to be replaced. Considerable carpenter work has also been done and remains to be done in order that the buildings may be properly equipped for arsenal and office purposes. Furniture and fixtures have even been ordered to suit the size and purposes for which each building was to be used. You will note that the State has already gone to considerable expense in this matter, and, under the terms of its contracts, is bound for much more.

In the meantime, the general, if not the specific, terms of the lease were departed from by the Government by, first, request for additional quarters for family of an enlisted man; second, request for use of large building formerly used and designated as the quartermaster's storehouse, and, third, by request of superintendent of cemetery for quarters for laborer employed by him. On April 18 the press dispatches contained the item which I have clipped and inclose herewith (marked "Inclosure A"). Upon this being brought to my attention, I immediately wired the Secretary of War, and copy of my telegram is inclosed (marked "Inclosure B"). To-day I have received in reply a letter, copy of which is inclosed herewith (marked "Inclosure C"), and this letter having been laid before the governor, he replied by telegram, a copy of which is also inclosed herewith (marked "Inclosure D").

The inclosures speak for themselves, and I wish to ask that you take this matter up and endeavor to have the Department recede from its action, which seems so unfair under the circumstances mentioned. The State took these buildings over in good faith, and has spent a great deal of money in equipping and repairing them. To be able to use them for the purposes contemplated and for which they were granted it is absolutely necessary to know that uninterrupted occupancy is assured. It was certainly not thought that the provision of the lease to which the Secretary refers in his letter would be construed to apply to anything less than extreme military necessity; such necessity as would counterbalance the good results to be gained for the military service by providing an arsenal and general headquarters for the organized militia of the entire State, and such as to warrant a forfeit by the State of so considerable a sum as has already been expended. Of course, with no assurance of uninterrupted occupancy, the State could not afford to move offices and supplies from the capital, nor to go to further expense, and three of the buildings originally granted have already been asked for before they could even be gotten in condition for occupancy.

I will greatly appreciate your taking this matter up at the Department and endeavoring to show how greatly this action, if insisted upon, will prejudice the interests of the militia of this State and of this department. The officers' quarters at St. Francis Barracks not scheduled for use as offices had been assigned to officers and employees on duty in the military department. Because of the limited State funds available, the fact that these quarters were available to the State for assignment had been the means of securing more competent assistance, for, of course, the use of these quarters was a consideration with employees, and by "employees" I mean the military officers on duty.

Hoping that you may be able to secure the assurance that the State will be permitted to carry out its plans and use all of these buildings for the purposes originally contemplated, and that it will be given entire charge of them, I am, with much respect,

Yours, very truly,

J. CLIFFORD R. FOSTER,  
Adjutant-General Florida.

Mr. TALIAFERRO. With the further indulgence for a moment of the Senator from Wyoming, I wish to add a word more to complete the history of my connection with this case. I may add that I do not know Colonel Stewart, and I never heard of him until I got a communication from one of the most prominent citizens in Pensacola informing me that he had been removed from Pensacola, and begging me to exert my best efforts to prevent his return to that post.

The President of the United States in his communication to Senator RAYNER, which was read to the Senate yesterday, referred to that circumstance and quoted certain extracts from that letter to me. I went to see the President and explained the situation as to St. Francis Barracks; how this property had been turned over to the State; how the State had spent money in its improvement and preparation for the particular purposes for which it was to be used, and the fact that the taking of the commanding officer's building deprived them of the best part of the property and the part upon which they had made some of these expenditures. He said he thought I was right; and added he would not cause injury to the State for the mere convenience of one man. He stated that, because of these circumstances, he had ordered Colonel Stewart back to Fort Grant, and that the question of punishment which had been raised was purely incidental, if, indeed, punishment were involved.

In further evidence of this, I received a letter from the President yesterday inclosing me a copy of the letter he had written Senator RAYNER, in which the name of my State and my own name had been used; and I send that letter to the desk and ask that it be laid before the Senate.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE WHITE HOUSE,  
Washington, May 12, 1908.

MY DEAR SENATOR TALIAFERRO: I inclose you a copy of my letter to Senator RAYNER, inasmuch as you are mentioned in it. To take the ground that there must be a court of inquiry because Colonel Stewart has been sent to Fort Grant would logically imply that another court of inquiry should be held to know why he should not be sent to St. Augustine, or Baltimore, or Washington, or anywhere else. In other

words, it is a simple absurdity. The question of punishment to Colonel Stewart is wholly incidental. If it was desired to punish, a court-martial would be ordered. I am not concerned with punishing him, but with benefiting the Army. This is the primary purpose, and the punishment is merely incidental to that end, in so far as it is a punishment. My belief is that a court-martial would award Colonel Stewart some severe punishment, and it may be necessary to hold one on him; but I do not believe he would be dismissed from the service as the result of a court-martial, and my whole aim is to get him out of a position of command, because he is wholly unfit to exercise command, because he tyrannizes over the enlisted men, and because he quarrels with civilians quite needlessly. My action is due to the need of maintaining the discipline and efficiency of the Army by assigning Colonel Stewart to a post where he can damage neither. Let me repeat that if a court of inquiry can be held as to the propriety of sending him to Fort Grant, it can just as well be held to determine the propriety of sending him to St. Augustine, or anywhere else, and the mere statement of the proposition is enough to show its absurdity from every standpoint and especially from the standpoint of paying any heed whatever to the interest of the Army. The appointment of a court of inquiry is a matter purely within my discretion and judgment, as Commander in Chief; I neither could nor would surrender the right to exercise such judgment.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. J. P. TALIAFERRO,  
United States Senate.

Mr. WARREN. Has the Senator from Florida concluded?

Mr. TALIAFERRO. I have finished. I am obliged to the Senator from Wyoming.

Mr. WARREN. Mr. President, I have only a word to add. The Senator says that the chairman of the Committee on Military Affairs has all the facts before him. I have no facts whatever. I have nothing before me, and the Military Committee has nothing before it, except what has been presented to the Senate by the Senator from Maryland and the President's letter as read from the desk.

Now, the gravity of the problem which the committee is called upon to solve becomes more and more apparent as the discussion proceeds and as it has proceeded. What has been stated by the Senator from Georgia and the Senator from Colorado shows that not only is it a matter of discipline of the Army and of the Navy and the relations of officers and men therein, but it is a question of law and, possibly, of the Constitution. It seems to me the best that can be offered and agreed to has already been said and agreed as to the Committee on Military Affairs, with the one exception that the Senator has requested that he may have an audience before that committee. Let me say to the Senator that he will be welcome to-morrow or any other day, if we shall go beyond to-morrow, as will any other Senators who come before the committee, with regard to this or any other public business.

Now, I think the Senator should be satisfied with that assurance.

Mr. RAYNER. With that statement, I want to say to the Senator I shall consent that the joint resolution be referred to the Committee on Military Affairs.

Mr. WARREN. Mr. President, I wish to say one word more. I do not commit myself as to what may be my final decision in the committee, but I want to assure the Senator, as a friend and in a friendly way, that if the post to which that officer has been detailed and which he now occupies is distasteful to him, and there can be any other mutual and agreeable arrangements made, through any reasonable influence of mine, which does not cross forbidden lines of public duty, proper discipline, and loyalty, I should be very glad to befriend the Senator and any friend of his.

As to the officer himself, I know nothing. He is one of those officers whom I never saw, to my knowledge. I know nothing of his record, but shall ask to see it all.

Mr. BACON. Mr. President, I wish to say just one word in reference to the last letter which was read, addressed by the President of the United States to the Senator from Florida. I assume, of course, that that letter was intended to be read to the Senate, or the Senator from Florida would not have had it read. The Senator says to me in his seat that that assumption is correct.

Now, Mr. President, that is a plain statement to the Senate of the United States by the President of the United States that he does not recognize, and will not recognize, any law that Congress may enact in regard to this matter which does not conform to what he recognizes as the thing which he voluntarily wishes to do. In other words, he claims that under the Constitution, as Commander in Chief of the Army he has a discretion as to whether or not he will do certain things, a discretion whether he will do it or whether he will not do it, and in the presence of the suggestion of action by Congress he puts Congress upon notice in no uncertain terms that he does not recognize the authority of Congress, and that if Congress assumes to act he will not obey it.

Mr. President, I do not propose to discuss that now, but I do trust that between now and the 4th of March the Senate will

have not only the time, but will take the opportunity to put the seal of its condemnation in no uncertain words upon any such utterance from the President of the United States.

Mr. FORAKER. Mr. President—

Mr. BEVERIDGE. May I ask the Senator a question before he resumes his seat?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I yield with pleasure.

Mr. FORAKER. I did not rise to interrupt the Senator from Georgia. I rose in my own right to bring another matter before the Senate as soon as this was disposed of. I understood that the Senator from Georgia was through with his remarks.

Mr. BACON. I was through.

Mr. FORAKER. I will say to the Senator that I not only agree with what he has said, but if opportunity be not otherwise presented it will be made.

Mr. BACON. Good! [Applause in the galleries.]

Mr. BEVERIDGE. I wish to ask—

The VICE-PRESIDENT. The Senator from Indiana will suspend. The Chair must admonish the occupants of the galleries that under the rules of the Senate applause is not permitted. The Chair trusts that it will not be necessary to again admonish the occupants of the galleries.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do, with pleasure.

Mr. BEVERIDGE. I should like to ask the Senator from Georgia this question before he takes his seat. Assuming that a court of inquiry were ordered under resolutions passed by the Senate, does the Senator think that as a matter of law the President would be bound to observe the conclusions and recommendations of the court of inquiry under his constitutional power, unless a general law was passed by Congress to the effect that he should do so?

Mr. BACON. Mr. President—

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. BACON. I hope the Senator will permit me to answer the question of the Senator from Indiana.

Mr. ELKINS. I should like to go on with the unfinished business.

Mr. FORAKER. What is the request of the Senator from West Virginia?

Mr. ELKINS. To proceed with the unfinished business.

Mr. FORAKER. Does the Senator want to speak to the joint resolution?

Mr. ELKINS. I wish to get it before the Senate.

Mr. FORAKER. I will say to the Senator, if he wishes to speak to the joint resolution, I will, of course, recognize his right to do so, now that it has come up; but I want to bring a matter before the Senate.

Mr. WARREN. I ask the Senator from West Virginia if he will not agree temporarily to lay the unfinished business aside. As the Senator perhaps has observed, there is a question before the Senate that ought to be decided in the interest of the proponent of the measure.

Mr. ELKINS. I will consent to that, provided the unfinished business does not lose its place.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

Mr. FORAKER. Now, Mr. President, I do not agree that we shall continue except on conditions. I think we have sufficiently debated this question to enable us to determine intelligently whether the joint resolution should go to the committee or not. All this must be thrashed over in committee, and then when the committee reports probably it will be thrashed over again here in the Senate, just as we are doing it now. Therefore, while it is agreeable to Senators to speak and while one speech provokes another and there is a sense of disappointment in the mind of a Senator who wants to speak and does not get an opportunity, in view of the fact that we are now approaching the close of the session and there is a good deal of important business to be transacted, I insist that we now proceed with something else. I am willing to yield for a vote to be taken as to whether the joint resolution shall go to the Committee on Military Affairs. That is the motion, I believe, that is before the Senate. But I do not want to yield my right to bring up other business, now that 2 o'clock has arrived, until I have that kind of a condition attached.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming that the joint resolution introduced by the Senator from Maryland be referred to the Committee on Military Affairs.

Mr. WARREN. With all the papers in the possession of the Secretary.

The VICE-PRESIDENT. With the papers. The question is on agreeing to the motion.

The motion was agreed to.

#### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I gave notice yesterday that at this hour I would move that the Senate proceed to the consideration of Senate bill 5729. Before I make that motion—and this may make it unnecessary to make it—I ask Senators if we can not agree upon a date when we can vote upon that bill. I am told that we are likely to adjourn a week from Saturday, on May 23.

Mr. WARREN. The Senator mentions the bill by number. Perhaps it would be better to designate it by title.

Mr. FORAKER. Everybody understands, I think, that the bill mentioned by number is a bill that provides for the restoration to service of the enlisted men of the Twenty-fifth Infantry who were discharged without honor.

I want to ask whether or not we can not agree upon a day. This is Wednesday. I ask unanimous consent that we may vote on this bill Saturday of this week. I understand there are one or two Senators who would like to speak. If so, I will be glad to give them an opportunity. That is long enough, as I understand it, to enable everyone to be heard who wishes to speak, so far as I have been informed.

Mr. WARREN. I am very desirous of disposing of this question, as the Senator knows, just as we have all been desirous, but I do not think we can this morning accede to his request for unanimous consent, and for obvious reasons. I may give one of them. The Senator from Massachusetts [Mr. LODGE], who, to my certain knowledge, was preparing to address the Senate upon this question and review the testimony, was called to the bedside of his only sister, who is seriously ill and about to undergo a most dangerous surgical operation. I think the Senator will have to defer the matter of the date upon which we shall vote or take it up until we may have some further understanding.

Mr. FORAKER. I had in mind the peculiar situation in which the Senator from Massachusetts is in at this particular time, and I feared that there might be objection on that account, but according to my information that trouble will, perhaps, all be over and the Senator can come back and make his speech as early as next Tuesday. I ask unanimous consent that we vote on this bill on Tuesday of next week.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I do.

Mr. CULBERSON. I was diverted for a moment. I simply desire to inquire if the Senator from Wyoming objected to voting on Saturday?

Mr. FORAKER. He did. And now I ask unanimous consent that we may vote on this bill on Tuesday of next week, say, at 4 o'clock.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent—

Mr. WARREN. Mr. President, let there be no misunderstanding. I might have gone further, but I did not like to inject my personality into it at all. I was perfectly ready to vote upon this question when the Senator's bill and the Warner bill were reported from the committee to the Senate, but it has been debated here in a manner and to an extent which I think makes it incumbent upon me as chairman of the committee to prepare and deliver some remarks to the Senate before a vote is taken.

I want to say, with all humility, that during this session I have been pretty busy, on the whole; and, as the Senator knows, members of the Military Committee have been generous with those who had the Brownsville matter in charge, and sometimes at the expense of their own convenience and time; and those who have not been particularly engaged in the Brownsville matter have been very busy with appropriation and other bills.

I hope the Senator will not make his request at the present time, or, at least, if he does so, that the date may be distant enough to insure proper consideration of the question by members of the committee who wish to address the Senate.

Mr. FORAKER. Will the Senator be kind enough to say whether, in his opinion, any day during this session will be agreeable to him—later in next week than Tuesday?



Mr. WARREN. Possibly I could, if it were known when we may adjourn this session. I will say that so far as I am concerned I am at the present time a member of four different conferences, some of which have not yet had a session and others of which are in contention. I am a member of the Appropriations Committee, which has yet to consider the sundry civil appropriation bill and the deficiency bill. I am a member of the Military Committee, that has yet to consider the Military Academy bill, and as a member of Public Buildings and Grounds Committee will soon, I expect, have to do duty on the omnibus public-buildings bill. It does seem to me, if we are to adjourn as early as next week, that I will not be ready within that time. If our session may extend some weeks longer, I will endeavor to be prepared to proceed to its consideration.

Mr. FORAKER. Then, Mr. President, I ask unanimous consent that this bill be made the unfinished business for the first day of the December session, and that we take a vote on it on the second Wednesday after the session convenes.

Mr. CULBERSON. So far as this question is concerned, this side of the Chamber, I think, is ready to vote now or at any time. There is no special reason for postponing it to the next session. I object.

The VICE-PRESIDENT. Objection is made.

Mr. ALDRICH. Mr. President, I hope that the Senator from Texas will not interpose an objection to this reasonable request of the Senator from Ohio. I think that Senators upon the other side are as desirous as Senators upon this side that the session shall be brought to a close in the near future. It is very evident that it can not be brought to a close if we are to enter upon a prolonged discussion of this question. I will say to the Senator from Texas that the request of the Senator from Ohio is certainly a very moderate and reasonable request. I will also say to the Senator—

Mr. CULBERSON. It occurred to me that the requests of the Senator from Ohio—the two previous requests—were not altogether unreasonable. There is no objection, so far as I know, on this side of the Chamber. Of course, this is not a party question. I trust it will not become such.

Mr. ALDRICH. It is not a party question, but the party—

Mr. CULBERSON. It occurs to me that we ought to dispose of the matter; that it might be disposed of and gotten rid of; and I must object to making it the unfinished business for the next session.

Mr. ALDRICH. This is not a party question, and I hope it never will become a party question. It evidently can not be disposed of at this session if the session is not to be indefinitely prolonged. It will be disposed of at the next session. The Senators sitting upon this side of the Chamber, having the responsibility of legislation, if objection is made, I am sure will vote unanimously to take up the bill and proceed to its consideration until it is disposed of at the next session. I hope, therefore, with a view of harmonizing the various interests and with a view of presenting an orderly disposition of business, that the Senator from Texas will withdraw his objection.

Mr. FORAKER. Is the objection of the Senator from Texas to the day named or simply to its going over at all?

Mr. CULBERSON. Mr. President, in view of what has been said by the Senator from Rhode Island, I think it is proper to state that I recognize that the majority of this Chamber is responsible for legislation and that it ought to take whatever responsibility attaches either for legislating or a failure to legislate.

This matter is one of great importance. It affects the discipline of the Army of the United States. It affects the safety of the public, the security of the public in their homes, and we believe that it ought to be disposed of at this session.

Mr. FORAKER. I did not hear the last words of the Senator from Texas, but I understand that his objection is to the matter going over until the next session; that he wants to have it disposed of at the present session. Can the Senator say that if I move to proceed with this business and fix a day, he or his colleagues on that side of the Chamber will vote with me to-day?

Mr. CULBERSON. Mr. President, this side of the Chamber will vote as the motions are made. The statement stands which I have made, that we object to postponing this matter until the next session of Congress.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. I do.

Mr. WARREN. I wish to say that I make no objection to the request of the Senator, and I wish that there might be some ground of agreement and some day fixed in the next session that will be agreeable to all parties.

Mr. FORAKER. I move that Senate bill 5729 be made the special order for the second Wednesday after the beginning of the next session in December.

Mr. BACON. I ask the Senator from Ohio if he prefers the next session to the present session?

Mr. FORAKER. No, sir; I do not. I will say to the Senator that if I had my own preference about the matter, I would vote this afternoon. But I recognize that the Senator from Massachusetts was called away under circumstances that we are bound to respect. I know that he was in the midst of the preparation of a speech that he was very anxious to make. He came to see me about it and told me of it before he knew of his sister's illness. When, yesterday morning, I learned that he had been unexpectedly called away on that account, I recognized I had a situation to deal with that I was bound to respect, and I feared on that account I might not be able to get a vote.

So far as the Senator from Wyoming [Mr. WARREN] is concerned, I know he has been busy and has not had an opportunity to prepare, but I would not give him a day, because he is so familiar with this subject that he can speak at any time, and I think the less time he has to get ready the better for him and the cause of justice.

Mr. WARREN. The cause of justice?

Mr. FORAKER. And the cause of justice.

Mr. BACON. I desire to state in answer to the inquiry made of this side of the Chamber that while I will undoubtedly vote against either the bill proposed by the Senator from Missouri [Mr. WARNER] or the bill proposed by the Senator from Ohio [Mr. FORAKER], I think if any injustice has been done it ought to be corrected speedily; and if no injustice has been done, it ought to be ascertained. Therefore I am prepared to say to the Senator that if he desires to move to take up his bill at this session, I will vote with him to take it up.

Mr. FORAKER. I am very much gratified to have that assurance from the Senator from Georgia. I perhaps may make that motion.

Mr. BACON. I hope the Senator will.

Mr. FORAKER. And I trust the colleagues of the Senator from Georgia will act with him.

I now, if the Senate please, am simply trying to find out what the possibilities of the situation are. I feel that it is my duty, in view of the circumstances surrounding the Senator from Massachusetts [Mr. LODGE], to show consideration to him, and if we are to adjourn next week it will be impossible, in my opinion, to get a vote on this measure. I was told that one of my colleagues on the other side, who is a member of the committee, the Senator from Tennessee [Mr. FRAZIER], desired to submit some remarks. All that requires time. We have the appropriation bills to deal with, and I am perfectly willing to be considerate about this matter, as I try to be about everything. Recognizing that we have a difficult situation to deal with, one we have always heretofore respected when a brother Senator sent word that he was called away unavoidably by a command that he must obey and that he wants us to wait on him until he can be heard, I think we ought to respect that, but the Senator from Massachusetts, as all Senators know, is a member of the Committee on Military Affairs. While I do not agree with the view he entertains and which he will present to the Senate, yet I recognize that he has as much right to be heard as I have, and I feel I would be doing him an injustice and be acting in violation of the spirit of our practice under such circumstances if I were to insist upon taking up this measure and having a day fixed for a vote.

Therefore, Mr. President, I move, if I may state it again, that this bill be made the special order for the third Wednesday of December next. I can not make it later, and I can not make it earlier. I have a calendar before me, according to which it appears that the first Wednesday will be the second day of the month. We meet on the 7th of December. If we make it the third Wednesday, that will be the 16th day of December.

Mr. BACON. I suppose the Senator from Ohio recognizes the fact that the designation of a day in the next session very happily removes this controversy beyond the date of the next Presidential election.

Mr. FORAKER. Well, it was withheld when it originated until the election was over, I believe.

Mr. ALDRICH. I should like to ask the Senator from Georgia a question. Is that the reason the Senator and his colleagues now proposes to vote against the motion of the Senator from Ohio [Mr. FORAKER]?

Mr. BACON. I have not heard anything about how they are going to vote; but I will say very frankly to the Senator that the reason why I want the vote taken at this time, and not post-

poned until December, is that the Senators on the other side might not have the opportunity of voting together upon this question; which is evidently the purpose at this time. If the measure came up now, Senators on the other side of the aisle would not vote together. That is the reason they wish the matter postponed beyond the next Presidential election, and it is a very ingenious suggestion on the part of Senators that it may be put over until December and a date for voting then fixed, because it gives an opportunity—and that alone can give it—for the Republicans to vote together on this one question of postponement. When it comes to the decision of the question itself they will be very badly divided.

Mr. ALDRICH. I think the Senator from Georgia is speaking without knowledge. I will say to him that whenever we take a vote on this question there will be a solid Republican vote for whatever proposition is before the Senate.

Mr. BACON. That may be the case if the vote is taken in December, for the reason I have mentioned, that it will be after the issues have been passed upon; but it would not be the case if the vote were taken now, and I am not sufficiently in favor of harmony among the Republicans to desire that they should have the opportunity to produce that harmony. For that reason I am in favor of the measure being taken up now in order that we may see how they stand.

Mr. CULBERSON. I move to amend the motion of the Senator from Ohio by striking out the date fixed and inserting "Saturday of this week."

Mr. BACON. Now, you have got it.

The VICE-PRESIDENT. Will the Senator from Ohio again state his motion?

Mr. FORAKER. My motion is that Senate bill 5729 be made the special order for Wednesday, the 16th day of December next.

The VICE-PRESIDENT. The Senator from Ohio moves—

Mr. FORAKER. To be voted on at 4 o'clock on that day, together with all amendments.

The VICE-PRESIDENT. The Senator from Ohio moves that the bill named by him be made the special order for Wednesday, the 16th of December next, to be voted on at 4 o'clock of that day.

Mr. FORAKER. I am told that there will perhaps be some parliamentary question as to fixing the hour, so I will simply put it on that day.

The VICE-PRESIDENT. The Senator from Ohio moves that the bill referred to by him be made the special order for Wednesday, December 16, next.

Mr. CULBERSON. I move to amend the motion, Mr. President, by striking out the date named and inserting "Saturday of this week."

The VICE-PRESIDENT. The Senator from Texas moves to amend the motion of the Senator from Ohio by striking out "Wednesday, December 16," and inserting "Saturday, May 16, instant."

Mr. GORE. Mr. President, I merely wish to say that the soldiers of the Twenty-fifth Infantry have been very fortunate in their champions and defenders in this Chamber. I assume that each and every Senator has made up his mind and is ready to vote touching the fate of those soldiers. If they were wrongly discharged from the Army, and if they have a right to reinstatement, they ought to be restored now to the service, in order that the country may avail itself of the benefit of their services and that those soldiers may enjoy their compensation. If they are not to be restored to the service, then the sooner they know their fate the better. I am sure that they would welcome a decision of their destiny at this time.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Texas [Mr. CULBERSON] to the motion of the Senator from Ohio [Mr. FORAKER].

Mr. CULBERSON. On that I demand the yeas and nays.

Mr. ELKINS. I should like to inquire whether the motion, if agreed to, will displace the unfinished business?

The VICE-PRESIDENT. It will not displace the unfinished business.

Mr. FORAKER. I move to lay the amendment of the Senator from Texas on the table.

Mr. CULBERSON. Upon that I demand the yeas and nays. The yeas and nays were ordered.

Mr. OVERMAN. I will inquire who made the motion to lay the amendment of the Senator from Texas on the table?

The VICE-PRESIDENT. The motion was made by the Senator from Ohio [Mr. FORAKER]. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr.

STONE]. In his absence I will transfer that pair to the Senator from Washington [Mr. ANKENY], who is absent on account of illness, and vote. I vote "yea."

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. I do not know how he would vote if he were present, and therefore I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I understand that an arrangement has been made by which I can transfer that pair to the senior Senator from Massachusetts [Mr. LODGE], which will release the Senator from Georgia [Mr. CLAY] from his pair, and we can both vote. I vote "yea."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent from the Chamber. I transfer that pair to my colleague, the junior Senator from Oregon [Mr. BOURNE], who is also absent, and vote. I vote "yea."

Mr. NELSON (when Mr. KITTREDGE's name was called). I am authorized to say that if the Senator from South Dakota [Mr. KITTREDGE] were here he would vote "yea" on this proposition.

Mr. TALIAFERRO (when Mr. MILTON's name was called). My colleague [Mr. MILTON] is unavoidably absent from the Chamber. He is paired with the Senator from New York [Mr. PLATT].

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. WARNER]. If he were present I should vote "nay," and he would vote "yea."

The roll call was concluded.

Mr. CLAY. I announced that I was paired with the senior Senator from Massachusetts [Mr. LODGE], but by the arrangement suggested by the Senator from Vermont [Mr. DILLINGHAM] that pair has been transferred to the junior Senator from South Carolina [Mr. TILLMAN]. I am therefore at liberty to vote. I vote "nay."

The result was announced—yeas 42, nays 27, as follows:

#### YEAS—42.

Aldrich	Cullom	Fulton	Nixon
Allison	Curtis	Gamble	Perkins
Borah	Dick	Guggenheim	Piles
Brandegee	Dillingham	Hale	Richardson
Brown	Dixon	Hemenway	Stephenson
Briggs	Dolliver	Heyburn	Stewart
Burnham	du Pont	Hopkins	Sutherland
Carter	Elkins	Kean	Warren
Clapp	Flint	Knox	Wetmore
Clark, Wyo.	Foraker	Long	
Crane	Frye	Nelson	

#### NAYS—27.

Bacon	Culbertson	McCreary	Rayner
Bailey	Foster	McLaurin	Simmons
Bankhead	Frazier	Martin	Smith, Mich.
Briggs	Gallinger	Money	Taliaferro
Bulkeley	Gary	Newlands	Taylor
Clarke, Ark.	Gore	Owen	Teller
Clay	Johnston	Paynter	

#### NOT VOTING—23.

Ankeny	Depew	McEnery	Smith, Md.
Beveridge	Hansbrough	Milton	Smoot
Bourne	Kittredge	Overman	Stone
Burrows	La Follette	Penrose	Tillman
Daniel	Lodge	Platt	Warner
Davis	McCumber	Scott	

So Mr. CULBERSON's amendment was laid on the table.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio.

Mr. FORAKER. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I announce my pair with the senior Senator from Massachusetts [Mr. LODGE], but I transfer it to the senior Senator from South Carolina [Mr. TILLMAN] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce my general pair with the senior Senator from South Carolina [Mr. TILLMAN] and the transfer of it to the senior Senator from Massachusetts [Mr. LODGE]. I vote "yea."

Mr. TALIAFERRO (when Mr. MILTON's name was called). I again announce the absence of my colleague [Mr. MILTON] and the fact that he is paired with the Senator from New York [Mr. PLATT].

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER], but knowing that he would vote "yea" on this question, I will vote "yea."

The roll call was concluded.



Mr. PILES. I desire to state that my colleague [Mr. ANKENY] is absent on account of illness.

Mr. NELSON. I desire to state that if the Senator from South Dakota [Mr. KITTREDGE], who is unavoidably absent, were present, he would vote "yea."

The result was announced—yeas 62, nays 6, as follows:

## YEAS—62.

Aldrich	Culberson	Guggenheim	Paynter
Allison	Cullom	Hale	Perkins
Bacon	Curtis	Hemenway	Piles
Bailey	Dick	Heyburn	Rayner
Bankhead	Dillingham	Hopkins	Richardson
Borah	Dixon	Johnston	Simmons
Brandegee	Dolliver	Kean	Stephenson
Brown	du Pont	Knox	Stewart
Burket	Elkins	Long	Sutherland
Burnham	Flint	McCreary	Tallaferro
Carter	Foraker	Martin	Taylor
Clapp	Foster	Money	Teller
Clark, Wyo.	Frazier	Nelson	Warren
Clarke, Ark.	Frye	Nixon	Wetmore
Clay	Fulton	Owen	
Craze	Gallinger	Overman	

## NAYS—6.

Briggs	Burrows	McLaurin	Smith, Mich.
Bulkeley	Gore		

## NOT VOTING—24.

Ankeny	Gamble	McCumber	Scott
Beveridge	Gary	McEnery	Smith, Md.
Bourne	Hansbrough	Milton	Smoot
Daniel	Kittredge	Newlands	Stone
Davis	La Follette	Penrose	Tillman
Depew	Lodge	Platt	Warner

The VICE-PRESIDENT. Two-thirds of the Senate having voted in favor thereof, the motion of the Senator from Ohio to make Senate bill 5729 the special order for Wednesday, December 16, 1908, is agreed to.

Mr. FORAKER. Mr. President, in view of the result of the vote that has just been taken, I now announce that I shall not make the motion which I gave notice yesterday I would make to-day—that the Senate proceed to the consideration of this business.

## RAILROAD SIDING TO WASHINGTON NAVY-YARD.

Mr. CARTER. Mr. President—

Mr. ELKINS. I ask that the unfinished business be laid before the Senate.

Mr. CARTER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, to report it with an amendment, and to submit a report (No. 650) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. ELKINS. Mr. President, I thought I had the floor.

The VICE-PRESIDENT. The Chair recognized the Senator from Montana [Mr. CARTER].

Mr. CARTER. Mr. President, I have just presented, by direction of the Committee on the District of Columbia, a report on a House bill making provision for the construction of a connecting track to the Washington Navy-Yard. It is imperative that this measure, or something akin to it, should become a law at this session of Congress. The Assistant Secretary of the Navy advises me that under the present state of the law track connections with the navy-yard must be cut off unless Congress shall otherwise provide. The failure to pass some legislation on this subject will necessarily result in cutting off the fuel supply and the material supply received by the railroads at the navy-yard. I think it is an urgent matter, and it is only for that reason that I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. Is there objection?

Mr. ELKINS. Will that displace the unfinished business?

The VICE-PRESIDENT. Temporarily the unfinished business will be laid aside. If there is no objection, it is so ordered. The Senator from Montana asks unanimous consent for the present consideration of the bill reported by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and directed to construct a single branch track or siding from its present main line, at some point to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue SE. and 1,000 feet westerly therefrom; thence extending by curve in a southwestwardly direction across square south of 1080, to Fifteenth street, east; thence southwestwardly across square south of 1067, on a line generally parallel to the center line of Water street, at such distance between the center line of Water street and the present approved north bulkhead line of the Anacostia River as shall be approved by the Commissioners of the District of Columbia, crossing

Fifteenth street SE., Fourteenth street SE., Thirteenth street SE., Twelfth street SE., M and N streets SE., Thirteenth street SE., in a southwestwardly direction by curve or otherwise, as the Commissioners of the District of Columbia shall approve, crossing Twelfth street SE., and square south of 1001, to the north abutment of the Anacostia River bridge at the foot of Eleventh street SE.; thence passing under the north end of the said Anacostia River bridge, at such point as may be determined by the Commissioners of the District of Columbia; thence across Eleventh street SE., square 979, Tenth street SE., square 955, and Ninth street SE., on a line generally parallel to the north bulkhead line of the Anacostia River, as now approved, and between it and 100 feet distant therefrom, as may be determined by the Commissioners of the District of Columbia, to a connection with the track system of the United States navy-yard.

Sec. 2. That the location of said track and the grade thereof and the plans of construction outside of the United States navy-yard shall be approved by the Commissioners of the District of Columbia, and the said Commissioners are also authorized and empowered to make, from time to time, all needful regulations for the movement of trains, cars, and locomotives over the same.

The Philadelphia, Baltimore and Washington Railroad Company shall also pave such crossings or other portions of public space occupied by said track and 2 feet exterior to the rails thereof as the Commissioners of the District of Columbia may require, and keep the same in repair at all times.

Sec. 3. That it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized and empowered, upon request of the railroad company, to grant the Philadelphia, Baltimore and Washington Railroad Company permission to lay, maintain, and use side tracks and sidings, from the branch track herein authorized, south of said branch track between Twelfth and Fifteenth streets east, and also into squares 955, 979, south of 1025, and east of 1025, and south of 1001, and south of 1048: *Provided*, That such tracks or sidings shall be laid and maintained under the direction of the said Commissioners in such manner as to least interfere with the free and unobstructed use of the public streets.

Sec. 4. That the entire cost and expense of obtaining the necessary right of way, and the entire cost and expense of constructing the branch track, herein authorized, to a connection with the track system of the navy-yard, shall be paid and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, but the said Philadelphia, Baltimore and Washington Railroad Company shall not acquire any riparian rights by reason of the location of said track through public space or through any right of way necessary to be acquired: *Provided*, That upon completion of the branch track herein authorized and directed to be constructed within the time and in the manner herein required the United States shall pay to the Philadelphia, Baltimore and Washington Railroad Company, its successors or assigns, the sum of \$25,000, or so much thereof as may be necessary, to reimburse said company for money paid by it for and in securing the necessary rights of way in conformity with this act; and for such purpose the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

Sec. 5. That where the line as approved by said Commissioners lies within the bed of any public highway or through any public space, said company is hereby given the right to occupy such portion of said highway or public space as may be approved by said Commissioners, and where such approved line crosses private property, the said railroad company is hereby authorized to acquire a sufficient right of way not exceeding 66 feet in width by purchase, and in the event that such right of way can not be purchased at a price satisfactory to said railroad company, authority is hereby conferred upon said railroad company to condemn the land necessary for such right of way, in the manner and by the method and processes provided by sections 648 to 663, both inclusive, of the Revised Statutes relating to the District of Columbia, which said sections, despite any repeal thereof, are hereby reenacted in full force and effect, for the purposes contemplated by this act, and are especially enacted to like effect as if the same were incorporated herein at length: *Provided*, That in every case where an assessment for damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land covered thereby, irrespective of whether exceptions to such assessment or award shall be filed or not, and any subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid.

Sec. 6. That the construction of the track or siding herein provided for shall be begun within six months from the date of the passage of this act, and shall be completed within two years from said date, and pending such construction the said Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its present track connection with the United States navy-yard by means of a single track on K street and Canal street SE., either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, but at the expiration of said two years said railroad company shall at its own expense remove said present track connection and restore the surface of the streets over which the same is laid to the approval of said Commissioners.

Sec. 7. That all acts or parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

Sec. 8. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, asks a conference with the Senate on the disagreeing votes of the two Houses

thereon, and had appointed Mr. SCOTT, Mr. HAUGEN, and Mr. LAMB managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 6155) to provide for an enlarged homestead, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. VOLSTEAD, and Mr. GAINES of Tennessee managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

#### AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed as the conferees on the part of the Senate Mr. WARREN, Mr. DOLLIVER, and Mr. MONEY.

#### PENSION APPROPRIATION BILL.

Mr. SCOTT. It becomes necessary for the senior Senator from Florida [Mr. TALIAFERRO] and me to leave the city tomorrow, and as we are in a deadlock in the conference on the pension appropriation bill, I ask that the Senator from Florida and I be excused from further service, and that the Chair appoint two new conferees in our places.

The VICE-PRESIDENT. The Senator from West Virginia asks that the Senator from Florida [Mr. TALIAFERRO] and himself be excused from further service as conferees on the pension appropriation bill, and that the Chair appoint new conferees. Without objection, it is so ordered. The Chair appoints as conferees in place of the Senators named the Senator from Utah [Mr. SMOOT] and the Senator from Colorado [Mr. TELLER].

#### POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist upon its amendments and agree to the request for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed as the conferees on the part of the Senate Mr. PENROSE, Mr. BURROWS, and Mr. CLAY.

#### COLLECTION OF REVENUE.

Mr. ALDRICH. I ask unanimous consent for the present consideration of an important customs bill reported by the Committee on Finance, which ought to be passed in order that it may go into conference. It comes with a unanimous report from the committee. It is House bill No. 17506.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That section 14 of the act entitled "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same is hereby, amended so as to read as follows:

"SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees,

charges, and exactions other than duties, shall, within fifteen days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within fifteen days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the circuit court within the time and in the manner provided for in section 15 of this act: *Provided, however*, That the board of three general appraisers, or a majority of them, who decided the case may, upon motion of either party, within thirty days next after their decision, and not afterwards, grant a rehearing of said case when, in their opinion, the ends of justice may require it.

"The general board of nine general appraisers shall have power to establish from time to time such reasonable rules of practice, not inconsistent with the law, as may be deemed necessary for the conduct of their proceedings and of the proceedings of the said board of three general appraisers, and to assign or reassign any case to any of such boards of three at any time before promulgation of decision, in order to secure uniformity of decision."

SEC. 2. That section 15 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 14 of this act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision, if a rehearing has not been previously granted, or within thirty days next after the decision of the board of general appraisers after such rehearing, and not afterwards, apply to the circuit court of the United States within the district in which the matter arises for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall order the board of general appraisers to return to said circuit court the record and the evidence taken by them, together with the certified statement of the facts involved in the case, and their decision thereon; and all competent evidence taken by and before said board of general appraisers shall be evidence before said circuit court. The parties litigant shall hereafter be required to introduce all of their evidence before the said board of general appraisers prior to its decision of the case. The return made by the board of general appraisers in pursuance of the order of the circuit court shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision respecting the classification of such merchandise and the rate of duty imposed thereon under such classification: *Provided*, That the said circuit court is further vested with the power to remand any case pending before it on appeal from a decision of the board of general appraisers when, in its opinion, such proceeding is just and proper, but this shall not be ordered except upon motion duly made and after notice to the opposite party. When such order is made the case shall then be remanded to the board of general appraisers whose decision has been appealed from, and the said board shall hear such further testimony as shall be introduced by either party, and shall return to the circuit court the additional evidence so taken, together with a further certified statement of facts as supplemented or modified by such additional testimony, and their decisions upon the whole case as thus supplemented or modified, which said additional return shall be added to and become part of the record upon which the case shall be heard and determined by the circuit court. When a case has been remanded to the board of general appraisers as above provided, the United States attorney for the district in which the appeal is pending may appear in the proceedings had before the board under the order remanding the case.

"The decision of such circuit court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless such court shall be of the opinion that the question involved is of such importance as to require a review of such decision by the circuit court of appeals of the United States within the circuit in which the matter arises, in which case said circuit court or the judge making the decision may, within thirty days thereafter, allow an appeal to said circuit court of appeals; but an appeal shall be allowed on the part of the United States whenever the Attorney-General shall apply for it within thirty days after the rendition of such decision. On such original application and on any such appeal security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party. Said circuit court of appeals shall have jurisdiction and power to review such decision, and shall give priority to such cases, and may affirm, modify, or reverse such decision of such circuit court and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

"The decision of such circuit court of appeals may be reviewed by the Supreme Court of the United States in any of the ways provided in cases arising under the revenue laws by the act approved March 3, 1891, entitled 'An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.'

"All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section 24 of this act.

"For the purposes of this section the circuit courts of the United States shall be deemed always open, and said circuit courts, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.



"Where cases arise at ports within any jurisdiction having no circuit court, applications for review of the decisions of the board of general appraisers provided for in section 15 of this act shall be filed with the clerks of the courts having cognizance of the same classes of cases as circuit courts, and such cases shall be heard and determined by such courts, with the same powers and in like manner as herein provided for the hearing and determination of such cases in circuit courts, and such decisions shall be subject to review in the manner provided by law."

Sec. 3. That said act be, and the same is hereby, further amended by adding thereto, after said section 30 thereof, a new section, to read as follows:

"Sec. 31. That all of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency."

"That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of \$10,000 per annum."

"That the said boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of evidence, and in punishing for contempt."

Sec. 4. That all laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Mr. BACON. I presume the bill is all right, but I do not know much about it. I notice a clause which seems to make an appraiser a life officer. Is that correct?

Mr. ALDRICH. It makes him hold office during good behavior, but he is removable for certain causes, which are stated.

Mr. BACON. Has that been the case heretofore?

Mr. ALDRICH. That has not been the case heretofore. These officers have been removable at the pleasure of the President for political or other reasons.

Mr. BACON. Yes.

Mr. ALDRICH. The bill provides that they shall hold their offices during good behavior, and can only be removed for certain specified causes.

Mr. BACON. The point that I desired information on was whether the law as it now stands retains them in office during good behavior.

Mr. ALDRICH. No; the law as it now stands allows their removal at the pleasure of the President.

Mr. BACON. Well, possibly I did not put my inquiry in the right shape. There is no fixed term, in other words, as I understand now?

Mr. ALDRICH. There is no fixed term.

Mr. BACON. And the only change then the bill makes is to throw greater restrictions around their removal.

Mr. ALDRICH. Around their removal.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### MOTTO ON GOLD AND SILVER COINS.

Mr. ALDRICH. There is another bill reported from the Committee on Finance, in which, I think, Senators are all interested, providing for the restoration of the motto of "In God we trust" to certain gold and silver coins. I ask unanimous consent for the present consideration of the bill (H. R. 17296) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the motto "In God we trust," heretofore inscribed on certain denominations of the gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins as heretofore.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE Q. ALLEN.

Mr. CULLOM. I ask unanimous consent now for the present consideration of the bill (S. 4435) for the relief of George Q. Allen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to George Q. Allen, of Chicago, Ill., \$528, in full compensation for his services as crier of the United States circuit court of appeals for the seventh circuit, at Chicago, Ill., from October 5, 1896, until May 31, 1898, as per findings of fact made by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REMOVAL OF RESTRICTIONS FROM INDIAN ALLOTMENTS.

Mr. OWEN. I ask the Senator from West Virginia, in charge of the unfinished business, to yield to me that the Senate may conclude the consideration of Calendar No. 588.

Mr. ELKINS. I have agreed to do so temporarily, provided that the Senator who has it in hand will see that it does not take much time.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. OWEN. I propose the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert at the end of the bill as a new section the following:

Sec. 15. That for six months after the approval of this act the Secretary of the Interior be, and he is hereby, authorized and directed to enroll as members of either the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes such persons as the records in his office may show were wrongfully omitted from the rolls of either of said tribes by reason of error of law or of inadvertence or because of want of time to properly consider their applications for enrollment, and he may consider any evidence heretofore filed for or against such applicants, and the said Secretary is further authorized, in any case where he is satisfied from the evidence and records in his office that a member was wrongfully enrolled as a freedman and should have been enrolled as an Indian, to transfer said member from the approved freedman roll to the roll of citizens by blood of such tribe: *Provided*, That in suits brought to restore the names of persons struck from the final rolls of the Five Civilized Tribes, the Secretary of the Interior, as defendant, may offer as a defense the record to show that such name had been erroneously placed upon such roll, and the name of no person shall be restored to such roll who was not originally entitled under the law to have been enrolled, and the burden of proof in such cases shall be upon the Secretary of the Interior.

*Provided further*, That the children of Choctaw freedmen entitled under the act of April 26, 1906, to make application under that law, and who failed to apply for lack of proper notice, shall have ninety days from and after the passage of this act within which to make such application, and such application shall have the same effect as if it had been made within the time originally proposed by such law.

The amendment was agreed to.

Mr. OWEN. I move to strike out lines 17 to 25 on page 10.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be stated.

The SECRETARY. On page 10 it is proposed to strike out lines 17 to 25, inclusive, as follows:

Sec. 12. That the Secretary of the Interior may permit any lessee having a coal and asphalt lease covering segregated coal or asphalt lands in the Choctaw and Chickasaw nations in Oklahoma, which lease has been approved by the Secretary of the Interior, to surrender any tract or part thereof and to substitute therefor, subject to the terms of the lease and approval by the Secretary of the Interior, adjoining land within said segregation substantially equal in area to the land surrendered.

The VICE-PRESIDENT. That amendment has heretofore been agreed to. Without objection, the amendment will be regarded as open. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. OWEN. On page 2, I move to strike out beginning with the words "All restricted," in line 23, to the end of the paragraph.

The SECRETARY. In the committee amendment at the foot of page 2 it is proposed to strike out, in line 23, all after the word "lands" to the end of the paragraph, in the following words:

All restricted allotted land of allottees of the Five Civilized Tribes shall be subject to taxation where such land has been leased, but taxes thus levied shall not become a lien against the land, but shall be paid by the lessee and shall be a lien against any crops or values produced from the land.

The VICE-PRESIDENT. The amendment is addressed to an amendment already agreed to. Without objection, the amendment will be regarded as open.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OWEN. After line 23, on page 8, I move to insert what I send to the desk.

The SECRETARY. On page 8, after line 23, it is proposed to insert:

The Secretary of the Interior shall be further authorized, at the request of any allottee with restricted land, to bring suit on his behalf to remove cloud to the title thereto, without cost or charges to the said allottees, and all necessary expenses incurred under this section shall be defrayed from the money herein appropriated as hereinafter provided.

The amendment was agreed to.

Mr. OWEN. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add as a new section at the end of the bill the following:

SEC. 16. That the provisions of section 13 of the act of Congress approved April 26, 1906 (34 Stat. L., 137), shall not apply to town lots in town sites heretofore established, surveyed, platted, and appraised under the direction of the Secretary of the Interior. But nothing herein contained shall be construed to authorize the conveyance of any interest in the coal or asphalt underlying said lots.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. CLARKE of Arkansas subsequently said: I wish to make an announcement in connection with the bill for the removal of restrictions. The Senate was engaged in the consideration of the committee amendments, and I presumed when amendments of that character had been disposed of there would be an opportunity for the consideration of individual amendments. My attention was distracted when those amendments were disposed of, and I did not have an opportunity to call the attention of the Chair to the fact that my colleague had pending an amendment.

The VICE-PRESIDENT. The Chair put the question to the Senate, stating that the bill was in the Senate as in Committee of the Whole and open to amendment.

Mr. CLARKE of Arkansas. My attention was not diverted for more than a moment. I am not charging the Chair with any unfairness. It is due to my own dereliction.

Mr. ELKINS. How long will the Senator from Arkansas require?

Mr. CLARKE of Arkansas. There are a great many ways in which I can get my statement before the Senate. The shortest way would be to permit me to make the statement now.

Mr. ELKINS. Will it take long?

Mr. CLARKE of Arkansas. It will not require over ten minutes; perhaps not so long.

It may be that the request which I am about to make is not permissible under the rules.

Mr. ELKINS. If it will take only a few minutes, I am willing to yield.

Mr. CLARKE of Arkansas. My colleague [Mr. DAVIS] is a member of the Committee on Indian Affairs. He differs with the committee as to the disposition of the matters covered by the bill just considered. He offered an amendment, but in consequence of the necessity for his absence from the city at this time he has not an opportunity to present the matter. Having been offered and printed, I took it for granted it would be brought to the attention of the Senate. In connection with the consideration of that amendment, he has prepared some remarks which he has reduced to writing, and he asked me to read the same to the Senate when the consideration of the amendment was reached in the regular course of the passage of the bill. That is the request which I now desire to make. But I do not know whether under the rules remarks prepared by an absent Senator can be submitted to the Senate.

The VICE-PRESIDENT. That is a matter for the determination of the Senate.

Mr. CLARKE of Arkansas. Then I ask the judgment of the Senate upon the proposition.

The VICE-PRESIDENT. The Senator from Arkansas may read the remarks as a part of his own.

Mr. CLARKE of Arkansas. I am not sufficiently advised about the merits of the proposition involved in the bill to have any views about it. When I find my mind in that condition I usually accept the judgment of the committee. But as my colleague is not of the same mind, I will now present to the Senate his views on some features of the bill, or rather some omissions in the bill, which he sought to cover by an amendment.

What I read represents the views exclusively of my colleague. I might or might not agree with him if I had investigated the matter sufficiently to have any views upon the subject. I disclaim any responsibility for the statement.

"Mr. President, I am actuated in offering this amendment by principles of justice and humanity. Never before, since the establishment of this Republic, has it ever been seriously proposed by the National Congress to legislate American citizens out of their own homes, to confiscate their property and to bestow it upon other persons, and to render the legal owners thereof and their wives and children destitute, mendicants, and paupers. Yet, sir, this bill, if unamended, will accomplish this frightful and inhuman purpose.

"The situation existing in the Choctaw and Chickasaw nations, as the result of the work of administrative officers, as

disclosed by the official record, beggars description. It is the result and product of fraud, mistake, and incompetency on the part of administrative officers charged, by law, with the duty of dividing this estate among the legal and equitable beneficiaries.

"I want to place before the Senate some of the salient and indisputable facts with reference to the title by which this property is held and the administration of this estate by the departmental officers.

"By article 2 of a treaty negotiated September 27, 1830, and ratified by the Senate of the United States and proclaimed as a law on February 24, 1831 (7 Stats., 333), the United States agreed to specially convey certain lands west of the Mississippi River—and which are now being allotted—in fee-simple title to the Choctaw Nation in trust for the exclusive use and benefit of a designated class of persons composed of all those persons comprising the Choctaw community on the day the treaty was ratified and their descendants.

"On March 24, 1837, the Senate of the United States ratified a treaty entered into by the Choctaws and Chickasaws, by the terms and provisions of Article I of which treaty those persons comprising the Chickasaw community on the day the treaty was ratified and their descendants acquired by purchase an equal, undivided, individual interest in the property agreed to be conveyed to the Choctaws by Article II of the treaty of 1830 on the same terms that the Choctaws held it, so that by this treaty the Chickasaws became a part of the designated class of Choctaws for whose exclusive use and benefit the grant was to be made.

"On February 24, 1843, the President of the United States specially conveyed by patent the western lands in fee-simple title to the Choctaw Nation, to be held by said nation in trust for the exclusive use and benefit of said designated class of persons. Thus this was and is now trust property, owned exclusively by the Choctaws and Chickasaws, the legal title to which is held by the Choctaw Nation in trust.

"In 1896 Congress, in response to an almost universal demand for the abolishment of these Indian governments, passed an act, approved June 10, 1896, directing a Commission, known as the "Commission to the Five Civilized Tribes," to receive, consider, and determine applications of persons claiming citizenship in the Choctaw and Chickasaw nations preparatory to the preparation of final citizenship rolls, to be used as a basis for the distribution in severalty of the tribal property. This act further provided that either the Indian nations—who were represented by their officials and attorneys—or the applicants could appeal from the decision of the Commission to the United States district courts. Only a comparative few of the Choctaws and Chickasaws applied to said Commission under said act, and of the number who applied appeals were taken to the United States district courts in cases involving the rights of about 5,000 persons.

"The United States district courts heard the cases and rendered judgments admitting to citizenship approximately 4,000 persons. Appeals were taken in these cases from the judgments of the United States district courts to the Supreme Court of the United States, which court affirmed said judgments. (Stephens v. Cherokee Nation, 174 U. S., p. 476.) Thereafter by act approved July 1, 1902, a legislative commission, designated therein as the "Choctaw-Chickasaw citizenship court," was created with authority to review, revise, and annul all of said judgments entered by the United States district courts and affirmed by the Supreme Court of the United States. The attorneys who procured this legislation held inchoate contracts with the officials of the Indian governments by which, in the event they could secure a reversal of said judgments rendered by the Federal courts, they were to receive 9 per cent of the value of the property each such person was entitled to receive under said judgment. This citizenship court rendered judgments and decrees affirming the judgments of the Federal courts in cases involving the rights of 156 persons and reversed and rendered null and void the judgments of the Federal courts in cases involving the rights of approximately 3,800 claimants. This citizenship court, under Congressional act approved March 3, 1903, was authorized to fix the compensation of the attorneys who secured the legislation under which the court was created, for their entire services rendered in these cases, both in procuring the legislation and conducting said cases before said citizenship court. This court, under that act, entered a decree awarding a fee of \$750,000 to said attorneys, but did not state upon what basis the allowance was made.

"The charge has repeatedly been made, and, sir, it is generally believed to be true, that certain members of that court were improperly influenced to render judgments denying these people their property and homes. Certain it is, sir, that a direct and specific charge that certain members of that court



were bribed to render decisions denying to these poor, ignorant, and helpless women and children their homes was made to the Secretary of the Interior last November by one Gus Rosenwinkle. That man, sir, was the chief law clerk of the firm of attorneys who had been employed to deprive those people of their property and render them homeless. He told the Secretary at a hearing arranged last November for that purpose of the manner in which the bribery occurred, the times and places, through what banks the checks passed, of telegraphic correspondence upon the subject, and gave Mr. Garfield a list of the names of persons who had personal knowledge of the various transactions. The Secretary of the Interior admitted all this to the Committee on Indian Affairs. Yet, sir, he refused to furnish the memorandum of Rosenwinkle's statement to the committee or to furnish the names of the persons who knew of this infamous transaction, upon the paltry plea that Rosenwinkle would not verify his statement under oath or ever sign it. Secretary Garfield admitted that he had never investigated this statement, personally or by agent, and had never made any inquiry into the current reports that members of that court were bribed.

"Mr. President, a man who would ignore such charges, who would make no effort to ascertain the rights of these poor, helpless women and children who had been deprived of their homes, is unfit to administer upon this estate and unworthy longer to have control of the property of these helpless wards of the Government.

"Mr. President, the one fact that the Federal courts of this country, including the Supreme Court, found approximately 4,000 of these people entitled to property rights, and of these 4,000 persons the citizenship court, on review, found only 156 so entitled, casts suspicion on the work of this citizenship court. Either the Federal courts were incompetent or this citizenship court was incompetent, and, sir, I for one prefer to believe in the ability of our Federal judiciary.

"Following the act of 1896 came the act approved June 28, 1898. This act, known as the 'Curtis Act,' was intended to provide for the enrollment of all persons who were resident in the nations who were entitled to enrollment and would, had the administrative officers adhered to its provisions, resulted in the enrollment of all persons entitled thereto who were residing in the nations. This act directed the Commission to 'enroll all persons of Indian blood' as Choctaw or Chickasaw citizens, and to enroll all others who were lawfully entitled thereto.

"Judge Willis J. Van Devanter, then Assistant Attorney-General of the United States, rendered an opinion construing this act for the guidance of the administrative officers, under date March 17, 1899, in which he says:

"The Commission was authorized and directed to enroll the persons indicated (that is, all persons of Indian blood), and to investigate the right of all other persons whose names were found upon any tribal roll, and to omit all such as may have been placed there by fraud or without authority of law. They were not authorized to add any name not found upon some roll of the tribe except those of descendants of persons rightfully upon some roll.

"Neither the Commission nor the Secretary of the Interior has ever consulted the official tribal rolls prepared by Government officials and agents during the years 1830 to 1890, inclusive, which are to-day in the custody and possession of the Secretary of the Treasury. The only rolls used by the Secretary and the Commission were rolls prepared by Government officials who were peculiarly interested in the property, and whose individual interests in this property were increased in proportion as the number of persons found entitled to share in the property was reduced.

"This act did not authorize or require the submission of an application for any particular enrollment, the duty of correctly enrolling every person entitled thereto devolving wholly upon the administrative officers.

"The Commission served notice by publication and otherwise upon all persons claiming rights in the nations to appear before it at certain places and on certain days. Those persons, as shown by the official records, whose right to enrollment was not questioned by the Indian officials, were not examined by the Commission. Only those persons whose rights were challenged by the officials of the tribes were examined by the Commission, the exact testimony not being reduced to writing, but only such extracts thereof and memoranda as the Commission saw fit to make of record were recorded. Two years later, when the Commission commenced the preparation of the official rolls, it held that unless the person appearing before it under the act of 1898 made application for enrollment as a blood citizen he was not entitled to enrollment. This holding of the Commission was approved by the Department.

The act of Congress did not authorize or require the submission of any application. As a result of this arbitrary, unwarranted, and unlawful holding thousands of persons of Choctaw and Chickasaw Indian blood were denied enrollment.

"In other cases, as appears from the official record, their rights to enrollment were determined under bills pending in Congress and which were not then and never became laws.

"William O. Beall, an official of the Commission, and who had direct charge of the work of enrolling the Choctaws and Chickasaws, appeared before W. D. Foulke, a special agent of the Department, and testified under oath as follows (S. Doc. 357, 59th Cong., 2d sess., p. 88):

"Q. Now, Mr. Beall, I want to ask you if you have at any time in the hearing of any cases ever quoted a provision from a bill pending in Congress which had not become a law for the purpose of determining the rights of the applicants?—A. Yes, sir.

"Q. Can you state in what case?—A. I couldn't now. In a great number of cases.

"In an official report, under date of March 4, 1907, the Secretary of the Interior advised the Senate that in one week he had examined and decided 2,023 cases involving the rights of these people, and departmental officers (Ward and Henderson) admitted that these cases embraced not less than 10,000 persons. Think, sir, of passing upon the rights of 10,000 helpless people, wards of this Government, in one week. The records in many of these cases were voluminous, and no man could have properly considered and determined more than one of these cases in a day. Yet the Secretary of the Interior determined 2,023 of them in one week. How did he do it? By affirming without examination the decisions of the Commission written by that man Beall, who decided the cases for the Commission under bills pending in Congress, as he so testified.

"But this is not all. Not content with despoiling these people of their rights, these administrative officers sought additional victims. A case, known as the Coleman case, already acted upon by the Secretary, and which action was final so far as the Department, at least, was concerned, was referred to the Department of Justice for an opinion. The Attorney-General referred it to a young man who had graduated from a law school, but who had never practiced law and whose knowledge of law was confined to that particular system of jurisprudence found only in the Departments here in Washington. That man, sir, who could not draw the initial pleadings in a proceeding to replevin a pig, wrote an opinion, which resulted in the Secretary arbitrarily striking the names of upward of 2,000 persons from the finally approved rolls of these tribes. Sir, that action was without authority of law and the Supreme Court and court of appeals of this District have so held, but the Secretary of the Interior remains obdurate and will not recognize the rights of these people, notwithstanding the Attorney-General has recently advised him that the striking of these names was unlawful and that the departmental action can not be defended in the courts. Each person whose name was thus unlawfully stricken from those rolls must, according to the Secretary's policy, now bring a suit in the district courts to compel the Secretary to place his name back on the tribal rolls. These suits are being encouraged by the Secretary, who is to-day approving contracts with attorneys for fees to bring these actions against him, and these contracts he thus approved are made a lien on the property and funds of these helpless people.

"Sir, the Secretary of the Interior has arbitrarily and without the slightest pretext of authority withdrawn from allotment 1,380,000 acres of the common lands of these people and has included these lands in a game preserve or forest reserve. He has dispossessed thousands of Indians who lived on this land, who had their homes and improvements thereon, and compelled them to go elsewhere and make new homes, all because, according to his own statement to the Senate Indian Committee, he thought a game preserve or forest reserve would be more beneficial to these Indians. In that reserve, I am advised, can be heard daily the incessant buzz of the devastating sawmill. The timber is being cut by men whose political ties bind them closely to an organization with which the Secretary of the Interior is not, I take it, wholly ignorant. While this timber is being cut, Indians—real Indians, men, women, and children—are being driven from their homes and denied the right to settle in this reserve, although they own this land in fee. During the hearings before the committee the Secretary admitted that he did not know that these lands were owned in fee simple title by these Indians; yet, Mr. President, he has proceeded to handle this property as though it was a part of the public domain of the United States and these Indians occupied it solely at the sufferance of the departmental officers.

"The official certifications contained in Senate Report No. 5013, part 2, Fifty-ninth Congress, second session, show that

blood Indians have been enrolled as citizens of these tribes and given distributive shares in the property, while their full brothers and sisters, born and raised in the same home, have been denied enrollment, and thereby denied their property rights, or enrolled as freedmen or negroes, and as such given limited property rights of 40 acres of land each. Many full-blood Indians have not been enrolled, although they have been living on this reservation all their lives.

"It has been intimated by some and charged in the public press that I was endeavoring to secure the enrollment of negroes as Indians. This charge I brand as false. I am not seeking the enrollment of negroes as Indians. I am insisting that Indians shall be enrolled as Indians, and not as negroes, and that this question shall at least be submitted to the Federal courts for a decision.

"Now, what will be the effect of this bill if it should become a law without amendment? These thousands of Indians that I have described, and who are now and have been for years living upon the lands to which they have a lawful right, have made valuable and lasting improvements thereon. They have built their little homes and have and are now rearing and maintaining their families. They were denied enrollment by this Commission and defrauded of their rights by the citizenship court. They are to-day holding possession of their property, notwithstanding the Secretary of the Interior has allotted their property on which they have their homes to some person who has been enrolled. The person enrolled selected the property of these people because it was improved, and therefore more valuable. Pass this bill in its present form and you will permit the person holding the allotment certificate or patent to sell the homes of these people to a third party or innocent purchaser, and these people are left remediless. The courts have held that they have no status in the courts and can not maintain a suit to protect their rights.

"Now, what does this amendment do? It permits these people who own this land in fee to go into the courts and have their rights determined. The same law is to-day applicable to every claimant to Indian property in this country, excepting only the people of the Five Civilized Tribes and the Quapaw Nation. Is it unreasonable or unjust to ask you, before you permit the person holding the allotment certificate to these lands to sell and convey the legal title, to permit these people to go into a Federal court and have their rights judicially determined?

"Sir, since the organization of this Republic such a request has never yet been denied an American citizen. Ah! sir, such a right is not to-day denied the noncitizen reservation Indian in any State in this land. This amendment only seeks to extend to these people the same law, word for word, that applies to every Indian claimant to Indian property in any State in this country. This amendment will protect these ignorant Indians. It will preserve the homes of the women and children. It will keep them from becoming mendicants and paupers and eating their daily bread at the hands of charity. I sincerely trust that it will be adopted."

Mr. CLAPP. Mr. President, just for a moment, in connection with the remarks which have just been offered. So far as they refer to the citizens' court, I think it is only due to that court to call attention in that connection to Senate documents 372 and 387, and also the hearings on Senate bill 4736. I simply offer that in justice to the members of that court. In these documents the matter was discussed by the Department of Justice and the Department of the Interior.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Minnesota ask to have them printed in the Record?

Mr. CLAPP. I do not. They have all been printed. I simply wanted, in connection with the speech of the Senator from Arkansas, to have attention called to them in the Record.

#### NATIONAL FORESTS.

Mr. BRANDEGEE. I desire to give notice that to-morrow, immediately after the routine morning business, I shall call up the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

#### SUSPENSION OF COMMODITY CLAUSE, INTERSTATE-COMMERCE LAW.

Mr. ELKINS. I ask the Senate to resume the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. ELKINS. Mr. President, facts in connection with this matter were laid before the Senate last week, but probably they

have been forgotten or are not fresh in the minds of Senators. Therefore I should like to refer again to the general purport and scope of the joint resolution.

The joint resolution is not to suspend any law, but it simply suspends for twenty months the penalties of what is known as the "commodity clause" of the Hepburn bill. The situation is just this: The roads owning coal lands, particularly the anthracite coal roads, have been unable, according to the information in possession of the Interstate Commerce Commission and I assume the Attorney-General, to comply with the law, for many reasons.

The charters of some of these coal roads are from forty to fifty years old and were granted by special acts of the legislatures in various States with a view to permitting the railroads to own coal lands so as to strengthen their credit and command capital by mortgaging their lines with the coal lands, to build the roads, and to find freight for the roads after they were built.

There are four or five of these great roads that have made from time to time mortgages on all their property, the lines of the road as well as coal lands. On some of these roads and their coal lands there are as many as three mortgages made under different dates to secure three sets of bonds, and there has been litigation, difficulty, and trouble, as can well be imagined by every lawyer in the Senate, to so adjust the relations between these conflicting bondholders that they might be able to separate the coal land from the railroads. That has been attended with legal difficulties, and therefore it has occasioned some delay.

In the case of roads owning coal lands, where there was but one mortgage and that mortgage did not cover all the coal lands, there has not been much difficulty in separating them from the railroads. In the case of the Baltimore and Ohio Railroad the lands were separated, and the railroad succeeded in disposing of the land, but many of the other great railroads have been unable to do so.

The situation is just this: The anthracite coal roads own 91 per cent of the coal in the country. I will read from the report of the anthracite coal strike commission. The commission says: "We accept Mr. Griffith's statement that nearly 91 per cent of the anthracite deposits are actually owned by transportation companies."

Mr. President, if the joint resolution should not pass and these penalties are not suspended, what will be the situation?

Rather than incur the risk of a \$5,000 penalty for every violation of the law, which would mean \$5,000 for every time the railroads hauled a carload of coal, and rather than incur the risk of this severe penalty in case the law is held to be constitutional, the railroads may prefer to comply with the law and not ship their own coal. That would take out of the market 91 per cent of the anthracite coal next winter. What would the people do? How could they get fuel, not only domestic fuel, but fuel for factories, plants, and all kinds of small industries in the large cities?

This is the condition that would confront the country in case the railroads should comply with the law by refusing to haul their own coal; the people in the East would be without fuel. The railroads have proceeded, so far as I can understand, in good faith to comply with the law. Some of them have complied with it by parting with their coal lands and others find they are beset by legal complications and difficulties because of inability to find lessees or purchasers for their vast holdings of coal lands.

A resolution was introduced by the senior Senator from Ohio [Mr. FORAKER] when this matter was up for discussion last week calling for further information of the Interstate Commerce Commission, and that reply has been received by the Senate, and it has been laid on every Senator's table. It gives the reasons for delay and the inability to comply with the law. I do not know whether the Senate wants to be detained long enough to have it read. I will not have it read unless it is desired.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. ELKINS. Certainly.

Mr. FULTON. Is the Senator speaking of the amendment I have offered?

Mr. ELKINS. No, sir; of the answer to the resolution submitted by the Senator from Ohio [Mr. FORAKER].

Mr. FULTON. I beg pardon.

Mr. ELKINS. If it is desired to have it read at the desk, it can be read. I will ask that it be made a part of my remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.



The matter referred to is as follows:

[Senate Document No. 465, Sixtieth Congress, first session.]

COMPLIANCE OF RAILROADS ENGAGED IN INTERSTATE COMMERCE WITH  
COMMODITIES CLAUSE OF ACT TO REGULATE COMMERCE.

Letter from the chairman of the Interstate Commerce Commission, transmitting, pursuant to Senate resolution, certain information relating to the compliance by railroads engaged in interstate commerce with paragraph 5 of the amended section 1 of the act to regulate commerce, commonly known as the "commodities clause."

May 8, 1908.—Ordered to be printed and to lie on the table.

INTERSTATE COMMERCE COMMISSION,  
Washington, May 8, 1908.

To the Senate:

The Interstate Commerce Commission has the honor to submit the following in response to the resolution of the Senate adopted May 6, 1908, directing the Commission to furnish certain information relating to the compliance by railroads engaged in interstate commerce with paragraph 5 of the amended section 1 of the act to regulate commerce, commonly known as the "commodities clause":

First. This provision by its terms became effective "from and after May 1, 1908," or about a week ago. The Commission has no official knowledge or information as to whether or not, since the date mentioned, railroads engaged in interstate commerce have complied with the provision in question, but believes from common report that they have not done so, except perhaps in a few instances, and excepting also those railroads, comprising probably the greater part of the whole number, which prior to May 1, 1908, were not engaged in transportation now made unlawful by the commodities clause. It will be observed that railroads are not required to make any report to the Commission upon this subject, nor has the Commission any means of ascertaining the facts in regard to compliance or noncompliance with the provision referred to, by railroads generally or by any particular railroad, without conducting an investigation for that purpose. Such an investigation the Commission has not yet been able to undertake.

Second. The Commission has no knowledge or information whatever of any agreement, arrangement, or understanding between railroad companies and the authorities charged with the duty of enforcing said provision, or otherwise, whereby or on account of which said railroad companies or any of them are to have immunity from punishment for violations of the commodities provision, and therefore can furnish no information upon that subject.

Third. Since the Senate resolution was received we have communicated by telephone with the receiver of the Western Maryland Railroad, and are informed by him that he is not complying with the provision in question. He further states that his reasons for such non-compliance will be furnished to the Commission at an early day. When those reasons are received they will be transmitted to the Senate.

Fourth. The reasons which induced the Commission to recommend, in a letter to the chairman of the Senate Committee on Interstate Commerce, the passage of Senate joint resolution No. 74 are as follows:

Upon the adoption of the joint resolution of March 7, 1906, directing the Commission to investigate the subject of coal and oil lands and the interests of railroad companies or their officers therein, the Commission employed Mr. William A. Glasgow, Jr., a prominent lawyer of Philadelphia, to act as its counsel in conducting the investigation. Mr. Glasgow was employed because he was known to the Commission to have exceptional knowledge of the subject and to be otherwise qualified for the service required. Some time in the month of March, 1908, Mr. Glasgow brought informally to the attention of one or more members of the Commission the hardship which would result to railroads generally if the provision in question went into effect on the 1st of May following, because of the financial depression then and for some time before prevailing, which created conditions presumably not anticipated when this provision was enacted in June, 1906, and particularly to lessees of coal lands on the Norfolk and Western Railroad. About the same time, as we understand, Mr. Glasgow had an interview with the President upon this subject, and afterwards addressed him a letter in relation thereto. This letter was referred to the Commission by the President for a report, which the Commission submitted a few days later. Copies of Mr. Glasgow's letter to the President and the Commission's report to the President are annexed hereto.

It will be seen from this report that the Commission favored postponing from May 1, 1908, to January 1, 1910, the effective date of the commodities clause for the reasons therein stated. These reasons apply with even greater force to joint resolution No. 74, the adoption of which was favored by the Commission in its letter of April 2, 1908, to the chairman of the Senate committee. Moreover, the Commission was of the opinion that this joint resolution was preferable to a postponement of the effective date of the provision in question, because it left the law in force and merely suspended for a time the accumulation of penalties.

For these reasons the Commission believed and still believes that it is in the public interest as well as a matter of fairness to the parties directly concerned to suspend the penalties for violation of this provision—penalties not specifically imposed by its terms, but resulting from general provisions of the regulating statute—for a sufficient time to test in the courts the validity of this enactment. We do not understand the resolution of the Senate as requesting an immediate investigation of this matter; but an investigation will be made in due course and can be made at once, if the Senate so desires.

All of which is respectfully submitted.

MARTIN A. KNAPP, Chairman.

INTERSTATE COMMERCE COMMISSION,  
Washington, March 12, 1908.

To the President:

The Interstate Commerce Commission is in receipt of your request for a report by it upon the propriety of an extension by act of Congress of the time within which common carriers engaged in interstate and foreign commerce shall be required to comply with the provision of the act of June 29, 1906, which is as follows:

"From and after May 1, 1908, it shall be unlawful for any railroad to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity other than timber, and the manufactured products thereof, manufactured, mined, or produced by it or under its authority or which it may own in whole or in part, or

in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

We are also in receipt of a letter on this subject dated March 6, 1908, from Mr. William A. Glasgow, Jr., addressed to you and referred to us.

Complying with your request, the Commission respectfully reports that while it has no definite knowledge as to what extent carriers subject to the law have rid themselves of the ownership of or interest in property with a view to compliance with this provision, or what steps have been taken to that end, it does not doubt that of the large amount of property involved which was held by the carriers in one way and another at the time this act was passed, much of it is still held by them. By the gross and extensive abuses and wrongs found to have resulted from the interest of carriers in properties producing freight carried and sold by them in competition with their patrons, we are convinced that this provision is based upon sound principles, and is a wise policy which should be persistently adhered to. But in view of the great extent, value, and importance of these properties, and the probable difficulties of making and executing plans for the bona fide disposition of the same, in full conformity to the spirit as well as the letter of this law, on reasonable terms and without undue sacrifice, and taking into account present financial and commercial conditions, and also the fact that these properties and interests for the most part, if not altogether, were acquired either pursuant to charter authority or in the absence of any law forbidding any such acquisition, we believe the ends of justice would be better served under all circumstances if further time were allowed for conforming to the requirements of this provision. We would not suggest a longer period than to January 1, 1910.

We also believe that whatever time, if any, shall be allowed beyond the date now fixed should be a definite time, without authority on the part of this Commission or other tribunal to extend such period.

Very respectfully,

MARTIN A. KNAPP, Chairman.

PHILADELPHIA, March 4, 1908.

DEAR SIR: Referring to the matter which I presented to you briefly on March 4, and which you suggested that I set out in writing for reference to the Interstate Commerce Commission, I desire to call your attention to the following clause of section 1 of the act to regulate commerce, approved June 29, 1906, commonly known as the "commodity clause":

"From and after May 1, 1908, it shall be unlawful for any railroad to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity other than timber, and the manufactured products thereof, manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

The Interstate Commerce Commission, under joint resolution of Congress, conducted an investigation as to "discriminations and monopolies in coal and oil," and on the 25th of January, 1907, made its report to Congress, and among the remedies suggested by the Commission for the discriminations which it found to exist was the following:

"Fourth. That carriers engaged in interstate commerce be forbidden, after reasonable time, to own or have any interest, directly or indirectly, in any operated coal properties, except such as are exclusively for their own fuel supply, and that ownership, either directly or indirectly, by officers or employees of any common carriers of any coal properties, or any of the stock of coal companies along the line of road by which they are employed, be forbidden."

This suggested remedy for evils of which the Commission was informed was fully justified, and the commodity clause of the commerce act above referred to had been enacted to afford the very remedy which the Commission had in mind.

For my own part, I have been thoroughly convinced of the necessity for legislation of this character for years. My attention was first directed along this line by the case of New Haven Railroad Company v. Interstate Commerce Commission (200 U. S. 361), which I tried as counsel for the Interstate Commerce Commission in the circuit court of the United States, and in this case the Supreme Court clearly suggested that there should be Congressional legislation forbidding railroad companies from engaging in the buying and selling of coal.

Again my attention was called to the necessity of confining common carriers to the single business of transportation, without any interest in the coal properties served by them, by the case of United States v. West Virginia and Northern Railroad Company, decided by Judge Goff on the 15th of October, 1903, to be found in 125 Federal Reporter, 252, and affirmed by the circuit court of appeals (Mr. Chief Justice Fuller), 134 Federal Reporter, 198.

That there may be no misapprehension of my situation with regard to this matter, I would say that I am now, and have been for years, counsel for the large majority of mines in what is known as the "Pocahontas Flat Top coal field," in West Virginia, and the majority of the companies which I represent in that field are lessees of coal lands which are owned by the Pocahontas Coal and Coke Company, the stock of which is owned by the Norfolk and Western Railway Company. These lands were purchased by the Pocahontas Coal and Coke Company in 1901 from the Flat Top Coal Land Association, and at that time the interest of the Norfolk and Western Railway Company in these lands began. The companies I represent were lessees, engaged in mining coal on the lands at the time they were purchased by the Pocahontas Coal and Coke Company, or, indirectly, by the Norfolk and Western Railway Company, and the latter company is simply landlord and has no interest in an operating company.

The Interstate Commerce Commission is fully advised of this whole transaction and the purposes of the Norfolk and Western Railway Company in acquiring an interest in these coal lands, as the matter was fully gone into during the investigation held by them, above referred to.

The clients I represent have only one road over which they can ship their coal to market—to wit, the Norfolk and Western Railway Company—and this company serves in the same coal field and in adjoining fields a large number of coal operators mining upon lands in which, or in the output of which, the Norfolk and Western Railway Company has no interest, either directly or indirectly, and therefore there can be no question about the railway carrying the coal of these other shippers. The coal companies which I represent feel considerable anxiety as to what may be the result after May 1 if the Norfolk and

Western Railway Company does not rid itself of its indirect interest, by royalty, on the coal from lands upon which they are mining as lessees.

While it is true that since the 29th of June, 1906, the Norfolk and Western Railway Company has been advised that the commodity clause of section 1 of the act would go into effect on May 1, 1908, the conditions have been such that it has been, as we are informed and believed to be true, utterly impossible for that company within that time to put itself in a position to transport our coal without coming under the condemnation of the commodity clause aforesaid.

I understand that this matter has been taken up with the Attorney-General, who has authorized a statement to the effect that—"the Department of Justice contemplates the institution of proceedings as soon as possible after the date named (May 1, 1908) whereby a prompt determination of this question (the constitutionality of the act) by the Supreme Court of the United States may be obtained. It is expected that the railroads concerned will cooperate with the Government to this end; and if they do so in good faith and if they in good faith immediately obey the decision of the Supreme Court when rendered, it is not the purpose of the Department of Justice to prosecute them for a failure to comply with the terms of the act, pending the decision of the Supreme Court."

This statement of the Attorney-General evinced the purpose on the part of the Department to fairly protect litigants pending the decision of the constitutionality of the act and went as far as the Department of Justice could properly go, but Your Excellency will see that upon the decisions by the Supreme Court the carriers will be required to "immediately obey the decision of the Supreme Court when rendered," and if the railroads cooperate in good faith in making a test case, and the decision there is expedited by the Department of Justice, there is no reason why, during the fall of 1908, the Supreme Court should not settle the constitutionality of this clause of the act.

I further call attention to the fact that the presumption is that the act is constitutional, and the most serious objection urged to it is made by companies having by their charters, which were granted prior to the enactment of the interstate-commerce act, the right to own coal lands.

While I am especially interested in the maintenance of the principle which the commodity clause was intended to enforce, and while the coal companies which I represent are fully in harmony with that principle, we recognize that at present, and for the last year, it has been impossible for the Norfolk and Western Railway Company (and I believe the same is true of other companies) to put itself in a position to meet the requirements of the act on this subject. And the prospect is that when the constitutionality of the act is settled by the Supreme Court, and if the act is sustained it will probably be impossible for many of the railroads to "immediately obey the decision of the Supreme Court."

If the time of the commodity clause of the act was extended, I think a great many of the railroads would endeavor to put themselves within the act by getting rid of any interest they had in coal properties, and at the expiration of such extension the Government would only have to deal with refractory companies, who intend at all events to contest the constitutionality of the act. And if the Supreme Court should, on technical grounds, hold the act unconstitutional, some way of amending it might be suggested which would accomplish the good purpose in view.

I want, therefore, to earnestly suggest to Your Excellency the advisability of an extension of time to enable the railroad companies to put themselves in a position to continue to serve coal companies situated as the companies which I represent, and I suggest that the date, "May 1, 1908," in the commodity clause be amended to read "May 1, 1910," with a further proviso as follows:

"Provided, however, That the Interstate Commerce Commission may, in special cases, from time to time, upon full hearing and for good cause shown, and being convinced that the interest of the public will not suffer, extend the period after May 1, 1910, but not beyond May 1, 1912, within which the railroad company applying for such extension shall be required to cease to transport any article or commodity which it may be forbidden to transport as above set forth."

And a further proviso might be added requiring that any railroad company applying to the Interstate Commerce Commission for such extension shall file with their application an acknowledgment, duly authorized by its board of directors, that it holds its charter subject to this provision of the interstate-commerce act.

By this extension of time a great many of the companies who acquired interest in properties because they thought it would be proper to do so under the then existing conditions, or some of whom did so for the purpose of developing the territory which they served, would be enabled, in all probability, to get rid of any interest which they may have and which would interfere with their duties as carriers, as set forth in this clause of this act.

I have no interest of the carriers to serve, except that I think they should be treated fairly, just as I know is the view of your Administration. The persons I represent ship several millions of tons of bituminous coal annually, and they and I think it would be much better to extend the time for carriers to put themselves within the act, because the principle which they and I so earnestly approve might be considerably injured before the courts unless "reasonable time" should be given to the carriers within which to reverse a mistaken policy which had been in use for many years.

It is true that this extension of time might be made after the act was held to be constitutional by the courts, but if the railroads are required to "immediately obey the decision of the Supreme Court," and I know of no authority then without Congressional action to extend the time, the difficulties confronting the carriers would be very great. I think it is clear that reasonable time should be given within which to comply with the act now, and at the expiration of two years any company not filing a certificate that it holds its charter subject to the act could be proceeded against and the constitutionality of the act tested.

I represent a large shipping interest, entirely in accord with the purposes of the act to regulate commerce as approved June 29, 1906, and this suggestion is made in the belief that the end in view will be better attained by a reasonable extension of time within which carriers desiring to do so may put themselves on a proper basis rather than by a court proceeding, before reasonable opportunity is offered within which to comply with the act. We are interested in the perpetuity of the principle that carriers shall alone be interested in providing the best and most expeditious transportation and that carriers should withdraw from any other line of business endeavor, but we wish this accomplished with as little embarrassment as possible to carrier companies who desire to live within the law.

This is a most important and pressing question, and I hope Your Excellency will pardon my presentation at such length of the views I entertain. I shall be glad to give any further or detailed information to you or to anyone you may suggest, and which information convinces me of the necessity of this extension of time.

I remain, with great respect,  
Your obedient servant,

WM. A. GLASGOW, JR.

HON. THEODORE ROOSEVELT,  
President of the United States;  
Executive Offices, Washington, D. C.

Mr. NELSON. Will the Senator from West Virginia yield to me?

Mr. ELKINS. I will yield to the Senator from Minnesota, who has a matter to present correcting an amendment that was made.

Mr. NELSON. When the joint resolution was up for consideration before, I moved an amendment in line 15.

Mr. ELKINS. I call the attention of the Senator from Texas [Mr. CULBERSON] to it.

The VICE-PRESIDENT. The Senator from West Virginia desires the attention of the Senator from Texas.

Mr. ELKINS. The Senator from Minnesota will read an amendment that he offered, and I think the Senator from Texas also offered a similar amendment.

Mr. NELSON. Upon my motion an amendment was adopted in line 15 on page 2 of the joint resolution. I have since examined it, and I find that my amendment was incomplete. Besides, I do not think the amendment is necessary. I therefore move to reconsider the vote by which my amendment was agreed to.

The VICE-PRESIDENT. The Senator from Minnesota moves to reconsider the vote by which the following amendment was agreed to.

Mr. CLAY. What was the amendment?

The VICE-PRESIDENT. The Secretary is about to state it.

The SECRETARY. On page 2, line 15, the Senate struck out the word "law" and inserted "said act;" and after the word "said," in the same line, struck out "act" and inserted "provision," so as to read:

Or forfeitures now provided by said act for violations of said provision to regulate commerce.

Mr. NELSON. The amendment was incongruous and improper. I ask the Senate to reject the amendment.

The VICE-PRESIDENT. Without objection, the vote by which the amendment was agreed to is reconsidered, and, without objection, the amendment is disagreed to.

Mr. NELSON. I wish to add that on a further examination of the joint resolution I do not think that in that particular it requires the amendment I supposed it did at the time.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. Certainly.

Mr. CULBERSON. May I inquire of the Senator from Minnesota if the amendment to which he refers is on page 2?

Mr. NELSON. Yes; line 15. My amendment is stricken out, and it leaves the joint resolution in that respect in lines 15 and 16 as it reads in the original joint resolution.

Mr. CULBERSON. What became of the amendment which I submitted and which I understood was adopted?

The VICE-PRESIDENT. The vote by which the amendment was agreed to has just been reconsidered.

Mr. CULBERSON. I understood that that was the amendment proposed by the Senator from Minnesota.

Mr. NELSON. I moved an amendment which I think was in the nature of a substitute for the amendment of the Senator from Texas. On examination I found that my amendment was incomplete, and I further came to the conclusion that no amendment was necessary. Therefore I moved to reconsider and to reject my amendment. That leaves the Senator free to move an amendment.

Mr. CULBERSON. I move, then, what I moved before, to insert after the word "violations," in line 15, page 2, the three words "of said provision."

Mr. ELKINS. So as to read "for violations of said provisions." Are those the words?

Mr. CULBERSON. "Of said provision;" in the singular, so that it will read:

January 1, 1910, to the penalties, fines, or forfeitures now provided by law for violations of said provision of said act to regulate commerce.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. On page 2, line 15, after the word "violations," insert the words "of said provision."

The VICE-PRESIDENT. Without objection, the amendment is agreed to.



Mr. ELKINS. Mr. President, I feel that the purpose and scope of the joint resolution and the end and object to be attained by its passage are sufficiently before the Senate. The railroads have been unfortunate. The expiration of the time for the compliance with the law fell on the 1st of the present month, following the great panic and business depression. I think it is in evidence before the Senate and in the report of the Interstate Commerce Commission that the panic and the business depression interfered with their compliance with the law, chiefly because the railroads could not find purchasers during the panic and up to May 1 to take over their coal lands, in addition to the legal complications growing out of the number of mortgages on the railroads and coal lands securing different sets of bonds. Naturally, there would be differences between the various bondholders in case of the sale and disposition of the coal lands and the disposition of the proceeds so as not to impair the bonds.

Mr. President, I will now call the attention of the Senate to the amendments offered to the joint resolution under consideration. The Senator from Oregon [Mr. FULTON] has offered an amendment to the joint resolution, which is substantially a bill that he has pending before the Interstate Commerce Committee of the Senate in regard to advancing rates. The Interstate Commerce Committee has had that bill under discussion for a long time. It is a very important and far-reaching amendment to the Hepburn bill. It reverses or substantially sets aside the conclusion reached on the question as to the initiation of rates after two years' consideration and after months of discussion here in the Senate. The present law requires that thirty days' notice shall be given before a rate can be increased. That was an amendment in the interest of shippers; before this rates could be advanced on ten days' notice under the old law.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. ELKINS. Yes, sir.

Mr. FULTON. If the Senator will allow me I will correct him in that statement. I may have misunderstood the Senator, but under the present law no change of rate can be made until a previous notice of thirty days has been filed with the Interstate Commerce Commission.

Mr. ELKINS. That is what I said. The Senator's amendment, as I said, is a bill now pending and under consideration by the Interstate Commerce Committee, and I hardly think it ought to be attached to a simple joint resolution suspending the penalties for a reasonable time to enable the railroads to comply with the law for the reasons I have stated. The amendment requires substantially that the Interstate Commerce Commission shall make the rates and not the railroads.

That question was fought out here in the open Senate under the discussion had on the Hepburn bill for three or four months, and the Senate was unanimous on that point and has been in all the discussions, as I understand it, since 1887, that the railroads shall always make the rate in the first instance, and if the rate is thought to be unjust and unreasonable the shipper has the right to file his complaint and be heard before the Interstate Commerce Commission to set it aside. If the amendment of the Senator should prevail, the Commission would have the right to stop the advancing of rates by railroads all over this country until the Commission upon a lengthy hearing decides. There are millions of rates. If the railroads of the country should agree to advance rates there could be filed under this amendment a million protests, and how could the Commission ever consider those protests and pass upon them? It virtually places in the hands of the Interstate Commerce Commission the initiation of rates.

Then, Mr. President, if this cast-iron requirement should become a law, there never could be a reduction in rates. It is in evidence before the Interstate Commerce Committee of the Senate in investigating these cases that, taking the experience of England, where an administrative body fixes the rate and the railroads do not, the experience has been that there is never any reduction in rates, because if the railroads should once reduce the rates they never could advance them, because every shipper in the country would protest and require a hearing before the Interstate Commerce Commission.

Now, Mr. President, I wish to call the attention of the Senate to the commodity clause of the Hepburn bill and the penalty for its violation, and after that to the effects of the amendment under discussion. By the first section of the act of June 29, 1906, railroads subject to that act are prohibited from transporting any article or commodity manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have an interest, direct or indirect, except for its own use.

The penalty for the violation of this law is found in the amendment to the original act passed in 1887 and in the amended act of March 2, 1889, volume 1, second edition, of the Supplement to the Revised Statutes, page 686, and found also in the compilation made by the Interstate Commerce Commission, revised June 30, 1906, on page 13. It is section 10 of the revision of the Interstate Commerce Commission, and it provides that any common carrier, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation who shall willfully do or cause to be done, or shall willfully suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or shall willfully omit to do any act, or willfully suffer or permit any act so directed or required by it not to be done, shall be guilty of a misdemeanor and fined \$5,000 for each offense.

All of these are amendments to the act of 1887. Of course this section covers all of the sections which have not specific penalties attached to them.

The reenactment of the first section of the Elkins bill in its first part also clearly confirms the act of 1889 as to the penalty against the corporation.

Let me state the objections to the amendment proposed by the Senator from Oregon:

First. It changes the whole theory of existing law to regulate commerce. The present law allows carriers to initiate rates. The amendment would practically turn over to the Commission the initiation of all rates in the country.

Second. The provision requiring thirty days' notice in the existing law before a rate can take effect was enacted for the purpose of giving stability to rates to place all shippers on an equality in the making of their contracts, and so forth. The amendment would destroy this by permitting anyone within thirty days to prevent the rate taking effect by simply filing a protest.

Third. It would be an invitation to promote protests for the purpose of securing inequality between shippers. Competitors for a contract knowing a rate would be advanced before the delivery of the goods would bid upon that basis, a competitor could on the twenty-ninth day file a protest that would prevent the new rate going into effect, and thus secure an advantage over his competitors which would be equivalent to a rebate. Its tendency would be to annul the most vital and effective provisions of existing law.

Fourth. The statute is based upon the erroneous proposition of law that the increase of a rate is presumptive evidence of its unreasonableness. This was decided this winter by Mr. Justice Brewer as an incorrect view in the case of Interstate Commerce Commission against Chicago Great Western Railway, decided March 23, 1908.

Fifth. It would be impossible for the Commission to act upon these questions within a number of months. There are between six and seven hundred changes of rates daily, either lowering or raising.

Sixth. If the Commission determined the rate was unreasonable that was sought to be advanced, could there be an appeal to the courts to correct the error, if error was made by the Commission? No rate is in existence; it is a mere proposition, a suggestion, and is not reviewable. It is further a decision as to a future rate, which, in the case of Reagan (154 U. S., 394) and Maximum Rate case (167 U. S., 479), the Supreme Court has held could not be reviewed.

Seventh. If the rate is held unreasonable and a future rate is fixed by the Commission with a provision in the order that it is to remain in effect for a given time, as provided by law, the decision could not be reviewed by the courts under these decisions, as it is a future rate and not an existing rate.

Eighth. The tendency of such a law would be to destroy the flexibility of American railway rates and to produce rates that were stereotyped and unchangeable.

Carriers would not reduce rates in periods of depression or build up industries for fear of a fight when normal conditions returned to raise the rate to a normal, reasonable rate. This is the most serious objection to the law from the standpoint of the public.

All shippers are to-day protected if a rate is advanced that is unreasonable, as the Commission has full power to give reparation if they hold the rate unreasonable upon complaint. If, on the other hand, the rate is held to be reasonable, and it has been delayed for months in getting into operation, there is and can be no remedy for the carrier.

Mr. Acworth's statement before the Senate committee of investigation, authorized by the Senate in 1905, as to the effect of such a law in England is very clear—that it rendered the rates stereotyped and unchangeable and kept the same at an unnaturally high level.

Mr. CLAPP. Mr. President, I wish to say just a word on this matter, and what I say would apply to my attitude personally to all the pending amendments. When we passed the so-called "rate bill" I took the same position there in opposing the tacking on of amendments that did not properly belong to that bill with the feeling then, justified later by the action of the Committee on Interstate Commerce and the action of Congress, that those matters would in due time be passed upon and many of them become laws. Such was the history of some of those amendments.

Now, a good deal could be said for the amendment of the Senator from Oregon [Mr. FULTON], provided that amendment was duly considered, but I do not believe amendments of that kind can be considered under these circumstances.

Mr. FULTON. Will the Senator allow me to ask him a question?

Mr. CLAPP. Certainly.

Mr. FULTON. The Senator says probably much could be said in favor of this amendment if it were duly considered. I introduced this bill on practically the first day of the session—on the first day when bills could be introduced. It has been before the committee ever since. I ask the Senator how long a time he would accord to the measure before he would call it duly considered?

Mr. CLAPP. Speaking more particularly to the amendment of the Senator from Oregon, I regard it as the most vital amendment proposed to railway legislation in the history of railway legislation in this body. If it was enacted in its entirety as presented, I am inclined to think it would destroy absolutely all elasticity in the rates of this country. We did take it under consideration early in this session. It has been reported once to the committee. Without going into the affairs of the committee, it may be proper to say that it was favorably considered with amendments by some of the committee. That committee has had a great many things to consider during the session, and I believe it has dealt fairly toward all these amendments—certainly the amendment of the Senator from Oregon, upon which I have myself spent a good deal of time during the past winter. I think the Senator will bear me out in that suggestion.

Mr. FULTON. In justice to the Senator from Minnesota, I want to say that I know that to be a fact. I think I should further say that I know he has favored the general principle for which I have contended; and the previous question I asked was not intended to reflect upon him, but to get his judgment as a lawyer and statesman as to what constitutes "due consideration."

Mr. CLAPP. Well, "due consideration" depends a good deal upon what is involved in the question. Some questions can be readily disposed of; other questions require a great deal of consideration.

What I wanted to say was simply that while there may be in all these amendments elements which would justify final legislation in Congress, I do not believe in passing a joint resolution of this kind it is the time or place to tack them onto it. We suffered from that experience in the passage of the original bill itself, and for one I shall vote against these amendments, although very likely supporting many of them when they come up as independent matters of legislation.

Mr. FULTON. Mr. President, I can not agree with the Senator from West Virginia [Mr. ELKINS] as to the effect the amendment I have offered would have were it adopted and should it become a law. He seems to be of the opinion that in that event no reduction of railway rates would ever be made. It seems to me that is a very far-fetched and attenuated proposition.

The provisions of the amendment I have offered are that when a transportation company has filed a notice, as it is required under existing law to do, that it proposes to change a rate, if the proposition is to increase the rate, any shipper may file a protest, and that thereupon it shall rest in the discretion of the Commission whether the proposed increased rate shall go into effect at the expiration of the thirty days or shall be stayed and the then existing rate continued until a hearing has been had and the Commission has determined that the proposed increase is just and reasonable.

Mr. President, I am unable to see how that can possibly work a hardship on a transportation line. Under the existing law the railroad rate that would be in effect at the time of the proposed increase would necessarily be one that had been initiated by the railroad company itself or that had been established by the order of the Commission as a just and reasonable rate. If the rate proposed to be displaced were one that the railroad company itself had established, it is a fair presumption that it would be fairly remunerative, and that no very considerable

injustice would be done the transportation line by insisting that the rate so established should continue in force until the Commission had investigated and approved the proposed increase.

If, on the other hand, the rate existing at the time of the proposed increase were one that the Commission itself had established theretofore, then, of course, every presumption would be that it was a reasonable and just rate, and no injury certainly could follow by requiring the railroad company to continue that rate in force until such time as the Commission had had an opportunity to inquire into and determine whether the proposed increase were a reasonable one or not.

How could it operate to prevent the lowering of rates in the future? The Senator will argue probably that it would so operate because the transportation line would fear to reduce a rate, lest, if it should ever become necessary to restore or advance it again, it would be precluded from doing so by a protest from the shippers. That is to assume that the action of the Commission in fixing rates will be hostile and unjust to the transportation lines. I undertake to say that experience proves the contrary. There is no complaint on the part of these lines that the Commission has been unjust or unreasonable in the establishment of rates. On the contrary, in almost every case the transportation lines accept without appeal the rates and determinations of the Commission.

On the other hand, if a transportation line may unrestrained change a rate by increasing it, it may put a shipper entirely out of business before he has an opportunity to correct the injustice that the increased rate does him.

Take it in the matter of the shipment of lumber from the Pacific coast, which I may say was the particular matter that called my attention to this defect in the law, and which prompted me to offer the amendment I have here proposed. Some time last summer the transportation lines from the Pacific coast increased the rate on lumber 10 cents a hundred pounds.

The result was, Mr. President, that the lumber manufacturing establishments on the Pacific coast were very largely compelled to cease shipping lumber to the eastern and middle western markets. Their only remedy was to go before the Interstate Commerce Commission and make complaint that the rate put into effect was unjust and unreasonable, and ask that the matter be inquired into; which they did. But no decision has yet been reached; the matter is still held under consideration. I am making no complaint because of that against the Commission, for I realize that it is a matter of great importance, and that it takes time and a great deal of investigation to determine it; but in the meantime the lumber mills of the Pacific coast are deprived of their markets in the Middle West and in the East.

Would it not have been far better and much more in accord with the principles of justice and equity had the railroad company been required to submit the question of the reasonableness of that advance to the Commission and let the old rate remain in force until the justness of the new had been determined, and thereby the great lumber business of the Pacific coast left undisturbed? If the Commission should finally decide that the rate proposed by the transportation lines was a just rate, then, of course, the shippers would have to submit to it. But suppose the Commission does not so find—suppose the Commission determines that the proposed advance is an unjust exaction—what remedy have the shippers? Absolutely none. Their market has been destroyed; their plants in many instances have been shut down; their business in many instances has been ruined. Therefore, I have proposed—and I think it is a just proposal—that they shall hereafter have the right, when it is proposed to increase a rate, to go before the Commission and protest, and that that protest shall lodge with the Commission the power to restrain the advance from going into effect until its reasonableness and justness shall have been determined.

Now, I want to call attention to something of the magnitude of the lumber industry of the Pacific coast, and particularly in my own State. The merchantable timber ready for market to-day in the State of Oregon aggregates, it is estimated by the officials of the Forestry Service, 300,000,000,000 feet. There are being cut annually 2,000,000,000 feet, of which, 600,000,000 feet are annually shipped across the country by railroad. At 21,000 feet per carload, which is about the average carload, that makes 28,571 carloads of freight, which the mills have been annually furnishing the transportation lines during the several years last past.

There is one Oregon firm that alone last year paid the transportation lines between eight and nine hundred thousand dollars for freight on lumber. This 10 cents per hundred increase amounted to that one firm alone to over \$81,000.



There are employed in the State of Oregon between thirty-five and forty thousand men in the lumber industry, and the annual pay roll is over \$2,000,000.

Mr. President, an industry that furnishes employment to so many men, that distributes such large sums of money among the people, that furnishes from one State alone 28,571 carloads of freight, the product of one firm paying nearly a million dollars annually for freight, certainly is one that ought not to be subjected to the danger of destruction by the action of transportation lines without first having an opportunity to be heard. It ought not to be possible, Mr. President, to destroy a great industry like that without a hearing.

These industries were built up under the transportation conditions existing at the time. Because of the freight rates that were in force, nearly all of these mills were established, and I suppose I am justified in saying that practically all of them were enlarged and their output increased by reason of rates which admitted them into the markets of the East and Middle West. There are over \$50,000,000 invested in mill property alone in the State of Oregon, and that is not taking into consideration the timber lands or any other real-estate holdings, but mill property alone.

This great industry, I say, was built up on the basis of the rates that were put in force by transportation lines. Now, without an opportunity to be heard, without an opportunity to protect themselves, freights are at once advanced to a degree that destroys that business, compels them to cease operating their plants, and shuts them out of the market that renders their business possible. Yet the Senator from West Virginia [Mr. ELKINS] thinks that this is an evil proposition that I have advanced. He thinks it is one that would be destructive of the business of the country. Mr. President, it is for the preservation of the business of the country that I have offered this amendment, and I assert here and now that sooner or later the business interests of the entire country of the East as well as of the West are going to demand this legislation, and it will be enacted by Congress.

Mr. President, I introduced this bill early in the session, on the first day when opportunity was given for the introduction of bills. It was referred to the Committee on Interstate Commerce, of which the Senator from West Virginia is chairman. I know something of the effort that has been made to secure a report on the bill. We did not even demand a favorable report; we hoped for a favorable report, we endeavored to secure one; but we asked that we might have any report, so that we could get the bill before the Senate and submit the question to it. We could not secure a report.

I am not the only one who has been laboring for this measure. The Senators from California, the Senators from Montana, the Senators from Idaho, the Senators from Washington, and the Senators from Minnesota, and others have all been earnestly laboring to secure a report, because their people are demanding it. Yet, Mr. President, we have been unable to secure one, and now to-day we are told that there has not been time for "due consideration."

Well, Mr. President, I am thankful for that explanation and for those words—"due consideration." Now, we know that at least one session of Congress is necessary for "due consideration," and anything that requires due consideration may not hope to receive favorable consideration until after the expiration of at least one long session of Congress.

But, Mr. President, I realize that probably, in fact I know, there are others who are of the same frame of mind as my friend from Minnesota [Mr. CLAPP], who says that he can not vote for this proposition as an amendment to this resolution. I regret that he takes that view, for, it seems to me, that whatever importance you may attach to the original resolution, the amendment that I have offered is at least of equal importance. But I know very well that the Senator from Minnesota has been my friend and the friend of this amendment. I know that he has labored in the Committee on Interstate Commerce to secure favorable action upon it.

I have consulted with the friends of this measure, and we have concluded that, in view of the fact, that probably we can not get this amendment attached, although we could probably prevent the passage of the main resolution, and we have no disposition to do that. If we can get fair treatment for the bill at the next session we will withdraw the amendment. I understand the Senator from West Virginia, as chairman of the Committee on Interstate Commerce, is willing to agree that before adjournment for the Christmas holidays at the next session of Congress he will see that this bill is reported to the Senate. If the Senator will do that, I know, or at least I feel, that we can look forward with confidence to its passage, because I believe the Senate will pass this measure when it comes

squarely before it. If the Senator from West Virginia is willing to give us that assurance, so far as I am concerned—and the other Senators who are friendly to this measure, who have been taking the same earnest part and seeking to get it reported agree with me—I shall be perfectly willing to withdraw the amendment for the present.

Mr. ELKINS. Mr. President, the Committee on Interstate Commerce have had this amendment in the form of a bill under most careful consideration and have taken some testimony upon the subject. I have talked with some members of the committee, and I think I can safely say that we can secure action on the bill before the next Christmas holidays. Of course I have not been able to canvass the entire committee; and in saying this I do not commit the committee or any of its members as to the kind of report, but I think we can reach a conclusion on the bill.

Mr. FULTON. Mr. President, I think I know the kind of report that will come, but what I want is a report.

Mr. ELKINS. I thank the Senator for withdrawing the amendment. That will allow the committee time to consider it.

Mr. FULTON. I understand, then, the Senator says he can give us the assurance that the bill will be reported before the holidays at the next session of Congress.

Mr. ELKINS. Yes, sir.

Mr. FULTON. Very well; I am glad to know that.

Mr. ELKINS. With that understanding, Mr. President, I understand the Senator withdraws his amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. ELKINS. Mr. President, the Senator from Idaho [Mr. HEYBURN] has an amendment to offer, about which he desires to be heard. I desire to get a vote on this joint resolution to-night and on the amendment. I do not feel as if I ought to move to lay the Senator's amendment on the table, which motion would not be debatable, but I think I will save time by yielding to him to speak. I am willing to do that, but I hope he will not speak long.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. ELKINS. I do.

Mr. FORAKER. I have been necessarily detained from the Chamber. I just this moment came in and found the Senator from West Virginia addressing the Senate on his commodity-clause resolution. I should like to make an inquiry as to the status of that proposition.

Mr. ELKINS. Mr. President, the Senator from Idaho [Mr. HEYBURN] is to speak on his amendment which he has offered.

Mr. FORAKER. Yes.

Mr. FLINT. May I interrupt the Senator, Mr. President, to say that I did not understand that we had disposed entirely of the amendment offered by the Senator from Oregon [Mr. FULTON]?

Mr. ELKINS. I think we did.

The VICE-PRESIDENT. The Senator from Oregon withdrew his proposed amendment.

Mr. FORAKER. Let me ask the Senator does he intend to try to get a vote this afternoon on this joint resolution? I want to offer a substitute when we get to the proper place.

Mr. HEYBURN obtained the floor.

Mr. CARTER. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. CARTER. Mr. President, my understanding of the position of the Senator from Oregon [Mr. FULTON] and the amendment offered by him was that he proposed the withdrawal of the amendment on certain conditions, and the conditions involved an expression of views by Senators who were cooperating with him in support of that amendment. I, for one, believing in the amendment, am not advised as to whether the conditions specified were satisfactory even to the Senator from Oregon. The statement of the conditions few heard, and I do not know that anyone understood. I should like to understand at this time what the conditions were, and what action was taken by the Senator from Oregon with reference to the acceptance of the assurance of the Senator from West Virginia. The Senator from West Virginia may respond or the Senator from Oregon, if he so elects, to my demand for information. I will say that I understood the Senator from Oregon to call upon the Senator from West Virginia to give to him assurance, upon which the Senator from Oregon and those believing with him could rely, that a report, favorable or unfavorable, on this amendment would be made by the Committee on Interstate Commerce before the adjournment for the Christmas holidays in the second session of the Sixtieth Congress.

Mr. FULTON. That is the statement I made, and that, I understand, is the assurance given by the Senator from West Virginia.

Mr. CARTER. Do I understand that assurance given by the Senator from West Virginia was supplemented by the statement by him that he made the assurance after consultation with members of his committee, and after such consultation felt authorized to give the assurance?

Mr. FULTON. That was my understanding. I ask the Senator from West Virginia if I am correct?

Mr. CARTER. I will ask the Senator from West Virginia if that is his understanding?

Mr. ELKINS. This is tying the Senator from West Virginia pretty close. [Laughter.]

Mr. CARTER. That is what we expected to do.

Mr. ELKINS. I am willing, and I hope the Senator will be content with that. I have spoken to a majority of the members of the committee and I can give the assurance that the amendment will be reported before the holidays at the approaching session of the Sixtieth Congress.

Mr. CARTER. If the Senator from West Virginia, the chairman of the Committee on Interstate Commerce, having consulted with a majority of his committee, gives the assurance that such report will be made, I am content.

Mr. FLINT. Mr. President, I think that is satisfactory.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. I will yield for anything that will not occupy much time.

Mr. FLINT. I simply want to state that that agreement, as stated by the Senator from Montana and agreed to by the Senator from West Virginia, is satisfactory to us.

Mr. PILES. I did not understand that the amendment was disposed of. I have not expressed my views on it yet. I understood that the amendment was still pending.

Mr. HEYBURN. I think I have the floor, Mr. President?

The VICE-PRESIDENT. The Senator from Idaho has the floor.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. FULTON. I think I ought to say this—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I yield to the Senator from Oregon for a purpose that will not take time. I am on my feet for the purpose of addressing myself to some provisions of this bill.

Mr. FULTON. This will not take any considerable time; but I think the Chair misunderstood me. The Chair announced that the amendment was withdrawn. My statement was that, if this understanding was satisfactory to the other Senators whom I have mentioned, who were equally interested in the amendment and who had been equally industrious in endeavoring to secure its report, then I would ask to have it withdrawn. The Chair announced that it was withdrawn. I knew the Chair misunderstood me. I wanted that the Senator from Washington [Mr. PILES], the Senator from California [Mr. FLINT], and the Senator from Montana [Mr. CARTER] might express their approval or disapproval; and if the Senator from Idaho will allow the Senator from Washington to make his statement I would appreciate it very much. I should like to ask the Senator—

The VICE-PRESIDENT. The Chair announced the fact as he understood it, that the Senator from Oregon had withdrawn his amendment.

Mr. FULTON. Yes.

The VICE-PRESIDENT. And the Chair's announcement was not corrected or questioned at the time.

Mr. FULTON. I beg pardon.

The VICE-PRESIDENT. The Chair's announcement was not corrected at the time. Now, the Chair understands that the Senator has not withdrawn his amendment.

Mr. FULTON. It was only a suggestion that I would do so. If that understanding is satisfactory to the Senator from Washington, however, I will withdraw the amendment.

Mr. PILES. The understanding is not entirely satisfactory to me, Mr. President, because we have been consulting over this matter for some days, and I wanted to understand specifically from the Senator from West Virginia that this bill would be reported. I understood him to say that he would try to have it reported.

Mr. ELKINS. I struck out "try."

Mr. FULTON. All right.

Mr. PILES. Now, the Senator says positively that it will be reported before the next Christmas holidays. With that I am content.

Mr. FULTON. Then I ask leave to withdraw the amendment.

The VICE-PRESIDENT. Without objection, leave is granted. Mr. HEYBURN. Mr. President, I have never known of a case in which there was such haste and importunity to remove every possible obstacle from the enactment of legislation as in this case. I remember when the commodity clause was being interjected into this legislation. It had no business there. It is an ambiguous and uncertain provision of legislation, and did not receive the consideration that should be given to important matters. When Congress undertook to say that property which had been owned by transportation companies for an indefinite number of years might not be used by them or might not be sold by them or the products thereof transported over their roads, it presented a pretty large question, and it was not sufficiently considered, and it was enacted partially. Congress attempted to enact a penal statute providing they should not do this thing, and it forgot to provide a penalty, and the statute stands on the books to-day without any penalty for its violation.

No lawyer who investigates it will arrive at any other conclusion. The matter was submitted to the law officers of the Government. It has been submitted to the lawyers of this body, and if any lawyer or any Senator can point out any penal clause in the law of the United States that applies to the commodity clause, he will be entitled to say that there are a great many lawyers here who are mistaken. It was undertaken, by reference to the act passed seventeen years prior to this enactment, to make it a penal statute. I do not need to argue to any lawyer that you can not enact a penal statute in that way and enforce it.

On the 1st day of May this hasty legislation came to a climax, and the railroad companies, in order to remove all discussion in regard to it, have come in here with a proposition to suspend its operation because they do not want it investigated, because they do not want the facts known in regard to the status of this legislation. I say that when the railroads or transportation companies of the country have put themselves in that position and are here asking a great grace at the hands of the Congress of the United States, it is about time to stand them up before the people for an examination as to their acts, and when they want some great favor is the time to demand of them justice for the people.

I have no hesitation at all in saying that 90 per cent of the people of the United States are in favor of the amendment which I have offered to the joint resolution. I have no hesitation at all in saying that if it were put to a vote in the United States 90 per cent of the votes would be cast in favor of the amendment, which simply provides that a transportation company shall not charge more for a short haul than for a long haul, including the short haul. That is all the amendment proposes.

I am speaking not only to the Senators within the hearing of my voice, but I am speaking to every empty seat in the Senate, and I call attention to the fact that the people whom we represent demand this justice at our hands. Why should we postpone it?

Mr. President, there is more fraudulent pretense about this legislation and the opposition to it than about any other piece of legislation that ever was before the American people. I can not understand how it could have happened that Congress should have been induced to disregard the great central portions of this country in the interest of a few seaboard towns, for the purpose of building up a wholesale and jobbing trade at the terminal points to the exclusion of the possibility of building up or maintaining that class at interior points, and how Senators representing the great interior States of the United States, against whom these discriminations exist, can hesitate not only to give their votes in favor of any legislation that will cure this evil, but to lend their efforts and bring their influence to bear to secure such legislation.

I offered the amendment to the pending joint resolution because I knew that this railroad was teetering on its toes in impatience to rid itself of what it deemed might be a hardship.

I offered it because I knew the hour was ripe to make this demand of the railroad companies. I knew they would be impatient of it. I knew they would be importuning me to withdraw it, in order that their gracious bill might pass Congress at this session. I repeat that is the time to say to them: "If you are asking mercy, stand up first and do justice." I said in the remarks which I made on the 1st day of May, that the rail-



roads were holding up the interior points and charging them the through rates plus the local rates back from the terminal points to their cities. I am asked now, for the accommodation of this legislation, to withdraw the proposed amendment which I have introduced in order that forsooth the joint resolution may be hurried through to-night and receive the approval of Congress. I can not see any justification for it.

I am inclined to let the Senators vote on it if I can get a vote on the amendment, and if I can not get a vote to-day, I give notice that I am going to offer the amendment to every bill in the United States Senate to which an objection of consideration can not be offered until I do get a vote of the Senate, and let the people of the country know why they are being discriminated against. So, if you do postpone it to-day, you do it only for to-day.

The people are going to know why the people in Utah and Idaho and Washington and Oregon and Pennsylvania and New York and Massachusetts and North Carolina and Virginia, who have to live a little ways back from the seacoast, have to pay through rates to the seacoast plus the local rates back to their homes because, forsooth, they raise the ghost of water competition. There is no water competition between Chicago and Salt Lake City or between Chicago and Boise or Spokane or between St. Louis and those inland points, and there can be none. But suppose there is. It was these discriminatory terminal rates that drove our merchant marine from the sea. Why, merely because they do not choose to live upon the seaboard of the country, should not the people who live in interior points be entitled to the geographical benefits which nature gives them because of their proximity to the field of production or the markets of the country? Can any Senator tell me?

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I desire to inquire of the Senator if, under existing law, the Interstate Commerce Commission is not vested with power to require, if they think it is just and reasonable, exactly what the Senator proposes to compel them by rigid law to do?

Mr. HEYBURN. The Interstate Commerce Commission is given many powers that it should not have. It is given many powers that it does not exercise. It is given some others that it exercises unwisely. I am speaking in this body for the rights of the people. I am not speaking for their privileges. I am speaking for their rights under the law—equal rights.

Mr. FULTON. The Senator of course knows that if this proposed amendment were enacted it would apply to every case of the long and short haul.

Mr. HEYBURN. I hope so.

Mr. FULTON. The Senator surely is not ready to say that that should apply in all cases. There are many cases in which, on investigation, such a rule would be found to be unjust. Therefore why is it not wiser to leave that power vested in the Commission, to pass on it on the testimony and after an investigation in each particular case? Let each case stand upon its testimony and the facts.

Mr. HEYBURN. For the same reason that it is not wise to go back to the times and conditions of government when an absolute monarch could decide every question without reference to anybody else's judgment or consideration.

Mr. FULTON. Is not that exactly what the Senator proposes to do?

Mr. HEYBURN. No; I do not.

Mr. FULTON. He proposes—

Mr. HEYBURN. I propose to give every person equal rights under the law.

Mr. FULTON. The Senator proposes to decide this matter without reference to the evidence and without regard to the equities in any particular case.

Mr. HEYBURN. I am astonished that the Senator should make that statement. We are here under our sworn duty to decide these matters. It does not follow that, because Congress is invested with the power and duty to decide a thing, that every irresponsible board in the country should be invested with the same power. This is the legislative body of the country.

I am importuned to allow this matter to go through to-night. That is the form the expression takes. I have here facts and figures with reference to these discriminations which would appall this body if I could have its attention, which would make the people of the country rise up in mutiny when they know it; and they will know it. They shall know it. In every constituency in the United States they shall know it, because it has been taken up through the combination of boards of

trade and commercial bodies from one end of the country to the other, and before November comes around the people will know, and they will know what Congress thinks of it, too. They will know why these discriminations are recognized.

If they do not all know it this year they will know it next, because the people have made up their mind to throw off this kind of imposition, this kind of unfair discrimination. My voice is as potent and the vote will be as potent to these empty seats as though they were every one full, because the day has gone by when the people will shut their eyes to this kind of legislation. Grant the railroad company the right to avoid the effect of this penal statute, or which was intended to be a penal statute—grant them what they ask and ask nothing of them? I hardly think so. And I think when the Senate gives it more careful consideration the Senate will be of the same opinion, and that we will not vote to suspend the penalty, if there be one, of this clause without first voting as to whether or not the people's right shall be recognized and this discrimination done away with.

Mr. President, I insist on the amendment which I have offered being reported and acted upon.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Idaho.

The SECRETARY. It is proposed to insert after the resolving clause the following:

That section 4 of the act entitled "An act to regulate commerce," approved June 29, 1906, be amended by striking out the words "under substantially similar circumstances and conditions," where the same appear in said section 4, and further amend said section 4 of said act by striking out all of said section 4 beginning with the words "Provided, however;" said section 4 when so amended to read as follows:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kinds of property for a shorter than for a longer distance over the same line in the same direction, the shorter being included in whole or in part within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. ELKINS. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the amendment offered by the Senator from Idaho.

Mr. HEYBURN. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. Inasmuch as the yeas and nays have been ordered, I will have to ask that the amendment be again stated, in order that I may vote intelligently.

The VICE-PRESIDENT. The Secretary will again state the amendment, at the request of the Senator from Georgia.

The Secretary again read the amendment.

Mr. BACON. I understand the act referred to there is what is known as the "rate law."

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE], who is absent. Therefore I withhold my vote.

Mr. FRAZIER (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. KITTREDGE], and as he is not present I will withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS] who is absent, and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER]. If he were present, I should vote "nay."

Mr. FLINT (when the name of Mr. PERKINS was called). My colleague is absent attending a meeting at one of the Departments. If he were present, he would vote "yea."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. DOLLIVER. I desire to announce that my colleague [Mr. ALLISON] is paired with the Senator from Arkansas [Mr. CLARKE].

Mr. FOSTER. I have a general pair with the Senator from North Dakota [Mr. McCUMBER]. He is absent, and not knowing how he would vote, I withhold my vote.

Mr. DILLINGHAM. Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

Mr. PILES. I again announce that my colleague [Mr. ANKENY] is absent, owing to sickness.

The result was announced—yeas 30, nays 23, as follows:

YEAS—30.			
Aldrich	Cullom	Gamble	Penrose
Bacon	Dolliver	Gary	Piles
Brandeggee	du Pont	Guggenheim	Richardson
Briggs	Elkins	Hale	Taylor
Bulkeley	Flint	Hopkins	Warren
Burrows	Foraker	Johnston	Wetmore
Clapp	Frye	Kean	
Crane	Gallinger	Long	
NAYS—23.			
Bailey	Carter	Martin	Smith, Mich.
Bankhead	Dixon	Money	Smoot
Borah	Gore	Nelson	Stephenson
Bourne	Heyburn	Newlands	Sutherland
Brown	McCreary	Paynter	Teller
Burkett	McLaurin	Simmons	
NOT VOTING—39.			
Allison	Davis	Knox	Platt
Ankeny	Depeuw	La Follette	Rayner
Beveridge	Dick	Lodge	Scott
Burnham	Dillingham	McCumber	Smith, Md.
Clark, Wyo.	Foster	McEnery	Stewart
Clark, Ark.	Frazier	Milton	Stone
Clay	Fulton	Nixon	Taliaferro
Culberson	Hansbrough	Owen	Tillman
Curtis	Hemenway	Overman	Warner
Daniel	Kittredge	Perkins	

So Mr. HEYBURN's amendment was laid on the table.

Mr. FORAKER. I understand that the amendment prepared by the Attorney-General and offered by the Senator from West Virginia has been adopted, so that the joint resolution now stands as originally introduced with the change made by that amendment in the proviso, which is, as I understand it, that nothing in the joint resolution shall be construed to prevent a suit in mandamus or by an injunction to test the validity of this commodity clause of the rate act. I ask that the amendment prepared by the Attorney-General may be read.

Mr. ELKINS. It has been agreed to.

Mr. FORAKER. I know it has been agreed to, but I should like to have it read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. Add at the end of the joint resolution the following proviso:

*Provided, That nothing in this resolution shall be construed to prevent the bringing of any civil suit or proceeding for the enforcement of said provision, or the prevention of violations thereof; and the Attorney-General is hereby authorized to institute, or cause to be instituted, in the name of the United States and against any persons or corporations failing to comply with said provision, such civil suit, whether by application for mandamus, bill in equity for injunction, or other effective remedy in the premises, in any circuit court of the United States which said courts shall have jurisdiction in the premises, to secure the enforcement and observance of said provision; and the respective parties to any such suit herein authorized to be commenced shall enjoy the right of appeal, as in suits of like character when instituted by or on behalf of the Interstate Commerce Commission to compel the observance of the interstate-commerce law.*

Mr. FORAKER. Mr. President, the theory of this joint resolution is, as I understand it, that if we postpone the imposition of the penalty for noncompliance with the commodity clause, the railroads will disregard the law and they will continue to haul coal and other commodities which they own or mine or produce or have an interest in, just as though there was no such legislation.

In the first place, the joint resolution is wholly unnecessary if the contention of Senators is correct that there is no penalty applicable to a violation of this clause. I have not examined the law since this point was raised with sufficient care to have a satisfactory opinion on that subject, though I have supposed there would be no difficulty in pointing out that a penalty has been provided in the statute that would be applicable to a violation of this clause. I will assume there is a penalty that is applicable, for I do not care to debate that. I understand that the Interstate Commerce Commission makes that contention, and I propose to take it as though there was no question about it.

I deem it unnecessary to pass the joint resolution in the form in which it has been proposed for the further reason that the roads are not observing it and no penalty is being imposed. About that I want to make some remarks.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I wish to suggest to the Senator from Ohio that there is a general penalty clause in the act which contains this provision, and under that general penalty clause a railroad, if it is properly enforced, could be punished for violating that particular prohibition. I had something to do with drawing that amendment. No penalty was incorporated in that particular provision, but it was left for the punishment of those who violated the law to be provided for in the general penalty

clause of the act. I am amazed to learn that the Interstate Commerce Commission has expressed the opinion that there is no penalty provided for the violation of the clause.

Mr. FORAKER. I understand it is just the reverse of that. I say I do not care to argue that there is no penalty applicable, for I understand that the Interstate Commerce Commission is of the opinion that the penalty provided in the general clause, to which the Senator from Texas refers, does apply.

Mr. BAILEY. Oh, I misunderstood the Senator. I am very glad to know that I did misunderstand him.

Mr. FORAKER. What I said was that Senators here have contended that there is no penalty that is applicable, but I have not made any special examination to satisfy my mind upon that point simply because for the purposes I have in view in rising it is not necessary that I should.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Yes.

Mr. DOLLIVER. The Senator from Ohio will remember that the amendments of 1906 were in the nature of a rewriting of the section affected by the proposed amendments. So the interstate-commerce act as it now stands stands as it has been from time to time amended; and section 10 of the original act as amended by the act of March 2, 1889, contains the general penalty clauses applicable to all prohibitions of the whole act, including all the amendments that have been made up to date. So I think there will not be a sound legal conclusion that this is a clause without a penalty.

Mr. FORAKER. As I intimated, what I was saying on that point, in so far as it could be indicated that I have any doubt about it, was out of deference to the opinions of Senators who have expressed themselves to the effect I mentioned, namely, that there is no penalty that applies. But I was careful to say, without stopping to argue it, that I assume the penalties do apply.

Now, notwithstanding they apply, the remark I made was that I do not think the pending joint resolution ought to pass, because the railroads are not observing this law and there is no effort, so far as I am aware, to impose any penalty upon them.

I introduced a resolution asking the Interstate Commerce Commission to inform the Senate whether this clause is being observed by the railroads, and whether there was any arrangement or understanding in accordance with which these penalties were not to be enforced against the railroads if they did not observe the law. Their answer was that they had no official knowledge, but that unofficially they have learned that the roads, with but two or three exceptions, are not observing the law. I asked specifically about the Western Maryland Railroad. I asked about that because that road is in the hands of a receiver. That receiver is the officer of a United States court.

He is operating that railroad under the command of that court, and I conceive it to have been the duty of that court on the 1st day of May to call the receiver's attention to the fact that this law went into operation on that day, and that in accordance with this law he could not haul any coal in which that road was interested or which that road mined across the State line into any other State.

The Interstate Commerce Commission report that they have communicated with this receiver by telephone and that the receiver says he is not observing the law; that in a few days he will make a report to the Interstate Commerce Commission, setting forth the reasons why he is not complying with the law; and then the Interstate Commerce Commission will communicate those reasons to the Senate. I have been waiting for that supplementary report. I should like to have it before we do anything here, for it seems to me, Mr. President, that it was absolutely compulsory upon the judge administering that receivership to decide on the 1st day of May the question whether or not the law in its application to that road is constitutional, it being a road that owned these properties before we enacted the commodity clause of 1906.

It seems to me when we get that report, if it should be that the court has ordered the receiver to disregard the law, it will appear that the receiver is not obeying the law either because the judge has decided that the law is unconstitutional in its application to that road or because the judge has been informed by the Department of Justice that there is to be no enforcement of that law except on conditions that have been agreed to by the Department of Justice.

Now, I think we ought to act intelligently when we do act, and I do not think, therefore, that it is necessary to pass this joint resolution until we get this promised information. We may find that a case has been made and a decision rendered.



But there is another reason, and I call the attention of the Senator from Texas to this, why I do not think we ought to pass the joint resolution even with the amendment proposed by the Attorney-General. Manifestly it is the purpose of the joint resolution to postpone the enforcement of the penalty so that the roads may go on with immunity, violating the law as they are doing, and in the meanwhile the Attorney-General may bring a suit by mandamus or injunction, as expressed in the amendment, to test the validity of this provision.

Now, Mr. President, stop and think for a moment what is involved in that as a legal proposition. When does mandamus lie? Not to enforce a negative, but always to compel an affirmative. The fact that we say in this amendment to the joint resolution that the Attorney-General may resort to mandamus does not change the nature of the writ. It simply means that he may resort to mandamus to raise the question as to the validity of this law when mandamus is a proper remedy.

But let us assume that the conditions will continue as they are now. The roads are continuing to haul across the State line just as it is intended by this resolution they shall do. Will anybody pretend that mandamus is a proper remedy to compel the roads to desist from violating the law? Surely not. That would be employing the writ to enforce a negative, whereas its office is always to enforce an affirmative and compel affirmatively something to be done. But it is in the alternative. He shall employ the writ of mandamus or the writ of injunction. Who will pretend, except the Attorney-General, that the writ of injunction would lie in a case such as we are to have presented if we pass this resolution?

Did anybody ever hear of the writ of injunction applying when it was sought to enjoin a mere violation of a statute? Every lawyer knows that that is not ground for an injunction. Injunction will lie only where you have no adequate legal remedy to prevent an irreparable injury.

Now, what kind of a case would the Attorney-General make for the United States? We will assume he will go into court; he will bring a bill in equity, and ask for relief by injunction, enjoining these roads from further violating this law by hauling their commodities across the State line. Will he be able to show that the Government is suffering any irreparable injury? If so, how? Will he be able to show anything more than simply a violation of the statute by the railroad which he sues, for which his remedy is to enforce whatever remedy the statutes provide for its violation?

He would not have any other. He could not certainly, on that ground, go into a civil court, into a court of equity, to ask for equitable relief at the hands of a chancellor.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Yes.

Mr. BAILEY. As I caught the reading of what we call the Attorney-General's suggestion (because I do not suppose he drew the amendment and sent it to the Senate to have it adopted) and also if I understand the joint resolution, it looks to me as though it presents a still further difficulty than that pointed out by the Senator from Ohio. The main part of the joint resolution postpones the operation of the law and, therefore, until the date fixed in the joint resolution, it would not be unlawful for a railroad to carry its coal.

Mr. FORAKER. In that, if I understand the joint resolution offered by the Senator from West Virginia, the Senator is mistaken. I understand the effect of the joint resolution to be, or rather what is intended, at any rate, is merely to postpone the imposition of the penalty, the prohibition standing without penalty for its violation until January 1, 1910. My contention is that neither mandamus nor injunction would reach that difficulty.

Mr. BAILEY. I think the Senator is right.

Mr. FORAKER. I am glad to have the concurrence of the Senator from Texas.

Mr. BAILEY. It is a peculiar kind of legislation. It is simply a legislative permission to violate the law. That is all the joint resolution amounts to.

Mr. FORAKER. That is all it is, and without fear of penalty and without fear of successful prosecution. Therefore, Mr. President, I do not think the joint resolution ought to pass.

But now I want to submit what I think ought to be done. I do not think this commodity clause ever should have been enacted in the form in which it finds itself in the act. It was pointed out here on the floor of the Senate—but without avail—that if we passed this commodity clause in the form in which we enacted it, we would, when the 1st day of May, 1908, arrived, either be unable to enforce it or be compelled to interfere with vested property rights, which everybody knows would be

unconstitutional; or, if the law should be held valid and be enforced, bring wholesale disaster to all concerned—consumers as well as railroads. But that did not seem to do any good.

I believe that common carriers should be restricted to the business of common carriers. I do not believe, as a general proposition, that any railroad should be allowed to engage in coal mining or any other kind of business on its own account, to produce commodities to be carried in competition with private miners and others who produce coal and such commodities. But every Senator here knows—for it is a part of the history of the whole country and of every State represented here, almost—that it was the policy twenty-five years ago—much more, fifty years ago—in States having mining resources to specially charter railroads with power to acquire and develop properties of this nature and transport their products.

I understand from a report made either to the Interstate Commerce Commission or by it—I have it, but not at hand; I saw it some weeks ago—that last year it is shown that 90 per cent of the railroads affected by the commodity clause acquired their property in that way under the statutes of the States under which they were organized, or by virtue of special provisions in special charters, and that their properties were, therefore, just as legitimately acquired, and that they hold those properties with the right to mine and produce coal and carry coal for transportation in interstate commerce as much as anybody else has acquired any property or right in this country. Taking anthracite coal, for example, I understand that last year, as shown by this report, the roads owning those properties and mining that coal and transporting it carried out of Pennsylvania across the line into New Jersey and New York and New England and other parts of this country more than 50,000,000 tons. More than 50,000,000 tons of coal were taken out of the mines acquired by those roads under the special inducement offered by the State of Pennsylvania when the charters for those roads were granted, special inducements by specifically authorizing them, I mean, to acquire those properties and develop them and build up this business.

Now, it seems to me that, however desirable it may be—and no Senator has a keener appreciation for that than I have—to limit carriers, where we can lawfully do so, to the legitimate business of carriage, yet we are bound to respect property rights. Everybody here knew that two years ago, but when we came to take the vote I was the only one who happened to say so. I am only saying over again what I tried to say then. I knew then that the time would come when we would have to meet this question, and that it would hang over us in the meanwhile like a threat and a menace to the business of the country; that on the 1st day of May, 1908, when this clause went into effect, either the Administration would have to make an arrangement whereby it would not enforce it, or, if it did enforce it, it would bring wholesale disaster upon this country. Disaster wholesale has not been brought upon this country by reason of the enforcement of this clause, because in recognition of that fact some way has been found whereby to tide over for the present.

Mr. HALE. Some device.

Mr. FORAKER. Some device, the Senator from Maine suggests—some arrangement, some agreement.

I am not complaining about that. I think when we found ourselves in this situation it was highly necessary that something should be done, but I do not think it was the business of anybody except only Congress to provide that a law placed on the statute books should not be enforced. I do not think the President and Attorney-General or anybody else except only the Congress of the United States legislating in the usual way, with the approval of the President, would have a right to suspend the operation of a law such as this is, no matter what its disastrous consequences might be.

Mr. President, what was right for us to do then, and what we clearly now see was right for us to do then, is the thing we ought to do to-day. Instead of passing a joint resolution to postpone for twenty months, therefore, the taking effect of this penalty clause we ought to provide, as we should then have provided and as some of us tried to induce the Senate to provide, that the clause should have only a prospective operation: not to undertake to interfere with vested rights, but to provide that from and after the date when we passed the law there should be no carrying in interstate commerce by any railroad of any commodity of its own production or any commodity that it mined or had produced or in which it had any interest purchased after that date. We could not come to our senses then, but, pray, let us resume them now.

Therefore it is that I have prepared a substitute, which I offer. I ask the Secretary to read it.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. FORAKER. The substitute simply provides that from and after the date when that statute was passed, June 29, 1906, no road shall carry any commodity of its own production which was not owned prior to the date when the law was passed. That was notice to everybody.

The VICE-PRESIDENT. The Secretary will read the substitute proposed by the Senator from Ohio.

The SECRETARY. It is proposed to strike out all after the resolving clause and to insert:

That paragraph 5 of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, be amended by adding thereto the following: "Provided, That the provisions of this paragraph shall not apply to any article or commodity lawfully acquired and owned prior to the 29th day of June, 1906, by any railroad company under and by virtue of any statute, franchise, or charter lawfully issued or granted by the United States or any State or Territory thereof," so that said paragraph shall read: "From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article of commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier: Provided, That the provisions of this paragraph shall not apply to any article or commodity lawfully acquired and owned prior to the 29th day of June, 1906, by any railroad company under and by virtue of any statute, franchise, or charter lawfully issued or granted by the United States or any State or Territory thereof."

Mr. FORAKER. Now, Mr. President, only a few words more. I have heard Senators during the progress of the discussion on the pending joint resolution giving reasons why these railroads could not comply with the commodity clause, why they could not dispose of their property and separate the coal mines from the railroads. Generally that reason has been that the panic has come on and it has made it impossible to sell such property. How in God's name any thoughtful man could fail to foresee that just such legislation as this enacted by us in 1906 would produce a panic I am unable to understand. I knew it the day we passed the bill just as well as I know it now. Why did they not sell this property? They say they could not find buyers.

Mr. President, every Senator here knows, who has given the slightest attention to the subject, that these properties acquired by these railroads have been mortgaged, some of these properties over and over again, to secure issues of bonds that are held throughout this country and abroad, and that in the mortgages are found the usual provision that there shall be no alienation of any part of this property; that it shall be kept together; that there shall be no alienation without the consent of each and every bondholder. And that was and is still an impossibility.

So if times had become more prosperous instead of less prosperous and buyers had multiplied and there had been a demand for such property, the railroads could not have sold these coal mines and separated their property as we required them to do.

The law stood in the way, and the provision of their mortgages and their bonds stood in the way. It was an utter impossibility, and for that reason nothing has been done. And so it will be if we continue this until January 1, 1910; the same prohibitions will stand in the way. It is just as impossible for them during the next twenty months to dispose of these properties in the way directed to comply with this commodity clause as it has been each and every hour during the last twenty months.

Mr. President, this identical clause had much to do with the financial trouble that now concerns us. The idea that hundreds of millions of property should be required to be put upon the market, law or no law, in violation of vested rights; that the Congress of the United States should pass such a statute, was well calculated, coming as it did along with other similar legislation, to excite the distrust of men who held the securities of the railroads of this country, men abroad, and men at home; and as a result we have seen our securities coming home and they have been coming faster than they could be taken care of at home. We have fourteen billions outstanding in round numbers, held across the water as well as on this side. Every man who saw the Congress of the United States engage in such hysterical, unwise, ruinous, and I will say disgraceful, legislation as this, felt at once that he would rather change his security and get something else.

The result was that they have been thrown upon the market faster than we could take care of them. In consequence we have had a panic here. It is no wonder we had it. If this country had not been under the full tide of prosperity to the extent it was, we should have had it long before we did have it. But the impetus was such that we held up for months after the panic was due and would have occurred but for the unprecedented prosperity we were enjoying.

If you want to restore prosperity, the thing to do now is to undo the wrong we so inconsiderately did. Let us enact the kind of legislation now we should have enacted then; and then, so far as this particular clause is concerned, there would be no more trouble in the nature of a panic.

Why not do it? There is not a court in Christendom that would hold that a law passed by Congress in 1906 could make it unlawful for a railroad that acquired property fifty years before, in accordance with the laws of its organization or the special charter under which it was organized, could be required to dispossess itself of that property and that it could be driven out of the business in which it had legitimately engaged.

But now assuming that you can make them stop, will the people of the country permit you to make them stop? Will the people of this country allow you, sitting here in Washington as the Congress of the United States, to say to the railroads of the country: "From and after a day to be named you shall not carry any more coal across the State line; you shall not do it indirectly or directly; you shall not carry it if you have mined it or if you own it or if you have the slightest interest in it as lessee or otherwise." The language in the statute is sweeping and broad—just as broad as it could be made at the time—for we were undoing almost everything at that time that had reference to the stability of rights with respect to property. We made it as sweeping and as obnoxious as it was possible for language to make it. What would be the effect on consumers? Are they not to be considered and accommodated? But if you can not compel the roads to sell this property and will not allow them to supply the people outside their respective States, how can you avoid positive disaster?

I think the way out of it—for I do not want to speak about it in a way that looks as though I was trying to say "I told you so"—that is never very gracious—I think the way to get out of it is to simply provide that this commodity clause shall not be construed to apply to any railroad company with respect to any property that had been acquired by it legitimately under its charters and franchises prior to the day when we passed that statute. That is the amendment I have offered. I ask the Secretary to read it again.

The VICE-PRESIDENT. The Secretary will again read the proposed amendment.

The SECRETARY. It is proposed to strike out all after the resolving clause and to insert:

That paragraph 5 of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, be amended by adding thereto the following: "Provided, That the provisions of this paragraph shall not apply to any article or commodity lawfully acquired and owned prior to the 29th day of June, 1906, by any railroad company under and by virtue of any statute, franchise, or charter lawfully issued or granted by the United States or any State or Territory thereof," so that said paragraph shall read:

Mr. FORAKER. The Secretary does not need to read any further. All are familiar with the statute as it is, but what Senators need to understand is that I want to add to the law as it now stands this provision, leaving the law precisely as we enacted it, but limiting it in its application to those roads that have acquired such property since the date we enacted the law. That is fair and just to everybody, and that is as far as any provision can be constitutionally enforced without at least bringing great disaster upon the country.

Mr. BAILEY. Mr. President, that sounds like the Republican speeches we were accustomed to hear ten years ago, but not like the Republican speeches that we have been accustomed to hear during the present Administration; and except that it is the kind of a speech that the Senator from Ohio [Mr. FORAKER] has been making throughout the discussion, I should accept it as an indication of a reaction in the Republican party. The Senator from Ohio, however, in my opinion, is unnecessarily alarmed about the decision of the court upon that particular provision in the rate law. It signifies nothing to the people of the other States what the State of Pennsylvania did when, in the course of its industrial development, it chartered railroads and authorized them to exercise rights which did not pertain to the business of a transportation company.

It may be true, and doubtless it is true, that no law of Pennsylvania could deny to those railroads the right to use their property within that Commonwealth according to the terms of their charters or the original grant; but it must be apparent to the Senator from Ohio that the people of Pennsylvania can not, under our system of Government, grant a charter which will inflict upon the people of other States a great and irreparable injury.

Mr. FORAKER. Mr. President, will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?



Mr. BAILEY. Yes.

Mr. FORAKER. I simply wish to say that the report sent to the Senate a few days ago by the Interstate Commerce Commission showed that the same thing obtained with respect to Virginia and West Virginia, and we know that it does as to Maryland and to a great number of other States. I had a report which showed all that, but I do not have it now at hand.

Mr. BAILEY. I simply selected Pennsylvania because it was perhaps the first offender in that respect, and has been perhaps the greatest offender. The same reasoning will apply to all the other States.

If the State of Pennsylvania saw fit to charter a corporation to engage in any kind of business, and if the court should hold that charter a valid contract between the corporation and the State of Pennsylvania, that would not guarantee or secure to that corporation the right to conduct its business in other States. So, when we came to draw this amendment—I assume the full responsibility for the breadth and character of it—when we came to draw this amendment, we understood that difficulty, and we simply provided that these corporations should not transport these commodities in commerce among the States or with foreign nations. That this is a perfectly valid and constitutional exercise of power by Congress I have no kind of doubt.

If the amendment now proposed by the Senator from Ohio be adopted, it would operate to create in a large measure a monopoly with respect to an article of such universal and such essential use as coal; and I think I am reasonably well within the truth when I declare that practically all of the most valuable coal lands in Pennsylvania are now under railroad control and ownership; and certainly as to those lands and as to that State it would leave the people perpetually at the mercy of a monopoly that has been none too merciful in its dealings of recent years, if the reports which have been made to the constituted authorities are to be relied upon.

I believe it was the president of one of those Pennsylvania railroads who assumed to act as a kind of representative of the Delty in conserving the immense body of the coal lands in that State for the use of its people in all the generations to come.

Mr. President, I observe also that the Senator excepts timber and the products of the sawmills from the operation of this commodity amendment. In that he follows the amendment adopted by the Senate.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. That is not in what I have offered. My amendment simply follows after the law as it now stands; and the provision the Senator refers to is in the law as it now stands.

Mr. BAILEY. I know it is in there, and as I caught the reading of it I thought the Senator had incorporated it into his proposed substitute.

Mr. FORAKER. No; I have not incorporated it.

Mr. BAILEY. That is not then a subject of criticism against the amendment, but against the law. That was one of the gravest mistakes—and I say it with all deference to the Senate—that was made during the consideration of that bill. I am of the opinion that there is more danger to the people in the monopolization of the forests than there is in the monopolization of the coal lands. No man yet knows, perhaps our children will never know, how much coal there is stored beneath the surface of the earth; but every well-informed man knows to-day what the limits of the forests are.

We know that the timber supply of this country is a rapidly diminishing quantity; indeed, sir, unless the genius and invention of our people shall soon discover another and a cheap building material, the youngest of us in this body will live to see the time when it will cost more to build a house of lumber than it will of brick. Already the enormous price of lumber has laid an embargo upon improvement in towns and in villages, and that is one of the many explanations for the panic, which the Senator from Ohio attributes to the rate law.

Whatever may be the cause of that panic, Mr. President—and certainly I have no inclination to rejoice in it—still, like adversity, perhaps it has its uses, for it has at least convinced the country what the country had for several years been skeptical about, that a panic can occur under a Republican Administration.

Mr. FORAKER rose.

Mr. BAILEY. Perhaps the Senator from Ohio will not consent that this is a thoroughly Republican Administration. [Laughter.]

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. The Senator paid me a high compliment in his opening sentence when he said that my speech sounded like a Republican speech of the old time. That is the kind of a Republican I profess to be; and I will say to the Senator that I thank him for that compliment and remind him that when the Republicans were making that kind of speeches we never did have any panics. [Laughter.]

Mr. BAILEY. Mr. President, we did have one of the severest panics in the history of the Republic under the stalwart Administration of Grant. The Senator from Ohio has not forgotten that. And during the closing days of the Harrison Administration we were not without our distresses. The truth of it is that the pinch of hard times during the close of Mr. Harrison's Administration is what brought Mr. Cleveland to the Presidency in 1892.

I am a little inclined to think that the course of our history has been remarkable in the last few years. The last Administration of Mr. Cleveland was not as Democratic as I could have wished it to be, and we fell into the disaster and demoralization that resulted in the great Republican triumph of 1896. I warn Senators on the other side that they may be facing a condition not dissimilar to the one which we faced in 1896. You are at variance with each other, or if you are not so widely at variance with each other on that side of the Chamber, then all of you are more widely at variance with your President than we were with our President from 1893 to 1896. It remains for us to see, and for the country to see, whether you can adjust your differences and patch up a peace and whether you can march to the polls in a solid phalanx this year as you have been doing in the years that have passed and gone.

I thought I saw this afternoon some evidence of an effort to get together over there. I saw gentlemen who seemed to think very widely at variance voting together, and I apprehend that we are to have a repetition of the old experience where Republicans quarrel like furies before the election day and then vote as one man when that day comes. But I want to tell the Senator from Ohio that, with all of his high character and his great ability, he can never—and I do not mean this, of course, as any personal taunt—succeed in keeping the next Republican convention from indorsing the policies of the present Administration. It will be a singular spectacle—

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. Will the Senator and his friends be successful in preventing the Democratic convention from indorsing those policies? [Laughter.]

Mr. BAILEY. Mr. President, I think one good turn deserves another. The President has adopted our policies, and I am very much inclined to commend him for it. I am not a hide-bound partisan, and when a Republican does a Democratic deed, I am willing to applaud the deed even though I do not applaud the doer of it.

The present President of the United States has adopted almost bodily the position of the Democratic party on this railroad-regulation question. More than one of his messages almost repeat the very words of the Democratic platform, and yet you search in vain for a line in the Republican platform, on which he was elected, pledging your party to do aught toward the regulation of the railroads. So far as the country was concerned, it was justified in assuming—and I frankly say I believe it did assume—that the Republican party intended to let everything stand as it stood when the present Administration came into power. I remember one of your phrases was that "we will stand pat." I never did exactly understand what "pat" meant. I have understood from those who do understand such things that it was borrowed from a game; but no sooner had you won the election on a promise to "stand pat" than you began to draw from the Democratic hand and you took our railroad regulation theory bodily from it.

If we are wise enough to maintain our old position, instead of moving up and taking the position of another party, we will have you confronted with a proposition that you must either indorse what we have been proposing for twenty years, or you must condemn the Administration of your own party.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. One word. I want to say to the Senator, "Shake not thy gory locks at me." [Laughter.]

Mr. BAILEY. Mr. President, I cheerfully acquit the Senator from Ohio; and without intending to imply that his colleagues lack courage I must say that it would have been a more familiar sight had he been surrounded by his associates and supported by them in his contention; but the Senator from Ohio will bear me witness that he alone on that side had either the courage, the wisdom, or the rashness—I use all three words so that any Senator can take his choice—he alone had one of those three qualities that led him to vote against a bill Democratic from its enacting clause to its conclusion.

Now, Mr. President, as for me—and I speak for nobody but myself—if it were necessary to involve the country in a temporary disturbance in order to protect the people against the aggression and injustice of railroad management, I would not have hesitated to pay that price. It frequently will happen in this world that a condition once existing can not be changed without some injury; but if the good to be accomplished by the change in all the long flight of years will far outweigh the injury done for the time, then no wise man ought to hesitate about making the change. It is infinitely better that those of us who are here shall suffer the injury of a day than it is that our children and our children's children shall suffer a greater injury during all the years to come.

But, Mr. President, I am not one of those who believe that it ever costs the people much to do what is right, and my opinion is that the panic was not the result of political policies or of Congressional legislation. I think one bad habit into which the American people have fallen is to charge too much to bad laws and too little to bad management.

This great country would prosper under any set of laws that Congress could devise, and I say that all the more freely because I know it has prospered under a set of Republican laws which your predecessors devised and under which we have been compelled to live. I have no doubt that it would prosper even more under the wiser and the more equal laws that we would frame if the people should give us power. But neither do I doubt that under our administration, as well as under yours, there would come these seasons of depression; and neither do I doubt that the people will continue to attribute such seasons of depression to the bad legislation of their representatives, instead of to the bad management of themselves.

It is never safe to venture a prophecy, especially when that prophecy might be fulfilled within the easy memory of those who hear it; but I want to tell the Senator from Ohio this afternoon that if these bad seasons continue and they are followed by bad crops, what we did have last autumn will not be a circumstance to what we will have next autumn. It is God's seasons combined with the industry of men that determine the wealth of this country. All that the law can do is to determine the distribution of it, to take it from those who create it and give it to those who enjoy it under special and favored privileges. But whether the nation creates wealth to the utmost of its ability or not depends very much more upon the men who toll than it does upon those who make or who administer our laws.

I do not underrate the value of just and wise and equal laws. I do not underrate the value of a Chief Executive who enforces them rather than one who contracts with offenders not to enforce them. If the Senator from Ohio is right in his intimation—for with his usual caution he proceeds no further than to make it an intimation—that the Department of Justice, under the sanction of the President, has agreed with the men who are violating this law that they will not be punished—if that is true, Mr. President, that is a crime; and it is a crime for which the President of the United States could be and ought to be impeached.

Obedience to the law is the highest virtue of a public official, and, in my judgment, the higher the office which a man holds in this Republic the higher is the obligation which rests upon him to see to the faithful enforcement of every law. The wisest utterance that ever fell from the lips of General Grant was when he said that the way to secure the repeal of a bad law is to enforce it.

That was true then and it is true now; and the President of the United States has no power under his oath of office and under his duty, which is higher than his oath—because if he were freed from the obligation of his oath he would still be subject to the obligation of his duty—to contract with any man or set of men for immunity. If the Senator is right, then he has preferred against the President of the United States a graver charge than I have yet ventured to bring against him; and that the Senator is probably right is made manifest by the fact that there has been no effort to enforce

this law, and that, while they are violating it openly and daily, a joint resolution is brought here that does not extend the operation, but simply permits its violation without a penalty. It is the most remarkable piece of legislation that I have ever read of or heard of. It is a legislative permission to violate the law of the land.

Now, if these men have not been brought to understand their duty under the law, or if they have been encouraged to believe that they can violate it with impunity, if they have been promised an extension of its provisions, then, Mr. President, let us simply rub out "May, 1908," and write in some other day, but let us not have a law upon the statute books forbidding a certain transaction and then concluding with a proposal that though they disobey the prohibition of the law they shall suffer no penalty.

So far as I am concerned I believe it is a wise law. I believe it is a good provision, and that we should have obedience to it, and I am not willing to give them an hour. The railroads ought to be taught that they are subject to the law. Railroad managers ought to be made to understand that when Congress gave them nearly two years' grace they ought to have set their house in order against the coming of that day. They were given nearly two years, and that was enough.

But if you are determined to give them more time, then provide that the law shall become operative at a future time and do not write in the statute a legislative permission to violate it without a penalty.

Mr. President, the wisest—I will not say the wisest either, because the authority vested in the Commission to fix rates under certain conditions was the wisest provision of the law, but next to that, the wisest—provision in that law is the one which seeks to separate the business of transportation from the business of production. That is so wise that the Senator from Ohio agreed to the wisdom of it. Of course we all know the purpose. When Congress made it a crime for a railroad to buy tonnage by giving rebates, then the railroads set to work to secure tonnage by buying interests in industrial enterprises, each railroad seeking in that way to protect itself against its competitor.

This process, unless prohibited, will continue until practically all the industrial enterprises of the republic are owned in whole or in part so that they may be controlled by the great railroad companies of the United States. It is obviously impossible for an individual or private company to compete against a railroad-owned company, and they will not long continue the effort at competition. If I am a manufacturer and there are two coal companies, one owned by a private corporation and the other owned by a railroad company, I will not hesitate long between those companies in bestowing my patronage. I will buy from the coal company controlled by the railroad company, as a matter of course, because by buying from it I am assured of the prompt delivery of the coal for use in my factory, and I am also assured of the prompt shipment to my customers of the goods I manufacture.

It is a motive of self-interest. You might say it is a motive of self-protection. It appeals so powerfully to the intelligence and selfishness of every manufacturer in the land that the coal companies owned by private corporations and individuals will simply be driven from the field and their property, dismantled and disused, will ultimately fall into the lap of the railroad corporation at its own price.

What is true of coal companies is true of lumber companies. It is true of elevators. It is true of all other industrial enterprises. That mischief is incalculable; but, sir, it is not the only mischief. A railroad company owning a steel corporation, we will say, will ship its steel rails from Pittsburg, in Pennsylvania, to El Paso, in Texas, at a loss. You may wonder why a railroad company would ship any commodity at a loss, but the wonder disappears when you examine the profits of the steel company and find that what the stockholders in the railroad company have lost the stockholders in the steel company have gained. But this mischief does not stop there. When the Interstate Commerce Commission comes to fix the freight rate on the railroads, they say, "Here are our earnings, here is our value, here are our expenses, and our rates will not stand the reduction."

But they conceal—and under one theory they need not conceal—from the railroad commission that they have been hauling these steel rails for less than the cost of transporting them, and so in time the railroad stockholders will not lose the difference between the freight actually charged and the freight which ought to have been charged, but the railroad will be permitted to recoup itself for that insufficiently paid service by levying a higher tariff upon other commodities which the railroad company does not happen to own. Sir, the mischief of



this policy permeates every line of industry, and the American Congress acted wisely when it determined to divorce the business of transportation from the business of production.

More than that, Mr. President, these great railroad corporations exercise the right of eminent domain.

They can cross a man's threshold; they can condemn his homestead; they can divide his field. They can, if need be, appropriate his private burial ground. They exercise the power which is second to the power over life and death and which only a government itself ought to exercise, or which it ought to permit exercised only for a great public purpose. It is monstrous, sir, that this Government shall permit these railroad companies to exercise one of its greatest powers and then, having exercised that power, permit them to engage in the business of producing coal or selling merchandise. The business of production is apart from the business of transportation.

I have no desire to injure the railroads. I regard them as great agencies of civilization and commerce. They have not always regarded me as favorably as I do them. I have more than once in my life felt the force and the effect of their opposition. But that could not provoke me to do them an injustice.

I will be just and fair to them, but I will always insist that they be compelled to be just and fair to the people. I would no more agree that the railroads can fix the rates which they charge the people than I would agree that the people can fix the rates which they will pay the railroads. The relation of the railroads to the people is a peculiar one. They owe the people not only a moral duty but they owe them a legal duty as well. I owe the Senator from Ohio the moral duty to treat him fairly, but if I make a trade with him, I make the best trade I can; and if I tell him the truth about it, he has no legal ground of complaint because I out-traded him. If I go to the storehouse I buy the merchant's goods at a price upon which we agree. The merchant is under the moral duty to sell me the right kind of goods at the right price, but that duty is wholly and purely a moral one that I can not compel him to perform.

But it is not so with the railroads. The railroads are under both a moral and a legal duty to give everybody fair service for fair pay and to give everybody the same service for the same pay. It would be just as sensible to allow the people to say what they will pay the railroads as it is to allow the railroads to say what they will charge the people. The people owe the railroads the duty of making fair payment for fair service. The railroads owe the people the duty of rendering the people fair service for fair pay. It is not for either to determine how, when, or the manner in which that duty shall be discharged. But the sensible and the proper procedure is that which the American Congress has adopted, of providing a Commission, which shall say to the railroads what it is just for them to charge the people and say to the people what it is just for them to pay the railroads.

When the railroad comes to condemn my property it can have commissioners to fix the value of it, if it can not agree with me. Those commissioners determine what the railroad shall pay me for that property. Of course I have my appeal to the courts, but when the commissioners assess the damages the railroad company is entitled to pay me, and if I decline to receive it to pay it into the court, and proceed to appropriate and use my property. It is a poor rule that will not work both ways. When I want to use the railroad, if I can not agree with it as to what it shall charge me for the service, I ought to have and I do have in law and in morals the same right to have this Commission assess the value of the railroad service as the railroad had to have a commission assess the value of my land, which it took for the construction of its road.

We may just as well accept it as the settled, definite, and irrevocable policy of this Republic that railroad rates may be fixed forever hereafter by a commission. There will be no step backward taken in this respect, and if the Republican party should elect its President at the coming Presidential election it will not dare to take a line out of that law. Instead of mutilating it, it will be compelled from time to time to strengthen it, and it shall be one of the highest satisfactions of my life that I helped to instruct the Republican party how to do that. I helped to write that platform which the President of the United States took from us and appropriated to his own use. I have never complained about that, and I shall be pleased to have him take more of our platforms and put them into statutes.

But that is all apart, Mr. President. I hope that the substitute of the Senator from Ohio will not be adopted. I hope the joint resolution of the Senator from West Virginia will not be passed. I am inclined to think that in this latter respect I am hoping against hope. I am inclined to think that possibly it has been agreed on by those in the majority, and if it has, then my last appeal is that we do not write in the statute a

legislative permission to violate the law, but that we rather deal with it in the other way—rub out "May, 1908," and write in the law such time as in the wisdom of the majority it may be thought necessary for the railroads to have to prepare themselves to obey the law's command.

#### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. BULKELEY. Mr. President, I desire to give notice that on Monday next, immediately after the morning business, I will ask the Senate to give consideration to the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry. I shall do this with the intention of offering a substitute for the same and endeavoring to get a vote upon it at this session.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897.

The message also announced that the House had passed a bill (H. R. 7653) to amend section 4919 of the Revised Statutes of the United States to provide additional protection for owners of patents of the United States, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 652. An act to create the office of captain in the Philippine Scouts:

H. R. 3610. An act granting a pension to James M. Fitch; and

H. R. 20471. An act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

#### EXECUTIVE SESSION.

Mr. KEAN. I ask the Senator from West Virginia if he will not yield for a motion for an executive session. The hour is late, and I do not think we can dispose of the unfinished business this evening.

Mr. ELKINS. Very well.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 14, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 13, 1908.*

#### PROMOTIONS IN THE ARMY.

##### Cavalry Arm.

First Lieut. Theodore Schultz, Fourteenth Cavalry, to be captain from May 10, 1908, vice Vestal, Ninth Cavalry, retired from active service.

##### Infantry Arm.

Lieut. Col. Alfred C. Sharpe, Thirtieth Infantry, to be colonel from May 9, 1908, vice Reade, Twenty-third Infantry, appointed brigadier-general.

Maj. Nat P. Phister, Second Infantry, to be lieutenant-colonel from May 9, 1908, vice Sharpe, Thirtieth Infantry, promoted.

Capt. Samuel E. Smiley, Fifteenth Infantry, to be major from May 9, 1908, vice Phister, Second Infantry, promoted.

#### PROMOTION IN THE NAVY.

Commander Nathaniel R. Usher to be a captain in the Navy from the 23d day of April, 1908 (subject to the examinations required by law), vice Capt. William S. Cowles, promoted.

#### POSTMASTERS.

##### CALIFORNIA.

Clarence Edwin Kendrick to be postmaster at Barstow, San Bernardino County, Cal. Office became Presidential April 1, 1908.

##### GEORGIA.

Charles D. O'Kelley to be postmaster at Grantville, Coweta County, Ga. Office became Presidential April 1, 1908.

##### IDAHO.

Sadie Louella Richmond to be postmaster at Culesac, Nez Perce County, Idaho, in place of George H. Arnold, resigned.

## ILLINOIS.

Ebenezer J. Allison to be postmaster at Chester, Randolph County, Ill., in place of Herman F. Middendorf. Incumbent's commission expired November 17, 1907.

## MISSOURI.

Thomas B. Milton to be postmaster at Carl Junction, Jasper County, Mo. Office became Presidential January 1, 1908.

Blanche G. Smith to be postmaster at New London, Ralls County, Mo., in place of Hugh E. McCune, resigned.

## MONTANA.

Patrick H. Tooley to be postmaster at Moore, Fergus County, Mont. Office became Presidential April 1, 1908.

## NEBRASKA.

J. J. Walley to be postmaster at Edgar, Clay County, Nebr., in place of John W. Boden, resigned.

## NEW YORK.

Seth Allen to be postmaster at Dannemora, Clinton County, N. Y., in place of Seth Allen. Incumbent's commission expired February 22, 1908.

William C. Collins to be postmaster at Homer, Cortland County, N. Y., in place of William C. Collins. Incumbent's commission expired February 23, 1908.

## OHIO.

William C. Hughes to be postmaster at New Straitsville, Perry County, Ohio, in place of William C. Hughes. Incumbent's commission expired April 19, 1908.

## PENNSYLVANIA.

Harry Boyde to be postmaster at Beaver, Beaver County, Pa., in place of Michael Weyand. Incumbent's commission expired January 5, 1908.

Edwin F. Luckenbach to be postmaster at Mauch Chunk, Carbon County, Pa., in place of Edwin F. Luckenbach. Incumbent's commission expired March 11, 1908.

## PORTO RICO.

Hortensia R. O'Neill to be postmaster at San German, Mayaguez County, P. R. Office became Presidential January 1, 1908.

Julio Ramos to be postmaster at Cayey, Guayama County, P. R. Office became Presidential January 1, 1908.

## TEXAS.

J. Wed Davis to be postmaster at Teague, Freestone County, Tex. Office became Presidential April 1, 1908.

## VERMONT.

William O. Williams to be postmaster at West Pawlet, Rutland County, Vt. Office became Presidential April 1, 1908.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 13, 1908.*

## PROMOTIONS IN THE ARMY.

## Coast Artillery Corps.

Lieut. Col. William B. Homer, Coast Artillery Corps, to be colonel from May 1, 1908.

Maj. Warren P. Newcomb, Coast Artillery Corps, to be lieutenant-colonel from May 1, 1908.

Capt. Clint C. Hearn, Coast Artillery Corps, to be major from May 1, 1908.

First Lieut. Rex Van Den Corput, Coast Artillery Corps, to be captain from May 1, 1908.

Second Lieut. Chester J. Goodier, Coast Artillery Corps, to be first lieutenant from May 1, 1908.

## Medical Corps.

Lieut. Col. George H. Torney, Medical Corps, to be colonel from April 23, 1908, to fill an original vacancy.

Lieut. Col. Louis W. Crampton, Medical Corps, to be colonel from April 23, 1908, to fill an original vacancy.

Capt. John H. Stone, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Irving W. Rand, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Powell C. Fauntleroy, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. James S. Wilson, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Basil H. Dutcher, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Leigh A. Fuller, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. George A. Skinner, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Carl R. Darnall, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

## APPOINTMENT IN THE NAVY.

Harry H. Lane, a citizen of New York, to be an assistant surgeon in the Navy from the 5th day of May, 1908.

## PAYMASTERS.

## NEW YORK.

Guy C. Fargo to be postmaster at Kennedy, Chautauqua County, N. Y.

## VIRGINIA.

William M. Adams to be postmaster at Norton, Wise County, Va.

Henry B. C. Gentry to be postmaster at Elkton, Rockingham County, Va.

Charles W. Wickes to be postmaster at Newmarket, Shenandoah County, Va.

## ARBITRATION WITH JAPAN.

The injunction of secrecy was removed May 13, 1908, from an arbitration convention between the United States and Japan, signed at Washington on May 5, 1908.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 13, 1908.

[Continuation of legislative day of Tuesday, May 12, 1908.]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

## ADDITIONAL PROTECTION FOR OWNERS OF PATENTS OF THE UNITED STATES.

The SPEAKER. The question is on suspending the rules and passing the bill H. R. 7653.

Mr. PAYNE. I make the point that there is not a quorum present.

Mr. WILLIAMS. Mr. Speaker, have the yeas and nays been ordered upon the question?

Mr. DALZELL. They were ordered yesterday.

The SPEAKER. The yeas and nays have been ordered.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER (after counting). Sixty gentlemen present.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. I do not clearly recall whether the yeas and nays were demanded yesterday or announced as having been demanded on this proposition.

The SPEAKER. The recollection of the Chair is that they were, and the Record so shows. The yeas and nays were ordered.

Mr. WILLIAMS. I know I called for them.

The SPEAKER. Sixty gentlemen are present; not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as are in favor of the motion will, as their names are called, answer "yea;" those opposed will answer "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 135, nays 82, answered "present" 16, not voting 154, as follows:

## YEAS—135.

Adair	Favrot	Hull, Iowa	Nye
Alexander, Mo.	Ferris	James, Addison D.	Olmsted
Alexander, N. Y.	Finley	Jones, Va.	Parsons
Allen	Focht	Jones, Wash.	Payne
Bannon	Foss	Kahn	Perkins
Barchfeld	Foster, Ill.	Kelifer	Pollard
Barclay	Foster, Ind.	Keliher	Pujo
Bartholdt	Fowler	Kennedy, Iowa	Rodenberg
Bennet, N. Y.	French	Kennedy, Ohio	Ryan
Bennett, Ky.	Fuller	Kimball	Sherley
Bonyage	Fulton	Kipp	Siemp
Brumm	Gardner, Mich.	Knapp	Smith, Iowa
Brundidge	Gardner, N. J.	Knopf	Smith, Mo.
Caldrehead	Gilbama	Knowland	Southwick
Capron	Gillett	Langley	Sperry
Carter	Gordon	Lassiter	Sterling
Caulfield	Graf	Lawrence	Sturgess
Chapman	Graham	Littlefield	Sulloway
Clark, Mo.	Granger	Lorimer	Tawney
Cole	Greene	Loudenslager	Taylor, Ohio
Cook, Colo.	Hall	McCall	Thistlewood
Cooper, Pa.	Harrison	McGavin	Thomas, Ohio
Crumpacker	Haskins	McGuire	Tirrell
Currier	Hawley	McKinney	Townsend
Cushman	Hay	McLachlan, Cal.	Vreeland
Daigell	Hayes	McLaughlin, Mich.	Waldo
Davis, Minn.	Henry, Conn.	McMorran	Washburn
Dawson	Hinshaw	Macon	Watkins
Douglas	Hitchcock	Malby	Watson
Draper	Holliday	Mann	Weeks
Durey	Howell, N. J.	Mouser	Weems
Ellis, Oreg.	Hubbard, Iowa	Needham	Williams
Englebright	Hubbard, W. Va.	Nicholls	Woodyard
Fairchild	Hughes, N. J.	Norris	



## NAYS—82.

Ansberry	Dixon	Johnson, Ky.	Robinson
Bartlett, Nev.	Ellerbe	Johnson, S. C.	Rothermel
Beall, Tex.	Fitzgerald	Kitchin, Claude	Rucker
Bell, Ga.	Floyd	Küstermann	Russell, Mo.
Bocher	Garner	Lafean	Russell, Tex.
Bowers	Garrett	Lamb	Sabath
Brantley	Gillespie	Lee	Shackelford
Burgess	Godwin	Lever	Sheppard
Burleson	Gregg	Lindbergh	Sherwood
Burnett	Hamilton, Iowa	Lindsay	Sims
Caldwell	Hamlin	McHenry	Sparkman
Candler	Hammond	McLain	Spight
Cary	Hardy	Madden	Stafford
Clayton	Heflin	Moon, Tenn.	Stanley
Cooper, Tex.	Helm	Moore, Tex.	Stephens, Tex.
Cox, Ind.	Henry, Tex.	Morse	Tou Velle
Craig	Hill, Miss.	Murdoch	Underwood
Crawford	Houston	O'Connell	Wallace
Davenport	Howard	Patterson	Wilson, Ill.
De Armond	Hull, Tenn.	Randell, Tex.	
Deaver	James, Ollie M.	Rhinock	

## ANSWERED "PRESENT"—16.

Adamson	Butler	Jenkins	Rainey
Boutell	Griggs	McDermott	Rauch
Bradley	Haggott	Overstreet	Snapp
Brownlow	Hill, Conn.	Parker, N. J.	Talbott

## NOT VOTING—154.

Acheson	Driscoll	Jackson	Porter
Aiken	Dunwell	Kinkaid	Pou
Ames	Dwight	Kitchin, Wm. W.	Powers
Andrus	Edwards, Ga.	Lamar, Fla.	Pratt
Anthony	Edwards, Ky.	Lamar, Mo.	Pray
Ashbrook	Ellis, Mo.	Landis	Prince
Bartlett, Ga.	Esch	Laning	Ransdell, La.
Bates	Fassett	Law	Reeder
Beale, Pa.	Flood	Leake	Reid
Bede	Fordney	Legare	Reynolds
Bingham	Fornes	Lenahan	Richardson
Birdsall	Foster, Vt.	Lewis	Riordan
Boyd	Foulkrod	Lilley	Roberts
Brodhead	Gaines, Tenn.	Livingston	Saunders
Broussard	Gaines, W. Va.	Lloyd	Scott
Burke	Gardner, Mass.	Longworth	Sherman
Burleigh	Gill	Loud	Slayden
Burton, Del.	Glass	Lovering	Small
Burton, Ohio	Goebel	Lowden	Smith, Cal.
Byrd	Goldfogle	McCreary	Smith, Mich.
Calder	Goulden	McKinlay, Cal.	Smith, Tex.
Campbell	Gronna	McKinley, Ill.	Steenerson
Carlin	Hackett	McMillan	Stevens, Minn.
Chaney	Hackney	Madison	Sulzer
Clark, Fla.	Hale	Marshall	Taylor, Ala.
Cockran	Hamill	Maynard	Thomas, N. C.
Cocks, N. Y.	Hamilton, Mich.	Miller	Volstead
Conner	Harding	Mondell	Wanger
Cook, Pa.	Hardwick	Moon, Pa.	Webb
Cooper, Wis.	Haugen	Moore, Pa.	Weisse
Coudrey	Hepburn	Mudd	Wheeler
Cousins	Higgins	Murphy	Wiley
Cravens	Hobson	Nelson	Willett
Darragh	Howell, Utah	Olcott	Wilson, Pa.
Davey, La.	Howland	Padgett	Wolf
Davidson	Huff	Page	Wood
Daves	Hughes, W. Va.	Parker, S. Dak.	Young
Denby	Humphrey, Wash.	Pearre	
Diekema	Humphreys, Miss.	Peters	

The following pairs were announced:

Until further notice:

Mr. McMILLAN with Mr. MAYNARD.  
 Mr. MILLER with Mr. PADGETT.  
 Mr. MOORE of Pennsylvania with Mr. PAGE.  
 Mr. OLCOTT with Mr. RAINEY.  
 Mr. OVERSTREET with Mr. RANDELL of Louisiana.  
 Mr. PEARRE with Mr. RAUCH.  
 Mr. REYNOLDS with Mr. REID.  
 Mr. SCOTT with Mr. RICHARDSON.  
 Mr. STEVENS of Minnesota with Mr. SLAYDEN.  
 Mr. AMES with Mr. SMITH of Texas.  
 Mr. MCKINNEY with Mr. SULZER.  
 Mr. LOVERING with Mr. TAYLOR of Alabama.  
 Mr. LOUD with Mr. THOMAS of North Carolina.  
 Mr. LONGWORTH with Mr. WEBB.  
 Mr. LANING with Mr. WEISSE.  
 Mr. LANDIS with Mr. WILLETT.  
 Mr. HUFF with Mr. WILSON of Pennsylvania.  
 Mr. HEPBURN with Mr. COCKRAN.  
 Mr. HARDING with Mr. WOLF.  
 Mr. ANDRUS with Mr. AIKEN.  
 Mr. ANTHONY with Mr. ASHBROOK.  
 Mr. BOUTELL with Mr. BRODHEAD.  
 Mr. BURKE with Mr. BYRD.  
 Mr. BURLEIGH with Mr. CARLIN.  
 Mr. SMITH of Michigan with Mr. SAUNDERS.  
 Mr. CALDER with Mr. CLARK of Florida.  
 Mr. CHANEY with Mr. CRAVENS.  
 Mr. COCKS of New York with Mr. DAVEY of Louisiana.  
 Mr. CONNER with Mr. FORNES.  
 Mr. DUNWELL with Mr. EDWARDS of Georgia.  
 Mr. COOK of Pennsylvania with Mr. GILL.

Mr. HILL of Connecticut with Mr. GLASS.  
 Mr. DAVIDSON with Mr. GOLDFOGLE.  
 Mr. DENBY with Mr. HACKETT.  
 Mr. DWIGHT with Mr. HACKNEY.  
 Mr. ELLIS of Missouri with Mr. McDERMOTT.  
 Mr. ESCH with Mr. HAMILL.  
 Mr. FASSETT with Mr. LEAKE.  
 Mr. FOSTER of Vermont with Mr. FOU.  
 Mr. FOULKROD with Mr. LEGARE.  
 Mr. GAINES of West Virginia with Mr. LENAHA.  
 Mr. HAMILTON of Michigan with Mr. LLOYD.  
 Mr. BROWNLOW with Mr. GAINES of Tennessee.  
 Mr. LOWDEN with Mr. GRIGGS.  
 Mr. McCREARY with Mr. HUMPHREYS of Mississippi.  
 Mr. BIRDSALL with Mr. LAMAR of Missouri.  
 Mr. ROBERTS with Mr. BROUSSARD.  
 Mr. BINGHAM with Mr. LIVINGSTON.  
 Mr. GRONNA with Mr. LAMAR of Florida.  
 Mr. HUGHES of West Virginia with Mr. LEWIS.  
 Mr. FORDNEY with Mr. SMALL.  
 Mr. JENKINS with Mr. PETERS.  
 Mr. JACKSON with Mr. WOLF.  
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
 Mr. COUDREY with Mr. HOBSON.  
 Mr. POWERS with Mr. PRATT.  
 Mr. DIEKEMA with Mr. WILEY.  
 Mr. MUDD with Mr. TALBOTT.  
 Mr. DAWES with Mr. HARDWICK.  
 Mr. MARSHALL with Mr. MURPHY.  
 For this session:  
 Mr. BUTLER with Mr. BARTLETT of Georgia.  
 Mr. SHERMAN with Mr. RIORDAN.  
 Mr. COUSINS with Mr. FLOOD.  
 Mr. WANGER with Mr. ADAMSON.  
 Mr. BRADLEY with Mr. GOULDEN.

Mr. BROWNLOW. On the roll call I voted "aye." I desire to withdraw my vote, as I am paired with my colleague, Mr. GAINES of Tennessee.

The SPEAKER. On this vote the yeas are 135, the nays 82, "present" 16. The yeas have it, and the bill is passed. A quorum is present. The Doorkeeper will open the doors.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 17874. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war;

H. R. 19863. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 19101. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 19475. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3610. An act granting a pension to James M. Fitch.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6700. An act for the relief of Arthur H. Barnes;

S. 3720. An act for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement;

S. 5306. An act granting increase of pensions to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902; and

S. 6849. An act to remove the charge of desertion from the record of Alvah B. Doble.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 6155) to provide for an enlarged homestead, had asked a conference with the House on the disagreeing votes of the two

Houses thereon, and had appointed Mr. SMOOT, Mr. CLARK of Wyoming, and Mr. McLAURIN as the conferees on the part of the Senate.

#### FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. PUJO. Mr. Speaker, I ask unanimous consent to file the views of the minority on the bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to file the views of the minority on the bill indicated. Is there objection?

There was no objection.

#### AGRICULTURAL APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1900, with Senate amendments thereto.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to said amendments en bloc and ask a conference with the Senate?

Mr. WILLIAMS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 248, nays 2, answered "present" 9, not voting 127, as follows:

#### YEAS—248.

Adair	Ellerbe	Johnson, S. C.	Patterson
Adamson	Ellis, Oreg.	Jones, Va.	Payne
Aiken	Englebright	Jones, Wash.	Pearre
Alexander, Mo.	Esch	Kahn	Perkins
Alexander, N. Y.	Fairchild	Kelher	Pollard
Allen	Ferris	Kennedy, Iowa	Pou
Ansberry	Finley	Kennedy, Ohio	Pray
Anthony	Floyd	Kimball	Pujo
Ashbrook	Focht	Kinkaid	Ralney
Bannon	Fornes	Kipp	Randell, Tex.
Barchfeld	Foss	Kitchin, Claude	Rauch
Barclay	Foster, Ill.	Knapp	Rhinock
Bartholdt	Foster, Ind.	Knopf	Richardson
Bartlett, Nev.	Foulkrod	Küsterrmann	Rodenberg
Beall, Tex.	Fowler	Lafean	Rothermel
Bell, Ga.	French	Lamb	Rucker
Bennett, Ky.	Fulton	Landis	Russell, Mo.
Bonyne	Gaines, W. Va.	Langley	Russell, Tex.
Booher	Gardner, Mich.	Lassiter	Ryan
Bowers	Gardner, N. J.	Lawrence	Sabath
Boyd	Garner	Leake	Saunders
Brantley	Gilham	Lee	Scott
Brodhead	Gillet	Lever	Shackleford
Burgess	Godwin	Lindsay	Sheppard
Burleigh	Gordon	Littlefield	Sherley
Burleson	Graft	Lloyd	Sherwood
Burnett	Graham	Longworth	Sims
Calder	Granger	Lorimer	Slayden
Calderhead	Greene	Loudenslager	Slomp
Caldwell	Gregg	McCall	Smith, Iowa
Candler	Hackney	McDermott	Smith, Mich.
Capron	Hall	McGuire	Smith, Mo.
Carlin	Hamilton, Iowa	McHenry	Southwick
Caulfield	Hamlin	McKinley, Cal.	Sparkman
Chaney	Hardy	McKinney	Sperry
Chapman	Harrison	McLachlan, Cal.	Spirit
Clark, Mo.	Haskins	McLain	Stafford
Clayton	Haugen	McLaughlin, Mich.	Stanley
Cocks, N. Y.	Hawley	McMorran	Stephens, Tex.
Cole	Hay	Macon	Sturgiss
Conner	Hayes	Madden	Sulloway
Cook, Colo.	Heflin	Mann	Sulzer
Cooper, Pa.	Helm	Maynard	Taylor, Ohio
Cooper, Tex.	Henry, Conn.	Moon, Pa.	Thistlewood
Cox, Ind.	Henry, Tex.	Moon, Tenn.	Thomas, Ohio
Craig	Hill, Miss.	Moore, Tex.	Tirrell
Crawford	Hinshaw	Morse	Tou Velle
Crumpacker	Holliday	Mouser	Townsend
Currler	Houston	Murdock	Underwood
Cushman	Howard	Needham	Voilestad
Dalzell	Howell, N. J.	Nicholls	Wald
Davenport	Hubbard, Iowa	Norris	Wallace
Davis, Minn.	Hubbard, W. Va.	Nye	Wanger
Dawson	Hughes, N. J.	O'Connell	Washburn
De Armond	Hull, Iowa	Olcott	Watkins
Denver	Hull, Tenn.	Olmsted	Watson
Dixon	Humphrey, Wash.	Overstreet	Williams
Douglas	James, Addison D.	Padgett	Wilson, Ill.
Draper	James, Ollie M.	Page	Woodyard
Durey	Johnson, Ky.	Parsons	Young
Dwight			

#### NAYS—2.

Fitzgerald  
ANSWERED "PRESENT"—0.

Boutell	Butler	Haggott	Small
Bradley	Goulden	Hill, Conn.	Talbott
Brownlow			

#### NOT VOTING—127.

Acheson	Birdsall	Cary	Davey, La.
Ames	Broussard	Clark, Fla.	Davidson
Andrus	Brumm	Cockran	Dawes
Bartlett, Ga.	Brundidge	Cook, Pa.	Denby
Bates	Burke	Cooper, Wis.	Diekema
Beale, Pa.	Burton, Del.	Coudrey	Driscoll
Bede	Burton, Ohio	Cousins	Dunwell
Bennet, N. Y.	Byrd	Cravens	Edwards, Ga.
Bingham	Campbell	Darragh	Edwards, Ky.

Ellis, Mo.	Hitchcock	McCreary	Riordan
Fassett	Hobson	McKinley, Ill.	Roberts
Favrot	Howell, Utah	McMillan	Robinson
Fordney	Huff	Madison	Sherman
Foster, Vt.	Hughes, W. Va.	Malby	Smith, Cal.
Gaines, Tenn.	Humphreys, Miss.	Marshall	Smith, Tex.
Gardner, Mass.	Jackson	Miller	Snapp
Gill	Jenkins	Mondell	Steenerson
Gillespie	Kelley	Moore, Pa.	Stevens, Minn.
Glass	Kitchin, Wm. W.	Mudd	Tawney
Goebel	Knowland	Murphy	Taylor, Ala.
Goldfogle	Lamar, Fla.	Nelson	Thomas, N. C.
Griggs	Lamar, Mo.	Parker, N. J.	Webb
Gronna	Laning	Parker, S. Dak.	Weeks
Hackett	Legare	Peters	Weems
Hale	Lenahan	Porter	Weisse
Hamill	Lewis	Powers	Wheeler
Hamilton, Mich.	Lilley	Pratt	Wiley
Hammond	Lindbergh	Prince	Willett
Harding	Livingston	Ransdell, La.	Wilson, Pa.
Hardwick	Loud	Reeder	Wolf
Heburn	Lovering	Reid	Wood
Higgins	Lowden	Reynolds	

So the House disagreed to the Senate amendments and asked for a conference with the Senate.

The following additional pairs were announced:

Until further notice:

Mr. TAWNEY with Mr. BRUNDIDGE.

Mr. MILLER with Mr. WILLETT.

Mr. McMILLAN with Mr. ROBINSON.

Mr. MALBY with Mr. WEBB.

Mr. BENNET of New York with Mr. CLARK of Florida.

Mr. HAMILTON of Michigan with Mr. HITCHCOCK.

Mr. FASSETT with Mr. HAMMOND.

Mr. DARRAGH with Mr. GILLESPIE.

Mr. COOPER of Wisconsin with Mr. FAVROT.

Mr. CARY with Mr. HAMILL.

Mr. ANTHONY with Mr. DAVEY of Louisiana.

Mr. BOUTELL with Mr. CRAVENS.

The SPEAKER appointed as conferees on the part of the House Mr. SCOTT, Mr. HAUGEN, and Mr. LAMB.

#### ENLARGED HOMESTEADS.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 6155, that the House further insist on its amendments to the Senate bill, and agree to a conference.

The SPEAKER. The gentleman from Wyoming moves to suspend the rules and take from the Speaker's table the bill S. 6155; to further insist on the House amendments, and agree to the conference asked for by the Senate.

Mr. WILLIAMS. I demand a second.

The SPEAKER. Under the rules, a second is ordered.

Mr. UNDERWOOD. Let the Clerk state what the bill is.

The Clerk read as follows:

Bill S. 6155, an act to provide for an enlarged homestead.

The SPEAKER. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. WILLIAMS. Is it sufficient, Mr. Speaker, for the Clerk merely to have read the title to the bill?

The SPEAKER. Yes; because these are House amendments to a Senate bill; the amendments have been read.

Mr. WILLIAMS. Senate amendments to a House bill?

The SPEAKER. No; House amendments to a Senate bill. The Senate disagrees and asks for a conference, and the motion is to further insist on the House amendments and agree to the conference.

Mr. WILLIAMS. And the Chair rules that it is not necessary to read the bill. How does the House know what the amendments are?

The SPEAKER. The House made the amendments, and the amendments were read and considered at the time.

Mr. WILLIAMS. That proceeds upon the theory that the House knows what the bill is and what the amendments are.

The SPEAKER. The House is presumed to know its former action.

Mr. MONDELL. Mr. Speaker, it occurs to me that no debate is necessary on this motion, in view of the fact that the House insists on the amendments to the Senate bill and agrees to the conference.

Mr. WILLIAMS. What bill is it?

Mr. MONDELL. It is the 320-acre homestead bill—the dry-land homestead bill that we passed day before yesterday. We made a number of amendments to the Senate 320-acre homestead bill, and this is a motion to further insist on those amendments, the Senate having nonconcurred in them. We now propose to further insist on the House amendments and agree to a conference.



Mr. REEDER. If the gentleman from Wyoming will permit me to make a statement, all of these amendments were made in the Committee on the Public Lands, and were agreed to and passed by the House.

Mr. MONDELL. There was no amendment made to the bill in the House.

Mr. WILLIAMS. Then the motion substantially is to insist on the House action in passing the bill the other day because the bill contains what you now call the "amendments," and they were amendments put on by the standing committee and brought into the House as a part of the bill?

Mr. MONDELL. Yes; and the motion is to insist on the bill as the House passed it. Mr. Speaker, I ask for a vote.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 249, nays 7, answered "present" 9, not voting 122, as follows:

## YEAS—249.

Acheson	Durey	Huff	Olcott
Adair	Dwight	Hull, Tenn.	Olmsted
Adamson	Ellis, Mo.	Humphrey, Wash.	Padgett
Aiken	Ellis, Oreg.	Jamea, Olie M.	Parker, N. J.
Alexander, Mo.	Euglebright	Johnson, Ky.	Parsons
Alexander, N. Y.	Esch	Johnson, S. C.	Patterson
Allen	Fairchild	Jones, Va.	Payne
Ames	Fassett	Jones, Wash.	Pearre
Anthony	Favrot	Kahn	Perkins
Barchfield	Ferris	Kellher	Pou
Barclay	Floyd	Kennedy, Iowa	Pray
Bartholdt	Focht	Kennedy, Ohio	Pujo
Bartlett, Nev.	Fornes	Kimball	Rainey
Beale, Pa.	Foss	Kinkaid	Rauch
Beall, Tex.	Foster, Ill.	Klpp	Reeder
Bede	Foster, Ind.	Kitchin, Claude	Reynolds
Bennet, N. Y.	Foulkrod	Knaapp	Rhinock
Bennett, Ky.	French	Knopf	Richardson
Bonyage	Fuller	Kilstermann	Rodenberg
Boohier	Fulton	Lafean	Rothermel
Bowers	Gardner, Mich.	Lamb	Rucker
Boyd	Gardner, N. J.	Landis	Russell, Mo.
Bradley	Garner	Langley	Russell, Tex.
Brodhead	Gilliams	Laning	Ryan
Brum	Gillespie	Lassiter	Sabath
Burgess	Gillet	Law	Saunders
Burleigh	Godwin	Lawrence	Scott
Burleson	Goebel	Lee	Shackelford
Burnett	Gordon	Legare	Sheppard
Calder	Goulden	Lever	Sherley
Calderhead	Graft	Lindbergh	Sherwood
Campbell	Graham	Lindsay	Sims
Candler	Granger	Littlefield	Slayden
Capron	Greene	Lloyd	Slemp
Carlin	Hackney	Longworth	Smith, Cal.
Carter	Hale	Lorimer	Smith, Mo.
Caulfield	Hall	Loud	Southwick
Chaney	Hamill	Loudenlager	Sperry
Chapman	Hamilton, Iowa	McCall	Spight
Clark, Mo.	Hamlin	McDermott	Stafford
Cockran	Hammond	McGavin	Stanley
Cocks, N. Y.	Harrison	McHenry	Steenerson
Cole	Haskins	McKinney	Stephens, Tex.
Conner	Haugen	McLaughlin, Mich.	Sterling
Cook, Colo.	Hawley	McMorran	Stevens, Minn.
Cooper, Pa.	Hay	Macon	Sturgiss
Cooper, Tex.	Hayes	Malby	Sulloway
Cooper, Wis.	Hedlin	Mann	Taylor, Ohio
Cox, Ind.	Helm	Maynard	Thistlewood
Craig	Henry, Conn.	Miller	Thomas, Ohio
Crawford	Henry, Tex.	Mondell	Tirrell
Crumpacker	Hepburn	Moore, Pa.	Tou Velle
Currier	Higgins	Moore, Tenn.	Underwood
Cushman	Hill, Miss.	Moore, Tex.	Volstead
Dalzell	Hinshaw	Morse	Wanger
Davenport	Hitchcock	Mouser	Washburn
Davis, Minn.	Holliday	Murdock	Watson
Dawson	Houston	Needham	Williams
De Armond	Howard	Nelson	Wilson, Ill.
Denver	Howell, N. J.	Nicholls	Wood
Dixon	Howland	Norris	
Douglas	Hubbard, Iowa	Nye	
Draper	Hubbard, W. Va.	O'Connell	

## NAYS—7.

Ansberry	Brantley	Hardy	Sulzer
Bell, Ga.	Fitzgerald	Robinson	

## ANSWERED "PRESENT"—9.

Boutell	Denby	Haggott	Taylor, Ala.
Brownlow	Griggs	Jenkins	Watkins

## NOT VOTING—122.

Andrus	Cary	Edwards, Ga.	Goldfogle
Ashbrook	Clark, Fla.	Edwards, Ky.	Gregg
Bannon	Clayton	Ellerbe	Grona
Bartlett, Ga.	Cook, Pa.	Finley	Hackett
Bates	Coudrey	Flood	Hamilton, Mich.
Bingham	Cousins	Fordney	Harding
Birdsall	Cravens	Foster, Vt.	Hardwick
Broussard	Darragh	Fowler	Hill, Conn.
Brundidge	Davey, La.	Gaines, Tenn.	Hobson
Burke	Davidson	Gaines, W. Va.	Howell, Utah
Burton, Del.	Dawes	Gardner, Mass.	Hughes, N. J.
Burton, Ohio	Diekema	Garrett	Hughes, W. Va.
Byrd	Driscoll	Gill	Hull, Iowa
Caldwell	Dunwell	Glass	Humphreys, Miss.

Jackson	McKinley, Ill.	Pratt	Townsend
James, Addison D.	McLachlan, Cal.	Prince	Vreeland
Keifer	McLain	Randell, Tex.	Waldo
Kitchin, Wm. W.	McMillan	Ransdell, La.	Wallace
Knowland	Madden	Reid	Webb
Lamar, Fla.	Madison	Riordan	Weeks
Lamar, Mo.	Marshall	Roberts	Weems
Leake	Moore, Pa.	Sherman	Weisse
Lenahan	Mudd	Small	Wheeler
Lewis	Murphy	Smith, Iowa	Wiley
Lilley	Overstreet	Smith, Mich.	Willett
Livingston	Page	Smith, Tex.	Wilson, Pa.
Lovering	Parker, S. Dak.	Snapp	Wolf
Lowden	Peters	Sparkman	Woodyard
McCreary	Pollard	Talbott	Young
McGuire	Porter	Tawney	
McKinlay, Cal.	Powers	Thomas, N. C.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WOODYARD with Mr. SPARKMAN.

Mr. VREELAND with Mr. RANDELL of Texas.

Mr. SMITH of Iowa with Mr. McLAIN.

Mr. TOWNSEND with Mr. HUGHES of New Jersey.

Mr. MADDEN with Mr. LEAKE.

Mr. MCGUIRE with Mr. GREGG.

Mr. KEIFER with Mr. GARRETT.

Mr. HULL of Iowa with Mr. ELLERBE.

Mr. BURTON with Mr. CALDWELL.

Mr. BANNON with Mr. ASHBROOK.

The result of the vote was announced as above recorded.

The SPEAKER announced the following conferees on the part of the House: Mr. MONDELL, Mr. VOLSTEAD, and Mr. GAINES of Tennessee.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6988. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the amendment of the House to the amendment of the Senate numbered 4 and had receded from its amendments numbered 1, 2, and 3 to the bill (H. R. 19541) to authorize the drainage of certain lands in the State of Minnesota.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6700. An act for the relief of Arthur H. Barnes—to the Committee on War Claims.

S. 3720. An act for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement—to the Committee on Pensions.

S. 5306. An act granting increase of pensions to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902—to the Committee on Pensions.

S. 6849. An act to remove the charge of desertion from the record of Alvah B. Doble—to the Committee on Military Affairs.

S. 6988. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

## HOUSE BILLS WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bills (with Senate amendments) of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

H. R. 19101. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

H. R. 19475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and

Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

H. R. 19863. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

#### IMPORTATION OF IMPURE AND UNWHOLESOME TEA.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, which I send to the desk and ask to have read.

The Clerk read as follows:

An act (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897.

Be it enacted, etc., That section 1 of "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, be amended by adding at the end thereof the following words: "Provided, That nothing herein shall affect or prevent the importation into the United States, under such regulations as the Secretary of the Treasury may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of the Treasury, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond, to be approved as to amount and securities by the Secretary of the Treasury, conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of the Treasury."

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rules, a second is ordered. The gentleman from Missouri is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, this bill has been passed by the Senate, and comes here with the unanimous report of the Committee on Ways and Means. It does not affect either the revenues or the tariff in any way. The purport of it is to relieve the American manufacturers of what is called "caffeine" of certain irksome and unnecessary requirements. Caffeine is manufactured from tea waste and tea sweepings, and under the present law that waste must be denatured before it can be imported, a requirement which causes American manufacturers an expense of all the way from 15 to 20 per cent and neutralizes the benefit which they otherwise derive from the tariff. Tea sweepings and waste are on the free list in every country in the world, the same as in ours, but no country imposes this requirement, namely, the denaturing of these sweepings and this waste; consequently the American manufacturers are decidedly at a disadvantage as compared with their competitors in other countries. The Treasury Department as well as the Agricultural Department are approving of this measure, and it is entirely safe to enact it, for the reason that a bond is required to be furnished by these manufacturers to the Treasury Department in order to guard against the possibility of these tea sweepings being used as food. They can not be so used according to the testimony of experts in the Agricultural Department. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. I would like to ask the gentleman from Missouri a question. I do not know that I understood him, but it is a fact that tea dust is actually prohibited from importation into the United States under our laws.

Mr. BARTHOLDT. It is prohibited and can not be used, unless denatured abroad.

Mr. PAYNE. It is absolutely prohibited from coming into the United States.

Mr. SLAYDEN. What is prohibited?

Mr. PAYNE. The importation of tea dust, and this seeks to allow a sufficient amount to come in under regulations of the Treasury Department for the manufacture of caffeine. That is all the bill provides.

Mr. WILLIAMS. Mr. Speaker, I have been hearing premonitory rumblings of Republican legislative activity now for some time. I have been hearing that we are going to have more or less of a tariff revision at some time or other, just precisely when is not stated. Thank God the great movement is now beginning, with this bill as a genesis. People of the United States, when this bill becomes law, are going to become entitled to untaxed "tea sweepings" and "tea dust," provided there is a bond given that the tea sweepings can be useful only to manufacturers of caffeine or something or other, and can not be useful to plain people as food. This seems to be something of an illustration of the old Latin adage about the mountain's laboring

and a mouse being born. Now I understand why it was that this bill was not brought before the House by the gentleman from New York [Mr. PAYNE], who is chairman of the Committee on Ways and Means, from which committee it was reported, but was delegated to the tender, though deputy, mercies of the gentleman from Missouri [Mr. BARTHOLDT].

If it had been brought before the House by the gentleman from New York, there might have been a suspicion in certain stand-pat circles that there was a wavering, a giving away, a trembling upon the part of the body politic, the great majority party which holds to the principle of the sacredness of the Dingley tariff. Mr. Speaker, I have just received a piece of private information from the gentleman from Missouri [Mr. BARTHOLDT] that, perhaps, might make a difference in my line of argument. I am not quite certain now as to what the great majority party is intending to do. I had understood from the interruption of the gentleman from New York that tea sweepings and tea dust were now forbidden to come into the United States at all. I am now given to understand, if I understand my friend from Missouri correctly, that they can come free, provided they are "denatured." Is that the proposition?

Mr. BARTHOLDT. That is right.

Mr. WILLIAMS. Now, Mr. Speaker, a moment since I thanked God, it seems, for almost nothing, for I thought we were going to get tea sweepings free, but I understand now from the gentleman from Missouri we are already getting them free, provided they are "denatured," and the new bill merely lets them in free provided the Agricultural Department says they are unfit for food. The only object of denaturing them was to render them unfit for food, so I am not quite certain whether this apparent reformatory tariff agitation and movement is any real agitation or movement at all. I can not quite reconcile the interruption of the gentleman from New York with the explanation of the gentleman from Missouri. But, still, I go this far, Mr. Speaker: I am so much in favor of one of the recommendations of your loved and trusted President, whose recommendations are so cordially and kindly received always by the majority party in this Chamber, and whose recommendations are so quickly and constantly and lovingly put into legislative effect by them, that I welcome even the sign of agitation upon that side—any sort of a movement or oscillation, even if there be no practical result of the movement.

The President in one of his late messages—just precisely which one I have forgotten, but I will doubtless be excused for forgetting, because in their multiplicity it is hard to remember them idem sonans—has suggested the tariff ought to be "revised," and preparatory steps ought to be taken thereunto "immediately."

Now, Mr. Speaker, although in this bill there is nothing affected, it seems none the less that there is at any rate an indication of a disposition to look like you were going to go through the motions of changing the tariff—as the children say, to "play like"—even that is something, because imitation of appearance is one of the reverences which vice pays to virtue. That gives me great hope, for if once the idea is established upon that side of the Chamber that the Dingley bill is not an idol, is not a fetish to be worshiped, that it is not a thing kept inviolate and untouched within the sacred arcana, and not to be spoken about in any light way—if it is once permitted to mention it even in a remote way, just in the way in which this bill mentions it—by making out like you are doing something to it, why it is possible that you, becoming acquainted with tariff agitation nominally, may some time begin to deal with the question really.

But it is such a great thing for this great party, yeelped by itself, self-christened, "G. O. P." in this great nation, with all these great problems knocking at the door of the House of Representatives for solution; with all these great bills that are on the Calendar and in the committees and on the Speaker's desk seeking enactment; this bill is such a great thing, in the face of the fact that the country wants a publication of campaign contributions law; that the country wants free wood pulp and free print paper; that the country wants some reformation of the injunction law to safeguard State rights and labor rights and farmer rights; that the country wants a model insurance law for the District of Columbia—long since recommended by the President—that the country wants so many things, Mr. Speaker, that the minority should feel deeply grateful, in view of all that, for the fact that finally this Republican party machinery has begotten to itself a movement, and is moving, and is going to accomplish the great incipiently revolutionary result of putting "tea sweepings" and "tea dust" upon the free list, provided there is a bond to satisfy the Secretary of Agriculture that they can



not possibly be in a condition either to please the appetite, to satisfy the stomach, or to furnish nutrition to the human race. [Applause on the Democratic side.]

Why, it was fabled in the old times that the gods upon Olympus sometimes shook their sides with laughter. The gods upon Olympus have been abolished, but if they had not been abolished I dare say that Jupiter, surrounded by Mars, his own consort Juno, and even the festive Venus, would be holding a conclave upon Olympus to-day and laughing at the idea that the Republican party—notwithstanding its stand-pat position—has finally taken the decided step, the long step, the long-unexpected step, the revolutionary and sublime step of putting "tea sweepings" upon the free list; provided always, that they are in such a shape that nobody can use them to either please or comfort the human stomach. [Applause on the Democratic side.] This is so much more of an important bill than a bill to provide for the publication before elections of campaign contributions; so much more important than a bill to provide for the reformation of the injunction laws, whereby at present a court, or one judge constituting a court, secretly and upon ex parte testimony can set aside the solemn and deliberate fiat of a State in the shape of solemnly enacted law, or can enjoin labor from publishing a refusal to patronize favored firms; is so much more important than the free wood pulp and print paper bill, for which the gentleman from New York, the colleague of the great leader of the majority, made such an excellent appeal that I do not wonder that the Speaker has gone out of his way and selected this particular bill to be recognized under this peculiar special rule for suspensions of all rules, regardless of what they are, as primarily, primordial, and chiefly to be considered.

Why, Mr. Speaker, I believe if the present occupant of the chair had been Speaker, even he would have recognized the superior importance of this bill to all the other great measures that are pending before the American people and to which the people, the Democracy, and the President have called attention. The American people are agitated to-day. They are moved—the great body politic is moved from turret to foundation stone—with convulsive and convulsing agitations pro and con concerning "free tea sweepings" and "free tea dust!" [Laughter.] Why, I recognize so fully and completely the superior excellency and importance of this peculiar bill, and I wonder so little at the Speaker for having preferred it to laws for honest elections and to untax intelligence and enfranchise labor, for having recognized the gentleman from Missouri [Mr. BARTHOLDT] as a consequence of this preference to bring it up, that a sort of a suspicion that I might otherwise have had that perhaps, in parabolically dealing out recognitions, the Speaker was to a certain extent also providing for party harmony and rewarding the men who at this particular time consent or may be influenced to consent to reform our currency system according to the Cannon-Vreeland idea escaped entirely from my mind. I brush the suspicion aside as for the nonce unworthy and unfounded. That suspicion in this particular case could not linger in any rational mind.

This bill at least comes up on its own merits—aye, its own superexcellencies—and as compared with other bills it stands supreme. It is king of bills on the Calendar and king of bills in committees, king of Senate bills that have come to the House, king of all House bills that are ready to be passed and go to the Senate. At the beginning I was not astonished that the gentleman from New York [Mr. PAYNE] had surrendered the management of this great bill to the gentleman from Missouri [Mr. BARTHOLDT], but I am astonished when I come to think of it now. I am astonished now when I reflect that the gentleman from New York might have gone to the country with the reputation of having seen just a little bit of the light that the American people are going to spread to the knowledge of all men after a while, as I hope—the light of the necessity and wisdom and justice of tariff revision and of untaxing the people to some extent upon their food and upon their clothing. But what has that got to do with this? Somebody might have said that my last sentence was not germane to this bill, because this bill does not untax the people either upon their clothing or their food, but untaxes tea dust only when a bond is given that it shall be for man neither "food nor raiment."

It is expressly stipulated in the bill that the tea dust untaxed shall not be fit for food before it shall be admitted untaxed.

Mr. BARTHOLDT. Will the gentleman from Mississippi yield to me?

Mr. WILLIAMS. I yield to my friend from Missouri; I yield to the avant-coureur of Republican reform on the tariff question; I yield to him as the great advocate of peace upon this floor; I yield to him almost as my fellow-German-American. [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, I regret that my friend from Mississippi did not yield to the "gentleman from Missouri" as the author of nonpartisan bills.

Mr. WILLIAMS. As what?

Mr. BARTHOLDT. As the author on this floor of nonpartisan bills—and this is one of them.

Mr. WILLIAMS. As what?

Mr. BARTHOLDT. The gentleman from Mississippi is trying to inject politics into the bill.

Mr. WILLIAMS. Why, Mr. Speaker—

Mr. BARTHOLDT. Just one minute. It has been fathered on the other side of this Capitol by a distinguished Democratic Senator from Missouri, the senior Senator, and is fathered on this side of the House by a Republican.

Mr. WILLIAMS. Mr. Speaker, I have got only half the time for the discussion of a bill which, in the opinion of the Speaker of the House of Representatives, is the most important that can possibly be considered by the American House of Commons at this time, or else it would not have been given place by him in preference to all others. I therefore can not, of course, permit the gentleman from Missouri to make a speech out of my time.

Mr. Speaker, I am not injecting partisan politics into this. Why, who has heard me say a word about Democrats or Republicans? On the contrary, was not I trying to sing a psalm of praise to the Republican party for getting a tariff-reform movement on itself [laughter]—to the gentleman from New York, to the gentleman from Missouri, to the Republican Committee on Ways and Means, because I recognized the fact that they have got a move on them, not much of a move, it is true—a little bit of a move [laughter]—a move enough to agitate the circumference—a sort of superficial outside move? I suppose it did not go deep enough to disturb them internally, but, like a fat man laughing, sometimes he did not look like he was moved internally, but outwardly, circumferentially is shaking. [Laughter.]

Accuse me of bringing partisan politics into the consideration of this great nonpartisan bill! Mr. Speaker, I hurl foul scorn at the gentleman from Missouri for making a charge of that sort! [Laughter.] I am standing here and advocating this bill, not because of any good that there is in it, but to bring the parties together and for the promise of good that may be in it as a precedent. I am standing here to advocate it, not because it shows any conversion to civic righteousness, but because it shows the beginning of disgust at stand-patism, and the fear of stand-patism and disgust thereat is the beginning of civic righteousness. I hope the gentleman from Missouri will not deny that that is an accurate quotation from the Scriptures. [Laughter.]

Mr. Speaker, I think that this bill is so important that it ought to be passed by a vote of the entire House, upon a roll call. [Laughter.] I can imagine some day in the distant future somebody rising in the district in California represented by Mr. KAHN and saying, "How did you vote, sir, upon the great bill for free tea sweepings and free tea dust?" [Laughter.] I can imagine the gentleman from California replying, and he replies well; because, I tell you, when you give him a rôle to play he plays it exceedingly well. [Laughter.] I can imagine him drawing himself up, with his chest thrown forward, with a certain protuberance of stomach, and his head thrown back, thrilling the populace of the great State of California, which has yearned for this bill, by saying: "I voted for it, sir." And, then, after hearing the thunderous applause, I can hear some "cheap demagogue" shout, "Prove it, prove it; where is the page and the Record?" Then I can fancy I see the gentleman from California [Mr. KAHN], aye, and the gentleman from New York [Mr. PAYNE], and the gentleman from Ohio [Mr. LONGWORTH], and the gentleman from Pennsylvania [Mr. OLMSTED], and all the panoplied cohorts of protectionism, and also the light auxiliary skirmishers on the outside, led by the gentleman from Washington [Mr. CUSHMAN] [laughter] unable to reply to that demand. But I am going to have a yea-and-nay vote—a record vote—and then each one can triumphantly shriek back—oh, the infinite pity of a good deed unproven—"Sir, upon the RECORD of the ever memorable 13th day of May, in the ever memorable year of 1908, upon a certain red-letter page, you will find my name recorded in favor of this great measure—the most important bill, in the opinion of our Speaker and boss, that could then be considered by the representatives of the American people in Congress assembled." [Laughter and applause.] Accuse me of partisanship! I am trying to take care of you in your district. [Great laughter.] I am trying to see that you get a chance to go upon record and prove how you voted for this and for all great propositions that came up in the House. Why, sometimes when I try to perform that service for you, you will not let me. [Laughter.]

Why, one day I got a vote out of you on wood pulp and print paper, and you Republicans all voted against putting it on the free list, then I got a vote out of you on remedial reformation of the injunction laws, and you all voted against it, but it was a vote by standing up and by tellers. You had it fixed up so that you can not go back to your constituents and prove that you voted against these measures, as I assume you want to prove. Not only that, you have got it fixed up so that I am afraid that I will have difficulty in proving, by the Record at any rate, that some of you did vote against those several measures, if you are disposed to deny your act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I thank the Democrats to some extent, but still more the Republicans, for the careful consideration which they have given to my well-considered argument in favor of the passage of this great though somewhat revolutionary bill. [Laughter.]

Mr. BARTHOLOTT. Mr. Speaker, I thank my friend from Mississippi for calling attention to the great importance of this bill. I knew it was important to me and to the people of my district, but I had no idea that it was of such transcendent importance to the whole country as the gentleman from Mississippi has pointed out.

Mr. WILLIAMS. I did not know it until the Speaker ruled that it was.

Mr. BARTHOLOTT. I now yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, the vaudeville part of this performance being over, I wish to say a word about the bill. And I want to say to my friend from Mississippi [Mr. WILLIAMS] that he talks better about a bill that he does not know anything about than he does when he gets a bill that he does know something about. [Laughter.]

The present law forbids the introduction or importation of any tea grounds or tea dust into the United States. There was a reason for this. The tea dust came largely from overgrown tea leaves, in which during the process of growth a large amount of tannin had developed. Of course the tea made from such tea grounds was poisonous in its nature, and we did not want it here in the United States. So we prohibited the importation of it. That was a number of years ago, when the gentleman from Mississippi [Mr. WILLIAMS] was on the Committee on Ways and Means and was supposed to have some information about what was going on there—I say supposed to have. Now, Mr. Speaker, it turns out that since that time a factory has been started in St. Louis on a large scale, employing a number of people for the purpose of manufacturing caffeine. This manufacture can best be carried on from tea grounds, the importation of which is now prohibited. In order to get them in, they have had to treat them with lime in a foreign country and denature them, change their nature so that they could come in at all. This process of denaturing these tea grounds costs the manufacturer about 19 per cent of the total cost of the manufacture of the caffeine. This bill simply allows tea grounds to be introduced here in their natural state, for the purpose of this manufacture, and for no other purpose. Of course it has no more relation to the tariff than the gentleman from Mississippi is related to the tariff. It does not relate to that question in any way. The bill originated in the Senate, and of course everybody knows—the gentleman from Mississippi knows—that a bill which did change the revenue could not originate in the Senate of the United States. It comes here simply as an amendment of that law, for the purpose of promoting this manufacture.

Now, ordinarily this bill would have passed the House in two minutes. Upon the statement of the gentleman from Missouri [Mr. BARTHOLOTT] it would have passed by unanimous consent; but for some reason unknown to any sensible person in the United States the gentleman from Mississippi [Mr. WILLIAMS] has reversed that time-honored custom, and, falling back upon the Constitution of the United States, he insists upon a yeas and nays vote on any bill that comes in here, no matter how local it may be in its character, how little important it may be to the people of the United States in general. He insists that we shall have a roll call, taking half an hour, and in order to obviate the necessity of additional roll call, we have made this rule, which, unfortunately, on such a bill as this, allows the gentleman to spend twenty minutes in his vaudeville performance for the amusement of the House, but to the utter waste of the time of the House, in order that he may further delay the proceedings of the House, for the purpose of passing a great many bills during the concluding days of this session of Congress. Of course that is what the gentleman would call a non sequitur, and it will not follow that we do more work by delay-

ing the House, and using, as somebody calculated the other day, seventeen legislative days already in useless roll calls, simply because the fathers, when they made the Constitution of the United States, could not foresee that any gentleman with the proclivities of the gentleman from Mississippi would ever break into the Congress of the United States, or if he did, could find a fifth of those present who would ever second his useless proceeding of demanding a roll call upon such a bill as this, or upon a motion to take a recess after 5 o'clock, or a motion to adjourn after the usual hour for the House to adjourn.

We have to take the circumstances and the conditions as they come to us, and to prevent many of these useless roll calls; if we proceeded in the ordinary way, they would consume all of the time of the House from now until next December. We have to bring up the bills of little importance in this way and give the gentleman from Mississippi a chance to show the country that he is here for the purpose of wasting the time of the House with senseless roll calls. [Applause on the Republican side.]

Mr. BARTHOLOTT. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill be passed?

The question was taken.

Mr. WILLIAMS. Mr. Speaker, in order to demonstrate my desire to hurry up legislation, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 221, nays 2, answered "present" 10, not voting 154, as follows:

## YEAS—221.

Adair	Driscoll	Houston	Olmsted
Aiken	Dwight	Howard	Overstreet
Alexander, Mo.	Ellerbe	Howell, N. J.	Padgett
Alexander, N. Y.	Ellis, Mo.	Howland	Parker, N. J.
Allen	Ellis, Oreg.	Hubbard, Iowa	Parker, S. Dak.
Ames	Englebright	Hubbard, W. Va.	Parsons
Ansberry	Esch	Hughes, N. J.	Patterson
Ashbrook	Fairchild	Hull, Iowa	Payne
Bannon	Fassett	Hull, Tenn.	Pou
Barchfeld	Ferris	Humphrey, Wash.	Pray
Barclay	Fitzgerald	James, Ollie M.	Rainey
Bartoldt	Floyd	Johnson, Ky.	Rauch
Bartlett, Nev.	Focht	Johnson, S. C.	Reynolds
Bates	Fornes	Jones, Va.	Rhinock
Beale, Pa.	Foss	Jones, Wash.	Richardson
Beall, Tex.	Foster, Ill.	Kahn	Rodenberg
Bede	Foster, Ind.	Kelher	Rothermel
Bell, Ga.	Foster, Vt.	Kennedy, Iowa	Rucker
Bennet, N. Y.	Foulkrod	Kimball	Russell, Mo.
Bonyng	Fowler	Kinkaid	Russell, Tex.
Booher	French	Kitchin, Claude	Ryan
Bowers	Fuller	Knapp	Saunders
Boyd	Fulton	Knowland	Scott
Brodhead	Gardner, N. J.	Lafan	Sheppard
Burleson	Garner	Lamb	Sherley
Burnett	Garrett	Landis	Sims
Burton, Ohio	Gibbams	Langley	Slayden
Calder	Gill	Lassiter	Smith, Cal.
Calderhead	Gillespie	Law	Smith, Iowa
Campbell	Godwin	Lee	Smith, Mo.
Candler	Graft	Legare	Sperry
Capron	Graham	Lever	Splight
Carlin	Granger	Lindbergh	Stafford
Carter	Greene	Lindsay	Stanley
Caulfield	Gregg	Lorimer	Steenerson
Chapman	Hackett	Loud	Sterling
Clark, Mo.	Hackney	Lovering	Stevens, Minn.
Clayton	Hale	McCall	Sulloway
Cockran	Hall	McDermott	Sulzer
Cocks, N. Y.	Hamilton, Iowa	McKinlay, Cal.	Taylor, Ala.
Cole	Hamlin	McKinley, Ill.	Taylor, Ohio
Cooper, Pa.	Hammond	McKinney	Thistlewood
Cooper, Wis.	Hardy	Macon	Thomas, Ohio
Cox, Ind.	Haskins	Madden	Tirrell
Crawford	Haugen	Malby	Tou Velle
Crumpacker	Hawley	Maynard	Volstead
Currier	Hay	Miller	Waldo
Cushman	Hayes	Moon, Tenn.	Wallace
Dalzell	Heilin	Moore, Pa.	Weeks
Davenport	Helm	Morse	Wheeler
Davis, Minn.	Henry, Conn.	Nelson	Williams
Dawson	Henry, Tex.	Nicholls	Wood
De Armond	Higgins	Norris	Woodyard
Denver	Hill, Miss.	Nye	
Dixon	Hinsbaw	O'Connell	
Draper	Hitchcock	Olcott	

## NAYS—2.

Harrison Underwood

ANSWERED "PRESENT"—10.

Boutell	Goulden	McMorran	Wanger
Brownlow	Haggott	Roberts	
Butler	Jenkins	Talbot	

## NOT VOTING—154.

Acheson	Broussard	Chaney	Darragh
Adamson	Brumm	Clark, Fla.	Davey, Ia.
Andrus	Brundidge	Conner	Davidson
Anthony	Burgess	Cook, Colo.	Dawes
Bartlett, Ga.	Burke	Cook, Pa.	Denby
Bennett, Ky.	Burleigh	Cooper, Tex.	Diekema
Bingham	Burton, Del.	Coudrey	Douglas
Birdsall	Byrd	Cousins	Dunwell
Bradley	Caldwell	Craig	Durey
Brantley	Cary	Cravens	Edwards, Ga.



Edwards, Ky. James, Addison D. Madison  
Favrot Kelfer Mann  
Finley Kennedy, Ohio Marshall  
Flood Kipp Mondell  
Fordney Kitchin, Wm. W. Moon, Pa.  
Gaines, Tenn. Knopf Moore, Tex.  
Gaines, W. Va. Kustermann Mouser  
Gardner, Mass. Lamar, Fla. Mudd  
Gardner, Mich. Lamar, Mo. Murdock  
Gillett Laning Murphy  
Glass Lawrence Needham  
Goebel Leake Page  
Goldfogle Lennhan Pearre  
Gordon Lewis Perkins  
Griggs Littlefield Pollard  
Gronna Livingston Porter  
Hamill Lloyd Powers  
Hamilton, Mich. Longworth Pratt  
Harding Loudenslager Prince  
Hardwick Lowden Pujo  
Hepburn McCreary Randell, Tex.  
Hill, Conn. McGavin Ransdell, La.  
Hobson McGulre Reeder  
Holliday McHenry Reid  
Howell, Utah McLachlan, Cal. Riordan  
Huff McLain Robinson  
Hughes, W. Va. McLaughlin, Mich. Sabath  
Humphreys, Miss. McMillan Shackelford  
Jackson

Sherman  
Sherwood  
Siemp  
Small  
Smith, Mich.  
Smith, Tex.  
Snapp  
Southwick  
Sparkman  
Stephens, Tex.  
Sturgiss  
Tawney  
Thomas, N. C.  
Townsend  
Vreeland  
Washburn  
Watkins  
Watson  
Webb  
Weems  
Weisse  
Wiley  
Willett  
Wilson, Ill.  
Wilson, Pa.  
Wolf  
Young

So the motion was agreed to.

The following additional pairs were announced:  
Until further notice:

Mr. WILSON of Illinois with Mr. WATKINS.  
Mr. WATSON with Mr. STEPHENS of Texas.  
Mr. PEARRE with Mr. SHERWOOD.  
Mr. MOUSER with Mr. SHACKLEFORD.  
Mr. MOON of Pennsylvania with Mr. SABATH.  
Mr. SOUTHWICK with Mr. ROBINSON.  
Mr. MANN with Mr. MOORE of Texas.  
Mr. LOUDENSLAGER with Mr. MCHENRY.  
Mr. HOLLIDAY with Mr. KIPP.  
Mr. GOEBEL with Mr. FINLEY.  
Mr. GARDNER of Michigan with Mr. GORDON.  
Mr. LAWRENCE with Mr. CRAIG.  
Mr. COOK of Colorado with Mr. COOPER of Texas.  
Mr. BURLEIGH with Mr. BRANTLEY.  
Mr. MCMORRAN with Mr. PUJO.  
The result of the vote was then announced as above recorded.

#### MILITARY ACADEMY BILL.

Mr. HULL of Iowa, from the Committee on Military Affairs, by the direction of that committee, reported the bill (H. R. 21875) making appropriations for the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, which was read and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. SULZER reserved all points of order.

#### POST-OFFICE APPROPRIATION BILL.

The SPEAKER laid before the House the bill H. R. 18347, an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, with Senate amendments.

The Clerk read the Senate amendments.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. CAPRON). The gentleman will state it.

Mr. MURDOCK. Is it now in order to move that this bill be referred to the House Committee on the Post-Offices and Post-Roads?

The SPEAKER pro tempore. The Chair thinks not. There is a special order applying to this.

Mr. WILLIAMS. Mr. Speaker, the motion before the House is to suspend the rules, do I understand?

The SPEAKER pro tempore. The motion before the House is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

Mr. WILLIAMS. Oh, this is under the French procedure. [Laughter.] I thought maybe it was under the suspension procedure. Then, it is not necessary, or rather not allowable, to call for a second.

The SPEAKER pro tempore. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MURDOCK. As the case is now, a negative vote here would agree to all of the Senate amendments?

The SPEAKER pro tempore. It would.

Mr. OVERSTREET. Including the ocean mail subsidy act, so that a negative vote means a vote in favor of that?

Mr. WILLIAMS. There is no doubt about that.

Mr. STAFFORD. And also including the increased pay to the railroads, amounting to at least \$2,000,000.

Mr. PARKER of New Jersey. Mr. Speaker, as I understand it, there was no negative vote registered on the last question.

The SPEAKER pro tempore. The Chair will state that the gentleman from Mississippi has called for the yeas and nays.

Mr. WILLIAMS. Yes; I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. WILLIAMS. Mr. Speaker, I make the point of order, which has been ruled upon by the Chair, the Speaker of the House, that a roll call not an hour prior to this disclosed the presence of a quorum, and that therefore the point made by the gentleman from New York is dilatory.

Mr. PAYNE. Mr. Speaker, that is correct, but it is evident to the Speaker that a great number of the Representatives have left the Hall since the roll call.

Mr. WILLIAMS. That was true in the other case also.

The SPEAKER pro tempore. The Chair thinks the only duty remaining to the Chair is to count and ascertain whether there is a quorum present or not.

Mr. WILLIAMS. I am glad to hear it. That has reversed the former ruling.

The SPEAKER pro tempore (after counting). One hundred and ten gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken, Will the House disagree to the Senate amendments en bloc and ask for a conference? and the Clerk will call the roll.

The question was taken, and there were—yeas 239, nays 1, answered "present" 9, not voting 138, as follows:

#### YEAS—239.

Adair	Ellis, Oreg.	Hughes, N. J.	Padgett
Adamson	Englebright	Hull, Iowa	Parker, N. J.
Alken	Favrot	Hull, Tenn.	Parker, S. Dak.
Alexander, Mo.	Ferris	James, Addison D.	Parsons
Ames	Finley	James, Ollie M.	Patterson
Andrus	Fitzgerald	Jenkins	Payne
Ansberry	Floyd	Johnson, Ky.	Pearre
Anthony	Focht	Johnson, S. C.	Perkins
Ashbrook	Fornes	Jones, Va.	Pou
Bannon	Foss	Jones, Wash.	Pray
Barchfeld	Foster, Ill.	Kelfer	Rainey
Bartholdt	Foster, Vt.	Kellher	Randell, Tex.
Bartlett, Nev.	Foulkrod	Kennedy, Iowa	Rauch
Bates	French	Kennedy, Ohio	Reynolds
Beale, Pa.	Fuller	Kitchin, Claude	Rhinock
Beall, Tex.	Fulton	Knapp	Robinson
Bede	Gaines, W. Va.	Knowland	Rodenberg
Bell, Ga.	Garner	Lafean	Rothermel
Bennet, N. Y.	Garrett	Lamb	Rucker
Bonyage	Gilhams	Landis	Russell, Mo.
Bowers	Gillespie	Langley	Russell, Tex.
Bradley	Gillett	Lanling	Sabath
Brodhead	Godwin	Lawrence	Shackelford
Burgess	Gordon	Lee	Sheppard
Burleigh	Goulden	Legare	Sherley
Burleson	Graff	Lever	Sherwood
Caldhead	Graham	Lindbergh	Sims
Caldwell	Granger	Lindsay	Slayden
Campbell	Greene	Littlefield	Siemp
Candler	Hackett	Lloyd	Smith, Cal.
Capron	Hackney	Loudenslager	Smith, Mo.
Caulfield	Hale	Loving	Snapp
Chaney	Hall	McCall	Sperry
Chapman	Hamill	McDermott	Spight
Clark, Mo.	Hamilton, Iowa	McGavin	Stafford
Clayton	Hamlin	McHenry	Stanley
Cockran	Hardy	McKinlay, Cal.	Steenerson
Cocks, N. Y.	Harrison	McKinley, Ill.	Stephens, Tex.
Cole	Haskins	McKinney	Sterling
Cook, Colo.	Haugen	McLain	Sulloway
Cooper, Wis.	Hawley	Macon	Sulzer
Cox, Ind.	Hay	Madden	Taylor, Ala.
Craig	Hayes	Malby	Taylor, Ohio
Crumpacker	Heflin	Mann	Thistlewood
Currler	Helm	Maynard	Thomas, Ohio
Cushman	Henry, Conn.	Miller	Tirrell
Dalzell	Henry, Tex.	Mondell	Tou Velle
Darragh	Higgins	Moon, Pa.	Townsend
Davenport	Hill, Miss.	Moon, Tenn.	Underwood
Davidson	Hinsaw	Morse	Volstead
Davis, Minn.	Hitchcock	Mouser	Vreeland
Dawson	Holliday	Murdock	Waldo
De Armond	Houston	Needham	Wanger
Denver	Howard	Nelson	Watson
Dixon	Howell, N. J.	Nicholls	Weeks
Douglas	Howell, Utah	Nye	Williams
Draper	Howland	O'Connell	Wilson, Ill.
Driscoll	Hubbard, Iowa	Olcott	Wood
Dwight	Hubbard, W. Va.	Olmsted	Woodyard
Ellerbe	Huff	Overstreet	

## NAYS—1.

Goebel

## ANSWERED "PRESENT"—0.

Boutell  
Brownlow  
ButlerCary  
GriggsHaggott  
McMorranRoberts  
Talbot

## NOT VOTING—138.

Acheson	Dunwell	Kipp	Prince
Alexander, N. Y.	Durey	Kitchin, Wm. W.	Pujo
Allen	Edwards, Ga.	Knoft	Ransdell, La.
Bartley	Edwards, Ky.	Klatsermann	Reeder
Bartlett, Ga.	Ellis, Mo.	Lamar, Fla.	Reid
Bennett, Ky.	Esch	Lamar, Mo.	Richardson
Bingham	Fairchild	Lassiter	Riordan
Birdsall	Fassett	Law	Ryan
Booher	Flood	Leake	Saunders
Boyd	Fordney	Lenahan	Scott
Brantley	Foster, Ind.	Lewis	Sherman
Broussard	Fowler	Lilley	Small
Brumm	Gaines, Tenn.	Livingston	Smith, Iowa
Brundidge	Gardner, Mass.	Longworth	Smith, Mich.
Burke	Gardner, Mich.	Lorimer	Smith, Tex.
Burnett	Gardner, N. J.	Loud	Southwick
Burton, Del.	Gill	Lowden	Sparkman
Burton, Ohio	Glass	McCreary	Stevens, Minn.
Byrd	Goldfogle	McGuire	Sturgiss
Calder	Gregg	McLachlan, Cal.	Tawney
Carlin	Gronna	McLaughlin, Mich.	Thomas, N. C.
Carter	Hamilton, Mich.	Madison	Wallace
Clark, Fla.	Hammond	Marshall	Washburn
Conner	Harding	Moore, Pa.	Watkins
Cook, Pa.	Hardwick	Moore, Tex.	Webb
Cooper, Pa.	Hepburn	Mudd	Weems
Cooper, Tex.	Hill, Conn.	Murphy	Weisse
Coudrey	Hobson	Norris	Wheeler
Cousins	Hughes, W. Va.	Page	Wiley
Cravens	Humphrey, Wash.	Peters	Willitt
Crawford	Humphreys, Miss.	Pollard	Wilson, Pa.
Davey, La.	Jackson	Porter	Wolf
Dawes	Kahn	Powers	Young
Denby	Kimball	Pratt	
Diekema	Kinkaid		

So the House disagreed to the Senate amendments and asked for a conference.

The Clerk announced the following additional pairs:

Until further notice:

Mr. NELSON with Mr. PETERS.

Mr. BURTON of Ohio with Mr. RICHARDSON.

Mr. ALEXANDER of New York with Mr. RYAN.

Mr. STEVENS of Minnesota with Mr. WALLACE.

Mr. ALLEN with Mr. BOOHER.

Mr. KAHN with Mr. BURNETT.

Mr. FAIRCHILD with Mr. CARLIN.

Mr. ESCH with Mr. CARTER.

Mr. GARDNER of Michigan with Mr. CRAWFORD.

Mr. LORIMER with Mr. HAMMOND.

Mr. SMITH of Iowa with Mr. KIMBALL.

Mr. SMITH of Michigan with Mr. LASSITER.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER announced the following conferees: Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee.

## OMNIBUS BRIDGE BILL.

Mr. TOWNSEND. Mr. Speaker, I move to suspend the rules and pass the bill S. 4809 with amendments.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the following Senate bill with amendments. The Clerk will report the bill with amendments.

The Clerk read as follows:

An act (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts.

*Be it enacted, etc.,* That the consent of Congress is hereby given to the Vesper-Country Club, a corporation organized under the laws of the State of Massachusetts, for the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts.

That the county of Okanogan and the town of Okanogan, jointly or severally, corporations organized under the laws of the State of Washington, their successors and assigns, be, and they are hereby, authorized, jointly or severally, to construct, maintain, and operate a wagon bridge and approaches thereto across the Okanogan River from some convenient and practical point on the west bank of said river within the limits of said town of Okanogan to some convenient point on the east bank of said river in the south half of the Colville Indian Reservation in the State of Washington.

That the court of county commissioners of Geneva County, Ala., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River, at a point to be approved by the Chief of Engineers and the Secretary of War, about six miles above the town of Geneva, Ala.

That the Arizona and California Railway Company, a corporation organized under the laws of the Territory of Arizona, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at or near Parker, in the Territory of Arizona, as may be approved by the Secretary of War, for the passage of railroad trains by means of a single or double track, and also at the option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, street cars, animals, and persons on foot and in vehicles.

That the Missouri Central Railroad Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point just south of the city of Glasgow, being about 500 yards south of the bridge now owned by the Chicago and Alton Railroad Company, to an opposite point in Saline County, in the State of Missouri.

That the Missouri Central Railroad Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point near the city of St. Charles, being about 3½ miles south of west of said city of St. Charles, to a point due south in St. Louis County, all in the State of Missouri.

That the Mississippi, Hill City and Western Railway Company, a corporation organized under the laws of the State of South Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at section 4, township 52 north, range 23 west, being in Aitkin County, in the State of Minnesota.

That the Iron Dyke Copper Company, a corporation organized under the laws of the State of Pennsylvania, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a toll bridge and approaches thereto across the Snake River at a point to be selected between Homestead and Ballards Landing, on said river, between the States of Oregon and Idaho.

That section 7 of the act approved March 26, 1902, as amended by an act approved June 30, 1906, authorizing the South Omaha Railroad and Bridge Company to build a bridge and approaches thereto across Missouri River at or near the city of South Omaha, Douglas County, is hereby amended by extending the time for the construction of said bridge and approaches thereto to April 15, 1910.

That the Copper River Railway Company, a corporation organized and existing under the laws of the State of Washington, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate two bridges across the Copper River, in the Territory of Alaska, below the Abercrombie Canyon, to be located as follows: The first, or lower bridge, to cross the said Copper River at a point below Childs Glacier; and the second, or upper bridge, to cross said Copper River at some point between Childs Glacier and Miles Glacier, and slightly upstream from the location that has been selected as a bridge crossing by the Alaska Pacific Railway and Terminal Company, and a sufficient distance therefrom to avoid interference with the construction or operation of the bridge across said river that may lawfully be erected by said last-named company.

That the Copper River and Northwestern Railway Company, a corporation organized and existing under the laws of the State of Nevada, be, and is hereby, authorized to construct, operate, and maintain a bridge and its approaches thereto across Bering Lake, in the Territory of Alaska.

That section 6 of an act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., approved April 5, 1904, as amended by the act approved February 19, 1907, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date of the approval of this act.

That the Rock River Traction Company, a corporation organized under the laws of the State of Illinois, its successors and assigns, be, and they are hereby, authorized to construct a bridge across Rock River at a point between the first section line south of the Colona Ferry (the section line between sections 9 and 10, township 17 north, range 1 east) and the first section line east of the Cleveland Ferry (the section line between sections 29 and 30, township 18 north, range 2 east), said bridge to be built across Rock River between the counties of Henry and Rock Island, in the State of Illinois.

That the act of Congress entitled "An act to provide for the construction of a bridge across Rainy River, in the State of Minnesota," approved February 7, 1903, is hereby revived and reenacted.

That section 6 of the aforesaid act is hereby amended to read as follows:

"Sec. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from July 1, 1908; and that the construction shall not be commenced until the government of the Dominion of Canada has authorized the construction and maintenance of that part of said bridge which shall occupy that portion of the river which is under the jurisdiction of said Dominion government."

That the board of supervisors of the town of Highland, Red Lake County, Minn., be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Red Lake River on the section line between sections 29 and 30, township 153 north, range 40 west, in the State of Minnesota.

That the city of Bemidji, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River, at section 10, township 146, range 33, in the State of Minnesota.

That the Ruston, Natchitoches and Northwestern Railroad Company, a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a drawbridge and approaches thereto across Bayou D'Arbonne in the State of Louisiana at a suitable point on said stream on the line of its road between the cities of Farmerville, in Union Parish, and Ruston, in Lincoln Parish, in the State of Louisiana.

That the bridge constructed across the Mississippi River between the townships of Clough, in Morrison County, and Fort Ripley, in Crow Wing County, State of Minnesota, by the authorities of said counties of Morrison and Crow Wing, be, and the same is hereby, legalized, and the consent of Congress is hereby given to its maintenance by said authorities: *Provided*, That any changes in the said structure which the Secretary of War may at any time deem necessary and order in the interest of navigation shall be promptly made by the owners thereof at their own expense.

That the township of Manistee, in the county of Manistee, State of Michigan, a municipal corporation organized under the laws of the State of Michigan, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the south branch or channel of the Manistee River in said township, in the State of Michigan.



That the Aransas Harbor Terminal Railway Company, a corporation organized under Texas law, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Morris and Cummings Channel at a point near Aransas Pass, Tex., from the mainland to Harbor Island.

That the St. Louis, Brownsville and Mexico Railway Company, a corporation organized under the laws of the State of Texas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railway, wagon, and foot bridge and approaches thereto across the Rio Grande River, at Brownsville, in the State of Texas, connecting the city of Brownsville, Tex., with the city of Matamoros, Mexico: *Provided*, That the construction of the said bridge shall not be commenced until the consent of the proper authorities of the Republic of Mexico for the erection of the structure shall have been obtained.

That the Yellowstone Valley Steel Bridge Company, a corporation organized under the laws of the State of Montana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at or within 1 mile west of the east boundary line of Montana, in the State of Montana.

That an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902, be, and the same is hereby, revived and declared to be in full force and effect, and that section 8 of said act is hereby amended so as to read as follows: "That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from May 1, 1908."

That the county of Muskegon, in the State of Michigan, a corporation organized under the laws of the State of Michigan, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Muskegon River, on the line between the counties of Muskegon and Newaygo, in said State of Michigan.

Sec. 2. That all of the bridges authorized to be constructed by this act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters."

The SPEAKER pro tempore (Mr. OLMSTED). Is a second demanded?

Mr. ADAMSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Georgia demands a second. Under the rules a second is considered as ordered. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Georgia is entitled to the same.

Mr. TOWNSEND. Mr. Speaker, this is what is known as the "omnibus bridge bill." It is a bill which contains all of the bridge bills which have been sent to the Committee on Interstate and Foreign Commerce and which have received a favorable report from that committee and have been indorsed by the Secretary of War. All are to be constructed under the provisions of the law known as the "general bridge law of 1906." I do not understand that there is any objection to the bill, and therefore, believing as I do that everybody understands it, I will reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, the bill was put in this shape in order to insure consideration of all projects for bridges which were pending before the Committee on Interstate and Foreign Commerce. Exigencies in the House are such, at this time, that it was necessary to resort to this device in order that Members might secure all their projects. Therefore we took a bridge bill which came from the Senate and attached to it by amendment every single meritorious bridge proposition that was pending before the committee, thus forming this omnibus bill. It is a good bill in its present shape, and it is necessary to pass it in this way in order to secure all these bridges. I request gentlemen on this side not to regard its origin on the other side as a badge of suspicion, but to accept it as being all right, and, notwithstanding the circumstances, to vote for the bill. [Applause.] I have no request, Mr. Speaker, for further time—

Mr. WILLIAMS. I will take a minute or two.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Mississippi such time as he wishes to use.

Mr. WILLIAMS. Mr. Speaker, if I had been wanting a mathematical demonstration of the fact that I had been engaged in saving the public time and expediting the public business, this bill would have furnished me with it. It contains twenty-three bridges. Ordinarily these twenty-three bridges would have come up each as a separate bill; something like ten minutes would have transpired in asking unanimous consent and in inquiries as to whether the bill conformed with the provisions of the general law, as to whether it was unanimously reported by the committee, and in the gentleman offering it explaining why that particular bridge was requisite. If ten minutes had not been required, five would have been required

on each. Twenty-three times ten is two hundred and thirty minutes. Twenty-three times five is a hundred and fifteen minutes.

Now, we are going to get twenty-three bridge bills through in forty minutes of debate, if all the time upon that side is consumed—and I take it for granted that it will not be—and if all the time on this side be consumed—and I take it for granted that it will not be—plus thirty-five minutes of time necessary to call the roll, making a total of seventy-five minutes, a saving, Mr. Speaker, of forty minutes of the people's time on one calculation and a hundred and fifty minutes of the people's time on another calculation. [Laughter.] Now, Mr. Speaker, I hope I will hear no more from the leader of the majority about our wasting the public time when we are expediting it in this remarkably expeditious manner. Not only that, but we have accomplished the same purpose in connection with pensions. We used to stand here and pass one little pension bill at a time, and now under this new régime you put them all in one, and we pass them after forty minutes' debate and thirty-five minutes of roll call. There never has been anything that hurried up public business equal to the mustard-plaster policy that has been applied to the Republican body politic by the Democratic party during this Congress.

Mr. GILLET. Will the gentleman from Mississippi permit a question?

Mr. WILLIAMS. If the gentleman wants to ask a question germane to the bill which I am discussing, I will be glad to answer.

Mr. GILLET. It is germane to your argument.

Mr. WILLIAMS. Of course the argument is germane to the bill.

Mr. GILLET. I want to ask the gentleman if he thinks this is a good way to legislate, to combine a great number of bills, so that if one vicious bill is there, you have got to vote down all the good bills in order to defeat that?

Mr. WILLIAMS. Mr. Speaker, I have been admonished by the leader of the Republican party on this floor and by the Speaker's rules deputy from Pennsylvania that the Democratic Representatives are not Members of the House except nominally, and that the Republican party is "responsible for all omissions and commissions." If this be a bad method of legislation, as the gentleman from Massachusetts would infer, then by the confession of the majority leader this is a Republican bad way of doing business. I am not at all responsible for it. The galled jade can wince, my withers are unwrung. Now, this morning, Mr. Speaker, the gentleman from New York [Mr. PAYNE] referred to my calling the roll upon motions to take a recess and upon motions to adjourn, and said the framers of the Constitution never had an idea that a man like that would be here!

When I first came to Washington as a Representative it was as a Member of the Fifty-third Congress, and the great Thomas B. Reed was minority leader at that time. He organized a real filibuster, not a movement like this. This movement is for the purpose of coercing the majority into legislating. But he organized a real filibuster—that is, to prevent the majority from doing anything, even routine business. And what do you reckon was the reason that he gave to the country for his filibuster? It was that he was going to force the Democratic majority to manacle the Republican minority, in order that he might be justified in history for having manacled the Democratic minority when he was Speaker! And day after day the roll was called upon the adoption of the Journal, upon every motion that was or could be made; unanimous consent was refused upon everything; the point of no quorum was made on every occasion. I just happened this morning to be reminiscing a bit, and, with the help of the gentleman from New York [Mr. FITZGERALD], I came on the proceedings of July 8, 1892, in the CONGRESSIONAL RECORD, page 5920, a yet earlier period than I have just referred to, and at that time the distinguished gentleman from New York [Mr. PAYNE] was not the Republican leader, but he was a distinguished man in the councils of the party and was doing their agreed work.

Upon that occasion a bill for the government of Utah was brought up, providing for the manner of electing delegates, and all that. When the bill was finally passed it was passed with only one vote in opposition. There sprang to his feet upon that occasion, when the motion was made by the gentleman from Tennessee [Mr. WASHINGTON] to suspend the rules and pass the bill, the gentleman from New York [Mr. PAYNE], and I find recorded:

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee had been recognized to make a motion to suspend the rules and pass the bill that he has indicated.

Mr. PAYNE. I supposed that the gentleman had made the motion, and it was pending.

Showing that he was not only frequent, but premature. Then the bill was read. Then the gentleman from New York [Mr. PAYNE] said:

Mr. Speaker, I make the motion that the House do now adjourn.

Who has heard me move "that the House do now adjourn?" Who has heard me make the point of no quorum? At that time Mr. PAYNE and other Republicans made it all the time, and the Republican leader announced that the "Democrats must keep a quorum here" themselves, as the Republicans were not going to help them do so.

We go on down in this pleasant history and find after the gentleman had made his motion to adjourn, and that motion had been defeated, the gentleman from New York [Mr. PAYNE] said:

I ask for a division.

The House divided, and there were—ayes 31, noes 134.

Mark the paucity of ayes! The gentleman said that he did not understand that the forefathers had "anticipated" me or anybody that would come to the House and call for the yeas and nays, and move divisions and tellers, except when they really did want them and had a large crowd of people behind them ready to enforce legislation or negation of legislation.

But *revenons à nos moutons*. After that announcement was made, of 31 to 134, the gentleman from New York [Mr. PAYNE], in his desire to accelerate the public business, arose and said:

I ask for tellers.

Tellers were refused, only 31 voting in favor thereof.

Mark once more the noble 31 only! But the gentleman from New York, who apparently also was not "anticipated" by the forefathers, upon a proposition where he could not even get tellers, much less the yeas and nays (and who has heard of my failing to get the yeas and nays when I asked for them this year?), the gentleman from New York, in those historic days, rose and said:

I ask for tellers.

They were refused—not a sufficient number.

Then he said:

I demand the yeas and nays.

Great Hercules! Think of it! The yeas and nays! The question was ordered on the yeas and nays and they were refused—not a sufficient number.

Then the gentleman from New York [Mr. PAYNE] arose—a much more replete and complete parliamentarian than I—and I find recorded:

Mr. PAYNE. I demand tellers on ordering the yeas and nays.

Who has heard me demand tellers on ordering the yeas and nays? And tellers were ordered on the question of ordering the yeas and nays, because there was a fair Speaker in the chair. And then:

The House divided, and the tellers reported—ayes 34, noes 158.

Then the gentleman from New York, in his great desire to accelerate and expedite public business and to prove that the forefathers had foreseen him as an expediter and accelerator, said:

I demand a second on the motion to suspend the rules.

Mr. Washington said:

I ask unanimous consent that a second may be considered as ordered.

And then objection was made.

Then the Speaker appointed tellers, the gentleman from New York being one of the tellers. Then the gentleman from New York said:

I ask that the gentleman from Iowa [Mr. Perkins] be substituted.

[Laughter.]

Why, he was so tired "expediting public business" that he had to get somebody else substituted for him to count as a teller. Who ever heard of my being tired of expediting public business to the point of physical exhaustion?

Mr. ADAMSON. I would like to know if that interesting record discloses anything that was ever said about dilatory?

Mr. WILLIAMS. It does not disclose that anything was said about "dilatory." But, Mr. Speaker, it is an old maxim that actions speak louder than words. Then I found that when the matter was finally voted upon—

Mr. AMES. Will the gentleman allow me?

Mr. WILLIAMS. I want to finish this branch of this very interesting story. I find there was one vote cast in the negative, and I presume, out of charity, it was the vote of the gentleman from New York. [Laughter and applause.] Now, I yield to the gentleman from Massachusetts.

Mr. AMES. Is there not a material difference between the position of the gentleman from New York at that time and the position of the gentleman from Mississippi at this time?

Mr. WILLIAMS. There was; thank God for the difference! I will tell you what the difference was.

Mr. AMES. Will you let me finish my question? Is there anything in the RECORD you allude to there which indicates that the gentleman from New York claimed that he was expediting public business?

Mr. WILLIAMS. Oh, now, Mr. Speaker, why it was not necessary for him to claim it then; he has claimed it, as his constant and chronic habit, only this morning; and it is the modern instance and not the ancient saw that has aroused my discursiveness. All this contention now is to show that nobody should ever do these things except when he wants to defeat a particular bill.

The gentleman says there is a difference. Yes; there is a difference. I am endeavoring and trying to rivet the attention of the country on the fact that I want to make the Republican majority pass legislation that not only we, but the majority of the American people and their own President—accidentally right—wants. [Laughter and loud applause on the Democratic side.] What was he engaged in? What was the great Thomas B. Reed engaged in during the Fifty-second and Fifty-third Congresses, followed by his lieutenants, the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL]? Oh, a puny effort, a spiteful effort with a senseless purpose—to make the majority manacle the minority, when he himself was in the minority. [Applause on the Democratic side.] And he succeeded to a very large extent.

He had, as Speaker, applied the so-called "Reed rules," throttling debate, and since that moment this House has never been a deliberative assembly. He announced to the Democrats, when they came into power, substantially this: "In order to prove to you that much of your criticism of me for throttling debate and preventing deliberation and manacling a minority are unjust, I am going to prove to the country that you can not do business without manacling us, and I am going to refuse all unanimous consents; I am going to call the roll whenever I can find occasion; I am going to make the point of no quorum every time I can; I am going to move to adjourn whenever the rules will allow it; I am going to move to take a recess whenever the rules will allow," and so forth, ad infinitum, on the adoption of the Journal, and so forth, and he did it all, until they were forced in a Democratic House to adopt in part, in part only, the gag rule for the origination of which [laughter and loud applause on the Republican side] the Republican party still applauds itself, strange to say. [Laughter and applause on the Democratic side.]

Why, Mr. Speaker, into what contempt has the American House of Representatives sunk! The Constitution speaks of three independent, coordinate, separate branches, and then refers to the executive, the judiciary, and the legislative. Do you know what the three separate, independent, and coordinate branches are now? The executive, the judiciary, and the Senate of the United States. [Applause on the Democratic side.] What do you amount to over there, either one of you Republicans, individually? [Laughter.]

Mr. GREENE. What do you amount to?

Mr. WILLIAMS. What do I amount to? I confess I amount to nothing, politically and personally, but, then, I am a member of the minority party; but what do you individually amount to, any one of you, in the matter of legislation? [Applause on the Democratic side.]

Why, you have got to the point of actually being afraid to sign a respectful request to your own Speaker to recognize somebody to ask consideration of legislation that you yourselves are in favor of. Deny it if you dare, and I will prove it on you. You dare not indite a note to him of the most respectful and polite character without having previously obtained his consent. [Applause on the Democratic side.] You have got to the point where you introduce bills to do things; you make speeches in favor of doing them, and you dare not address a billet-doux to the Speaker asking him for a chance to vote on them. You dare not lovingly write:

DEAR MR. SPEAKER: I most respectfully and humbly and considerably request that you will permit consideration by the House of H. R. —, introduced by me.

You are going to the country that way, too, are not you? Why, Mr. Speaker, somebody stepped across the aisle this morning and said I had made a humorous speech. I have not made any humorous speech. My speeches have all had a serious purpose. The only humorous thing about these little lectures that I have been delivering is the perplexed gravity with which they are received by the gentleman from New York [Mr. PAYNE]. [Laughter.] The only man who has been physician enough to successfully diagnose your case is the gentleman from Washington [Mr. CUSHMAN], when he said that we were giv-



ing you "mustard-seed politics." We are putting a blister upon you every day that brings a boil unless you assert your individual independence as Representatives sufficiently at least to have the courage to make a request of your own Speaker without previously getting his consent to make the request; then have the modesty and sense of eternal fitness to resign as Members of the House. [Applause on the Democratic side.]

The gentleman from Washington has diagnosed it right. It is mustard-plaster politics, and it is not bringing any blisters over here. The blisters are over there. You say it is puerile; you say it is silly; you say that there is no sense in it; you say it is childish; you say it is vaudeville. Well, then, why do you not laugh. What makes you so infernally serious about it? [Laughter on the Democratic side.] And why do you not do something? You are going to the country after a while and tell them that I "would not let you pass important and popular measures," when I am standing here every day pleading and praying with you that you will legislate. Why, I would pray literally to the Higher Power that you might do something, except for my recollection of the fact that the Bible says that "the prayer of the righteous man availeth much," and I am afraid that my prayer would not, because I can not class myself that way. But just a few of you that introduced free wood-pulp bills—just a few of you that introduced campaign contribution publicity bills, get up a few little notes and send them in to the Speaker; our petition he already has. Dare you add yours? [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. TOWNSEND. Mr. Speaker, I have been entertained on various occasions by the endeavors of the gentleman from Mississippi to apologize for the filibustering course that he has pursued up to date. He never neglects any opportunity of trying to explain himself, and I do not blame him, because I understand some of the trials that he has been undergoing, brought about by the dissatisfaction on his own side, at the senseless policy which he has pursued in this filibuster. [Applause on the Republican side.]

He ought to have gone further in his mathematics to-day, when he was demonstrating how much time he had saved to the House by bringing about a condition which he himself has condemned so many times on the floor, viz., the passage of legislation without giving anyone an opportunity to express himself on the measure. He ought to have gone further and shown that he has saved this House from the Democratic party, as led by the gentleman from Mississippi, from twenty-three roll calls on this bill, which would have aggregated something like eight hundred and five minutes, or eleven hours and a half. He would have imposed upon the House for eleven and one-half hours on such calls could he have had his way and the Republican Rules Committee had not presented the rule for the purpose of allowing us to do business.

Mr. WILLIAMS. Do not you think that before they got through with those roll calls they would have brought in some of this legislation that you and I want, and then I would have stopped?

Mr. TOWNSEND. It is also amusing to me, Mr. Speaker, to notice the audacity (I think perhaps that is the proper word) which the gentleman displays on every occasion when he states what he and his party are proposing to bring to the attention of the majority, certain measures of legislation, nearly all of which, all the sane parts of which, had been presented here from Republican sources, and that part of it which has been reached would have been reached in the orderly procedure of the business of the House.

Now, Mr. Speaker, there have been times when I have become impatient at the action of the House in not doing things which to me seemed necessary.

Yet I have learned since I have been a member of this House that all legislation should be given careful and most considerate attention. I now would like to have certain measures brought up. I am not charging anyone with bad faith because I can not have my way about everything. But I submit, Mr. Speaker, that when the record of this session of the Sixtieth Congress shall have been completed, the Republican party can go before the country with the statement of things done which will redound to the credit of the majority party that has had control of this Sixtieth Congress. [Applause on the Republican side.]

I wish to say further, Mr. Speaker, that this House and the country is not going to be deceived by the statements of gentlemen who are at this time advocating legislation which, if they were in the majority, they would not dare to present. [Applause on the Republican side.] The country should be thankful sometimes for failure of Congress to pass certain proposed bills. It is an easy thing for gentlemen to find fault; it is an easy thing for gentlemen not charged with responsibility to

criticise; it is quite a different thing to take charge of positive legislation and carry it to completion.

Mr. SHERLEY. Will the gentleman yield?

Mr. TOWNSEND. I do not wish to yield, because I do not wish to carry on this controversy any further.

Mr. SHERLEY. Will the gentleman enumerate the legislation urged by us and which we would not stand for?

Mr. TOWNSEND. I will take this time to say that you will have an opportunity, as I understand it, to-morrow afternoon to present certain amendments to the currency bill, to present your notions of what you want enacted into law, and I want to see you do it. Instead of advocating your opposition and saying, "We oppose the Republican bill," present a positive scheme that you are willing to stand for and go before the country upon.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. TOWNSEND. I do not want to be interrupted, for I do not want to enter into a controversy that I did not introduce in the House. This discussion was injected not by any desire of mine.

I had not expected to say a word, but I would suggest to the gentleman from Mississippi and to the House that there are certain methods of reform, certain methods for expediting business which would expedite and which could be adopted. One of them is the policy of discussing the questions before the House, instead of giving gentleman an opportunity to exploit themselves before the country on every possible occasion. [Applause on the Republican side.]

Mr. WILLIAMS. How are we going to discuss a question if you will not let it come before the House?

Mr. TOWNSEND. This bill is before the House, and I apologize for occupying any of the attention of the House in discussing any matter not germane to it. This is a bill which, I take it, everybody is going to vote for, and yet, under the filibuster inaugurated by the gentleman from Mississippi and persisted in by him, we will have to take thirty-five minutes to pass it, and I call for a vote.

The SPEAKER pro tempore (Mr. OLMSTED). The question is on suspending the rules and passing the bill.

Mr. ADAMSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 228, nays 2, answered "present" 10, not voting 147, as follows:

## YEAS—228.

Adair	Douglas	Hollday	Murdock
Adamson	Draper	Houston	Nelson
Aiken	Driscoll	Howard	Nicholls
Alexander, Mo.	Ellerbe	Howell, N. J.	Nye
Alexander, N. Y.	Ellis, Mo.	Howell, Utah	O'Connell
Allen	Ellis, Oreg.	Hubbard, Iowa	Olcott
Ames	Englebright	Huff	Olmsted
Andrus	Fairchild	Hughes, N. J.	Padgett
Ansberry	Favrot	Hull, Iowa	Page
Anthony	Ferris	Hull, Tenn.	Parsons
Ashbrook	Floyd	James, Addison D.	Patterson
Bannon	Focht	James, Ollie M.	Payne
Barchfeld	Fornes	Jenkins	Perkins
Bartholdt	Foster, Ill.	Johnson, Ky.	Pou
Bartlett, Nev.	Foster, Vt.	Johnson, S. C.	Pray
Bates	Foulkrod	Jones, Va.	Prince
Beall, Tex.	Fowler	Jones, Wash.	Pujo
Beede	French	Kahn	Rainey
Bell, Ga.	Fuller	Kelher	Randell, Tex.
Bonyng	Fulton	Kennedy, Iowa	Rauch
Booher	Gaines, W. Va.	Kimball	Rhinock
Bowers	Gardner, Mich.	Kitchin, Claude	Robinson
Boyd	Gardner, N. J.	Knapp	Rodenberg
Bradley	Garner	Knopf	Rothemel
Bradley	Garrett	Knowland	Rucker
Broadhead	Gilhams	Lafane	Russell, Mo.
Brundidge	Gill	Lamb	Russell, Tex.
Burgess	Gillespie	Landis	Sabath
Burke	Gillett	Langley	Scott
Burleigh	Godwin	Lassiter	Shackelford
Burleson	Goebel	Lawrence	Sheppard
Burnett	Gordon	Lee	Sherley
Burton, Del.	Goulden	Lever	Sherwood
Calder	Graft	Lindbergh	Slayden
Calderhead	Graham	Lindsay	Stemp
Caldwell	Granger	Lloyd	Smith, Cal.
Candler	Greene	Longworth	Smith, Mo.
Capron	Hackett	Lorimer	Sparkman
Carter	Hackney	Loud	Sperry
Caulfield	Hale	Lovering	Spight
Chaney	Hall	McCall	Stanley
Chapman	Hamill	McDermott	Stephens, Tex.
Clark, Mo.	Hamilton, Iowa	McGuire	Sterling
Clayton	Hamlin	McHenry	Sulloway
Cockran	Hardy	McKinlay, Cal.	Sulzer
Cole	Harrison	McKinley, Ill.	Tirrell
Cook, Pa.	Haskins	McKinney	Tou Velie
Cooper, Tex.	Haugen	McLachlan, Cal.	Townsend
Cox, Ind.	Hawley	McLaughlin, Mich.	Volstead
Craig	Hay	Macon	Waldo
Currier	Hayes	Madden	Wallace
Cushman	Heidin	Malby	Wanger
Davenport	Helm	Maynard	Washburn
Davis, Minn.	Henry, Tex.	Mondell	Williams
Dawson	Higgins	Moon, Tenn.	Wilson, Ill.
Denver	Hill, Miss.	Moore, Tex.	Wood
Dixon	Hinsaw	Morse	Woodyard

## NAYS—2.

De Armond Fitzgerald  
ANSWERED "PRESENT"—10.

Boutell Griggs Legare Watkins  
Brownlow Haggott McMorran  
Butler Hill, Conn. Roberts

## NOT VOTING—147.

Acheson	Edwards, Ky.	Law	Richardson
Barclay	Esch	Leake	Riordan
Bartlett, Ga.	Fassett	Lenahan	Ryan
Beale, Pa.	Finley	Lewis	Saunders
Bennet, N. Y.	Flood	Lilley	Sherman
Bennett, Ky.	Fordney	Littlefield	Sims
Bingham	Foss	Livingston	Small
Birdsall	Foster, Ind.	Loudenslager	Smith, Iowa
Broussard	Gaines, Tenn.	Lowden	Smith, Mich.
Brumm	Gardner, Mass.	McCreary	Smith, Tex.
Burton, Ohio	Glass	McGavin	Snapp
Byrd	Goldfogle	McLain	Southwick
Campbell	Gregg	McMillan	Stafford
Carlin	Grona	Madison	Steenerson
Cary	Hamilton, Mich.	Mann	Stevens, Minn.
Clark, Fla.	Hammond	Marshall	Sturgiss
Cocks, N. Y.	Harding	Miller	Talbott
Conner	Hardwick	Moon, Pa.	Tawney
Cook, Colo.	Henry, Conn.	Moore, Pa.	Taylor, Ala.
Cooper, Pa.	Hepburn	Mouser	Thayer, Ohio
Cooper, Wis.	Hitchcock	Mudd	Thistlewood
Coudrey	Hobson	Murphy	Thomas, N. C.
Cousins	Howland	Needham	Thomas, Ohio
Cravens	Hubbard, W. Va.	Norris	Underwood
Crawford	Hughes, W. Va.	Overstreet	Vreeland
Crumpacker	Humphrey, Wash.	Parker, N. J.	Watson
Dalzell	Humphreys, Miss.	Parker, S. Dak.	Webb
Darragh	Jackson	Pearre	Weeks
Davey, La.	Keller	Peters	Weems
Davidson	Kennedy, Ohio	Pollard	Weisse
Dawes	Kinkaid	Porter	Wheeler
Denby	Kipp	Powers	Wiley
Diekema	Kitchin, Wm. W.	Pratt	Willett
Dunwell	Küstermann	Ransdell, La.	Wilson, Pa.
Durey	Lamar, Fla.	Reeder	Wolf
Dwight	Lamar, Mo.	Reid	Young
Edwards, Ga.	Laning	Reynolds	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TAYLOR of Ohio with Mr. UNDERWOOD.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. SMITH of Iowa with Mr. McLAIN.

Mr. HENRY of Connecticut with Mr. KIPP.

Mr. FASSETT with Mr. RYAN.

Mr. DALZELL with Mr. SIMS.

Mr. CRUMPACKER with Mr. FINLEY.

Mr. LOWDEN with Mr. LEGARE.

Mr. HUBBARD of West Virginia with Mr. HITCHCOCK.

Mr. FOSS with Mr. GREGG.

The result of the vote was announced as above recorded.

## INTERNATIONAL EXPOSITION, TOKYO.

Mr. RODENBERG. Mr. Speaker, I ask unanimous consent that the bill (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, be recommitted to the House Committee on Industrial Arts and Expositions.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill referred to be recommitted to the House Committee on Industrial Arts and Expositions. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

## WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. RUSSELL of Missouri to withdraw from the files of the House without leaving copies, the papers in the case of John J. James (H. R. 7769) Fifty-third Congress, no adverse report having been made thereon.

## ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20471. An act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes; and

H. R. 3610. An act granting a pension to James M. Fitch.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 652. An act to create the office of captain in the Philippine Scouts.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CHOCKETT, it reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30,

1909, disagreed to by the House of Representatives had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. DOLLIVER, and Mr. MONEY as the conferees on the part of the Senate.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BARTLETT of Georgia, indefinitely, on account of important business.

## REIMBURSING INDIANS FOR CUTTING OF TIMBER.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 421) to pay allottees to whom lands have been patented under the act of February 8, 1887, entitled "An act to provide for the allotment of lands to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," as amended by the act of February 28, 1891, the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof, as amended by the committee, which I send to the desk and ask to have read.

The Clerk read as follows:

A bill (H. R. 421) to pay allottees to whom lands have been patented under the act of February 8, 1887, entitled "An act to provide for the allotment of lands to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," as amended by the act of February 28, 1891, the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof.

Be it enacted, etc., That where any money has been, or shall hereafter be, paid into the Treasury of the United States for or on account of the sale, cutting, or removal of timber from, or for any damages to, lands held by any allottee under a trust patent containing restrictions on alienation that such money be paid by the Treasurer of the United States unto said allottee, his heirs or assigns; that the Commissioner of Indian Affairs make a list of said allottees, showing their names and the tribe or band to which they belong and the lands patented to each and the amounts paid in as aforesaid, which list shall be prima facie evidence of the amounts to be paid to said allottees, respectively.

SEC. 2. That upon application, by petition and proof of the identity, of any of said allottees, and also of the assignment of his claim to any of said moneys in case of an assignment thereof, and of heirship in case of his death, by affidavit of the claimant, or of one having knowledge of the facts, and upon the request of the Secretary of the Interior, the Treasurer of the United States shall pay unto the claimant, or his guardian, if a minor, the amount which should be paid to the allottee as shown by said list.

SEC. 3. That there is hereby appropriated, out of the moneys in the Treasury of the United States not otherwise appropriated, a sufficient sum of money to pay each and all of said claimants.

Amend the title so as to read: "A bill to pay allottees the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof."

Mr. STEPHENS of Texas. Mr. Speaker, I demand a second. The SPEAKER. Under the rule, a second is ordered. The gentleman from Wisconsin is entitled to twenty minutes and the gentleman from Texas to twenty minutes.

Mr. JENKINS. Mr. Speaker, this bill simply provides that the Secretary of the Interior shall, upon due application, pay to certain Indians named in the bill money belonging to them realized out of the sale of their timber before they became entitled to patents. There was some damage done to their lands and to their timber, and it was determined by the Department of the Interior that until they obtained their patents the money should be held in trust by the Government. In each case the patent has been issued on the allotments. The Indians now are the owners of the land and in possession, and they are now asking that this money be refunded to them.

Mr. SULZER. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. SULZER. How much, all told, of this money will these Indians get?

Mr. JENKINS. I am unable to tell the gentleman, because it is a matter of estimate. It depends upon the quantity of their timber that was cut in each case.

Mr. SULZER. How much will the lawyers get?

Mr. JENKINS. I do not know anything about it. I do not know that there will be any lawyer in the case. I have not any advice that there will be.

Mr. SULZER. I understand the lawyers will get most of this money instead of the Indians.

Mr. JENKINS. I will say to the gentleman from New York, Mr. Speaker, that I do not know why any lawyer would be expected to get anything out of it, because the Indian applies to the Secretary of the Interior and the Secretary of the Interior will pay him according to the estimates of the timber that was cut and sold.



Mr. SULZER. Has the gentleman from Wisconsin any knowledge of how much money is now in the Treasury Department belonging to these Indians?

Mr. JENKINS. No; I can not answer the gentleman.

Mr. FITZGERALD. May I ask the gentleman a question? This provides that no assignee of these Indians can patent and receive this money. What provision is there in this bill to protect the Indian against an improvident assignment made before patent is issued to him?

Mr. JENKINS. That would be taken care of under the general law. It would be the duty of the Secretary of the Interior to look after the rights of the Indians because the bill was amended to provide that the application for this money should be made to the Secretary of the Interior and it can only be paid out on such application.

Mr. FITZGERALD. But there is nothing in this bill that protects the Indian against an improvident assignment made before the patent was issued to him.

Mr. STEPHENS of Texas. It is made the duty of the Secretary of the Interior—

Mr. FITZGERALD. This bill does not protect them, this bill provides for the payment of these moneys upon petition. The invariable practice has been to protect the Indian against improvident assignment made prior to the passage of the act, or even made after the passage of such act—

Mr. JENKINS. I will say to the gentleman from New York, in reply to his question, that the Indian would be protected under the general provisions of the law, because no assignment would be valid without the approval of the Secretary of the Interior, but I do not know that any assignments have ever been made. I have not been advised.

Mr. FITZGERALD. I dislike to question the accuracy of the gentleman's statement, but I doubt very much if, under the general law to-day, there is any statute that makes it impossible, if an assignment has been made but not proved, for the assignee to collect this money.

Mr. STEPHENS of Texas. The provisions of section 2 of the bill—

Mr. FITZGERALD. Does the gentleman know of any section of the bill which takes care of that?

Mr. STEPHENS of Texas. If the gentleman will look at lines 16 and 17, page 2, of the bill, he will see the Indian is amply protected.

By affidavit of the claimant, or one having knowledge of the facts, and upon the request of the Secretary of the Interior.

We put that in there so the Secretary of the Interior must pass upon it.

Mr. FITZGERALD. That may be true, but if the assignment has been made by the Indian, the assignee, having knowledge of the fact, can make affidavit.

Mr. STEPHENS of Texas. But that is passed on by the Secretary of the Interior. He has the rights of a judge and passes upon these matters on behalf of the Indian. He is the judge and passes upon it, and after he passes upon it and finds the transfer is correct he orders the Treasurer to pay the money.

Mr. FITZGERALD. That may be the gentleman's opinion, but that is not what this bill provides.

Mr. STEPHENS of Texas. That is what it says.

Mr. FITZGERALD. No, it does not.

Mr. JENKINS. Mr. Speaker, this bill was submitted to the Secretary of the Interior and, as the report shows, it is approved by the Secretary of the Interior, and the committee amended this bill to meet the identical question suggested by the gentleman from New York. The amendment was made by the committee, and as far as I am concerned, these Indians living in my district, I would be perfectly willing to make any amendment to it, if it were possible to have it done, giving ample protection to see that no Indian was wronged by any assignment he has made heretofore. I know I state accurately when I state that the assignment would not be accepted without the approval of the Secretary of the Interior, and the matter is entirely under the control of the Interior Department. I do not think the gentleman from New York is any more interested in protecting these Indians than I am.

Mr. FITZGERALD. Outside of the Indians of the gentleman's district, of course this will affect the Chippewa Indians in Minnesota, where the value of the timber on their land is priceless, estimated to be worth from \$6,000,000 to \$20,000,000, depending entirely upon the interest the estimator had either in getting their timber for himself or money for the Indians.

Mr. JENKINS. It was the opinion of the committee, I will say to my friend from New York, that this amendment would make it entirely safe for the Indians, and yet I do not think it ever suggested itself to any gentleman—

Mr. SULZER. Does the gentleman know how many of these Indians have assigned their claims?

Mr. JENKINS. I have not any knowledge.

Mr. SULZER. Why is it, then, provided for in the bill? Section 2 of the bill provides:

And also of the assignment of his claim to any of said moneys in case of an assignment thereof.

Mr. JENKINS. Well, I can not answer the question.

Mr. FITZGERALD. Can the gentleman tell how any question of damage to the Indian lands is to be determined by which the people of the United States can make payment?

Mr. STEPHENS of Texas. Where is that in the bill?

Mr. FITZGERALD. It says for any damages to the land of any allottee.

Mr. STEPHENS of Texas. That is in reference to the timber that has been taken off the land and the money covered into the United States Treasury. The Indians can not get it out without this bill, and what objection has the gentleman to the Secretary taking the money out of the Treasury of the United States and paying it to the Indians?

Mr. FITZGERALD. It not only pays them for the timber, but it pays them for damages resulting from taking the timber. The bill is clear on that in line 5, page 1.

Mr. HACKNEY. If the money has been paid into the Treasury for the Indian allottee, ought he not to have that money, whatever the source from which it came? If it came to him as damages and was paid in for his use, why should he not have the money?

Mr. SULZER. Can the gentleman tell us how much money belonging to the Indians has been covered into the United States Treasury?

Mr. HACKNEY. Mr. Speaker, in answer to that question I will say that I have not gone into the amount. If there is 1 Indian or 100 Indians or 1,000 Indians or 100,000, it would make no difference. This bill is to pay to the man who is entitled to the money the damages conceded by some one to have accrued on account of a trespass on these lands, or the taking of timber, or things of that kind. That money has been paid into the Treasury and is held there with no authority to pay it to the party who is entitled to receive it.

Mr. SULZER. That money is to be paid to the Indian or his assignee or his heirs?

Mr. HACKNEY. Yes, sir.

Mr. SULZER. How many of these Indians have assigned their claims?

Mr. HACKNEY. I have not gone into that. It makes no difference whether it is one or a dozen, a hundred or a thousand. I do not know how many they are, and whether there are any of them or not; the assignee is entitled to the property. The money is in the Treasury and doing nobody any good.

Mr. SULZER. How much money?

Mr. HACKNEY. I have not looked it up to see, but it makes no difference whether it is a large or a small amount. Whatever it may be, they ought to have it, and not the Treasury. This bill safeguards every right.

Mr. JENKINS. If the gentleman from New York [Mr. SULZER] desires the information, I will say that the report of the committee and the letter of the Secretary shows that these allottees are clearly entitled to this money.

Mr. SULZER. I am informed that these allottees will get very little of this money.

Mr. JENKINS. I do not know where the gentleman gets his information. If he will tell us we will know whether we can rely upon it.

Mr. SULZER. I wanted the information from the gentleman who has charge of the bill, but it is apparent I can not get it.

Mr. JENKINS. The gentleman says he is already informed. Where does the gentleman from New York get his information?

Mr. SULZER. I get my information from various sources. Now, I want the gentleman to give me some information if he can. If he can not, of course I have got to rely upon the information I already possess.

Mr. JENKINS. I very seriously question whether the gentleman from New York has got any information on the subject.

Mr. SULZER. I understand that nearly all of this money has been assigned to speculators and brokers here in Washington, who have been trying all winter to get this bill reported.

Mr. JENKINS. I will say to the gentleman from New York that no gentleman was ever more mistaken than the gentleman in charging—and I trust he will not go away, as I want him to hear what I say. Now, there has never been a gentleman in Washington who approached the committee or any member of the committee or myself with reference to this matter. The Indians who are interested themselves agreed upon as reputable a man as ever lived—and the only thing that could ever be said

against him is that he is one of the leading Democrats of our State—to represent them, and draft this bill to make a refund to them of this money.

I want the gentleman to state upon what authority he undertakes to tell this House that lawyers of Washington have been up here lobbying in behalf of this bill, because I say again that no gentleman in Washington has ever made any move or rendered any assistance to get this bill passed.

Mr. SULZER. I would like to know whether this bill was unanimously reported.

Mr. JENKINS. This bill was unanimously reported from the Committee on Indian Affairs, and they had had it a long time; and no stronger approval can be given in behalf of this bill than the letter of the Secretary of the Interior, who very carefully considered it.

Mr. SULZER. I understand that letter was written by the Assistant Secretary.

Mr. JENKINS. It makes no difference to me; I will not be benefited; no friend of mine will be benefited; I do not believe any living man will be benefited except the Indians, and I think it is hardly fair under the circumstances to undertake to prejudice the passage of a bill of as much importance as this for these Indians by saying that the lawyers of Washington have been up here lobbying and proposing to divide this money and get the greater portion of it.

Mr. SULZER. I am trying to get information, but I can not get any.

Mr. JENKINS. I am not to blame for that. It is just as the gentleman from Missouri has so properly and aptly said, that it makes no difference how many Indians or how much money there is involved. This is a case where the Indians were the owners of the timber and land, and when the timber was sold the proceeds were turned over to the Government, and that money is in the hands of the Government, held in trust for the Indians, and it is nothing but right that it should be turned over to them.

Mr. CARTER. What particular tribe of Indians does this affect—all Indians?

Mr. JENKINS. I will look at the bill and will see for the gentleman from Oklahoma.

Mr. SULZER. It affects all the Indians.

Mr. CARTER. Possibly the gentleman from New York is laboring under a misapprehension. The bill does not in any manner affect the tribe of Tammany in his district.

Mr. SULZER. They have no money in the Treasury.

Mr. JENKINS. I will say to my friend from Oklahoma, in order to get along with my friend, I will consent to eliminate the Tammany Indians.

Mr. SULZER. This bill will not affect the Tammany Indians; they have no timber land; all they have are their principles. [Laughter.]

Mr. JENKINS. I will ask the gentleman from Texas to use a portion of his time.

Mr. STEPHENS of Texas. This bill is for the purpose of giving relief to the Indians of the La Ponte Reservation in Wisconsin, who have large tracts of lands covered with pine timber. The United States Government, through the Indian agents in that country, permitted the sawmill men to purchase from these Indians all the timber that was dead and down and the mature timber on their lands and saw it up into lumber. Having sold the timber, the amount of money was put into the United States Treasury for the benefit of the Indians. There is no law now by which this money can be appropriated to the Indians entitled to it. Had the land never been segregated and allotted to the individual Indians, the Secretary of the Interior could have transferred the funds to the Indian tribes as tribal funds in a lump sum; but virtually all these lands were allotted to and in the hands of individual Indians. Now, this bill provides that there shall be a roll made by the Interior Department, showing which of these Indians were entitled to the money due for lumber that grew on their land, and the amount that is coming to each of them. It also authorizes the Secretary of the Interior to have the money paid separately to each Indian by the Treasurer of the United States. That is all there is in this bill, and the money is already in the Treasury, is due to the Indians, and should be paid to them; therefore the bill should pass.

Mr. SHERWOOD. Will the gentleman from Texas please state how much money will have to be paid out to these Indians under the provisions of this bill?

Mr. STEPHENS of Texas. It is impossible for me to state, not having the figures before me. There are several hundred Indians on that reservation. There was no estimate made of the amount of money coming to them to the committee, but, as the gentleman from Missouri [Mr. HACKNEY] has stated, that

makes no difference. The principle is the same. The money belongs to these Indians. They are the wards of the Government, and it is the duty of the Secretary of the Interior to pay the money over to them, belonging to them for lumber cut off their lands and now in the United States Treasury. There has been no attorney or agent or anyone else before the Committee on Indian Affairs with reference to this matter, so far as I know, and, as the gentleman from Wisconsin, Judge JENKINS, has so well said, nothing of that kind was mentioned or even thought of when we reported the bill. It was first thought of by the Tammany chieftain [Mr. SULZER], and I do not think in this matter the House should follow his counsel and advice. The Indians affected by this are the La Fonda Indians, on the reservation in the district of my friend, the gentleman from Wisconsin [Mr. JENKINS], who is personally and perfectly familiar with the Indians and the necessity for paying them for their timber.

Mr. JENKINS. Mr. Speaker, as no gentleman seems to desire to discuss the bill further, I ask for a vote.

The SPEAKER. As many as favor the motion will say "aye;" as many as are opposed will say "no." [The question being taken.] The "ayes" seem to have it.

Mr. CLARK of Missouri. The yeas and nays!

Mr. DALZELL. Mr. Speaker, pending that I move that the House take a recess until 11:30 o'clock to-morrow morning.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Ought not the yeas and nays to be ordered first?

The SPEAKER. It is in order to take a recess pending the demand for the yeas and nays.

Mr. CLARK of Missouri. All right.

Mr. FITZGERALD. Is not this a motion to suspend all the rules, including the rule making the motion for a recess, a highly privileged motion?

Mr. CLARK of Missouri. It seems to me that the proper thing is to order the yeas and nays, and then let the motion of the gentleman from Pennsylvania intervene.

The SPEAKER. Well, it seems to suit the brethren. As many as are in favor of ordering the yeas and nays will rise.

The yeas and nays were ordered.

Mr. DALZELL. Now, Mr. Speaker, I renew my motion.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry for information. What is the motion?

Mr. DALZELL. To take a recess.

The SPEAKER. To take a recess until to-morrow morning at 11:30 o'clock.

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 126, nays 103, answered "present" 10, not voting 148, as follows:

## YEAS—126.

Adair	Draper	Hull, Iowa	Overstreet
Alexander, N. Y.	Ellis, Mo.	James, Addison D.	Parker, N. J.
Allen	Ellis, Oreg.	Jenkins	Parsons
Ames	Englebright	Jones, Wash.	Payne
Andrus	Fairchild	Kahn	Perkins
Bannon	Fassett	Kennedy, Iowa	Pollard
Barchfeld	Focht	Kinkaid	Pray
Bartholdt	Foulkrod	Küstermann	Rodenberg
Bede	French	Lafean	Scott
Bennet, N. Y.	Fuller	Landis	Slemp
Bonyuge	Gardner, Mich.	Lanling	Smith, Cal.
Burleigh	Gardner, N. J.	Lawrence	Smith, Mich.
Burton, Ohio	Gilham	Lindbergh	Southwick
Calder	Gillett	Littlefield	Sperry
Calderhead	Goebel	Lorimer	Stafford
Capron	Graft	Loudenslager	Steenerson
Caulfield	Graham	Lovering	Sterling
Chaney	Greene	McCall	Sulloway
Chapman	Hale	McGavin	Tawney
Cole	Haskins	McKinlay, Cal.	Taylor, Ohio
Conner	Haugen	McKinley, Ill.	Thomas, Ohio
Cook, Colo.	Hawley	McMorran	Tirrell
Cooper, Wla.	Hayes	Moon, Pa.	Volstead
Crumpacker	Henry, Conn.	Mouser	Vreeland
Currier	Higgins	Murdock	Waldo
Cushman	Hinshaw	Needham	Wanger
Dalzell	Holliday	Nelson	Washburn
Davenport	Howell, N. J.	Norris	Watson
Davis, Minn.	Howland	Nye	Wood
Dawson	Hubbard, Iowa	Olcott	Woodyard
Denby	Hubbard, W. Va.	Olsted	
Douglas	Huff		

## NAYS—103.

Adamson	Bell, Ga.	Burleson	Cooper, Tex.
Aiken	Booher	Burnett	Cox, Ind.
Alexander, Mo.	Bowers	Caldwell	Craig
Ansberry	Brantley	Candler	De Armond
Ashbrook	Brodhead	Carter	Denver
Bartlett, Nev.	Brundidge	Clark, Mo.	Dixon
Beall, Tex.	Burgess	Cockran	Ellerbe



Ferris  
Finley  
Fitzgerald  
Floyd  
Fornes  
Fulton  
Garner  
Gill  
Godwin  
Gordon  
Goulden  
Graeger  
Gregg  
Hackney  
Hamill  
Hamilton, Iowa  
Hamlin  
Hardy  
Harrison

Hay  
Hella  
Helm  
Henry, Tex.  
Hill, Miss.  
Houston  
Hull, Tenn.  
James, Ollie M.  
Johnson, Ky.  
Johnson, S. C.  
Jones, Va.  
Keither  
Kipp  
Kitchin, Claude  
Lassiter  
Lee  
Lever  
Lindsay  
Lloyd

McDermott  
McHenry  
Macon  
Moon, Tenn.  
Moore, Tex.  
Nicholls  
O'Connell  
Padgett  
Page  
Patterson  
Pou  
Pujo  
Rainey  
Randell, Tex.  
Rauch  
Rhinoek  
Richardson  
Robinson  
Rothermel

Rucker  
Russell, Mo.  
Russell, Tex.  
Sabath  
Shackelford  
Sheppard  
Sherley  
Sherwood  
Slayden  
Smith, Mo.  
Spight  
Stanley  
Stephens, Tex.  
Sulzer  
Taylor, Ala.  
Tou Velle  
Wallace  
Williams

## ANSWERED "PRESENT"—10.

Bradley  
Brownlow  
Butler

Cooper, Pa.  
Foster, Ill.  
Haggott

Hill, Conn.  
Roberts  
Small

Watkins

## NOT VOTING—148.

Acheson  
Anthony  
Barclay  
Bartlett, Ga.  
Bates  
Beale, Pa.  
Bennett, Ky.  
Bingham  
Birdsall  
Boutell  
Boyd  
Broussard  
Brumm  
Burke  
Burton, Del.  
Byrd  
Campbell  
Carlin  
Cary  
Clark, Fla.  
Clayton  
Cocks, N. Y.  
Cook, Pa.  
Coudrey  
Cousins  
Cravens  
Crawford  
Darragh  
Daver, La.  
Davidson  
Dawes  
Diekema  
Driscoll  
Dunwell  
Durey  
Dwight  
Edwards, Ga.

Edwards, Ky.  
Esch  
Favrot  
Flood  
Fordney  
Foss  
Foster, Ind.  
Foster, Vt.  
Fowler  
Gaines, Tenn.  
Gaines, W. Va.  
Gardner, Mass.  
Garrett  
Gillespie  
Glas  
Goldfogle  
Griggs  
Gronna  
Hackett  
Hall  
Hamilton, Mich.  
Hammond  
Harding  
Hardwick  
Hepburn  
Hitchcock  
Hobson  
Howard  
Howell, Utah  
Hughes, N. J.  
Hughes, W. Va.  
Humphrey, Wash.  
Humphreys, Miss.  
Jackson  
Keifer  
Kennedy, Ohio  
Kimball

Kitchin, Wm. W.  
Knapp  
Knopf  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Lamb  
Langley  
Law  
Leake  
Legare  
Lenahan  
Lewis  
Lilley  
Livingston  
Longworth  
Loud  
Lowden  
McCreary  
McGuire  
McLachlan, Cal.  
McLain  
McLaughlin, Mich.  
McMillan  
Madden  
Madison  
Malby  
Mann  
Marshall  
Maynard  
Miller  
Mondell  
Moore, Pa.  
Morse  
Mudd  
Murphy  
Parker, S. Dak.

Pearre  
Peters  
Porter  
Powers  
Pratt  
Prince  
Ransdell, La.  
Reeder  
Reid  
Reynolds  
Riordan  
Ryan  
Saunders  
Sherman  
Sims  
Smith, Iowa  
Smith, Tex.  
Snapp  
Sparkman  
Stevens, Minn.  
Sturgiss  
Talbot  
Thistlewood  
Thomas, N. C.  
Townsend  
Underwood  
Webb  
Weeks  
Weems  
Wells  
Wheeler  
Wiley  
Willett  
Wilson, Ill.  
Wilson, Pa.  
Wolf  
Young

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7701) to provide for an additional associate justice of the supreme court of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 1644), which said bill and report were referred to the House Calendar.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5038) for the relief of the White River Utes, the Southern Utes, the Uncompagre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederate bands of Ute Indians of Colorado, reported the same with amendments, accompanied by a report (No. 1645), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASKINS, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 21847) to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same, reported the same without amendment, accompanied by a report (No. 1648), which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4737) to correct the military record of John B. Ford, reported the same without amendment, accompanied by a report (No. 1647), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VREELAND: A bill (H. R. 21871) to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. CRAIG: A bill (H. R. 21872) to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same—to the Committee on Agriculture.

By Mr. MONDELL: A bill (H. R. 21873) to define the manner in which public lands containing valuable deposits of phosphate and phosphate rock may be acquired—to the Committee on the Public Lands.

By Mr. BRADLEY: A bill (H. R. 21874) to amend an act entitled "An act making appropriations for construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 2, 1907—to the Committee on Rivers and Harbors.

By Mr. HULL of Iowa, from the Committee on Military Affairs: A bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. CUSHMAN: A bill (H. R. 21876) for the relief of the Alaska Terminal and Navigation Company—to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 21877) to provide for obtaining certain information relative to the White Mountain, Appalachian, and other watersheds and forests—to the Committee on Agriculture.

By Mr. LANDIS: Resolution (H. Res. 415) providing for the printing of 2,000 copies of the Digest and Manual of the Rules and Practice of the House—to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21878) granting a pension to Miner J. Walden—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 21879) granting a pension to Jackson A. Watkins—to the Committee on Pensions.

So the motion was agreed to.

The following additional pairs were announced:  
Until further notice:

Mr. SNAPP with Mr. FOSTER of Illinois.

For the balance of the day:

Mr. SLEMP with Mr. HUGHES of New Jersey.

On this vote:

Mr. KENNEDY of Ohio with Mr. UNDERWOOD.

Mr. WILSON of Illinois with Mr. SAUNDERS.

Mr. TOWNSEND with Mr. RYAN.

Mr. THISTLEWOOD with Mr. MAYNARD.

Mr. STURGISS with Mr. LAMB.

Mr. PARKER of South Dakota with Mr. HITCHCOCK.

Mr. KNAPP with Mr. GILLESPIE.

Mr. FOSTER of Vermont with Mr. GARRETT.

Mr. FOSTER of Indiana with Mr. CLAYTON.

The result of the vote was announced as above recorded.

Accordingly the House (at 4 o'clock and 32 minutes p. m.) was declared in recess until 11.30 a. m. to-morrow.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of deficiency in appropriation for printing and binding for the Interstate Commerce Commission (H. R. Doc. 933)—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Richard Garner against The United States (H. R. Doc. 934)—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of War, transmitting papers in relation to Point Judith harbor of refuge (H. R. Doc. 935)—to the Committee on Rivers and Harbors and ordered to be printed.

By Mr. BRADLEY: A bill (H. R. 21880) granting an increase of pension to Clara P. Swift—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 21881) for the relief of John D. Baldwin—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 21882) granting an increase of pension to William T. Brown—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 21883) granting to Maj. William S. Meads a commission as second lieutenant of volunteers—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 21884) granting an annuity to Jennie Carroll and Mabel H. Lazear—to the Committee on Military Affairs.

By Mr. DUNWELL: A bill (H. R. 21885) granting an increase of pension to Sarah L. Cole—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 21886) for the relief of the heirs of Mary E. Neale—to the Committee on Public Buildings and Grounds.

By Mr. OLLIE M. JAMES: A bill (H. R. 21887) granting a pension to L. B. Edmonds—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 21888) granting an increase of pension to Francis M. Green—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 21889) to renew and extend certain letters patent—to the Committee on Patents.

By Mr. O'CONNELL: A bill (H. R. 21890) granting a pension to Johanna O'Brien—to the Committee on Pensions.

By Mr. OLMSTED: A bill (H. R. 21891) granting an increase of pension to James T. Naylor—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 21892) to remove the charge of desertion from the record of Victor Smith (or Schmitt)—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of citizens of California and Charleroi, Pa., for amendment proposed by the American Federation of Labor Conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Mrs. L. W. Weston and others, of Skowhegan, Me., for concurrent resolution 28, protesting against Russian atrocities—to the Committee on Foreign Affairs.

Also, petitions of citizens of Madison, Augusta, and Hallowell; Orlando P. Westcott and other citizens of Bar Harbor, and International Brotherhood of Paper Mills, all of the State of Maine, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. CALDER: Petitions of Daniel J. Ryan, the Hayden Company, Maron Ane Magenheimer, and Joseph Wagner, of Brooklyn, N. Y., against the anti-injunction legislation—to the Committee on the Judiciary.

Also, petitions of James Mulholland, T. L. Murphy, and other citizens of Brooklyn, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petitions of citizens of Arnold City, Connellsville, West Monterey, Bellvernon, and Meyersdale; Central Trades Council of Connellsville, citizens of Philadelphia, and International Brotherhood of Maintenance of Way Employees, all of the State of Pennsylvania, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of citizens of Wenoka, favoring election of United States Senators by direct vote of the people—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petition of citizens of Syracuse, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of M. B. Steczynski, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories, favoring H. R. 16734 (civil employers' compensation bill)—to the Committee on Naval Affairs.

By Mr. DUREY: Petition of International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers' Union No. 5, of Luzerne, N. Y., against removal of tariff on wood pulp—to the Committee on Ways and Means.

By Mr. ELLIS of Oregon: Petition of Portland Commercial Club, favoring The Hague conference and the enlarging of the powers thereof—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of Plumbers and Steam Fitters' Union of La Crosse, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FLOYD: Paper to accompany bill for relief of G. P. Frederick—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Caspar Wickey—to the Committee on Invalid Pensions.

By Mr. FORNES: Protest of Master Carpenters' Association, Watson-Flagg Engineering Company, Hopkins & Co., and a large number of other manufacturing concerns, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petitions of Frank Corcoran, William Gorman, Thomas F. Mahon, J. Nolan, Robert S. Richardson, and others, in favor of an anti-injunction bill and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of citizens of Vermont, for bill to investigate and develop methods of treatment of tuberculosis (H. R. 18445 and S. 5117)—to the Committee on Appropriations.

By Mr. FULLER: Petition of J. E. Defebaugh, editor of the American Lumberman, against the 320-acre dry-land homestead bill (S. 6155)—to the Committee on the Public Lands.

Also, petition of Brotherhood of Leather Workers of Rockford, Ill., and citizens of Danville, Ill., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Illinois Lumber Dealers' Association, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of citizens of La Salle, Ill., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Western Society of Engineers, for the conservation of our national resources—to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: Petitions of Local No. 385, Barbers' Union, and Central Labor Union of Salem, Mass., and Boot and Shoe Workers, of Haverhill, Mass., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. GILLET: Petition of citizens of Chicopee, Mass., for legislation for development of method of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of New York workers, of New York City, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petitions of W. J. Green, Elmon Warner, William A. Murphy, C. J. Connolly, Ward Hill, W. H. Flynn, F. E. Hauser, and other citizens of New York City, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of William S. Aldrich, for legislation for the establishment of the Appalachian and White Mountains Forest Reserve, and favoring other bills—to the Committee on Agriculture.

Also, petition of Utica Council, Knights of Columbus, favoring bill to make October 12 a legal holiday—to the Committee on the Judiciary.

Also, petition of National Board of Fire Underwriters of New York City, for amendment in sundry civil appropriation bill (H. R. 21260) to stand as recommended by the Geological Survey—to the Committee on Appropriations.

Also, petitions of Hatsel & Buehler, E. Bartalcius, Watson Flagg Engineering Company, Michael Power, and Master Carpenters' Association of New York City, against anti-injunction legislation—to the Committee on the Judiciary.



By Mr. GRANGER: Petition of officers and members of various women's clubs of Rhode Island, favoring H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petitions of United Brotherhood of Carpenters and Joiners, Local No. 1245, of Newport, R. I., and the Wool Sorters' Union, Local No. 574, of Providence, R. I., for the passage of the Wilson bill to amend the Sherman antitrust law, the Pearre bill, the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, resolutions adopted by the Auburndale Improvement Association, of Providence, R. I., heartily approving the action of the President in calling the White House conservation conference—to the Committee on Agriculture.

By Mr. GRIGGS: Petition of Steam Engineers of Atlanta, Ga., for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. HAYES: Paper to accompany bill for relief of Elizabeth Haley—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of Cosmopolitan Club of South Manchester, Conn., in favor of passage of H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hillstown Grange, No. 87, Patrons of Husbandry, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HIGGINS: Petitions of Justin C. Leonard and others, Patrick Barry and others, James A. Burdick and others; James H. Killas, president of Stone Masons' Union, and M. J. Kelley and others, all of Norwich, Conn., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of New Departure Manufacturing Company, of Bristol, Conn., favoring certain patent legislation—to the Committee on Patents.

By Mr. HILL of Connecticut: Petitions of Mary Keyes Bair and others, of Bridgeport, Conn., and Mary R. Downs and others, of Danbury, Conn., in favor of H. R. 18445, to investigate and develop methods of treatment for tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD of West Virginia: Petition of Columbus Harr and 7 others, of Paden City, W. Va., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Walter Nixon and 2 others, of Mannington, W. Va., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of W. V. Maley and J. A. Myler, of Newell, W. Va., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of William Henderson and 2 others, of Wheeling, W. Va., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of J. T. Carter and 2 others, of McMechen, W. Va., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Peter Adler and 53 others, of Follansbee, W. Va., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of N. F. Clegg and 2 others, of Wellsburg, W. Va., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability law, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Mary E. Chapman and others, favoring concurrent resolution 28, against the atrocities of the Russian Government—to the Committee on Foreign Affairs.

By Mr. HUFF: Petition of Joseph K. Hockman, of New Kensington, Pa., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of National Hardware Mutual Fire Insurance Company, against all parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: Petition of St. Patrick's Alliance of America, against the treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of M. B. Steczynski, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petitions of union pattern makers and other citizens of Paterson, N. J., and citizens of Hackensack, N. J., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Cincinnati Chamber of Commerce, favoring the House bill authorizing survey for a canal between Toledo, Ohio, and Chicago, Ill., to be known as the "Michigan and Erie Ship Canal—to the Committee on Railways and Canals.

By Mr. HULL of Iowa: Paper to accompany bill for relief of David Honsel—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: Petition of the Massillon Board of Trade, against H. R. 7597, providing for extra clerical force to compile the Thirteenth Census—to the Committee on the Census.

By Mr. KIMBALL: Petition of citizens of Lexington, Ky., favoring bills to investigate and develop method of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of citizens of Oswego, N. Y., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a days' labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of citizens of Superior, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Carpenters' Union of Menomonie, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. KNOWLAND: Petitions of sundry citizens of Oakland, Alameda, Berkeley, and Richmond, Cal., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LONGWORTH: Petitions of Glass Workers' Union of Reading, Tobacco Workers' International Union of Cincinnati, and Glass Workers' Union of Lockland, all in the State of Ohio, for amendment to Sherman antitrust law and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LOUD: Petitions of Local Union No. 1203, United Mine Workers of America, of Bay City, Mich., and Local No. 357, International Longshoremen's Association, of Ford River, Mich., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Granges Nos. 1294, 119, 789, 684, 776, 190, 537, 1149, 1320, and 52, all of the State of Pennsylvania, for H. R. 12682—to the Committee on Banking and Currency.

By Mr. NELSON: Petition of Cigar Makers' Union No. 182, of Madison, Wis., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of John Scott and 53 others, for a highways commission and Federal aid in building roads—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Union Veteran Legion No. 51, of Ft. Wayne, Ind., for appropriation of \$200,000 for an armory on site of fort built by General Wayne—to the Committee on the Library.

By Mr. PATTERSON: Petition of labor organizations of Columbia, S. C., favoring bills affecting labor, amendment to Sher-

man antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PETERS: Petitions of Mathias B. Bryant, of Rosindale; R. P. Lipschultz, of Jamaica Plain, and Edward W. Roemer, of Boston, all in the State of Massachusetts, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. RHINOCK: Petitions of citizens of Covington, Newport, and Dayton, Ky., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Grain Shovelers' Union, Local No. 109, of Buffalo, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of boiler makers of Buffalo, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of boiler makers of Buffalo, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Metal Polishers' Union, No. 17, of Buffalo, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Meat Cutters' Union of Buffalo, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of marine firemen, water tenders, and oilers of Buffalo, N. Y., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

Also, petition of H. E. Porter and others, paper hangers, of Buffalo, N. Y., for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petition of Insulators and Asbestos Workers' Union No. 4, of Buffalo, N. Y., for amendment to the Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Printing Press Feeders' Union, of Buffalo, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Herman F. Hintz, George Rudolph, and Ward F. Vroman, of Buffalo, N. Y., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petitions of George H. Wahl, J. A. Moore, and George Kieflaber, of Buffalo, N. Y., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petitions of Julius W. Frank and W. J. Connor, of Buffalo, N. Y., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of workmen of Buffalo, N. Y., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Local No. 141, Journeymen Barbers' International Union of America, of Buffalo, N. Y., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petition adopted at mass meeting at Chicago, Ill., protesting against the tyranny and persecution of the Polish people by the German Government—to the Committee on the Judiciary.

Also, memorial of National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories of the United States, favoring H. R. 16734 (Government employers' liability)—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of Federation of Labor of Wichita Falls, Tex., for the exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. SNAPP: Petition of Mrs. F. T. Bell and others, favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 119, of Danville, Ill., for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. SULZER: Petition of Joseph Wagner, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. TIRRELL: Petition of Albert D. Smith and others, favoring H. R. 18445, for methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: Petition of citizens of Dedham, Norwood, Franklin, Newton, Auburndale, Brookline, Sharon, and Braintree, Mass., favoring H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Petition of M. B. Steczynski, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

By Mr. WILSON of Illinois: Petition of Mrs. W. A. Reyea and other citizens of Chicago, favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

## SENATE.

THURSDAY, May 14, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### COMMODITY CLAUSE OF INTERSTATE COMMERCE LAW.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting the statement of Mr. B. F. Bush, receiver of the Western Maryland Railroad Company, relating to his compliance with the so-called "commodity clause" of the amended act to regulate commerce, which was ordered to lie on the table and be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of The Trustees of the Harpeth Academy of Franklin, Tenn., v. United States; and

In the cause of The Trustees of the Presbyterian Church of Macon, Mo., v. United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts, with amendments, in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897; and

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Lodge No. 36, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of South Brewer, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.



Mr. PLATT presented petitions of sundry citizens of the United States, praying for the enactment of legislation to restrain Government officers and employees from political demonstrations in favor of any candidate for the Presidency, which were referred to the Committee on Privileges and Elections.

Mr. WARNER presented the petitions of Theodore Binderman, Joseph J. Rodenique, J. A. Franklin, J. F. Miller, Edgar D. Cooper, F. S. Holton, Charles B. Cowan, W. W. Wharton, William Wehrle, John L. Rolf, Charles Birkman, A. P. Sovey, H. Scherzer, H. Niemann, J. W. LaFever, J. W. Burch, E. Uhl, S. P. Doyle, J. A. Mayer, Joseph J. Summers, Fred R. Purdy, Fred D. Martin, B. W. Nichols, E. J. Singen, Roy Havon, James C. McCormick, Peter McCabe, A. Windisch, D. Knoch, C. L. Reich, J. G. Burdell, E. F. Hornbeck, R. Hartmann, John M. Calien, William O'Leary, F. Hener, N. Mager, Thomas N. Swift, O. Koppen, Eugene Williams, and William Noll, all of St. Louis, Mo.; of Claud W. Collins, Benedict M. Smyth, Henry Ensmerger, C. H. Douglass, Gust Maglinson, R. A. Anderson, Albert Nelson, John T. Smith, J. Haynes, T. D. Rucker, Harry Hull, J. H. Smith, George A. West, George Lalley, H. B. Meek, Edward Ebenacke, William Hermens, Charles Henkle, Morris Solomon, L. R. Simlson, W. D. Rainey, and E. W. Tuttle, all of Kansas City, Mo.; of George Unbellach, George Schmidt, Claud Graves, George Sohn, Jr., George Sohn, sr., P. Emblo, Peter Koob, Arch Little, W. J. Lewis, Vincent Mudra, Luther M. Noll, C. G. Smith, Samuel D. Peters, Robert Barns, Vincent Elder, Frank Cramer, Edward Rogge, Pat McCarthy, W. W. Richardson, B. O. Brooks, P. M. Josen, Clarence Elder, H. W. Nehrung, A. R. Ripplan, N. J. Tillquist, Mike Welmer, Samuel Watson, J. J. Denner, Ed. C. Willey, Louis Becker, H. B. Deaton, Joe Mulhern, C. M. Couch, George Campbell, Lester Tyroree, Basil Elder, Abe Potts, and F. W. Smith, all of Hannibal, Mo.; of E. Z. Zoellig, P. Bremer, Ed. Rutledge, M. J. Donahue, Pat Clifford, B. F. Burke, Clayton Dudding, H. O. R. Schwarz, Frank E. Capen, Thomas Perrin, Fred Leuking, C. S. Driver, William Fraser, D. E. Elliott, Lee Ganther, and S. G. Wear, all of Sedalia, Mo.; of H. K. Glunt, E. G. Brandt, D. O. Craig, Charles W. Williamson, H. C. Patterson, Walter S. Eston, J. A. Kelly, H. T. Grundberry, C. T. Stakes, John W. Koehler, G. A. Johnson, E. W. Gibson, J. L. Gray, W. F. Hagebusch, W. H. Stanfield, Thomas McMahon, L. L. Allen, S. G. Hendricks, W. E. Chenoweth, H. Thompson, E. W. Kershaw, William J. Wyrsh, E. L. White, W. E. Breshears, J. D. Payton, Charles F. Myers, John F. Spartin, Charles Fisher, Fred C. Alsop, H. B. Warren, H. W. Thompson, and J. A. Gehrs, all of Springfield, Mo.; of W. S. Jones, Henry Smith, C. A. Mabry, Sid Kirby, James Gott, and John Beddow, all of Moberly, Mo.; of C. L. Kennedy, B. Charles Lambert, V. K. Worcester, E. N. Bennett, jr., F. J. Meyer, John J. Downes, C. J. Maloney, J. P. Scott, C. B. Ellis, F. Conyers, Harry Angold, R. L. Eastwood, James McKee, J. H. Oarkhuff, E. G. Weddle, and Louis E. Fetzner, all of St. Joseph, Mo.; of W. A. Myers, F. E. Newkirk, Frank L. Myers, J. E. Briswalter, Charles C. Carter, O. H. Gager, C. K. Dow, Ira B. Molin, N. D. Ackerman, J. L. Power, Charles W. Fear, J. C. Schulte, J. E. Logsdon, M. Bauer, Leona Humphrey, Joplin Trades Assembly, John H. Jahn, J. N. Phillips, and C. C. Jacobs, all of Joplin, Mo.; of P. J. Hartmann, Ed. W. Evans, Mat Houck, William Rains, and Miles Keane, all of Graniteville, Mo.; of George R. McGregor, R. T. Washburn, and Frank Teeter, all of Marceline, Mo.; of W. F. Lineback and H. W. Neeum, of Wellington, Mo.; of Ed. McGarry, of Novinger, Mo.; of Walter Keller, of DeSoto, Mo.; of H. C. Allen, A. B. Martin, and James Wilbur, of Sikeston, Mo.; of E. J. Hitzemann, C. L. Kistner, and J. I. Kness, of Bismarck, Mo.; of William Hughes, S. C. Snodgrass, and M. D. Burns, of Bevier, Mo.; of W. L. Simpson, Oliver Bagley, and N. W. Buckner, of Charleston, Mo.; of J. F. Knox, of Clifton Hill, Mo.; of E. J. H. Ulbrich, of Connellsville, Mo.; of E. T. Livingston, Charles Raabe, A. E. Bischoff, J. H. Barrington, and J. L. O'Brien, all of Springfield, Mo.; of George Clarke, William C. Bush, and R. H. Greer, all of Poplar Bluff, Mo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of New Haven, Conn., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Mattabessett Grange, No. 42, Patrons of Husbandry, praying for the enactment of legislation providing for the establishment of a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Interdenominational Missionary Union of Washington, D. C., pray-

ing for the enactment of legislation to prohibit women from serving as clerks in saloons, clubs, wholesale houses, or any place where intoxicating liquors are sold or dispensed in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Religious Liberty Bureau of Takoma Park, in the District of Columbia, remonstrating against the passage of the so-called "Johnson Sunday rest bill," which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Western Society of Engineers, of Chicago, Ill., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens and labor organizations of Taylorville, Cairo, Chicago, Chicago Heights, O'Fallon, Dundee, Kewanee, Girard, and Urbana, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Urbana, Chicago Heights, Girard, and Belleville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented sundry petitions of citizens of Boise, Idaho, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Coeur d'Alene, Idaho, praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

Mr. GUGGENHEIM presented petitions of sundry citizens of Coal Creek, Grand Junction, Denver, Pueblo, Colorado Springs, and La Junta, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of Omaha, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CRANE (for Mr. LODGE) presented petitions of sundry citizens of Manchester, Woburn, Roslindale, Whitman, Springfield, Salem, and Athol, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PILES presented a petition of sundry citizens of Centralia, Wash., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Offices and Post-Roads.

He also presented petitions of sundry citizens of Everett, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented petitions of sundry citizens of Seattle, Wash., praying for the establishment of postal savings banks, and also for the passage of the so-called "parcels-post bill," which were ordered to lie on the table.

He also (for Mr. ANKENY) presented petitions of sundry citizens of Seattle, Franklin, Hoquiam, and Everett, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

#### FORT CROOK MILITARY POST.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7113) making appropriation for repairs and reconstruction of buildings destroyed by cyclone at Fort Crook military post, to report it favorably with amendments, and I submit a report (No. 659) thereon. I call the attention of the senior Senator from Nebraska [Mr. BURKETT] to the bill.

Mr. BURKETT. I ask unanimous consent that the bill may have present consideration.

Mr. HALE. Mr. President, the Senator from Iowa [Mr. ALLISON] has charge of the sundry civil appropriation bill and is very desirous of calling it up this morning, as he gave notice

yesterday he would do; and, therefore, I must object to any bill being considered in the morning hour.

Mr. WARREN. I understand fully the reasons why the Senator objects. I am sorry to know that he applies his objection to this measure, but I hope there will be an opportunity some time during the consideration of the appropriation bill or immediately following it, for the consideration of the bill which the Senator from Nebraska desires to have passed, as it is to cover a great loss that has occurred there by cyclone, where the property is in danger and where the officers are without shelter.

Mr. HALE. Is it a short bill?

Mr. WARREN. It is a short bill. I think it will not be discussed.

Mr. BURKETT. It is a short bill, comprising only nine lines.

Mr. HALE. After this I must object, because the Senator from Iowa is very desirous of going on with the appropriation bill, and there are many reasons why the bill should be proceeded with.

The VICE-PRESIDENT. The bill reported by the Senator from Wyoming from the Committee on Military Affairs will be read.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 3, to strike out the words "and fifty" before "thousand," so as to read, "one hundred thousand;" in line 4, to strike out the word "required" and insert the word "necessary;" in line 9, after the word "May," to insert the words "nineteen hundred and eight;" and at the end of the bill, after the word "post," to insert the words "in Nebraska," so as to make the bill read:

*Be it enacted, etc.,* That \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the repair and reconstruction of the buildings and for the replacement of furniture and equipment destroyed in whole or in part by cyclone on the 12th day of May, 1908, at Fort Crook military post in Nebraska.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### REFUND OF DUTIES ON ANTHRACITE COAL.

Mr. BURROWS. From the Committee on Finance I report back favorably with an amendment the bill (S. 6796) to refund certain duties inequitably collected on anthracite coal by the collector of customs at Baltimore, Md. I call the attention of the senior Senator from Maryland to the bill.

Mr. RAYNER. A similar bill passed the Senate last year. It is an urgent bill and it has been reported unanimously. It passed the Senate unanimously on a former occasion.

Mr. HALE. If it gives rise to no debate, I shall not object.

Mr. RAYNER. It will give rise to no debate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 6, before the word "dollars," to strike out "one hundred and sixty-four" and insert "and ninety-two," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to refund to the Consolidated Gas, Electric Light and Power Company, of Baltimore, Md., \$7,092.78, and to the Hazard Wharf Company, of Baltimore, Md., \$6,873.61, these amounts having been inequitably collected by the collector of customs at Baltimore, Md., as duty on anthracite coal after the 6th day of October, 1902.

The sum of \$14,038.39 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry out this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 3723) for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak., reported it without amendment and submitted a report (No. 653) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1526) to correct the military record of Edward T. Lewis, reported it with an amendment and submitted a report (No. 654) thereon.

Mr. FLINT, from the Committee on Public Lands I report back favorably with amendment the bill (S. 6805) to encour-

age the development of coal deposits in the Territory of Alaska, and I submit a report (No. 655) thereon. I ask unanimous consent for its immediate consideration.

Mr. HALE. I must object, Mr. President.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. FLINT, from the Committee on Public Lands, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes (Report No. 656); and

A bill (S. 6925) for the relief of the Alaska Terminal and Navigation Company (Report No. 657).

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 6775) construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, relating to Indian allotments, and for other purposes, reported it with an amendment and submitted a report (No. 658) thereon.

Mr. WARNER, from the Committee on Military Affairs I report back favorably without amendment the joint resolution (H. J. Res. 178) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers. I ask the Senator from Maine to allow the immediate consideration of the joint resolution. It will take but a moment.

Mr. HALE. I have just made objection in two or three cases and I am obliged to object now.

The VICE-PRESIDENT. Objection is made, and the joint resolution will be placed on the Calendar.

Mr. du PONT, from the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry, and I ask for its present consideration for the reason—

Mr. HALE. I am obliged to object. I have been objecting all the time.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. du PONT. The term of the regiment will expire by limitation of law on the 1st of July next, and if the bill be not now passed the regiment will be mustered out of the service on that date.

Mr. HALE. I must object.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the amendment submitted by himself for Mr. OVERMAN on the 9th instant, proposing to appropriate \$1,500 for post lights on Pasquotank River, North Carolina, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it lie on the table, which was agreed to.

Mr. OWEN submitted a report (No. 652) to accompany the bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., heretofore reported by him.

He also submitted a report (No. 651) to accompany the bill (S. 6246) authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes, heretofore reported by him.

Mr. NEWLANDS, from the Committee on Commerce, to whom was referred the bill (S. 7112) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States, reported it with amendments.

#### BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 7114) to correct the military record of Stephen Feather, deceased, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLARKE of Arkansas introduced a bill (S. 7115) for the relief of the estate of Wiley J. Davis, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. du PONT introduced a bill (S. 7116) granting a pension to Margaret Bond, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7117) for the relief of Andrew A. Kelly, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HOPKINS introduced a bill (S. 7118) providing for the erection of an addition or extension to the post-office and court-



house, and remodeling the same, at Quincy, Ill., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. HEYBURN introduced a bill (S. 7119) authorizing Government assistance in the development of ramie fiber, its production and manufacture, under the supervision of the Secretary of Commerce and Labor, which was read twice by its title and referred to the Committee on Manufactures.

Mr. BORAH introduced a joint resolution (S. R. 85) providing for additional lands for Idaho under the provisions of the Carey Act, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CRANE introduced a joint resolution (S. R. 86) to provide for the printing of 10,000 copies of the bulletin entitled "Milk and Its Relation to the Public Health," which was read twice by its title and referred to the Committee on Printing.

#### AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. PLATT submitted an amendment relative to the issuance of new drafts in exchange for certain outstanding drafts by H. Amy & Co., Adrian Iselin & Co., Baring Brothers & Co., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Finance and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate \$4,705.45 for the settlement of twenty-five approved claims for damages to and loss of private property belonging to citizens of the United States and of the Philippine Islands, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment relative to the payment to certain steamship companies for services rendered in carrying mails from Hawaii to the Orient during the years 1901 to 1906, inclusive, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

#### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment United States Infantry, which was ordered to lie on the table and be printed, and also to be printed in the Record, as follows:

Amendment intended to be proposed to the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Strike out all after the enacting clause and insert the following: "That the Secretary of War be, and he is hereby, authorized and directed to review the military records of the following noncommissioned officers and enlisted men late of the Twenty-fifth United States Infantry:

"First Sergt. Mingo Sanders; Q. M. Sergt. Walker McCurdy; Sergts. James R. Reid, George Jackson, and Luther T. Thornton; Corpis. James A. Coltrane, Edward L. Daniels, Ray Burdett, Wade H. Watlington, and Anthony Franklin; Cooks Leroy Horn and Solomon Johnson; Musicians Henry Odom; Privates James Allen, John B. Anderson, William Anderson, Battler Bailey, James Bailey, Elmer Brown, John Brown, William Brown, William J. Carlton, Harry Carmichael, George Conn, John Cook, Charles E. Cooper, Boyd Conyers, Lawrence Daniel, Carolina De Saussure, Ernest English, Shepherd Glenn, Isaac Goolsby, William Harden, Charley Halstron, John Holomon, James Johnson, Frank Jones, Henry Jones, William J. Kernan, George Lawson, Willie Lemons, Samuel McGhee, George W. Mitchell, Isaiah Raynor, Stansberry Roberts, William Smith, Thomas Taylor, William Thomas, Alexander Walker, Edward Warfield, Julius Wilkins, Alfred N. Williams, Brister Williams, and Joseph L. Wilson, all late of Company B; and Q. M. Sergt. George W. McMurray; Sergts. Samuel W. Harley, Newton Carlisle, Darby W. O. Brawner, and George Thomas; Corpis. Charles H. Madison, Solomon P. O'Neill, Preston Washington, Willie H. Miller, and John H. Hill; Cooks George Grier and Lewis J. Baker; Musicians James E. Armstrong and Walter Banks; Artificer Charles E. Rudy; Privates Clifford I. Adair, Henry W. Arvin, Charles W. Askev, Frank Bounsler, Robert L. Collier, Erasmus T. Dabbs, Mark Garmon, George W. Gray, Joseph H. Gray, James T. Harden, George W. Harris, John T. Hawkins, Alphonso Holland, Thomas Jefferson, Edward Johnson, George Johnson, John Kirkpatrick, Edward Lee, Frank J. Lipscomb, West Logan, William Mapp, William McGuire, Jr., Thomas L. Mosley, Andrew Mitchell, James W. Newton, George W. Perkins, James Perry, Oscar W. Reid, Joseph Rogers, James Sinkler, Calvin Smith, George Smith, John Smith, John Streater, Robert Turner, Leartis Webb, Lewis Williams, and James Woodson, all late of Company C; and First Sergt. Israel Harris; Q. M. Sergt. Thomas J. Green; Sergts. Jerry E. Reeves and Jacob Frazier; Corpis. Temple Thornton, David Powell, Winter Washington, Albert Roland, and James H. Ballard; Musicians Hoytt Robinson and Joseph Jones; Cooks Charles Dade and Robert Williams; Artificer George W. Newton; Privates Samuel Wheeler, Charles Hawkins, Henry Barclay, Sam M. Battle, Henry T. W. Brown, John Butler, Richard Crooks, Stroudner Darnell, Elias Gant, James C. Gull, John Green, Alonzo Haley, George W. Hall, Barney Harris, Joseph H. Howard, John A. Jackson, Benjamin F. Johnson, Walter Johnson, Charles Jones, John R. Jones, William E. Jones, William R. Jones, Edward Jordan, Wesley Mapp, William A. Matthews, James Newton, Elmer Peters, Len Reeves, Edward Robinson, Henry Robinson, Robert L. Rogan, Samuel E. Scott, Joseph Shanks, John Slow, Zachariah Sparks, William Van Hook, Edward Wickersham, and Dorale Willis, all late of Company D; and Privates James A. Simmons and August Williams, both of Company A; and Private

James Duncan, late of Company G, and Private Perry Cisco, unassigned; also Privates Alexander Ash, Taylor Stroudemire, and Robert James, late of Troop C, Ninth United States Cavalry, and Private John W. Lewis, late of Troop H, Tenth United States Cavalry, who were discharged without honor from the Army of the United States pursuant to Special Orders, No. 266, War Department, November 9, 1906, and within six months from the passage of this act remove from such records 'discharged without honor from the Army of the United States,' unless evidence should hereafter be presented which, in the opinion of the Secretary of War, would not warrant such action, and restore them to all the rights and privileges to which they would have been entitled had such order never been issued; and all prohibitions incident to their discharge shall be, and hereby are, declared null and void, and the time elapsing since their discharge shall be computed in determining all rights to which they may be respectively entitled on account of continuous service as though they had been in the service without interruption, and they shall not suffer any forfeiture of pay, emoluments, allowances, or any right or privilege by reason of such discharge: *Provided*, That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired his record shall be, and hereby is, corrected so as to show an honorable discharge at the time of the expiration of such enlistment, and he shall be allowed full pay and allowances, and all emoluments, rights, and privileges until that time, and upon the restoration of any such noncommissioned officer or enlisted man, he shall be deemed to have reenlisted and the term of such reenlistment to have commenced as of the time when his previous enlistment would have expired, and his service under such reenlistment shall be without prejudice of any kind by reason of his former discharge without honor: *And provided further*, That in case any of the noncommissioned officers or enlisted men belonging to said companies or troops and discharged without honor shall have died since they were so discharged and before the passage of this act, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act, and their legal representatives shall be entitled to all pay that would have become due to them from the time of their discharge until the time of their decease. "SEC. 2. That nothing in this act shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear that he did participate in said shooting affray or have knowledge thereof which he has withheld."

#### WITHDRAWAL OF PAPERS—JOHN SIRRINE.

On motion of Mr. BURBOWS, it was

*Ordered*, That John Sirrime, the beneficiary named in the bill (S. 2076) be, and hereby is, granted leave to withdraw from the files of the Senate the papers filed in support of said bill, the said bill having become a law.

#### REINDEER IN ALASKA.

Mr. TELLER submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Interior be directed to transmit a copy of the report of Dr. Sheldon Jackson upon the work of introducing reindeer into Alaska during the season of 1906.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following act and joint resolutions:

On May 13, 1908:

S. 29. An act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District;

S. R. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico; and

S. R. 79. Joint resolution authorizing the widening of the channel of Michigan City Harbor.

#### ELECTRIC STREET RAILWAY IN PONCE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

*To the Senate and House of Representatives:*

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance amending an ordinance passed by the executive council of Porto Rico April 19, 1907, entitled "An ordinance supplementary to an ordinance entitled 'A franchise granting to W. S. H. Lothrop, his heirs, successors, and assigns, the right to construct and operate an electric street railway in certain streets in the city of Ponce and between the city of Ponce and the playa thereof,' passed by the executive council on the 27th day of February, 1901."

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 14, 1908.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill, being House bill 21260.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the formal reading of the bill may be dispensed with, that it may be read for amendment, and that the consideration of the amendments presented by the Committee on Appropriations shall be first in order.

The VICE-PRESIDENT. The Senator from Iowa asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the items "Under the Treasury Department," on page 1, after line 8, to insert:

Bedford, Ind., post-office: For completion of the public building at Bedford, Ind., \$12,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to insert: Clarinda, Iowa, post-office: For continuation of building, \$25,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert: New Orleans, La., mint: For miscellaneous repairs and improvements, including repairs to outside walls and to grounds, installation of new plumbing, gas service, and electric-wiring system, exterior and interior painting, etc., \$30,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

Richmond, Va., rent of buildings: For rent of temporary quarters at Richmond, Va., including necessary moving expenses, in addition to the amount appropriated by sundry civil act approved March 4, 1907, \$10,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 20, to insert:

San Francisco, Cal., custom-house: The Secretary of the Treasury is authorized, upon the completion of the custom-house in the city of San Francisco, Cal., to pay to Thomas Butler, the contractor for the construction of said building, in addition to the contract price therefor, such sum as may be equitable and just to reimburse said contractor for work or material lost or destroyed by the earthquake and great fire of April, 1906, including compensation for the increased cost of labor and material above the prices prevailing in the open market previous to said earthquake and fire, not exceeding the sum of \$250,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 19, to insert:

Wichita, Kans., post-office and court-house: For the completion of the enlargement, extension, remodeling, and improvement of the Government building at Wichita, Kans., \$8,000.

The amendment was agreed to.

The next amendment was, on page 10, line 10, after the word "Department," to insert "and the annual subscriptions to technical periodicals and journals may be paid in advance," so as to make the clause read:

Plans for public buildings: For books of reference, technical periodicals and journals, photographic instruments, chemicals, plates and photographic materials of like nature for use of the office of the Supervising Architect of the Treasury Department, and the annual subscriptions to technical periodicals and journals may be paid in advance, \$2,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 18, to insert:

Land for buildings for the Departments of State, Justice, and Commerce and Labor: To enable the Secretary of the Treasury, in his discretion, to acquire by purchase, condemnation, or otherwise, the whole of squares Nos. 226, 227, 228, 229, and 230, in the city of Washington, and toward the erection of one or two buildings thereon, \$3,000,000. That part of C street, Ohio avenue, D street, and E street lying between the squares named herein is hereby made a part of the site authorized by this provision. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office. (U. S. Stat. L., vol. 26, ch. 837.)

That a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, which is hereby created, shall report to Congress preliminary plans and an estimate of cost for one or two buildings to be erected on said site for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, said preliminary plans and estimate of cost to be paid for out of the appropriation herein made.

The amendment was agreed to.

The next amendment was, under the head of "Revenue-Cutter Service," on page 17, after line 2, to insert:

For additional amount required for the foregoing purposes, to carry out the provisions of the Army appropriation act for the fiscal year 1909, \$157,564.74.

Mr. ALLISON. On page 17, after line 7, I move to insert the following proviso:

Provided, That hereafter no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Revenue-Cutter Service either on the active or retired list.

I ask that the letter of the Secretary of the Treasury which I send to the desk may be inserted in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, May 13, 1908.

Hon. WILLIAM B. ALLISON,  
Chairman Committee on Appropriations,  
United States Senate.

SIR: I request that you will endeavor to have inserted in the sundry civil bill for the fiscal year ending June 30, 1909, under the Revenue-Cutter Service, the following proviso:

"Provided, That hereafter no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Revenue-Cutter Service, either on the active or retired list."

I desire to call your attention to a provision in the act approved March 3, 1891, making appropriations for the payment of pensions, which forbids the payment of pensions to officers or men in the Army, Navy, or Marine Corps, in the following words:

"And provided further, That hereafter no pension shall be allowed or paid to any officer, noncommissioned officer, or private in the Army, Navy, or Marine Corps of the United States, either on the active or retired list."

By the act approved April 12, 1902, a retired list was created for commissioned officers of the Revenue-Cutter Service, and by the act approved April 16, 1908, warrant officers and enlisted men of the Service shall, upon suitable application, be placed on waiting orders and receive 75 per cent of the pay and increase of their grade or rating. Furthermore, under the act approved April 16, 1908, officers of the Revenue-Cutter Service with a creditable record who served during the civil war have the rank and will receive three-fourths of the pay of the next higher grade. Under the provisions of existing law it appears manifestly proper that pensions should not be allowed to officers or men of the Revenue-Cutter Service.

Respectfully,

GEORGE B. CORTELYOU, Secretary.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 17, after line 22, to insert:

For the construction of a launch, of such motive power as may be determined by the Secretary of the Treasury, for the use of the customs service at and in the vicinity of Los Angeles, Cal., \$10,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

For the construction of a launch, of such motive power as may be determined by the Secretary of the Treasury, for the use of the customs service at and in the vicinity of Portland, Oreg., \$3,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to insert:

For the construction of one steam revenue cutter of the first class, for duty on the coast of Oregon, \$250,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 9, to insert:

For the construction of a wharf and storehouses thereon at Waad-dah Island, Neah Bay, Washington, for the use of the United States Revenue-Cutter Service and the United States Life-Saving Service, in connection with the ocean-going tug and life-saving station authorized by the act of Congress approved April 19, 1906, \$24,000.

The amendment was agreed to.

The next amendment was, in the items "Under Smithsonian Institution," on page 20, line 17, to increase the appropriation for continuing ethnological researches among the American Indians and the natives of Hawaii under the direction of the Smithsonian Institution, etc., from \$40,000 to \$45,000.

The amendment was agreed to.

The next amendment was, on page 21, line 16, to increase the appropriation for expense of heating, lighting, electrical, telegraphic, and telephonic service for the National Museum from \$22,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to insert:

For fitting up and adapting the upper hall and adjacent stairway in the Smithsonian building for the exhibition of the collections of the National Gallery of Art, \$60,000.

The amendment was agreed to.

The next amendment was, under the head "Interstate Commerce Commission," on page 23, line 11, before the word "dollars," to strike out "one thousand five hundred" and insert "three thousand," so as to make the clause read:

For all other authorized expenditures necessary in the execution of laws to regulate commerce, \$700,000, of which sum not exceeding \$50,000 may be expended in the employment of counsel, and not exceeding \$3,000 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding \$1,500 may be expended for printing other than that done at the Government Printing Office.

The amendment was agreed to.

The next amendment was, at the top of page 30, to insert:

For custodian of the public buildings in St. Paul, Minn., owned by the United States Government, \$2,200, said custodian to be appointed by the Secretary of the Treasury without reference to any laws or regulations applying to classified of civil service.

The amendment was agreed to.



The next amendment was, on page 30, after line 5, to insert:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, etc., \$3,000; and for actual necessary traveling expenses, not exceeding \$2,000; in all \$5,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 15, to insert:

Inspector of furniture and other furnishings for public buildings: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, \$2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding \$3,000; in all, \$5,500.

The amendment was agreed to.

The next amendment was, on page 30, after line 23, to insert:

For assistant inspector of furniture and other furnishings for public buildings, \$1,600.

The amendment was agreed to.

The next amendment was, on page 33, after line 13, to strike out the following paragraph:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department or who may at any time, during the fiscal year 1909, have been employed by or under said Secret Service Division.

The amendment was agreed to.

The next amendment was, on page 36, line 12, after the word "books," to insert "for use of the Public Health and Marine-Hospital Bureau," so as to make the clause read:

For journals and scientific books, for use of the Public Health and Marine-Hospital Bureau, \$500.

The amendment was agreed to.

The next amendment was, on page 38, after line 22, to insert:

Mint at Philadelphia: The superintendent of the United States mint at Philadelphia is hereby authorized, with the approval of the Director of the Mint, where more than one specimen of any coin or medal has been acquired, to sell or exchange the duplicate or duplicates that may be needed or desired for scientific purposes, or for the purpose of exhibition; also to sell a souvenir medal of design to be approved by the Secretary of the Treasury, the same to be prepared at the mint at Philadelphia, and all profits above the actual cost of manufacture arising from the sale of the said souvenir medals, and the proceeds from the sale or exchange of duplicate coins and medals, shall be added to the amount appropriated for the purchase of specimen coins and ores from the cabinet of the said mint.

Mr. ALLISON. In the amendment of the committee, on page 39, line 2, after the word "may," at the end of the line, I move to insert the word "not," and on the same page, in line 11, I move to strike out the word "from" and to insert in lieu thereof the word "for."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 39, after line 12, to insert:

Repair, etc., of "The Hermitage": For the repair, improvement, and care of "The Hermitage," the home of President Andrew Jackson, situated in Davidson County, Tenn., \$25,000. Said sum shall be paid to the Ladies' Hermitage Association of Tennessee. Five thousand dollars of said sum shall be immediately available for repairing the buildings and tomb and improving and beautifying the grounds and premises. The remaining \$20,000 shall be held by said Ladies' Hermitage Association in trust, and the interest thereon only used for the purpose of keeping in repair the buildings, tomb, and premises, and caring for the same. Said sum of \$20,000 shall be invested by said Ladies' Hermitage Association in United States bonds, bonds of the State of Tennessee, or some other good and safe security, to be approved by the Secretary of the Treasury of the United States, and held by said association as a permanent trust fund, and the interest on said fund shall be forever devoted and applied as herein directed, and for no other purpose.

The amendment was agreed to.

The next amendment was, in the items "Under the Department of Commerce and Labor," on page 40, after line 9, to insert:

Immigration station, Ellis Island, N. Y.: For dredging new channel to afford landing facilities for arriving aliens and their baggage, \$65,000, which shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, on page 40, after line 14, to insert:

Immigration station, Boston, Mass.: For the purchase of a site and the erection and furnishing of suitable buildings for an immigrant station at the port of Boston, Mass., \$250,000, or so much thereof as may be necessary, which shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, under the subhead "Light-houses, beacons, and fog signals," at the top of page 42, to insert:

Staten Island and West Bank light stations, New York: Toward establishing a light-house on Staten Island, New York, and raising West Bank light, \$50,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 3, to insert:

Anchorage buoys in the port of New York: For establishing, replacing, and maintaining all anchorage buoys required in connection with the enforcement of the provisions of the act of May 16, 1888, relating to the anchorage of vessels in the port of New York, \$10,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 9, to insert:

Potomac River: For the establishment of additional aids to navigation on the Potomac River, \$5,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 14, to strike out:

The Secretary of Commerce and Labor is hereby authorized and directed to accept as a gift from the owner or owners a piece of land 150 feet long by 100 feet wide, which shall be selected by the Secretary of Commerce and Labor from a tract of land situated in section 23, town 4 south, range 10 west, Berrien County, Mich., and bounded on the west by Lake Michigan, on the south by the north pier at the entrance of St. Joseph and Benton Harbor, on the east by lands owned by the United States and occupied as a light-house station and light-house supply depot, and on the north by a line drawn westerly from the northwest corner of said lands occupied as a light-house station and light-house supply depot, parallel with said north pier at the entrance of said harbor, to Lake Michigan; and upon the delivery of a deed with abstract showing good title to said tract of land offered as a gift, in the United States, the Light-House Board is authorized and directed to erect the new light keeper's dwelling heretofore authorized for said station on said tract of land so acquired.

The amendment was agreed to.

The next amendment was, on page 43, after line 9, to insert:

Tender, San Francisco, Cal.: For tender for the use of the inspector of the twelfth light-house depot, San Francisco, Cal., \$215,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 13, to insert:

Light-ship on the Knuckle of the Frying Pan Shoal: For a light-ship on the Knuckle of the Frying Pan Shoal, off Cape Fear, North Carolina, \$115,000.

Mr. OVERMAN. I desire to have a change of phraseology made in the amendment. After the words "North Carolina," I move to add:

To be located at the place from which the old light-ship was removed.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina to the amendment of the committee.

Mr. ALLISON. The phraseology there is in conformity with the law.

Mr. OVERMAN. Yes; I introduced the bill and I want it located at the same place from which the old light-ship was removed. It says here upon the Knuckle. The Knuckle might be on the coast some distance from that point. I want to locate it where the old light-ship was.

Mr. ALLISON. If it does not change the law I do not see any objection to it.

Mr. OVERMAN. Not at all.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 43, after line 17, to insert:

Light-vessel, St. Johns River Bar, Florida: For completing the construction, equipping, and outfitting complete for service, a steel, steam, self-propelling light-vessel, with a steam fog signal, \$125,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 5, to insert:

For the following aids to navigation, as authorized by the act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, approved May —, 1908, namely:

First light-house district: For a tender for use in the first light-house district and elsewhere as may be directed, \$200,000.

Third light-house district: For a light and fog-signal station at or near Negro Point, on Wards Island, Hell Gate, East River, New York, \$10,000.

For a light and signal or whistling buoy fitted with submarine bell, off Point Judith, Rhode Island, \$9,000.

For a light and signal or whistling buoy fitted with submarine bell, to be placed at or near the entrance to the dredged channel at Greenville, N. J., in New York Bay, \$9,000.

For a new spar shop, at a cost not to exceed \$3,000, and a wooden-dump scow, at a cost not to exceed \$7,500, at the general light-house depot, Tompkinsville, N. Y., \$10,500.

For a storehouse and dock at San Juan, P. R., \$15,000.

Fourth light-house district: For a light and fog signal station on Elbow of Cross Ledge, Delaware Bay, New Jersey, \$21,500.

For moving the Schooner Ledge range lights, Delaware River, Pennsylvania, so as to comply with the change in position of the dredged channel of the Delaware River, \$10,650.

For range lights, Reedy Island, Delaware River, Delaware and New Jersey, \$25,000.

For a temporary light at Goose Island Flats, Delaware River, Delaware, \$15,000.

For post lights on Delaware River between Bordentown and Trenton, N. J., \$500.

Fifth light-house district: For one buoy to be placed off Cape Henry; one buoy to be placed to the northward of the Middle Ground near the entrance to Chesapeake Bay, and one relief buoy, all to be light and signal or whistling buoys, each fitted with submarine bell, \$27,000.

For a post-lantern light, at or near the mouth of Lower Broad Creek, North Carolina, \$500.

For additional amount for a light and fog-signal station at Ragged Point, Potomac River, Virginia, \$5,000.

Sixth light-house district: For a tender for the use of the engineer in the Sixth light-house district and elsewhere, as may be directed, \$30,000.

Eighth light-house district: For a light and fog-signal station at or near the end of Sabine Pass Jetty, \$40,000.

For additional amount for a light and fog-signal station at or near the outer end of one of the jetties at Galveston Harbor, \$10,000.

For a buoy wharf and depot shed at Fort San Jacinto, Tex., Military Reservation, Galveston Harbor, \$10,000.

Ninth light-house district: For a light vessel at Milwaukee Bay, Wisconsin, \$75,000.

For a fog-signal station at Grand Point au Sabie, Michigan, \$11,000.

Tenth light-house district: For a light station at each of the east and west breakwater piers, entrance to Cleveland Harbor, Ohio, \$45,000.

Eleventh light-house district: For additional amount for a relief light-vessel for the ninth and eleventh light-house districts, \$20,000.

To enable the Light-House Board to make survey and estimate the cost and report upon the feasibility and need of establishing a light and fog station on Gull Island, or the easterly end of Michigan Island, Apostle Group, and whether, when said station is established, the existing station on the westerly end of Michigan Island can be safely closed, \$2,000.

Twelfth light-house district: For a light and fog-signal station at or near Four Mile Creek, near Punta Gorda, Cal., \$60,000.

For a light and fog-signal station at some point on the northerly or westerly coast of Kaula Island, Hawaii, \$75,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 13, to insert:

Thirteenth light-house district: To enable the Light-House Board to survey and estimate the cost and report upon the feasibility and need of establishing a light-vessel or light station at or near Orford Reef, off Cape Blanco, Oregon, \$2,000.

To enable the Secretary of Commerce and Labor to establish and provide in the Light-House Establishment at such places as shall, in the opinion of the Light-House Board, be for the best interests of the Light-House Service, two oil houses, at a cost not to exceed \$1,500 each, \$3,000.

The amendment was agreed to.

Mr. ALLISON. On page 49, line 10, after the word "million," I move to insert "one hundred and eighty thousand six hundred and seventy-five."

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 49, in line 10, after the words "one million," it is proposed to insert "one hundred and eighty thousand six hundred and seventy-five," so as to read:

Salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters where necessary, and all other necessary incidental expenses of not exceeding 1,650 light-house and fog-signal keepers and laborers attending other lights, \$1,180,675.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Light-House Establishment," on page 50, line 1, to increase the appropriation for expenses of buoyage from \$900,000 to \$1,000,000.

The amendment was agreed to.

Mr. ALLISON. On page 50, line 21, after the name "Cape Fear," I move to insert "and Pasquotank River between South Mills and the mouth of said river." I will say to the Senator from North Carolina that I move this amendment in response to the amendment proposed by the Senator from North Carolina, without the insertion of an appropriation.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 50, line 21, after the name "Cape Fear," it is proposed to insert "and Pasquotank River between South Mills and the mouth of said river," so as to read:

Cape Fear River and Pasquotank River between South Mills and the mouth of said river, North Carolina.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 22, after the word "Florida," to insert "including the Hillsboro, Halifax, and Matanzas rivers, in Florida, their entrances or inlets, tributaries and connecting canals;" and on page 51, line 8, after the words "Fox River," to insert "Lake Winnebago and connecting lakes and channels," so as to make the clause read:

Lighting of rivers: For the pay of officers and crews of light-house tenders and of clerks and other employees in the offices of the light-house inspectors; and for establishing, supplying, and maintaining post lights on the Hudson and East rivers, New York; the Harlem River, New Jersey; Connecticut River, Thames River between Norwich and New London, Connecticut; the Delaware River between Philadelphia, Pa., and Bordentown, N. J.; the Elk River, Maryland; Monongahela River, York River, James River, Virginia; Cape Fear River, North Carolina; Savannah River, Georgia; St. Johns and Indian rivers, Florida, including the Hillsboro, Halifax, and Matanzas rivers, in Florida, their entrances, or inlets, tributaries, and connecting canals; at Chicout Pass, and to mark navigable channel along Grand Lake, Louisiana; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha rivers; Sacramento and San Joaquin rivers, California; on the Columbia and Willamette rivers, Oregon; on Puget Sound, Washington Sound, and adjacent waters, Washington; and the channels in St. Louis and Superior

bays, at the head of Lake Superior; Fox River, Lake Winnebago, and connecting lakes and channels; in Alaskan waters and Hawaiian waters; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, \$375,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Fisheries," on page 74, after line 13, to insert:

Biological station, Mississippi River Valley: To enable the Secretary of Commerce and Labor to establish and equip a biological station, for the propagation of fresh-water mussels, in the upper Mississippi River Valley, at some suitable point to be selected by the Secretary of Commerce and Labor, including purchase of site, construction of buildings and ponds, and equipment, \$25,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects, Department of Commerce and Labor," on page 76, after line 8, to insert:

Bureau of Immigration and Naturalization: For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Division of Naturalization, Bureau of Immigration and Naturalization, provided for by the act of Congress approved June 20, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States" (34 Stats., p. 596), the per diem to be subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding \$4 per day, to each of said examiners, interpreters, clerks, and stenographers, while absent from their official station, and also of other officers and employees in the Division of Naturalization while absent on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including sleeping-car fares, \$166,500.

Mr. ALLISON. I offer an amendment to the committee amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa to the amendment of the committee will be stated.

The SECRETARY. On page 77, at the end of line 4 of the committee amendment, after the word "dollars," it is proposed to insert:

Provided, That the estimates for the Bureau of Immigration and Naturalization shall hereafter show the total number of people employed therein, the amounts required for the pay of each, and a detailed statement of other expenses estimated for under said Bureau.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Under the Department of the Interior," on page 77, after line 5, to insert:

#### GENERAL LAND OFFICE.

To enable the Secretary of the Interior to complete the unfinished drafting and field-note writing pertaining to surveys in the States of Minnesota, North Dakota, and Florida, caused by the discontinuance of the offices of the surveyors-general in those States, \$7,700.

The amendment was agreed to.

The next amendment was, under the subhead "Pension Office," on page 77, line 16, after the word "authorized," to insert "during the remainder of the present fiscal year and," so as to make the clause read:

Out of the unexpended balance of the appropriation for investigation of pension cases, Pension Office, for the fiscal year 1908, the Commissioner of Pensions is authorized, during the remainder of the present fiscal year and until the close of the fiscal year 1909, to use not exceeding \$15,000 toward the installation of a card-index system of the records of the Pension Office.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 78, after line 14, to insert:

Heating apparatus, buildings, Department of the Interior: For constructing new stack and for repairing and improving heating apparatus for the Interior Department buildings, \$20,000.

The amendment was agreed to.

The next amendment was, on page 79, after line 4, to insert:

To enable the Superintendent of the Capitol Building and Grounds to pay for the marble bracket in the Supreme Court room supporting the bust of Chief Justice Waite, and to have the same appropriately inscribed, \$120.

The amendment was agreed to.

The next amendment was, on page 79, after line 9, to insert:

To enable the Superintendent of the Capitol to complete the steel filing cases in the document room, to replace the wooden shelving in various parts thereof, and for steel shelving in south end of same, \$7,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 79, after line 14, to insert:

For special repairs to the Senate document room, \$1,800.

The amendment was agreed to.



The next amendment was, on page 79, after line 16, to insert:

For casting in bronze the doors for the west entrance, central portion of the Capitol building, in conformity with the models already approved, \$10,500.

The amendment was agreed to.

The next amendment was, on page 79, after line 20, to insert:

Toward the construction of the fireproof building for committee rooms and offices for the United States Senate, provided for in the sundry civil act approved April 28, 1904, including not exceeding \$50 for the purchase of necessary technical books, \$1,200,000.

The amendment was agreed to.

The next amendment was, on page 80, after line 2, to insert:

To reimburse the Senate Office Building appropriation for extraordinary expenses incurred in deep foundation work incident to the construction of the railway tunnel at the east side of the Senate Office Building, \$49,761.

The amendment was agreed to.

The next amendment was, on page 80, after line 7, to insert:

For furnishing the Office Building, United States Senate, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, to be immediately available and to remain available until expended; said appropriation to be expended under the direction of the Commission of the United States Senate designated by law to supervise the construction of said Office Building.

The amendment was agreed to.

The next amendment was, on page 80, after line 13, to insert:

For maintenance, including heating, lighting, ventilating, miscellaneous items and supplies, and for all necessary personal and other services for the temporary operation of the building, under the direction and supervision of the Senate Office Building Commission, \$30,000.

The amendment was agreed to.

The next amendment was, on page 82, line 6, before the word "hundred," to strike out "two" and insert "six;" and in line 10, before the word "hundred," to strike out "five" and insert "nine," so as to make the clause read:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the House of Representatives Office Building, Botanic Garden, Senate and House stables, and engine house, Malby Building, and folding and storage rooms of the Senate and House of Representatives; for gas and electric lighting; pay of superintendent of meters, at the rate of \$1,000 per annum, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation, lamp-lighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, \$42,900.

The amendment was agreed to.

The next amendment was, on page 82, after line 16, to strike out "Expenses of the collection of revenue from sales of public lands" and insert:

Public Lands Service.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read to the end of the following clause, on pages 83 and 84:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$500,000, to be immediately available, of which sum \$250,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day and actual necessary expenses for transportation, including necessary sleeping-car fares.

Mr. BACON. Mr. President, I do not wish to unduly interrupt the reading of the bill, but I should like to make an inquiry, which I presume will be considered as pertinent. We recently had under consideration and acted upon the agricultural appropriation bill, in which there were very large appropriations for the protection of the public forests. I notice that in this bill there is also an additional appropriation upon the same line. The Senator who was in charge of the agricultural appropriation bill is present, and possibly he might comply with the request which I am about to make, that there be some explanation of the fact that an additional appropriation is required for what seems to me to be practically the same line of work.

Mr. WARREN. This appropriation is under the Secretary of the Interior. It is another Department. All of the public lands, as to survey, sale, purchase, and so forth, are really under the Interior Department, except those which are placed under the jurisdiction of the Agricultural Department as forest reserves. It sometimes occurs that they eliminate certain lands from the forest reserves and restore them to the jurisdiction of the Interior Department. Then the Interior Department advertises the lands and restores them to the open public domain. This small appropriation is for the purpose last stated.

Mr. BACON. It is sufficient for the Senator to say that the items do not relate to the same lands.

Mr. WARREN. Not at all.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Public lands service," on page 85, after line 17, to insert:

Protection of national monuments: For the custody, administration, and protection of national monuments under the control of the Secretary of the Interior, \$5,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 5, to insert:

Arid lands in Idaho and Wyoming: That an additional 1,000,000 acres of arid lands within each of the States of Idaho and Wyoming be made available and subject to the terms of section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and by amendments thereto, and that the States of Idaho and Wyoming be allowed under the provisions of said acts said additional area or so much thereof as may be necessary for the purposes and under the provisions of said acts.

The amendment was agreed to.

The next amendment was, under the subhead "Surveying the public lands," on page 88, after line 23, to insert the following additional proviso:

*Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding \$25 per linear mile for standard and meander lines, \$23 for township, and \$20 for section lines; the provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon, are hereby extended to all of the above-named States and Territories and district.

The amendment was agreed to.

The next amendment was, on page 90, after line 23, to insert:

To enable the Secretary of the Interior to cause the public-land surveys to be extended over the area embraced within the exterior limits of the Fort Keogh Military Reservation, in the State of Montana, \$4,200, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 91, after line 3, to insert:

For the ascertainment, survey, marking, and permanent establishment of that portion of the boundary line between the State of Idaho and the State of Washington from a point in the center of the Snake River opposite the mouth of the Clearwater River, thence due north to the international boundary line between the United States and the British possessions, an estimated distance of 185 miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate, \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 93, line 12, to increase the appropriation for geological surveys in the various portions of the United States from \$200,000 to \$300,000.

Mr. BACON. I should like to make an inquiry, with the permission of the Senator in charge of the bill. There have been some surveys suspended in the State of Georgia during the past year because of the reason alleged by the Geological Survey that the necessary money was lacking. I simply desire to know of the Senator whether this amendment, which inserts "three" instead of "two," making the appropriation \$300,000 instead of \$200,000, will be sufficient to cover such surveys as the Director has been heretofore unable to make by reason of the insufficiency of the appropriation?

Mr. ALLISON. I infer that this additional sum will cover the cost of the surveys required. We have given the amount estimated by the Department.

Mr. BACON. The Senator will see the purpose of the inquiry. As I have been met heretofore with the reply that there was not money enough, I wanted to know, when I next made application for the continuation of that survey, that there has been proper provision made in that regard.

Mr. ALLISON. I think this will cover it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 94, line 24, after the word "dollars," to insert the following proviso:

*Provided*, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: *Provided further*, That in publishing the results of these investigations the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

The amendment was agreed to.

The next amendment was, on page 95, line 19, to increase the total appropriation for the United States Geological Survey from \$1,335,520 to \$1,435,520.

The amendment was agreed to.

The next amendment was, on page 97, line 6, before the word "thousand," to strike out "one hundred and seventy-five" and insert "two hundred," so as to read:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for text-books and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, \$200,000.

The amendment was agreed to.

The next amendment was, on page 98, line 1, to increase the appropriation for the support of reindeer stations in Alaska, etc., from \$8,500 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 99, line 12, to increase the appropriation for protection and improvement of the Crater Lake National Park from \$3,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 101, line 7, after the word "four," to insert "not exceeding \$7,000," so as to make the clause read:

Authority is hereby granted to expend such portion of the balance of the appropriation for furniture for new buildings for the hospital, made in the sundry civil appropriation act for the fiscal year 1904, not exceeding \$7,000, as may be necessary for necessary furnishings of the foregoing assembly hall.

The amendment was agreed to.

The next amendment was, on page 103, line 5, before the word "dollars," to strike out "ten thousand five hundred" and insert "fifteen thousand," so as to make the clause read:

For subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, \$15,000.

The amendment was agreed to.

The next amendment was, on page 103, line 6, to increase the total appropriation for the maintenance of the Freedmen's Hospital from \$29,000 to \$33,500.

The amendment was agreed to.

The next amendment was, on page 103, after line 16, to insert:

The unexpended balance of the appropriation for furniture for the new Freedmen's Hospital building made in the sundry civil act of March 4, 1907, is hereby reappropriated and made available until expended.

The amendment was agreed to.

The next amendment was, on page 103, after line 21, to insert:

San Juan Plute Indians: That the sum of \$5,000 for the purchase of lands and sheep for the San Juan Plute Indians and \$10,500 for the support and civilization of the Kaibab Indians in Utah, etc., appropriated in the Indian appropriation act for the fiscal year 1907 and reappropriated and made available for the use of the Plute Indians in southern Utah and northern Arizona by the Indian appropriation act approved March 1, 1907, is hereby reappropriated and made available for the use of said Plute Indians in southern Utah and northern Arizona.

The amendment was agreed to.

The next amendment was, on page 104, after line 9, to insert: Augusta Arsenal, Augusta, Ga.: For the installation of machinery and for changes in buildings to receive it, \$6,000.

The amendment was agreed to.

The next amendment was, on page 105, after line 5, to insert: For repairs to the Moline bridge, connecting Rock Island Arsenal and the city of Moline, \$9,350.

The amendment was agreed to.

The next amendment was, on page 106, line 24, after the word "dollars," to strike out "And the testing machines at the Watertown Arsenal are hereby transferred to the Department of Commerce and Labor," so as to make the clause read:

Testing machines, Watertown Arsenal: For the necessary professional and skilled labor, purchase of materials, tools, and appliances for operating the testing machines, for investigative test and tests of United States material for constructions, and for instruments and materials for operating the chemical laboratory in connection therewith, and for maintenance of the establishment, \$35,000.

The amendment was agreed to.

The next amendment was, on page 109, line 11, after the word "dollars," to insert the following proviso:

Provided, That the officer in charge of public buildings and grounds is authorized to permit to be erected temporary structures upon reservations used as children's playgrounds, under such regulations as he may impose.

The amendment was agreed to.

The next amendment was, on page 111, after line 13, to insert: For paving with asphalt the roadway around the Washington Monument, \$7,500.

The amendment was agreed to.

The next amendment was, on page 111, after line 15, to insert:

For establishing, fitting up, and maintaining children's playgrounds, \$3,000.

The amendment was agreed to.

The next amendment was, on page 122, line 20, after the word "dollars," to insert:

Of which amount \$10,000, or so much thereof as may, in the opinion of the Secretary of War, be necessary, may be expended to repair and strengthen the levee heretofore constructed along the west bank of the Mississippi River between Flint Creek and the Iowa River.

So as to make the clause read:

For continuing improvement of Mississippi River from the mouth of the Missouri River to Minneapolis, Minn., \$500,000, of which amount \$10,000, or so much thereof as may, in the opinion of the Secretary of War, be necessary, may be expended to repair and strengthen the levee heretofore constructed along the west bank of the Mississippi River between Flint Creek and the Iowa River.

The amendment was agreed to.

Mr. BACON. This part of the bill seems to relate to the subject-matter, and I desire to ask a question of the Senator from Maine [Mr. HALE], as he is doubtless familiar with it. I notice in this morning's Post what purports to be an extract from a speech by the President of the United States yesterday, in which there occurs this paragraph:

I have begged Congress for an appropriation to perpetuate the Inland Waterways Commission, but my appeals have been unheeded. If Congress does not perpetuate the Commission, I will find a way to do so without the aid of Congress.

I want to ask the Senator from Maine, who is familiar not only with this appropriation bill, but is active in the preparation of all of them, whether or not in this bill, or in any other, there is an appropriation such as that which is spoken of by the President of the United States in the extract from his speech which I have just read?

Mr. HALE. If the Senator will turn to the middle of page 143 he will find an appropriation—

Mr. BACON. Is that the appropriation which is alluded to in this speech?

Mr. HALE. I presume it is. It is the only one we have.

Mr. BACON. Is that the amount which is asked for for that purpose?

Mr. HALE. It has been put in just as estimated for.

Mr. BACON. I think we may then be congratulated that the work may be proceeded with in accordance with law, and not in violation of law.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. DEPEW. Mr. President, I was not present yesterday at the conference at the White House, but a Senator who was present informed me that when that statement was made, which has just been read by the Senator from Georgia, the forty-two governors who were present, and the representatives from all the States, including Georgia, wildly applauded.

Mr. BACON. I do not know about the representatives from Georgia, and I would not undertake to criticize the representatives from any other State. But if any representative from Georgia applauded that sentiment that the President could use money not appropriated by Congress, I would not have any hesitation in condemning him as having done a very improper thing. Having said that much, I think I ought to state the reason.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. I have not read the newspapers giving the accounts that the Senator from Georgia and the Senator from New York refer to, and so I may say that I do not know enough about it to be certain that what was referred to is the item on page 143. I only know that this is the only estimate which has come to the committee with reference to any waterways commission, and that the committee has inserted it just as estimated for. But what was in the mind of the President of course I do not know. I only know that the committee has put in whatever has been submitted to it by estimate from the Department for any waterways commission. Whether this is the commission, or whether it is some other one, I do not know.

Mr. BACON. Mr. President, I notice in reading the provision on page 143 that it is headed "International Waterways Commission," and the Waterways Commission referred to by the President seems to have been the Inland Waterways Commission. I desire to say that in the remarks I have just made I do not desire to be understood as condemning the enterprise of improving our inland waterways, but if I am correctly informed as to the nature of our Government and the limitations of law, there can be no application of public funds to any en-



terprise of this kind unless authorized by Congress. I felt a little interest to know whether Congress was authorizing it, in view of the fact that the President of the United States said that if Congress did not authorize it he would find some other way to provide the money; and I would be very glad to be informed whether there is any provision of law—

Mr. BEVERIDGE. The President did not say "provide the money."

Mr. BACON. Possibly I misunderstood him.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. Certainly.

Mr. GALLINGER. This seems to be an appropriation for an International Waterways Commission.

Mr. BACON. Yes.

Mr. GALLINGER. The Senator perhaps is aware of the fact that the President organized a National Waterways Commission—

Mr. BACON. Yes.

Mr. GALLINGER. An Inland Waterways Commission; and before the Committee on Commerce a bill is pending providing an appropriation for that Commission. It has not yet been reported out of the committee, I will say to the Senator, and I am sure that it was that Commission which the Chief Executive had reference to yesterday and not the International Waterways Commission.

Mr. BACON. Yes, Mr. President.

Mr. HALE. I think undoubtedly the Senator from New Hampshire is correct.

Mr. BACON. That makes the statement of the President a very important one, and probably justifies me in making the inquiry of the Appropriations Committee. It may be all right that Congress should make the appropriation. I am not sufficiently familiar with the subject to say whether it is or not. But the thing which struck me was this sentence. After the President had stated that he had begged Congress for an appropriation for this purpose, he goes on to say:

If Congress does not perpetuate the Commission, I will find a way to do so without the aid of Congress.

He does not say, as I probably incorrectly stated that he said, that he would find or provide the money; but there can be no other conclusion to my mind than that is what is meant by the statement, because he is speaking of the contingency of Congress not making the necessary appropriation to carry on the work. He then says that if Congress does not make the appropriation he will find the means. The Senator from Indiana [Mr. BEVERIDGE] shakes his head. Of course I do not want to do any injustice to the President.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. Certainly.

Mr. BEVERIDGE. I call the attention of the Senator to the fact that the President did not say that he would find some other way of providing the money. The Senator then read what the President did say, which was that he would perpetuate the Commission. I ask as a matter of information whether or not there has heretofore been any appropriation made for the Inland Waterways Commission which the President appointed?

Mr. GALLINGER. No.

Mr. BEVERIDGE. I am informed by two or three Senators here, the Senator from New Hampshire and others who know, that there has been no appropriation made for it. So the Commission exists now without any appropriation, and the President could continue it without any appropriation if the Commission would serve. Therefore I think that not only, as the Senator admits, did the President not say that he would find some means of getting the money other than through an appropriation, but that the Senator's inference is not justified by the President's words.

Mr. BACON. I am pleased that the Senator from Indiana makes that suggestion, because I am unwilling to have the contrary conclusion recognized as a fact. I am not willing that it shall be true that the language does mean what I thought it meant.

Mr. BEVERIDGE. Mr. President—

Mr. BACON. I hope the Senator will let me complete the statement. I prefer that it should be established as a fact that the President did not mean that if Congress failed to appropriate the money he would take some funds somewhere and carry on the Commission. I hope the President did not mean that, and I am glad the Senator from Indiana, standing as near the President as he does, gives us the assurance that in his opinion that is not the meaning of the statement.

Mr. BEVERIDGE. Of course I do not assume to speak for the President. I am merely pointing out to the Senator the fact that the President could continue the Commission, just as he created the Commission, without any appropriation, and therefore there was no inference to be drawn from what the Senator quoted from the President to the effect which the Senator first put upon it, to wit, that the President meant he was going to get money in some other way than from an appropriation. That is all.

Mr. BACON. The man who made the headlines evidently came to the same conclusion I did.

Mr. BEVERIDGE. Of course, if the Senator is speaking from headlines—

Mr. BACON. No.

Mr. BEVERIDGE. And not from what the President really said—

Mr. BACON. I am merely justifying myself by showing that the same construction was made by others. I am glad to have the suggestion that the President does not mean it, because it would be a gross violation of law if the President meant what I thought he did and should act in accordance therewith. I am more than glad to have the suggestion that that is not what he meant.

Mr. TELLER. Mr. President, there seems to be some confusion about this matter. I think the provision on page 143 is not what the President referred to. That is the International Waterways Commission, provided for by the act of June 30, 1902, for which \$20,000 is appropriated. In the message the President sent to us on the 26th day of February he refers to what I think he alluded to yesterday, if he referred to anything at all. All I know is derived from what the Senator from Georgia has read from the paper. This is a report, and the President says:

I transmit herewith a preliminary report from the Inland Waterways Commission.

I do not know whether he refers to this as the Inland Waterways Commission.

Mr. BACON. Those are the words—"Inland Waterways Commission."

Mr. TELLER. Undoubtedly that is not the proposition involved here. This is like a good many other messages we have had here. It comes here and is read and disposed of and not much attention is paid to it. I do not myself remember whether the President asked for an appropriation or not. I am not sufficiently familiar with the matter to say. For myself, I do not understand why there is any necessity for two of these commissions, an inland and an international. All our waterways which are worth anything are interstate.

As a member of the committee, my attention has never been called to any suggestion by any Department to us to prepare an appropriation. We take the appropriations that come from the House in the bill, and our attention is generally called by some official of the Government to some oversight on the part of the House. We then provide for it. I am quite certain we have not in this bill anything which covers the Inland Waterways Commission. But if the President knows how to get along without an appropriation, it may be economy to let him do so.

Mr. BACON. The Senator from Colorado does not mean by that that there is any possibility that the President could lawfully use money not specifically appropriated for that purpose?

Mr. TELLER. I have not the slightest idea what the President means, if that is a correct statement of what he said. I do not know whether it is or not. I have not even read it in the newspapers. I do not know what he said or what he meant. I am pretty certain this matter never came before the committee in a proper way to justify us in recommending an appropriation.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 124, line 5, to increase the appropriation for continuing the construction of Lock and Dam No. 11 from \$86,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 131, after line 12, to insert:

Miscellaneous objects, War Department.

The amendment was agreed to.

The next amendment was, in the item "Miscellaneous objects, War Department," on page 131, line 21, after the word "Army," to insert "or for barracks and quarters for the artillery," so as to make the proviso read:

Provided, That no part of this sum or of the following sums shall be expended for the construction of quarters for officers of the Army, or for barracks and quarters for the artillery, the total cost of which, including the heating and plumbing apparatus, etc.

The amendment was agreed to.

The next amendment was, on page 132, line 6, to increase the appropriation for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defenses from \$1,987,260 to \$2,737,260.

The amendment was agreed to.

The next amendment was, on page 133, after line 21, to insert:

Fort Sheridan, Ill.: For the enlargement of the reservation for Fort Sheridan, with the approval of the Secretary of War, by the purchase of a triangular tract of land lying adjacent to and adjoining the military post at Fort Sheridan, Ill., and containing 11½ acres, more or less, said tract of land having a frontage on the west shore of Lake Michigan, in the county of Lake, State of Illinois, \$36,707.50, or so much thereof as may be necessary: *Provided*, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all of the property belonging to the same owner and adjacent thereto.

The amendment was agreed to.

The next amendment was, on page 134, after line 9, to insert:

Fort Logan, Colo.: For the purchase of lands adjacent to the military reservation of Fort Logan, Colo., said lands to be used as additional drill grounds for the garrison and for the site of an additional reservoir, and for the purchase of water rights for a permanent water supply for Fort Logan in Colorado, \$110,000.

The amendment was agreed to.

The next amendment was, on page 137, after line 20, to insert:

For the repair and restoration of buildings and removal of fallen trees at the Chickamauga and Chattanooga National Park damaged and destroyed by the cyclone storm of April 24, 1908, to be immediately available, \$26,000.

The amendment was agreed to.

The next amendment was, on page 140, line 1, after the word "secretary," to insert "and historian," so as to read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners and the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns.

The amendment was agreed to.

The next amendment was, on page 142, line 16, before the word "thousand," to strike out "nineteen" and insert "twenty-four," so as to make the clause read:

For the building of a retaining wall from Florida avenue to north line of hospital grounds on east side of Eleventh street; for macadamized driveways to replace gravel ones, repairing macadamized driveways, and repaving gutters; for new cement walks to replace wooden ones; for installing fire plugs on ground, and for services of engineer to supervise all said work, \$24,430, to be immediately available and to be expended under the direction of the board of trustees of the hospital, one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 143, after line 15, to insert:

Emery gun carriage: To enable A. H. Emery to complete the gun carriage he is making for the Government the Secretary of War is hereby authorized and directed to increase the price of said contract to be paid to the said Emery for the said carriage by the sum of \$30,000, which sum is hereby appropriated, \$20,000 of which is to be paid him on the completion of this act, \$5,000 when he is ready to put in the foundation for this carriage, and the other \$5,000 when he is ready to erect the carriage for its preliminary test.

The amendment was agreed to.

The reading was continued to line 13, on page 148, in the items for the Northwestern Branch, National Soldiers' Home, at Milwaukee, Wis.

Mr. ALLISON. I move to insert, after line 13:

For dormitory for hospital nurses, \$5,500; for iron fence, \$5,000; for cement curbing and gutter, \$6,000; for installation of telephone system, \$5,000; for chaplain's quarters, \$4,000.

The amendment was agreed to.

Mr. ALLISON. In line 14, I move to increase the total from \$343,300 to \$368,800.

The amendment was agreed to.

The reading was continued to page 157, line 13.

Mr. ALLISON. On line 13, there is a total which needs to be changed. I do not know whether the clerks have changed it or not. It is now \$4,493,800. It should be \$4,529,003. I move that amendment.

The amendment was agreed to.

The reading was continued to line 22, page 163.

Mr. ALLISON. In line 20, before the word "thousand," I move to strike out "forty-five" and insert "seventy-five," so that the paragraph will read:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith notwithstanding, \$75,000, of which not exceeding \$200 may be expended for law books and books of reference.

The amendment was agreed to.

The next amendment was, in the items "Under the Department of Justice," on page 163, line 24, to increase the appropriation for expenses of taking testimony abroad by the Spanish Treaty Claims Commission, from \$12,500 to \$25,000.

The amendment was agreed to.

The next amendment was, in the item "Judicial," on page 165, line 16, after the word "attorney," to insert the following additional proviso:

*Provided further*, That all laws fixing the annual salaries of the United States attorney for the southern district of New York, and of assistants in his office, shall hereafter apply in all respects to and be construed as fixing the annual salaries of the United States attorney for the eastern district of Pennsylvania, and of assistants in his office.

The amendment was agreed to.

The next amendment was, on page 167, line 19, before the word "hundred," to strike out "one" and insert "two," so as to make the clause read:

For payment of assistants to the Attorney-General and of assistants to United States district attorneys, employed by the Attorney-General to represent the United States in naturalization and other proceedings, and for other necessary expenses in connection with such proceedings and cases, \$250,000, which shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, on page 169, line 9, after the word "dollars," to insert the following additional proviso:

*Provided further*, That hereafter the judges of the district court of the United States shall be allowed the sum of \$6 per day as expenses of travel and attendance for each day that any such judge shall be necessarily absent from his place of residence in holding court or in the discharge of other judicial duties in any other place in the district whereof he is judge: *Provided*, That if any judge resides at a place other than that at which a court is held in his district, his residence, for the purpose of this act, shall be deemed to be that place where a court is held, in his district, nearest to his residence. Said sum to be paid upon the written certificate of such judges, and such payments shall be allowed the marshal in the settlement of the accounts of the United States.

The amendment was agreed to.

The next amendment was, on page 170, after line 0, to insert: For safe or vault for safe-keeping records in the office of United States Commissioner for Teller, Alaska, \$500.

The amendment was agreed to.

The next amendment was, on page 176, line 25, after the word "each," to insert "two foremen of and skilled helpers in industries, \$1,560;" on page 177, line 10, after the word "exceed," to strike out "seven" and insert "eight;" in line 12, before the word "dollars," to strike out "five hundred and twenty" and insert "eight hundred and eighty;" and in line 16, before the word "dollars," to strike out "twenty-three thousand seven hundred and eighty" and insert "twenty-five thousand seven hundred," so as to make the clause read:

Reform School, District of Columbia: For superintendent, \$2,000; assistant superintendent, \$1,500; teachers and assistant teachers, \$6,900; matron of school, \$600; five matrons of families, at \$240 each; two foremen of and skilled helpers in industries, \$1,560; two foremen of workshops, at \$600 each; farmer, \$600; assistant farmer, \$420; florist, engineer, baker, cook, shoemaker, and tailor, at \$480 each; assistant engineer, \$360; laundress, \$300; two dining-room attendants, and housemaid, at \$180 each; nurse, \$360; watchmen, not to exceed eight in number, \$2,880; office clerk, \$720; parole officer, \$900; secretary and treasurer to board of trustees, \$600; in all, \$25,700.

The amendment was agreed to.

The next amendment was, on page 178, line 9, to increase the total appropriation for the maintenance of the Reform School, District of Columbia, from \$80,980 to \$82,900.

The amendment was agreed to.

The next amendment was, on page 178, after line 13, to insert: UNDER THE NAVY DEPARTMENT. Navy-yard, Portsmouth, N. H.: For completing pattern shop for steam engineering, \$20,550.

The amendment was agreed to.

The next amendment was, on page 178, line 18, before the word "Department," to insert "Under the," so as to make the headline read:

Under the Department of State.

The amendment was agreed to.

The next amendment was, in the items "Under the Department of State," on page 179, after line 16, to insert:

International investigation of opium evil: To enable this Government to appoint not more than three commissioners and a secretary and disbursing officer, and to include traveling expenses, stationery, printing, and other incidental expenses connected with the investigation and the meeting of the commissioners, \$20,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 179, after line 23, to insert: International conference at London: To meet the expenses of the United States at the international conference which will meet at London in October, 1908, for the purpose of formulating rules to be observed by the international prize court under paragraph 2, article 1, of the Hague convention providing for the establishment of such court, \$10,000, or so much thereof as may be necessary.

The amendment was agreed to.



The next amendment was, on page 180, after line 6, to insert:

Fisheries convention, United States and Canada: For the payment of the compensation of a commissioner on the part of the United States under the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908, and of the share of the United States of the expenses that may be incurred in putting into operation and carrying out the convention during the fiscal year ending June 30, 1909, \$10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 180, after line 17, to insert:

Northeastern fisheries arbitration: To meet the expenses on the part of the United States in the arbitration before the permanent court of arbitration at The Hague of the questions in controversy between the United States and Great Britain with respect to the northeastern fisheries, under a special agreement in course of negotiation between the United States and Great Britain, in conformity with Article II of the general arbitration convention between the two countries signed at Washington on April 4, 1908, and approved by the Senate on April 22, 1908, \$100,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 181, after line 5, to insert:

International commission at Rio de Janeiro: For the payment of compensation to, and of the necessary expenses of, a commissioner to represent the United States in the international commission which, in pursuance of the convention signed at the Third International Conference of American States, on August 23, 1906, approved by the Senate on February 3, 1908, and ratified by the President on February 8, 1908, is to meet at the city of Rio de Janeiro in July, 1908, for the purpose of preparing draft codes of private and public international law regulating the relations between the nations of America; and for the payment of the quota of the United States of the expenses incident to the preparation of the drafts, including the compensation of the experts provided for in Article IV of the said convention, \$20,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, in the items "Under legislative," on page 183, after line 2, to insert:

Senate: To pay C. G. Northup for extra clerical services performed for a subcommittee of the Committee on Indian Affairs of the Senate, authorized by Senate resolution No. 261, Fifty-ninth Congress, second session, and for editing, compiling, and indexing the testimony taken before the subcommittee of the Committee on Indian Affairs, authorized by Senate resolution No. 220, Fifty-ninth Congress, second session, \$2,500.

The amendment was agreed to.

The next amendment was, on page 183, after line 11, to insert:

To pay John J. Hannan, Frederick N. Webber, and C. A. Loeffler for extra services under Senate resolution No. 261, Fifty-ninth Congress, second session, \$125 each.

The amendment was agreed to.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. ELKINS. I ask unanimous consent that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Secretary will proceed with the reading of the appropriation bill.

The reading of the bill was continued to page 187, line 8.

Mr. ALLISON. In line 8, before the word "thousand," I move to strike out "twenty-five" and insert "twenty-four," so as to read:

For printing and binding for Congress, including the proceedings and debates, and for rents, \$1,824,900.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 188, line 24, before the word "thousand," to strike out "thirty-three" and insert "thirty-four;" and on page 189, line 9, before the word "thousand," to strike out "seventy-one" and insert "seventy-two," so as to make the clause read:

For the Smithsonian Institution, for printing and binding the Annual Reports of the Board of Regents, with general appendices, \$10,000; under the Smithsonian Institution, for the Annual Reports of the National Museum, with general appendices, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half turkey or material not more expensive, scientific books and pamphlets presented to and acquired by the National Museum Library, \$34,000; for the Annual Reports and Bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the Bureau, \$21,000; for miscellaneous printing and binding for the International Exchanges, \$200; the International Catalogue of Scientific Literature, \$100; the National Zoological Park, \$200; the Astrophysical Observatory, \$100; and for the Annual Report of the American Historical Association, \$7,000; in all \$72,600.

The amendment was agreed to.

The next amendment was, in the items for "The Isthmian Canal," on page 192, line 17, after the word "dollars," to strike

out "and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Isthmian Canal, \$1,000), twenty-seven" and insert "twenty-six," so as to make the clause read:

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, \$7,500, and text-books and books of reference, \$1,000), \$26,000, and the unexpended balances of appropriations for these objects available June 30, 1908.

Mr. BEVERIDGE. I trust the Senate will disagree to that amendment.

Mr. ALLISON. Yes; the text is to be restored.

Mr. HALE. Let the whole amendment be disagreed to.

The amendment was rejected.

The reading was continued. The next amendment was, on page 194, line 3, after the word "subsistence," to insert "including the purchase of two steamships of American registry at a cost not to exceed \$1,600,000, for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, equipment, and material for use in the construction of the canal and employees therefor;" and in line 9, before the word "hundred," to strike out "eleven million two" and insert "twelve million eight," so as to make the clause read:

Fifth. For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the Commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, including the purchase of two steamships of American registry at a cost not to exceed \$1,600,000, for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, equipment, and material for use in the construction of the canal and employees therefor, \$12,850,000.

The amendment was agreed to.

The next amendment was, on page 196, line 7, to increase the total appropriation for the Isthmian Canal from \$27,627,000 to \$29,226,000.

The amendment was agreed to.

The next amendment was, on page 196, after line 15, to insert:

To pay to Pembroke B. Banton, of Waterloo, Iowa, to compensate him for injuries received while in the employ of the Government on the Panama Canal, \$10,000.

The amendment was agreed to.

The next amendment was, on page 198, after line 15, to strike out section 6 in the following words:

SEC. 6. All funds hereafter realized by the Isthmian Canal Commission from the performance of services by the Commission, or from the sale of materials and supplies upon the Isthmus, under the custody and control of the Commission, are hereby reappropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering.

The amendment was agreed to.

The next amendment was, on page 199, after line 3, to strike out section 8 in the following words:

SEC. 8. The National Academy of Sciences is required, at their next meeting, to take into consideration the methods and expenses of conducting all surveys of a scientific character, and all chemical, testing, and experimental laboratories and to report to Congress as soon thereafter as may be practicable a plan for consolidating such surveys, chemical, testing, and experimental laboratories so as to effectually prevent duplication of work and reduce expenditures without detriment to the public service.

It is the judgment of Congress that any person who holds employment under the United States or who is employed by and receives a regular salary from any scientific bureau or institution that is required to report to Congress should refrain from participation in the deliberations of said National Academy of Sciences on this subject and from voting on or joining in any recommendation hereunder.

The amendment was agreed to.

Mr. CLARKE of Arkansas. I wish to make a point of order against the next amendment. I presume that it will be made in time, if made after it is read.

The next amendment was, on page 199, after line 19, to add as an additional section the following:

SEC. 7. That the Secretary of the Treasury is authorized to enter into a contract for furnishing to the United States all electric current used for any purpose whatsoever, except for the lighting of streets, avenues, alleys, or highways, in or in connection with any and all buildings within or in the vicinity of the District of Columbia owned or occupied by the United States or owned or occupied by the District of Columbia, excepting only such buildings as may be occupied by the Congress of the United States; payment for such current to be at the annual rate of 6 cents per kilowatt hour for the first million kilowatt hours and at 2½ cents per kilowatt hour for each or any part of each succeeding kilowatt hour; all current to be metered in the respective buildings and the proportionate cost of the total consumption to be charged against each Department of the United States Government and the government of the District of Columbia, respectively, and paid monthly or quarterly, as it may be agreed, in gross, by the Secretary of the Treasury, to the contractor in accordance with the provisions of the contract herein authorized and out of the appropriations made by Congress from year to year therefor; of the amounts paid on account of the government of the District of Columbia one-half shall be paid out of the revenues of the District of Columbia. During the fiscal year

1909, payments for electric current under any contract made hereunder shall be made out of appropriations made for the purchase of electric current or for purchase, installation, operation, maintenance, or repair of electrical apparatus within the territory covered by said contract, and for the purpose of such payment said appropriations are hereby expressly made available. For the fiscal year 1910, and annually thereafter, the Secretary of the Treasury shall submit estimates for specific appropriations to meet the obligations of any contract entered into hereunder. In consideration of the rates for current herein specified the contract authorized hereunder shall be for the period of ten years, conditioned, however, that the same may be terminated by the Secretary of the Treasury at any time within the period of the contract, provided that written notice of such purpose to terminate shall have been given to the contractor one year prior to the date of the proposed termination.

From and after the execution of such contract all current actually furnished by the contractor for such buildings as may be occupied by Congress shall be at the same rates fixed by said contract, and the United States shall be entitled at any time during the period of said contract to take and receive such current as the Superintendent of the Capitol Building and Grounds may determine for the buildings occupied by Congress at the rates and under the terms of said contract.

Mr. CLARKE of Arkansas. Mr. President, I make the point of order that that is new legislation of a general character. In addition, there is the point that it has not been estimated for.

The amendment proposes to introduce a radical change in the method of supplying electricity for the use of the different Departments of the Government. It not only proposes to do that, but, according to the estimate I have seen made, it proposes to do it at a vast increase of expense to the Government. It would render useless a number of electric plants attached to different Departments of the Government. It seems to me if this sort of legislation is to be entered upon, it ought to be done in some independent measure.

I submit the matter to the Chair.

The VICE-PRESIDENT. The Chair is of opinion that the amendment proposes general legislation and is therefore obnoxious to paragraph 3, Rule XVI. The Chair sustains the point of order.

The next amendment was, on page 201, after line 18, to insert as a new section the following:

SEC. 8. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1909, and all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, at the top of page 202, to insert as a new section the following:

#### ALASKA-YUKON-PACIFIC EXPOSITION.

SEC. 9. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Alaska-Yukon-Pacific Exposition, to be held at Seattle, State of Washington, in the year 1909, upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

That there shall be exhibited at said exposition by the Government of the United States, from the Smithsonian Institution, the National Museum, and the Library of Congress such articles and material of a historical nature as will serve to impart a knowledge of our national history, and especially of the history of Alaska, Hawaii, and the Philippine Islands, and that part of the United States west of the Rocky Mountains. There shall be exhibited from the Executive Departments of the United States such exhibits as will illustrate the function and administrative faculty of the Government and demonstrate the nature of our institutions and their adaption to the wants of the people, special attention being given to such articles, materials, and exhibits as will most practically prove of educational value in connection with the development of commerce in the countries bordering upon the Pacific Ocean, the preservation of forests, the reclamation and irrigation of arid and semiarid lands, the improving and enlarging of transportation facilities and the safeguards of navigation, and the economic value of the investigations and operations of the Government with reference to public health, patents, geology, weather, animal industry, plant industry, soils, entomology, experiment stations, Coast and Geodetic Survey, and public roads. And the International Bureau of American Republics is hereby invited to make an exhibit of the resources of the American Republics, particularly with a view to establishing closer trade relations between the United States and said Republics, and space in any of the United States Government buildings shall be provided for this purpose to secure a complete and harmonious arrangement of such Government exhibit. A United States Government board of management is hereby created, to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such articles and materials as the heads of the several Departments, the Secretary of the Smithsonian Institution and keeper of the National Museum, the Librarian of Congress, and the Director of the International Bureau of American Republics may respectively decide shall be embraced in said Government exhibit. And said Government board is hereby authorized to rent and use such building or buildings

in the District of Columbia as may be necessary in the preparation of said exhibit. The President of the United States may also designate additional articles for exhibition. Said Government board shall be composed of one person to be named by the head of each of the Executive Departments, one by the head of the Smithsonian Institution and National Museum, one by the Librarian of Congress, and one by the Director of the International Bureau of American Republics. The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said Government board, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army or Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said Alaska-Yukon-Pacific Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time three-fourths of the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created. The Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for this purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in life-saving stations in the United States. The Secretary of Commerce and Labor is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, in such building of aquarium as shall be allotted for this purpose, a complete exhibit of the fish and fisheries of the United States, paying special attention to the fish and fisheries of the Pacific Ocean, with a view to demonstrating in the fullest manner possible the economic value of such fish and fisheries: *Provided*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, and for rent of building or buildings in the District of Columbia, shall not exceed the sum of \$250,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That the Secretary of the Interior is hereby authorized and directed to aid the people of the district of Alaska and of the Territory of Hawaii in providing and maintaining appropriate and creditable exhibits of the products and resources of Alaska and Hawaii at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Territories at said exposition: *Provided*, That the total expenditure for said exhibit for said district of Alaska on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of \$100,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *And provided further*, That the total expenditure for said exhibit for the Territory of Hawaii on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles exhibited, shall not exceed the sum of \$25,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That the Secretary of War is hereby authorized and directed to aid the people of the Philippine Islands in providing and maintaining an appropriate and creditable exhibit of the products and resources of the Philippine Islands at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Philippine Islands at said exposition: *Provided*, That the total expense of said exhibit on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of \$25,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of said Alaska-Yukon-Pacific Exposition for said Government exhibit, including an irrigation and biograph building; also a fisheries building complete, with mechanical apparatus; also buildings for the exhibits of the district of Alaska, the Territory of Hawaii, and the Philippine Islands; also buildings for such other purposes in connection with the exhibits herein authorized as in the judgment of the Secretary of the Treasury may be necessary. Said buildings shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States, but the contract for said buildings, including the preparation of ground therefor and the approaches thereto, and the interior and exterior decorative wiring and lighting thereof, shall not exceed the sum of \$300,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of the Treasury is authorized and required to dispose of said buildings, or the materials composing the same, at the close of the exposition, giving preference to the State of Washington or to the Alaska-Yukon-Pacific Exposition corporation or to



the city of Seattle to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

That the allotment of space for exhibitors in the building or buildings erected under authority of this act for the use of the district of Alaska, the Territory of Hawaii, and the Philippine Islands shall be done and performed without charge to exhibitors by the Government board created by this act.

That dies for medals bearing appropriate devices, emblems, and inscriptions commemorative of said Alaska-Yukon-Pacific Exposition and of the awards to be made to the exhibitors thereat shall be prepared by the Secretary of the Treasury at some mint of the United States for the board of trustees of Alaska-Yukon-Pacific Exposition, a corporation, subject to the provisions of the fifty-second section of the coinage act of 1873, and upon the payment by said Alaska-Yukon-Pacific Exposition of a sum not less than the cost thereof; and all provisions of law against the counterfeiting or imitating of coins of the United States shall apply to the medals issued under this act.

That the United States shall not be liable on account of said exposition for any expenses incident to or growing out of the same, except for the construction of the building or buildings hereinafter authorized and for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government and for the employment of proper persons as officers and assistants by the Government board created by this act, and for other expenses, and for the maintenance of said building or buildings and other contingent expenses to be approved by the chairman of the Government board, or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers: *Provided*, That no liability against the Government shall be incurred and no expenditure of money appropriated by this act shall be made until the president of said exposition shall have furnished to the satisfaction of the Secretary of the Treasury proof that there has been obtained for the purpose of completing and opening said exposition bona fide subscriptions to the stock of Alaska-Yukon-Pacific Exposition (a corporation), by responsible parties, contributions, donations, and appropriations, from all sources, aggregating a sum not less than \$1,000,000.

That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of said Alaska-Yukon-Pacific Exposition (a corporation), its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses, of any kind or nature whatever, attending such exposition corporation, or accruing by reason of the same.

That nothing in this act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the Alaska-Yukon-Pacific Exposition or for the benefit of said exposition or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act.

The amendment was agreed to.

The next amendment was, on page 212, after line 22, to insert as a new section the following:

#### INTERNATIONAL EXPOSITION, ALBUQUERQUE, N. MEX.

SEC. 10. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Albuquerque, N. Mex., out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to assist in defraying the expenses incident to the International exposition to be held in that city commencing September 29, 1908, \$25,000 of which, or so much thereof as may be necessary, shall be set aside to pay the expense attending exhibits to be made by the Executive Departments of the Government.

The amendment was agreed to.

The VICE-PRESIDENT. Has the committee any further amendments?

Mr. HALE. Yes, Mr. President. On page 132, after line 13, I move to insert:

That \$100,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available, for the repair and reconstruction of the buildings and for the replacement of furniture and equipment destroyed in whole or in part by cyclone on the 12th day of May, 1908, at Fort Crook military post, in Nebraska.

The amendment was agreed to.

Mr. BRANDEGEE. On page 6, after line 23, I move to insert:

The Secretary of the Treasury is hereby authorized and directed to cause the public building in the city of New Haven, Conn., now used for a post-office, and for other purposes, to be enlarged, extended, or remodeled at a cost to the United States of not to exceed \$50,000, including all necessary changes in, additions thereto, alterations thereof, and repairs to the present building, and of the heating and plumbing systems therein, and drainage and approaches thereto, which may be incident to such extension and enlargement or remodeling of said building.

The amendment was agreed to.

Mr. BRANDEGEE. I ask that the letter from the Secretary of the Treasury and the letter from the Assistant Secretary recommending this amendment be inserted in the Record, without reading.

There being no objection, the letters were ordered to be printed in the Record, as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, April 29, 1908.

SIR: Referring to your request for a report in connection with S. 6616, authorizing the extension, enlargement, and alteration of the public building at New Haven, Conn., at a cost not to exceed \$50,000, I have the honor to submit the following:

It appears from the report of the superintendent of construction, who visited the New Haven building under instructions of this Department, that two one-story additions without basements, of fireproof construction, and having a total ground area of 2,600 feet, will cost \$40,000, including necessary alterations in old structure and change of old mechanical equipment.

The attention of your committee is called to the fact that an addition as above indicated will occupy the clear space of 18 feet on either side of the present building.

Respectfully,

GEO. B. CORTELYOU,  
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,  
United States Senate.

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, April 3, 1908.

SIR: The attention of the Department has been called to the overcrowded condition of the post-office in the custom-house and post-office building at New Haven, Conn., and a superintendent of construction, thoroughly qualified, being at the building on matters of repairs, was instructed to investigate and report thereon.

His report confirms the information first received, and it would seem that relief is *imperatively necessary*. The superintendent states that this may be accomplished by the erection of an extension at the south, another on the front of the building, and another at the northeast, all of which would cost, with the necessary modifications to the building incident thereto, approximately \$50,000. The general appropriation for repairs, etc., is not available for such work, and the matter is submitted to you for further action as you may deem necessary.

The postmaster is most urgent in pressing the needs of his office, and there is no doubt that all of the divisions, namely, registry division, money-order division, registry lobby, post-office work room, carriers' division, and stamp division should be enlarged, and this can be done only by the erection of extensions.

Respectfully,

L. A. COOLIDGE,  
Assistant Secretary.

HON. M. G. BULKELEY,  
United States Senate.

Mr. GUGGENHEIM. On page 27, after line 16, I move to insert:

Transportation of silver coin: For transportation of silver dollars by registered mail or otherwise, \$75,000, and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants; and the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 98, after line 8, it is proposed to insert:

To enable the governor of Alaska, under the direction of the Secretary of the Interior, to take action to suppress traffic in intoxicating liquors among the natives of Alaska, \$6,000.

The amendment was agreed to.

Mr. BAILEY. I offer the amendment which I send to the desk, to be inserted at the end of line 7, on page 121.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 121, at the end of line 7, it is proposed to insert:

*Provided*, That the Secretary of War be, and is hereby, directed to cause to be made an examination and survey of Galveston Harbor as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Port Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor, so as to meet the growing needs of commerce, and to estimate the probable cost thereof, the cost of said examination and survey to be paid out of this appropriation.

The amendment was agreed to.

Mr. ALDRICH. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. On page 18, after line 9, it is proposed to insert:

For the construction and equipping of a steam revenue cutter, for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I., to take the place of the revenue cutter *Dexter*, \$225,000.

The amendment was agreed to.

Mr. SUTHERLAND. On page 90, line 22, after the name "Kane," I move to insert the name "San Juan;" and in the

same line, after the word "fifty," I move to insert the word "five," so that the clause will read:

To make a survey of the public lands in Garfield, Iron, Kane, San Juan, and Washington counties, in the State of Utah, \$55,000.

The amendment was agreed to.

Mr. DEPEW. To come in on page 18, line 9, after the amendment adopted on motion of the Senator from Rhode Island [Mr. ALDRICH], I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from New York proposes an amendment, which will be stated.

The SECRETARY. On page 18, line 9, after the amendment already inserted at that place, it is proposed to insert:

For the construction of one steam revenue cutter for anchorage patrol duty in the harbor of New York, \$80,000.

The amendment was agreed to.

Mr. KEAN. In behalf of the Senator from Massachusetts [Mr. LODGE], who is necessarily absent, I propose an amendment on page 107, after line 17, which I send to the desk. This amendment only provides for putting employees at arsenals on the same footing as other employees of the Government. I ask that the amendment be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Jersey on behalf of the Senator from Massachusetts will be stated.

The SECRETARY. On page 107, after line 17, it is proposed to insert:

That after June 30, 1908, all clerks and draftsmen and classified civil-service employees whose compensation is based on a per diem, monthly, or yearly rate employed at United States arsenals, shall be granted thirty working days' leave of absence in each year without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.

Mr. HALE. Mr. President, I make the point of order on that amendment that it provides for a scheme of general legislation.

The VICE-PRESIDENT. The amendment clearly proposes general legislation, and, therefore, is in violation of the rule. The Chair sustains the point of order.

Mr. TELLER. On page 87, line 6, after the name "Idaho," I move to insert "Colorado;" and in line 8, after the name "Idaho," and in line 15, after the name "Idaho," I move to add the name "Colorado."

The VICE-PRESIDENT. An amendment of the committee has already been agreed to at that point. Without objection, the amendment will be regarded as still open to amendment. The amendment proposed by the Senator from Colorado to the amendment will be stated.

The SECRETARY. On page 87, line 6, in the subhead, after the name "Idaho," it is proposed to insert the name "Colorado;" in line 8, after the name "Idaho," it is proposed to insert the name "Colorado;" and in line 15, after the name "Idaho," it is proposed to insert the name "Colorado."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. TELLER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DANIEL. On page 128, after the word "village," in line 7, I move to insert the words "except when jurisdiction and authority over said roadway has been ceded to the United States." I will briefly explain this amendment, and when it is understood I think there can be no reasonable objection to it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 128, line 7, after the word "village," it is proposed to insert:

Except when jurisdiction and authority over said roadway has been ceded to the United States.

Mr. HALE. There is no objection to the amendment.

Mr. DANIEL. Then an explanation is unnecessary, and I ask for the adoption of the amendment.

The amendment was agreed to.

Mr. CARTER. On page 104, after line 7, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 104, after line 7, it is proposed to insert:

That the unexpended balance of the appropriation, in pursuance of treaty stipulations, for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907, be, and the same is hereby, reappropriated and made available for the fiscal year ending June 30, 1908.

The amendment was agreed to.

Mr. CARTER. I offer another amendment, which I send to the desk, to come in on page 167, after line 22.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 167, after line 22, it is proposed to insert:

*Provided*, That hereafter the fees and compensation of the clerk of the circuit and district court for the district of Montana shall be computed and allowed on the same basis as like fees are allowed, computed, and paid in the district of Oregon.

The amendment was agreed to.

Mr. CARTER. On page 136, line 12, I move to strike out "sixty-five" and insert "eighty-five." It is an amendment relating to the improvement of the Yellowstone National Park.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 136, line 12, before the word "thousand," it is proposed to strike out "sixty-five" and insert "eighty-five," so as to read:

Improvement of the Yellowstone National Park: For maintenance and repair of improvements, \$85,000, to be expended by and under the direction of the Secretary of War, and to be immediately available.

The amendment was agreed to.

Mr. CARTER. I also move, on page 136, after line 15, to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 136, at the end of line 15, it is proposed to insert:

Of which sum \$10,000 shall be used for construction of the road as surveyed in the park from the West Gallatin River, and \$10,000 shall be available for repair of the Cooke City road within said park.

The amendment was agreed to.

Mr. CLARK of Wyoming. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 169, after line 22, it is proposed to insert the following:

Jurors and witnesses in the United States courts, including commissioners' courts, in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico, Arizona, and Hawaii shall be entitled to receive for actual attendance at any court or courts, including commissioners' courts, and for the time necessarily occupied in going to and returning from the same, \$3 a day, and 15 cents for each mile necessarily traveled over any stage line, or by private conveyance, and 5 cents for each mile by any railway or steamship in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned as both a witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

Mr. CLAY. Mr. President, I believe that we have adopted thirteen amendments to this bill on the floor of the Senate that have never been considered by the Committee on Appropriations. It does strike me that before adding half a million dollars to an appropriation bill at least the amendments ought to be referred to the Committee on Appropriations and be passed upon by that committee. If any of the amendments that have been adopted heretofore have been considered by the Committee on Appropriations, I am not aware of it; and to say the least it is a very dangerous practice to adopt on the floor of the Senate numerous amendments carrying large amounts without their ever being considered by the Committee on Appropriations.

Mr. HALE. I agree with the Senator, and, as this amendment has given rise to discussion, I make the point of order that it is a general scheme of legislation.

Mr. CLARK of Wyoming. If the Senator from Maine [Mr. HALE] will withhold the point of order, I ask leave, for the benefit of the Senator from Georgia [Mr. CLAY], to say that this matter has been thoroughly considered by a committee of this body. The committee has recommended the adoption of this provision, and I have here recommendations of the judges, United States marshals, the Department of Justice, and others, showing the necessity for the amendment.

Mr. WARREN. I will ask my colleague if a similar provision has not already passed the Senate?

Mr. CLARK of Wyoming. Yes; it has already passed the Senate.

Mr. CLAY. I did not rise for the purpose of discussing this amendment. I simply had reference to the numerous amendments which we have adopted and which have not been considered by the Committee on Appropriations. If this amendment has been referred to the Committee on Appropriations, I am not aware of it. It was not discussed, I am sure, by that



committee. It may have been referred to some other committee. I will ask the Senator if that is so?

Mr. CLARK of Wyoming. It was referred to the Committee on the Judiciary and favorably reported from the Committee on the Judiciary and referred to the Committee on Appropriations, but not by them reported as an amendment to the bill.

Mr. CLAY. I simply intended to have reference to the amendments we are adopting in general on the floor of the Senate without having been passed upon by the Committee on Appropriations, and not with a view of especially criticizing this particular amendment.

Mr. CLARK of Wyoming. I hope the Senator from Maine will withdraw his point of order.

Mr. HALE. I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. DICK. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 91, after line 16, it is proposed to insert the following:

To enable the Secretary of the Interior to defray the expenses of making petroleum tests and of a meeting of an international commission for the standardization of methods of testing petroleum and its products, \$10,000.

The amendment was agreed to.

Mr. HEYBURN. I offer the amendment which I send to the desk, to come in on page 91, after line 16. I would say that it has been reported from a standing committee and that it has heretofore passed the Senate.

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 91, line 19, after the amendment already agreed to at that place, it is proposed to insert the following:

That all public lands, reserved and unreserved, of the United States now unsurveyed within the States of Idaho, Oregon, Montana, and California shall be surveyed without regard to settlement thereon, pursuant to the general system of surveys of the public lands of the United States, and that said surveys shall be completed as rapidly as possible.

Mr. HEYBURN. I would say that this amendment does not increase the appropriation.

Mr. HALE. There is no objection to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEYBURN. I also offer an amendment to come in on page 74, after line 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 74, after line 2, it is proposed to insert:

That the sum of \$25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Idaho, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

Mr. HALE. I must make the point of order against that amendment. There are twenty of such amendments that the committee has not put on. I make the point of order that it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and therefore sustains the point of order.

Mr. BRANDEGEE. Mr. President, in reference to the remark of the Senator from Georgia [Mr. CLAY] as to the amendments that have been put on the bill on the floor of the Senate, I desire it to appear in the Record that the amendment offered by me had been previously passed by the Senate as a bill.

Mr. GORE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert in the bill at the appropriate place the following:

That the sum of \$20,000 is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, for the improvement of the Platt National Park, situated at Sulphur, Okla., such money to be used and expended under the supervision of the Secretary of the Interior.

Mr. HALE. Mr. President, I do not know that that amendment has been reported by any standing committee of the Senate.

Mr. OWEN. That item was reported from the Committee on Public Lands and was also estimated for.

Mr. HALE. All right.

Mr. GORE. As suggested by my colleague [Mr. OWEN], the Committee on Public Lands reported this amendment in the

form of a bill yesterday. It is also embodied in an estimate submitted to Congress by the Secretary of the Interior, and is recommended.

The VICE-PRESIDENT. The amendment is, therefore, in order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DANIEL. On page 136, line 1, in the item for repairs and operation of roads, etc., at Fort Monroe, after the word "for," I move to strike out "one-half" and insert in lieu thereof "three-fourths."

Mr. HALE. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 1, after the word "for," it is proposed to strike out "one-half" and insert "three-fourths," so that if amended it will read:

In all, \$5,000; for three-fourths of said sum, to be supplied by the United States, \$2,500.

Mr. HALE. There is no objection to the amendment, Mr. President.

The amendment was agreed to.

Mr. DANIEL. On the same page, in line 2, I move to strike out "two thousand five hundred" and insert "three thousand seven hundred and fifty." That is consequential upon the amendment just adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 2, after the words "United States," it is proposed to strike out "two thousand five hundred" and insert "three thousand seven hundred and fifty."

The amendment was agreed to.

Mr. DANIEL. There is another amendment I desire to offer in line 8, on page 136, to strike out "one-half" and insert "three-fourths."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On line 8, page 136, after the word "for," it is proposed to strike out "one-half" and insert "three-fourths."

The amendment was agreed to.

Mr. DANIEL. There is also a consequential amendment in line 9, after the words "United States," to strike out "two thousand five hundred and twenty-five" and insert "three thousand seven hundred and eighty-seven."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, lines 9 and 10, it is proposed to strike out "two thousand five hundred and twenty-five" and insert in lieu thereof "three thousand seven hundred and eighty-seven."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### SUSPENSION OF COMMODITY CLAUSE, INTERSTATE COMMERCE LAW.

Mr. ELKINS. Mr. President, I ask that the unfinished business, Senate joint resolution No. 74, be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. ELKINS. Mr. President, I will say that I believe there can be no possible doubt about the fact that the general penalty clause found in the twentieth section of the Hepburn bill attaches to the commodity clause. The general penalty clause is as follows:

That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States, at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of said act to regulate commerce, or of any act supplementary thereto or amendatory thereof, by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

The suggestion of the Attorney-General, which has been adopted as an amendment to this joint resolution, Mr. President, provides in the amplest way for remedies for failure to comply with the commodity clause. I think there has been sufficient discussion, and therefore ask that a vote be taken upon the joint resolution as amended.

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. ELKINS. Yes, sir.

Mr. KEAN. There is a communication which came in this morning, as I understand, from the Interstate Commerce Commission in regard to the action of the receiver of the Western Maryland Railroad. I should like to have that communication read.

The VICE-PRESIDENT. The Chair is informed that the communication referred to has been sent to the Printing Office to be printed.

Mr. KEAN. But, Mr. President, I think we ought to have it read.

The VICE-PRESIDENT. It has been sent to the Printing Office under the order of the Senate.

Mr. KEAN. I will inquire what is the pending amendment, Mr. President?

Mr. ELKINS. The amendments have all been acted upon, I think.

Mr. KEAN. Do I understand that the pending amendment is the substitute offered by the Senator from Ohio [Mr. FORAKER]?

Mr. ELKINS. There is a substitute offered by the Senator from Ohio.

The VICE-PRESIDENT. The question is on the substitute proposed by the Senator from Ohio.

Mr. KEAN. I regret to say that the Senator from Ohio is not present. I do not like to see a vote taken on the joint resolution in his absence. I have been trying to get him on the telephone, but have not succeeded as yet; and I do not know what his desire is in relation to the matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. FULTON. Mr. President, it does seem to me that, in the absence of the Senator from Ohio [Mr. FORAKER], we ought not to proceed with the consideration of that amendment. I submit that the joint resolution ought to go over until the Senator from Ohio is given an opportunity to be present. I think his amendment is a very important one, and I am quite sure he would wish to be here to present it.

Mr. ELKINS. Mr. President, the Senator from New Jersey [Mr. KEAN] is going to communicate with the Senator from Ohio. I will state that I called up the Senator from Ohio this morning and said that I thought possibly the sundry civil bill would be concluded this afternoon, and that I did not want to have his amendment acted on in his absence. I said that quite a number of Senators were insisting on a vote, and that if the joint resolution was to be passed, it was important that it should be passed as soon as possible. He was not well enough to come to the telephone, but he sent some one to answer for him, who said the Senator from Ohio would like to vote on his substitute, which repeals substantially the commodity clause under consideration, but that he left it to my judgment whether or not to take a vote in his absence; that he was not at all well and had sent for a physician. That is the situation.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Rhode Island?

Mr. ELKINS. Certainly.

Mr. ALDRICH. I hope the Senator from Ohio may be well enough to go on with this matter to-morrow. It certainly is desirable that he should be present, if possible, when his amendment is voted on.

#### MERRIMAC RIVER AND OTHER BRIDGES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4899) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts.

The amendments were, on page 1, line 6, to strike out all after "Massachusetts" down to and including "reserved," line 10, and to insert:

That the county of Okanogan and the town of Okanogan, jointly or severally, corporations organized under the laws of the State of Washington, their successors and assigns, be, and they are hereby, authorized, jointly or severally, to construct, maintain, and operate a wagon bridge and approaches thereto across the Okanogan River from some convenient and practical point on the west bank of said river within the limits of said town of Okanogan to some convenient point on the east bank of said river in the south half of the Colville Indian Reservation in the State of Washington.

That the court of county commissioners of Geneva County, Ala., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River, at a point to be approved by the Chief of Engineers and the Secretary of War, about 6 miles above the town of Geneva, Ala.

That the Arizona and California Railway Company, a corporation organized under the laws of the Territory of Arizona, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Colorado River, at or near Parker, in the Territory of Arizona, as may be approved by the Secretary of War, for the passage of railroad trains by

means of a single or double track, and also at the option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, street cars, animals, and persons on foot and in vehicles.

That the Missouri Central Railroad Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point just south of the city of Glasgow, being about 500 yards south of the bridge now owned by the Chicago and Alton Railroad Company, to an opposite point in Saline County, in the State of Missouri.

That the Missouri Central Railroad Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point near the city of St. Charles, being about 3½ miles south of west of said city of St. Charles, to a point due south in St. Louis County, all in the State of Missouri.

That the Mississippi, Hill City and Western Railway Company, a corporation organized under the laws of the State of South Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at section 4, township 52 north, range 23 west, being in Aitkin County, in the State of Minnesota.

That the Iron Dyke Copper Company, a corporation organized under the laws of the State of Pennsylvania, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a toll bridge and approaches thereto across the Snake River at a point to be selected between Homestead and Ballards Landing, on said river, between the States of Oregon and Idaho.

That section 7 of the act approved March 26, 1902, as amended by an act approved June 30, 1906, authorizing the South Omaha Railroad and Bridge Company to build a bridge and approaches thereto across Missouri River at or near the city of South Omaha, Douglas County, is hereby amended by extending the time for the construction of said bridge and approaches thereto to April 15, 1910.

That the Copper River Railway Company, a corporation organized and existing under the laws of the State of Washington, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate two bridges across the Copper River, in the Territory of Alaska, below the Abercrombie Canyon, to be located as follows: The first, or lower bridge, to cross the said Copper River at a point below Childs Glacier; and the second, or upper bridge, to cross said Copper River at some point between Childs Glacier and Miles Glacier, and slightly upstream from the location that has been selected as a bridge crossing by the Alaska Pacific Railway and Terminal Company, and a sufficient distance therefrom to avoid interference with the construction or operation of the bridge across said river that may lawfully be erected by said last-named company.

That the Copper River and Northwestern Railway Company, a corporation organized and existing under the laws of the State of Nevada, be, and is hereby, authorized to construct, operate, and maintain a bridge and its approaches thereto across Bering Lake, in the Territory of Alaska.

That section 6 of an act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., approved April 5, 1904, as amended by the act approved February 19, 1907, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date of the approval of this act.

That the Rock River Traction Company, a corporation organized under the laws of the State of Illinois, its successors and assigns, be, and they are hereby, authorized to construct a bridge across Rock River at a point between the first section line south of the Colona Ferry (the section line between sections 9 and 10, township 17 north, range 1 east) and the first section line east of the Cleveland Ferry (the section line between sections 29 and 30, township 18 north, range 2 east), said bridge to be built across Rock River between the counties of Henry and Rock Island, in the State of Illinois.

That the act of Congress entitled "An act to provide for the construction of a bridge across Rainy River, in the State of Minnesota," approved February 7, 1903, is hereby revived and reenacted.

That section 6 of the aforesaid act is hereby amended to read as follows:

"Sec. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from July 1, 1908; and that the construction shall not be commenced until the government of the Dominion of Canada has authorized the construction and maintenance of that part of said bridge which shall occupy that portion of the river which is under the jurisdiction of said Dominion government."

That the board of supervisors of the town of Highland, Red Lake County, Minn., be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Red Lake River on the section line between sections 29 and 30, township 153 north, range 40 west, in the State of Minnesota.

That the city of Bemidji, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River, at section 16, township 146, range 33, in the State of Minnesota.

That the Ruston, Natchitoches and Northeastern Railroad Company, a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a drawbridge and approaches thereto across Bayou D'Arbonne, in the State of Louisiana, at a suitable point on said stream on the line of its road between the cities of Farmerville, in Union Parish, and Ruston, in Lincoln Parish, in the State of Louisiana.

That the bridge constructed across the Mississippi River between the townships of Clough, in Morrison County, and Fort Ripley, in Crow Wing County, State of Minnesota, by the authorities of said counties of Morrison and Crow Wing, be, and the same is hereby, legalized, and the consent of Congress is hereby given to its maintenance by said authorities: *Provided*, That any changes in the said structure which the Secretary of War may at any time deem necessary and order in the interest of navigation shall be promptly made by the owners thereof at their own expense.

That the township of Manistee, in the county of Manistee, State of Michigan, a municipal corporation organized under the laws of



the State of Michigan, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge, and approaches thereto, across the south branch or channel of the Manistee River in said township, in the State of Michigan.

That the Aransas Harbor Terminal Railway Company, a corporation organized under Texas law, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Morris and Cummings channel at a point near Aransas Pass, Tex., from the mainland to Harbor Island.

That the St. Louis, Brownsville and Mexico Railway Company, a corporation organized under the laws of the State of Texas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railway, wagon, and foot bridge and approaches thereto across the Rio Grande River, at Brownsville, in the State of Texas, connecting the city of Brownsville, Tex., with the city of Matamoros, Mexico: *Provided*, That the construction of the said bridge shall not be commenced until the consent of the proper authorities of the Republic of Mexico for the erection of the structure shall have been obtained.

That the Yellowstone Valley Steel Bridge Company, a corporation organized under the laws of the State of Montana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at or within 1 mile west of the east boundary line of Montana, in the State of Montana.

That an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles north of the Kaw River in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902, be, and the same is hereby, revived and declared to be in full force and effect, and that section 8 of said act is hereby amended so as to read as follows: "That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the 1st day of May, 1908."

That the county of Muskegon, in the State of Michigan, a corporation organized under the laws of the State of Michigan, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Muskegon River on the line between the counties of Muskegon and Newaygo, in said State of Michigan.

Sec. 2. That all of the bridges authorized to be constructed by this act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And to amend the title so as to read: "An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters."

Mr. FRYE. As the amendments contain provisions in bills already passed by the Senate and not yet acted upon by the House, and also a few bills recommended for favorable action by the House, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours spent in executive session, the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 15, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 14, 1908.*

##### UNITED STATES DISTRICT JUDGE.

Edward T. Sanford, of Tennessee, to be United States district judge for the eastern and middle districts of Tennessee, in place of Charles D. Clark, deceased.

##### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. George Creighton Carmine to be captain in the Revenue-Cutter Service of the United States, to rank as such from January 1, 1908, in place of Capt. Henry Bateman Rogers, deceased.

First Lieut. Detlef Frederick Argentino de Otte to be captain in the Revenue-Cutter Service of the United States, to rank as such from April 7, 1908, in place of Capt. Owen Slicer Willey, retired.

First Lieut. George Metcalf Daniels to be captain in the Revenue-Cutter Service of the United States, to rank as such from March 9, 1908, in place of Capt. Daniel Jason Ainsworth, deceased.

First Lieut. Frederick Jules Haake to be captain in the Revenue-Cutter Service of the United States, to rank as such from January 22, 1908, in place of Capt. Percy Wallace Thompson, retired.

First Lieut. Francis Saltus Van Boskerck to be captain in the Revenue-Cutter Service of the United States, to rank as such from April 22, 1908, in place of Capt. Charles Calvert Fengar, retired.

##### PROMOTION IN THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Capt. Joseph A. Sladen, United States Army, retired, to be placed on the retired list of the Army with the rank of major from May 12, 1908.

##### PROMOTION IN THE NAVY.

Gunners Thomas J. Hurd and Joseph Mitchell to be chief gunners in the Navy from the 11th day of March, 1908, upon the completion of six years' service in present grade.

##### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 14, 1908.*

##### COLLECTOR OF INTERNAL REVENUE.

Wheeler Martin, of North Carolina, to be collector of internal revenue for the fourth district of North Carolina.

##### ASSAYER.

William S. Pearson, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, N. C.

##### ASSISTANT APPRAISER OF MERCHANDISE.

Samuel Krulewitch, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

##### PROMOTIONS IN THE NAVY.

Lieut. Commander John C. Leonard to be a commander in the Navy from the 23d day of April, 1908.

Midshipman Edgar G. Oberlin to be an ensign in the Navy from the 2d day of February, 1907.

Asst. Surg. David C. Cather to be a passed assistant surgeon in the Navy from the 9th day of July, 1907, upon completion of three years' service in present grade.

Boatswain Patrick Shanahan to be a chief boatswain in the Navy from the 11th day of March, 1908, upon the completion of six years' service in present grade.

##### PROMOTIONS IN THE ARMY.

###### Cavalry Arm.

First Lieut. Theodore Schultz, Fourteenth Cavalry, to be captain from May 10, 1908.

###### Infantry Arm.

Lieut. Col. Alfred C. Sharpe, Thirtieth Infantry, to be colonel from May 9, 1908.

Maj. Nat P. Phlister, Second Infantry, to be lieutenant-colonel from May 9, 1908.

Capt. Samuel E. Smiley, Fifteenth Infantry, to be major from May 9, 1908.

###### Corps of Engineers.

Lieut. Col. Thomas W. Symons, Corps of Engineers, to be colonel from May 8, 1908.

Maj. George A. Zinn, Corps of Engineers, to be lieutenant-colonel from May 8, 1908.

###### Cavalry Arm.

Maj. Charles W. Taylor, Thirteenth Cavalry, to be lieutenant-colonel from May 6, 1908.

Capt. William W. Forsyth, Sixth Cavalry, to be major from May 6, 1908.

First Lieut. Beverly A. Read, Sixth Cavalry, to be captain from May 6, 1908.

##### POSTMASTERS.

###### DELAWARE.

Joseph M. Harrington to be postmaster at Felton, Kent County, Del.

###### HAWAII.

William W. Goodale to be postmaster at Wai'alua, Oahu County, Hawaii.

George F. Renton to be postmaster at Ewa, Oahu County, Hawaii.

Mabel R. Woods to be postmaster at Kohala, Hawaii County, Hawaii.

###### ILLINOIS.

Archibald B. Campbell to be postmaster at Tolono, Champagne County, Ill.

William S. Rice to be postmaster at Carmi, White County, Ill.

###### KENTUCKY.

Joseph Insko to be postmaster at Augusta, in the county of Bracken and State of Kentucky.

###### LOUISIANA.

Edgar A. Bassett to be postmaster at Kentwood, Tangipahoa Parish, La.

Raoul J. Bienvenu to be postmaster at St. Martinville, St. Martin Parish, La.

Levi P. Carter to be postmaster at Bunkie, Avoyelles Parish, La.  
 Charles C. Dow to be postmaster at Bernice, Union Parish, La.  
 Edward Eagles to be postmaster at Winnfield, Winn Parish, La.  
 Henry C. Edwards to be postmaster at Marksville, Avoyelles Parish, La.  
 Robert A. Giddens to be postmaster at Coushatta, Red River Parish, La.  
 Bernard Isaacs to be postmaster at Gueydan, Vermillion Parish, La.  
 Ernest J. Lyons to be postmaster at Melville, St. Landry Parish, La.  
 Mary G. Pearsall to be postmaster at Bogalusa, Washington Parish, La.  
 Mildred P. T. Prescott to be postmaster at Litcher, St. James Parish, La.  
 Amy C. Relley to be postmaster at Clinton, East Feliciana Parish, La.  
 Lou Et Russell to be postmaster at West Monroe, Ouachita Parish, La.  
 W. M. Terry to be postmaster at Welsh, Calcasieu Parish, La.  
 Claude H. Wallis to be postmaster at Houma, Terrebonne Parish, La.  
 Jessie B. Wells to be postmaster at Leesville, Vernon Parish, La.  
 Thomas M. Wells to be postmaster at Colfax, Grant Parish, La.

## MICHIGAN.

Henry S. Wickware to be postmaster at Cass City, Tuscola County, Mich.

## NEBRASKA.

Jules Haumont to be postmaster at Broken Bow, Custer County, Nebr.

## NORTH CAROLINA.

John P. Overman to be postmaster at Elizabeth City, Pasquotank County, N. C.

## OKLAHOMA.

George Stowell to be postmaster at McLoud, Pottawatomie County, Okla.

## PENNSYLVANIA.

Daniel W. Bedea to be postmaster at Shenandoah, Schuylkill County, Pa.

Daniel M. Bennett to be postmaster at Bridgeville, Allegheny County, Pa.

Thomas D. Davis to be postmaster at Girardville, Schuylkill County, Pa.

William H. Flora to be postmaster at Wrightsville, York County, Pa.

John H. Grove to be postmaster at New Freedom, York County, Pa.

Thomas Finch Hampton to be postmaster at Honey Brook, Chester County, Pa.

Graunville F. Heathcote to be postmaster at Glen Rock, York County, Pa.

J. Ward Houck to be postmaster at Clymer, Indiana County, Pa.

Newton E. Noblet to be postmaster at Halifax, Dauphin County, Pa.

Dewitt C. Parkinson to be postmaster at Monongahela, Washington County, Pa.

Oliver S. Rumberger to be postmaster at Warriors Mark, in the county of Huntingdon and State of Pennsylvania.

## PORTO RICO.

Manuel S. Pacheco to be postmaster at Fajardo, Humacao, Porto Rico.

## SOUTH CAROLINA.

William H. Brunson to be postmaster at Edgefield, Edgefield County, S. C.

## WISCONSIN.

A. H. Jessell to be postmaster at Birnamwood, Shawano County, Wis.

Joseph Longbotham to be postmaster at Cuba, Grant County, Wis.

August J. Seemann to be postmaster at Boscobel, Grant County, Wis.

John H. Wall to be postmaster at Highland, Iowa County, Wis.

## NATURALIZATION TREATY WITH PORTUGAL.

The injunction of secrecy was removed May 14, 1908, from a naturalization treaty between the United States and Portugal, signed at Washington on May 7, 1908.

## HOUSE OF REPRESENTATIVES.

THURSDAY, May 14, 1908.

[Continuation of the legislative day of Tuesday, May 12, 1908.]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

## REIMBURSING INDIANS FOR CUTTING OF TIMBER.

The SPEAKER. The question is pending on the motion of the gentleman from Wisconsin [Mr. JENKINS], the yeas and nays being ordered at the time the House went into recess, to suspend the rules and pass the bill (H. R. 421) to pay allottees to whom lands have been patented under the act of February 8, 1887, entitled "An act to provide for the allotment of lands to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," as amended by the act of February 28, 1891, the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-two Members are present, not a quorum. The Doorkeeper will close the doors, and the Sergeant-at-Arms will notify absentees. The question will be taken on the motion to suspend the rules and pass the bill. The Clerk will call the roll.

The question was taken, and there were—yeas 295, nays 5, answered "present" 10, not voting 77, as follows:

## YEAS—295.

Acheson	Darragh	Helm	Madden
Adair	Davenport	Henry, Conn.	Madison
Adamson	Davey, La.	Hepburn	Malby
Alken	Dawes	Higgins	Mann
Alexander, Mo.	Dawson	Hill, Conn.	Maynard
Alexander, N. Y.	De Armond	Hill, Miss.	Miller
Allen	Denby	Hinshaw	Moon, Pa.
Ames	Denver	Hitchcock	Moon, Tenn.
Andrus	Dixon	Holliday	Moore, Pa.
Ansberry	Douglas	Houston	Moore, Tex.
Anthony	Draper	Howard	Morse
Ashbrook	Driscoll	Howell, N. J.	Mouser
Bannon	Dwight	Howell, Utah	Murdock
Barclay	Ellerbe	Howland	Needham
Bartholdt	Ellis, Mo.	Hubbard, Iowa	Nicholls
Bartlett, Nev.	Ellis, Oreg.	Hubbard, W. Va.	Norris
Bates	Englebright	Hughes, N. J.	Nye
Beale, Pa.	Esch	Hughes, W. Va.	O'Connell
Beall, Tex.	Fairchild	Hull, Iowa	Olsted
Bede	Fassett	Hull, Tenn.	Overstreet
Beil, Ga.	Favrot	Humphrey, Wash.	Page
Bennet, N. Y.	Ferris	James, Addison D.	Parker, N. J.
Bennett, Ky.	Finley	James, Ollie M.	Parsons
Bonyne	Floyd	Jenkins	Patterson
Bocher	Focht	Johnson, Ky.	Payne
Bowers	Fornes	Johnson, S. C.	Pearre
Boyd	Foss	Jones, Va.	Pollard
Bradley	Foster, Ill.	Jones, Wash.	Porter
Brantley	Foster, Ind.	Kahn	Pou
Brodhead	Foster, Vt.	Kelher	Pray
Brownlow	Foulkrod	Kelther	Prince
Brumm	Fowler	Kennedy, Iowa	Raney
Burgess	French	Kennedy, Ohio	Rauch
Burke	Fuller	Kimball	Reeder
Burleigh	Fulton	Kinkaid	Reynolds
Burleson	Gaines, Tenn.	Kipp	Rhinock
Burnett	Gaines, W. Va.	Kitchin, Claude	Richardson
Burton, Del.	Gardner, Mich.	Knapp	Robinson
Burton, Ohio	Gardner, N. J.	Knopf	Rodenberg
Calder	Garner	Knowland	Rothermel
Calderhead	Garrett	Kuftermann	Rucker
Caldwell	Gilham	Lafan	Russell, Mo.
Campbell	Gill	Lamb	Russell, Tex.
Candler	Gillespie	Landis	Ryan
Capron	Gillett	Langley	Sabath
Carlin	Godwin	Laning	Scott
Carter	Gordon	Lassiter	Shackleford
Cary	Goulden	Lav	Sheppard
Caulfield	Graft	Lawrence	Sherley
Chaney	Graham	Lee	Sherwood
Chapman	Greene	Lever	Sims
Clark, Mo.	Gregg	Lindbergh	Slayden
Clayton	Hackett	Littlefield	Slemp
Cockran	Hackney	Lloyd	Smith, Cal.
Cocks, N. Y.	Hale	Longworth	Smith, Iowa
Cole	Hall	Lorimer	Smith, Mich.
Conner	Hamill	McCall	Smith, Mo.
Cook, Colo.	Hamilton, Iowa	McDermott	Snapp
Cook, Pa.	Hamilton, Mich.	McGavin	Southwick
Cooper, Pa.	Hamlin	McKinlay, Cal.	Sperry
Cooper, Tex.	Hammond	McKinley, Ill.	Splight
Cox, Ind.	Hardy	McKinney	Stafford
Craig	Haskins	McLachlan, Cal.	Stanley
Crawford	Haugen	McLain	Steenerson
Crumpacker	Hawley	McLaughlin, Mich.	Stephens, Tex.
Currier	Hay	McMillan	Sterling
Cushman	Hayes	McMorran	Stevens, Minn.
Dalzell	Heflin	Macon	Sturgiss



Sulloway	Townsend	Wanger	Williams
Taylor, Ala.	Underwood	Washburn	Wilson, Ill.
Thistlewood	Volstead	Watson	Wood
Thomas, Ohio	Vreeland	Weeks	Woodyard
Tirrell	Waldo	Weems	Young
Tou Velle	Wallace	Wheeler	
NAYS—5.			
Fitzgerald	Granger	Lindsay	Sulzer
Goldfogle	ANSWERED "PRESENT"—10.		
Boutell	Haggott	Riordan	Talbott
Broussard	Lovering	Small	
Butler	Padgett	Sparkman	
NOT VOTING—77.			
Barchfeld	Gardner, Mass.	Lilley	Randell, Tex.
Bartlett, Ga.	Glass	Livingston	Ransdell, La.
Bingham	Goebel	Loud	Reid
Birdsall	Griggs	Loudenslager	Roberts
Brundidge	Gronna	Lowden	Saunders
Byrd	Harding	McCreary	Sherman
Clark, Fla.	Hardwick	McGuire	Smith, Tex.
Cooper, Wis.	Harrison	McHenry	Tawney
Coudrey	Henry, Tex.	Marshall	Taylor, Ohio
Cousins	Hobson	Mondell	Thomas, N. C.
Cravens	Huff	Mudd	Watkins
Davidson	Humphreys, Miss.	Murphy	Webb
Davis, Minn.	Jackson	Nelson	Weisse
Diekema	Kitchin, Wm. W.	Olcott	Wiley
Dunwell	Lamar, Fla.	Parker, S. Dak.	Willett
Durey	Lamar, Mo.	Perkins	Wilson, Pa.
Edwards, Ga.	Leake	Peters	Wolf
Edwards, Ky.	Legare	Powers	
Flood	Lenahan	Pratt	
Fordney	Lewis	Pujo	

So the motion was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. LOUD with Mr. PADGETT.

Until further notice:

Mr. DENWELL with Mr. WATKINS.

Mr. TAWNEY with Mr. BRUNDIDGE.

Mr. BARCHFELD with Mr. BYRD.

Mr. DAVIDSON with Mr. CRAVENS.

Mr. COOPER of Wisconsin with Mr. CLARK of Florida.

Mr. DAVIS of Minnesota with Mr. GLASS.

Mr. DUREY with Mr. HUMPHREYS of Mississippi.

Mr. EDWARDS of Kentucky with Mr. LEWIS.

Mr. GOEBEL with Mr. LENAHAN.

Mr. GARDNER of Massachusetts with Mr. LEAKE.

Mr. GRONNA with Mr. MCHEENY.

Mr. HARDING with Mr. PETERS.

Mr. HUFF with Mr. RANDALL of Texas.

Mr. JACKSON with Mr. RANDELL of Louisiana.

Mr. LOVERING with Mr. REID.

Mr. MCGUIRE with Mr. SAUNDERS.

Mr. MONDELL with Mr. SMITH of Texas.

Mr. NELSON with Mr. THOMAS of North Carolina.

Mr. PARKER of South Dakota with Mr. WEBB.

Mr. PERKINS with Mr. WEISSE.

Mr. TAYLOR of Ohio with Mr. HENRY of Texas.

Mr. LILLEY with Mr. WOLF.

Mr. MARSHALL with Mr. MURPHY.

Mr. DAVES with Mr. HARDWICK.

Mr. MUDD with Mr. TALBOTT.

Mr. DIEKEMA with Mr. WILEY.

Mr. POWERS with Mr. PRATT.

Mr. COUDREY with Mr. HOBSON.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. FORDNEY with Mr. SMALL.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. BOUTELL with Mr. GRIGGS.

Mr. MCGREARY with Mr. EDWARDS of Georgia.

Mr. LOWDEN with Mr. LEGARE.

Mr. OLCOTT with Mr. HARRISON.

Mr. LOUDENSLAGER with Mr. SPARKMAN.

For the session:

Mr. MCMORRAN with Mr. PUJO.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. COUSINS with Mr. FLOOD.

The result of the vote was announced as above recorded.

The doors were opened.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the

House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. BURROWS, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20120. An act to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes;

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897; and

H. R. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7091. An act to grant to the State of Mississippi certain lands for use of the common schools of that State;

S. 5879. An act to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark.;

S. 4435. An act for the relief of George Q. Allen; and

S. 3810. An act for the relief of Howard B. Carpenter.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17296. An act providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

#### GRANTING CONDEMNED ORDNANCE TO CERTAIN INSTITUTIONS.

Mr. BRADLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21410) granting condemned ordnance to certain institutions.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follow:

A bill (H. R. 21410) granting condemned ordnance to certain institutions.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the Mercer County Soldiers and Sailors' Monument Association, of Trenton, N. J., eight condemned brass cannon, for the purpose of marking the corners of a soldiers and sailors' monument and the lot of ground whereon it may be erected, at Trenton, Mercer County, N. J., said cannon to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of New Hampshire the four bronze light 12-pounder muzzle-loading cannon of obsolete design formerly the equipment of the First Light Battery, New Hampshire National Guard, together with the carriages, limbers, caissons, and other accessories now in the possession of the State: *Provided*, That no expense shall be incurred by the United States in the delivery of said cannon and accessories.

SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the American Scenic and Historic Preservation Society, incorporated by the State of New York, ten condemned brass cannon, for the purpose of marking certain historic positions connected with the American Revolution within Stony Point State Park, on the Hudson River, Rockland County, N. Y.; said cannon to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 4. That the Secretary of War be, and he is hereby, authorized, in his discretion, to furnish to the Confederate Monument Association, of Appomattox, Va., two condemned bronze fieldpieces or cannon, with their carriages, and with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used on the grounds surrounding the monument in the court-house square in the town of Appomattox, Va., and be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 5. That the Secretary of War be, and he is hereby, authorized to deliver to the board of regents of the University of South Dakota, at Vermillion, S. Dak., if the same can be done without detriment to the public service, one condemned 12-pounder bronze field gun, of a weight not to exceed 1,800 pounds, as he may deem proper, to be placed on the campus of said university and be subject at all times to the order of the Secretary of War: *Provided*, That the donation shall be without expense to the United States.

SEC. 6. That the Secretary of War be, and he is hereby, authorized, in his discretion, to furnish to the Elgin Academy, of Elgin, Ill., two condemned fieldpieces or cannon, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used in the park surrounding the Elgin Academy, in the city of Elgin, Ill., and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 7. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of San Antonio, Tex., two condemned brass or bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, which may not be needed in the service, to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the transportation and delivery of the same.

SEC. 8. That the Secretary of War be, and he is hereby, authorized, in his discretion, to donate to the Veteran Relief Guard, of Newburgh, N. Y., an

Independent military organization, fifty obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

SEC. 9. That the Secretary of War is hereby authorized, in his discretion, to donate to the Alabama Boys' Industrial School, of Birmingham, Ala., 125 obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

SEC. 10. That the Secretary of War is hereby authorized, in his discretion, to donate to John Buford Post, Grand Army of the Republic, No. 243, Department of Illinois, of Rock Island, Ill., an independent military organization, fifty obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to the rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

SEC. 11. That the Secretary of War is hereby authorized, in his discretion, to donate to the Henry Gowdy Relief Guard, of Walden, N. Y., an independent military organization, 125 obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

SEC. 12. That the Secretary of War is hereby authorized, in his discretion, to donate to the St. Bartholomew's Battalion, of the city of New York, N. Y., 125 obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

The SPEAKER. Is a second demanded?

Mr. HAY. Mr. Speaker, I demand a second.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Virginia demands a second. Under the rules a second is ordered, and the gentleman from New York is entitled to twenty minutes and the gentleman from Virginia to twenty minutes.

Mr. BRADLEY. Mr. Speaker, five sections of this bill propose to donate obsolete Springfield rifles in quantities from 50 to 125 to certain independent military organizations. One is located in the State of Alabama, one in the State of Illinois, one in the State of New York, and so forth, and the remaining seven sections of the bill propose to donate obsolete cannon to different States of the Union—the State of Minnesota, the States of North Dakota, Illinois, Texas, New York, and so forth, chiefly in connection with monuments erected to the memory of men killed in battle. Mr. Speaker, I return to the Chair the balance of my time.

Mr. HAY. Mr. Speaker, this is a bill granting obsolete cannon and munitions and guns to different military organizations throughout the Union, such as Grand Army posts, Confederate Veteran posts, and there can be no objection to the passage of the bill. Unless somebody desires some time, I do not care to use any more time.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

Mr. HAY. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 301, answered "present" 8, not voting 78, as follows:

YEAS—301.

Acheson	Burleigh	Davenport	French
Adair	Burleson	Davey, La.	Fuller
Adamson	Burnett	Davis, Minn.	Fulton
Aiken	Burton, Del.	Dawes	Gaines, Tenn.
Alexander, Mo.	Burton, Ohio	Dawson	Gaines, W. Va.
Alexander, N. Y.	Calder	Denby	Gardner, Mich.
Allen	Calderhead	Denver	Gardner, N. J.
Ames	Candler	Dixon	Garnier
Andrus	Capron	Douglas	Garrett
Ansberry	Carlin	Draper	Gilham
Anthony	Carter	Driscoll	Gill
Ashbrook	Cary	Dunwell	Gillespie
Bannon	Caulfield	Dwight	Gillet
Barclay	Chaney	Ellerbe	Godwin
Bartholdt	Chapman	Ellis, Mo.	Goldfogle
Bartlett, Nev.	Clark, Mo.	Ellis, Oreg.	Gordon
Bates	Clayton	Englebright	Goulden
Beale, Pa.	Cockran	Esch	Graff
Beall, Tex.	Cocks, N. Y.	Fairchild	Graham
Bede	Cole	Fassett	Granger
Bell, Ga.	Conner	Favrot	Greene
Bennet, N. Y.	Cook, Colo.	Ferris	Gregg
Bennett, Ky.	Cook, Pa.	Finley	Hackett
Bonyng	Cooper, Pa.	Fitzgerald	Hackney
Boober	Cooper, Tex.	Floyd	Hale
Bowers	Cooper, Wis.	Focht	Hall
Bradley	Cox, Ind.	Fornes	Hamill
Brodhead	Craig	Foss	Hamilton, Iowa
Brownlow	Crumpacker	Foster, Ill.	Hamilton, Mich.
Brumm	Currier	Foster, Ind.	Hamlin
Brundidge	Cushman	Foster, Vt.	Hammond
Burgess	Dalzell	Foulkrod	Hardy
Burke	Darragh	Fowler	Haskins

Haugen	Knopf	Morse	Small
Hawley	Knowland	Mouser	Smith, Cal.
Hay	Küstermann	Murdock	Smith, Iowa.
Haves	Lafean	Needham	Smith, Mich.
Healin	Landis	Nelson	Smith, Mo.
Helm	Langley	Nicholls	Snapp
Henry, Conn.	Laning	Norris	Southwick
Henry, Tex.	Lassiter	Nye	Sperry
Hephburn	Law	O'Connell	Spight
Higgins	Lawrence	Overstreet	Stafford
Hill, Conn.	Lee	Padgett	Steenerson
Hill, Miss.	Lever	Page	Sterling
Hinshaw	Lindbergh	Parsons	Stevens, Minn.
Holliday	Lindsay	Patterson	Sturgis
Houston	Lloyd	Payne	Sulloway
Howard	Longworth	Pearre	Sulzer
Howell, N. J.	Lorimer	Perkins	Tawney
Howell, Utah	Loud	Porter	Taylor, Ala.
Howland	Lovering	Pou	Taylor, Ohio
Hubbard, Iowa	McCall	Pray	Thistlewood
Hubbard, W. Va.	McDermott	Prince	Thomas, Ohio
Huff	McGavin	Pujo	Tirrell
Hughes, N. J.	McGuire	Ralney	Tou Velle
Hughes, W. Va.	McHenry	Randell, Tex.	Townsend
Hull, Iowa	McKinlay, Cal.	Rauch	Underwood
Hull, Tenn.	McKinley, Ill.	Reeder	Volstead
James, Addison D.	McKinney	Reynolds	Vreeland
James, Oille M.	McLachlan, Cal.	Rhinock	Waldo
Jenkins	McLain	Robinson	Wallace
Johnson, Ky.	McLaughlin, Mich.	Rodenberg	Wanger
Johnson, S. C.	McMillan	Rothermel	Washburn
Jones, Va.	McMorran	Rucker	Watson
Jones, Wash.	Macon	Russell, Mo.	Weeks
Kahu	Madden	Russell, Tex.	Weems
Keifer	Madison	Sabath	Wheeler
Kelher	Malby	Scott	Williams
Kennedy, Iowa	Mann	Shackleford	Wilson, Ill.
Kennedy, Ohio	Miller	Sheppard	Wood
Kimball	Mondell	Sherley	Woodyard
Kinkaid	Moon, Pa.	Sherwood	Young
Kipp	Moon, Tenn.	Sims	
Kitchin, Claude	Moore, Pa.	Slayden	
Knapp	Moore, Tex.	Slomp	

ANSWERED "PRESENT"—8.

Boutell	De Armond	Riordan	Sparkman
Butler	Haggott	Roberts	Talbot

NOT VOTING—78.

Barchfeld	Flood	Legare	Pratt
Bartlett, Ga.	Fordney	Lenahan	Ransdell, La.
Bingham	Gardner, Mass.	Lewis	Reid
Birdsall	Glass	Lilley	Richardson
Boyd	Goebel	Littlefield	Ryan
Brantley	Griggs	Livingston	Saunders
Broussard	Gronna	Loudenslager	Sherman
Byrd	Harding	Lowden	Smith, Tex.
Caldwell	Hardwick	McCreary	Stanley
Campbell	Harrison	Marshall	Stephens, Tex.
Clark, Fla.	Hitchcock	Maynard	Thomas, N. C.
Coudrey	Hobson	Mudd	Watkins
Cousins	Humphrey, Wash.	Murphy	Webb
Cravens	Humphreys, Miss.	Olcott	Welche
Crawford	Jackson	Olmsted	Wiley
Davidson	Kitchin, Wm. W.	Parker, N. J.	Willett
Diekema	Lamar, Fla.	Parker, S. Dak.	Wilson, Pa.
Durey	Lamar, Mo.	Peters	Wolf
Edwards, Ga.	Lamb	Pollard	
Edwards, Ky.	Leake	Powers	

So the motion to suspend the rules and pass the bill was agreed to.

The Clerk announced the following additional pairs.

Until further notice:

Mr. POLLARD with Mr. STEPHENS of TEXAS.

Mr. PARKER of New Jersey with Mr. STANLEY.

Mr. OLMSTED with Mr. RYAN.

Mr. LITTLEFIELD with Mr. SMITH of TEXAS.

Mr. HUMPHREY of Washington with Mr. CRAWFORD.

Mr. FORDNEY with Mr. THOMAS of North Carolina.

Mr. GRONNA with Mr. SAUNDERS.

Mr. DUREY with Mr. REID.

Mr. CAMPBELL with Mr. CLARK of Florida.

Mr. BOYD with Mr. BRANTLEY.

The result of the vote was announced as above recorded.

BANKING LAWS OF THE UNITED STATES.

Mr. VREELAND. Mr. Speaker, I move to suspend the rules and pass the following resolutions, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York [Mr. VREELAND] moves to suspend the rules and agree to the following order, which the Clerk will report.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. I desire now, if this is the proper time, to raise a point of order against this proceeding on the ground that it is not privileged.

The SPEAKER. There is a motion before the House to suspend the rules, and the Clerk will read.

The Clerk read as follows:

Resolved, That after the adoption hereof the Committee on Banking and Currency shall be discharged and the House shall proceed to the consideration of H. R. 21871, "A bill to amend the national banking laws;" debate thereon shall be concluded at not later than 5 o'clock



p. m., to-day, the time to be equally divided between the friends and the opponents of the bill, to be controlled on one side by Mr. VREELAND and on the other by Mr. WILLIAMS. It shall be in order to offer in lieu of the bill H. R. 21871 a substitute, namely, H. R. 16730, "A bill to further protect depositors in banks, to secure a safe and elastic emergency currency, and to amend the national-bank act and previous amendments thereto." On the conclusion of the debate as herein provided, a vote shall be taken without delay or intervening motion, first on the question of substituting H. R. 16730, if said bill shall have been offered, and then upon the passage of the bill, or the substitute bill in lieu thereof, as the case may be.

General leave to print remarks on the bill is hereby granted for five legislative days.

Mr. PRINCE. Mr. Speaker, I now make the point of order against that report that it is not privileged.

The SPEAKER. This is a motion to suspend the rules. It makes no difference whether it is privileged or not. The Chair overrules the point of order.

Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] demands a second. Under the rule a second is ordered. The gentleman from New York [Mr. VREELAND] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. VREELAND. Mr. Speaker, the adoption of this resolution by the House—

Mr. HITCHCOCK. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. HITCHCOCK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. VREELAND] has the floor for twenty minutes.

Mr. HITCHCOCK. I desire to inquire whether this bill has been printed?

The SPEAKER. Oh, yes.

Mr. HITCHCOCK. It is not accessible. We have been unable to secure copies.

The SPEAKER. The Chair is informed that the gentleman from Nebraska [Mr. HITCHCOCK] is in error.

Mr. VREELAND. Mr. Speaker, the adoption of this resolution by this House will mean that a bill will be brought before the House of Representatives for passage to amend the banking laws of the United States.

Mr. Speaker, a very large majority of the Republicans of this House have already in conference signified their desire to pass a bill of this kind. We are expecting very large support for this bill on the Democratic side of the House. We have a right to expect that all Democrats will vote for this measure for this reason: For the past three or four weeks the gentlemen upon that side of the Chamber have been conducting an energetic filibuster, having for its alleged purpose the necessity of compelling the Republican side of this House to bring forward measures which have been recommended by the President of the United States.

The Democrats, I suppose, will take to themselves credit that as the result of the filibuster conducted with so much ability by the gentleman from Mississippi [Mr. WILLIAMS], followed by the entire Democracy, several bills recommended by the President already have passed, and another bill recommended by the President is now before this body; and they may even hope that other measures will be taken up later on. Of course the truth is that this Republican House has taken up these measures in its own good time and in its own way.

The President of the United States in his annual message urged upon Congress the necessity of passing a banking and currency bill which would provide for emergency currency. The President also urged upon Congress that in addition to that a commission should be appointed to take up the whole question of banking and currency, to find if there were other weak spots in our system, and perhaps to introduce radical modifications in the existing system of banking and currency.

Again, in a special message a few weeks ago the President urged upon Congress the great necessity for this legislation. In response to that message we present here to-day a measure carrying out the recommendations of the President that we shall amend our banking laws, that we shall provide for an emergency currency, and that we shall appoint a commission to report at another Congress upon the whole subject and the whole system. It is for this reason that I say we expect, and we have a right to expect, that the Democrats of the House will give large support to this measure.

This resolution provides that the minority measure of the House may be brought up before this body and may be voted upon first. That is the bill known as the "Williams bill," introduced by the distinguished leader of the minority. That is the bill which has been brought before this body as a minority report from the Committee on Banking and Currency, receiving,

as it appears on the face of it, the unanimous indorsement of the minority members of the Banking and Currency Committee.

It is understood, also, that this bill has received the indorsement of the distinguished gentleman who is the candidate of the Democratic party for President. In view, therefore, of the indorsement which this bill has received at Democratic hands, this resolution provides that the Democrats on that side of the Chamber may first give their indorsement to this Williams bill, a bill that provides the country with a better measure, they think, prepared by themselves; and failing to secure that, I assume that they will fall in and support a measure they think perhaps not so good as they have prepared, yet which will give some measure of relief in times of distress.

Suppose the Democrats do not support this bill. Are they not putting themselves in rather an uncomfortable situation? What, then, would this time-consuming filibuster have been aimed against, if, when the very purpose for which they allege they have continued it comes before them, they refuse to support a measure which they have proclaimed they were trying to force us to bring in? They will then put themselves in a position before the country where they back and refuse to accept a measure which they have insisted that we should bring in, because it comes from the Republican side of the Chamber.

That will put the Democratic party in the position of being simply an opposition party, bringing forward nothing of its own, and refusing to assist in the passage of any law, however meritorious, because it comes from the Republican side of the Chamber.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. VREELAND. I reserve the balance of my time.

Mr. COCKRAN. Will the gentleman allow me to ask him a question before he takes his seat?

Mr. VREELAND. Yes, sir.

Mr. COCKRAN. I understand that the gentleman claims that the Democrats should support some one particular measure or else support this?

Mr. VREELAND. I do not know what the gentleman understands.

Mr. COCKRAN. "The gentleman" understands the gentleman to say that.

Mr. VREELAND. I state that there were before this body this afternoon two measures to vote on.

Mr. COCKRAN. By whose act was the House given this choice?

Mr. VREELAND. By its own act.

Mr. COCKRAN. By the majority.

Mr. VREELAND. There are two measures before the House. One of them has the indorsement of the candidate for President of the Democratic party, the leader of the minority in this House, and is indorsed by the minority members of the Committee on Banking and Currency. The second measure is one that comes from the Republican side of the House, adopted after a conference, by a large majority. I reserve the balance of my time.

Mr. COCKRAN. Will the gentleman allow me to complete my question? I merely want to know what the circumstances are.

Mr. VREELAND. Does this come out of my time?

The SPEAKER. It does.

Mr. VREELAND. I reserve the balance of my time.

Mr. WILLIAMS. I first yield five minutes to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, there is now presented to this House a very strange rule for adoption. In the Record of yesterday, that is now on the desk of every Member, under date of May 13, page 6508 of public bills, resolutions, and memorials introduced, is one by Mr. VREELAND, a bill (H. R. 21871) to amend the national-bank laws, referred to the Committee on Banking and Currency.

That is the bill that the House is now asked to take up. Hardly a Member has the bill before him now; it is only within the last ten minutes that it has been printed and brought to the House. That committee is to be discharged from the consideration of a bill referred to them by the Speaker of the House. The committee has not had time to consider it, and a rule is brought in here to discharge a committee of this House. Why set the sixty-four committees of this House aside? I submit that the House is called upon to insult a committee of this House, without its having an opportunity to pass upon the bill, and say that it shall be discharged. [Applause on the Democratic side.] If our heads go first, yours may follow. Members of this House—233 of us—if our heads are to be put upon the block now, whose heads

are to follow in the desire to carry out the purposes of the leaders on this side when they want to consider any particular business? I say to you that the Committee on Banking and Currency stand ready to meet this afternoon and report this bill to this House, so that it may proceed in an orderly, regular manner before the country and before the committee of this House. Is there any justification for this proceeding?

Will the country justify such action as this? Will the country justify us in saying that a handful of Democrats in the minority can force legislation through this House, where there are 233 Republicans and 166 Democrats, or 67 Republican majority? How much of a majority do we need on this side of the House to transact business under the rules? How can we of this branch, that represents the voice of the American electorate, go before our constituents and say that we have subordinated ourselves, say that we have denied to ourselves the right to proceed according to the rules of the House to have committees report, and that committees shall be discharged, because, forsooth, for political exigencies and none other, a bill must be presented to this House and to the country? Who is asking for it? Men on this floor have received thousands of letters asking their vote for or against putting wood pulp and print paper on the free list. Thousands of letters have come here asking us to do something on the anti-injunction bill, to do something on the eight-hour bill, to do something that the people want. I pass the platter around to my colleagues and ask you, Who has asked you to do this act? Political exigency! Throw to the business people of the United States a bone when they ask you for something that is good. When they ask you for bread, throw them a stone! Can you proceed in this line? You say, perhaps, that I am speaking outside of my party. No, no! I am speaking, and I have authority to speak, by the very party to which I belong. When we met in conference May 5, 1908, I offered the following resolution which was unanimously adopted—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRINCE. I ask time to read this resolution.

Mr. WILLIAMS. Will two minutes longer be sufficient?

Mr. PRINCE. A minute and a half will do.

Mr. WILLIAMS. I yield three minutes more to the gentleman, or so much thereof as he may desire.

Mr. PRINCE. This resolution was unanimously adopted:

*Resolved*, That this meeting, or any adjournment thereof, is only a conference and not a caucus, and shall not have the binding effect of a caucus; and that those who participate in its deliberations shall be absolutely free hereafter to act in accordance with their own judgment with reference to all matters considered before it.

My fellow Members, put the yoke upon you if you will. Walk under the yoke, "under buck," as the expression was in the time of the yoke of oxen. Now, the yoke may be easy and the burden light, but I want to say to you I will not put on the yoke; I will not assume the burden and go before my constituents and say that I am in favor of makeshift legislation; that I am in favor of discharging committees of this House; that I am in favor of overriding the wishes of the people; that I am to be a mere tobacco sign, to be moved hither and thither, a mere pawn upon the chessboard! I am here to represent my people. That resolution permits me to represent them, and I shall vote against such resolutions as this, and I ask other men who will have to go before their constituents to consider well, because no one of you can say, as they tried to say when the crime of 1873 was committed, "We did not know anything about it." You all know. You have your eyes open. You walk intelligently and knowingly, and if you vote for this resolution, remember that the next time your committee does not see fit to do what some people want you to do, your heads will be laid upon the block, they will be cut off, and the whole legislation for 90,000,000 people is to roll around three men. [Applause on the Democratic side.] Three men! And I say here and now, to the House and the country, the do-nothing Congress has been here long enough. If it were not for the bright, brainy, forceful character at the other end of the Avenue, I doubt whether we would have done anything except pass a few appropriation bills; but, thank God, there is somewhere in this country, at the other end of the Avenue, a man whose ears are to the ground, a man whose heart is in sympathy with the people, and he is insisting upon legislation, and what little we get is through him. It is through him and his special messages that we accomplish anything in the first session of the Sixtieth Congress for the benefit of the 90,000,000 people that we represent here on this floor. [Applause.]

Mr. WILLIAMS. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twelve minutes.

Mr. WILLIAMS. I will ask the gentleman from New York whether he expects to conclude and use all of his time with one speech, or expects to have more than one speech?

Mr. VREELAND. We will use the remainder of our time with one speech.

Mr. WILLIAMS. Mr. Speaker, there is nothing hitherto evolved out of the history of the human race quite as kaleidoscopic as the Republican party. Some time ago we upon this side of the Chamber were informed by the gentleman from New York [Mr. PAYNE], the majority floor leader, and by the Speaker's "Rules Deputy," the gentleman from Pennsylvania [Mr. DALZELL], and by the other member of that committee, the gentleman from New York [Mr. SHERMAN] that no legislation having a Democratic initiative would be so much as considered by the majority of this House. You announced to the country that we were legislatively disbarred and that there was no use in our burning our lights over legislative study.

This morning one of the same gentlemen comes to us—I started to say, with a carefully concocted rule, but I am afraid the Speaker has got so that he is afraid even of the Committee on Rules—but with a carefully concocted motion to suspend the rules, in words in which, I think, I find the fine hand of the gentleman from Pennsylvania not only proposing that the Democrats shall initiate legislation, but undertaking to designate just precisely what legislation they shall initiate. [Applause on the Democratic side.] And it is done upon the ground that that legislation bears my name. He does not even permit this side to amend the bill H. R. 16730 to suit itself in as far as it desires to amend it. The rule does not even permit me to amend it in so far as I desire to amend it, especially in one essential part of it, where a typewriter's carelessness in section 7 exists in the bill that was introduced on the 7th of February, 1908.

It is an old adage "Beware of the Greeks bearing gifts;" and if in the old-time men were to beware of Greeks bearing gifts, my heaven! how much more ought we to beware, in these latter days of improved ingenuity, of Illinois, Pennsylvania, and New York Republicans bearing gifts. [Laughter and applause on the Democratic side.]

The Banking and Currency Committee considered a bill, and they reported the bill and recommended it to this House. I am opposed to it. I believe everybody, or nearly everybody, on this side is opposed to it, but there is a chance, at any rate theoretically if not practically, that it would receive serious consideration. Indeed, there are those who believe that in a fair fight with the Vreeland bill it might win. There is not a man of you that would propose to give a moment's serious consideration to the Williams currency bill. It is a Democratic bill. If it was the best bill on banking and currency ever introduced in the world, there is not one of you that would dare privately to express an opinion favorable to it without having previously seen the Speaker and explained why you were going to do it and received his permission to do it. [Laughter and applause on the Democratic side.]

You have virtually served notice on us that we are disbarred legislatively, and then you select a bill for us and say, "Play to the gallery, you Democrats," by voting for or against it. It is a better bill than yours and we are for it, but we will not let you obscure the real issue which is the abominability of your bill, by putting ours in front. You are inviting us to commit a tactical error offending those few conscientious, honest, nonpartisan Republicans that are opposed to this infamy of the Vreeland bill by substituting ourselves in point of consideration for them and their views. [Applause on the Democratic side.] We decline to be "deposited in that cavity." [Laughter and applause on the Democratic side.]

Now, Mr. Speaker, what have you done? You are going to introduce a bill to reform the currency that goes to the very commercial vitalization of 80,000,000 of people, and you are going to give four hours of debate! Four weeks would not have been sufficient. The gentleman from New York [Mr. VREELAND] says we will oppose his bill "because it is a Republican bill." Why, bless your hearts, we are not in the habit of opposing things because they have a Republican origin, and you know it. [Derisive laughter on the Republican side.]

There is not one of you laughing that does not know it, and you know that your laugh is not sincere, but hypocritical. Upon this side for the last three years there has not been a good measure recommended by a Republican President or a Republican committee—good in our opinion, I mean, of course—that we have not advocated and that we have not helped through. It has been our boast that it is no longer a maxim that "the duty of an opposition was to oppose," but that the duty of the opposition is to oppose wrong things and advocate right things, no



matter whence they come. [Applause on the Democratic side.] The history of the party in the rate bill, the history of the party in connection with the anti-injunction recommendations of the President, the history of the party in connection with the employers' liability bill, all prove that what I state is true, and proves your recently attempted vaudeville laugh is a pretense and hypocrisy.

Who stands for this Vreeland bill? Nobody but the Republican machine in this House. The gentleman from Pennsylvania [Mr. ROTHERMEL] telegraphed all the banks within his district and got answers this morning from nineteen of them, and only three of them did not reply, advising him to beat the Vreeland bill. They regard it as worse than nothing. The people are not demanding it; the business men, farmers, and the banks are not demanding it. Nobody is demanding it. You, even, that Republican machine over there, are not demanding it because you want it. You are demanding it merely to be able to go before the people and say: "We passed something in the shape of an emergency-currency bill." You are passing it simply to get something into conference, and in a secret conference committee to hatch plutocratic mischief. There is not one of you that does not know that it is an abomination and a miserable makeshift. It ought to be called a bill of "authorization for clearance-house associations of national banks which have violated the law," or a "bill of indemnity for Secretaries of the Treasury who have suspended the operation of the law in behalf of the national banks and clearance-house associations." [Applause on the Democratic side.]

You allowed clearing-house associations to circulate notes subject to a 10 per cent tax and by executive act suspended the tax. Have you obeyed the law? Your Secretary of the Treasury suspended the operation of the law, an offense for which Charles I lost his head and James II lost his throne. Now, you are asking the American House of Representatives to legalize that violation of law which was deliberately overlooked by your Secretary, and to render it unnecessary in the future for him to suspend the law. I introduced a resolution here asking whether or not the Secretary of the Treasury had obeyed the law in connection with the circulation of I. O. U.'s and John Thomases—I believe they call them "clearing-house certificates"—throughout the country, and never could get a report from a committee. You dared not make a report, because you knew he had done it and ought to have been impeached for it and removed from office. All that this bill is fit for is an indemnity in the future for this man and men of his ilk.

Mr. Speaker, we have been told by the gentleman from New York [Mr. PAYNE], by the gentleman from Pennsylvania [Mr. DALZELL], and by the other gentleman from New York [Mr. SHERMAN] that you have the responsibility. Very well; take it. You have disbarred us legislatively. Proceed to run the court. If you have brains enough, if you have patriotism enough to bring before the House for its consideration a bill that will, in the slightest degree, improve present conditions, bring it before the House. If you think this is a bill that does that, pass it. So far, in my opinion, you have failed to prove that you have brains or patriotism enough to bring before the House a bill that is better even than present conditions—present conditions, bad as they are, growing out of Republican law. [Applause on the Democratic side.] There is not one of you who does not know that at heart you are not in favor of this Vreeland bill as a remedy for existing ills. There is not one of you who will pretend that you regard it as such. You are apologizing for it every day upon the ground that it is simply an expedient—an emergency expedient—and all that.

If I could get twelve men to rise upon that side of the House and give me their words of honor that they would read and honestly consider the bill which is called by my name, I would be only too glad to spend the time in explaining it and trying to get the American House of Representatives to pass it, but there is not one of you who would dare make the assurance that you could possibly vote for it, and your reason would be that it bore my name; that it came from the Democratic side of the House, and that you "have the responsibility for legislation." Now, take your responsibility, and in one year from now, if this bill passes, you will be visited with the penalty attached to the responsibility which you have taken. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman from New York if he would consent to a five-minute extension of debate upon the order, upon each side.

Mr. DALZELL. Mr. Speaker, let us have the regular order.

The SPEAKER. The regular order is demanded.

Mr. VREELAND. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. BURTON]. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, I can not suffer from the same sensitiveness as my colleague on the committee from Illinois [Mr. PRINCE]. Both of us belong to the Banking and Currency Committee, and while we all recognize that committees are very useful agencies in transacting the business of this House, yet they by no means have any right to claim despotic power. Does the gentleman from Illinois [Mr. PRINCE] believe that any good would be done by referring this measure to the Committee on Banking and Currency? What does he promise us in reference to it—careful and friendly attention, his tender mercies, or a disposition to throw it in the waste basket? Which? Has he not already made a motion and has he not already advocated—

Mr. PRINCE. Mr. Speaker—

Mr. BURTON of Ohio. I can not yield. Has he not already advocated in the very strongest terms that nothing be done with the Vreeland bill? Was not this same measure before that committee? Did it not have lengthy consideration, and was it not on the initiative of the gentleman himself laid on the table and treated with no regard? Then a caucus made up of the Republican Members of this House, a body at least a little larger and a little stronger, took up this subject. For three evenings that caucus considered the question of currency legislation. The Members listened to the gentleman from Illinois [Mr. PRINCE] and to all the opponents of the Vreeland bill. They gave hearings to all comers, and then, by a vote of 128 to 16, determined that we should bring this measure into the House.

Mr. PRINCE. Will the gentleman yield for a question?

Mr. BURTON of Ohio. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] says we are playing to the galleries in asking his side to vote on this measure. Playing to the galleries in asking you to come before the bar of public opinion and the country and vote for your own measure? [Applause on the Republican side.] Is that playing to the gallery?

Mr. WILLIAMS. Mr. Speaker, if the gentleman from Ohio will permit an interruption, I have the very highest regard for the sense of personal integrity and honor of the gentleman from Ohio, higher than almost anybody. Will the gentleman from Ohio tell me upon his word of honor that he would consider the Williams bill upon its merits or if he has ever taken the trouble to read it?

Mr. BURTON of Ohio. I will say to the gentleman from Mississippi that I have read his bill with a great deal of pains, and have summarized it. There are some things in it I think are very good, but as a currency measure I regard it as objectionable. I regard it as framed in pursuance of a theory that is erroneous, though advocated still by a considerable number of people. [Applause on the Republican side.]

It thus remains for us on our side to bring forward a measure which shall meet the demands of the situation. Confessedly there is nothing on the other side that has been propounded except the Williams bill. I see the statement has been made, without any contradiction, that it has the support of the most promising candidate of the Democratic party for the Presidency. Shall we not have a vote here to-day between your party's measure and our party's measure? I must suggest, with the greatest mildness, that it comes with poor grace for the gentleman from Mississippi to question whether we have the brains and the patriotism to frame a proper bill. Confessedly on that side—I do not want to say anything unkind—you have not the qualifications by whatever name you may call them. [Applause on the Republican side.] We, at least, are ready to present a measure here which we are willing to submit to the House and to the country.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Ohio. Just for a moment.

Mr. FITZGERALD. Would it not be fairer to let this side of the House propose the measure it is willing to go before the country on?

Mr. BURTON of Ohio. I say "no." You have had this whole winter. While the country has been demanding currency legislation, you have brought in a bill and proclaimed it as your measure. You are asking us to say to you at 11 o'clock and 59 minutes, "Now you can bring in another measure." I say that it is time to do something and dispose of this question.

Mr. FITZGERALD. The ink is not dry upon your measure.

Mr. COCKRAN. Will the gentleman allow a question?

Mr. BURTON of Ohio. The gentleman from Illinois seems so very solicitous about this pending bill because the Banking and Currency Committee has not had time to consider it. Now, I belong to that committee, and I must deplore the lamentable difference of opinion among its members. I had hoped we could agree—

Mr. COCKRAN. Mr. Speaker—

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. BURTON of Ohio. Oh, yes; for a minute, if it is a brief question.

Mr. COCKRAN. Can I ask the gentleman from Ohio, with his great reputation for candor, to say whether he approves having a bill of this magnitude passed as a party measure or considered as a party measure?

Mr. BURTON of Ohio. I would prefer very much to pass it as a nonpartisan measure.

Mr. COCKRAN. And I said also to consider it as a party measure.

Mr. BURTON of Ohio. But if it must be passed as a party measure, I stand here to pass it. [Applause.]

Mr. COCKRAN. Now, will the gentleman—

Mr. BURTON of Ohio. I must decline to yield further.

The SPEAKER. The gentleman from Ohio declines to yield. Mr. BURTON of Ohio. It is much to be regretted that nothing can be done on the initiative of the Banking and Currency Committee, but the time has come when something should be done, and it is part of the legislative history of recent currency legislation that the most salutary measures brought before the House and passed have come from sources outside that committee.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. BURTON of Ohio. I say that it must be regretted, because I myself have the very great honor of belonging to the committee, and had hoped it would be possible to bring forward some measure which might meet with the approval of the majority of the members of the committee and of the House. One measure has been reported, it is true, but has a single step been taken by any member of that committee to bring that before the House? Has not the author himself said that although it appears on the Calendar as the bill of the Banking and Currency Committee, he himself is not in favor of it now?

Now, I do not believe this House can take the responsibility of going to the country without some currency legislation.

Mr. FOWLER. Will the gentleman yield?

Mr. BURTON of Ohio. I can not yield.

Mr. FOWLER. I would not if I were you.

Mr. BURTON of Ohio. I will give you plenty of time when it comes to general debate.

There is a delusion abroad that currency legislation helps only financial circles. Such is far from the case. The great capitalist or banker is like one on a commanding eminence. He can foresee the future and provide for the storm. Last autumn, though that great crisis was caused by deep and fundamental forces, its crushing weight and its continuance were greatly aggravated by the absence of a proper currency system. An emergency currency such as this would have met the situation.

In the great West and in the South crops had to remain on farms and in warehouses because there was no currency to take them to the markets. Tens of thousands of men were out of employment in places where, though there was work to do, there was no currency to pay wages or set the wheels of industry in motion. The bank bill is a blessing to the humble. It is the reward and stay of the workingman, who, after sweat and toil, goes home with a quicker step when he realizes that he has in his possession that which will promise gladness for himself and his family. He is entitled to a suitable monetary system, to a dollar that is good the world over; and together with him all who go to make up our complex civilization—the merchant, manufacturer, farmer—all alike are entitled to our very best efforts to give to the business of the country, to its welfare and its upbuilding, judicious, safe, and fair currency laws.

The SPEAKER. The time of the gentleman has expired.

Mr. HILL of Connecticut. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILL of Connecticut. If this motion passes, will it be possible at any stage of the procedure for a Member who desires to demand, under Rule XVI, section 6, a division of the question between the commission bill and the financial bill?

The SPEAKER. It is not a parliamentary inquiry, as my friend knows, and anticipates a matter not before the House at this time.

The question is on suspending the rules and agreeing to the special order.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 176, nays 146, answered "present" 6, not voting 60, as follows:

## YEAS—176.

Acheson	Draper	Humphrey, Wash.	Overstreet
Alexander, N. Y.	Driscoll	James, Addison D.	Parker, N. J.
Allen	Dunwell	Jones, Wash.	Parker, S. Dak.
Ames	Dwight	Kahn	Parsons
Andrus	Ellis, Mo.	Kelifer	Payne
Anthony	Ellis, Oreg.	Kennedy, Iowa	Pearre
Bannon	Englebright	Kennedy, Ohio	Pollard
Barchfeld	Esch	Kinkaid	Porter
Barclay	Fairchild	Knapp	Pray
Bartholdt	Fassett	Knopf	Reeder
Bates	Focht	Knowland	Reynolds
Bede	Fordney	Lafean	Roberts
Bennet, N. Y.	Foss	Landis	Rodenberg
Bennett, Ky.	Foster, Ind.	Langley	Scott
Bingham	Foster, Vt.	Lanling	Slemp
Bonyng	Foulkrod	Law	Smith, Cal.
Boutell	French	Lawrence	Smith, Iowa
Boyd	Fuller	Littlefield	Smith, Mich.
Bradley	Gaines, W. Va.	Longworth	Snapp
Burke	Gardner, Mich.	Lorimer	Southwick
Burleigh	Gardner, N. J.	Loud	Sperry
Burton, Del.	Gilham	Lovering	Stafford
Burton, Ohio	Gillet	McCall	Steenerson
Calder	Goebel	McGavin	Sterling
Campbell	Graff	McGuire	Stevens, Minn.
Capron	Graham	McKinlay, Cal.	Sturgiss
Caulfield	Greene	McKinley, Ill.	Sulloway
Chaney	Hale	McKinney	Tawney
Chapman	Hall	McLachlan, Cal.	Taylor, Ohio
Cocks, N. Y.	Hamilton, Mich.	McLaughlin, Mich.	Thistlewood
Cole	Haskins	McMillan	Thomas, Ohio
Conner	Haugen	Madden	Tirrell
Cook, Colo.	Hawley	Madison	Volstead
Cook, Pa.	Hepburn	Malby	Wreeland
Cooper, Pa.	Higgins	Mann	Wanger
Crumpacker	Hinshaw	Miller	Washburn
Currler	Holliday	Mondell	Watson
Cushman	Howell, N. J.	Moon, Pa.	Weeks
Dalzell	Howell, Utah	Moore, Pa.	Wheeler
Davidson	Howland	Mouser	Wilson, Ill.
Dawes	Hubbard, Iowa	Needham	Wood
Dawson	Hubbard, W. Va.	Norris	Woodyard
Denby	Huff	Nye	Young
Douglas	Hull, Iowa	Olmsted	The Speaker

## NAYS—146.

Adair	Denver	Houston	Prince
Adamson	Dixon	Howard	Pujo
Aiken	Ellerbe	Hughes, N. J.	Rainey
Alexander, Mo.	Favrot	Hull, Tenn.	Randell, Tex.
Ansberry	Ferris	James, Ollie M.	Rauch
Ashbrook	Finley	Johnson, Ky.	Rhinock
Bartlett, Nev.	Fitzgerald	Johnson, S. C.	Richardson
Beall, Tex.	Floyd	Jones, Va.	Robinson
Bell, Ga.	Fornes	Kellher	Rothermel
Boober	Foster, Ill.	Kimball	Rucker
Bowers	Fowler	Kipp	Russell, Mo.
Brantley	Fulton	Kitchin, Claude	Russell, Tex.
Brodhead	Gaines, Tenn.	Küstermann	Ryan
Broussard	Garner	Lamb	Sabath
Brumm	Garrett	Lassiter	Saunders
Brundidge	Gill	Leake	Shackelford
Burgess	Gillespie	Lee	Sheppard
Burleson	Godwin	Lever	Sherley
Burnett	Goldfogle	Lindbergh	Sherwood
Calderhead	Gordon	Lindsay	Sims
Caldwell	Goulden	Lloyd	Slayden
Candler	Granger	McDermott	Small
Carlin	Gregg	McHenry	Smith, Mo.
Carter	Hackett	McLain	Spight
Cary	Hackney	Macon	Stanley
Clark, Mo.	Hamill	Maynard	Sulzer
Clayton	Hamilton, Iowa	Moon, Tenn.	Taylor, Ala.
Cockran	Hamlin	Moore, Tex.	Tou Velle
Cooper, Tex.	Hammond	Morse	Underwood
Cooper, Wis.	Hardy	Murdock	Waldo
Cox, Ind.	Hay	Nelson	Wallace
Craig	Heflin	Nicholls	Watkins
Crawford	Helm	O'Connell	Weems
Darragh	Henry, Tex.	Padgett	Williams
Davenport	Hill, Conn.	Page	Will
Davey, La.	Hill, Miss.	Patterson	Wolf
De Armond	Hitchcock	Pou	

## ANSWERED "PRESENT"—6.

Butler	Henry, Conn.	Riordan	Talbott
Haggott	McMorran		

## NOT VOTING—60.

Bartlett, Ga.	Gardner, Mass.	Lamar, Mo.	Powers
Beale, Pa.	Glass	Legare	Pratt
Birdsall	Griggs	Lenahan	Randsell, La.
Brownlow	Gronna	Lewis	Reld
Byrd	Lilley	Livingston	Sherman
Clark, Fla.	Hardwick	Loudenslager	Smith, Tex.
Coudrey	Harrison	Lowden	Sparkman
Cousins	Hayes	McCreary	Stephens, Tex.
Cravens	Hobson	Marshall	Thomas, N. C.
Davis, Minn.	Hughes, W. Va.	Mudd	Townsend
Diekema	Humphreys, Miss.	Murphy	Webb
Durey	Jackson	Olcott	Weisse
Edwards, Ga.	Jenkins	Perkins	Wiley
Edwards, Ky.	Kitchin, Wm. W.	Peters	Willett
Flood	Lamar, Fla.		Wilson, Pa.

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. JENKINS with Mr. THOMAS of North Carolina.



Mr. TOWNSEND with Mr. WILSON of Pennsylvania.  
 Mr. PERKINS with Mr. STEPHENS of Texas.  
 Mr. HUGHES of West Virginia with Mr. SMITH of Texas.  
 Mr. BROWNLOW with Mr. CLARK of Florida.  
 Mr. HENRY of Connecticut with Mr. LIVINGSTON.  
 Mr. DIEKEMA with Mr. GRIGGS.  
 Mr. HAYES with Mr. EDWARDS of Georgia.  
 Mr. GARDNER of Massachusetts with Mr. WILEY.  
 Mr. BARTLETT of Nevada. Mr. Speaker, I was in the Chamber and failed to hear my name called.

The SPEAKER. Was the gentleman present and giving attention when his name should have been called, and failed to hear it?

Mr. BARTLETT of Nevada. I failed to hear my name.

The SPEAKER. Call the gentleman.

The name of Mr. BARTLETT of Nevada was called, and he voted "no."

Mr. BRUNDIDGE. Mr. Speaker, I failed to hear my name.

The SPEAKER. Was the gentleman giving attention enough to bring himself within the rule?

Mr. BRUNDIDGE. Yes, sir; I am sure I was.

The SPEAKER. Call the name of the gentleman.

The name of Mr. BRUNDIDGE was called, and he voted "no."

Mr. BUTLER. Mr. Speaker, I voted for the adoption of this resolution. I am paired with the gentleman from Georgia [Mr. BARTLETT]. I desire to withdraw my vote and answer "present."

The name of Mr. BUTLER was called, and he answered "present."

Mr. TALBOTT. Mr. Speaker, I answered "present." I am paired with my colleague [Mr. MADD]. Were he present, he would vote "aye" and I would vote "no."

The SPEAKER. On this question the yeas are 176—

Mr. WILLIAMS. Before the vote is announced—it is a right important vote—there has been some confusion in the House, and I ask for a recapitulation of the vote.

The SPEAKER. It is not close—176 yeas, 146 noes, and 6 present.

Mr. WILLIAMS. I ask a recapitulation, however.

Mr. PAYNE. I make the point of order that that would be dilatory.

The SPEAKER. It is within the discretion of the Chair, always exercised favorably where there is any reasonable doubt. The Chair sustains the point of order.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 21871) to amend the national banking laws.

Be it enacted, etc., That national banks, each having an unimpaired capital and a surplus of not less than 20 per cent, not less than ten in number, having an aggregate capital and surplus of at least \$5,000,000, may form voluntary associations to be designated as national clearing-house associations. The banks uniting to form such association shall, by their presidents or vice-presidents, acting under authority from the board of directors, make and file with the Secretary of the Treasury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury. Upon the filing of such certificate the banks therein named shall become a body corporate, and by the name so designated and approved may sue and be sued and exercise the powers of a body corporate for the purposes hereinafter mentioned: *Provided*, That not more than one such national clearing-house association shall be formed in any city: *Provided further*, That the several members of such national clearing-house association shall be taken, as nearly as conveniently may be, from a territory composed of a State or part of a State, or contiguous parts of one or more States: *And provided further*, That any national bank in such city or territory, having the qualifications herein prescribed for membership in such national clearing-house association, shall, upon its application to the Secretary of the Treasury, be admitted to membership in a national clearing-house association for that city or territory, and upon such admission shall be deemed and held a part of the body corporate, and as such entitled to all the rights and privileges and subject to all the liabilities of an original member: *And provided further*, That each national clearing-house association shall be composed exclusively of banks not members of any other national clearing-house association.

The dissolution, voluntary or otherwise, of any bank in such association shall not affect the corporate existence of the association unless there shall then remain less than the minimum number of ten banks: *Provided, however*, That the reduction of the number of said banks below the minimum of ten shall not affect the existence of the corporation with respect to the assertion of all rights in favor of or against such association. The affairs of the association shall be managed by a board consisting of one representative from each bank. By-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury. A president, vice-president, secretary, treasurer, and an executive committee of not less than five members shall be elected by the board. The powers of such board, except in the election of officers and making of by-laws, may be exercised through its executive committee.

Sec. 2. That the association herein provided for shall have and exercise any and all powers necessary to carry out the purposes of this act, namely, to render available as a basis for additional circulation any securities, including commercial paper, held by a national banking association. For the purpose of obtaining such additional circulation,

any bank belonging to such national clearing-house association having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per cent of its capital stock, and which has its capital unimpaired and a surplus of not less than 20 per cent, may deposit with and transfer to the association, in trust, for the purpose hereinafter provided, such of the securities above mentioned as may be satisfactory to the board of the association. The officers of the association may thereupon, in behalf of such bank, make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding 75 per cent of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he shall direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount not exceeding 75 per cent of the cash value of the securities so deposited.

Sec. 3. That the banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section 5230 of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association, and to the securities deposited by the banks with the association pursuant to the provisions of this act; but as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. The association may, at any time, require of any of its constituent banks a deposit of additional securities or commercial paper to secure such additional circulation. Upon the failure of such bank to make such deposit the association may, after ten days' notice to the bank, sell the securities and paper already in its hands at public sale, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of such additional circulation. If such fund be insufficient for that purpose, the association may recover from the bank the amount of the deficiency by suit in the circuit court of the United States, and shall have the benefit of the lien hereinbefore provided for in favor of the United States upon the assets of such bank. The association may permit the withdrawal of any such securities or commercial paper and the substitution of other securities or commercial paper of equal value therefor.

The additional circulating notes issued under this act shall be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes except as herein expressly modified: *Provided*, That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpaired capital and surplus: *And provided further*, That there shall not be outstanding at any time circulating notes issued under the provisions of this act to an amount of more than \$500,000,000.

Sec. 4. That whenever any bank belonging to a national clearing-house association shall fail to preserve or make good its 5 per cent redemption fund in the Treasury of the United States, required by section 3 of the act of June 20, 1874, chapter 343, the Treasurer of the United States shall notify such national clearing-house association to make good such redemption fund, and upon the failure of such national clearing-house association to make good such fund, the Treasurer of the United States may, in his discretion, apply so much of the 5 per cent redemption fund belonging to the other banks composing such national clearing-house association as may be necessary for that purpose; and such national clearing-house association may, after five days' notice to such bank, proceed to sell at public sale the securities deposited by such bank with the association pursuant to the provisions of section 2 of this act, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of the additional circulation taken out by such bank under this act.

Sec. 5. That each and every bank in such clearing-house association located in a city designated as a "central reserve city" under section 5195 of the Revised Statutes and section 1 of the act of March 3, 1887, chapter 378, shall have on hand at all times in gold or lawful money of the United States an amount equal to at least 25 per cent of the total amount of the additional circulation which it may have taken out, in time of emergency, and put into circulation under this act. Each and every such bank located in a city designated as a "reserve city" under section 5191 of the Revised Statutes, or any act amendatory thereof, shall have on hand at all times in like money the like sum of 25 per cent of such additional circulation, of which sum one-half may consist of cash deposits in such "central reserve cities." All other banks in such association shall have on hand at all times in like money an amount equal to at least 15 per cent of such additional circulation, of which sum nine-fifteenths may consist of cash deposits in "reserve cities." Any bank failing to maintain or make good the reserve herein required shall be subject to the provisions of section 5191 of the Revised Statutes. The provisions of section 5192 of the Revised Statutes, of section 3 of the act of June 20, 1874, chapter 343, and of section 12 of the act of July 12, 1882, chapter 290, as to what shall be counted a part of the lawful reserve of a national bank shall apply to the reserve required by this act.

Sec. 6. That in order that the distribution of notes to be issued under the provisions of this act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: *Provided, however*, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country.

Sec. 7. That section 5214 of the Revised Statutes, as amended, be further amended to read as follows:

"SEC. 5214. National banking associations having on deposit bonds of the United States, bearing interest at the rate of 2 per cent per annum, including the bonds issued for the construction of the Panama

Canal, under the provisions of section 8 of 'An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June 28, 1902, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than 2 per cent per annum shall pay a tax of one-half of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having circulating notes secured through clearing-house associations shall pay for the first two months a tax of 4 per cent per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax of 1 per cent per annum for each month until a tax of 10 per cent per annum is reached, and thereafter such tax of 10 per cent per annum, upon the average amount of such notes. Every national banking association having outstanding circulating notes secured by a deposit of other securities than United States bonds shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation; and it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records, and any officer of any banking association falsely reporting the amount of its notes in circulation shall, upon conviction thereof in any circuit or district court of the United States, be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not less than one year and not more than five years, or by both such fine and imprisonment. The taxes received on circulating notes secured through clearing-house associations shall be paid into the general fund of the United States.

SEC. 8. That section 9 of the act approved July 12, 1882, as amended by the act approved March 4, 1907, be further amended to read as follows:

"SEC. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section 4 of the act approved June 20, 1874, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: *Provided*, That not more than \$9,000,000 of lawful money shall be deposited during any calendar month for this purpose; and, in the same manner, any such association desiring to withdraw any of its circulating notes, secured otherwise than by the deposit of bonds of the United States, may, without such limitation as to monthly deposits, make such withdrawal at any time by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn: *Provided*, That the deposits under this section to retire notes secured by the deposit of securities other than bonds of the United States shall not be covered into the Treasury, as required by section 6 of an act entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July 14, 1890, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit."

SEC. 9. That section 5172 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000, as may be required to supply the banking associations entitled to receive the same. Such notes shall state upon their face that they are secured by United States bonds or other securities according to law, shall be certified by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the banking association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, and countersigned, as provided by law, to an amount equal to 50 per cent of the capital stock of each national banking association; such notes to be deposited in the Treasury or in the subtreasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law: *Provided*, That the Comptroller of the Currency may issue national-bank notes of the present form until plates can be prepared and circulating notes issued as above provided: *Provided*, however, That in no event shall bank notes of the present form be issued to any bank as additional circulation provided for by this act."

SEC. 10. That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section 3 of the act approved June 20, 1874, shall be redeemed in lawful money of the United States.

SEC. 11. That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this act shall have the approval of the Secretary of the Treasury, who shall have power also to make any such rules and regulations and exercise such control over the organization and management of national clearing-house associations as may be necessary to carry out the purposes of this act.

SEC. 12. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries, and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than 1 per cent per annum upon the average monthly amount of such deposits: *Provided*, however, That nothing contained in this act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided*, further, That the rate of interest charged shall be equal and uniform throughout the United States.

SEC. 13. That a Commission is hereby appointed, to be called the "National Currency Commission," to be composed as follows: Six members of the Senate, to be appointed by the presiding officer thereof;

six Members of the House of Representatives, to be appointed by the Speaker, and six other persons, to be appointed by the President of the United States.

SEC. 14. That it shall be the duty of this Commission to investigate carefully the causes of the recent financial crisis and the relation of the banking and currency system thereto, and to make recommendations to Congress for such changes in the existing banking and currency system as may, in their opinion, be desirable; and said Commission may also recommend such changes as they may find desirable and within the constitutional power of Congress in regard to the banking institutions of the States and in the laws governing the distribution of public funds.

SEC. 15. That the Commission shall give reasonable time for hearings, if deemed necessary, and may appoint such subcommittees and employ such experts as it may deem proper to make investigations of different subjects in different sections of the United States and in foreign countries. It shall have authority to send for persons and papers, to administer oaths and affirmations, and to pay all necessary expenses, including clerks, stenographers, messengers, rental of office rooms, printing and stationery, and salaries and expenses as hereinafter provided.

SEC. 16. That the National Currency Commission herein established shall report to the President of the United States not later than January 1, 1909, and their report shall be forthwith transmitted by the President to Congress with such recommendations as he may deem proper.

SEC. 17. That each member of the Commission, excepting Members of Congress serving on the Commission, shall be paid a salary of \$625 per month, and all members of the Commission, including Members of Congress on the Commission, may receive a per diem allowance for expenses, fixed by the Secretary of the Treasury, and such additional expense as may be actually incurred in traveling on the business of the Commission.

SEC. 18. That vacancies on the Commission shall be filled by appointment by the same authority making the original appointment.

SEC. 19. That a sum sufficient to carry out the purpose of this act is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, but not exceeding the sum of \$50,000.

SEC. 20. That this act shall take effect upon its passage.

MR. VREELAND. I yield fifteen minutes to the gentleman from Indiana [Mr. OVERSTREET].

MR. OVERSTREET. Mr. Speaker, this bill contains two general provisions, and only two. Under the first authority and the procedure for emergency currency is provided. Under the second a commission is authorized, clothed with the power of investigation and reporting to Congress at a later day, after a general investigation, upon the advisability of a change or revision of the banking and currency laws.

For many years there has been a well-founded sentiment among our people favorable to a general reformation and revision of the banking and currency laws of the United States. On rare occasions the attention of the country is challenged directly to the necessity for such changes, but only in times of disaster and storm, and immediately following, has it seemed possible to take up for consideration this broad and important question. The purpose of the promoters of this legislation which is brought to the attention of the House is, by proper investigation of the entire subject-matter of finance and banking by a proper commission, to make a comprehensive report, on which it is believed and hoped that Congress may act in the near future. But on account of the unfortunate and disastrous conditions under which business was almost paralyzed last fall and early winter it has seemed wise to make some provision against the possible recurrence of those conditions while an investigation of the whole subject is under consideration. Therefore it is the duty of this House, taking into account the dangers of a possible recurrence of those conditions, to make such provision as will prevent the disasters under which we suffered last fall.

I know, Mr. Speaker, that the sentiment, which I confess is reasonably broadcast, is that there is no danger of a recurrence of the panicky conditions in business in the near future; but it is impossible for anyone to forecast that we will not have next fall the same character of troubles which befell us last fall. I think it very improbable that another panic will visit us next fall. The fact that the conditions last fall were different from any conditions under which any panic in the history of the United States was ever before inaugurated at least raises a doubt in my mind that we can not rest nor depend upon the predictions of anybody as to the recurrence of those conditions.

The necessity for an increased volume of currency at the crop-moving periods each year has been quite apparent. Under the normal conditions of business the rigid limitations of our currency laws and the lack of the element of elasticity have occasioned more or less stringency in currency in the fall of each year. This normal condition of stringency and lack of sufficient volume of currency last fall was decidedly changed by the unforeseen, unnatural, and abnormal conditions which had caused the lack of public confidence to a remarkable degree, which resulted in the withdrawal of great quantities of currency from circulation and disturbed business generally.

In the recent panic there was no doubt whatever of either the value or the security of the currency of the country, but



its value and the standard in which it was measured were universally recognized and regarded as of first quality.

The recent panic followed the unusual and startling disclosures of fraud and mismanagement in some of the great insurance companies and other leading enterprises of the country. It followed the further disclosure of unprincipled financing, as illustrated in the Alton Railway deal and as practiced by speculating bankers of the type of the Heinze syndicate of banks in New York. Overspeculation, unwarranted extension of credits, and a disregard of honest methods in business transactions alarmed the country. These disclosures developed a lack of confidence and trust in men and not in business. The startling disclosures caused people to wonder how far-reaching such practices might be, and created doubt in the minds of many men against their neighbors. This situation was followed quickly by a general spirit of criticism against men and methods, and aroused suspicion which, for intensity and sting, had rarely been equaled. Carping criticism went hand in hand with righteous indignation. Just accusation walked alongside malevolent persecution and abuse. With all these forces combined the onslaught overthrew public confidence, money went into hiding, loans were called, factories were closed, and liquidation set in. It was impossible to foresee these conditions, and they came without warning at a time when the business conditions of the country were at high tide. While it is quite improbable that there would be a recurrence of such conditions next fall, it is quite possible. The practice of providing a strictly emergency currency under the terms of the bill now before the House is, if possible, to prevent disaster to business if some surprising and unforeseen conditions may arise in the future, as they did last fall.

The emergency currency authorized by this bill and the plan for its issue will, in the judgment of many, be a preventive against such disturbance to business, even though we may not be able to prevent the conditions arising similar to those which arose last fall.

The authorization and appointment of a commission to inquire into the general subject of banking and currency would not be in conflict with the provisions for the emergency currency. The work of such commission could safely be pursued to a proper conclusion without the fear that it would be hurried in order to be operative before the possible return of a panic. If it should appear by experience that there was no need for a provision for an emergency currency, although we had made by this bill such provision, there would be ample time in which the commission should make a report and no harm done. From our own experience we know that if there were no other safeguards that would be a sufficient justification to furnish that support against the possible recurrence of those conditions while the commission was pursuing its investigation.

If perchance the operation of the provisions for an emergency currency is not sound, and later experience, even under the investigation of the commission, should prove it unsound, again there is no danger to follow from the authorization of this legislation, because by coupling the two, one a purely emergency provision to guard against all possible distress which might follow from panic conditions, the other the authorization of a proper commission to give full consideration to the entire subject, we believe we have guarded against both difficulties.

The fact that this is an emergency currency, and properly and fully safeguarded against the possible evils of inflation, will appear from a brief, but I hope clear, recital of just what is the procedure which is herein authorized. The machinery is fixed whereby national banks may voluntarily—there is no compulsion—associate themselves in a corporate body, through which corporation or association they may authorize the issue by any one of the banks of the association of a currency not based upon the bonds of the Government. The procedure under the organization is that any securities possessed and owned by that bank, when the board comprising the managers of that association shall find those securities ample and sufficient, may apply to the Comptroller of the Currency and ask an issue upon those securities. The Comptroller, after satisfying himself that the requirements of the law have been complied with, submits the application to the Secretary of the Treasury. First, the association of the banks comprising the corporation passes upon the securities; next, the Comptroller of the Currency, and then the Secretary of the Treasury. The Secretary of the Treasury then finds, first, that a condition of emergency for additional money exists in the State in which that particular bank has its home, and, second, that the securities offered are ample to safeguard the Government against loss, and then only 75 per cent of the cash value of the securities offered is permitted to be issued in emergency currency.

The bank which makes the request for this currency must have had at least 40 per cent of its capital invested in Government bonds, upon which the regular national-bank notes, as we now understand them, are issued, and its entire capital and 20 per cent surplus unimpaired. That finds of necessity, first, a condition of panic or paralysis of business in that particular locality, and then as security all of the assets of the bank making the application and all of the banks comprising the association of which it is a member, and then the reserve, which the bill requires as the cash balance to meet the immediate emergency until those securities can perchance be liquidated into cash.

When that currency is issued under that process, the penalty against inflation is the limitation by reason of the taxes which are imposed by the Government; the first sixty days of the time a tax or penalty of 4 per cent is imposed, and for each sixty days additional an additional 2 per cent tax or penalty until 10 per cent has been reached, and thereafter 10 per cent. A reserve of gold or lawful money equal to 25 per cent of the issue is required to be held by the banks receiving the currency.

The limitations and burdens imposed upon the banks make it impossible for such notes to be issued except in extreme cases of emergency. In my opinion, if a mistake is made with reference to these limitations and burdens, it is that they are too severe upon the banks. The doubt, however, has been resolved in this instance against the banks and in favor of the business of the country. Indeed, this measure is not proposed as an aid to banks; it is proposed as an aid to business. Banks receive deposits from the people, and in turn lend those deposits, upon which they receive interest.

A bank is thoroughly justified in pursuing such methods as will result in profit to the bank and its stockholders. Those very methods, honorable and honest as they may be, nevertheless sometimes result, especially in periods of panic, in having the money of the depositors so placed that the bank is unable to meet the demand of depositors and is obliged to resort to arbitrary and sometimes questionable methods in refusing payment upon such demands of depositors until they can themselves receive payment upon loans which they have made. It is only fair, therefore, that when such conditions arise, for which neither the banks nor their depositors are in any way responsible, that some sort of provision should be made which will permit a perfectly solvent bank having good credit and ample collateral to be able to obtain an emergency currency with which it can safely meet the demands of the depositors for the return of the money which is held in custody by the banks. When an individual meets with misfortune or unwise investments and is obliged to raise funds to save his credit, he takes to the bank such collateral as he is able to raise, or the credit of a friend who may be willing to indorse him, and upon the terms of the bank itself raises a sufficient amount of money or credit to save him from loss or bankruptcy. It seems only fair, therefore, that when a bank, having scattered the deposits of its customers upon loans upon which it had sought to profit for itself and its stockholders, and unfortunate conditions arise making it practically impossible for it to secure sufficient cash to meet the demands of its depositors, that provision might be made whereby it can use its credit and its collateral in order to raise money and credit to enable it to meet the demands of its depositors, who have a just claim for the return of the money which the bank holds in its custody for them. An emergency exists in the case of the individual when he is forced to the bank to increase his credit and his cash. The bank exacts interest from him for its accommodation. In the case of the bank, the emergency exists which obliges it to go outside of the ordinary channels of business to use its individual credit to raise cash sufficient to meet the legitimate demands for cash made by its depositors.

In order to avoid the possibility of putting such an element of elasticity into the currency as might enable a bank, when once it had secured the additional or emergency currency, to continue its use when it can at a profit to itself and thereby make possible the inflation of the currency to the disaster of business generally, it is absolutely necessary that the burdens and limitations placed upon such additional issue of currency must be sufficiently heavy and numerous to make it impossible for a bank to realize any profit from such emergency currency after the emergency shall have passed.

In addition to this, the burdens should be sufficiently heavy and the limitations sufficiently strong to make it impossible for any bank or association of banks, however widely separated, to inspire or originate a supposed emergency which might enable them to secure the additional currency and use it for their personal profit. I repeat, and hold that it is the key to this whole subject, that the protection of an emergency currency is

in the interest of business generally, and not in the interest of banks. The protection is the protection of the people who are depositors of banks whose deposits have been loaned by the banks in an honorable way and may be tied up by some sudden condition which results in lack of confidence either in banks, men, or business generally, which brings about the withdrawal of the legitimate currency under normal conditions from the channels of trade and creates the emergency to business generally which can only be relieved by some sort of additional supply of cash or its proper equivalent.

I do not wonder, nor am I surprised at the criticism of bankers against this proposed legislation, which imposes such heavy burdens upon them. They are obliged in the first instance to take out at least 40 per cent of their capital in United States bonds, upon which they issue the bank-note currency, as we now understand such notes. They next must submit to the Comptroller of the Currency and the Secretary of the Treasury collateral of good quality as first security for the additional currency which they feel they need because of the existence of a condition of business which is abnormal. If the Secretary of the Treasury shall find that a condition of business creating a general emergency exists in the State in which the bank seeking relief has its home and the security offered by such bank is ample and sufficient to save the Government from loss, then the bank making the application is permitted to receive but 75 per cent of the cash value of the securities offered in the so-called "emergency currency." At once a 4 per cent tax lodges against that issue and continues for the first sixty days that the currency is in circulation and an additional 2 per cent tax for each additional sixty days thereafter, not exceeding 10 per cent as the highest tax. A reserve, equal to 25 per cent of the additional issue, must be maintained by banks in central reserve cities and 15 per cent in country banks, in either gold or lawful money. The only way the bank can be relieved from these burdens of tax and reserve and to recover the collateral deposited for their first security is to pay into the Treasury in lawful money an amount equal to the outstanding notes which they wish retired or return to the Treasury the identical emergency currency issued. Of course the notes themselves must have the identical appearance in shape, color, and language that the ordinary national-bank notes based upon bonds have, and when placed in circulation may not be recovered in order to be retired. Consequently they can not be "called in," as is often expressed.

The banks can secure relief from the burdens imposed by the issue of emergency currency by covering into the Treasury the amount of their issue in lawful money, or the notes themselves if they have them. Naturally, the issue of such emergency notes would increase the volume of the currency, and when the emergency currency is either returned to the Treasury, or an amount of lawful money equal to the issue is paid into the Treasury, it automatically contracts the currency in an equal amount. This process is what gives elasticity to the currency proposed by the legislation. The safety of the currency is the ample security provided for it. This security is, first, the collateral filed with the application, which must be worth 25 per cent more in cash value than the amount of the notes authorized for issue. Second, the executive board of all of the banks in the association of which the bank receiving the emergency currency is a member must pass upon the value of the security offered before the issue is authorized. In addition to this the banks composing the association are jointly and severally liable for the new issue.

Therefore, Mr. Speaker, the guard against the possible inflation of the currency is easily seen, by reason of the limitations in taxes and burdens imposed, which no bank could live under if it sought a profit upon the issue. If the securities are ample, if the burden of tax is large enough to guard against inflation, the possible danger against this being used exclusively for an emergency currency is the dishonesty of the bank officials, which will be guarded against by reason of the numbers grouped together being sufficiently large to watch each other.

The association of ten or more banks whose combined capital and surplus must equal at least \$5,000,000, would necessitate those banks, through their proper board of directors and the executive committee of the association, carefully guarding the interest of the association. Undoubtedly this would result in a closer scrutiny of the banking methods of each individual bank comprising such association, the greater honesty of such officials, as well as greater safety of the collaterals exacted in its ordinary business. Such supervision and scrutiny would doubtless result in safer methods of banking, better collateral in the case of the individual banks and consequently

a better credit to the entire association. This, naturally, would mean increased security upon the emergency notes issued to any bank in such association, as all banks of each association are jointly and severally liable for the redemption of the emergency currency proposed. The emergency provision proposed by the bill is in the nature of a security against the possible occurrence of conditions of panic. It is impossible to provide for safety against the panic as suddenly and as quickly as the panic usually falls upon the business of the country. If a safe and sensible law is already upon the statute books, and the general framework and equipment for the banks to equally exercise their rights to protect themselves against the storm, the panic may be prevented, or if not prevented, the time of its continuance greatly shortened. If the occasion for the use of the equipment and procedure provided by this law does not occur, then there is no hardship upon the banks. If, however, the occasion does arise, banks as well as the people of the country, generally interested as we all are in the maintenance of safe business conditions, will be exceedingly glad that they have at hand the means and methods for meeting the conditions when they arise. As long as normal conditions continue the law may not be needed. The proposition, however, is to meet abnormal conditions when they may arise. The proposal of the emergency currency is to meet these abnormal conditions, and the proposal of a commission is for the consideration of improved banking and currency methods under normal conditions of business.

Does your Western resident, dwelling in a zone of high winds, await the approach of the storm before he digs his cyclone cellar? Or does he provide it as soon as he has taken his family into that dangerous region, where he may suffer by reason of tornadoes or storms? This is a storm currency, a storm condition. The fact that you can not build the cellar after the storm has broken is a reminder of the fact that you can not issue your storm currency after the panic has arrived. We, therefore, make it voluntary upon the banks to accept the responsibility. We require ample security against the possible depreciation of the value of the notes. We fix all of the machinery to meet the storm, and if it does not come, there is no harm done. We hope it never will come. In my judgment, had this bill been upon the statute books when the panic broke last fall, it would not have lasted more than three days at the outside. My belief now is that with this procedure and authority, with the safeguards which I believe the bill contains, the possibility of a recurrence of these conditions is exceedingly remote. The appointment of the commission, in my judgment, Mr. Speaker, is equally strong and defensible with the provision for the emergency currency. Our banking and currency laws ought to be brought down so as to meet the needs of business under the present methods of our commerce and trade, and in accordance with the rapid growth of our commerce and trade. I am exceedingly hopeful that the commission may be able upon investigation to submit to Congress a report upon which we can base legislation which will so change or revise the banking and currency laws of our country as will bring our currency into proper harmony with the methods of business and the needs of business at all seasons of the year.

I have advocated the appointment of a commission without regard to any additional legislation. While I would now be satisfied with such legislation, I can see no disadvantage or harm in making a provision for an emergency currency, as we have provided in this bill, which will be a protection in case of necessity, even while the commission is making its investigation and report. Personally I doubt very much the wisdom of a mixed commission. I much prefer a purely legislative commission. A mixed commission would not be so easy in its operation as a legislative commission. A legislative commission, consisting of Members of the House and Senate, would report by way of a bill directly to their two Houses and at once bring the question into consideration for the enactment of the legislation embodied in the bill. Such members would be answerable and responsible directly to the Congress and the country. In the case of a mixed commission, the members not connected with either House of Congress would be answerable and responsible to nobody but themselves. The legislative commission would have as full power and privilege of acquiring information of all character from all sources that would be possible for the mixed commission to have. I am hopeful, however, that whatever commission may be authorized, even if the provisions for the emergency currency are also enacted into law, that the result of this legislation now proposed may be to the decided advantage and benefit of the business of the country and to the profit of all of the people.



I want to emphasize the purpose of the promoters of this legislation that the report of that commission shall be looked forward to in good faith, and we hope and desire and recognize and believe that when it arrives it will receive as fair and full and complete consideration as will be possible to give a report, of that magnitude.

Mr. COCKRAN. Will the gentleman yield?

Mr. OVERSTREET. I will yield to the gentleman from New York.

Mr. COCKRAN. If the commission be necessary, does the gentleman think it consistent with sound principles of legislation and of government to pass a law so entirely without precedent as this before we have received the benefit of the researches of the commission?

Mr. OVERSTREET. I think if I had the means to gratify my personal wishes in building a home, if I was without a home and wanted a shelter, I would not wait until I had the advice of all the architects and builders as to what character of a home I might build, but I would build one for a shelter while I awaited wiser counsel to gratify my ambition.

Mr. COCKRAN. Does the gentleman think that he who is not a builder, but a statesman, would be able to build a building for himself?

Mr. OVERSTREET. I would not, but I could, if I had intelligence enough, make inquiry in the proper sources for information, and I doubtless would be able to meet the conditions.

Mr. COCKRAN. Does the gentleman wish us to understand that we already have sufficient information on which to justify the passage of this measure?

Mr. OVERSTREET. I think we have; I may be wrong. I do not claim to be infallible, but I believe that this provision for a shelter against possibly a return of the storm will do no harm, even if the storm does not come.

Mr. COCKRAN. I agree with the gentleman.

Mr. OVERSTREET. And if while we are waiting, provision is made along proper lines to prevent a recurrence, no harm can come if that does not recur.

Mr. COCKRAN. I entirely agree with the gentleman, but suppose that instead of building a structure to shelter him he is deliberately constructing a weight that will crush him. Would the gentleman take that chance?

Mr. OVERSTREET. I would not, and for that reason I deny that there is any weight hanging over the heads of these people or in any provision of this bill.

Mr. COCKRAN. That is the issue.

Mr. OVERSTREET (continuing). That would injure the currency.

Mr. COCKRAN. Why not?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. OVERSTREET. If I had further time I would be glad to pursue the matter with the gentleman from New York.

Mr. WILLIAMS. Mr. Speaker, I yield ten minutes to the gentleman from Kentucky [Mr. OLLIE M. JAMES].

Mr. OLLIE M. JAMES. Mr. Speaker, our friend the gentleman from Indiana [Mr. OVERSTREET] tells us that this is a bill brought forward here for the purpose of quieting the financial storm. If I read its provisions right, instead of quieting the storm, it will be a fomentor of a storm. [Applause on the Democratic side.] The truth of it is, Mr. Speaker, of all the legislation that has been brought before Congress in the history of the Government there never has been a bill brought here that has lodged in the hands of one man so much power affecting the property and interests of the American people. You tell us that it quiets the storm. Under the provisions of this bill the storm may be beating quick and fast in every part of the Union and the Secretary of the Treasury may say all is calm with him and refuse to allow you to issue one dollar of circulation to be used in the avenues of trade and commerce in this country. Listen to the provisions of the bill. It says:

If in the judgment of the Secretary of the Treasury business conditions demand additional circulation.

Banks may say, "We need the emergency circulation;" they may offer the flower of their security; they may get upon their knees to the Secretary of the Treasury and tell him of the great necessity for this circulation. But the Secretary, perfectly serene in the calm and quiet of his office in the Treasury building, may answer them and say, "The security you offer is abundant; you have complied with the requirements of the law, but your locality does not need, and therefore you shall not have, any additional currency."

So, Mr. Speaker, we find that this bill provides for an emergency whenever the Secretary of the Treasury sees fit to say

there is one. It is all left to him, and the country may be upon the very verge of bankruptcy, property values toppling, and yet the Secretary of the Treasury has the power to deny the issuance of one single dollar of emergency currency. Here is another provision which says that—

If the Secretary of the Treasury be satisfied that a lien in favor of the United States on the securities so deposited, and the assets of banks composing the association, will be amply sufficient for the protection of the United States, he shall direct an issue of additional circulating notes to the association in behalf of such banks to an amount not to exceed 75 per cent of the cash value of the securities so deposited.

What greater power could be lodged in the hands of one man? Absolute and undeniable control of the issuance of \$500,000,000 of currency! The power to discriminate as to securities, the right to say that certain securities will be accepted and that certain other securities will not be accepted! Under this provision, Mr. Speaker, the Secretary of the Treasury has the right, in his capacity, to become a bull on the market one day and a bear upon the market the next day.

He may say, for instance, that the bonds of the steel trust are amply sufficient as a security for this circulation and that the bonds of another corporation are not good. He has the power to say that he will issue 75 per cent of the value of certain securities, stocks, bonds, and commercial paper, and upon another class of security that he will issue only 25 per cent of its value. So we see that under the provisions of this bill three great discretionary powers are given to the Secretary of the Treasury. First, he may say that the locality does or does not need additional circulation; second, he can say that some securities are good and some are bad; third, he can say that he will issue the maximum amount of currency upon one class of security and the minimum amount upon another class of security. For instance, he may say that in New York, around Wall street, there is an emergency, local in its character, and he may give them all the money they need; while down in my part of the country, in Kentucky, he may say to the banks there, "Your locality does not need any money, and therefore I will withhold it from you and deny you the right to issue it." [Applause on the Democratic side.]

Not only that, Mr. Speaker, but he may say to the banks in one part of the country where security is offered, "I will allow you 75 per cent, according to the value of the commercial paper you offer," and to the people in another part of the country, "I will allow you only 25 per cent, according to the value of the commercial paper you offer." Why is this extraordinary power lodged in the hands of the Secretary of the Treasury? Why, we all recall that during the late financial stringency the Secretary of the Treasury went to the rescue of the banks in New York frequently with millions of dollars, while in the South and the West banks were unable to obtain a dollar. But you say, Mr. Speaker, that the Secretary of the Treasury will not exercise this power arbitrarily. That does not answer the objection to it. All men are human. To give a man the power of a giant is to invite him to use it as a tyrant. [Applause on the Democratic side.] In every part of the civilized world, even in republics, whenever power that belonged to the people was taken from them and lodged in the hands of one man, that man construed it as an invitation to use that power arbitrarily and to the detriment of the people. The very viciousness of this system is shown by the basis of this circulation, making it discretionary with the Secretary to place a value upon securities, and thereby to say what character of commercial paper, bonds, or other securities will be accepted for the issuance of this money. [Applause.]

Yet, under the provisions of this bill, you provide that currency shall be issued upon assets, upon commercial paper, the value of which no man knows. Back yonder in 1893 there was a great contest waged upon this issue. Many thousands of people believed, and honestly so, that the Government should issue money to the farming class of our people, under the sub-treasury scheme, upon the deposit of their crops. They only asked 50 per cent advance, at a reasonable rate of interest, upon the value of their crops; but here, under the provisions of this bill, you issue to the banks 75 per cent of the value of their commercial paper, railroad stocks that are up to-morrow and down next day, mining stocks that fluctuate and fall 50 per cent overnight, commercial paper of every kind—assets which neither feed nor clothe the world. You step in, and to men who speculate in these things you say, "The Government would favor you with a loan of money;" but to the farmer who digs out of the earth those things without which the world would freeze and starve, you say, "You shall not be allowed to borrow money from the Government." [Applause on the Democratic side.]

Before, you would declare that it would be paternalism, socialism, and so forth, to lend money to these farmers. But you absolutely reverse your position now, and while denying them, you lend upon assets such as commercial paper, stocks, bonds, and securities of every kind. These men out upon the farms of this country, those who sing the songs of the Republic and fight its battles, by you were spurned when they contended it was right; but the Republican party, true to its best traditions, allows no principle to stand between it and the corporations which contribute to campaign funds and help to debase elections. You further provide in this bill that in case any of the securities deposited with this association shall depreciate in value, upon ten days' notice you may sell them and deposit the proceeds with the Secretary of the Treasury. Under the provisions of this bill you will make every bank in this country that belongs to this association a victim of the *stock ticker* and turn every clearing house into an *auction block*. Designing men, and there are some of them in the banking business, will take advantage of this provision of the law to drive stocks up or down as may suit their interests, and the smaller banks of the country would be fearful to enter into any such agreement as this which might subject them to such disaster.

You are seeking to establish here by this bill that which has been the iridescent dream of the banks of this country for twenty years—that is, an *asset currency*. You have been seeking to avoid a bond-secured currency, and you are trying by this bill to establish the right of banks to issue money upon assets as against the right of the people to issue money by the Government upon bonds. You are seeking to give to the banks the profit that the Government derives from its bonds by its being the basis of the issuance of the currency and boom the assets of the banks by allowing them to issue it upon commercial paper. I maintain, Mr. Speaker, that under the Constitution of our Government we have no more right to farm out to the national banks, or any other corporation, the right to issue money than we have to give them the right to levy taxes or declare war. One is as much a function of sovereignty as the other. Farming out one is as hazardous to American liberty as the other. All governments in all ages have recognized the principle that the right to issue money is the right of the sovereign. You gentlemen on the other side used to regale us with the delightful anthem that you wanted a dollar that could look the world in the face and say, "I know that my redeemer liveth." But, Mr. Speaker, under the provisions of this bill a dollar so issued would be afraid to make such a statement as this until after the *ticker* had been consulted and the crier upon the *auction block* had been heard, and then it would not declare it until after Uncle Sam had become a by-bidder and made it so. [Applause.]

Mr. Speaker, there is another provision in this bill, which provides that—

The assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section 5230 of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association and to the securities deposited by the banks with the association pursuant to the provisions of this act.

Mr. Speaker, if there has been one demand that has come to this Congress greater than any other, it has been that you should make more secure the depositors [applause]—that vast unnumbered throng which makes this Government great; that you should give them protection; that you should throw around them safeguards; that you should make more stringent the laws relative to banks for their protection.

Thousands of our fellow-citizens, who have seen all they possessed—the earnings, meager though they were of a lifetime—swept away by the failure of banks, look to this Congress with hope, but sadly will they be disappointed when they learn that you not only have given them no protection; that you not only have failed to afford them greater protection in the safety of their deposits, but, on the contrary, as shown by the provisions of this bill, you make less secure their deposits than heretofore, by allowing the banks not only to take the flower of its securities—stocks, bonds, and commercial paper—and deposit them with the Government for this emergency circulation, and giving the Government the right to sell these and appropriate the money to its own use, but you go further and allow the Government, after all this has been done, to go to the bank and sell from the depositors the last dollar of assets that it may have. [Applause on the Democratic side.] All of this is made a first lien to the Government as against the depositors or any other creditors of the bank. When the Knickerbocker Bank, in New York, failed, it was discovered that the directors in that bank had loaned to themselves, as directors in other corporations, the money of the

bank placed there by depositors. Senator LA FOLLETTE introduced in the Senate an amendment trying to remedy this, but we find no provision of that character in this bill, and the friends of this bill have urged that as the chief objection to the Aldrich bill, which, in my judgment, is its only virtue, namely, the La Follette amendment. [Applause on the Democratic side.]

Another provision of section 3 is that as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. Yet under this provision, Mr. Speaker, what bank with a capital of, say, \$4,000,000 would allow nine other banks to become with it members of this association, each of the banks having the right, as this bill provides, to elect a member of the board consisting of one representative from each bank, when this bank, with four-fifths of the capital and surplus, might be made to bear four-fifths of the loss of the other nine banks which constitute the clearing-house association? Therefore it is manifest, Mr. Speaker, that before the smaller banks of the country could join an association and become a component part of the ten which have the right, under this provision, they would have to agree to by-laws which would give the control of this clearing-house district to the one great bank, which of course would have the right then to say what character of securities would be recommended and, therefore, what character of securities would be refused. The smaller banks of fifty, a hundred, and a hundred and fifty thousand dollars capital would not be able to get a dollar of circulation under this bill, because they would not have such character of securities as would be declared to be valid as a basis for this circulation. And even if they should obtain the issuance of money by depositing securities, they would view with great alarm the right given under the provisions of this bill for the association to call for further security or sell the securities deposited and then seek the United States courts to recover the residue from these smaller banks.

Mr. Speaker, the Republican party having been in undisputed control of the Government for the last eleven years has been giving to the national banks of this country the use of the people's money, the millions of surplus in its Treasury, without charging them 1 cent of interest. In the Fifty-eighth Congress an effort was made by the Democratic party to charge interest at competitive rates for the public money, but the Republican party was quick to the rescue of these favored corporations and refused to charge them any interest. They were given the use of these millions of the people's money, gathered from every nook and corner of this Republic by the taxgatherer and paid into the hands of the banks, who reaped a rich harvest by lending it to the American people at such rate of interest as they could obtain, ranging usually from 6 to 10 per cent. In the Fifty-ninth Congress, when the Aldrich bill was under consideration, I offered an amendment providing that this money should be loaned out to competitive bidders at a rate of not less than 2 per cent, and that it should be prorated among the States with due regard to justice. But our Republican friends then were opposed to it. The Speaker ruled the amendment out of order, and upon appeal by me to the House he was sustained by the Republican side and they refused to charge interest on the public money.

The amendment I offered in the Fifty-ninth Congress was as follows:

The Secretary of the Treasury before depositing any public money in the national banking associations designated as depositories for same shall advertise for bids of interest under such rules and regulations as he may prescribe, and in depositing said money aforesaid in the national banking associations he shall deposit same with the national banking associations paying the greatest amount of interest for same, but in no event shall the rate of interest be less than 2 per cent. Where the rate of interest bid by more than one national banking association for any deposit of such public money is an equal rate above the 2 per cent aforesaid, the Secretary of the Treasury in such event shall distribute said public money equitably in the various national banking associations throughout the various States making such equal bids, and the rate of interest chargeable upon the public money deposited in the national banking associations under this act shall be computed from the average daily balance of such deposit. *Provided*, That the amount deposited in any national banking association, under the provisions of this act, shall not exceed 50 per cent of the capital stock of such association.

In speaking upon this amendment at that time I used this language:

But the party in the majority upon this floor, knowing that this amendment would be presented, fearing even their own side upon a vote directly upon it, seek to conceal their true purpose behind parliamentary tactics and deny to the country the opportunity to see their votes recorded upon the amendment itself. The majority knowing I had heretofore offered it in the committee, that I had declared upon this floor on February 16 of this year that I would introduce this amendment, they resort to the previous question to hide behind it, afraid to



meet an outraged people upon the direct issue, by saying the amendment was not voted on, when by their votes sustaining the Speaker they made it impossible to vote on it.

The amendment which provides for interest had been submitted to and approved by my Democratic colleagues upon the committee and to the floor leader of the minority upon this side, and had his approval as the true Democratic policy upon the question of the loaning of public money to the national banks. When I appealed from the decision of the Chair refusing me the opportunity to have this amendment considered in the House, a motion was made to lay the appeal upon the table, and in this way we have a direct vote upon the question of whether or not the national banks should use the people's money without interest or pay interest therefor. Every Member upon the floor knew when he cast his vote, if he voted to overrule the decision of the Speaker, that this amendment would be considered, and if adopted the millions of the people's money deposited in the banks would bring into the Public Treasury as interest between five and ten millions of dollars yearly. The record of that vote is now history, but the country is afforded the opportunity of seeing the friends of themselves upon one side and those who believe in giving their money out to corporations without interest on the other side. [Applause on the Democratic side.]

Mr. Speaker, under this amendment the public money would be loaned out under competitive bids of interest to the highest bidder. It provides where two or more associations make equal bids of interest that then the Secretary shall distribute said money equitably to the various banking associations throughout the States making such equal bids, and it limits the amount that may be deposited in any one bank to 50 per cent of the capital stock. Who is prepared to proclaim that this is not just? When this matter was under consideration in the Senate the Senate had an opportunity to vote directly upon the question of interest, and I believe that if the House had been given such an opportunity they would have voted by a considerable majority in favor of making the banks pay interest.

Mr. Speaker, a change has come over the spirit of the dreams of our distinguished adversaries. They are learning that the people of this country will no longer stand for such favoritism and class legislation in regard to their money, and we find them embracing another Democratic principle and charging interest for public deposits, as provided in the Vreeland bill now under consideration. The trouble is, they only partially do right in this matter; they fix the rate at 1 per cent, which is entirely too low. There is hardly a State in this Union that does not get from 2 to 3 per cent for its public money, and has been receiving this amount of interest for all public money for many, many years past. What shall the American people say in their account against the Republican party all these years for their policy of opposing such a law as this? More than a hundred million dollars would be to-day in the Public Treasury, paid there as interest on this public money, but for the fact that the Republican party in this matter, as in all others, has plundered the many for the benefit of the few, has plundered the people for the benefit of the banks, has favored the banks at the expense of the people.

The Republican party may be able to return to the insurance companies the thousands of dollars that were taken from the trust funds, which were held for the benefit of widows and orphans, and given to that party for the purpose of corrupting ballot boxes in national elections in the last decade; but they will have to fry fat from the corporations both night and day in order to gather up the millions that they have given to the national banks by taking it from the people, to reimburse the public which they have plundered. A great objection to this bill, Mr. Speaker, even along this line is that the Republican party in its charge of interest on the public deposits does not pursue a righteous course. Under the provisions of this bill the Secretary of the Treasury has the authority and the power to lend all of this public money at the rate of 1 per cent interest to one favored class of banks or one favored section of the country. He has the right, when Western banks are willing to pay 2 per cent, to lend it to the Eastern banks at 1 per cent interest. He has the right to lend it to the Western banks, which are bidding 1 per cent, while the Eastern banks are bidding 2 or 3 per cent. There is no provision made by which he shall lend it to the highest bidder; there is no provision in the bill which requires him to lend the public money, when there are equal bids by banks from various sections of the country, with due regard to equity, according to population, the bank's capital, surplus, and so forth.

But it puts it in his hands, giving him the right to charge the minimum rate of 1 per cent and lend it where he pleases, when he pleases, and to whom he pleases. Under the provisions of this law the Secretary of the Treasury, along about campaign times, knowing of the friendliness of some gentleman in the East to the Republican campaign fund, some national banker or his friends might contribute several thousand dollars to the Republican campaign fund and be the recipient of a great loan of public money at the lowest rate of interest, basing it upon the theory, as Roosevelt said to Harriman, "We are practical men." This ought not to be. There ought to be a provision for the lending of the public money at a competitive rate of interest, and let the people get the greatest benefit possible for the use of their money, and not place in the hands of one

man the lending of two or three hundred millions of dollars, which may be used, as I believe it has been used in the past, for the benefit of the party in power.

Mr. Speaker, the last provision of this bill provides for the appointment of a commission and gives to the President, the Vice-President, and the Speaker of this House each the right to appoint six members, making a total membership of eighteen, and making an appropriation of a sufficient sum to carry out the purposes of the same. Of all the frauds that the devil has ever invented, Mr. Speaker, for the purpose of deceiving mankind—I think I am committed to commissions! [Applause and laughter on Democratic side.] No commission in the history of this country ever reported anything that was of benefit to the people or that was ever enacted into law. Here, this Congress has been in session since last December; the financial situation has been acute; hearings have been had day in and day out before the Committee on Banking and Currency; men from every part of the Union have come before this committee and presented their views upon the currency question; and now this Congress, after all these months of consideration of this question, undertakes to meet the demand of the people for legislation upon this question by the appointment of a commission to consider further legislation.

The truth of the whole matter is that the Republican party is afraid to enact any legislation on the currency question except along the lines proposed in this bill. The proposal of this commission is but a subterfuge to tide them over the election. They fear to enact any legislation on this question before the election, because the people would have an opportunity to pass upon their conduct. They fear the verdict at the polls. They are attempting to treat this question exactly as they are attempting to treat the tariff question, as they are attempting to treat the injunction question, as they are attempting to treat the trust question—by the appointment of a commission as a promise that they will do something after the election. This bill was brought up and introduced only yesterday and is being considered now with less than four hours' debate and will be brought to a vote. And yet these gentlemen will expect the voters to believe that they did not have time to legislate upon a real remedy for the financial trouble or upon the tariff question or the trust question or the injunction question.

I do not believe, Mr. Speaker, in commissions. This body assembled here, elected by the people direct, is the one which has the right under our Constitution to legislate. They ought to exercise it. If they are not competent to do so, they ought to declare it, and give the people the opportunity at the polls to select these wise men who would be appointed on this commission and send them here as legislators, and then we would have no need for this commission. Under the provisions of this bill, this commission is not only to receive its expenses, but those who are not Members of Congress a salary of \$625 per month. And section 15 provides that the commission shall give reasonable time for hearings, if deemed necessary, and may appoint such subcommittees and employ such experts as it may deem proper to make investigations of different subjects in different sections of the United States and in foreign countries. Here is a delightful opportunity for junkets into different foreign countries, and imagine with what delight members of this commission will embrace this opportunity to cross the sea upon some palatial *Mauretania*, consorting with the élite of foreign courts, viewing everything, from the walls of Jerusalem to the ruins of Pompeii, at the expense of the taxpayers while they are studying the financial question. [Applause on the Democratic side.]

Nor, Mr. Speaker, am I one of those who share the belief that this Republic of republics should go back to the East for wisdom, as we have formulated here a Government that is the model for all the governments of the earth, and I believe that we can formulate a banking system without any assistance from foreign countries. Then, Mr. Speaker, this commission, appointed by the great triumvirate, the President, the Vice-President, and the Speaker, would but very naturally reflect the judgment of these gentlemen upon the currency question, and we are informed that all of them think alike upon this currency problem, and the report at last would be that the President was right, that Uncle Joe was right, and that the Vice-President was right. I believe that the taxpayers would rather admit it than pay the cost of obtaining it. [Applause on the Democratic side.]

Mr. Speaker, the one sentiment uttered by Abraham Lincoln that the stream of time will flow on forever was that this is a Government of the people, by the people, for the people, not a Government of commissions, by commissions, for the people. [Great applause on the Democratic side.]

Mr. PUJO. Mr. Speaker, this bill should have been entitled "The digested Vreeland bill for the purpose of enhancing the value of undigested securities." [Applause on the Democratic side.] We find on April 6 the distinguished author of this measure introduced a currency bill. On April 20 he introduced another currency bill; on May 11 another, and, forsooth, on May 12 the last bill, that is now under discussion. Therefore I hope I speak advisedly when I say it ought to represent the digested views of the distinguished author of the measure and of those two or three conferences held in its behalf.

Mr. Speaker, I have been one of the unfortunate members of the Committee on Banking and Currency who have been compelled to sit, in season and out of season since last December giving hearings to the people desiring, or imagining that they desired, relief from the existing currency depression. I do not believe that, outside of the author of this measure, or, at least, a very few and limited number, anybody ever offered one word in support of this bill or one embodying principles similar to those in this bill.

Mr. Speaker, legislation of the character incorporated in this bill, if offered in seriousness, is absolutely unnecessary to be adopted by this House.

On the 1st of last October there was a currency flurry or depression in this country. Times have changed. The banks now have plenty of money. We do not need legislation of this character, and it should never be passed by a deliberative or legislative assembly, because it is basing a currency upon credits and upon bonds which may be used for purposes of issue though not listed on the various stock exchanges of the Union. Besides, Mr. Speaker, the principal amount of emergency currency issued under its provisions will go to the large centers like New York, because, you will notice, a bank can issue emergency currency if it has a surplus of 20 per cent and 40 per cent only of its capital stock paid in. You will find the great banks of the East have not paid up their capital stock comparably with banks throughout the other sections, and they carry most of the operating capital in surplus. Therefore, take even the great rich State of Louisiana, and it will be entitled to only two associations under the provisions of this bill. Some of the States may not be entitled to even one association.

The bill as first introduced put the amount of capital and surplus required to form an association at \$10,000,000, but the later editions have been changed so that ten banks uniting, with \$5,000,000 capital and surplus, can form an association.

Mr. Speaker, this bill is crude. I will call to your attention its provisions, that any ten banks uniting with a minimum capital of \$5,000,000 will have the right, by going through the process detailed in the bill, to obtain the issuance of emergency currency. Upon the failure of one of the uniting banks, thus reducing the number to less than ten, the whole association becomes functus officio, except for the purpose of liquidating its affairs. Then what is the result? One bank, having taken out a certain amount of emergency currency, fails and the other banks constituting the association have only the right to sue and reduce the assets to money and apply the proceeds to the redemption of the notes, and the other nine banks would be compelled to go out of business if there were no other banks to join it, and the currency apportioned to that association would be transferred and used by another.

Under the provisions of this measure the limitation of emergency currency is \$500,000,000. The report of the Secretary of the Treasury, filed on January 29, 1908, shows that the capital stock paid in of all the national banks in the United States is \$901,681,000, and the surplus \$549,000,000, making an aggregate total of nearly a billion and a half dollars. Therefore, the issue being limited to \$500,000,000, we have about 33½ per cent to be apportioned to the banks, and you will find when the figures are worked out and you ascertain the number of associations that can be formed in the various States that this money will go largely to the East, where it will be used in speculation, and not be available for the industrial and farming sections of the country, where it is so greatly needed.

Mr. Speaker, I said, and I believe it firmly, that legislation of this character is not only unnecessary, but it is unwise and dangerous. Whenever it once gets upon the statute books it will never be repealed. We find that the reason of the currency famine of 1907 was this: The national-bank act requires all banks outside of reserve cities to maintain a reserve of 15 per cent of their deposits, 9 per cent of which they are entitled to keep in reserve cities.

When it gets into the reserve cities, the reserve bank is entitled to use it as it sees fit, provided it keeps 25 per cent, or

\$2.25, of that \$9, in its vaults. Therefore the law, although intending to protect the depositors by the requirement that 15 per cent of deposits shall be kept as a reserve, is so manipulated that only 8½ per cent—\$6 in the vault and \$2.25 in the reserve bank—is kept; and the balance of the reserve is loaned out on call to speculative interests, just as it was last fall. And when the bank in the country called upon its reserve bank for its money, it had been loaned out and could not be returned, and the country banks therefore had to suspend payment, as well as those in the large cities which were responsible for the conditions, because of their methods of doing business.

I want to emphasize this fact, that if the law could be amended, and it is the only legislation needed at this session, so as to require banks to maintain the reserve in their vaults and so as to permit the retirement of circulation without limitation, with the consent of the Secretary of the Treasury, there would be no need of legislation of this character. That is what we need. [Applause.]

Mr. Speaker, many Members of the House, and many who are not members of Congress, have offered suggestions, by bills and otherwise, to remodel the banking and currency system of this country, the principal measure, based upon an entirely different theory than that of the Vreeland bill, being the currency bill reported from the Committee on Banking and Currency, and much more dangerous in some of its provisions, as comparison will show.

The objects sought to be accomplished by it are: First, the retirement of the present national-bank notes; second, the retirement of the greenbacks; third, the substitution of what was originally termed in the bill when it was offered to this House, "national-bank guaranteed credit notes;" fourth, the creation of a guaranty fund by the levy of 5 per cent upon all notes to be issued thereunder, 5 per cent upon the deposits of the bank, and 2 per cent upon all circulation taken out under the provisions of the law, out of which shall be paid depositors and note holders of all banks that fail; fifth, to reinvest the money in this fund by the purchase of all Government bonds now held by the national banks to secure their circulation at a flat price of \$1.04. The bonds thus purchased for the account of the fund to be held impounded, and the interest paid by the Government upon them to go into the fund.

It seems to me that the mere statement of the salient features of this measure ought to put the mind upon inquiry as to the practical effect it would have should it be enacted into law. There does not seem ground for reasonable contention that should this measure be adopted every savings bank, State bank, and trust company in the United States within a few years would be forced to surrender their State charters and avail themselves of this act.

The report of the Comptroller of the Currency for 1907 shows that on August 27 of that year the deposits in national banks aggregated \$5,256,085,087.14. Deposits in banks other than national \$8,776,755,207, a total of more than \$14,000,000,000. It stands to reason that if deposits are guaranteed by a fund created by Federal legislation and administered by Federal officers who are acting as agents of the Government as to the enforcement of the law, and as trustees of the depositors as to their ultimate protection, that depositors in State banks, savings banks, and trust companies will withdraw their funds and change their deposits to national banks, thus striking down State institutions now holding in their vaults more than eight-fourteenths of the banking wealth of the people of this country.

In answer to this position the advocates of the guaranty system reply that there is nothing to prevent the States of the Union from passing similar laws, providing for the guaranty of deposits and proper supervision of the State banks and trust companies. In my judgment, the effect of such legislation may retard the shifting of deposits from State to Federal institutions, but not prevent it ultimately.

In the mind of the average citizen the Federal Government is all powerful within the sphere of legitimate action; and the knowledge that the Secretary of the Treasury is the guardian and custodian of this guaranty fund will cause him to rely implicitly upon the safety of his deposit, if in a national bank. And the reason is obvious, because its instrumentalities and agencies for proper supervision of this fund and of the national banks are so far superior to similar agencies in the various States, and so much further removed from local influences and conditions, that depositors will naturally incline to the stronger side.

I now ask this question: Upon what theory of government is a depositor in a bank who, in the eye of the law, is a creditor of the bank entitled to have his investment guaranteed by na-



tional legislation? It must be borne in mind that the tax on circulation, authorized to be taken out under this act, will form a part of the guaranty fund. This tax of 2 per cent, should the banks avail themselves of the right to issue circulation—\$1,800,000,000—will aggregate \$36,000,000. It is true that the act provides that 1 per cent of this money shall be returned to the banks. This would leave \$18,000,000 realized annually on circulation.

Now, who would pay that \$36,000,000 a year? There can be no dispute but that the borrower would pay this additional tax, because a bank would charge it up to expense, as it would be interested in maintaining its usual dividends for the benefit of its stockholders. So the guaranty of deposits would work out that the borrowers of this country would be compelled to pay the tax in order to insure the creditor class. To my mind no more pronounced example of class legislation has ever been furnished than that of the guaranty of deposits.

Further, I invite your attention to this fact: That the guaranty of deposits is a misnomer. The author of the committee bill has argued that a deposit in a bank is merely a book credit. Following that line of thought a step further we find that there is only \$1,113,742,316 (Comptroller's report, p. 49) of actual money on deposit in the banks of this country. The residue, \$11,985,857,684, of this nominal cash deposit represents bank or book credits. And the guaranteeing of these deposits would in effect be the guaranty by the bank that it would deliver to the borrower money for the credit which it has previously allowed him.

The proposition is clearly and succinctly stated by Mr. David Kenley, professor of economics in the University of Illinois (p. 345, Review of Reviews, March, 1908), from whose article I quote the following extract:

No clear analysis can be made of the probable effects of a proposal to insure bank deposits by the creation of a safety fund, without proper classification of deposits. The popular notion of bank deposits is that they represent cash taken into a bank by individuals and left there for safe-keeping to be drawn on at need. Of course, this accounts for a large portion of the money in banks, especially in country districts, but the merest tyro in banking knows that, especially in cities, the figures of bank deposits reflect the loans made by the banks. A proposal to insure these deposits is therefore a proposal that the banks shall create a safety fund to secure the payment of the amounts they have agreed to loan either on commercial or personal paper. They have received no money. The deposit is simply the credit charge that indicates their promise to lend or pay on demand the amounts specified. The proposal to create a safety fund to secure deposits is, therefore, in the main, a proposal that the banks be taxed to insure the payment of what they promise to lend. The obvious criticism of such a project is that if the borrower does not believe that his bank is able to pay over the amount he wishes to borrow he should go somewhere else. If Jones goes to Smith to borrow there is a certain absurdity in his asking Smith to insure the payment of the amount he is asked to lend. If there is any doubt about his ability to lend, he should not be asked. In all cases of loans without collateral security the project is a proposition to ask the banks to give security which is not asked from the borrowers to whose credit the loan has been put as a deposit.

The advocates of the guaranty-deposit plan claim that it is the duty of the Federal Government to compel national banks to create an insurance fund by a small tax upon their respective deposits, in order to protect those who deposit with them, because national banks are organized by virtue of Federal laws and are under the supervision of Government officials. It may be urged with just as much reason that those who invest in railroad bonds should be guaranteed against loss because we have Federal supervision, by law, of railroads.

It makes no difference how specious or popular the argument may be in favor of the guaranty of bank deposits, stripped of those elements it stands revealed as socialistic in the extreme, and the inevitable tendency of such a policy would be to destroy individuality in banking and put those who have been engaged in the business for perhaps half a century, and who, by a life of probity and integrity in their business and other relations, have inspired and maintained the confidence of their neighbors in the community where they live, upon the same level with any group of speculators who might drop into their town and organize an association under the national banking laws, paint upon their windows "Depositors in this bank are protected by the national guaranty deposit fund. Interest will be paid on all deposits subject to check. Interest paid on time certificates." And resorting to measures and methods perhaps unknown in ordinary business channels.

I now invite your attention to some of the special features of what is known as the "Fowler bill," for the purpose of demonstrating that as crude and insufficient as is the Vreeland bill, it is infinitely less dangerous to the business interests of this country.

Sections 1 to 11 create the machinery for carrying into effect the system sought to be established by the act. The United

States is divided into twenty financial zones or districts, in each of which shall be established an agency for redemption purposes. The banks in these respective districts must select a redemption agency and designate an officer to cast its vote, each bank in these zones being entitled to one vote. The banks in each district shall constitute legal associations, represented by a board of eight managers, selected by the banks and serving from one to four years, two being elected every year thereafter; managers serving four years shall be ineligible for reelection without a lapse of one year. The managers of each zone shall meet annually and select a ninth member, who shall act as chairman and become ex officio Deputy Comptroller of the Currency, receiving a salary of \$6,000 a year, payable out of the guaranty fund. The board of managers in any particular district may increase the salary of the chairman and assess the banks in the district pro rata upon their capital and surplus to meet such increase.

The chairmen of the boards of managers are vested with all the authority of the Comptroller of the Currency in their zones, and the decisions of the court affecting the office of the Comptroller of the Currency shall apply to them. Banks, however, shall still make their reports to the Comptroller of the Currency. Five members of the board of managers shall constitute a quorum. The board of managers shall have control of the redemption agency in their respective zones and shall select and designate the number of bank examiners for the district. The examiners shall receive stated salaries, payable by the respective redemption agencies and out of the general guaranty fund. The board shall meet at least once a month at the agency for the district. They shall receive \$10 for each meeting.

Section 11 contains the authorization for the retirement of the present bank-note circulation and the taking out of the credit currency authorized by the act. A bank desiring to take out circulation unless located in a redemption city must first make arrangements with a national bank for the redemption of its bank notes. It shall then deposit in gold coin or other lawful money with the Treasurer of the United States 5 per cent of its average deposits during the preceding calendar six months and 5 per cent of the national-bank notes it desires to take out for issue and circulation. No other security is required.

To illustrate: Should an existing national bank have a capital of \$100,000, circulation of \$100,000, deposits of \$100,000, it would apply to the Comptroller to retire its present bond-secured circulation and deposit with him 5 per cent of its deposits—\$5,000; 5 per cent of its circulation—\$5,000. It would then sell to the Comptroller of the Currency its bond-secured notes for \$104,000, deposit \$100,000 with the Comptroller of the Currency to retire its original bond-secured circulation, and then leave the Treasury with \$100,000 of national-bank notes authorized by this act and \$4,000 in money.

In other words, a bank, to effect a change from the old system to the new under the conditions just mentioned, would only be \$6,000 out, and yet would have the benefit of 5 per cent on its circulation and 5 per cent on its deposits—\$10,000 as a reserve.

In addition to the first issue any national bank, with the consent of the managers of its financial zone, could take out further circulation to an amount not to exceed its paid-up unimpaired capital. It would thus be possible that the amount of circulation which could be taken out under this act would approximate \$1,800,000,000, as the capital stock of the national banks of the United States on October 31, 1907, aggregated \$909,274,775. If State banks, trust companies, savings banks, and private banks were to come under this act, a further circulation of \$1,614,356,524 could be taken out, the capital stock of such latter institutions amounting in 1907 to \$807,178,262.

Outstanding circulation on October 31, 1907, was \$609,980,466. Of this sum \$562,727,614 was secured by the deposit of bonds in the sum of \$566,994,910, and \$47,252,852 of the circulation was covered by lawful money for liquidation of insolvent banks and reduction of circulation. (Comp. Rep., 1907, p. 13.)

The bonded debt of the United States on October 31, 1907, was \$808,685,510.

These figures show that the recent financial panic could easily have been averted had the national banks taken out circulation to the extent authorized by law.

There was outstanding on October 31, 1907, Government bonds aggregating the sum of \$291,690,600 not on deposit to secure circulation. The banks had not taken out their authorized circulation by \$299,294,309, and they could have purchased Government bonds aggregating \$291,000,000, and thus averted the panic by issuing circulation for an equal amount.

It was demonstrated that clearing-house certificates issued to the extent of \$154,000,000 did tide over the situation. (Comp. Rep., 1907, p. 60.)

This condition of affairs naturally forces the question, Why the necessity for the adoption of a bill, which contemplates a radical change in the present banking system? To my mind, this bill can be characterized, briefly, as "a bankers' bill," because the effect of its provisions would concentrate the entire banking power of the United States in national banking associations.

An analysis of the so-called "guaranty-fund" provision of the measure will disclose the fact that 5 per cent of the note issue, 5 per cent of the deposits, and the 2 per cent upon circulation, after being deposited with the Treasurer, shall be subject to the direction and control of the board of managers for each redemption district or zone. What will these managers do with this fund? Under the act they must first buy the bonds to secure the present circulation at 1.04 and accrued interest. The residue of this fund will then be deposited in the various national banks; and instead of there being a reserve to protect note holders and depositors, the money intended for that purpose will not be available, because the banks will have loaned it out in the usual course of business.

Section 20 of the act provides that banks in central-reserve and in reserve cities shall have at all times on hand in lawful money an amount equal to at least 25 per cent of its bank notes in circulation, and all other banking associations 15 per cent. Banks in reserve cities may keep in central-reserve cities three-tenths of their reserve and other banks 4 per cent of their lawful reserve in cash, deposit in a central-reserve city or a reserve city.

Section 21 provides that every national bank may count as a part of its reserve the amount it shall have deposited with the Treasurer, and shall be entitled to receive interest thereon at the rate of 1 per cent per annum, payable in July of each year.

Let us inquire in what situation this will leave the so-called "reserve fund." Section 11 specifically provides that 5 per cent shall be paid on the note issues and 5 per cent on deposits. It therefore follows that the amount paid to take out these credit notes and the amount paid on deposits is by this act created a reserve. In other words, a bank not in a central-reserve city or in a reserve city, required by law to have on hand 15 per cent of its national-bank notes in circulation, is to be credited with the 10 per cent deposited by it in the guaranty fund, thus leaving only 5 per cent to be retained in its vaults. The act further authorizes such banks to count as reserve money which it may deposit in a central-reserve city not to exceed 4 per cent, which would leave the country bank with but 1 per cent in its vaults of the so-called "reserve."

To illustrate: Suppose a bank desired to take out circulation for \$100,000 and it had on hand deposits aggregating \$100,000. It would have to pay \$5,000 on its note issue and \$5,000 on its deposits, aggregating \$10,000. It would be compelled to retain \$5,000 in its vaults, thus aggregating the \$15,000 required by law as a reserve. Of this last \$5,000 the act permits it to deposit \$4,000 in a reserve city; this would leave but \$1,000 or 1 per cent reserve in the vaults. Now, the 80 per cent, or \$8,000, of the \$10,000 deposited in the guaranty fund and counted as a reserve would be invested in Government bonds. The remaining \$2,000 would be redeposited in some bank, so that the final reserve against the note issue and the cash deposited, instead of being 15 per cent, would only be 9 per cent, a reduction from the present requirement under the law of 6 per cent.

I join issue with the advocates of this measure that there are any conditions or limitations upon the right of the banks to take out additional circulation further than that it shall not exceed 100 per cent of its unimpaired capital stock, if the approval of the board of managers of the bank-note agency where the bank is located is first obtained. Section 12 imposes no further limitation than that just stated.

It may be argued that the power to take out these credit notes is granted only upon the condition that 5 per cent shall be paid thereon and 5 per cent of the average deposits for the preceding six months, and that these conditions will apply to the additional circulation. But to my mind no such conclusion can be fairly drawn.

Suppose a bank having \$100,000 of deposits and \$100,000 in bond-secured circulation substitutes the credit notes for an equal amount upon which it pays \$5,000 into the Treasury and likewise \$5,000 on its deposits, and at the end of the year desires to take out \$100,000 more circulation, and its deposits have not increased. Can it be claimed that it would have to pay another \$5,000 upon the deposits? I do not think so. I admit

that it would have to pay 5 per cent upon its supplemental circulation, but under the provisions of the bill it would not be required to again pay upon its original deposits. The second issue, then, would merely be protected by 5 per cent on circulation.

The whole theory of the bill is violative of correct business principles. Its tendency is to remove the actual management of the bank, as far as possible, from its stockholders, who are the real parties in interest. The bill provides that the directors in each bank in every financial zone shall select one of its officers to act as a member of the board of managers. These boards are vested with power to fix the rates of interest upon time deposits. Instead of the directors, who are personally known to the stockholders, directing and managing the affairs of the bank, this power is lodged in a board of managers, one of whom represents directly the local stockholders of the respective banks, the others, perhaps, being total strangers and men who would not have been selected by the stockholders of the institution to manage and take care of their investments and protect their depositors.

One of the controlling features of this bill can not, in my opinion, stand judicial scrutiny, and it is this: The 2 per cent tax to be paid to the Treasury of the United States upon the national-bank notes in circulation constitutes a part of the general guaranty fund. Should circulation be taken out to the extent now authorized by law—\$900,000,000—this tax would amount to \$18,000,000. Under the provisions of this act this tax will be appropriated to guarantee deposits and the payment of the bank notes taken out thereunder. Upon what constitutional authority has Congress the right to levy a tax upon the people except for public purposes?

It will certainly not be claimed that the levy of a tax and the appropriation of the proceeds thereof to guarantee a creditor of a financial institution that he shall suffer no loss is a public purpose; and I do not believe that there is a lawyer in this House who will maintain that this provision of the act is, in a legal sense, worth the paper that it is written on.

It violates another provision of the Constitution, which prohibits the enactment of class legislation.

Mr. Speaker, after all is said and considered, what is the necessity for the passage of this bill? Because during the past few months a currency panic was experienced, which has, fortunately, been tided over, the American Congress is seriously asked to enact legislation at a time of industrial depression, by which it is claimed more money can be put in circulation when required. But the advocates of this measure evidently overlook the fact that this credit-currency scheme will immediately withdraw from circulation in actual money about \$300,000,000. Upon the basis of the present bank-note circulation \$50,000,000 will be required to substitute the new notes for the old, and more than two hundred and fifty million would be realized from the tax of 5 per cent on the \$5,000,000,000 now on deposit in the national banks. Eighty per cent of this money would be represented by the bonds to be purchased of the banks and the other 20 per cent considered as a reserve.

The report of the New York clearing house shows that the recent flurry in the money market has subsided.

Since the enactment of the national-bank act in 1864 the growth of banking in the United States has been phenomenal, not only of those institutions authorized by Federal legislation, but of State banks, savings banks, trust companies, and private banks.

In 1864 there were 1,861 banks, with—

Loans and discounts, including overdrafts.....	\$70,700,000
Bonds and stocks.....	93,400,000
Due from banks and bankers.....	33,300,000
Total cash in banks.....	98,300,000
Capital.....	386,800,000
Surplus and profits.....	4,200,000
Individual deposits.....	355,700,000
Due to banks.....	27,400,000
Total assets.....	252,300,000

Compare the condition of the banks in 1907 with that of those in existence in 1864, and we find in 1907 there were 19,746 banks, with—

Loans and discounts, including overdrafts.....	\$10,763,000,000
Bonds, stocks, etc.....	4,377,100,000
Due from banks and bankers.....	2,135,000,000
Specie.....	719,500,000
Paper currency.....	394,200,000
Total cash in banks.....	1,113,700,000
Capital.....	1,690,800,000
Surplus and profits.....	1,645,000,000
Circulation.....	547,000,000
United States deposits.....	180,700,000
Individual deposits.....	13,092,000,000
Due to banks.....	2,075,400,000
Total assets.....	19,645,000,000



Principal items of resources and liabilities of State, savings, and private banks, loan and trust companies, and national banks, from 1864 to 1907. (Compiled from reports to the Comptroller of the Currency.)  
[Amounts in millions.]

Year.	Number of banks.	Loans and discounts (including overdrafts).	Bonds, stocks, etc.	Due from banks and bankers.	Specie.	Paper currency.*	Total cash in bank.	Capital.	Surplus and profits.	Circulation. <sup>b</sup>	United States deposits.	Individual deposits.	Due to banks.	Total assets.
1864	1,861	\$70.7	\$93.4	\$33.3	—	—	\$68.3	\$386.8	\$4.2	\$180.1	—	\$355.7	\$27.4	\$252.3
1865	1,960	362.4	404.3	108.0	\$9.4	\$190.0	199.4	397.0	54.5	131.5	\$58.0	641.0	157.8	1,128.5
1866	2,267	550.4	465.2	110.7	12.6	219.3	231.9	480.8	79.4	267.8	39.1	815.8	122.4	1,476.4
1867	2,279	588.5	443.1	100.0	11.1	194.5	205.6	483.8	90.9	291.8	33.3	876.6	112.5	1,404.1
1868	2,293	655.7	440.5	123.1	20.8	179.9	200.7	486.4	109.4	294.9	28.3	908.6	140.7	1,572.2
1869	2,354	686.3	414.6	107.6	18.5	144.0	162.5	489.7	126.0	292.7	12.8	1,032.0	129.0	1,564.2
1870	2,457	719.3	406.1	121.2	31.1	156.6	187.7	513.7	132.7	291.8	13.2	1,051.3	148.5	1,510.7
1871	2,706	789.4	419.9	143.8	19.9	174.1	194.0	561.7	143.1	315.5	11.1	1,251.6	176.4	1,730.6
1872	3,096	871.5	431.2	144.0	24.3	153.3	177.6	502.6	155.4	327.1	12.4	1,353.9	172.7	1,770.8
1873	3,198	1,439.9	713.2	167.1	\$27.9	—	218.2	532.9	215.6	340.2	15.1	1,421.2	178.6	2,731.8
1874	3,193	1,564.5	723.2	193.6	\$22.3	—	232.2	550.8	199.9	338.7	10.6	1,526.5	232.5	2,890.4
1875	3,336	1,748.1	793.1	195.0	\$19.0	—	238.7	502.6	254.2	318.1	10.2	1,787.0	194.7	3,204.6
1876	3,448	1,727.1	807.3	198.2	\$25.4	—	226.4	602.3	261.6	294.8	11.1	1,778.6	183.5	3,183.1
1877	3,384	1,720.9	841.2	184.6	\$21.3	—	220.5	614.2	200.5	290.4	10.9	1,813.6	170.1	3,204.1
1878	3,229	1,561.2	865.9	183.2	\$29.7	—	214.6	587.7	237.7	300.4	25.6	1,717.4	161.7	3,080.6
1879	3,335	1,507.4	1,032.9	204.0	\$42.7	—	216.3	580.4	246.1	307.7	252.1	1,694.2	187.9	3,212.6
1880	3,355	1,662.1	1,000.6	218.9	\$100.2	—	285.5	565.2	260.2	318.4	10.7	1,951.6	239.6	3,399.0
1881	3,427	1,901.9	1,000.9	346.1	\$129.5	—	295.0	572.3	292.0	312.5	12.2	2,296.8	314.7	3,869.1
1882	3,572	2,050.8	1,049.1	307.3	\$112.4	—	287.1	590.6	310.1	309.2	12.6	2,460.1	279.0	4,031.1
1883	3,835	2,133.6	951.2	392.8	\$116.2	—	321.0	625.6	347.8	312.2	13.9	2,568.4	288.2	4,208.0
1884	4,111	2,260.7	1,030.4	294.1	\$110.2	—	321.2	656.4	379.6	295.3	14.2	2,566.4	227.0	4,221.3
1885	4,350	2,272.3	952.0	432.9	\$179.0	—	414.3	678.0	362.0	299.2	14.0	2,734.3	293.0	4,426.9
1886	4,378	2,456.7	1,031.1	349.8	\$152.2	—	375.5	686.7	393.8	238.0	17.1	2,812.0	308.0	4,521.5
1887	6,179	2,944.9	999.9	632.1	\$165.1	—	432.8	806.8	460.2	160.8	23.2	3,308.2	350.1	5,203.7
1888	6,647	3,161.1	1,112.1	439.1	\$226.4	219.7	446.1	833.7	493.7	155.5	58.4	3,422.7	366.1	5,470.4
1889	7,203	3,475.2	1,111.9	513.7	\$221.5	277.6	499.1	893.3	531.9	129.0	40.7	3,778.1	431.6	5,940.9
1890	7,990	3,842.1	1,158.0	531.3	\$221.9	256.4	478.3	968.7	584.0	126.5	30.6	4,062.5	432.3	6,343.0
1891	8,641	3,965.9	1,042.5	652.0	\$217.3	261.8	479.1	1,029.7	619.2	124.0	25.9	4,196.8	415.7	6,562.1
1892	9,338	4,336.6	1,269.4	684.3	\$262.2	324.2	586.4	1,071.1	660.3	141.2	14.2	4,664.9	464.9	7,245.3
1893	9,492	4,368.6	1,354.1	540.2	\$210.9	305.0	515.9	1,091.8	689.3	155.1	13.7	4,627.3	419.9	7,192.3
1894	9,508	4,065.0	1,445.3	705.1	\$283.4	405.5	688.9	1,099.8	682.4	171.8	14.1	4,651.2	509.1	7,290.6
1895	9,818	5,268.8	1,565.2	714.4	\$246.3	384.8	631.1	1,060.3	699.3	178.8	13.2	4,921.3	600.5	7,600.6
1896	9,469	4,251.1	1,674.4	645.0	\$251.2	280.6	531.8	1,051.9	694.4	199.2	15.4	4,945.1	521.7	7,553.9
1897	9,457	4,216.0	1,732.3	781.4	\$297.7	330.5	628.2	1,012.3	712.7	196.6	16.4	5,094.7	673.4	7,892.1
1898	9,485	4,652.2	1,859.7	924.9	\$262.2	285.6	687.8	902.0	732.7	189.9	52.9	5,688.2	809.8	8,600.0
1899	9,732	5,177.6	2,179.0	1,203.1	\$449.1	274.2	723.3	973.0	761.1	190.4	76.3	6,768.7	1,046.4	9,904.9
1900	10,382	5,657.5	2,398.3	1,272.8	\$449.7	300.2	749.9	1,024.7	882.2	265.3	98.9	7,238.9	1,172.5	10,785.9
1901	11,406	6,425.2	2,821.2	1,448.0	\$479.0	328.5	807.5	1,076.1	955.6	319.0	90.1	8,460.6	1,333.0	12,357.5
1902	12,424	7,189.0	3,069.4	1,561.2	\$511.0	307.1	848.1	1,201.6	1,066.9	309.4	124.0	9,104.7	1,393.2	13,383.9
1903	13,684	7,738.9	3,400.1	1,570.6	\$478.2	379.0	857.2	1,321.9	1,273.4	359.2	147.3	9,553.6	1,475.9	14,303.1
1904	14,850	7,982.0	3,654.2	1,842.9	\$412.2	378.4	990.6	1,392.5	1,300.9	399.6	110.3	10,000.5	1,752.2	15,198.8
1905	16,410	9,027.2	3,887.9	1,981.9	\$617.3	376.8	994.1	1,463.2	1,439.5	445.4	75.3	11,350.7	1,904.3	16,918.2
1906	17,905	9,898.7	4,073.5	2,029.2	\$638.0	383.4	1,016.4	1,565.3	1,558.9	510.9	89.9	12,215.8	1,899.0	18,147.6
1907	19,746	10,763.9	4,377.1	2,135.6	\$719.5	394.2	1,113.7	1,690.8	1,645.0	547.9	189.7	13,099.6	2,075.4	19,645.0

\* Includes cash not classified.

\* Includes State-bank circulation.

\* Number of national banks only; number of State and savings banks not reported.

\* Specie in national banks; incomplete for State banks.

\* Includes coin certificates from 1890; specie for 1902 partially estimated.

A classification of the different banking institutions and of their resources and liabilities is shown in the following table:

Classification.	6,429 national banks.	13,317 State, etc., banks.	Total, 19,746 banks.
	Millions.	Millions.	Millions.
Loans	\$4,664.0	\$6,000.9	\$10,763.9
United States bonds	671.1	22.7	693.8
All other bonds	774.4	2,908.8	3,683.2
Cash	721.9	391.8	1,113.7
Capital stock	883.7	807.1	1,690.8
Surplus and profits	720.4	924.6	1,645.0
Deposits (individual)	4,322.9	8,776.7	13,099.6
Aggregate resources	8,476.5	11,168.5	19,645.0

And the Comptroller of the Currency, commenting upon these tables, uses the following language:

From the foregoing statement it appears that over two-thirds of the amount of individual deposits and the same proportion of investments in bonds, etc., in all the reporting banks are held by banks other than national. About 56 per cent of the aggregate loans of the surplus profits as well as the total resources are credited to this class of banks, while they have only about 48 per cent of the capital and 35 per cent of all of the cash holdings of all banks.

The worst feature of the Fowler bill is that it will inevitably destroy all other than national banks. It may be urged that it will be much better for the country to have one uniform system of banking, regulated by one law, and supervised by the agencies of one central authority. This may be true, but as long as Congress is controlled in the passage of laws by the limitations of the Constitution such legislation can not justly emanate from Congress.

Congress would be powerless to prohibit the States from granting the right to any certain number of individuals, under such rules and regulations as might be prescribed, from organizing State banks, trust companies, or savings banks. Yet if this bill were to pass its effect would be to drive out all of these institutions and destroy them, when we could not have done so directly.

Again, there are certain classes of institutions—principally in the New England and Eastern States—known as mutual savings banks, the depositors of which own the institutions. In other words, holdings in them are not represented by stock certificates. The profits inure to and the losses are sustained by the depositors. On October 31, 1907, there were 678 of such institutions.

Abstract of reports of condition of the mutual and stock savings banks in the United States, 1906-7.

Resources.													
State, etc.	Date of report.	Number of banks.	Loans on real estate.	Loans on collateral security other than real estate.	All other loans and discounts.	Overdrafts.	United States bonds on hand.	State, county, and municipal bonds.	Railroad bonds and stocks.	Bank stocks.	Other stocks, bonds, and securities.	Due from other banks and bankers.	Real estate, furniture, and fixtures.
<b>MUTUAL SAVINGS BANKS.</b>													
Maine.....	Apr. 27, 1907	51	Dollars. 10,260,805	Dollars. 3,483,877	Dollars. 1,382,384	-----	Dollars. 231,100	Dollars. 24,660,612	Dollars. 41,589,954	Dollars. 1,811,375	Dollars. 5,896,679	Dollars. 1,250,954	Dollars. 1,397,637
New Hampshire.....	June 30, 1907	55	21,902,591	8,162,485	9,664,321	-----	88,406	9,028,790	25,391,780	2,093,153	7,877,571	1,817,134	1,621,773
Vermont.....	do	42	36,311,985	1,454,116	7,789,331	-----	-----	-----	13,019,114	313,417	-----	2,829,843	603,000
Massachusetts.....	Oct. 31, 1906	189	297,309,215	6,768,993	167,417,364	-----	-----	76,587,000	152,844,109	12,791,315	-----	14,221,997	10,976,249
Rhode Island.....	June 29, 1907	28	21,428,077	2,990,135	6,363,436	-----	1,260,360	7,633,578	19,276,508	717,263	7,757,249	317,000	1,241,539
Connecticut.....	Oct. 1, 1906	88	79,413,996	11,928,564	3,039,084	-----	171,700	45,443,940	97,421,790	7,134,430	-----	5,974,643	3,040,000
Total New Eng- States		459	466,776,349	24,796,170	195,655,920	-----	1,751,565	179,373,046	336,524,201	24,860,953	21,031,499	26,411,571	18,583,384

\* Includes 11 banks in process of liquidation.

Abstract of reports of condition of the mutual and stock savings banks in the United States, 1906-7—Continued.

State, etc.	Date of report.	Number of banks.	Resources.										
			Loans on real estate.	Loans on collateral security other than real estate.	All other loans and discounts.	Over-drafts.	United States bonds on hand.	State, county, and municipal bonds.	Railroad bonds and stocks.	Bank stocks.	Other stocks, bonds, and securities.	Due from other banks and bankers.	Real estate, furniture, and fixtures.
MUTUAL SAVINGS BANKS—continued.													
New York	July 1, 1907	136	Dollars. 688,066,201	Dollars. 5,500,275			Dollars. 7,993,380	Dollars. 416,527,249	Dollars. 229,758,708		Dollars. 1,599,519	Dollars. 73,231,606	Dollars. 15,994,378
New Jersey	May 20, 1907	20	83,761,420	4,651,862			3,344,873				54,866,463	2,671,062	1,711,821
Pennsylvania	May 28, 1907	13			11,826,040						152,694,856		
Delaware	May 20, 1907	2			377,365						9,304,560	175,008	151,084
Maryland (unofficial)	June 29, 1907	17	8,813,797	1,790,822	457,937		2,562,285	22,081,055	35,890,914	128,665	5,942,153	1,226,877	1,682,224
Total Eastern States		194	730,641,418	11,942,959	12,661,342		13,900,538	438,608,304	265,649,712	128,665	224,407,551	77,304,643	19,509,507
West Virginia (total Southern States)	June 29, 1907	1	828,670	63,954	8,392			111,500			38,022	67,447	67,500
Ohio	June 18, 1907	3	11,924,449	7,070,189	239,280		2,882,515	78,200	50,400		30,024,160	4,736,946	1,162,316
Indiana	Jan. 1, 1907	5	1,138,936	7,010,599	198,259		110,000				2,017,780	1,359,201	113,200
Wisconsin	May 20, 1907	2	775,677	96,772				286,970				135,081	17,504
Minnesota	June 30, 1907	14			10,064,610	2,229	100,000				12,405,674	1,947,503	370,300
Total Middle States		24	13,839,062	14,177,560	10,502,140	2,229	3,002,515	345,170	50,400		44,537,632	8,178,681	1,602,510
Total mutual savings banks		678	1,212,085,499	60,972,643	218,827,803	2,229	18,744,618	618,438,020	602,224,313	24,987,618	290,014,704	111,002,341	40,123,901
STOCK SAVINGS BANKS.													
Dist. of Columbia (total Eastern States)	May 20, 1907	12			4,335,857	11,137					1,693,164	4,007,954	456,682
North Carolina	May 18, 1907	22			6,303,192	9,991		56,000			186,098	543,008	53,573
South Carolina	June 14, 1907	31			9,550,859	61,376					2,723,838	1,023,160	250,578
Total Southern States		53			15,854,051	71,367		56,000			2,909,936	1,566,168	304,451
Iowa (total Middle States)	Apr. 10, 1907	541		127,431,823		1,235,801						21,907,832	3,308,385
California (total Pacific States)	Apr. 18, 1907	131	173,398,576	10,225,153							87,198,800	23,800,087	7,607,321
Total stock savings banks		737	173,398,576	146,000,000	20,180,008	1,318,305		56,000			91,801,900	51,881,041	11,761,589
Total all savings banks		1,415	1,385,484,075	207,632,643	239,017,711	1,320,534	18,744,618	618,494,020	602,224,313	24,987,618	381,816,604	163,343,582	51,885,790

State, etc.	Resources.					Liabilities.					Number of sav- ings depos- itors.	Rate of in- terest paid depos- itors.	Average deposits.
	Checks and other cash items.	Total cash on hand.	All other re- sources.	Total resources.	Capital stock.	Surplus fund.	Undi- vided profits.	Deposits.	Due to other banks, etc.	All other liabil- ities.			
MUTUAL SAVINGS BANKS.													
Maine	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
New Hampshire	228,728	58,644	91,752,759	1,925,190	2,425,584	84,394,909	7,076	221,883	3.51	289.85			
Vermont	41,617	150,480	72,806	4,660,034	2,200,507	81,124,710	17,657	183,243	3.46	442.72			
Massachusetts	590,574	376,929	63,271,079	5,083,834	374,779	57,444,204	368,172	154,325	3.56	372.23			
Rhode Island	1,229,309	1,236,653	741,552,273	31,611,616	15,439,780	604,081,142	419,735	1,908,378	3.69	363.70			
Connecticut	2,846,935	231,580	302,940	4,487,668	909,236	66,391,174	568,592	122,319	4.00	542.77			
	918,030	2,743,029	290,229,852	9,096,178	4,733,418	246,264,985	135,271	517,301	3.78	476.06			
Total New England States	2,883,582	3,379,261	4,841,000	1,817,175,501	59,834,520	28,073,354	1,239,701,214	1,536,413	3,107,449	3.66	305.72		
New York		9,634,700	42,484,509	1,490,769,675	95,743,207	1,994,296,034	721,434	2,740,808	3.51	508.72			
New Jersey		491,323	192,517	101,601,341	7,350,322	94,211,004	130,015	283,689	3.00	332.06			
Pennsylvania		2,478,629	7,800,171	174,859,096	1,053,066	133,569	8,819,067	3,280	454,995	3.50	349.84		
Delaware		1,005		10,009,111	1,063,066	133,569	8,819,067	3,380	31,400	4.00	289.86		
Maryland	44,363	908,724	100,080	81,692,396	3,384,395	1,023,938	76,798,398	440,255	217,188	3.50	363.41		
Total Eastern States	44,363	13,539,381	50,637,337	1,858,973,719	120,760,768	1,157,507	1,783,298,445	3,706,999	3,728,075	3.50	464.93		
West Virginia (total Southern States)		2,500		1,177,985	28,000	24,504	1,125,481		5,350	4.50	210.37		
Ohio	600	553,980	8,422	58,726,515	2,875,000	1,367,339	54,463,676		99,651	3.83	546.54		
Indiana		895,211	15,672	12,359,067	780,000	106,154	11,435,176	37,727	81,361	3.90	364.63		
Wisconsin	808	5,936	1,298,698	42,211	21,881	1,234,006			6,181	4.25	199.74		
Minnesota	13,572	173,738	109,104	25,276,730	865,662	908,149	24,028,724	61,354	12,841	93,152	3.50	237.92	
Total Middle States	15,070	1,128,824	128,198	97,061,000	4,562,873	1,824,023	91,162,182	61,354	50,568	230,345	3.86	386.76	
Total mutual savings banks	2,948,015	18,040,906	55,606,535	3,274,988,205	185,206,161	29,079,388	3,055,287,322	61,354	5,853,080	7,071,219	3.72	432.07	
STOCK SAVINGS BANKS.													
District of Columbia (total Eastern States)	16,575	187,803		10,769,172	1,002,797	222,500	70,994	5,618,368	3,738,630	85,863	23,034	2.72	170.06
North Carolina	16,924	30,998	4,018	7,303,707	467,969	67,200	821,413	6,171,585	308	175,301	32,770	3.86	188.33
South Carolina	54,901	355,696	15,000	14,035,408	1,615,640	453,181	525,595	10,453,470	217,322	770,200	27,336	4.00	282.40
Total Southern States	71,525	386,599	19,018	21,239,115	2,083,590	829,381	847,013	16,625,065	217,625	945,501	60,106	3.93	276.59
Iowa (total Middle States)		4,444,153	3	158,412,907	16,027,500	3,220,041	3,478,136	135,370,436	316,882	2	376,783	3.86	359.28
California (total Pacific States)		4,347,407	1,844,337	317,423,711	15,050,435	12,051,579		282,508,950	3,844,784	3,977,957	441,751	3.51	632.53
Total stock savings banks	88,100	9,365,962	1,863,356	507,884,905	34,224,322	16,014,501	4,395,133	440,122,765	3,117,021	5,009,343	911,674	3.50	482.76
Total all savings banks	3,036,115	27,415,928	57,469,893	3,782,873,200	34,224,322	201,230,662	33,475,531	3,495,410,087	8,179,275	10,363,323	7,982,893	3.69	437.86

\* Details of resources from report January 1, 1907. Liabilities from report July 1, 1907.

\* Partially estimated.  
\* December, 1906.\* Includes \$1,387,500 capital stock.  
\* Includes deposits in other banks.\* Includes \$750,000 capital stock.  
\* Includes \$10,200 capital stock.\* Unofficial.  
\* Includes \$200,000 capital stock.



As shown by the foregoing statement, these institutions are owned by 7,982,893 depositors. It is a tribute to the character of the American laborer that the fund (created principally by the earnings of all classes of laboring people) aggregates \$3,782,873,200.

I do not believe that the majority of this House will register its consent that these vast resources, belonging to the thrifty working classes shall be jeopardized by enacting legislation that all funds deposited in national banks shall be ultimately paid through the instrumentality and agency of the United States. To do so would be an act of cruel injustice to more than 7,000,000 owners of these mutual savings-banks resources. Should such a law be enacted, they would be compelled to either liquidate their institutions and go out of business or reorganize and take out a Federal charter, changing the character of the association originally formed and forcing them practically to go into the banking business, for which they have no inclination and are not qualified by sufficient experience to engage in successfully.

This bill authorizes banks with a paid-up capital of \$100,000 and a surplus of \$50,000 to act as guardian, administrator, executor, or trustee, in accordance with the law of the State or Territory where it may be located, and vests the power in the managers of the bank-note redemption district, in all such cases, to fix the reserve which shall be held against such trust funds. This section is merely a further illustration that the intention of the bill is to take care of the national banks and place them in a position under the law where they may come in competition with every class of State institution.

I do not believe it is competent for Congress to vest the board of managers with power to fix the reserve in such cases. The local law would be paramount upon that subject. Suppose the law of the State should require that no banking institution could act as guardian, trustee, or administrator of an estate without maintaining all of the funds of the estate intact in the bank, or a certain percentage thereof, will it be maintained that the board of managers would have the right to order a different reserve? I think not. Again, State laws may authorize, or require, trustees or guardians to invest a portion of the funds belonging to the trust or to their wards in real estate. The last legislative expression on this subject was against authorizing national banks to loan money upon real estate, and the present law prohibits them from doing so.

The Vreeland bill, with the railroad bonds—in fact, bonds of all kinds, with commercial paper—introducing the asset feature as a basis for currency, is fraught with danger; but not so much as the Fowler bill, which would in time wipe out the present State and national banking system, introducing in its place a centralized form of banking and currency inconsistent with our form of government.

But there is one thing that I want to congratulate the author of this measure upon, and it is this: He has at last accepted the Democratic position that the national banks ought to pay interest upon Government deposits. On December 7, 1907, the Government had upon deposit in the various national banks in the United States \$222,352,252.06. Two per cent interest on this sum would realize \$4,447,045.04.

#### SUMMARY.

Summarizing my analyses of the various provisions of this measure, Mr. Chairman, they are:

It is socialistic because it announces the principle that not only is it a function of government to guarantee all men equal opportunities under the law, but that it is likewise the duty of the Government to enact laws declaring all men to be equal in ability, education, economy, and probity.

It is paternalistic, because if adopted its inevitable tendency would be to substitute for the direction and control of the bank others than those selected by the stockholders to manage the affairs of their particular bank. Under this bill these directors will elect one of its officers to represent the bank on the board of managers. There will be seven other managers—absolute strangers—having no business connection or other relations direct with the stockholders of each individual bank, further than that represented by each manager. This is paternalism in its most pronounced form, through national legislation, and the substitution of officers having no interest in an institution to determine its success or failure.

It is class legislation of the most vicious character, because it is for the creditor class of this country that the National Government proposes, through its lawmakers, to levy a tax upon the borrowers in order to prevent any possible loss to the creditors. There are more than \$5,000,000,000 of deposits in national banks only, and more than \$8,000,000,000 of deposits in other banks. There is but \$1,113,742,316 actual cash in all banks. The guaranty of deposits, should all banks avail them-

selves of the law, would apply to more than \$11,000,000,000 of book credits in the banks. If other than national banks would not come under this system, this bill would still guarantee credits on the books instead of cash, in the following proportions:

In national banks there is but \$721,900,000 actual cash on hand, but their books show a credit of \$4,322,900,000. It would be guaranteeing credits on the books exceeding \$3,500,000,000 which do not exist in cash. (Compt. Rep., p. 49).

It is unconstitutional to the extent that a tax is levied, the proceeds of which are to be applied for a private purpose. The 2 per cent to be realized on these credit notes in circulation is to go into the guaranty fund to protect those who can show a credit on the books of the banks as depositors.

The second issue of circulation authorized by sections 12 and 14 has not the same protection behind it that the first issue has in this particular: In order to obtain the first issue 5 per cent of the circulating notes must be paid, and likewise 5 per cent on all deposits of the bank. For the second issue only 5 per cent must be paid upon circulation and 5 per cent upon the excess of deposits, if any, after the first payment.

It will drive out every State bank, savings bank, and trust company, as well as every private bank, in the United States in the course of a very few years, because of its so-called "guaranty-deposit features."

It reduces instead of increases the reserve to protect depositors and note holders.

The required reserve on deposit under existing law is replaced by the guaranty fund, and only a reserve upon note circulation is enforced.

And, lastly, recurring to the statement made in the first part of these remarks, it is extremely doubtful whether banking and currency legislation is necessary further than the amendment of the present national banking act, in the following particulars, namely:

(a) To compel the payment of interest by banks on Government deposits.

(b) To compel banks to take out circulation to an amount equal to their capital and permit its retirement without limitation, in the discretion of the Secretary of the Treasury.

(c) To provide that all reserves shall be kept by each bank in its own vaults for local exigencies.

Mr. VREELAND. Mr. Speaker, I yield fifteen minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, about the middle of last October rumors circulated questioning the solvency of certain national banks located in New York City, followed by the failure of a large trust company, precipitated the worst financial panic which this country has seen. It is easy to demonstrate that the reasons for this panic were similar to those which have obtained in almost every other financial crisis in which this country has been involved, and they would also apply to panics the world over. They were, generally speaking, due to overspeculation, overcapitalization, overexpenditures by the Government, States, and municipalities, as well as by individuals; the tying up of large amounts of capital in permanent fixtures instead of retaining it as liquid capital, the carrying of excessive stocks of goods, the abnormal development of business in every branch, all of which led to the credit expansion of the dollar to the breaking point. Many other reasons were assigned for this collapse; and while they may have been, in some slight degree, instrumental in bringing it about, there can be no question that the reasons just given were paramount in precipitating it, and that it would have developed sooner or later, as a result of some comparatively insignificant accident, if the bank troubles referred to had not happened.

Credit having broken down, the natural and usual result followed. Country banks became suspicious of their reserve correspondents and commenced to draw home their reserves, continuing this policy until the reserve which most of them had on hand greatly exceeded the amount which the law requires them to carry. Individuals in all parts of the country became alarmed and drew their deposits from the banks, not to deposit them elsewhere, but to hoard the currency. This process was continued until, to prevent a total collapse, it became necessary for the banks in central reserve cities to issue clearing-house certificates, which action was followed by the clearing-house associations in every reserve city in the United States. Banks in reserve cities, and especially those in New York, have been severely criticised because they did not respond to all demands for currency. The most casual examination of consolidated bank statements would show the most ignorant person how impossible it would be to meet any such demand. For example, the aggregate deposits in the New York City banks February 14, 1908, which include the deposits of correspondent banks of all kinds, as well as those of the Government and in-

dividends, were \$1,136,827,903.99. Twenty-five per cent reserve against these deposits, which would be the amount the New York banks would be obliged to carry in their own vaults, would be \$284,206,975.99.

The New York banks held on this date \$258,143,972.43 gold and legal tenders, and their total cash assets were only, including specie and legal tenders, \$385,831,662.22, so that if the State banks and trust companies and national banks had called for their balances, aggregating \$513,897,333.04, the New York banks could not have paid them 75 per cent of their deposits without still further disturbing the money market by calling loans. Furthermore, the total amount of all kinds of money in the country is only a little over three billions of dollars. Of

this, Treasury experts can not definitely locate about \$1,600,000,000. Practically 11 per cent of it is locked up in the Treasury, leaving only about one billion one hundred million in all banks. These figures clearly enough demonstrate how impossible it is to carry on any considerable portion of the business of the country when credits are broken down and an attempt is made to base transactions on cash alone. Recognizing the impossibility of meeting this situation without taking extraordinary measures, the New York clearing house, October 26, for the ninth time in its existence, issued clearing-house certificates. The previous dates of issuing certificates and other data connected with their issuance and retirement is given in the following table, which I will print as a part of my speech:

*Loan certificates of the New York Clearing House.*

Loan commission of—	Date of first issue.	Date of last issue.	Date of first cancellation.	Date of final cancellation.	Aggregate issue.	Rate of interest.	Nature of collateral.
						Per cent.	
1860.....	Nov. 23, 1860	Feb. 27, 1861	Dec. 12, 1860	Mar. 9, 1861	\$7,375,000	7	United States stocks; Treasury notes; stocks of State of New York.
1861.....	Sept. 19, 1861	Feb. 17, 1862	Oct. 7, 1861	Apr. 28, 1862	22,585,000	6	Temporary receipts of United States for purchase of Government bonds.
1863.....	Nov. 6, 1863	Jan. 9, 1864		Feb. 1, 1864	11,471,000	6	United States or New York State stocks, bonds, etc., or temporary receipts as in 1861.
1864.....	Mar. 7, 1864	Apr. 25, 1864	Apr. 20, 1864	June 13, 1864	17,728,000	6	Same as in 1863; commission of that year continued.
1873.....	Sept. 22, 1873	Nov. 20, 1873	Oct. 3, 1873	Jan. 14, 1874	26,565,000	7	Bills receivable; stocks, bonds, and other securities.
1884 <sup>a</sup> .....	May 15, 1884	June 6, 1884	May 19, 1884	Sept. 23, 1886	24,915,000	6	Do.
1890.....	Nov. 12, 1890	Dec. 22, 1890	Nov. 28, 1890	Feb. 7, 1891	16,645,000	6	Do.
1893.....	June 21, 1893	Sept. 6, 1893	July 6, 1893	Nov. 1, 1893	41,490,000	6	Do.
1907.....	Oct. 26, 1907	Jan. 30, 1908	Nov. 14, 1907	Mar. 28, 1908	101,060,000	6	Do.

<sup>a</sup>The certificates of all the banks, except part of those issued to the Metropolitan National Bank, were canceled by Sept. 1, 1884, and these were gradually retired as the bills receivable became due and were paid.

The immediate result of this was an expression of confidence, because it prevented the necessity of banks paying their clearings, as in normal times, in lawful money, and enabled them, in case they lost at clearing, to pay in clearing-house certificates; but it brought about a complete disruption of the exchanges between different communities throughout the country. The inconvenience, not to say actual losses, which resulted from this suspension of exchange facilities can not be estimated, but it produced financial paralysis, preventing the securing of funds to carry on ordinary business affairs or to move crops, and resulted in throwing thousands of men out of employment and in reducing the wages of many of those who were continued in employment. An illustration will, perhaps, show better than could be done otherwise the effect which the breaking down of our exchange system has on the business of the country. At such a time, if a merchant in New York deposited a check on a Texas bank in his New York bank, and the New York bank, following the usual course, sent the check to Texas for collection, the Texas bank, being unable to buy New York or Chicago exchange, notified the New York bank that it would credit it with the check and send the exchange as soon as possible. The result of this would be that the merchant in New York, who needed his money to pay his own bills, but had not obtained an actual credit in his own bank, would be forced to borrow, and, being unable at such a time to borrow in the open market, his own bank would have to make the loan, making of it in actual effect a forced loan.

During the recent crisis about two hundred and forty millions of clearing-house certificates were issued. These certificates were based on the assets which the bank actually held, either commercial paper or other securities. As far as statistics have been obtainable, they show that at least 90 per cent of the securities deposited against clearing-house certificates are made up of commercial paper. Against this collateral the associations issued 75 per cent of the market value of the securities deposited in clearing-house certificates, and for the first time in this country in very many cities, especially in the West, clearing-house checks were issued against these certificates. In the city of Pittsburg alone, where the pay rolls are unusually large, clearing-house checks to the amount of forty-eight millions were issued, and the circulation thus obtained was used for pay rolls and the necessary purposes of commercial life, answering that purpose, as far as there is any evidence to show, admirably.

When Congress convened in December I have no doubt every Member came here with the impression that there should be early currency legislation. That, at least, was the talk in the press and wherever public questions were discussed. The President, in his message to Congress, urged currency legislation in the following terms:

Provision should be made for an emergency currency. The emergency issue should of course be made with an effective guaranty and upon conditions carefully prescribed by the Government. Such emergency issue must be based on adequate securities approved by the Govern-

ment and must be issued under a heavy tax. This would permit currency being issued when the demand for it was urgent, while securing its retirement as the demand fell off.

In a previous message to Congress the President referred to this subject in the following terms:

It must never be forgotten that this question concerns business men generally quite as much as bankers; especially is this true of stockmen, farmers, and business men in the West; for at present at certain seasons of the year the difference in interest rates between the East and the West is from 6 to 10 per cent, whereas in Canada the corresponding difference is but 2 per cent. Any plan must, of course, guard the interests of Western and Southern bankers as carefully as it guards the interests of New York or Chicago bankers, and must be drawn from the standpoints of the farmer and the merchant, no less than from the standpoints of the city banker and the country banker.

Responding to this apparently universal demand, the Speaker, the day after the opening of Congress, appointed the Committee on Banking and Currency. During the winter this committee has given ample hearings on two financial measures—the Fowler bill, which the committee has reported, and which is now on the Calendar, and the Aldrich bill, which was passed by the Senate, and which the House Committee on Banking and Currency voted to lay on the table. These bills are of entirely different character. The Fowler bill would revolutionize our currency system; it would do away with our bond-secured circulation, and it would eventually retire the greenbacks and substitute in the place of both a credit currency based on the assets of the banks. This bill, in my judgment, has many features which should commend themselves to Congress and to the country. It had others which did not merit approval, and which should be eventually eliminated from the bill, but believing, as I do, that this country is coming to a credit currency system, I voted in favor of reporting the Fowler bill; not because I approved of all of its sections, but because it seemed to me that it was desirable that such a comprehensive measure, having so many admirable qualities, should be considered by Congress and by the country.

The Aldrich bill was not only dissimilar in its provisions, but in the purpose for which it was enacted, it being essentially an adjunct to our present currency system, providing a temporary or emergency currency to be used in periods of currency stringency or of unusual business activities. I voted to lay the Aldrich bill on the table because I think it is fundamentally wrong. It continues a system which ought to be changed when a better one can be provided, for it requires banks to carry among their assets securities in which they should not in normal times invest their funds and which, generally speaking, they would not carry if they did not need them to provide a basis for additional circulation. If a bank invested in the bonds stipulated in the Aldrich bill, it would not have the funds so invested available for commercial purposes, and if these bonds were used as a part of the reserve of the bank, as was proposed in the Aldrich bill, it would mean that a debt is being substituted for lawful money as a bank's reserve, a proposition which seems to me particularly unsound. Furthermore, if a



bank did not invest its funds in the necessary bonds to furnish a basis for this emergency currency until the emergency arose, it would probably be obliged to do so when the securities were selling at inflated prices, and, in any case, the bank would be buying a security on which it could obtain but 90 per cent of its original cost in new circulation, the result of which would be a 10 per cent loss in the available loanable funds of the bank.

The Aldrich bill also contained a provision, section 11, which would be so embarrassing to the conduct of banking business in most communities that I consider it absolutely prohibitive. Evidently the purpose of the author of this section was to prevent collusion between directors of banks and companies or corporations in which the director had a personal interest. There may be value in the idea, but as worked out in this bill it would prevent active men in every business community being associated with national banks. The very best director a national bank can have is he who is active in the community's business affairs. Such a man is in touch with credits on his own account. He is personally acquainted with the character and principles of men in his neighborhood, and for every reason it is desirable to have the judgment of such men in the management of our banks. These are some of the reasons why it seemed to me the Aldrich bill, although it would furnish, in my judgment, a safe emergency currency, ought not to become a law.

Failing to report the Aldrich bill, not pressing its own bill, the Fowler bill, and refusing to consider the Vreeland bill, it became apparent that the Committee on Banking and Currency of the House was deadlocked in such a way that unless some positive action were taken through other channels there would be no currency legislation at this session of Congress. It therefore became incumbent upon the majority, through a conference, to take up this question and adopt some practicable measure. The result of this action has been the offering of the revised Vreeland bill, which contains a recognition of the principles involved in both the Aldrich and Fowler bills.

It is a bill to provide emergency currency, but it also recognizes the fact that our present currency system is not well adapted to the country's needs, and that if we had a system based on assets, similar to that used by other countries, our currency panics (not financial crises) would very likely be things of the past. The currency commission provided for in the Vreeland bill should report at the opening of Congress next winter a well-digested measure, which could be carefully considered and adopted before the close of this Congress. Knowing that there is great diversity of opinion on such subjects and that a crisis may arise for some at present unknown reason, although business conditions do not indicate any necessity for early legislation, it seemed desirable to provide a measure which would furnish an anchor to windward in case a crisis did occur before a thorough overhauling of our currency system is made. I believe the Vreeland bill answers both of these purposes admirably.

In preparing the Vreeland bill, or at least that part of it which provides for an emergency currency, the committee has kept in mind certain phases of this question in which there has been practical unanimity, and has arrived at its conclusions after considering them, and it especially calls attention to the following:

1. That the volume of currency now in circulation, which is larger per capita than ever before in this country and larger per capita than that enjoyed by any nation in Europe, is quite adequate for the ordinary normal demands of business, and therefore there should not be any permanent additions to it.
2. That if additions are made in the form of emergency currency, they should take such form that the currency will not be readily distinguished from money now actually in use; for if this were done, the very appearance of the new currency might occasion alarm and defeat the purpose for which it was issued.
3. As panics come on suddenly, frequently without any warning whatever, this currency should be prepared for immediate use and so located that it could be issued in the locality where needed without any delay whatever.
4. That it should be so taxed, or otherwise circumscribed, that as soon as the demand for it ceased it would be automatically retired.

All of these conditions are provided for in the Vreeland bill. It takes advantage of the methods of segregating assets which have been used so successfully in issuing clearing-house certificates in the past, issuing certificates against those assets, and provides for an issue of circulation, basing this circulation on the clearing-house certificates authorized in the first step. Practically, the bill should work out something like this: Not less than ten banks, having not less than five millions of unimpaired capital and 20 per cent surplus, may form an association. The name of this association and every step connected with its organization and management must be approved by the Secretary of the Treasury. If, in the opinion of the bankers of any community, an emergency has arisen which necessitates additional circulation, the association may, with the ap-

proval of the Secretary of the Treasury, issue to the banks composing it certificates based on securities, including commercial paper, not more than 75 per cent of the value of the securities being delivered to the bank in certificates.

In case there is any doubt about the value of this collateral the association may call on the bank for additional security, or it may issue less than 75 per cent of the market value of the securities in certificates, and authority is given at any time to demand an increase in the amount of collateral if it seems necessary to do so. Against these certificates circulation may be issued which is taxed for the first two months of its existence at the rate of 4 per cent, and each succeeding month thereafter 1 per cent is added until 10 per cent is reached, at which rate it shall run until it is retired. In addition to the expense of taking out this circulation, banks must keep a reserve equivalent to, and similarly located to, the reserves now required against deposits; that is to say, banks in central reserve cities must keep 25 per cent in their own vaults. Banks in other reserve cities must keep 25 per cent, of which one-half may be with reserve agents. Banks in other places must keep 15 per cent, of which two-fifths shall be in their own vaults; but all of these banks are, under the law, required to maintain a 5 per cent redemption fund in the hands of the Government, which fund shall be included as a part of their reserve. In Germany when, in time of stress, additional circulation is issued, the tax imposed is 5 per cent. In England, whenever financial crises have occurred so that the banking act has been suspended by direction of the Government, the rate of taxation on the additional circulation has been at the rate of 10 per cent.

Clearing-house certificates issued heretofore in this country have borne from 6 to 7.3 per cent from date of issue. It will therefore be seen that the burdens placed on this circulation are, on the whole, lighter, at least for the first two or three months, than have heretofore been borne by clearing-house certificates in this country, or by unusual issues of circulation in the two countries just referred to. Whenever we have issued clearing-house certificates in the past they have been retired as quickly as possible after the emergency has passed. In most cases few, if any, of them have remained out longer than four months. In many cases they have been retired within two months. Therefore it will be seen that the burden placed on this circulation is not likely to be more than about 7.3 per cent, which is the initial rate for clearing-house certificates in some financial centers, notably Boston.

In order to prevent collusion between banks under the same or similar management, or banks having kindred interests, the bill provides that the banks in associations must be located in contiguous territory, and to prevent excluding banks which might be injured in the eyes of the community if they were not admitted to the association near their own place of business it is provided that no more than one association shall exist in any one city and that no bank can belong to two associations. In order that there may be no question about the value behind the currency authorized to be issued by this bill, it provides that not only shall collateral be segregated which presumably will be ample, but that the obligation shall be jointly and severally indorsed by every bank in the association.

It is provided that national banks must have 40 per cent of their capital in bond-secured circulation before they can take out temporary circulation. This provision is intended to prevent national banks keeping out a small amount of circulation in normal times and then taking advantage of the means provided in this bill to supply themselves in case of an emergency. I think it desirable that commercial banks shall at all times carry as much bond-secured circulation as they can keep out while the laws providing for that kind of circulation remain on the statute books. The reserve to be kept against this circulation must be in gold or lawful money, in exactly the same manner as is provided by law in the case of deposits.

While technically there should be no limit to the amount of circulation which it is possible for an association to take out, this bill provides that but five hundred millions shall be issued, and that it shall be distributed throughout the country in proportion to the aggregate capital of the banks in the several States, the purpose of this provision being to prevent the total amount being issued to one or more associations, to be used for speculative or other presumably unbusinesslike purposes, and to enable banks in the remoter sections of the country to provide for themselves, preventing thereby the necessity of drawing their reserves from the reserve centers. There is no doubt in my mind that this would have a material effect in quieting apprehension and preventing the annual disturbances which exist on account of the large amount of currency required for crop-moving purposes. Furthermore, this provision

gives the local community the remedy to provide for its own financial needs.

Members may safely base their judgment on the soundness of this circulation by comparing the security provided for with that used in the past by clearing-house associations. During the last fifty years several hundred millions of clearing-house certificates have been issued at different times, but there is not a single instance where these certificates have not been promptly paid, the collateral behind them being amply sufficient to meet this requirement, even in cases where the issuing of the certificates to banks has not prevented their failure. It is proposed to change the plates on which bank notes are to be printed, so that all notes, both those secured by United States bonds and others, shall, in future, be exactly alike—that is, after the stock of bills on hand has been exhausted. This will require comparatively small expense to the bank, and will not in any degree change the present law. Criticism has been made that the present law, making the Government responsible for the redemption of bond-secured or other similarly secured circulation, would be changed by this bill. My contention has been that the Government is, and has been since the act of 1900, responsible for the redemption of all moneys coined or issued by the Government, and I am confirmed in this by an opinion furnished by the Solicitor of the Treasury in the following words:

That the words "all forms of money issued by the United States," found on page 63, line 6 of paragraph 1 (sec. 1 of the act of March 14, 1900), do not literally include national-bank notes, since such notes are "issued" or put into circulation by the banks rather than the United States, and since they are not mentioned in section 2 of that act as one of the kinds of notes which must be redeemed in gold when presented at the Treasury for redemption. But those words in effect include national-bank notes, since section 3 of the act of March 3, 1874 (18 Stat., 123), provides that such notes shall be redeemed at the Treasury in "United States notes," and section 5229 of the Revised Statutes provides that upon the failure of a national bank to pay its circulating notes, such notes shall be paid at the Treasury in "lawful money of the United States." As the United States undertake to maintain the parity of "United States notes" and of all "lawful money of the United States," those terms being embraced by the words "all forms of money issued by the United States," it is obvious that the law in effect requires that the Government shall maintain the parity of national-bank notes.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. WEEKS. I will.

Mr. COOPER of Wisconsin. I dislike to interrupt the gentleman, but I think it is important. I want to see if I understand this: On page 12, line 23, I find this language:

Such notes shall state upon their face that they are secured by United States bonds or other securities.

Now, that is in the section which proposes to amend section 5172 of the Revised Statutes, which relates to the old national-bank notes. Was that introduced so as to have that printed on all of the notes?

Mr. WEEKS. It was. They are to be exactly the same.

Mr. COOPER of Wisconsin. Then I understand that national-bank notes, which the people now understand are secured only by United States bonds, are to have upon their face the words "Secured by United States bonds or other security."

Mr. WEEKS. Your understanding is correct. That is exactly what is to be placed on all bank notes after the notes which are now engraved have been used.

Mr. COOPER of Wisconsin. Then will that authorize the Secretary of the Treasury to permit national banks to issue notes under this system when there is not an emergency?

Mr. WEEKS. It will not.

Mr. COOPER of Wisconsin. Then why should you have upon national-bank notes a statement that they are secured by United States bonds or other securities when they can not be secured by anything except United States bonds?

Mr. WEEKS. They can be secured by other securities if the emergency exists.

Mr. COOPER of Wisconsin. I know, but this is an amendment to the national-bank law.

Mr. WEEKS. Yes.

Mr. COOPER of Wisconsin. A permanent law?

Mr. WEEKS. Quite likely.

Mr. COOPER of Wisconsin. And you are permitting the Secretary of the Treasury to put upon notes issued on United States bonds the statement that they are secured not only by United States bonds, but other securities?

Mr. WEEKS. It is proposed to have these notes issued under this emergency bill exactly like the notes which are issued under the national-bank law, and which will be the form used in future for all bank notes.

Mr. COOPER of Wisconsin. You have out \$680,000,000 of national-bank notes now, each one of which says "Secured by United States bonds." Now, if you permit other notes to go out saying that they are "secured by United States bonds or other securities," then you show that an emergency exists on the face of the instrument, do you not?

Mr. WEEKS. If the gentleman from Wisconsin will bear with me one minute, I believe I can explain it to him. We propose, as soon as the notes which are now outstanding come in for retirement, to cause them to be canceled, that the two or three hundred million dollars of notes now on hand shall be issued as necessity arises, and when they come in they shall be canceled, and thereafter all notes shall bear the inscription that "these notes are secured by Government bonds or other securities approved by the Secretary of the Treasury;" so that when a man receives one of those notes he will not know whether the note which he holds is secured by other securities or by Government bonds, and there is no necessity that he should.

Now, Mr. Speaker, there have been several questions raised about the value of this security. I can only say that in the nine times that these clearing-house certificates have been used in the past there has never been an instance where they have not been paid in full, where they have not been promptly retired, and when the banks have not taken the initiative to get them in as quickly as possible. Furthermore, every bank depositing securities to take out clearing-house certificates deposits its best securities. It would be a serious matter for a bank if it offered securities which the officers of the clearing-house refused to take. There have been instances, it is true, when they have not loaned 75 per cent of the face value of the security, but this law provides that the officers of the clearing-house association may loan 75 per cent of the value of the securities, or less if they see fit.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question right in connection with that observation?

Mr. WEEKS. I will.

Mr. UNDERWOOD. This bill only applies to national banks?

Mr. WEEKS. It only applies to national banks.

Mr. UNDERWOOD. Under the unanimous-consent plan that was adopted last fall the national banks and the State banks joined together and issued clearing-house certificates. Now, if the emergency arises, what is the State bank going to do, from the fact that this emergency currency is authorized to be issued by the national banks, and would not that preclude any opportunity whatever to the State banks to issue clearing-house certificates?

Mr. WEEKS. It is not the function of Congress to legislate for State banks. The State banks can either change their charters, or, if there are enough of them, they can get together and form a clearing-house association, as was done between State and national banks during the recent panic.

Mr. UNDERWOOD. But the issuance of this currency would preclude the State banks from ever taking advantage of that.

Mr. WEEKS. I hope it would. Mr. Speaker, I regret that the Vreeland bill, in its revised form, has been printed so recently that the bankers and business men of the country have not had ample opportunity to consider it in all its details, for I believe, if they had had an opportunity to approach the subject without prejudice, the opinion would be nearly universal that this measure will be useful in case of an emergency. I have, however, some indorsements of the principles involved in the measure, as well as the measure itself, which I wish to include in my remarks. The first one I present is from A. Barton Hepburn, at present the president of the Chase National Bank, of New York, a former Comptroller of the Currency, and universally acknowledged as one of the leading currency experts, as he is one of the best practical bankers in the United States. This telegram was sent before the revised Vreeland bill was printed, and as the last bill contains the suggestions made by Mr. Hepburn, I assume that it would receive even heartier commendation from him than did the one which he had before him when he sent the following telegram:

NEW YORK, May 11, 1908.

Hon. JOHN W. WEEKS,

Member of Congress, Washington, D. C.:

My position on the currency question is well known. I think we ought to have comprehensive currency legislation, but failing that, I believe an emergency currency measure, which will obviate the necessity of clearing-house certificates and a suspension of currency payments in the future, is most desirable. The Vreeland bill, with the amendments you outlined to me, will, I think, serve that purpose. The provision as to bond-secured circulation should, I think, be eliminated, the tax imposed materially reduced, and reserve required against the proposed currency. Not more than one association should be permitted in the same locality. The bill recognizes the normal and legitimate assets of the banks as a proper basis for circulation. That is right, and the bill is a step in the right direction. Perfected along the lines of your suggestions, I hope it may become a law.

A. BARTON HEPBURN.

Mr. Francis B. Sears, vice-president of the National Shawmut Bank, of Boston, the largest bank in New England, a tried, practical banker of many years' experience, and, I think, perhaps the best posted banking man on the currency question in New England, has sent me the following telegram. This also was sent before the revised Vreeland bill had been received by



Mr. Sears, and I wish particularly to call to the attention of the House the fact that both Mr. Hepburn and Mr. Sears took the trouble to come to Washington to oppose the passage of the Aldrich bill, so that their indorsement of this measure is all the more significant:

BOSTON, MASS., May 11, 1908.

Hon. JOHN W. WEEKS,  
House of Representatives:

I hope currency commission will be appointed, and that it will recommend legislation on lines of bill already approved by committee of American Bankers' Association. Meanwhile, while I do not apprehend any financial disturbance, I regard H. R. 21414 as a practical measure, should relief be needed. I think amendments limiting the territory of associations and making each bank liable for the issue of its own association and requiring gold reserves should be adopted. So amended the bill has my cordial approval and support as a temporary measure.

FRANCIS B. SEARS,  
Vice-President National Shavmut Bank.

I also submit herewith a letter from Daniel G. Wing, the president of the First National Bank of Boston, the second largest bank in New England; a letter from Thomas P. Beal, the president of the Second National Bank of Boston, one of the oldest and most conservative bankers in New England, and a telegram from H. K. Hallett, the president of the Atlantic National Bank, of Boston:

BOSTON, MASS., May 9, 1908.

Hon. JOHN W. WEEKS,  
House of Representatives:

MY DEAR MR. WEEKS: After careful consideration of the Vreeland bill (H. R. 21414), I believe that as a temporary currency measure it will provide safe and effective means for preventing a repetition of conditions in this country similar to those of last fall.

I would suggest that in perfecting this bill banks forming clearing-house associations should be located in contiguous territory. In fact, I think it would be better to give this power only to clearing-house associations in the larger cities of the United States. I think also that a gold reserve should be kept against the notes in circulation, although if this latter proposition is adopted the interest charge should be decreased correspondingly, as the present proposed rates, together with a 15 per cent to 25 per cent reserve, would make the taking out of this circulation unnecessarily expensive.

I hope this bill, with some such modifications as above suggested, will be enacted.

Very truly,

D. G. WING, President.

BOSTON, MASS., May 9, 1908.

Hon. JOHN W. WEEKS, Washington, D. C.

DEAR MR. WEEKS: Referring to H. R. 21414, I beg to say that I have personally considered the same and believe, as a temporary currency measure, it would be effective in meeting unusual conditions similar to those through which the country has recently passed. I agree with you that the banks forming clearing-house associations should be located in contiguous territory, and that a substantial gold reserve be kept against emergency circulation issue. As to rate of interest, personally I think the minimum net rate should be 5 per cent, keeping in mind in fixing the rate the substantial reserve to be kept against the circulation issued with advance to a higher rate as proposed in the Vreeland bill.

Yours, very truly,

THOMAS P. BEAL, President.

BOSTON, MASS., May 11, 1908.

Hon. JOHN W. WEEKS, Washington, D. C.:

Wish to urge legislation based on general principles of Vreeland bill with gold reserve. Believe recurrence of worst features late panic would then be impossible.

H. K. HALLETT,  
President Atlantic National Bank.

Keeping in mind that Congress is, for the first time, recognizing the desirability of using a bank's natural assets as a basis for circulation, that this bill is practically carrying out methods and using devices which have been repeatedly used before in times of emergency, and that it provides for a continuance of currency reform agitation by authorizing a commission, it seems to me that this legislation should receive the support of every Member of this House.

Mr. WILLIAMS. Mr. Speaker, I now yield ten minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Speaker, on the 4th day of February last, in discussing the financial question, I said that I would not consider it as a party measure, for I was as much opposed to inflation on the Republican side as I was on the Democratic. I have remained firm in the faith since, and I hope grace may be given me to continue steadfast to the end.

I have just received a telegram from the proprietor and president of the largest manufacturing institution in the State of Connecticut, Mr. Henry R. Towne, of the Yale & Towne Manufacturing Company, also president of the Merchants' Association of New York, I think the largest mercantile institution in the United States. He says:

The Merchants' Association of New York protest against ill-considered and hasty propositions embodied in latest phase of Vreeland currency bill, as near as they are able to follow the repeated changes which the bill is undergoing. We believe the vast majority of the mercantile business would join us in this protest if they had time to find out what is going on. We urge no legislation except creation of commission.

(Signed)

MERCHANTS' ASSOCIATION OF NEW YORK,  
HENRY R. TOWNE, President.

[Applause.]

Under date of May 11 I received this telegram, signed by N. W. Stevens, president of the Hartford National Bank and member of the committee appointed by the State Bankers' Association, to come to Washington to protest against this legislation:

In the name of the people of Connecticut and as a representative of the banks' interests, I appeal to you to vote against any and all hastily conceived financial legislation such as has been or can be prepared at this session. The exigencies of a political situation should not control financial legislation. To act in haste and doubt will mean to repent in leisure and certainty. Vote for the commission and nothing more.

[Applause.]

Mr. Speaker, our last experience of inflation was not a happy one. In 1890 we passed the silver-purchase law on a vote in the House of 122 yeas, 90 noes, and 116 not voting. Three years later that law was repealed on a vote in the House of 239 yeas, 106 noes, and 6 not voting.

The law added \$187,000,000 only to a then too redundant currency, but a currency having an intrinsic value of at least 50 per cent on the dollar. The Aldrich and Vreeland bills both authorize a possible issue of \$500,000,000 of paper money, the Aldrich bill based solely on credit and with no required metallic reserve, but with the security for the note issues held by the Treasury; the amended Vreeland bill with a lawful money reserve forced into the fourth edition, but with the promiscuous securities held indirectly by the banks themselves through their local associations.

Mr. VREELAND. Will the gentleman permit me?

Mr. HILL of Connecticut. I have only ten minutes. If the gentleman will extend my time, I will yield. Will the gentleman give me more time?

Mr. VREELAND. I can not, for I have not got it.

Mr. HILL of Connecticut. Then do not take what time I have. Nominally these securities are to be passed on by the Treasury Department, but the bill provides, as it necessarily must provide in the case of commercial paper, that substitution can be made without the Treasury's supervision. In both cases the whole burden of redemption in legal tender is thrown upon the United States Treasury, while the banks which issue the paper can discharge their liability in bank notes.

The silver-purchase law forced the Treasury to a practical suspension, caused the issue of \$262,000,000 of bonds, compelled the addition of \$50,000,000 in gold to the reserve held against the greenbacks, and, coupled with the existing deficiency and tariff revision, gave us four years of hard times. Is history about to repeat itself?

In the past ten years the banks have steadily expanded their credit the world over, until at length the bubble has burst here, and now we propose to transfer their burden onto the Treasury, and by piling new credits on old credits, still unliquidated and never more uncertain than now, because they are the aftermath of a panic, to try to stop the natural adjustment which is just as certain to come as the law of gravity is to continue in operation. [Applause.] As it was in 1893, so now a deficit in revenues is here, and tariff revision, which will prolong and increase it, confronts us. With the increased appropriations of this Congress the issuance of certificates of indebtedness to meet the expenses of the Government, as the chairman of the Appropriation Committee stated the other day, is sure to come before the fiscal year 1909 is ended, and it seems to me criminal under such circumstances to authorize the banks to still further inflate our already redundant currency and add to the burdens of the Treasury the possibility of being called on to redeem in legal tender \$500,000,000 additional bank notes.

The authors of the Aldrich and Vreeland bills say they will not be needed except in times of panic. But the Hon. THEODORE E. BURTON, a gentleman whose judgment I respect and whom I honor as a Member of this House, at the Republican conference on Monday night, in opening his argument in behalf of the Vreeland bill, declared that if we had a bumper crop this fall, the passage of that bill would be needed now in order that it might be used for crop-moving purposes in the fall. Again and again during the past five years speculation and gambling in the stock and produce exchanges has forced the Treasury to the relief of the markets, but with the wasting away of our surplus this is no longer possible, and the manipulations of high finance and groups of affiliated and speculative banks will know no times or seasons when the provisions of this bill will not be available for their use.

What this nation needs now is stability of values and not inflation. [Applause.] With its enormous natural resources, if unvexed by new and wild financial schemes, it will speedily recover from the collapse of 1907. From my standpoint, the wisest thing to do is to appoint a commission to go to the bottom of the whole subject, and, studying the banking and currency systems of other and older nations, to plan not for emergencies only, but for such a system as will enable the

country to do business throughout all the coming years. [Applause.] To handicap ourselves by a system conceived in haste and panic and adding to the cost of production by a tax of 4 to 10 per cent on our circulation seems to me ridiculous, when, with a proper system of redemption, no tax is needed.

The future of New England at least, as I look at it, is largely dependent upon the ability of our producers to develop and extend our foreign trade and compete in foreign markets with commercial rivals who have an untaxed currency. How can we hope to do it with hasty legislation like this, which, as all experience shows, it will be impossible to change for years to come?

In some respects the bill is a great improvement over the original draft, but it falls far short of a business proposition for the American people.

If the distinguished gentleman from Ohio is right, and the good Lord does give us bumper crops this fall, the cotton and woolen manufacturers of New England will probably realize the effect of crop-moving money taxed at 4 to 10 per cent and ask their representatives what sort of political exigency it was that required that kind of legislation.

Probably the greater the crops the greater necessity for this bill and the longer time required for the use of the money and the consequently higher taxation and greater cost for bread and meat and clothes for our wage-earners. Think of it, gentlemen. One little emergency measure, with eight different rates of taxation provided for in a single section of it. I am told at the Treasury that there is no way to collect the varying tax on circulation issued now against 2 and 4 per cent United States bonds except by taking the bank's guess as to the amount out against each. With more than one issue of these notes and tax rates varying monthly, there is no way possible by which a correct record can be kept, and yet a wrong guess is made punishable by a fine of one thousand to five thousand dollars or imprisonment for from one to five years, or by both fine and imprisonment.

#### DISTRIBUTION OF CIRCULATION.

In the early history of the national banking system an attempt was made to distribute the circulation privilege geographically. It proved to be a failure, and a redistribution was tried, followed soon by a repeal of the whole thing, and since then no attempt has been made except to deal with each bank and limit circulation to par of the capital. A similar experience probably awaits us now, for all such attempts are useless. This circulation is assumed to be for emergency use, and only when "in the judgment of the Secretary of the Treasury business conditions in the locality demand it."

But emergencies can not be artificially distributed. Why should the note issues be determined by geographical boundaries? The remedy for sickness should be given to the patient when alive rather than to the pallbearers at his funeral. There are other manifest mistakes in the bill which I am sure that the distinguished gentlemen who have prepared it would have corrected if time had been given them to examine it more carefully. It is useless, however, to specify them, as amendment is impossible under the rule. I am opposed to the bill—

First. Because under this form of association and distribution of currency justice can not be done to the small banks or their safety not be imperiled.

Second. By the segregation of the best assets of a bank and a prior lien on them given to the note holder the interests of the depositors are sacrificed.

Third. The impossibility of the Treasury Department passing upon commercial paper specifically pledged, maturing from day to day, withdrawn and exchangeable at will by these associations, from Florida to Alaska, is so manifest that it needs no argument on my part.

Fourth. The authorization of such an enormous addition to the volume of our paper money will injure our financial standing among the nations of the world and send our securities home, whether it is issued or not, and if issued will throw upon the Treasury a burden of redemption which in times of deficient revenues it ought not to be called upon to bear.

Fifth. The high tax upon this currency will be distributed over all commercial discounts and hamper and restrict our legitimate commerce, both at home and abroad.

For these and many other reasons I am opposed to the financial part of the bill, but will vote for the commission if opportunity is given to do so.

Mr. VREELAND. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, it seems to me that the time has come when we should lay aside any other consideration, all other considerations, and come down to the necessities of the

occasion. If any man here has a desire in his heart to remedy the distressing conditions in which the industries of our country to-day find themselves, he will support this measure that is before the House to-day. The bill before the House is a safe measure. It is purely a contingent measure. It aims only to protect us from a storm that may come. It aims only to meet an emergency. Some gentlemen here are inclined, it seems to me, to go beyond that and expect that we at this time are to offer and adopt a new and complete system of finance. Mr. Speaker, I have always been in favor of a credit currency, and I desire to say here at this time that the gentleman from New Jersey [Mr. FOWLER] is really the father of that system of credit currency. [Applause.] I desire to say that I think Mr. FOWLER has done more to educate the people of this country up to the idea of a credit currency than any other man in Congress, and it is for this reason that I am sorry to find him at this time opposed to a measure which will eventually lead up to the best system that can be adopted. For my own part I have not lost faith in the business men of this country; I have not lost faith in the bankers; I have not lost faith in those able men who are at the head of our clearing-house system; I have not lost faith in the Government; I have not lost faith in the power of the Government to redeem every obligation that is laid upon it. This bill aims at one important thing, in my judgment, and I desire to say it is the only one absolutely necessary. It is this: I think when this bill is passed and becomes a law that men and banks will no longer hoard money; no, not even in a crisis or panic. I think it will put a stop to the hoarding of money, and if that is the case it will make the many millions—nay, billions—of money that we now have liquid and able to perform their functions.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. WILLIAMS. Mr. Speaker, I hold in my hand a letter from the President of the First National Bank at Waverly, N. Y., which I will insert in the Record, but one sentence I wish, however, to read to the House. This letter is written to the Hon. GEORGE W. KIPP, of Pennsylvania. The sentence is:

Because the President, Senator ALDRICH, and Speaker CANNON wish financial legislation is no argument for the passage of a measure that is condemned by all the business men of the country, and one which is so unnecessary at this time.

I read that merely to emphasize the fact that must be apparent to all of you, that while this is an emergency bill it is for the purpose of curing a political emergency in the Republican party, not for the purpose of remedying a financial emergency in the country. [Applause on the Democratic side.] I shall insert in the Record, Mr. Speaker, under the rule, sixteen telegrams sent to the gentleman from Pennsylvania [Mr. KIPP], all of them gave three opposed to the passage of this bill, from all sorts of business men.

I shall also insert in the Record twenty-three telegrams sent to the gentleman from Pennsylvania [Mr. ROTHERMEL], all except three opposed to the passage of this bill. These are in answer to telegrams sent by Messrs. KIPP and ROTHERMEL to all banks in their districts asking advice. I now yield ten minutes to the gentleman.

Mr. DALZELL. Mr. Speaker, one moment. Mr. Speaker, I shall object to the insertion of anything in the Record that is not delivered on the floor of the House, in pursuance of the gentleman's rule—

Mr. WILLIAMS. Why, the gentleman does not understand his own special rule, under which we are gaggedly operating. Leave to print is given for five days under the rule with which the gentleman gagged the House. [Applause on the Democratic side.]

Mr. DALZELL. This is no exercise of the leave to print. It is a request for unanimous consent.

Mr. WILLIAMS. It is not. This is not coming out of my time, of course. Now, Mr. Speaker, leave to print is given and I shall take advantage of it to put these things in. I now yield ten minutes to the gentleman from Texas [Mr. GILLESPIE].

The letter and telegrams referred to are as follows:

FIRST NATIONAL BANK,  
Waverly, N. Y., May 13, 1908.

Hon. GEORGE W. KIPP, Washington, D. C.

MY DEAR MR. KIPP: Your telegram received, and I answered that I was opposed to the Vreeland currency bill and only wanted a committee. I note that this bill provides for a committee, but the other end of it is so objectionable that I hope it will be buried, and in the services you will be able to keep that part of the corpse which provides for a commission.

Because the President, Senator ALDRICH, and Speaker CANNON wish financial legislation it is no argument for the passage of a measure that is condemned by all of the business men of the country, and one that is so unnecessary at this time.

Politically it would be a mistake, as I see it, and, from a business standpoint, I should count it a misfortune to have such a bill in force.



Much knowledge has come to many of us during this year by the widespread discussion of financial measures, and a committee appointed now would undoubtedly bring us a better measure than could have been formulated at any time in the past.

To my mind, the Fowler bill has many features recommending it, and I am sorry it did not receive more consideration.

I trust that I may be able to see you some time during the summer and have a little talk on financial matters, for I feel sure that you will see clearly some of the practical things that should be put in force for the benefit of the banks and the business community at large.

With best wishes, I remain, yours, very truly,

F. E. LYFORD.

TOWANDA, PA., May 14, 1908.

Hon. G. W. KIPP,  
House of Representatives, Washington, D. C.:

Am very much opposed to the Vreeland currency bill.

CUS MALLI, Cashier.

WAVERLY, N. Y., May 13, 1908.

Hon. G. W. KIPP, Washington, D. C.:

I am against Vreeland currency measure; want commission only.

F. E. LYFORD.

HONESDALE, PA., May 14, 1908.

Hon. GEORGE W. KIPP,

House of Representatives, Washington, D. C.:

We favor the appointment of a commission to suggest changes in our currency laws.

H. S. SALMON, Cashier.

HONESDALE, PA., May 14, 1908.

Hon. G. W. KIPP, Washington, D. C.:

We are against Vreeland bill. Defeat it if possible.

E. F. TONEY, Cashier.

MONTROSE, PA., May 14, 1908.

Hon. G. W. KIPP, Washington, D. C.:

We are against the Vreeland currency bill as it now stands.

FARMERS' NATIONAL BANK.

TOWANDA, PA., May 14, 1908.

G. W. KIPP, Esq., M. C., Washington, D. C.:

Do not think Vreeland bill would benefit this community.

CITIZENS' NATIONAL BANK.

WYALUSING, PA., May 13, 1908.

GEORGE W. KIPP, M. C., Washington, D. C.:

Not in favor of the bill. Better wait a while.

FIRST NATIONAL BANK.

DUSHORE, PA., May 13, 1908.

G. W. KIPP, Washington, D. C.:

Am against Vreeland currency bill.

M. D. SWARTS.

TUNKHANNOCK, PA., May 13, 1908.

Hon. G. W. KIPP, M. C., Washington, D. C.:

We are against the bill.

WYOMING NATIONAL BANK.

F. L. SITTBER, President.

WAVERLY, N. Y., May 14, 1908.

GEORGE W. KIPP, House Member:

Against; present law good enough.

R. F. PAGE.

SAYRE, PA.

WEST HAWLEY, PA., May 14, 1908.

Hon. GEORGE W. KIPP,

House of Representatives, Washington, D. C.:

Against Vreeland bill; get us commission, so that reform may proceed intelligently.

FIRST NATIONAL BANK OF HAWLEY.

NICHOLSON, PA., May 13, 1908.

Hon. GEORGE W. KIPP, Washington, D. C.:

Would prefer action deferred and commission appointed.

FIRST NATIONAL BANK OF NICHOLSON.

SUSQUEHANNA, PA., May 14, 1908.

G. W. KIPP, M. C., Washington, D. C.:

I am for the Vreeland currency bill.

LEGRAND BENSON, Cashier.

TROY, PA., May 13, 1908.

G. W. KIPP, care House of Representatives,

Washington, D. C.:

We favor Vreeland currency bill to any other bill presented.

GRANGE NATIONAL BANK.

MONTROSE, PA., May 14, 1908.

Hon. GEORGE W. KIPP,

House of Representatives, Washington, D. C.:

From information at hand we can see no valid objection to Vreeland bill as a relief currency measure.

WM. H. WARNER, Cashier.

TOWANDA, PA., May 14, 1908.

Hon. G. W. KIPP, House of Representatives:

Am very much opposed to passage Vreeland bill.

E. A. STONG, Cashier.

READING, PA., May 13, 1908.

Hon. JOHN H. ROTHERMEL, M. C.,

Washington, D. C.:

We are in favor of the Vreeland currency bill.

H. B. HAGY, Treasurer.

ALLENTOWN, PA., May 14, 1908.

JOHN H. ROTHERMEL:

Am opposed to Vreeland bill.

C. M. K. KECK, Cashier.

BIRDSBORO, PA., May 14, 1908.

Hon. J. H. ROTHERMEL, Washington, D. C.:

Not in favor of any of the bills as framed.

FIRST NATIONAL BANK.

READING, PA., May 14, 1908.

JOHN H. ROTHERMEL, M. C., Washington, D. C.:

Against the Vreeland bill, favor a commission.

FIRST NATIONAL BANK.

HAMBURG, PA., May 14, 1908.

Hon. JOHN H. ROTHERMEL, M. C., Washington, D. C.:

Opposed to Vreeland currency bill, poor makeshift.

J. JEROME MILLER, Cashier.

READING, PA., May 14, 1908.

JOHN H. ROTHERMEL, M. C., Washington, D. C.:

My own personal opinion is that the Vreeland bill will not answer the purpose.

C. K. WHITNER.

READING, PA., May 14, 1908.

JOHN H. ROTHERMEL, Washington, D. C.:

We are against the Vreeland currency bill.

COMMERCIAL TRUST COMPANY.

W. M. STAUFFER, President.

READING, PA., May 13, 1908.

Hon. JOHN H. ROTHERMEL,

House of Representatives, Washington, D. C.:

We appreciate inquiry and are opposed to Vreeland bill.

NATIONAL UNION BANK.

READING, PA., May 13, 1908.

Hon. JOHN H. ROTHERMEL, Washington, D. C.:

Want nothing but currency commission; don't want a makeshift.

CALVIN B. MOSER.

READING, PA., May 13, 1908.

Hon. JOHN H. ROTHERMEL, Washington, D. C.:

All clearing-house national banks this city are against Vreeland bill.

ISAAC Y. SPANG, Manager.

READING, PA., May 13, 1908.

Hon. JOHN H. ROTHERMEL,

House of Representatives, Washington, D. C.:

I beg to suggest that you vote against the bill.

JOHN H. MALTZERBERGER.

KUTZTOWN, PA., May 14, 1908.

JOHN H. ROTHERMEL, Washington, D. C.:

We are against the Vreeland currency bill.

KUTZTOWN NATIONAL BANK.

READING, PA., May 13, 1908.

JOHN H. ROTHERMEL, M. C., Washington, D. C.:

Against Vreeland currency bill.

LOUIS F. KRAEMER.

ALLENTOWN, PA., May 13, 1908.

Hon. JOHN H. ROTHERMEL, Washington, D. C.:

We are against the Vreeland currency bill.

SECOND NATIONAL BANK.

TOPTON, PA., May 13, 1908.

JOHN H. ROTHERMEL, M. C., Washington, D. C.:

Can not indorse Vreeland bill in its present form.

A. H. SMITH, Cashier.

WOMELSFORD, PA., May 13, 1908.

JOHN ROTHERMEL, Washington, D. C.:

We are opposed to the bill.

WOMELSDORF UNION BANK.

FLEETWOOD, PA., May 14, 1908.

JOHN H. ROTHERMEL:

In favor of bill.

FIRST NATIONAL BANK OF FLEETWOOD.

READING, PA., May 14, 1908.

Hon. JOHN H. ROTHERMEL,

House of Representatives, Washington, D. C.:

It is better than nothing.

C. H. RUHL.

Mr. GILLESPIE. Mr. Speaker and gentlemen of the House, I do not feel that I can say aught that will instruct the Members of this House. If I thought I could if I had the time, I know that I could not within ten minutes. I feel, however, being a member of the Committee on Banking and Currency, it is my duty simply to stand up here and give you the benefit of my judgment on this situation as I see it. This is not a party question. It is exceedingly unfortunate that the ques-

tion has been thrown into the whirlpool of American politics for settlement. I want to state to you that I believe it is the deliberate judgment of the business men, of the bankers, merchants, and manufacturers all over this country, in view of the coming national election, and in view of the divided opinion of the Members of this House, that we should undertake to do nothing at this time and pass this question over to the succeeding session of this Congress and by all means keep it out of partisan politics, and in this conclusion I must say my own judgment concurs. We have suffered enough from throwing our currency and coinage questions into politics. Look back over our history for the last quarter of a century and note the sad havoc in our industrial and commercial life wrought by partisan agitation. Every man realizes, who has studied the question, that we need a change in the present banking and currency system of this country.

It is an awkward, a cumbersome, expensive, and inelastic system, and has grievously failed us, and will always so fail us in an emergency. It does not enable our people through their banks to properly care for the commerce of this country. It does need radical, fundamental changes. It is a bondholder's system, but not a banker's. It is founded upon the national debt and favors a perpetuation and an increase of that debt. It compels the people of this country, through their Treasury at Washington, to deliver up gold to the holders of bank notes. Within the last five months there has accumulated in the Treasury more than \$50,000,000 bank notes, and there has disappeared an equal amount of gold from the Treasury. The law compels the Treasury to redeem these notes on demand in United States notes, and then United States notes in gold. This bill, sir, undertakes to issue \$500,000,000 more notes upon which gold may be demanded and the people compelled to deliver it. If the gold is not in the Treasury, gold bonds are loaded upon the people. And, sir, they do this in the name of emergency. They say it is not to prevent an emergency, but to afford relief when an emergency comes; not to prevent the storm, but to afford a shelter when the storm comes.

Mr. Speaker, I wish every Member of this House could have seen the look of scorn, contempt, and disgust upon the face of Mr. Forgan, of Chicago, when he was called upon before your Committee on Banking and Currency to give his opinion upon an emergency currency. "Why," he said, "there ought not to be such a word as 'emergency' in connection with your currency. It invites panics and precipitates emergencies." I believe that all who know him or of him will agree that there is not a man in the country of greater uprightness of character or knowledge and experience in banking than Mr. Forgan.

Mr. Speaker, can anybody's reason be so benumbed by a mere political emergency as not to see the effect of this measure in the destruction of confidence in the banks of this country should they ever undertake to get the relief the bill offers? The very passage of this bill by Congress will be a legislative expression of a lack of confidence in our banks, and it will be so considered by all the world.

Storm currency, you say? We have had several financial storms in this country. We have weathered them all. We have weathered this last storm. The bankers got together through their clearing houses, prompted by the instinct of self-preservation and a desire to save the business of this country when property values were threatened with almost complete destruction, values falling on every hand, institutions failing, business men committing suicide, and they resorted to a storm shelter at hand, and that was the clearing-house certificate. Those clearing-house certificates—several hundred million dollars of them—have disappeared. They were no charge upon the gold in the Treasury. No charge upon the Treasury at all. The banks that issued them were jointly responsible, and not the Treasury, and that very reason made them efficient, because they remained near the banks of issue, accomplished their work, and were easily called in and retired when the panic was over without the withdrawal from the banks of a single dollar of reserve money. You put in the hands of bankers in such an emergency, not a clearing-house certificate, not an instrument under their control, not an instrument safe, but temporary from its very nature, but an instrument that anyone can take to the Treasury and demand lawful money, an instrument that when once issued immediately gets from under control of the bank that issued, goes out into the channels of trade, and becomes a permanent addition to the currency of the country, and you have a very different situation, Mr. Speaker, from that where the ordinary clearing-house certificate is issued. Mr. Speaker, this bill should not pass.

We ought, if possible, to get the Government further out of the banking business and not further in, and likewise we ought to get the banks further out of the Government's business and not further in. The Government should not be allowed to lend

its credit to banks nor the banks to use the credit of the Government. Above all, Mr. Speaker, it seems to me we would be guilty of almost criminal carelessness to add still further to the gold demands upon the Treasury of the people. It is not possible, sir, for any Secretary of the Treasury to carry the gold burdens of the Government without almost getting upon his knees and begging Wall street to help him. He is the slave of the situation and not the master. [Applause on the Democratic side.]

Mr. VREELAND. Mr. Speaker, I want to use half a minute in reply to the telegrams the gentleman from Mississippi [Mr. WILLIAMS] has put in the Record from several small banks up in some of the interior counties of Pennsylvania. I will say, Mr. Speaker, that there has been no "round robins" worked in order to bring any support or resolutions in behalf of this bill. No banker has been asked to support this bill; no association of manufacturers has been asked to pass resolutions for this bill. I charge that for weeks past systematic efforts have been made by gentlemen opposed to this bill. I charge that a letter has been sent out to 6,500 banks in the United States upon the paper of the Banking and Currency Committee, signed by the chairman of that committee, urging banks to telegraph and write to Members of Congress against a great danger, the nature of which they must judge for themselves. They were told in that letter that a billion and a half of bank debts were about to be assumed by the United States unless they should prevent action by telegraphing to their Members. No "round robins" have been used on this bill, and yet more than fifty great bankers have sent letters and telegrams to this city favoring the passage of this bill.

Mr. WILLIAMS. The gentleman does not want to leave a wrong impression upon the House. These telegrams I have inserted in the Record were in response to telegrams from the gentleman from Pennsylvania [Mr. KIPP] and the other gentleman from Pennsylvania [Mr. ROTHERMEL] to all the banks in their district, asking their opinions, and not asking their judgment. [Applause on the Democratic side.]

Mr. VREELAND. I have not brought up the forty or fifty letters which I have, but I have one in my pocket that came in this morning by mere chance. It is from the president of the First National Bank of Atlanta, Ga., with a capital of \$1,000,000, the largest bank in the State of Georgia, its president a member of the American Bankers' Association from the State of Georgia. Mr. McCord writes me that he has prepared and will mail to-day letters to every Member of Congress from the State of Georgia urging them to vote for this bill. [Applause on the Republican side.]

Mr. SHERLEY. What is the date of that letter, please?

Mr. VREELAND. The date of that letter is May 12, and he says the letters "will be mailed to-morrow."

Mr. SHERLEY. Does the gentleman refer to this bill or the bill that was in existence at that time?

Mr. VREELAND. That refers to this bill.

Mr. SHERLEY. How can it refer to this bill when this bill was printed on the 13th?

Mr. VREELAND. The gentleman chooses to be captious. The changes in this bill have not been many, and those have been mere matters of detail.

Mr. WILLIAMS. Mere matters of emergency.

Mr. VREELAND. I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I shall vote for this bill. I believe in credit currency, and I had the honor to offer (and now I am not disclosing any of the secrets of the conference, because it has been printed in the newspapers) in our conference, a resolution, which was adopted, recognizing commercial paper as the safe and logical basis for emergency currency when issued through clearing-house associations. We have got to come in time, and the time is not long distant, to some other basis for our currency than Government bonds. As for myself, I prefer the assets which the banks have to those which they have not and ought not to have. There are defects in this bill. It is a hard bill; but, perhaps, with more of merit than of defect, because there would be no rush to get this kind of currency unless it is needed.

I come from a commercial city, a manufacturing and industrial city, where the lack of currency means sometimes lack of work and means distress in the homes. This bill does two things: It provides that there shall be engraved and ready an amount equal to half of the value of every national bank in the Union, ready upon the deposit of proper securities, so that the wheels of progress will not be stopped.

It provides also for a commission to report a complete and comprehensive system for our currency in the future. Both of these features are good, and because of these features, which no man here on the responsibility of his oath can overlook, it



ought to pass. I have received the same telegram as the gentleman from Connecticut did. Mr. Town, who signed it, is a man of the highest character, but he has no constituency behind him that he is responsible to, as we are here. Each of us represents a district, and while gentlemen outside of Congress may and will do, as we ourselves have done when we have been outside of Congress, criticize and say that we would have done different if we had been here, the responsibility of being here makes a great deal of difference when it comes to a vote. I would be ashamed to go back to my people of the Seventeenth district of New York, having had this opportunity to do what is possible to ward off any currency panic which may occur before complete legislation can be prepared, and fail to vote for it. It is a duty that we owe to them. As far as my individual vote is concerned, though there are things in the bill that I do not like, though I am for credit currency to a greater extent than this bill gives it, I shall vote and vote cheerfully for the bill before the House. [Applause.]

Mr. WILLIAMS. I yield ten minutes to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, I want to say a few words in regard to the work of the committee before I revert to the bill, and it is to assert, as I did before on the floor of this House, that no committee of this House has ever done more earnest and honest work than this committee has done during this present session. What did we do? We reported a general bill to this House. Did we try to secure a hearing? The Merchants' Association of New York came here and went to the Speaker of this House with me and desired to be heard, and he said that we should have nothing but the Aldrich bill, because that was the only thing we could get, and it would be useless to discuss the general bill which we had reported. And when the committee found out that there was a feeling all over the country opposed to any general legislation, so far as we could ascertain the consensus of opinion, we reported to this House a general commission bill. What did we do then? We waited upon the Speaker and asked him for a hearing upon the commission bill, but there was no hearing to be had.

What has been the history of the world generally, so far as commissions of this kind are concerned? When the Bank of England act was proposed, it was the work of a commission of twenty-six. When the great depression of 1886 was taken up in England, there was a commission of twenty-three. The labor commission was one of twenty-seven. The Austria-Hungary commission, which took up its banking system, consisted of fifty-seven members. The commission of Japan, appointed to reconstruct its banking system, consisted of twenty-two members. The Berlin silver commission consisted of thirty-one members; the monetary commission, between fifty and sixty members; the Berlin commission, now proposed to consider the high rates of interest in Germany, will contain between fifty and sixty members. Our commission, as proposed, will consist of forty-three. But we have been unable to have a discussion of that bill in this House. I have in my hand a telegram—I shall not disclose the name of the sender, but will say that he is one of the leading business men in one of our largest Eastern cities—which I will read to the House:

PHILADELPHIA, PA., May 14, 1908.

CHARLES N. FOWLER, M. C., Washington:

Amended Vreeland bill improved, but practical analyses still reveals radical and ridiculous defects. If framers of Vreeland bill value their reputation as financiers, advise going slow; if lenders value reputation for political sagacity, advise referring constructive legislative to competent commission which will command implicit confidence of the people. Vreeland commission will not do this. Democratic orators in the South and West will charge it with being dominated by Wall street. Fowler currency commission would insure square deal to all interests and a scientific and thoroughly digested measure which will strengthen party. It would win public confidence and votes. If you can not do more, amend commission feature of Vreeland bill by substituting Fowler's commission plan. The party will owe you a big debt of gratitude for pulling it out of predicament which threatens to bring discredit and ridicule upon all influential participants.

Now, gentlemen, with regard to the position of the Banking and Currency Committee during this session of Congress, with reference to the other bills before us, when the Aldrich bill came to us we discovered that it was for the purpose of nailing the commerce of the United States to a bond-secured currency, but owing to ten or twelve years of education, there were men scattered all over the United States, who, when this crisis came on, saw that it was a bond-secured currency that brought us the difficulties of last fall; and to-day throughout the length and breadth of this land there is one common opinion with regard to the necessities of the trade and commerce of this country, and that is that we should have a credit currency. What have we stood for? We have stood against the Aldrich bill. We stood against the Aldrich bill and the Vreeland bill, and then we stood against the successive changes up to a given point of the Vreeland bill. What was accomplished? The Vreeland bill

went through the first, the second, the third, the fourth, the fifth, the sixth, and, I think now, the seventh edition, and one amendment was made even last night. What were the changes in this bill? Let me recount them.

In the first place, I want to say to this House that the assumption that the bill establishes clearing houses is utterly without foundation. One of the leading bankers of New York, and the man of greatest experience in this land in clearing-house matters, said to me the other night:

It does not even suggest a clearing house. It is crude. It is an anomaly. It is not known to the world of business anywhere.

What have we done by standing firm for principles during this campaign of education? We have, by main strength, driven these men to drop the bonds, municipal and otherwise, as a distinct basis of circulation. We have compelled the Vreeland cohorts to accept commercial paper. We have compelled them to treat deposits precisely as note issues, by providing for reserves against bank-note issues the same as we have against deposits. Some of you Republicans here will remember the debate upon the Government indorsement of this paper. Last night, in the progress of their wisdom, they struck out this indorsement, and now they have an indorsement that God only knows, if, indeed, He knows, what it means.

Now, gentlemen, what is there still bad about this bill? The first and fundamental defect about its badness is that there should never be a bank note issued that is not redeemed by the bank itself. [Applause.] For any man who has any real knowledge upon this question, any idea of the philosophy of a credit currency, knows that the first essential of a credit bill, or its counterpart, is that it shall be redeemed as a check or a draft.

Mr. PRINCE. And none of that is in here.

Mr. FOWLER. The gentleman from Ohio [Mr. BURTON] took pains to allude to the apparent indifference of the Banking and Currency Committee, saying that no effort had been made to get legislation, and that proper effort would have given us protection against the experience of last fall. Mr. BURTON has been a Member of this House longer than any member of the Banking and Currency Committee, and now, after ten long years of attack and assault upon the superstition and prejudice that enshrouded a bond-secured currency and the breastworks have been swept away, a Daniel appears in the financial citadel in the midst of, or at the end of, a panic, to save the people. But during the long twenty years that he has been in public life, with a single vacation of one term, a little Moses from among the bullfrogs and the bull-rushes along the rivers and harbors of the country, dreaming upon commercial crises, appears. Has he ever found time in twenty years to send a bill to the Banking and Currency Committee pointing out the way of escape? Not a suggestion. [Applause and laughter on the Democratic side.]

Gentlemen, I am opposed to this bill and shall vote against it for the following reasons:

First. There is no need of any legislation at this time; and any law now put upon the statute books of a makeshift character, such as this bill is admitted to be even by its advocates, will only prove another stumbling block, if not an insurmountable obstacle, to a real reform of our financial and currency practices.

Second. It is an economic blunder to authorize any bank-note circulation without at the same time providing for adequate and automatic redemptions of the notes, precisely as checks and drafts are paid.

Third. There is no such thing as an emergency currency in a properly constituted currency system which of itself would prevent any emergency arising. This principle is admitted by the imposition of a tax ranging from 4 per cent to 10 per cent upon these notes, when there should no more be a tax upon bank notes than upon deposits, for there is absolutely no difference in principle between bank deposits and bank notes and a tax upon either is a tax upon production, and a tax upon production is a tax upon labor.

Fourth. This bill, in its operation, would exclude at least nine-tenths of the banks of the country, favoring the centers as against the country districts, where the greatest need of currency often exists.

Fifth. To segregate a large part of the best assets of a bank for note issue and subject them to sale in time of panic would be a serious, unfair, and possibly ruinous discrimination against the depositors of a bank.

Sixth. Instead of removing the burden of the redemption of \$700,000,000 of bank notes now resting upon the United States Treasury directly to the banks themselves, this bill adds a possible additional burden of \$500,000,000 of bank notes and necessarily imperils the national credit. The result will be to compel the Government to sell bonds to redeem the bank notes

with absolute certainty in the event of a deficit which is sure to follow business distress, and in the event of war may be the means of forcing the Government off the gold standard and to a credit basis.

In support of this proposition, I quote the words of Ex-Secretary Lyman J. Gage before the Committee on Banking and Currency:

In my statement before the House, I enumerated these weaknesses as, first, the present demand obligations outstanding against the Treasury under the name of legal-tender notes, \$346,000,000; second, the Government guaranty on \$700,000,000 of bank notes.

To be sure the Treasury holds as security for this undertaking a similar amount of its own bonds, but everyone knows that by this artificial contrivance the bonds so held are overvalued when put to the test in a free market by 20 or 25 per cent. The issue of millions of new bonds to meet the costs of war would strip the mask which now conceals the fact and expose the weakness at the moment when greatest strength would be required. Thus nature revenges herself on the unwise and imprudent.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VREELAND. Mr. Speaker, I now yield four minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the question now under consideration is one in which the people of the whole country are deeply interested. It is one which affects every interest and every individual. There is no question of greater importance before the American people than that affecting the character of its circulating medium. It is with some reluctance that I assume to participate in the discussion. I realize the difficulty experienced by experts in dealing with the currency question. Currency experts differ on the question of what is best to do almost as radically as doctors or lawyers. How, then, can one who makes no claim of expert knowledge hope to be able to add anything to the discussion which has already taken place? My apology for assuming to take the time of the House must be the deep interest which I feel in the outcome of the legislation which is under consideration.

A number of measures have been introduced. Each possesses many good features. All are subject to more or less objection, but I am sure that it is the general opinion that the necessity exists for currency legislation, and the Vreeland bill seems to me to meet the case better than any thus far proposed.

The serious objection to the Aldrich bill is that the class of bonds specified are not largely held by national banks. To take out circulation based upon such bonds, the banks would be forced to buy them at a time when cash was scarce, and, too, it is a serious question whether it would be prudent to buy such securities at par or over for the privilege of issuing circulating notes to the extent of 75 per cent of their value.

The great demand for such bonds in times of emergency would inevitably increase their price on the market, whereas after the emergency was over the market value would just as surely fall, thus causing great loss to those who were obliged to sell them when the necessity no longer existed for their retention as security for the additional circulation taken out to meet the country's pressing business needs.

It is estimated that the amount of municipal, county, and State bonds held does not exceed 10 per cent of the total bonds and securities of all kinds held by the national banks of the country; so that it will be seen that if the banks were to undertake to issue notes thus secured they would be obliged to buy on a very large scale, besides the necessary disposition of other securities to obtain the money for the purchase of the bonds would have a demoralizing effect on the banking business generally.

Much of the reluctance of Congress to provide an emergency currency is undoubtedly attributable to the lack of understanding of the principles and practice of banking which it is believed exists in the public mind, as well as to a sincere desire to do only that which it is believed will meet with popular approval and at the same time prevent a recurrence of the conditions which befell the nation last October.

It must be clear to gentlemen that with but \$3,396,653,082 in circulation in the United States, while the deposits aggregate practically \$14,000,000,000, it would require \$10,000,000,000 more money than there is in the country to pay all the depositors what is due them in cash. It must be equally clear that but a small percentage of deposits are made in cash. They consist of checks, drafts, notes, coupons, bills of exchange, and various other instruments of credit and are, as a matter of fact, but mediums of exchange which entitle the depositor to so much credit on the books of the bank, against which he may draw his checks from time to time in the settlement of accounts contracted in the ordinary course of business.

It must be remembered that the banker is not possessed of the universal solvent which enables him to convert the baser metals into gold, nor can he be expected to transmute all the

forms of credit deposited in the bank into lawful money. If we bear in mind the fact that for every dollar on deposit there is but 25 cents in circulation, we will easily understand the impossibility of paying every obligation in money on demand, and we will be the better prepared to realize the importance of enacting some legislation to provide the means of obtaining from the Government an emergency circulation based on the security of commercial paper, an abundance of which the banks have in their possession. How can the banks proceed to do this if the law permitting it is passed? There is but one way; that is through the Government, by pledging their assets in exchange for currency, which only the Government can issue. Some call this inflation, but I do not consider it such, unless it be concluded that the commercial system upon which the world's trade is carried on is itself inflation.

The banker is an important factor in the world's commerce. He is one of the instrumentalities through which the commercial supremacy of the country is maintained.

The Vreeland bill proposes to authorize national banks not less than ten in number, having a combined capital and surplus of not less than \$5,000,000, to form voluntary associations throughout the country, such associations to be designated as "national clearing-house associations."

The banks uniting to form such associations shall, by their presidents and vice-presidents, acting under authority from the board of directors, make and file with the Secretary of the Treasury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury. Upon the filing of such certificate the banks therein named shall become a body corporate, and by the name so designated may sue and be sued and exercise the powers of a body corporate.

The bill provides that the associations shall be organized by banks to be taken, as nearly as conveniently may be, from territory composed of a State or a part of a State, or contiguous parts of one or more States; that the affairs of each association shall be managed by a board of directors consisting of one representative from each bank. The by-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury, and the president, vice-president, secretary, and treasurer, and an executive committee of not less than five members shall be elected by the board; that the powers of such board, except in the election of officers and making the by-laws, may be exercised through its executive committee. For the purpose of obtaining additional circulation any bank belonging to a national clearing-house association having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per cent of its capital stock, and which has a capital and unimpaired surplus of not less than 20 per cent, may deposit with and transfer to the association, in trust, any securities, including commercial paper, held by it as may be satisfactory to the board of the association. The officers of the association may thereupon, in behalf of such bank, make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding 75 per cent of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury, with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he shall direct an issue of additional circulating notes to the association on behalf of such bank to an amount not exceeding 75 per cent of the cash value of the securities so deposited.

The bill provides that the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation, and the lien of the United States shall extend to and cover the assets of all banks belonging to the association and to the securities deposited by the banks with the association, but as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. The association may, at any time, require of any of its constituent banks a deposit of additional securities or commercial paper to secure such additional circulation. Upon the failure of such bank to make such deposit the association may, after ten days' notice to the bank, sell the securities and papers already in its hands at public sale and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of such additional circulation.



The bill provides that additional circulating notes issued under the act shall be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all provisions of law affecting such notes.

It provides further that the amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpaired capital and surplus, and that there shall not be outstanding at any time circulating notes issued by all the banks to an amount of more than \$500,000,000.

The national banking laws at present require the deposit of a 5 per cent redemption fund. This feature of the law is to remain in force, and it is provided that whenever any bank belonging to a national clearing-house association shall fail to preserve or make good its 5 per cent redemption fund in the Treasury of the United States, the Treasurer of the United States shall notify such national clearing-house association to make good such redemption fund and upon the failure of such national clearing-house association to make good such fund the Treasurer of the United States may, in his discretion, apply so much of the 5 per cent redemption fund belonging to the other banks composing such national clearing-house association as may be necessary for that purpose; and such national clearing-house association may, after five days' notice to such bank, proceed to sell at public sale the securities deposited by such bank with the association and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of the additional circulation taken out by such bank.

The bill provides also that each and every bank in such clearing-house association located in a city designated as a "central reserve city," under section 5186 of the Revised Statutes and section 1 of the act of March 3, 1887, chapter 387, shall have on hand at all times in gold or lawful money of the United States, an amount equal to at least 25 per cent of the total amount of the additional circulation which it may have taken out under the act, and that each and every bank situated in a city designated as a "reserve city" under section 5191 of the Revised Statutes, or any act amendatory thereof, shall have on hand at all times in like money, the like sum of 25 per cent of such additional circulation, of which sum one-half may consist of cash deposits in such "central reserve cities." All other banks in such association shall have on hand at all times in like money, an amount equal to at least 15 per cent of such additional circulation, of which sum nine-fifteenths may consist of cash deposits in "reserve cities."

The bill provides also that in order that the distribution of notes to be issued under the provisions of the act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which the State would be entitled of the additional notes authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States, and it authorizes the Secretary of the Treasury, in case the applications from associations in any State shall not equal the amount which the association of such State would be entitled to under this method of distribution, in his discretion, to meet an emergency, to assign the amount not thus applied for to any applying association or associations in States in the same section of the country, so that it will be seen that each section of the country will be independent of every other section in the matter of currency in a case of emergency. For example, it will not be possible for New York to absorb all the currency authorized to be issued in an emergency. It could only secure currency equivalent to the capital and surplus of its national banks, less the amount already in circulation secured by United States bonds, which must, under the provisions of the act, amount to 40 per cent of the capital of the national banks before advantage can be taken of the terms of this bill; so that if New York, by any chance, should find itself in financial trouble, it would not necessarily affect Detroit, Cleveland, Chicago, St. Paul, Minneapolis, Kansas City, or other sections of the country, for each of these sections would have the independent right to take out circulating notes equivalent to the amount of capital and unimpaired surplus which their national banks represented.

The features of safety involved in this method of distributing the circulating medium in cases of emergency might be compared to an ocean liner built on the water-tight compartment plan. Each compartment of the ship would act as a separate factor of safety. If by any chance any one compartment was

damaged, the damage would not affect the ship itself, for the other compartments which were intact would enable the ship to reach its destination in safety; and thus it is that each section of the country is authorized, under this bill, to secure its own currency in proportion to its national-bank capital and is in a position to meet all the commercial needs of the section without fear of embarrassment from any trouble which may involve the banks of any other section.

This bill provides that for all circulating notes taken out under its provisions the bank shall pay 4 per cent interest the first month, 5 per cent the second, 6 per cent the third, 7 per cent the fourth, 8 per cent the fifth, 9 per cent the sixth, 10 per cent for the seventh and all succeeding months. This charge would make it unprofitable for banks to keep the notes in circulation when there was no emergency, and it is therefore certain that no inflation would follow.

The bill further provides for the payment of interest to the United States at the rate of 1 per cent on all Government moneys deposited in national banks. This is a step in the right direction. The friends of the bill recognize the importance of giving the financial needs of the country a more exhaustive study, and to that end a provision has been made for the appointment of a national currency commission, to consist of eighteen members—six members of the Senate, six from the House, and six other persons not members of either body—whose duty it shall be to investigate carefully the causes of the recent financial crisis and its relation to currency and banking systems, and make recommendations to Congress for such changes in the existing banking and currency system as may in their opinion be desirable.

I contend that if this measure is enacted into law that such a panic as the country witnessed last fall will be impossible. There can be no chance for loss either to the depositor, to the banks, or to the Government. This plan is sane, safe, and workable; it fits the case; it meets a long-felt want. It is beyond question the logical remedy for conditions of panic.

Mr. Speaker, I wish, in addition to what I have already said, to urge the passage of a postal savings bank law, and if I may have the attention of the House for a short time longer, I desire to point out a few reasons which seem to me to be absolutely incontrovertible why the United States should adopt a postal savings bank system. The subject should need no argument, however, to commend itself to the attention of reasonable and fair-thinking public men, for it is one which is extremely interesting and attractive, and one through and by which the wage-earners of this country can be encouraged to save their small earnings, thereby learning that great principle of economy, an adherence to which will make them good and patriotic citizens and save them in old age from penury and want.

It is to the great English statesman, Gladstone, that the world is indebted for these popular savings banks, and had that superior leader no other claim to the admiration and respect of mankind, his memory would be revered and his name would be honored forever.

Mr. Speaker, it is the majesty of a cause which gives it world-wide popularity, and causes which produce popular blessings are majestic. Gladstone knew this, and, superior to the influence which usually makes men hard-hearted and indifferent to the welfare of the people, and with an eye ever single to the betterment of his countrymen, he gave to them this splendid system of economics, a system which will ever shed luster upon his fame and character.

Mr. Speaker, if we would make our strong Government stronger, if we would make our patriotic citizens more patriotic, if we would inculcate a spirit of thrift among the wage-earners and teach them the inestimable blessings derived from a judicious investment of their small earnings, we would not, as representative men, longer delay the adoption of the safe, sound, and sure method this beneficent postal savings system affords.

Heretofore and at the present time the tariff system affords the means by which the Republican party is able to render unto the toiling masses that protection without which discontentment, inconvenience, and suffering could not be avoided. And I submit, Mr. Speaker, that discontented labor is a grievous thing.

But while protection in this country affords the means whereby the laborer receives a sufficient wage for his hire, there has never been inaugurated, on the part of the Government, an earnest effort to provide for him ample and safe protection for the small surplus earnings, a judicious investment of which would assure him in his declining years the means with which to procure comfort and happiness.

The men who toil in the field, in the mine, and in the factory are entitled to every blessing and comfort wise legislation can afford them. Without the hand of toil, Mr. Speaker, pros-

perity would end and no enterprise of national importance could be continued.

Wild-cat savings banks and other get-rich-quick concerns do not afford the necessary protection. Men of sense refuse to deposit their earnings in such institutions. Better spend it and have a good time, they argue, than turn it over to some frenzied financier to be used, perhaps, in a frantic effort to stay prosecution for illegal speculations, which are bound sooner or later to land him in the penitentiary.

Mr. Speaker, in all progressive nations, save only our own, sincere effort is made by the people's representatives to encourage the poor to save some part of their small earnings by securing them absolutely against loss. These nations not only secure them against loss, but pay them interest on their deposits.

In Germany savings banks are governed by separate States, but I am informed that the system is practically uniform. The banks, which are directed by officers appointed by the administrative authorities, are maintained by the city, town, or parish in which they are located, and the district authorities are answerable to the depositors.

Aside from Germany, all other progressive foreign nations have adopted the savings-bank system, the system which I respectfully commend to the favorable consideration of this Congress and which has proved to be the most successful and beneficent.

Over a century ago, Mr. Speaker, leading men in Europe began to express a wish to help the poor to save something out of their earnings. Sporadic attempts to put the wish into effect were made, but with little success.

A clergyman named Smith, a name which has almost become extinct in the United States save here in the House of Representatives, was the first person of whom we have any knowledge who, together with two other trustees, agreed to receive from the poor people deposits as low as twopence. These kind-hearted gentlemen promised these small depositors that if they would allow their money to remain undisturbed for one year one-third the sum would be added.

I want to stop here just long enough to remark, Mr. Speaker, that if this land of the free and the home of the Smiths could not produce ten million financiers of that name who are better equipped intellectually to run a bank than was that good preacher, I will change my name to that of Smith. It was a spirit of benevolence, however, that prompted the English theologian. He was not a business man.

In the year 1804, a Mrs. Priscilla Wakefield organized a club known as the Tottenham Association, for the reception and care of small earnings, which association flourished under different methods of operation until 1866.

So, while the postal savings banks system is a modern idea, credit for the first attempts to provide means for the collection and investment of the earnings of the poor is due to the benevolent persons I have named.

Following the enactment by Great Britain of the postal savings bank bill in 1861, other nations being attracted by the success of the system adopted it in the following order:

Country.	Established.	Interest.	Number of depositors.	Deposits.	Average deposit.
		<i>Per cent.</i>			
England.....	1861	2.5	9,403,832	\$711,166,692	\$75.62
Canada.....	1868	3	167,023	44,225,326	264.96
Belgium.....	1869	2 or 3	57,038	54,918,334	962.84
Japan.....	1875	4.2	2,906,899	15,167,947	5.30
Italy.....	1870	Variable.	4,951,971	167,785,138	33.87
Netherlands.....	1881	2.64	966,433	40,839,011	42.26
France.....	1882	2.5	3,991,412	213,003,320	53.51
Austria.....	1883	3	1,094,702	36,578,590	21.58
Sweden.....	1884	3.3	577,027	14,440,594	25.01
Hungary.....	1886	3	1,202,051	10,309,416	8.17
Russia.....	1889		1,163,310	77,043,466	66.23

Mr. Speaker, it is not alone the industrial classes and the wage-earners who desire the adoption by the Government of this most salutary system. I believe that if the facts were laid before the people at least 90 per cent of them would favor it. Do those gentlemen who oppose governmental control of savings banks understand that upward of 50,000,000 of people in the United States are without any well-regulated savings bank system? Think of it, gentlemen, 50,000,000 people denied the privilege of a protected banking system. And yet we boast of advanced American idea, advanced American statesmanship, and superior American everything else. And I am strongly inclined to the belief that we are superior to every other nation in all wise and beneficent enterprises save only in this one particular, and it is with a wish that we may be in the front in all things that I am advocating the adoption of the postal savings depositories, through the aid of which so much good can be accomplished by way of engendering a spirit of thrift in a large class of our people who do not now receive any

especial inducements to put aside for old age some portion of their earnings which are, thanks to the good laws heretofore placed upon our statute books, more than sufficient for the actual needs of life.

The adoption by this Government of a postal savings bank system has been strenuously advocated by some of our foremost public men for years. As early as 1871 Postmaster-General Cresswell, in recommending the establishment of postal telegraph and post-office savings banks, had this to say in his annual report for the year:

The Post-Office Department is now prepared to undertake the organization and management of the telegraph in connection with its other duties. Indeed I believe that the Department itself can aid materially in raising the money needed for the purchase through post-office savings banks, if Congress will authorize their establishment. The security of the Government being the best that could be obtained, many depositors would give it the preference over every other. By paying 4 per cent interest at the most on deposits a large fund could be readily accumulated and invested, under the direction of the Treasury Department, in the public securities. The proceeds of these investments could be used to reimburse the original purchase money and all other expenditures for construction and repairs.

To prove the feasibility of this plan, I recur to the history of the British office. Savings banks in connection with post-offices were established in Great Britain on the 10th of September, 1861, with a limitation in the law creating them that they should not pay exceeding 2½ per cent interest on deposits. The following table will show with what rapidity and to what extent they have been intrusted with the money of the people:

Period.	Number of post-office savings banks.	Number of deposits.	Amount of deposits.	Total sum standing to credit of post-office savings banks on books of national-debt commissioners at close of the year.	Balance in hands of post-master-general after allowing for charges of management at close of the year.	Total balance in hand applicable to payment of depositors at close of the year.
From Sept. 16, 1861, to Dec. 31, 1862.....	2,535	639,216	\$2,114,069	\$1,659,032	\$35,692	\$1,694,724
1863.....	2,991	842,848	2,651,200	3,328,182	44,413	3,372,595
1864.....	3,081	1,110,762	3,350,000	4,905,063	5,522	5,001,185
1865.....	3,321	1,302,300	3,719,017	6,582,329	4,327	6,586,656
1866.....	3,507	1,525,871	4,400,057	8,231,176	25,791	8,256,967
1867.....	3,629	1,592,344	4,643,906	9,867,703	47,690	9,915,393
1868.....	3,813	1,757,303	5,333,638	11,963,053	Nil.	11,899,400
1869.....	4,047	1,908,644	5,787,218	13,755,547	19,386	13,774,933
1870.....	4,082	2,135,993	5,905,121	15,305,040	158,888	15,463,928

The total amount in hand after ten years' operations, and for which the British Government pays only 2½ per cent interest, is \$15,463,928, or \$75,145,690—a much larger sum than will be required for the purchase and thorough repair of all the telegraphic lines in the United States.

In 1872 the same official, in renewing his recommendation for the establishment of postal savings banks, said:

Post-office savings banks have been in operation in the United Kingdom since the 10th of September, 1861, and have steadily grown in popular confidence and favor. During the year 1871 the number of depositors increased 120,000 and the amount of deposits nearly £2,000,000. The total number of depositors is now 2,362,621, and the total sum standing to the credit of the post-office £17,303,815, or about \$84,000,000. These figures show conclusively the utility of postal savings banks, and I renew my recommendation of last year for their establishment in this country.

Again, in 1873, Mr. Cresswell, in language forceful and convincing, urged the adoption of this system, but as his argument was somewhat lengthy I will not incorporate it in my remarks.

In 1880 Postmaster-General Maynard, in indorsing his predecessor, had this to say:

One of my predecessors some years since recommended the incorporation into the Department of a system of postal savings. The subject has from time to time occupied the attention of Congress. For several years the system has been in operation in the United Kingdom of Great Britain and Ireland and in Canada. When in London recently, Her Majesty's postmaster-general kindly gave me facilities for observing the management of his department. I learned that the postal savings system had been remarkably successful and had constantly grown in popular favor. As managed in that country, it is a source of some profit to the Government.

In this country I incline to the belief that the system would have advantages even greater than in a compact population like that of Great Britain.

Wealth, public and private, consists largely of the savings of production over consumption, small in detail, but enormous in the aggregate. In by far the larger portion of the United States there are no savings depositories, and are not likely to be. To the people of these parts the use of the post-office for this purpose would be a real boon. It would be an additional advantage that deposits would be available at any depository office in the United States, an important consideration with a people so migratory as ours. It is believed the system would interfere little with the business of the savings banks, but would absorb funds not now deposited in them. Nor would the patronage of the Government be sensibly increased, since the system would be operated by persons already in the public service, with no considerable addition to the number. Your attention and the attention of Congress is respectfully invited to it.



In 1881 Postmaster-General James said:

As early as 1871 a recommendation was made by one of my predecessors for the establishment of a system of savings depositories in connection with this Department, and in several subsequent annual reports this recommendation has been renewed.

December 18, 1873, "A bill to establish and maintain a national savings depository as a branch of the Post-Office Department" was introduced in the House of Representatives by Hon. Horace Maynard, of Tennessee. From time to time since that date the measure has occupied the attention of Congress, and many bills have been introduced, but without securing definite action.

A system of post-office savings banks went into operation in Great Britain September 16, 1861. At the close of its first complete year the number of open accounts was 178,495, and the amount standing to the credit of depositors was £1,698,221, being an average of £9 10s. 3d. to each account. Since that time the institution has grown rapidly in popular favor, and on the 31st of December, 1870, the number of outstanding accounts had risen to 1,988,477, and the amount of the credit of depositors to £32,012,134, an average of £16 1s. 11½d. to each. The interest paid to depositors is only 2½ per cent, a rate so low as practically to exclude the post-office savings banks from competition with other banking institutions, as the history of the rise and progress of savings institutions in Great Britain has demonstrated, the object of the Government being to offer to the depositor security rather than profitable investment for his earnings, and to promote frugality, steady habits, and consequent thrift among the laboring classes.

My predecessor, in his last annual report, said that in the larger portion of the United States there are no savings depositories, and are not likely to be; and he expressed the opinion that, to the people of these parts, the use of the post-office for this purpose would be a real boon. That it would be an advantage to the patrons of the institution, that deposits would be available at any depository post-office in the country, "an important consideration with a people so migratory as ours." He further expressed the belief that the system would interfere little with the business of the savings banks, but would rather absorb funds not now deposited in them. He thought that the patronage of the Government would not be sensibly increased, since the system would be conducted by persons already in the public service, with no considerable addition to their number.

In these views I concur. It is my earnest conviction that a system of this description, if adopted, would insure more than almost any other measure of public importance to the benefit of the working people of the United States, and I commend it to the favorable consideration of Congress.

Postmaster-General Howe repeated the recommendation in 1882, as did Postmaster-General Wanamaker in 1889, 1890, 1891, and 1892, and in 1897 Postmaster-General Gary, who had given exhaustive and most careful consideration to the subject, submitted in his report unanswerable reasons why this beneficent system should be established. Had I the time at my command I would have these several reports read from the Clerk's desk, as I regard them as most convincing and exhaustive. They should be studied by everyone who wishes to enter into the matter fully.

Postmaster-General Meyer, in his annual report dated November 30, 1907, made the following recommendation relative to the establishment of postal savings banks throughout the United States:

I earnestly recommend the establishment of postal savings banks:

First. In order to encourage among our people economy and thrift.

Second. In order to afford a place of deposit free from any possibility of doubt or suspicion for vast sums of money which might otherwise be hoarded and kept out of circulation through ignorance or lack of confidence.

Wherever it may be, this money has lost its proper functions and the business of the nation not only receives no benefit from it, but even the prosperity of the country suffers and may be eventually destroyed. Money deposited in postal savings banks would be absolutely safe, as the Government would be back of it.

More than seven millions of immigrants landed in this country during the past ten years, and it has been demonstrated that in the aggregate immense sums of money have been hoarded or sent away by these people. In many instances it has been found that, for want of postal savings banks, money orders are being bought, payable to the purchaser, good for one year.

During the fiscal year ended June 30, 1907, the Post-Office Department sent to European countries alone in the form of money orders \$72,111,748.94. Of this sum, \$18,986,519.61 went to Italy (representing 459,795 money orders, averaging \$41.29 each); \$16,363,991.66 to Austria-Hungary; \$11,582,028.54 to Great Britain, and \$7,250,853.69 to Russia. This money, while it was accumulating, would naturally have been placed for safety in the postal savings banks. In fact, it has been brought to my attention that money of the immigrants, on account of its possessors being ignorant of our language and suspicious of our private institutions, is being sent home in order that it may be placed in the postal savings banks of their native countries. It is believed that this would not be the case, in many instances, if we had postal savings banks in the United States.

The total amount of deposits in the savings banks of this country is \$3,690,078,945. Of this amount, \$1,394,296,034 is in the State of New York; \$1,229,701,214 is in the New England States, \$694,081,142 being deposited in the State of Massachusetts; \$282,508,956 is in the State of California; \$159,174,012 is in the State of Pennsylvania; \$194,668,858 is in the State of Illinois; \$135,370,436 is in the State of Iowa, and but \$294,359,435 in the rest of the United States.

From these figures it will be seen that 38 per cent is in New York State; 33 per cent is in the New England States, about 10 per cent being in Massachusetts; 7.66 per cent in California, 4 per cent in Pennsylvania, 5 per cent in Illinois, nearly 4 per cent in Iowa, and only about 7.98 per cent in all the remaining States.

It has been computed that in the New England States the post-office averages only about 15 miles from the savings bank, the distance in the Middle States averages 25 miles, in the Southern States 33 miles, and in the States west of the Rockies 55 miles. It is believed that postal savings banks would be a great accommodation and an incentive to the great mass of people who have not the proper facilities near their homes for placing their savings in safe-keeping.

From a study of the system which is working so satisfactorily in Canada it is believed that practically no additional clerk hire is required in the various post-offices, the entries being made by the money-order clerk. That the postal savings bank business can be handled with safety is best attested by the results in Canada, where in thirty-nine years \$465,000,000 have been received and disbursed, with a loss to the government of not more than \$25,000. The total deposits in postal savings banks there at present aggregate \$50,000,000.

It is recommended that the Postmaster-General be given authority to designate all money-order post-offices, and such other post-offices as may be deemed necessary, to receive deposits of money for savings; deposits to be accepted in even dollars, with \$1 as a minimum; postmasters to be required to receipt for such deposits in the pass books of the depositors and to make daily reports thereof to the Postmaster-General, who will acknowledge receipt of the deposits direct to the patrons; money deposited in the postal savings banks not to be liable to demand, seizure, or detention under legal processes against the depositor. Withdrawals may be made at any time, subject to certain regulations.

On deposits made in postal savings banks a rate of interest of 2 per cent per annum is suggested, the deposits to be limited to \$500 by any one person; any individual in the United States 10 years old or more to be permitted to open an account in his own name and deposit to his credit an amount not in excess of \$500. A child under 10 years of age to have an account opened in his name by a parent or guardian, but withdrawals are not to be made until the child attains the age of 10.

That the money deposited in the postal savings banks may return to the channels of trade, authority is asked to place it in the national banks which are Government depositories in the States where the money is deposited in the post-offices. In consultation with a number of presidents of national banks in various parts of the country I have been assured that on special deposits of this character from the Post-Office Department they would allow a rate of interest of 2½ per cent. As the Post-Office Department (Government) is a preferred creditor, it would not demand collateral from the banks in the way of bonds. There would be the safeguard of having the Comptroller of the Currency report regularly on the standing of the banks that are used as depositories, and the double liability of the stockholders of the national banks would be an additional assurance of the security of the deposits. Thus the principal object of the savings banks would be to encourage habits of economy, not only among our own men and women, as well as children of 10 years of age or over, who live in places remote from any bank, but also to encourage the foreign settler to deposit his earnings in this country, because after he had accumulated a few hundred dollars he would not be content to receive merely 2 per cent interest, but would possibly seek to purchase a home, and the moment he acquired real property here he would become a more conservative citizen, would be actively interested in the affairs of the nation, and, at the same time, would place himself and his dependents beyond the likelihood of becoming public charges. Should, however, his earnings remain in the postal savings banks the fact that he had an interest in the Government and something at stake would tend to make him a more desirable citizen.

President Roosevelt, desirous of securing legislation which he deemed of the greatest importance to the working people and the business interests of the country, said in his annual message to Congress on the first Monday of December, 1907:

#### POSTAL AFFAIRS.

I commend to the favorable consideration of the Congress a postal savings bank system, as recommended by the Postmaster-General. The primary object is to encourage among our people economy and thrift, and by the use of postal savings banks to give them an opportunity to husband their resources, particularly those who have not the facilities at hand for depositing their money in savings banks. Viewed, however, from the experience of the past few weeks, it is evident that the advantages of such an institution are still more far-reaching. Timid depositors have withdrawn their savings for the time being from national banks, trust companies, and savings banks; individuals have hoarded their cash and the workmen their earnings; all of which money has been withheld and kept in hiding or in the safe-deposit box, to the detriment of prosperity. Through the agency of the postal savings banks such money would be restored to the channels of trade, to the mutual benefit of capital and labor.

Now, Mr. Speaker, believing, as I do, that the recommendations of the President and Postmasters-General are sound and logical, it is difficult for me to understand why no action has been taken by Congress to adopt this scheme by providing by law for its application. It can not truthfully be said that the system if adopted will be unproductive of good results, for the benefits derived in every country where it exists have been great and lasting. Thrift, intelligent and earnest, has superseded ignorant waste. The people are rapidly becoming self-supporting. Loyalty and patriotism have been stimulated and the nations adopting it have in no way become embarrassed or impaired.

No one can deny that patriotism and thrift will be increased by a governmental assurance of protection of the earnings of the poor. No one will deny the fact that by the adoption of this system millions of people in those sections of our country where no safe banking facilities are afforded will be benefited almost beyond measure. No one can deny that it will put into circulation millions upon millions of money now secreted between walls, under carpets, in stockings and belts, and in innumerable other unsafe hiding places. No one will contend that the depositors in these banks will be less interested in the welfare and prosperity of their Government than they now are. On the contrary, everybody must admit that the depositors will immediately become more directly interested in the success of every honorable undertaking by their Government, in the welfare of which they are now so deeply concerned.

Mr. Speaker, this is no charity scheme, but a safe, sure, and sound business proposition. It is safe and sound because it has

withstood, uninjured, panics and financial crises which have ruined many banks not enjoying the confidence of depositors which Government protection alone can give to such institutions. It is a business proposition, because it will afford a reserve which can be relied upon in times of financial disaster.

The establishment of these banks by England has been extensively followed. I hold in my hand a tabular statement

which I have taken from the journal of the Canadian Bankers' Association, published in 1897, and which gives the date of institution in each country and shows the amount of business done. This table does not, I am sorry to say, show business done by the postal savings banks of Russia, Japan, or the Hawaiian Islands, where banks of this character were then in operation. The table is as follows:

Post-office savings banks during year 1892.

Country, year beginning—	Number of offices open.	Deposits.			Withdrawals.		
		Number.	Amount.	Average amount.	Number.	Amount.	Average amount.
Austria, 1883.....	4,917	1,452,644	2,581,875	£ s. d. 1 15 6	513,469	2,300,325	£ s. d. 4 5 9
Belgium, 1870.....	* 785	1,593,960	6,810,122	4 5 5	482,517	6,462,973	13 7 10
France, 1882.....	7,061	2,499,329	15,523,524	6 4 2	1,082,296	11,780,878	10 17 8
Hungary, 1880.....	3,895	526,532	758,173	1 8 9	192,832	613,152	3 3 7
Italy, 1876 *.....	4,594	2,196,085	8,457,178	3 17 0	1,445,384	8,047,384	5 11 3
Sweden, 1884.....	2,038	316,972	426,120	1 6 10	72,662	280,339	8 17 1
The Netherlands, 1881.....	1,235	617,835	1,280,815	2 1 6	230,538	1,039,383	4 10 1
The United Kingdom, 1861.....	10,519	9,478,389	22,845,081	2 8 2	3,335,068	20,346,217	6 2 0
British Guiana.....		5,558	12,493	2 4 11	3,443	9,898	2 17 3
Canada, 1868 *.....	673	148,898	1,541,777	10 7 1	73,361	1,326,315	18 1 7
Cape of Good Hope, 1884 *.....	197	68,047	848,971	12 9 6	23,806	678,882	28 10 3
New South Wales, 1871.....	450	278,578	1,680,197	5 17 0	156,157	1,511,355	9 13 7
New Zealand, 1867.....	320	186,945	1,878,270	10 0 11	120,028	1,821,348	15 2 0
Queensland.....	123	95,054	865,879	0 2 2	58,006	878,804	14 19 10
South Australia *.....	134	157,187	1,372,215	8 14 7	116,896	1,349,896	11 10 11
Tasmania, 1882.....	127	11,220	78,863	6 12 3	6,813	79,363	11 12 11
Victoria, 1865 *.....	370	197,753	1,269,278	6 8 4	120,889	1,255,401	10 7 8

Country, year beginning—	Accounts.			Amount due to depositors.		Proportion to 1,000 population.			
	Opened.	Closed.	Open at end of year.	At end of year.	Average amount due per account.	1892.		1897.	
						Amount due.	Open accounts.	Amount due.	Open accounts.
Austria, 1883.....	189,514	93,783	913,447	2,933,522	£ s. d. 3 4 4	122 16	38	55 6	26
Belgium, 1870.....	156,406	86,593	864,290	12,502,582	15 12 7	2,198 6	141	1,532 5	91
France, 1882.....	486,737	246,806	1,973,693	24,654,537	12 9 9	547 17	43	203 19	22
Hungary, 1880.....	73,591	52,921	211,330	741,814	8 10 2	41 13	12	12 14	5
Italy, 1876 *.....	329,263	143,229	2,312,323	13,347,359	5 15 5	442 11	76	337 15	6
Sweden, 1884.....	45,417	16,656	300,229	1,077,810	8 11 9	223 0	62	35 0	32
The Netherlands, 1881.....	61,257	21,830	358,483	2,290,842	6 8 0	497 3	77	817 3	39
The United Kingdom, 1861.....	1,006,022	702,701	5,452,813	75,854,079	13 18 3	2,002 8	144	1,458 15	107
British Guiana.....	9,859	776	5,255	12,028	5 6 8				
Canada, 1868 *.....	29,502	26,032	114,275	4,830,638	42 5 5	999 11	23		
Cape of Good Hope, 1884 *.....	9,880	5,805	31,275	879,975	28 0 9				
New South Wales, 1871.....	30,721	32,573	101,938	2,354,053	23 3 1	1,935 11	84	1,439 13	61
New Zealand, 1867.....	26,232	19,171	112,523	2,868,070	25 9 0	4,404 0	131	3,124 4	138
Queensland.....	15,762	14,923	47,093	1,708,206	36 5 6	4,055 16	111	4,416 18	123
South Australia *.....	9,388	6,638	81,547	2,326,730	28 10 8	6,920 9	242	5,126 19	189
Tasmania, 1882.....	2,252	2,167	4,738	83,522	17 11 9	545 7	81	822 17	21
Victoria, 1865 *.....	25,820	22,469	107,672	2,083,202	19 6 11	1,826 14	94	1,357 8	80

\* In addition to 785 post-offices the bank has other agencies.

\* For year ended December 31, 1891.

\* For year ended June 30, 1893.

\* For year ended June 30, 1892.

The following is a statement showing the amount of business done by the post-office savings bank, Canada, year by year, from April 1 to June 30, 1896:

Year.	Average amount of each withdrawal during period.	Number of accounts opened during period.	Number of depositors' accounts transferred from Dominion Government Savings Bank during period.	Number of accounts closed during period.	Number of accounts remaining open at close of period.	Cost of maintaining the post-office savings bank.					Total amount standing to the credit of all open accounts, inclusive of interest allowed, at close of period.	Average amount standing to credit of each open account at close of period.
						Total expenses of management, including salaries, compensation to postmasters, inspection, printing, stationery, etc.	Average cost of each transaction, viz., of each deposit or withdrawal.	Percentage of cost of management to balance due to depositors.	Losses sustained.	Interest allowed to depositors.		
1868.....	\$53.35	2,146		44	2,102	\$8,389.43	\$0.234	0.67		\$559.37	\$204,883.89	\$97.33
1869.....	61.00	6,429		1,312	7,212	5,908.14				21,094.72	856,814.26	118.80
1870.....	70.11	7,823		2,857	12,178	8,128.12	.205	.51		48,680.08	1,588,848.83	130.41
1871.....	72.10	9,424		4,449	17,153	11,108.40	.20	.44		84,273.66	2,497,259.05	145.59
1872.....	81.33	10,846		6,940	31,059	12,242.34	.201	.39		116,174.55	3,086,500.01	147.04
1873.....	86.91	11,905		9,528	23,526	15,098.78	.227	.47		126,932.88	3,207,051.37	138.32
1874.....	89.04	12,048		10,606	24,908	14,442.71	.227	.45		139,273.31	3,204,365.46	130.44
1875.....	82.88	10,516		11,190	24,294	12,539.59	.187	.42		120,758.06	2,926,080.48	112.87
1876.....	77.11	10,218		10,097	24,415	14,662.14	.237	.53		110,116.08	2,740,952.59	109.60
1877.....	70.49	8,971		9,312	34,074	15,149.13	.203	.57		104,067.89	2,639,937.47	107.87
1878.....	70.55	10,058		8,597	25,585	15,286.08	.25	.56		108,834.39	2,754,484.03	113.14
1879.....	66.07	10,755		8,845	27,445	16,100.03	.245	.51	\$0.126.67	110,912.96	2,105,190.80	113.14
1880.....	69.89	14,407		10,487	31,866	19,134.14	.228	.49		126,075.47	3,946,089.11	125.89
1881.....	73.56	18,731		10,491	39,605	22,224.90	.222	.47		184,904.81	6,208,226.77	156.75
1882.....	96.58	25,778		13,920	51,468	29,245.68	.202	.39	\$91.00	291,065.07	9,473,661.53	184.06
1883.....	104.55	27,127		17,531	61,059	34,168.96	.206	.36		407,305.17	11,076,237.81	196.13
1884.....	100.84	26,562		20,939	66,682	34,168.96	.203	.36		477,487.46	13,245,562.64	196.63
1885.....	97.01	27,591		20,951	73,822	37,751.23	.210	.34		539,560.51	15,090,540.31	205.81
1886.....	99.40	29,100		21,555	80,870	41,358.11	.210	.34	\$41.49	607,075.38	17,159,372.09	212.18
1887.....	100.62	31,874		22,585	90,159	44,354.46	.207	.34	150.00	695,404.57	19,497,750.15	216.26
1888.....	96.05	37,515		22,704	101,696	44,354.46	.207	.34		765,680.15	20,689,032.62	208.44
1889.....	89.06	38,049	2,062	29,581	118,129	41,358.11	.207	.34		\$41,821.71	29,011,422.57	208.41
1890.....	95.12	32,127	670	38,409	112,321	61,132.07	.208	.33	\$3,653.37	736,875.37	21,990,653.49	196.78
1891.....	92.67	29,791	1,124	32,006	111,230	60,193.65	.259	.27	\$200.00	734,330.89	21,788,648.09	196.44
1892.....	98.44	28,943		29,808	110,805	67,061.49	.257	.26		734,590.70	22,298,401.65	201.24
1893.....	90.39	29,502		26,083	114,275	67,443.24	.258	.25		777,482.98	24,153,193.60	211.36
1894.....	87.98	29,116		27,033	117,090	66,611.98	.245	.23		835,900.34	25,267,868.14	215.84
1895.....	85.41	27,096		26,037	130,628	67,116.82	.249	.22		876,049.07	26,805,542.47	222.22
1896.....	84.91	30,100		26,245	139,442	68,840.29	.24	.21		944,524.73	28,932,329.68	228.82

\* These losses were the result of frauds committed at post-offices.

SAVINGS BANK BRANCH, POST-OFFICE DEPARTMENT, OTTAWA, July, 1896.

DAVID MATHESON, Superintendent.



Period	Number of post-office savings banks at close of period.	Number of deposits received during period.	Total amount of deposits received during period.	Average amount of each deposit received during period.	Amount of depositors' accounts transferred from Dominion Government savings bank during period.	Number of withdrawals during period.	Total amount withdrawn during period.
Three months ended June 30, 1868.	81	3,247	\$212,507	\$65.44		166	\$6,857.48
Year ended June 30—							
1869	213	16,653	927,885	55.71		4,787	296,754.35
1870	226	24,994	1,347,901	58.93		9,478	664,555.51
1871	230	33,256	1,917,576	67.66		16,148	1,093,438.86
1872	235	39,489	2,261,631	67.27		20,154	1,778,565.19
1873	239	44,413	2,306,918	61.94		28,800	2,323,299.32
1874	266	45,329	2,340,284	61.63		25,814	2,468,643.42
1875	268	42,508	1,942,346	45.60		25,964	2,341,979.04
1876	279	38,647	1,726,204	44.06		24,152	2,021,457.97
1877	287	36,126	1,521,000	42.10		22,484	1,726,082.98
1878	295	40,097	1,724,371	43.00		21,944	1,713,658.73
1879	297	43,349	1,973,243	45.62		23,226	1,733,448.79
1880	297	56,081	2,720,216	48.55		26,716	2,015,813.16
1881	304	71,747	4,175,042	58.19		28,510	2,097,389.15
1882	308	97,380	6,435,989	66.00		25,829	3,461,619.31
1883	330	109,469	6,836,266	62.35		45,253	4,730,905.39
1884	343	109,388	6,441,459	58.88		56,026	5,649,611.13
1885	355	116,576	7,008,459	60.80		59,714	5,703,031.84
1886	392	126,322	7,645,227	60.52		62,205	6,188,470.60
1887	415	143,076	8,272,041	57.81		65,833	6,026,067.51
1888	433	155,078	7,722,330	49.51	\$217,385.10	78,229	7,514,071.78
1889	463	166,235	7,926,634	47.67	1,085,979.72	84,572	7,532,145.56
1890	494	154,678	6,599,896	42.67	167,501.53	90,151	8,575,041.08
1891	634	147,672	6,500,372	44.02	389,169.28	84,963	7,875,977.67
1892	642	145,423	7,056,002	48.52		77,381	7,230,839.14
1893	673	148,868	7,708,888	51.73		73,361	6,631,578.97
1894	690	145,960	7,524,286	51.55	218,173.60	84,941	7,473,585.46
1895	731	143,685	7,488,028	52.11	493,899.23	83,588	7,310,291.97
1896	755	155,368	8,138,947	52.37	449,081.61	87,221	7,406,006.13

By a glance at these tables anyone can see that postal savings banks are wise, beneficent, and profitable institutions. They not only inculcate ideas of thrift and economy among the poorer classes, but yield to the governments adopting them handsome profits. Their only aggressive opponents are found among private banks that are similarly engaged. Very few newspapers oppose their adoption, and wage-earners, men engaged in agricultural pursuits, and 95 per cent of all other classes of citizens earnestly favor them. Even bank associations in our larger cities interpose no objection to these governmental depositories. They look upon them as a means through which ordinary banking may be made to yield greater profit.

Bank presidents know that in no way could they secure for their individual banks the aggregate sum of such small deposits as would be drawn from their immediate localities by the postal savings banks system. They do not enjoy any appreciable part of it now, notwithstanding the high rate of interest they offer. They know, however, that the country at large would receive the benefit of the circulation of such deposits if they could be attracted to and disbursed from some central depository, and that the benefits ordinary banks would derive from such a vast circulation of money would increase their business far beyond the present limits. They know that these depositories would aid rather than hinder their business, because the low rate of interest paid by the Government would render them unable to compete for business such as savings banks proper now enjoy. This for years has been the experience of countries where postal savings banks are in operation.

For the information of those persons who contend, however, that the adoption by the Government of these banks would necessarily interfere with banks of a private nature, I want to inform them that the business of private banks in foreign countries has steadily increased, and that the deposits in those banks have multiplied wondrously since their adoption.

The postal savings banks and the private savings banks do not serve or benefit the same class of customers. Private banks depend largely upon depositors of considerable means, while postal savings banks number their depositors among the poorer classes, such as clerks, miners, laborers, and so forth.

It is interesting to note, Mr. Speaker, that deposits in foreign savings depositories are exceedingly small. In 1895, in Austria, 30 per cent were for 20 cents, 23 per cent between 20 cents and \$1; in Canada, 37 per cent were below \$10, and in the Netherlands 43 per cent were less than \$4.

In most cases the accounts are comparatively small. In Belgium 60 per cent are less than \$20; in France, 36 per cent \$4; in Victoria, 45 per cent \$5.

It is also a most interesting and significant fact that a very large per cent of these depositors are minor children. In Austria, in 1895, 54 per cent of the depositors were under 20 years of age.

Are the above figures calculated to frighten men engaged in private banking enterprises? I undertake to say that not 5 per

cent of all the money deposited in postal savings banks would ever have been placed for safe-keeping in private banking institutions. Such institutions could not have supplied the means for its collection. Even our great national banks, aided as they are by the Government, have not been able to supply the conveniences made necessary by the growth of our country, while the smallest hamlet in countries where this system has been adopted is afforded the same facilities depositors in large cities enjoy.

Now, Mr. Speaker, if by proper legislation some means could be secured whereby savings depositories could be established for the people of the country who do not now enjoy adequate means for the deposit and safe-keeping of their earnings. I believe a spirit of patriotism would be engendered such as nothing short of an attack by a foreign enemy upon our flag could produce. Not only would patriotism be engendered, but the vast sums of money which would surely flow into Government depositories would insure the nation against panics, hard times, and financial crises.

I have no patience with those easily excited financiers who contend that suitable investments could not be found for such a vast amount of money. Splendid investments, which would for years afford ample security, present themselves on every hand. The public debt; Government bonds, a sale of which has been made necessary on account of the building of the Panama Canal; municipal bonds and State bonds are some investments which, when approved by the Government, are available, safe, and sound.

Since money is being procured by the issuance of bonds for the completion of the canal, why not let the people purchase the bonds? They need the interest money much more than it is needed in Wall street.

Mr. Speaker, the bill (H. R. 311) introduced by myself, and which is now before the Committee on the Post-Office and Post-Roads, will, I believe, if enacted into law, provide the means necessary for putting this commendable scheme into operation, and I most respectfully recommend it to the favorable consideration of the House. It is as follows:

A bill to establish a postal savings bank system and to provide for the conduct and regulation of the same. Introduced by Mr. MADSEN and referred to the Committee on the Post-Office and Post-Roads.

#### IN CONTROL OF THE POSTMASTER-GENERAL.

Be it enacted, etc., That in order to make the Post-Office Department available for the protection of small savings, with the pledge of the National Government for the due repayment of the same, there is hereby established a postal savings bank system, with a central bank and branch banks, under the direction and supervision of the Postmaster-General. There shall be established at the seat of Government, as a branch of the Post-Office Department, a chief office, to be known as the "central bank." And the Postmaster-General is hereby authorized to designate such money-order post-offices as he may select for that purpose as branch postal savings banks, to receive small deposits and repay the same, subject to regulations made by him in conformity with the provisions of this act. The system provided for in this act shall be known as the "postal savings bank system," and the moneys received by, transferred to, or in any way appertaining to

said bank as "postal savings funds," which moneys shall be deemed and taken to be public moneys, and moneys in the Treasury of the United States.

#### DEPOSITORS AND LIMIT OF DEPOSITS.

SEC. 2. That any person may become a depositor under this act. Married women may make deposits, and control the same as if they were male adults. Holders of trust funds may deposit the same as trustees. No deposit for a less amount than \$1 shall be received, and all deposits of more than \$1 shall be in multiples of \$1. The deposits of any one individual, provided for in this act, shall not exceed \$300 in any one year, and when the amount of deposits standing to the credit of a depositor shall exceed \$1,000, no interest shall accrue on the sum in excess of said \$1,000.

#### RECORD OF DEPOSITS.

SEC. 3. That every deposit received by any postmaster designated for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by the postmaster and by the dated stamp of his office; and the amount of such deposit shall, upon the day of such receipt, be reported by such postmaster to the Postmaster-General, and the acknowledgment of the Postmaster-General signified by the officer whom he shall designate for that purpose shall be forthwith transmitted to the depositor, and it shall be the duty of every depositor to see that he receives such acknowledgment. If he does not receive the acknowledgment within twenty days of the time of making his deposit with the postmaster, it shall be the duty of the depositor to notify the Postmaster-General of such fact and to demand from the Postmaster-General the acknowledgment due him.

#### POSTAL SAVINGS STAMPS.

SEC. 4. That the Postmaster-General shall furnish and keep for sale at branch postal savings bank offices adhesive savings stamps of the denominations of 5 cents and 10 cents, to be known as "postal savings stamps," and shall also furnish for the use of purchasers of such stamps cards upon which stamps when sold shall be affixed, said cards to be known as "postal savings cards." Postal savings cards with stamps affixed to the amount of \$1 shall be received by postmasters as deposits of \$1. The Postmaster-General shall provide, by regulation, for the redemption and cancellation of postal savings stamps of \$1 or less in amount when properly affixed to postal savings cards. In no case shall ordinary postage stamps be used as postal savings stamps.

#### REPAYMENT OF DEPOSITS.

SEC. 5. That on demand of a depositor or person legally authorized to claim on account of a depositor, made in such form as prescribed for repayment of deposits or any part thereof, the authority of the Postmaster-General for such repayment shall be transmitted to the depositor forthwith; and the depositor shall be absolutely entitled to receive such sum with the least possible delay after making demand at the post-office.

#### INTEREST ON DEPOSITS.

SEC. 6. That interest shall be paid on deposits at the rate of 2 per cent per annum, which said interest shall begin the first day of the calendar month following the date of deposit, and shall cease on the last day of the calendar month preceding the date of withdrawal. Interest accrued shall be added to principal on the 30th day of June of each year. No interest shall be computed on any fractional part of a dollar standing to the credit of a depositor.

#### EXAMINATION OF PASS BOOKS.

SEC. 7. That every depositor shall forward his pass book to the Postmaster-General in an envelope which will be furnished him at the post-office for that purpose, once in each year, namely, on the anniversary of the day on which his first deposit was made, for examination and for entry of interest standing to his credit.

#### DEPOSIT OF FUNDS.

SEC. 8. That the Postmaster-General shall cause to be deposited with the Treasurer of the United States, or with an assistant treasurer of the United States, or with a national bank designated as a depository of public moneys under the provisions of section 5153, Revised Statutes, or with such post-offices of the first and second classes as he may have designated as depositories of postal savings funds to the credit of said Treasurer, all postal savings funds, except money necessarily held in reserve to pay withdrawals and to meet the current expenses of the business; and the said Treasurer shall cause an account to be opened with the Postmaster-General to be called the "Postal savings bank account," upon which shall be credited all funds received from or on account of said bank; and sums transferred to postmasters by draft of the Postmaster-General upon said Treasurer, to meet the withdrawal demands of depositors or the current expenses of the business, shall be charged to said account; and at the close of each calendar month the Secretary of the Treasury shall transmit to the Postmaster-General a summary of said account for such month and of all transactions by his Department under the operation of this act.

#### INVESTMENT OF FUNDS.

SEC. 9. That it shall be the duty of the Secretary of the Treasury to invest in interest-bearing bonds of the United States, or in bonds the principal and interest of which is guaranteed by the United States, funds arising from the operation of this act in excess of what shall be deemed by the Postmaster-General necessary to keep on hand as reserve for redemption purposes and for expenses of administering this act. Whenever it may be found impracticable to secure United States bonds, the Secretary of the Treasury may, in his discretion, invest such funds in State bonds and in the bonds of municipalities and counties in the United States, subject to the restrictions hereinafter provided:

#### STATE GUARANTEE OF BONDS.

First. The Secretary of the Treasury may invest such funds in State bonds and in the bonds of municipalities and counties guaranteed by the State in which such municipalities and counties are located. If, for any reason, any State shall fail to make payment of principal or interest on bonds in which postal savings bank funds are invested, or shall fail to make good its guaranty of municipal or county bonds, the Postmaster-General shall refuse to receive deposits at branch postal savings banks within that State, and shall also refuse to pay interest on deposits standing to the credit of depositors at savings bank offices within that State accruing from and after the date he shall have set for refusal to accept any further deposits at branch postal savings banks in said State.

#### BONDS APPROVED BY A COMMISSION.

Second. Without such State guaranty, the Secretary of the Treasury may, in his discretion, invest said funds in the bonds of municipalities having not less than 20,000 inhabitants, according to the

last preceding decennial census of the United States, or in the bonds of counties having not less than 40,000 inhabitants, according to the last preceding decennial census: *Provided*, That the total bonded indebtedness of such municipalities or counties in whose bonds investment is made is not in excess of 5 per cent of the taxable valuation in such municipalities or counties: *Provided further*, That in all cases of investment in municipal or county bonds, without State guaranty, the bonds in which investment is made shall be approved by a commission composed of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General as safe and secure investments.

#### LIMIT OF INVESTMENT.

Third. *Provided further*, That in no case shall the amount invested in State bonds, and the bonds of municipalities and counties of any State, exceed twice the amount of deposits standing to the credit of depositors in that State.

#### GUARDING NAMES OF DEPOSITORS.

SEC. 10. That the postmasters and other officers, engaged in the receipt or repayments of deposits, shall not disclose the name of any depositor or the amount of his deposit or withdrawal, except to the Postmaster-General, or to such of his officers as are appointed to assist in carrying into operation the provisions of this act.

#### NOT LIABLE TO SEIZURE.

SEC. 11. That no sum of money deposited under this act shall, at any time, be liable to demand, seizure, or detention under any legal process against the depositor. Deposits and pass books shall not be transferable. Money deposited under this act shall not be subject to taxation by the United States or by any State.

#### POSTMASTER'S BOND.

SEC. 12. That the Postmaster-General may, in his discretion, require an additional bond of any postmaster whose office is designated as a branch postal savings bank office.

#### ADMINISTRATION OF THE ACT.

SEC. 13. That the Postmaster-General and the Secretary of the Treasury, respectively, shall designate such officers and subdivisions of their Departments to take charge of business in connection with the postal savings bank as may be necessary. If the business of the postal savings bank shall require it, the Postmaster-General may appoint, subject to provisions of existing law, a "general superintendent of the postal savings bank," whose compensation shall be the same as that of the superintendent of the money-order system; and whenever the business of said bank may require their services, he may appoint any additional assistance necessary. Likewise the Secretary of the Treasury may, when in his opinion necessary for the keeping and settling of accounts of the postal savings bank, appoint in the office of the Auditor for the Post-Office Department the requisite clerks, and to provide for the compensation of said superintendent, clerks, etc., for the fiscal year, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money not otherwise appropriated. The Postmaster-General may provide for such clerical service in branch postal savings banks at post-offices of the first and second classes as may be necessary, in accordance with the provisions of existing laws applicable to the money-order system. At post-offices of the third and fourth classes, the compensation for work in connection with the savings-bank service may be such as the Postmaster-General shall, by general regulation, determine. The Postmaster-General shall cause to be paid out of the proceeds of the postal savings bank business the expenses of administration, including the cost of books, blanks, stationery, stamps, and printing. The provisions of the act regarding blanks, blank books, and printed matter of the money-order service shall apply in carrying out the provisions of this act. For the preliminary expense of putting this act into operation and for meeting any deficit that may arise during the first year, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

#### MAKING RULES AND REGULATIONS.

SEC. 14. That the Postmaster-General shall make the necessary rules and regulations for carrying into effect this act, including regulations regarding deposits by children under the age of 12 years and by trustees, and the final disposition of deposits of deceased persons, and such regulations shall be binding on all persons to the same extent as if they formed a part of this act; and the Postmaster-General may, from time to time, as may be found necessary to secure the best administration of this act, change such regulations; and the Postmaster-General shall transmit to Congress on the first day of each session a copy of all regulations made and in force and of all changes made subsequent to his last report, and the reason for such changes.

#### MONTHLY AND ANNUAL REPORTS.

SEC. 15. That the Postmaster-General shall, as soon as practicable after the close of each month, make a report of all moneys received and paid during such month and the total amount of deposits at the end of such month, and such report shall be given publicity as soon after the close of the month as is practicable. The Postmaster-General shall make an annual report showing the amount of deposits received, the amount repaid to depositors, and the total amount due depositors for each year ending June 30; also of all expenses incurred and such other particulars and recommendations as he shall deem necessary. Such annual report shall be transmitted to Congress upon the first day of each regular session.

#### PUNISHMENT FOR CRIMES AND MISDEMEANORS.

SEC. 16. That all statutes and parts of statutes now in existence of which may hereafter be enacted, defining crimes and misdemeanors in the postal service, whether as burglary, larceny, embezzlement, forgery, counterfeiting, or misappropriation of funds, postal, money order, or otherwise, and providing punishment therefor, be, and the same are hereby, extended and in all respects made applicable to the commission of and punishment therefor of all such crimes and misdemeanors in connection with the postal savings bank system or in connection with postal savings funds or any funds that may arise or be received under the provisions of this act.

#### PUTTING ACT INTO EFFECT.

SEC. 17. This act shall take effect and the system herein provided for shall go into operation at such time, within six months after its passage, as the Postmaster-General shall designate.

Mr. VREELAND. I now yield five minutes to the gentleman from Illinois [Mr. McKINNEY].



Mr. McKINNEY. Mr. Speaker, when this Congress convened in December there was no subject being so seriously considered by the American people as that of currency legislation. From all over the country came the demand for remedial legislation that would prevent the recurrence of the troubles which beset us last fall. The cry was not from the bankers alone, but from the manufacturers, the merchants, the farmers, and the men whose ability to labor with their hands is their only capital. All were affected by the financial depression, and all were eager for relief and desirous that it should come as soon as possible.

The demand made of Congress was for action—for action now, at this session, and not, as has been argued by the gentleman from Connecticut [Mr. HILL] and the gentleman from New Jersey [Mr. FOWLER], that it would be time enough to consider the subject at the coming session, through the operation of a commission, as there was no impending danger threatening the country. I have always admired the temerity, but not the judgment, of the weather prognosticators who predict twelve months ahead just what weather conditions will be each day during the coming year.

The people demand action now, that we may not be subjected during the coming autumn to other troubles which legislation enacted at this session would prevent. I feel that I am warranted in saying that I have received more letters from my constituents and others throughout the country relating to the subject of currency legislation than upon any other during this session. The letters earnestly advocated immediate action by Congress and set forth the needs of such prompt consideration. To each of these communications I have replied that I agreed with the writer as to the importance of present action and that, so far as I was able, I would assist in bringing it about. I meant what I said when I wrote those letters, and I favor the enactment of a currency bill at this session, provided it promises to be remedial.

President Roosevelt fully appreciates the necessity for immediate action and emphasized the need by referring to the subject in several of his messages to Congress during the months we have been in session. In his message at the beginning of the session he used the following words, referring in his first sentence to his message of the previous year:

I again urge on the Congress the need of immediate attention to this matter. We need a greater elasticity in our currency, provided, of course, that we recognize the even greater need of a safe and secure currency. There must always be the most rigid examination by the national authorities. Provision should be made for an emergency currency. The emergency issue should, of course, be made with an effective guaranty and upon conditions carefully prescribed by the Government. Such emergency issue must be based on adequate securities approved by the Government, and must be issued under a heavy tax. This would permit currency being issued when the demand for it was urgent, while securing its retirement as the demand fell off.

In his special message of March 25 the President says:

The question of financial legislation is now receiving such attention in both Houses that we have a right to expect action before the close of the session. It is urgently necessary that there should be such action.

Again, in the special message of April 27 the President uses these words:

Apparently there is good ground to hope that financial legislation will be enacted providing for temporary measures for meeting any trouble that may arise in the next year or two, and for a commission of experts who shall thoroughly investigate the whole matter, both here and in the great commercial countries abroad, so as to be able to recommend legislation which will put our financial system on an efficient and permanent basis.

So the people had a right to expect that a Republican Congress would enact legislation upon this very important subject along the lines of their demand.

As a member of the Banking and Currency Committee of the House, I wish to corroborate what has just been stated by the gentleman from New Jersey, the chairman of the committee [Mr. FOWLER]. He said:

No committee in this House has worked harder during this session to secure a currency measure.

In view of the barrenness of results, he should have added, "Nor argued more extensively nor talked longer than our committee, but we have accomplished nothing."

Now, then, under such circumstances, I do not feel insulted as a member of the Banking and Currency Committee when, under the rule just adopted by this House and for which I voted, this bill is taken out of the hands of our committee and will now receive attention and consideration from the Members of the House which it could not otherwise have secured.

I am for the Vreeland bill; not that it is a perfect bill, not that it can not be improved upon, and perhaps will be improved upon at a coming session, but because I believe it will afford relief during the time that will intervene between the end of this session and the beginning of the next one.

The present abundance of money offers no excuse for failure to provide for a possible emergency. While there are no signs

of trouble ahead, a cloud sometimes appears in a clear sky, and it is a wise man who prepares in advance for the day of trial. The New York banks now hold about \$64,000,000 in surplus reserve. The great volume of money now congested there may, and probably will, be dispersed as rapidly as it was accumulated, when crop-moving time arrives, and then may come great need of the help this measure would afford.

In taking up the subject of currency legislation we were assured of two things, namely, Democratic opposition and failure to please all Republicans in every clause of the bill. The history of all legislation is a record of compromises and concessions, and if we were to remain in session until the wish of every Republican was fully complied with, Gabriel's trumpet would find us still at an uncompleted task.

As you all know, I introduced a currency bill at the beginning of this session which was largely approved by the business interests of the country, and that would, in my opinion, if adopted, have safeguarded alike the interests of the banker, the business man, and the wage-earner. Other measures of more or less merit have been introduced and all have had their supporters. But when the Republican Members of the House, in conference assembled, by a large majority indorsed the plan set forth in the Vreeland bill, I have felt justified in supporting it myself, because it is the only feasible and workable measure that now has a show of adoption at this session.

The provisions of the Vreeland bill as regards the safety of the bank notes issued under it are, as a leading business man recently told me, "ridiculously strong." There is absolutely no possibility of loss on any of its issues.

It is essentially an emergency measure, and will only be called into operation in case of need. Ordinarily, national-bank notes secured by Government bonds, as they may be expanded and contracted to a limited degree, will be relied upon for our currency supply. Such notes have carried us safely for forty-five years without the loss of a dollar on any note issued. The emergency currency now being provided for will afford a supplemental assistance which, in times of crises or currency shortage, may safely be relied upon for additional relief.

As a chain is no stronger than its weakest link, so a law must be carefully scrutinized to see that all its parts measure up to the standard that is expected of it. So the Vreeland bill must be studied. And, in my opinion, the more the bill is studied the better will be the impression gained of it.

It is not my purpose to go into an exhaustive review of the measure. Currency legislation has been so long before this Congress, and there has been so much debate upon it, that every Member is well informed upon the subject. However, you will pardon me if I call particular attention to some of the more important features.

During the flurry last fall the clearing-house plan for an emergency currency was put into operation in most of the financial and manufacturing centers of the country. How well the plan worked in actual practice is shown by the success that was had in meeting the sudden crisis that came upon us. Not a dollar of the clearing-house money issued in any city was repudiated, and when the crisis was passed it was quickly withdrawn from circulation.

The Vreeland bill legalizes what is called "national clearing houses," and defines the scope of their operation. The associations provided for in the Vreeland bill are under governmental supervision, and are hedged about with regulations that add to their strength and to uniformity of action. Behind every dollar that may be issued will be solid, substantial security, and in addition thereto, a reserve against notes in circulation and the joint and several guaranty of every bank in the proposed clearing-house association.

Not less than ten banks, all in contiguous territory, with an aggregate capital and surplus of not less than \$5,000,000 can form such an association. The association being formed, any bank belonging to it can at any time secure additional circulation by depositing with the clearing-house association securities, including commercial paper that may be approved by the association, upon which national-bank notes to an amount not exceeding 75 per cent of the face value of such securities may be issued. Before the bank can take out this additional circulation it must have circulating notes outstanding, secured by the deposit of Government bonds, to an amount not less than 40 per cent of its capital stock, and must have its capital and a surplus of not less than 20 per cent unimpaired. Not more than the amount of the unimpaired capital and surplus of any bank can be taken out in notes, and this includes the Government bond-secured issue.

Each and every bank in an association is liable in all its assets to the United States for every dollar of the emergency currency issued by its clearing-house association.

Again, the bill provides that all the States shall have their proportionate share of the \$500,000,000 which is made the limit of the issue. This provision does away with any claim that the bill favors one section above another.

A permanent "inflation," so-called, is not possible under this bill, for the high tax on such emergency circulation will insure its retirement at the earliest date possible. The tax on such an issue is 4 per cent for the first two months, and an additional tax of 1 per cent per month is added until 10 per cent is reached, which rate shall continue until the notes are redeemed. With circulation secured at such a cost, no bank will keep its notes outstanding a day longer than the emergency requires.

If there is ever to be any issue of currency in the United States other than that founded on Government bonds, it would be hard to provide a plan that would make such currency safer than under the Vreeland bill. Unusual safeguards have been thrown around the proposed currency at every stage. The Secretary of the Treasury has absolute control of the organization and operation of the clearing-house associations and has discretionary power over the securities accepted for note issues. Only safe and sound banks can have a place in such associations, for the bankers themselves will see to that, as they are all liable to the fullest degree for the notes issued within their association. Then when it comes to the approval of the securities to back up the issue of the notes, they must be gilt-edged securities or promissory notes about which there is not the slightest question, or else they will be dropped from consideration on account of the general liability involved.

The bill also provides for the maintenance of a reserve against note issues of the same general proportions as that now required under the national banking laws to secure deposits. This provision adds great additional protection to note holders. In fact, with the other requirements, it will make the issues under this measure absolutely and permanently good.

In no way can the security of the depositor be disturbed by the issue of such notes on the part of the bank assets, as the currency realized goes to the bank for its protection during the time of stringency.

The Vreeland bill is intended to meet the requirements of the people for a measure that will add elasticity to our currency system in a way that is absolutely safe, and yet that can be put into operation without disturbing the present system and be instantly available should a crisis arise without warning. Its provisions have been carefully studied by Treasury officials and others capable of judging of the merits or demerits of a financial proposition.

Provision is also made for a commission to study the intricate subject of currency. It does not contemplate a commission so large as to be unwieldy, but large enough so that the sentiment of all sections of the country can be reflected by its membership. It provides that the commission shall go to work immediately and be ready with a plan of currency reform by January 1, 1900. This is as it should be, for I believe the commission should begin work at once and in earnest in order to develop a permanent measure that will meet the financial conditions of the country, which have changed and outgrown currency provisions which were adequate when the present system was originally put in force.

The integrity of our currency must be protected. Like Caesar's wife, it must be above suspicion. Under existing laws its value has never been questioned. It must not be doubted in the future. I believe the Vreeland bill insures the safety of every dollar issued under its provisions, and also that it insures the Government from loss in its redemption. It just as surely protects the depositor by keeping the banks open when a crisis comes. The currency provided for is in no sense fiat money any more than are the notes issued under the present system.

While financial difficulties are not likely to recur in the near future, there is no man in this country wise enough to be absolutely certain that currency shortage may not come during the recess of Congress. It is well known that during a national campaign year a feeling of uncertainty and unrest exists in the country. If this bill is passed it will afford adequate relief should an emergency arise. If trouble does not come no harm has been done. I do not believe it will be called upon, but if the country has nothing to look to for relief, that very fact might lead to a continuation of disturbed conditions, which would, at least, tend to retard the return to normal business conditions.

Realizing the need of immediate legislation along the lines urged by the President and the leaders of the House and Senate, and being well satisfied that the measure under discussion is safe, and that it will meet any emergency that may arise, I trust the House will promptly pass it, and thus demonstrate

again to the people that the Republican party is the constructive party, and that it may be depended upon, as the party of action, to act speedily in the interests of the people as often as the necessity for so doing may come.

Mr. CLARK of Missouri. Mr. Speaker, in the absence of the gentleman from Mississippi [Mr. WILLIAMS], I yield twenty minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I hope to be able to review impassionately the bill under consideration. But, first, I wish to say I am anxious to pass some sort of financial legislation to give relief to the whole country. I do not want to enact, in the name of currency legislation, a law that will destroy or tend to destroy what business prosperity we now enjoy with its growing and encouraging prospect of a return to general and normal business conditions.

I do not believe in legislation to cure bad and abnormal business conditions brought about by violating honest and safe business rules by the very people who desire the legislation. I prefer legislation to prevent a recurrence of such conditions.

I do believe in providing for all sections of our country some mode of relief from conditions normally liable to come, and to this end, on December 3, 1900, ten months before the October (1907) panic came, I introduced here a bill to authorize credit notes, safely secured by bonds, to be issued by all national banks, to meet such conditions as might arise, and also to provide for the deposit of surplus public moneys with national banks. This bill I introduced here again December 2, 1907. The bill, in principle, had the approval of financiers all over the country, but it was too plain in its provisions and too free from local partiality to receive much support here. If that bill had been passed in the Fifty-ninth Congress, it would have at least averted any financial panic conditions outside of the storm center where the October panic originated.

Long ago [1877] I voted against the repeal of the resumption act which was to go into effect January 1, 1879, when disaster was not only prophesied but threatened on every side to be precipitated, and when we had of all kinds of money circulation only \$14.79 per capita, some of which was not worth par. I never regretted that vote, and resumption and prosperity on a gold basis followed. Now, with a per capita of \$35.35 of circulating money, we act as though there was a scarcity of money to do business. Honest business methods is what is needed, and not more and partially discredited money, soon to be withdrawn.

I do not pose as a financial expert though I have had a long life of diversified business experience, during thirty-five years of which I have been president of a national bank that passed through all panics, including that of 1873, without suspending or issuing a certificate of credit of any kind or failing to pay promptly in lawful money every check presented at its counter.

I do not on the other hand assume financial wisdom here, as some do, on boasted ignorance of any and all accepted business principles. That sort of assumption is only a common kind of political demagoguery unworthy of us.

I must now ask such of my Republican colleagues as differ from me to excuse me for not at this period of my long life surrendering convictions that reject a currency bill that I regard as bad in all its substantial parts, and which nobody has been able to continue to support overnight.

The bill is entitled, "A bill to amend the national banking laws."

It has no relation to proper banking, but it relates, save the provision relating to a commission, to a method of escaping the necessary penalties of vicious or illegal banking at great money centers.

The first sentence of the first section authorizes "national banks not less than ten in number having an aggregate capital and surplus of at least \$5,000,000" to form a "voluntary association to be designated as 'clearing-house associations.'" Save as thus designated there is not one word or provision in the bill indicating that the nondescript associations proposed to be organized are to have any possible element of a clearing house vested in them.

A clearing house is where clearing is carried on, and a banking clearing house is a place where checks, drafts, and so forth, are taken and balances are ascertained and settled between its members. The bill provides nothing of the kind. On the contrary, it pretends to provide for a mode of pledging all the available securities each bank—a member of the association—has and is willing to pledge to get a possible 75 per cent of the cash value thereof in a new currency to be used presumably to pay the 100 cents on a dollar it owes to its depositors whose money bought the securities, and this because the association bank has been so unbusinesslike or criminally reckless in its transactions as to endanger its solvency, or at least to destroy its credit and to lose the confidence of its depositors.



The new corporate association to be thus organized is, by the bill, to become a body corporate, with right to sue and be sued, yet it is at no time to have a dollar of assets in its own right, not even enough to pay its own officers and bookkeepers their salaries and their expenses in traveling to and from corporate meetings necessary to be held. It is to be managed by one representative from each bank a member thereof—not a board of directors of its own—and its powers may be exercised by an executive committee, but no provision is made for its appointment. (Section 1.) What would it sue for, or what could it be sued for unless to compel it to turn over trust assets deposited with it belonging to an associated bank?

The new association having no assets of its own could only be the custodian as trustee (section 2) of its members, either of their securities or currency issued thereon. It would have nothing of its own to be used or taken by process to pay its debts, however or for whatever contracted.

It would be a corporation with officers and representatives of its banks with certain powers, but without capital stock or assets or the hope of any, and therefore without corporate liability or responsibility, though it is to be the custodian of whatever of securities its banks would pass over to them. No officer is even to give bond for the performance of his duties faithfully.

Such associations are required (section 9) to redeem the additional currency, but it has no assets of its own to redeem anything with.

And the association could not, as such, be held liable for any defalcations or embezzlements of its officers or agents. What an association to be relied on to create confidence in the presence of financial disaster!

The fact that such association is to become the custodian of all securities deposited and the recipient of all additional notes issued for any or all of its bank members is equivalent to allowing each bank to hold its own pledged securities or collaterals on which it receives circulation. This is without precedent and utterly dangerous. The officers and board of each such association consist of representatives of the constituent banks, and they are to hold and control the securities. Why not, with equal safety, allow each national bank to hold its own securities? The so-called "clearing-house association" has no assets or financial responsibility. It has none of the real attributes of a corporation. A recovery against it for embezzlement would avail nothing, for nothing represents its assets.

Not more than one such association is to be formed in any city (section 1), and the circulating notes to be issued are to be equitably distributed "on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in a State bears to the total amount of the unimpaired capital and surplus of the national banking associations of the United States," with possible exceptions (section 6).

Only in cases where associations are formed from banks of one or more States are the banks required to be from contiguous territory. An association may be formed from banks located in each of ten cities in the State of New York (or other State), and there is no limitation on the number so to be formed, provided only one "shall be formed in any one city." (Section 2.)

The sole power of the association is "to render available as a basis for additional circulation any securities, including commercial paper, held by a national banking association." But the national bank must, to obtain circulation under the bill, only be a member of the so-called "clearing-house association," and it must have "circulating notes outstanding secured by the deposit of bonds of the United States to an amount of not less than 40 per cent of its capital stock," which must be unimpaired, and a 20 per cent surplus. Thus circumstanced a bank may deposit with its association "in trust" such securities as may be satisfactory to the board of the association, and its officers may then apply to the Comptroller of the Currency for an issue of additional circulating notes not exceeding 75 per cent of the cash value of the securities or commercial paper so deposited. The Secretary of the Treasury may, if satisfied the lien of the United States on the securities and on the assets of the banks composing the association is sufficient and that the "business conditions in the locality demand additional circulation," direct such "an issue of additional circulating notes to the association on behalf of such bank." (Section 2.)

The assets of all banks belonging to the association are to be held jointly and severally liable to the United States for their redemption, and the lien shall extend to and cover the assets of all banks belonging to the association and to the securities so deposited, but as between the several banks composing the asso-

ciation "each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks." The association may require the deposit of additional securities, and on a failure to comply on ten days' notice it may sell the securities and paper in its hands at public sale, the fund thus received to be deposited with the Treasurer of the United States for the redemption of the circulating notes, and if it is insufficient for the purpose the association may recover from the bank the amount of the deficiency by suit and subject all its assets to the payment. (Section 3.)

Again, it is provided (section 4) that on failure of any bank belonging to an association to make good its 5 per cent redemption fund, the Treasurer of the United States may make it good from such fund of other banks of the association, and the association may, on five days' notice, sell at public sale the deposited securities and deposit the fund thus arising with such Treasurer for the redemption of the additional circulation.

The "total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpaired capital and surplus." (Section 3.)

The total to be issued is not to exceed \$500,000,000.

The bill contains many burdensome provisions relating to national banks. It requires such of them as are located in a reserve city and belong to a so-called "clearing-house association" to keep on hand at all times in gold or lawful money 25 per cent of the additional circulation which it may have taken out, and all others belonging to such an association to keep in like money 15 per cent.

The Government is to print and keep on hand the required notes in blank, in amount equal to 50 per cent of the capital stock of each national banking association in existence, whether or not it belongs to a so-called "clearing-house association." (Section 9.)

The additional circulating notes are to be redeemed on presentation to the Treasury of the United States "in lawful money of the United States." (Section 10.)

The tax on the additional circulation is to be 4 per cent per annum for the first two months, and afterwards an additional tax of 1 per cent per annum for each month until a tax of 10 per cent per annum is reached, and thereafter 10 per cent per annum. (Section 7.)

A "national currency commission" is provided for in the bill, composed of eighteen members, six to be appointed by the President, and six Senators and six Representatives appointed by the Vice-President and Speaker, respectively, to which no special objection seems to be made. (Sections 13-18.)

An appropriation of not exceeding \$50,000 is provided for to carry out the purposes of the act. (Section 19.)

Mr. HILL of Connecticut. I make the assertion now it is absolutely impossible to enforce that law.

Mr. KEIFER. I understand that.

The theory, so far as the bill discloses, is that the additional circulation is to be issued to meet an emergency, but there is nothing in the bill disclosing what the emergency is required to be. Presumably there must be an actual period of financial panic, or at least such a panic impending to warrant the Secretary of the Treasury to determine that "business conditions in the locality demand additional circulation" where the clearing-house association is located. In other words, before such association can start to get authority to put up securities looking to obtaining additional circulation its locality, or at least its banks or the association itself, must be in such bad repute or present such precarious business conditions as to "demand additional circulation."

Insolvency, bankruptcy, inability to pay liabilities, including depositors, a threatened run by depositors on the banks, and so forth, must be imminent or the Secretary of the Treasury can not direct an issue of circulating notes to the association on behalf of any of its banks. The Secretary's order to issue notes to an association would be a flag of distress in the locality where it was located, and be the signal for a panic and a run on all banks in the locality, whether national banks, members of the association, or not, and the panic might spread to the entire country long before the new circulation could be issued and signed. The banks entitled to the new circulation would most likely be closed by a depositors' run upon them before they could receive the new notes.

But what if all the additional circulation that could possibly be issued to an association were issued promptly, what emergency could or would it meet?

Let us take an example far stronger than could ever be found in practice and see how it would work out. We have seen that

the amount of additional circulation is to be distributed (section 6) in the proportion the unimpaired national-bank capital and surplus in the State bears to the like capital and surplus of all the national banks of the United States.

Let us assume that New York City would be entitled to one-fifth of all such associations authorized by the bill, and therefore entitled to \$100,000,000 of the total \$500,000,000 supposed to be issuable. That city, August 22, 1907, as the Comptroller of Currency states, had of loan liability \$712,121,059, exclusive of deposit liabilities. The New York City's national-bank liability to depositors exceeded then \$1,000,000,000. Some of them had then and have now above \$100,000,000 on deposit. These banks only have a little more than one-fourth of the total deposits in New York City banks. I have not the exact figures at hand. They will correspond relatively with others I do have. The total deposits in the Eastern States in 1907 in all banks was \$5,597,125,652 and in national banks it was only \$1,677,730,813. The grand total of deposits in the United States in national banks at last report was \$4,322,880,141, and in all banks \$13,099,635,348.

Experience shows that a panic in one business center spreads promptly to the whole country. The recent one in New York City is a fresh example. The emergency is not met merely by aiding a few national banks in a particular locality, nor all national banks of the country. If a real financial-panic emergency comes, it can only be stayed in its calamitous progress by relief to all classes of banks and all classes of business interests.

New York City, with a supposed, but impossible, \$100,000,000 of additional emergency circulation, would not have enough to pay off the depositors in one of several of its largest national banks, leaving all others, including trust-deposit banks, not only without relief, but cruelly discredited and more certainly exposed to disaster than if no such circulation had been issued.

This discredit would operate all over the country and affect all banks and industries. If the whole \$500,000,000 proposed to be authorized was issued, it would not long stay a panic in New York City, and it would bear to the deposit bank liability of the country the relation of less than \$1 to \$25, and to the same liability in New York City alone of less than \$1 to \$5.

In this I have left out of view the whole question of loan liability and general business requirements that have to be considered when a panic is on and more currency is demanded.

Should the bill unfortunately become a law, the consolation will come that it will be found so impossible, impracticable, and dangerous that nobody will dream of attempting to put it into operation.

But of the about 6,700 national banks in existence, it would not be possible for one-tenth of them to form such an association. Not ten national banks in other than a large city, if there, would agree to unite in so dangerous an undertaking, but, if willing, there are few Congressional districts or territory where enough national banks could be found with the required capital and surplus—\$5,000,000—should they be willing to unite.

Most national banks in the center West and in the South and West have taken out circulation equal to their capital stock, so only their surplus could be counted. It would take fifty such banks, with an average surplus of \$100,000—impossible to be found and united—to form one so-called "clearing-house association."

It would take 100 such banks with \$100,000 capital, each with a 50 per cent average surplus, to form such an association.

It would take 250 such banks with \$100,000 capital, each with the 20 per cent surplus required by existing law, to form an association.

It may be easily demonstrated that such an association could not be formed by any possibility in more than a few of the large cities of the country, and only possible there with a financial panic threatening and certain to come.

The bill is therefore viewed in the most favorable light only by possibility to be used by or availed of under extraordinary conditions by a small per cent of the national banks in a few localities, each of which possesses dangerous conditions which demand "additional circulation."

But should not our legislation for relief in a financial emergency be for the relief of the whole people, including all banks, not merely a few national banks where abnormal conditions are liable to be brought about by them and others adopting wholly unjustifiable business methods and ventures?

It is anomalous to authorize a bank or association to use its depositors' money to buy securities, including commercial paper, which may be pledged to get 75 per cent of their cash value with which to pay those same depositors. And this it could only do once. The same or other depositors could not have this relief a second time from the same bank.

I have not time, if it were necessary, to point out how the gold standard of the United States would be jeopardized by making the Government the redeemer of national banks that deposit all kinds of securities, and of part of the national-bank notes and not all of them. If for one national bank, why should it not redeem all national-bank currency, and all similarly or equally secured notes of all other banks?

The redemption feature is without precedent. It is sometimes said the United States redeems national-bank notes now. Not so. It redeems no note of any national bank, solvent or insolvent, until it has the money or its equivalent to do it with. Even in case of redemption and cancellation of mutilated currency it is charged up against the 5 per cent redemption fund the bank is required to keep, and if that becomes exhausted no new currency is sent the bank until it is made good.

It is said the bill now before the House does not require the Government to redeem the additional circulation. This is a mistake. It is true that somebody has taken the responsibility to change the bill of the conference (section 9) so as to exclude from the recitation in the notes of the whole truth by omitting from them that "they will be redeemed by the United States." The bill otherwise remains unchanged, and section 3 and other parts thereof leave the Government liable to redeem the notes.

Should the holders of the additional currency be seized with the desire to present it for redemption the Government would have to redeem it in lawful money forthwith and sell the securities, and so forth, to make good, and there would be a sudden contraction of the currency, no matter how much it was needed to maintain an abnormally inflated business brought about by its issue. The bank to which it belonged could not avail itself of the right to keep it afloat. And when once redeemed it must be canceled and never reissued, or the Government might have to redeem it often and after the securities and all assets of the banks were exhausted. Such currency would be made the means of drawing the gold and other lawful money from the Treasury of the United States, thus endangering the gold reserve and the gold standard. Instead of inflating the currency it might be made the means of contracting it.

There is no provision to regulate the amount of securities one of the association's banks may put up. It seems each such bank may put up as much or as little as it pleases, or none. The bank that does not put up must shut up. It can get no sugar—no relief. If its embarrassed circumstances are such as to require relief and they are such as to leave it without securities to deposit, it must go to the wall, though its associate and unembarrassed associates needing no relief have abundance and might avail themselves of additional circulation. But in one respect the weak, needy, and embarrassed bank or banks belonging to the association are not to be neglected.

As between the banks of the association each bank is to be held liable for the redemption of the additional circulation issued to the association, whether or not it got the benefit of it, "in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks." (Section 3.)

The committee which traveled and brought forth this currency monstrosity kept the parable of the talent in mind:

For unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath.

Besides, the unbusinesslike and dangerous plan of authorizing a bank to use its deposits to make loans and purchase securities on which it may obtain 75 per cent of their cash value in circulating notes with which to pay the depositors and others, and to do business, thus placing the securities beyond reach of the depositors if the deposits are not paid on demand. And the national-bank notes issued under now existing law are to have the assets of a bank, including its deposited bonds to secure circulation, that joins such an association withdrawn from primary liability for the payment of such notes. The national banking laws now dedicate all a bank's assets to the payment of its depositors, and especially sets aside the United States bonds deposited to secure circulating bank notes to their payment. The complaint may not be so much on account of the security and safety of the additional notes as on account of the endangered security of the other national-bank notes.

Mr. VREELAND, the putative father of the bill in its earlier stages of evolution, or devolution, I understand, interprets the provisions of the bill to allow the United States bonds deposited to secure circulation to be sold at public sale to pay the additional circulation to be issued. The language used, as we have seen, warrants this interpretation. All assets of the associated banks, without exception as to kind, are to be exhausted to protect the Government in its redemption in lawful money of the additional currency. These bonds and the other pledged



securities and commercial paper are to be sold on a five or ten days' notice, at public sale, to secure the Government in its redemption of the additional notes. This would, in general, result in their bringing at such forced sale probably not more than half of their real value, which would insure disaster and loss to fall somewhere.

The result would be that the people would soon understand that the notes issued primarily by an association bank were not in fact secured by its deposited bonds or its natural assets, and they would become fiat notes in the business world, and consequently and naturally and rightfully all national-bank currency would be discredited because of the doubtful character of an intermingled part of it. The discriminating business world would lose confidence in all our national-bank currency. If there are those who think an impractical or dangerous banking makeshift will not be rightfully understood and condemned by bankers and business men, they will soon be undeceived. There are those who here profess to placate the disturbed common people by exclaiming that we are called on to make financial laws for them and not for bankers. They have too low an estimate of the people and their constituents when they suppose they expect a favorable financial system that is not based on a well-protected and a sound general banking system. The whole business public will look with apprehension and condemnation on any legislation that strikes a blow at our present national banking system—a system which has furnished for forty-five years the best and safest circulating notes the world has ever enjoyed. Our constituents will not be appeased in their demands for currency legislation by a dangerous stab at the wise legislation we now have.

Business is recovering its normal state; even stocks are fast closing up to their usual selling values. Confidence needs only to be restored and the money will come from its hiding places. More money to command business is not needed, but more business to command money is what is needed. Sound business methods will restore confidence, and everywhere the wheels of industry will move and the idle will be employed at remunerating wages.

The October panic was a prosperity panic. When it came, and after the reaction came, we were still doing more in aggregate business value than in the immediate years before and, in general, more than twice as much as was done in this country ten years before.

Some people were not able to keep up the progressive business pace they had set for themselves and they consequently suffered some disaster and disappointment and the whole country for a time suffered.

The proposed legislation is too late to cure the last panic. Bad legislation will not avert or cure another such financial panic; it may promote it. Let us legislate to eradicate the cause of a panic and not alone to try and cure it when it comes. To do the latter is to invite a panic and disaster.

Let us here stand for good business methods, not mere makeshifts. Let us rise above partisanship and perform that duty to our constituents and the whole country that we are charged with performing. Let us not endanger what prosperity we have by attempting under the cry of expediency untried and unusual things. Let us unite in doing those things which will produce and secure such-business enterprises as will answer the prayer of the great mass of our worthy people who are obliged to constantly pray, "Give us this day our daily bread." [Applause.]

Mr. WILLIAMS. I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, for six months and more the entire industrial system of our country has been disturbed by the stress of a great financial panic; values are unsettled, business is paralyzed, confidence is destroyed, industry is dormant, work is scarce, millions of honest toilers are out of employment and their families suffering for the very necessities of life. The cause to a great extent, we are told, is our deplorable banking and currency laws. It seems clear to me that at such a time the Congress should exercise extreme care in legislating to correct the evils in order to restore confidence. We should construct and enact legislation with a view to eliminate permanently the admitted mistakes, and at the same time make sure to protect the rights of the people. No slipshod emergency legislation will cure the glaring evils of existing banking and currency laws. Conditions will not improve until our financial policy is changed. Whatever is done in the matter now should be done carefully, deliberately, conservatively, and constructively with a view to permanency. Our banking and currency laws are inadequate, obsolete, and a disgrace to the nation—a veritable crazy quilt of patchwork—but nothing is offered by the Republicans as a safe and lasting remedy to take their place.

We have been in session since the 2d day of last December;

we shall adjourn ere the 1st of June; yet nothing has been done, and it seems doubtful if anything of lasting benefit will be done. The Republicans are in control of both branches of Congress; this panic is their panic; they are charged with the responsibility of constructing and passing legislation to remedy existing evils, and if they fail to meet the requirements of the hour they must be held accountable by the people.

The present display of ignorance and incompetency on the part of the Republican leaders in Congress regarding banking and currency reform is a lamentable commentary on their boast of constructive ability to inaugurate safe and permanent legislation.

Mr. Speaker, in my opinion honest currency reform is one of the most important questions of the hour. We should adopt a governmental currency system that will work automatically and expand and contract with the demands of the country. Congress should act in this matter and place our banking and currency systems on a stable, businesslike, and permanent basis that will prevent in the future monetary panics and financial stringency. Every intelligent man who has studied the subject knows that we have the worst currency and banking laws of any civilized country in the world. Our banking laws are juggled—against the people and for the national banks. Our currency laws are obsolete and inadequate—the merest kind of patchwork, a regular crazy quilt, a disgrace to our business intelligence, and an indictment against our legislative acumen and political sagacity. They must be changed and reformed along intelligent lines, in the interest of all the people, and based on the well-established principles of the currency and banking laws of all the other great powers, where runs on banks are practically unknown, hoarding of money unprofitable, financial stringency infrequent, and money panics of rare occurrence.

Let me say now what I have frequently said before, that I am now, and always have been, opposed to the Government delegating away its constitutional powers to the national banks. In my judgment they already possess entirely too much power. They are doing precisely to-day, only to a greater extent, what the United States Bank did in the days of Andrew Jackson. The right to coin and issue money is one of the greatest prerogatives of the Republic. It should not be delegated to any national bank or to any monopoly. We should resist the encroachments to-day of national banks on the liberties of the people with the same zeal and the same courage that Jackson resisted the audacious claims of the United States Bank in his day. In Jackson's day there was only one Nick Biddle. To-day there is a Nick Biddle in almost every national bank in the land.

I am opposed to this Vreeland emergency asset-currency scheme. It is a measure that ultimately will create a great banking trust and cause the greatest financial panic in all our history. It will not remedy the evil; it will only accentuate it. It is unsafe, unsound, unscientific, and the most dangerous financial departure in all our history.

Now, sir, the fallacy of our opponents that we could not have a panic while the country was under a high protective tariff, a gold standard, and a Republican Administration has been exploded. The people are now looking to the Democratic party to protect them from the selfishness of predatory wealth. The people want monopolies in restraint of trade abolished. They are tired of paying more at home for American-made goods than foreigners abroad pay for the same goods. They want legislation that will prevent future panics by the establishment of a Government central bank of issue, and in which to deposit Government funds, in place of the Republican plan of permitting the national banks to issue more promises to pay money under the name of "asset currency." As Mr. Jacob Schiff, one of the world's great bankers, recently said in an able address before the New York Chamber of Commerce:

I do not wish to pose as a Cassandra, but if our currency conditions are not changed you will have, sooner or later, such a panic that will make all previous panics look like child's play. I do not mean to say that such a panic is imminent, but it will come ultimately unless our inelastic currency is reformed.

Mr. Speaker, a central bank of the United States, such as stands to-day in every other important financial and commercial nation of the world, affords the only sure method by which the surplus funds of the Government can be kept at all times for the use of the people, from whom they have been taken by taxation; while of more far-reaching importance still is the function of such an institution to serve as a bulwark of public confidence, and through the utilization of its power to control, or to largely control, money rates, abate to a large extent the pace of public speculation. Under our present banking system a few national banks, owned by a few men of great wealth, have it in their power to contract the currency at any time and

produce a financial panic involving every interest in the country and affecting every workingman in the land. There never was devised by the ingenuity of man a more specious plan for robbing his fellow-man than the national banking act. Said Salmon P. Chase, Lincoln's great Secretary of the Treasury, years afterwards, in an hour of regret:

My agency in procuring the passage of the national-bank act was the greatest financial mistake of my life. It has built up a monopoly that affects every interest in the country. It should be repealed. But before this can be accomplished the people will be arrayed on one side and the banks on the other in a contest such as we have never seen in this country.

And that great master of logic, John C. Calhoun, summed it all up when he said:

Place the money power in the hands of a combination of a few individuals and they, by expanding or contracting the currency, may raise or sink prices at pleasure, and by purchasing when at the greatest depression and selling when at the greatest elevation may command the whole property and industry of the community. The banking system concentrates and places this power in the hands of those who control it. Never was an engine invented better calculated to place the destinies of the many in the hands of the few.

Mr. Speaker, we must return to first principles. We must obey the Constitution. We must legislate on this subject and on all others for all the people and not for the benefit of the few.

Mr. WALDO. I desire to state briefly the reasons for my objection to the Vreeland currency bill now under consideration. I have been a member of the Committee on Banking and Currency for the last three years, and there have appeared before this committee leading bankers, manufacturers, and business men of the United States, and representatives of the principal financial, commercial, and business institutions and interests of the country, as well as many of the best-known and best-informed economists and writers on financial subjects; the committee has received communications from thousands of persons from all stations in life and from all parts of the United States, and all, with three exceptions, have been unanimously opposed to the principles upon which the Vreeland bill is based.

First. The bill is represented to be an emergency measure to meet a panic which is feared the coming fall. Yet, according to the reports from the Treasury Department, to prepare the plates necessary to print the new currency provided for in this bill will take a period of at least forty-eight months.

Second. To prepare these plates will cause an unnecessary expense of from three to four million dollars.

Third. It purports only to provide currency for panics, which do not occur except at periods of ten and fifteen years, and does not provide for the yearly and often daily needs of business.

Fourth. It does not provide currency responsive to business, or in time to forestall panics.

Fifth. It favors the promoting, financing, and placing of bond issues, ties up capital in permanent investments, and makes it more difficult to obtain loans upon commercial paper.

Sixth. It increases the liability of the Government to pay out gold, and is likely to cause a suspension of specie payments or the sale of Government bonds for the purchase of gold to maintain our money on a gold basis, and is a menace to our public finances and public credit in case of war or other emergency.

Seventh. By taxing the so-called "emergency currency" at a high rate, it will make it necessary for banks to charge a higher rate for loans to merchants, farmers, and business men of the country.

Eighth. The time that this system is to continue in operation under the bill is not limited. It will tend to a permanent system of emergency currency and prevent the passage of legislation for a real credit currency, which is so greatly needed by the country.

Ninth. The bill purports to be a legalization of the clearing-house system, when, as a matter of fact, it has no relation to such a system. In a true clearing-house system the clearing-house certificates are the direct liability of the clearing house, secured by the joint and several liability of the banks belonging to the clearing house, and payable by the clearing house and not by the Government. The principal business of the clearing house is to redeem the paper—that is, notes and drafts of the banks belonging to the clearing house. There is no suggestion of any such power in the so-called "clearing-house associations" under the Vreeland bill.

Under this bill, while the specific indorsement on the currency of the guaranty by the Government is removed by the amendment of this morning, the paper is still to be redeemed at the United States Treasury in the first instance in lawful money, and may be paid to the Treasury by the bank in national-bank notes. No provision whatever is made for the direct redemption of this emergency currency by the so-called "clearing-house" or by the banks for which the emergency currency is issued.

Tenth. The bank must deposit its securities with the clearing-house association and the holders of the emergency currency have in addition a first lien upon all the assets of the bank, thus working a most serious injustice to the depositors of the bank.

The measure will be of no use this year, for it will take a year to put it in operation.

The deposit of securities, the purchase of 25 per cent gold reserve to be held by the bank against the currency, the tax, and clearing-house expenses, will make this the most costly currency in the world.

Legitimate business can not afford to use it.

It will never prevent, but may heighten panic and disaster. And, lastly, as some of its supporters have already intimated, upon its passage an attempt will certainly follow to make it a permanent addition to our already badly mixed currency system and so prevent the passage of any measure for a sound currency system upon proper principles.

I can not support such a makeshift.

Illy conceived, drafted and redrafted in haste and without consideration, condemned by almost all the banking and business interests of the country, it should not be put upon our statute books.

Mr. GOLDFOGLE. Mr. Speaker, there can be no more important question before the Congress of the country than the one concerning the currency. It affects the national credit. It involves the integrity of the nation. It concerns the great business community, and is of vital importance to every man and woman in the land. The problems underlying this currency question are complex, to say the least, and the minds of great men, even those who have given careful study to the subject of finance, differ widely as to the proper kind of legislation or the requisite measure that ought to be enacted. We have emerged from a great panic, and the country looks to us for careful, prudent, wise, and wholesome legislation. The subject demands the best thought and closest attention that the legislator, in the conscientious discharge of his duty, can give it.

Undue haste in enacting legislation leads to grave and sometimes disagreeable results. In the enactment of statutes there should be fair deliberation, and opportunity should be afforded in this great body to permit a full discussion by those who have given study to the subject and whose wisdom and experience enable them to speak upon it and allow such amendments, reasonable in number, as may be suggested to be considered.

When this House opened this morning copies of the bill now under consideration could not be obtained. It was said that the bill was still in the hands of the Public Printer or was being brought over here from the Printing Office. The bill originally introduced by the gentleman from New York [Mr. VREELAND] had been revised, or changed, but how far, to what extent, or in what respect no one on this side seemed to know. A new bill had been introduced by them, and that is now before us. It does not come to us as other bills do, from the committee to which it was referred. It does not come to us as other bills do, accompanied with a report. On the contrary, the Committee on Banking and Currency are to be summarily discharged and the bill, hardly dry from the printing press, is to be rushed through the House under a special rule that allows but four hours' debate, cuts off absolutely the right to offer any amendment, and prevents even a suggestion which can be voted on to change a single sentence or a word.

It seems to me this is not the proper way to legislate upon this important question. If we are to have currency legislation, let us have it after the measure has received the careful attention and deliberate judgment of the House. No man is so wise, no set of men so wise, that they can not receive with some degree of profit suggestions of others equally well informed or skilled in such legislation. Yet the majority of this House insist upon forcing through at the eleventh hour, without fair opportunity of discussion, without opportunity for amendment, a bill that is far-reaching in its consequences and effects. It inaugurates a new financial policy and provides for a national financial system, as to the wisdom and expediency of which there is the greatest diversity of opinion of men skilled in the science of finance and the great financial problems that affect commerce and trade and everything else that the subject of finance necessarily involves.

In this very hour we have the evidence before us of this diversity of opinion. Although this has been made a party measure, there are still some gentlemen on the Republican side of the House who insist the measure before us is impracticable, inexpedient and unwise, and have strongly declared against it. The distinguished chairman of the Banking and Currency Committee, the gentleman from New Jersey [Mr. FOWLER], the



learned gentleman from Connecticut [Mr. HILL], whose eloquent address on finance delivered during this session of Congress engaged the attention and secured the admiration of the Members of the House, and the learned gentleman from Ohio, a former Speaker of the House [Mr. KEIFER], have opposed the measure on the floor and refused to be whipped into line.

Surely when these distinguished Republicans assert that the bill that is to be rushed through under party rule is erroneous we may well pause and demand greater and more full consideration of the subject than the special rule of the House, against the adoption of which we protested, now affords.

This matter should not be treated or regarded as a party measure. The currency question is not a party question. In its consideration all political bias should be laid aside, and the subject treated as a business proposition. A plain business proposition. What business man would have so important a matter as that affecting the currency mixed up or involved in politics, and yet this bill is to be whipped through under party rule with four hours' debate, a practically perfunctory debate, and no amendments allowed and no intervening motion permitted. The bill, fresh from the printing press, hurried into the House, hastily examined, is to be passed by this House of Representatives!

To this method of legislation I can not lend my approval. The bill confers great and extraordinary powers upon the Secretary of the Treasury. Powers so great and so vast that I am strongly inclined to think they are too great to vest in any one man in the manner provided for in this bill, and when such powers are to be conferred surely there should be a method of safeguarding the public against their misuse.

Yet it is idle to discuss how or in what manner these powers should be restricted or the exercise of them regulated or the interests of the public with regard thereto properly safeguarded, for, under the special rule, that will be futile. There are other provisions in the bill far from satisfactory, and which require correction or material change.

It also seems to me that the number of commissioners provided for is too large. Half that number would suffice for the purpose of making proper investigation and reporting to the Congress recommendations for necessary legislation.

This objection may not be so important, but it is at least worthy of consideration. In regard to the matter of taxation and a number of other details, I believe the bill requires serious and material changes, which we can not secure under the obnoxious rule under which we are now operating.

Mr. GOULDEN. Mr. Speaker, the whole country is deeply interested in House bill No. 21871, known as the "Vreeland currency measure." In some respects, if it became law, it would probably accomplish good. The power to meet the situation in case of financial depression and panics would doubtless to some extent be accomplished. It would give the country an elastic currency, and enable the business world to move the crops and handle the products of the people when needed.

On the other hand, the bill, on page 3, section 2, where it provides "to render available as a basis for additional circulation any securities, including commercial paper, held by a national banking association," is open to objection. It would admit railroad and other securities of a fluctuating character. Again, on page 4, the same section, the following appears:

The officers of the association may thereupon, in behalf of such bank, make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding 75 per cent of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he shall direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount not exceeding 75 per cent of the cash value of the securities so deposited.

This gives the Secretary of the Treasury the absolute power to determine when and where increased currency is needed in any section of the country without appeal. In my judgment it is too much power in one man's hands and should be limited in some way. On page 7, section 5, the following is found:

Sec. 5. That each and every bank in such clearing-house association located in a city designated as a "central reserve city" under section 5195 of the Revised Statutes and section 1 of the act of March 3, 1887, chapter 378, shall have on hand at all times in gold or lawful money of the United States an amount equal to at least 25 per cent of the total amount of the additional circulation which it may have taken out, in time of emergency, and put into circulation under this act.

This provides that 25 per cent shall be held in reserve, thus reducing the emergency currency for circulation purposes to 50 per cent.

Page 10, section 7, provides as follows:

National banking associations having circulating notes secured through clearing-house associations shall pay for the first two months a tax of 4 per cent per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax of 1 per cent per annum for each month until a tax of 10 per cent per annum is reached, and thereafter such tax of 10 per cent per annum, upon the average amount of such notes.

This provision may make the money thus secured an expensive matter to borrowers, for whose benefit this measure is intended, as in all cases of this kind they must always pay the cost. It is therefore, in my judgment, objectionable on this account.

Sections 13, 14, 15, 16, 17, 18, and 19 of the proposed law provides for a commission to be composed of eighteen members—six from the Senate, six from the House, and six to be named by the President.

While I am in favor of a commission, I think that the one named is too large and unwieldy. Half of that number, composed of practical men, with experience in finance, would, in my judgment, be far better. However, I could vote for this commission, but can not see my way clear to support the bill now under discussion as a whole.

It is a hastily drawn-up measure and, with less than five hours in which to consider it and with no power to amend, I can not see my way clear to vote for the Vreeland bill.

When such distinguished Republicans as ex-Speaker KEIFER of Ohio, Mr. HILL of Connecticut, Mr. PRINCE of Illinois, and Mr. FOWLER, the able chairman of the Committee on Banking and Currency of the House of Representatives, all men of ability in the financial world are all speaking against the measure, it seems a safe policy to oppose the bill. Under these circumstances I feel impelled to vote against the proposition.

The following telegram from the president of the Twenty-third Ward Bank, one of the leading financial institutions of the Bronx, one of the most important boroughs of the Imperial city of New York, explains itself:

NEW YORK, May 14, 1908.

Hon. JOSEPH A. GOULDEN,  
House of Representatives, Washington, D. C.:

Currency legislation at this time ill advised, as needs of correction exist. Haste unnecessary; pass none rather than make error. Appoint commission to confer with banking interests and act next session.

CHARLES W. BOGART.

Mr. FURNES. Mr. Speaker, in the brief time allowed me to discuss the merits or demerits of the Vreeland, so-called, banking and currency bill, I will call attention to the most objectionable features. The first is, the securities to be accepted are not defined. They should only include commercial paper and such securities which are a legal investment for savings banks in the State where the clearing house is located. This restriction would limit the security to first-class bonds, excluding also real estate mortgages. The second serious objection to the bill seems to be the large reserve the bank taking out such currency will be required to maintain. This amount should not exceed 15 per cent. It is conceded even by the majority supporting the bill that it is not a perfect bill, therefore only a makeshift. This excuse for it is certainly remarkable, considering that the committee had ample time to prepare and submit to the House a more acceptable measure. I am in favor of the provision in the bill providing for the appointment of a commission, and which should report at the earliest date possible.

Mr. BURTON of Ohio. Mr. Speaker, it would seem, if one were to examine the CONGRESSIONAL RECORD, that this currency question had assumed a political phase, one side of the House favoring the Vreeland bill and the other the so-called "Williams bill." In the RECORD of March 6, 1908, I find that my friend from Mississippi [Mr. WILLIAMS] said this to the House:

Mr. WILLIAMS. Mr. Chairman, I also hold in my hand the advance sheets of an editorial which will appear in the next issue of the Commoner from the pen of Hon. William J. Bryan, giving his opinion concerning the so-called "Williams currency bill," indorsing the same and recommending its support to Members of the House. For the same reason, to wit, that I do not desire to take up the time of the House, I ask unanimous consent that it be published as a part of my remarks.

It will be noted that the gentleman did not wait for publication in the Commoner. He had advance sheets, and the matter was of such importance that it was immediately presented for publication here in the CONGRESSIONAL RECORD before it went to the newspaper, in the columns of which it was to appear. I read some extracts. Part of the editorial is as follows—bear in mind that this is from the Commoner:

Hon. JOHN SHARP WILLIAMS, the Democratic leader of the House of Representatives, has introduced a bill, a copy of which will be found upon another page. It was introduced after a conference with other Democrats of the Senate and House—a conference which Mr. Bryan attended—and has the support of practically all of the Democrats.

Later on this is said:

Mr. WILLIAMS has rendered his party a distinguished service in presenting this currency reform measure. The Democrats can afford to support it unconditionally and then ask the judgment of the country between it and the measures proposed by the Republican leaders. The Williams bill meets the difficulty from the standpoint of all the people; the Fowler bill and the Aldrich bill look to the interest of the bankers alone.

So it would not seem that it was in any spirit of humor that this rule was presented this morning in the form in which it appears, but that it was because of the fact that the Democratic party has a record upon this subject as set forth in the official publication of the House; and we now say to our Democratic friends, "Let us choose between these two measures; you concur with us that something ought to be done; you say your bill should pass, and we say our bill should be enacted."

Just in this connection I want to say, Mr. Speaker, that I am not willing to adopt this policy of waiting until another session or another year before doing anything. It is possible that in view of the great slackening of enterprise, and in view of the diminished employment of labor, there may be no currency panic next autumn; but that man would indeed be bold who would run the chance. I admit the impeachment of the gentleman from Connecticut [Mr. HILL] that I said a bumper crop might necessitate additional issues of currency. I want to emphasize to this House the familiar saying, "A burnt child dreads the fire." We shall find that next autumn bankers will be exceedingly careful about letting out their reserves, and we shall see manifestations of caution in the withholding funds from their customers to a degree which has not appeared for many years past. So let us take heed to do our duty to the country.

Much of the discussion this afternoon has not been very illuminating. I listened to a little dialogue a few minutes ago. One gentleman pointed out what dire results would come, how the five hundred millions to be issued under this plan would be exhausted, and the panic would still continue; how depositors would be clamoring for the money, and another, who fraternally nodded assent, yet said that no currency could be issued under this bill at all. This shows the difference between mere captious opposition and the responsibility for substantive legislation. I desire to state for one that there is no coterie of friends behind me in my advocacy of this measure, and that no so-called "leaders" have led me to favor it. My own judgment has approved it, not as a perfect measure, not as a measure that can be accepted as permanent, but as the best which we can adopt. It has the foundation of experience behind it.

Mr. COCKRAN. Will the gentleman permit—

Mr. BURTON of Ohio. In a moment. It is based upon the best of methods adopted by clearing houses, methods which have saved the country from disasters more acute than those which actually occurred and from the far-reaching and destructive influences of panics. It compels the joining together in associations of banks in the same locality—a most natural principle of affiliation: It requires them to hold jointly an aggregate of not less than \$5,000,000 of capital and surplus; it compels them to pledge promissory notes or securities to an amount one-third greater than the amount of the currency which they may issue; and last of all there is a paramount lien on the assets of all the banks which join in the issuance of this currency—

Mr. WILLIAMS. Will the gentleman permit—

Mr. BURTON of Ohio. In just a moment, when I finish this point, I will answer. So much for the security of the noteholder; and I make bold to tell you that the people of the United States are not going to adopt any currency or accept any currency which does not give absolute security to the noteholder. Such security is honest and fair to him; and it is for the welfare of the people. Deficient provisions in this regard have been one reason why many propositions of bankers, merchants, and others, who have come here, have not been accepted.

They ought not to have been accepted, because just as the greenbacks and national-bank notes for forty-five years have been safe so should any additional issue of currency be safe. There is further safety in the requirement that the Government shall receive a tax at the rate of 4 per cent per annum for the first two months on all the currency issued and at the rate of an additional 1 per cent per annum for each succeeding month. Of the guaranty by the Government it is scarcely necessary to speak.

Mr. WILLIAMS. Will the gentleman permit?

Mr. BURTON of Ohio. I will if the gentleman from New York will allow me to answer the gentleman from Mississippi first.

Mr. WILLIAMS. The gentleman from Ohio spoke of safeguarding the debt of the bank in the shape of notes. Now, does the gentleman tell the House that this bill does not sacrifice the security of the depositor in order to secure the note holder?

Mr. BURTON of Ohio. By no means. Let me answer that question first—

Mr. WILLIAMS. Let me ask this, and then you can answer both afterwards. Is it not true that your bill gives a first lien for the payment of the note, and does not that necessarily decrease the security of the depositor to that extent?

Mr. BURTON of Ohio. Yes, and no. It is a rational feature of any banking system that circulating notes should have a paramount lien, that they should be secured first of all. They pass current everywhere in the country and are accepted by persons of limited means as well as by those who are readily imposed upon. The depositor knows about the condition of the bank. Presumably it is directly under his eye, and very probably he is receiving loans from it. Now, for your second question. Does this plan diminish the security of the depositor? I say "no." Why? Because it is for the good of the bank, not alone to insure its general stability, but also to insure to the depositor ready payment on demand. It is desirable that the bank should utilize every agency which makes it safe and efficient in doing its work. If the time should come when the bank must close its doors and deny payment to its depositors because it has no currency, no greater injury could be done to them; but if, instead it has a ready means for issuing bills and for keeping alive its business and maintaining its standing in the community, that surely would be a help rather than a detriment to the depositor. [Applause on the Republican side.] Now I yield to the gentleman from New York.

Mr. COCKRAN. Mr. Speaker, the question I want to ask the gentleman from Ohio is this: If this scheme of emergency currency be ample to meet an emergency, why is it not the best currency for everybody, and why does the gentleman treat it as temporary?

Mr. BURTON of Ohio. Because there are two classes of demands for currency; one is made up of normal and usual demands, the other of demands which arise under exceptional circumstances or at exceptional seasons. I must distinctly deny the statements made here twice to-day that there neither is nor could be any such thing as an emergency currency. There is a currency which the Bank of England has been authorized to issue when suspension of the bank—

Mr. COCKRAN. Does the gentleman mean to say that the Bank of England is authorized to suspend the bank act? Does the gentleman mean to say that is a permanent feature of the English financial system?

Mr. BURTON of Ohio. No; only an emergency feature.

Mr. COCKRAN. Does the gentleman mean to say it is a feature of the English financial system—emergency or otherwise?

Mr. BURTON of Ohio. I would say by custom, which is stronger there than anything else. It has been done three times, or whenever there has been anything unusually severe in the form of currency panics. I must decline to yield further.

Mr. COCKRAN. I was going to suggest that the gentleman is a lawyer, and custom can not exist upon three experiences in sixty years.

Mr. BURTON of Ohio. It may not be a law on the statute books.

Mr. COCKRAN. Or custom either.

Mr. BURTON of Ohio. Also, there is the law of Germany providing for an emergency currency taxed at 5 per cent. Not only is the currency, which is provided for, safe, but it has the best possible safeguard against inflation. There can be no inflation in a currency which is subject, during the first two months of issue, to a tax of 4 per cent, such as I have already explained. In computing the amount of this tax, you must remember that a reserve must be maintained against notes issued, and that means 5.33 per cent for banks in central reserve cities for the first two months, and 6.58 for the third month.

The minimum tax to be paid by any bank at any time is that for those outside of reserve cities, and would amount, after allowing for interest on reserves deposited, to approximately 4.7 per cent. No such currency as that, subject to so heavy a tax, can be a factor in creating inflation. It will be only used at a time when money is scarce and loans command an unusual figure.

I want to turn, now, very briefly to the remarks of my friend from Kentucky [Mr. JAMES]. He says that the Secretary has an unusual authority, and complains that the people are not sufficiently regarded. The gentleman himself, on analysis, will realize that he can not make this a question between the Secretary of the Treasury and the people. Treat it as you may, the granting of this authority to issue currency raises a question



between the Secretary and the banks. And when the gentleman speaks with fear of the authority of the Secretary of the Treasury, he is unconsciously advocating giving a larger license to the banking institutions of the country. I say that for one I favor lodging that authority with the Secretary and allowing him, under the great responsibilities of his position, to determine the amount of issues rather than to leave the decision to the banks.

He would not do any of the things of which the gentleman from Kentucky spoke. There are executive acts which are theoretically possible, but which the incumbents, with their weighty responsibility, would never dare perform, because they would know that if their course was marked by favoritism or injustice they would be discredited while living and dishonored when dead. The Secretary of the Treasury, in discharging the discretionary powers of that office, would sooner stand upright and erect against an assassin's pistol than violate his duty in such a case.

Mr. OLLIE M. JAMES. The gentleman will not contend that the Secretary of the Treasury could know more about whether a community, say in Mississippi or in Kansas, needed money than the bankers' association itself, will he?

Mr. BURTON of Ohio. The Secretary of the Treasury would take this into account, that money would flow from the source from which it could be most conveniently distributed. The distribution of money is like that of water from reservoirs connected by pipes; and the course he would inevitably pursue under these regulations provided would be to merely retain his right of approval on the applications that would be presented. They would probably come, in the first instance, from the banks in the larger centers, and then, later, if the stress continued and was severe, radiate out to the remotest portions of the country.

I trust that the gentleman from New York, who questioned me this morning, will not consider this as a political measure. And yet times have arisen when in questions relating to finance men have been compelled to divide upon political lines. When there was criticism of greenback and national bonds in the civil war, the cry was raised, and never more loudly, that their issue was designed for the benefit of Wall street and that the measures authorizing them were political. When I listen to telegrams and letters from bankers and merchants, such as have been read to-day, assailing those who favor this measure, I am forced to the conclusion that such persons would not be apt to send messages abusing those who are seeking to solve problems of legislation, and to solve them as wisely as they can, unless they had some particular interest to be subserved by legislation here in Washington.

Mr. WILLIAMS. Mr. Speaker, for many years I have sat at the feet of Gamaliel, and have never known his intellect muddled until to-day. He has just made a speech of eighteen minutes containing two propositions. First, a denial that the Secretaries of the Treasury can be anything except salubrious patriots and can show no favoritism, when the gentleman from Ohio knows as well as I do that in selecting national depositories the utmost favoritism, of a personal and political character, are every week displayed by the Treasury Department.

His next proposition was this: That is, after admitting that the late panic was a depositors' panic, he produces for it this bill as a remedy, which consists in what? Decreasing the security and increasing the risk of the depositor in order to create an emergency currency. [Applause on the Democratic side.] No further reply is necessary to the eighteen-minute speech of the gentleman from Ohio. It merely illustrates how badly an abominable cause may muddy a usually clear intellect. [Applause on the Democratic side.]

Now, Mr. Speaker, I yield ten minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, one peculiar feature of this proposal is the fact that its supporters seek to justify it by prophecy. I suppose this is due to the fact that certainly it can not be justified by precedent. It is an entirely new departure in finance, the most radical innovation ever proposed to a legislative body. I may say in passing that the degradation of the House has never been more clearly shown than to-day when its own Members voted that any debate here of this startling proposal to embark in an entirely novel experiment in currency can be of such little value to the country that three hours of it are sufficient if not excessive. [Applause on the Democratic side.]

And, Mr. Speaker, while such a suggestion, coming from the ordinary leaders of the House, might have grieved us, still long familiarity with their manner of treating us would probably have prevented us from being shocked by it. But to find an attitude so contemptuous of our membership sustained by a

man whom we on this side have always considered the one statesman on the other side big enough to rise above party limitations, or party machinery, or party manipulation on a question affecting the integrity of the House or its honor, was so unexpected that we were not merely shocked, we were plunged in distress and disappointment little short of absolute despair. [Applause on the Democratic side.]

Mr. Speaker, I repeat this bill is offered to us on the faith of prophecy. If the prophecy were by the gentleman from Ohio [Mr. BURTON] it might be considered of some weight, but prophecy on a matter so delicate and difficult by other gentlemen, who have ventured it blithely, must be considered—well, as showing temerity on the part of the prophets rather than merit in their prophecies. [Laughter.]

One other measure in my recollection was passed through Congress on the faith of prophecy. That was the Sherman silver law. The country was told then—and it is worth your while to take up the Record of that session and read the debates—just to see how a similar vein of prophecy animated it—the country was told then, by the Republican majority at the time, that the Sherman law would effectively bridge the widening chasm between the two metals, linking gold and silver so firmly together in a permanent ratio of value that no condition could disturb or dislocate, and that for all time we would enjoy the benefits and wonders of what in those days was called the "double standard."

I was not a Member of the House when that measure was enacted. It was passed, I think, in August. In October following, at the Democratic convention of New York County, while the country was ringing with the approving shouts of its proposers I denounced it, declaring that embedded in the body of the law was a seed of repudiation which would germinate and grow so rapidly that inside of three years there would be an uprising against it by the very men who had so clamorously demanded that it be passed.

Sir, that prophecy was vindicated to the letter. And here upon this floor I venture now to prophesy that this scheme will entail greater disaster upon the country. The gentleman from Indiana [Mr. OVERSTREET] declared it would be a temporary shield against the perils that threaten our financial stability. I say it will prove to be a deadly blight to our credit and a crushing burden on our commercial system. The proof, Mr. Speaker, that no one really believes this measure to be meritorious is that its supporters in discussing it employ terms which do not make clear, but render densely obscure, its operation, scope, and effect. A new phrase is added to the terminology of our political discussions.

An emergency currency we are told is necessary. I believed the gentleman from Ohio, who is a philosopher even when he has forgotten to be a patriot, would have defined this emergency with which we must cope. Emergency currency! Why, the phrase is a contradiction in terms. That which is only current at intervals—in an emergency—is not currency at all. [Applause.] Currency to be currency must circulate not only in times of emergency, but it must be always current.

But we are told that this currency is to have some especial, though not quite clear, virtue by which it will be able to still commotion, inspire confidence, and avert panic; that it will meet, surmount, compose every emergency.

Now, conceive for a moment what the advocates of this measure pretend to claim for it and then consider the way they propose to treat this supreme discovery of the Republican caucus. They say this scheme will make our banking system absolutely secure, because it will suffice to meet any emergency. Then, in Heaven's name, what better currency system was ever devised? What better system could be conceived? A currency that can meet and compose every emergency is the last triumph of financial genius and statesmanship. No other in all the world is equal to it. And yet you provide for a commission, as the gentleman from New York informs us, to find out how a better system is to be established. Better than perfection? For this scheme is perfection if it bear the fruit which you profess to expect from it. To change it would be to reduce our financial system from the perfection on which you claim this measure will establish it to the plane of inferiority, which is the best any other method of legislation has been able to reach. [Applause on the Democratic side.]

But let us go a little further. I knew the gentleman from Ohio [Mr. BURTON] could not even for a moment forget to be a philosopher, to whatever other lapses of forgetfulness he might be subject. He explained the emergency. What is it? If you blow away the froth from the gentleman's rhetoric, it will be easy to realize just what he means. I will tell you in fewer words what the emergency is. It is that banks at certain times, as the gentleman from Ohio [Mr. BURTON] told you are

called upon to pay their depositors, and they find it inconvenient or impossible to meet the demand.

Mr. BURTON of Ohio. Will the gentleman from New York yield for a question?

Mr. COCKRAN. No; I can not yield. If you will get me more time I will gladly yield to you.

Mr. BURTON of Ohio. I thought possibly the gentleman from New York would extend a little reciprocity—

Mr. COCKRAN. I should be glad to do it, but my time will not permit.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. COCKRAN. Now, let us see. I do not think the gentleman from Ohio [Mr. BURTON] and I differ very widely about the actual character of the emergency this currency is intended to meet. Our differences, if they exist, are not about facts, but about the terms employed to describe them, and these, I think, he will not question if I explain them a little further. The relationship between a bank and its depositors is primarily and above all an obligation of the bank to pay back on demand the money deposited with it; not to pay it with something else that it may consider as good as money, but to pay it in money itself. Anything may be good as money. My old shoes are as good as money. They are good for just as much money as I can obtain for them, but they are not money. Banks under a proper system—indeed under any system of which I have ever heard—can not satisfy demands of their depositors by offering them in shoes or clothes, or tables, or houses, or lands, or anything but money. [Applause on the Democratic side.] And the money they are bound to return is the same kind of money which they have received.

Now, the avowed object of this measure is to permit payment by banks of their debts in a different kind of money from that in which the debt was contracted. This is vicious to morals and ruinous in economics. When I am required to pay an obligation and I fail, what is the penalty? Exclusion from the ranks of active business. My business must be suspended, for the capital with which I operate it is taken out of my hands and devoted to the payment of my creditors as far as it will go. Under this law should a bank fail to meet its obligations, it need not suspend. Oh, no; it is not a failure; it is not a default; it is not bankruptcy. It is an emergency. [Applause on the Democratic side.]

And how is the emergency met? The worthless, unmarketable stuff in which the officers have speculated with your deposits and mine is accepted by the Government as security on which notes may be issued to satisfy their money obligations. In other words, when the assets of a mismanaged bank are of no value in the market, the Government allows the bank officers to use as money these monuments of their recklessness and their fraud. [Applause on the Democratic side.] Mr. Speaker, any system that permits a doubt, or even the shadow of a doubt, that banks will redeem literally and exactly every obligation, is a fatal bow to credit and an insuperable barrier to prosperity.

Mr. Speaker, I wish I had time to explain here the economic aspects of this measure. Its inevitable effect must be to drive banks from the field of discount, which is their natural function, to the purchase of securities, which is forcing them into the field of investment, where they have no business at all. Every dollar received by a bank, exclusive of reserves, should be employed in discount. By that means all its funds are made available for the depositors when they seek, each in turn, to borrow sufficient to meet occasional demands in their business.

This measure, indeed, says the banks can use all their securities, including commercial paper, as a basis for circulation. But if this bill becomes law they will have little or no commercial paper to offer for any purpose. [Applause on the Democratic side.] The danger of banking is the temptation to speculation which always besets bank officers. This measure will aggravate these temptations to engage in reckless speculation, since it makes the Government stand behind these faithless officials to shield them from the consequences of their crimes when the crimes turn out to be unprofitable. [Applause on the Democratic side.]

During this whole session the people have been demanding, as some of your own newspapers have told you—as the President has more than once reminded you—measures to equalize the operation of the law. The President revolts at the injustice of a system which holds blacklisting a lawful act and denounces boycotting as a criminal offense. He realizes, whatever fine-spun arguments may seek to justify those conclusions, that blacklisting takes away the bread of the laborer, while boycotting merely affects the profits of the employer, and he demands that this inequality be corrected. Yet you have not found time to pass an act remedying that indefensible condition of the law.

But when the banks—no; it is not the bankers who demand this; there is not an honest or sensible man actually engaged in the business of banking, of taking money on deposit and loaning it on discount, who favors this proposal. But the predatory financiers who have obtained possession of banks as a feature of their operations demand it. They have cracked the whip over you, and you are dancing to the music of that imperious signal as you move to enact this legislation. This bill will pass. The men who really control the Government have decreed its passage. And you, who are here to do the bidding of the party raised to power and kept in power by their subscriptions, must obey their orders or accept your own defeat. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. BENNET of New York). The gentleman from New York has eighteen minutes remaining and the gentleman from Mississippi two minutes remaining.

Mr. WILLIAMS. I would ask the gentleman from New York if he proposes to consume his entire eighteen minutes in one speech?

Mr. VREELAND. I will use it all but one minute in one speech.

Mr. WILLIAMS. I will ask the gentleman from New York, then, to yield that minute.

Mr. VREELAND. I prize that minute very highly, and I can not let it go.

Mr. WILLIAMS. I claim, Mr. Speaker, that under the ordinary ethics of debate, while the gentleman has the right to conclude, he has not the right to make two concluding speeches.

Mr. VREELAND. Mr. Speaker, I can never withhold my admiration when my colleague from New York [Mr. COCKRAN], who has just spoken, addresses the House. It seemed especially rich to me when he accused the gentleman from Ohio of inconsistency. I shall expect, Mr. Speaker, that at the close of another year my colleague from New York will be standing up here and eloquently defending and declaring for this bill before us to-day, because he has spoken with equal facility upon both sides of every question that has been before the American people for the last ten years. [Laughter on the Republican side.]

Mr. Speaker, on the 1st day of last October the American people were blessed with great prosperity. Everywhere the millions of our people were engaged in gainful occupations. Our mills and factories were unable to fill their orders. The consuming power of our people had never been greater. The railroads of the country could not furnish sufficient cars to move the products of farm and factory. It is true that what we may call overprosperity had used up our available capital. It is true that liquidation in the stock exchanges had been going on for some time. Under the influence of higher rates of interest we were gradually slackening our speed. During the month of October a great bank in New York City closed its doors.

I need not go into the reasons for it. The people of New York City took fright and commenced drawing their deposits from other banks. The bankers clear across the continent to the Pacific became alarmed lest their reserves could not be had when called for, and all tried to draw their money from New York in cash at one time. The result was that the New York banks were obliged to refuse payment, and a general suspension of cash payment took place throughout the United States. The deposits in the banks of this country are over \$13,000,000,000. We have in the United States of all kinds of money something over \$3,000,000,000, more than half of it in the pockets of the people. It is evident, then, that when the country endeavored to change its business, 90 per cent of which is ordinarily done on a credit basis, to a cash basis, the result was a general stoppage and paralysis of the business of the country. Why did all of the bankers clear to the Pacific coast, almost as one body, endeavor to draw their reserves from New York? Because they knew the supply of money was limited. Because they knew that if they were unable to draw their reserves from New York they were thrown back upon the cash in their vaults, and that nowhere on earth, at least within reasonable time, could more cash be obtained.

The panic of last October was a great calamity which cost the people more than ten times in money the total cost of the Spanish war. It was a calamity which cost us ten thousand times as much in suffering of the American people as did the Spanish war. It was a panic which could not be foreseen. No Member on the other side of the Chamber has stood up in this House so far during this session and pointed out where the Republican party, through any laws which it has passed, was responsible for the panic that burst suddenly upon us last



October. We know where the panic of 1893 came from. We know that the currency panic of that year followed an industrial panic, caused by fear of the country that revision of the tariff would take place along tariff-for-revenue lines. But no Democrat has yet attempted to point out that the Republican party, by reason of laws which it has passed or by reason of anything which it could have foreseen, was responsible for the sudden panic that burst upon the country in October last. That panic threw hundreds of thousands of men out of employment. That panic cost this country hundreds of millions of dollars. That panic meant that through the long winter days which we have passed men were out of work and little children suffered for food and clothing.

WHAT SHALL WE DO ABOUT IT?

What shall we do about it? This is the Congress to which the eyes of the people must turn for relief.

What relief can we give against these disastrous currency panics which periodically sweep over the country, which undermine the confidence of the people in our banks, and which undermine the confidence of the bankers in each other? Mr. Speaker, I believe that if this currency bill which is now before this House had been upon the statute books last October, if the banks of the great city of New York on the day after the Knickerbocker Bank closed its doors could have instantly had \$150,000,000 in cash, as they could have had under this bill, that panic would never have spread outside the city of New York.

CAN WE CHANGE OUR WHOLE SYSTEM?

What legislation can we enact? There are some who are insisting that we shall change our whole currency system at this session of Congress. Mr. Speaker, it is a serious thing to change a currency system which has been in force in this country for nearly half a century. It is a serious thing to change a currency system from one where the Government of the United States is behind every dollar that circulates among the people over to some other system where the Government does not guarantee every dollar to the people. There are those who are urging us to adopt an asset or credit system of currency. What is asset currency? What is that system? It is one in which the banks issue their notes which circulate as money; it is a system in which the assets of each bank alone are a guaranty that the money is good.

It is a system in which the Government does not guarantee to the people that these notes will be paid. This would be a tremendous change, Mr. Speaker. It would mean that we must tear out of our statute books the financial act of 1900, an act placed there by the Republican party as the result of the great battle of the standards in 1896. That law, passed in 1900 by a Republican Congress, guarantees that every dollar which circulates in the United States shall be kept equal to a gold dollar, and directs the Secretary of the Treasury to use all of the resources of the United States to keep every dollar which circulates by its authority at a parity with a gold dollar. Are the people prepared for such a tremendous change? Would it be acceptable to the people? In my judgment, it would be impossible for this Congress to take such a step without knowing in advance that the people of the United States would indorse and approve it.

What, then, shall we do at this time? Mr. Speaker, we can pass this bill before the House. It is not a system of currency.

It is an addition to the existing system of currency which we have had for fifty years with which the people are familiar, so that in time of panic we can provide a great reservoir of money which can be instantly drawn upon. The political economists tell us and all history teaches us that expansion, immediate and profuse, is the only cure for a panic, but we do not want permanent inflation. Permanent inflation in our currency would only lead in the end to more panics. We provide, then, in this bill that with the consent of the Secretary of the Treasury, in time of great financial distress, a maximum of \$500,000,000 already printed and available may be issued to national banks which comply with the conditions named in this bill, upon security which amounts to six or seven times every dollar issued. We then provide that under the influence of a high tax the moment the need for this money ceases it shall be driven out of existence.

I will append as a part of my remarks a table showing the increase of money and the kinds of money going to make up such increase in the United States for the past ten years, and also in the great commercial countries of Europe. I find that for ten years past the increase of money in the United States, year by year, has fully kept up with all of our enormous expansion and increased demands of business. We find, further, that that increase is largely in gold. We find that the percentage of our total money in gold is much larger than it was ten years

ago. We find that no other great country with any other system has kept pace with us either in quantity or quality in the increased supply of money necessary for business purposes. I stand here to say that our annual increase has been ample to supply the business needs of the country. What, then, is the trouble?

WHY DO WE HAVE CURRENCY PANICS?

Why is it that periodically we have these currency famines, resulting in panic and distress throughout the country? Mr. Speaker, it is because we have not followed the example of the great commercial nations abroad and provided a secondary reserve upon which we shall draw only in time of great need.

I might illustrate it by taking the case of a town which has an abundant supply of pure water for its ordinary and normal needs, but if a great fire breaks out and a conflagration is threatened it has no reservoir upon which it can draw to prevent or extinguish such conflagration. What we are proposing in this bill is to supply a reservoir to be drawn upon only in case of fire. It needs no financial expert to understand this plan. It is one which will appeal to the common sense of the American people. We have all the money that we need for the ordinary normal demands of business, year after year, but when some great bank in New York closes its doors, when there is some international complication, when there is some fear that the Democratic party may be restored to power, when fear falls upon the hearts of the people, we find that our 20,000 separate and integral units composing our banking system fall apart. Each one desires to protect itself and they draw upon New York for their money; they draw all together for their money, and the result is that our system fails, our banks are obliged to suspend payment, hundreds of thousands of men are thrown out of employment, and suffering and loss is spread among the people.

EVERY OTHER GREAT COUNTRY A REMEDY.

Mr. Speaker, I stand here to say that there is no other great commercial country on this earth which has not, under some form, a remedy such as is provided in this bill. Let us take the case of Great Britain, second only to the United States as a great commercial country. Great Britain has the most rigid and inelastic currency system of any of the great nations. The Bank of England substantially issues all of the currency for England. About \$80,000,000 of their bank notes are issued on Government consols. Beyond that, for every Bank of England note issued an equal amount of gold must be deposited in the bank. The banks of Great Britain are not required by law to keep reserves within their vaults. As a rule, the great stock-company banks of Great Britain keep their reserves in the Bank of England. What do they do in case of panic? Where do they get their increased supply of money with which to rapidly inflate the currency when fear and panic falls upon the people? The bank applies to the Government and the Government suspends the bank act.

ENGLAND SUSPENDS THE BANK ACT.

What does that mean? It means that the Bank of England may then put forth unlimited quantities of bank notes without an equal amount of gold being deposited against it. It means that any bank in Great Britain can take its securities to the Bank of England, rediscount them, and receive Bank of England notes in exchange. It means that there can be no currency famine. Three times in its history, to stop panic, the bank act has been suspended. The result has always been the same, and it has now come to pass that the mere announcement that the bank act has been suspended is sufficient to instantly restore confidence and stop panic. When the panic is over the Bank of England gradually withdraws its notes from circulation and goes back upon its normal basis of having an equal amount of gold for all notes outstanding.

GERMAN SYSTEM.

We are all familiar with the German system. In Germany the Imperial Bank, under Government control, issues a great part of the currency of the country. The Imperial Bank must keep 33½ per cent of gold as a reserve against all notes issued.

The Government arbitrarily limits the amounts of such notes in circulation to \$117,000,000, but in time of financial stress the Imperial Bank can exceed this legal limit of notes issued to any extent with the permission of the Government by paying a tax of 5 per cent upon such excess issues. Here, then, adapted to the German system is the same provision which we are seeking to enact into law under this bill, where unlimited amounts of money may come out with the permission of the Government to avert or relieve financial panic, but with such a tax upon it that it is driven out of existence as fast as the financial pressure is withdrawn. Austria has the same provision. France has similar provisions adapted to her system. These great countries have no guaranty of deposits. The people who deposit

In their banks are not dissimilar from the people who deposit in our banks. Yet these countries have long since ceased to have currency famines and runs upon their banks. Why, if you read the history of the Bank of England you will find that fifty or sixty years ago the banks issued clearing-house certificates in the city of London to tide over panic. You might think you are reading about the condition which existed in the cities of the United States only last fall.

Out of their longer experience they have done away with currency famines. How have they done it? Not by having more money than we have; not by having better money than we have, but by having a reserve of money which can be drawn upon in time of panic, a reservoir in case of fire, such as is provided in the bill now before the House.

Last October the Bank of England had in its vaults \$165,000,000 of gold. The Treasury building in this city contains nearly a billion and a quarter millions of dollars in gold. That sum of gold in the Bank of England represented not only the bank notes in circulation but it represented the reserves of many of the great banks of London. We were drawing it away from them at the rate of six or seven millions of dollars a week. Why was it that the people of England did not become alarmed? Why did not the banks rush in and draw down their reserves and take it to their own vaults? That is what would have happened in this country. The reason they did not do that is because they knew that at any time in case of stress their money was not limited to that sum in the vaults of the great bank, but that the bank act could be suspended and unlimited amounts of money, in which the people had confidence, would come forth.

Would not the same causes apply here? If the people of this country knew that already printed and stored in the Treasury and subtreasuries of the country were \$500,000,000 which would be instantly available in case of great need, would it not be a bulwark of confidence against panic? The greatest value of this law, in my judgment, would be that it is on the statute books. Its greatest value would be the steadiness and confidence which it would give to the people. If the people of New York City had known last October that great amounts of money were printed and lying in the subtreasury, instantly available, they would not have started a run upon the banks. Knowing they could get their money if they wanted it, they would not want it. If the people of the Pacific States had known that lying in the subtreasury at San Francisco was twenty-four or twenty-five millions of dollars which they could get in case of great need, they would not have attempted to draw their reserves from New York. They would not have had a holiday proclaimed by the governor lasting for months in order to protect the banks.

If the people of the South had known that lying in the subtreasury at New Orleans was something like eighty-five or ninety millions of dollars which, with the consent of the Government, in time of stress could be secured, through their own banks, through their own associations, upon their own assets, they would not have been so alarmed when panic broke out in New York City. They would have known that as a last resort they could take that money, send their cotton and sugar to market, and go on about their business.

#### WHAT IS THIS BILL?

Now, what is the plan under which we propose to issue this money? The money must be absolutely good in the eyes of the people. During all the panics of forty years the notes issued by the banks guaranteed by the United States and the notes issued direct by the Government have been hoarded the same as if they were shining gold pieces. During the panic of last October our paper money sold at a higher premium in the streets of New York than did gold.

This money, then, will be issued by the Government through the banks, the same as our present bank notes. It will be identical in form with our bank notes. It will be guaranteed by the Government, as are the present bank notes. As I shall show, the Government will have much greater security for its guaranty than it has upon bank notes issued under the present law.

#### CLEARING-HOUSE PRINCIPLE.

In this proposed law we are using the clearing-house principle. During every currency panic for half a century the banks of large cities have associated themselves together in clearing houses. The effect of this has been to unite their assets and resources together as if they were one bank. Instead of standing alone to meet the shock of panic, so that first the weaker banks would give way and with the growing fear and excitement the stronger ones would next be attacked and might also give way, they banded themselves together so that there was no weakest and no strongest, but one great bank, transferring its resources from one point to another as might be needed.

Clearing-house certificates would be issued to banks needing help, to secure which such bank would deliver over to the clearing-house association securities from among its assets which would be satisfactory in quality and quantity to the clearing-house association officers.

It is a fact that during the fifty years that these clearing houses have been used in time of panic never a dollar has been lost to this day. During the panic of last fall \$452,000,000 of securities, 72 per cent of which was commercial paper, were deposited by banks of the New York clearing house with that association. A maximum amount of \$101,000,000 in clearing-house certificates was authorized. In Pittsburgh, last October, the banks formed themselves into a similar association. In addition to certificates issued among themselves, \$48,000,000 of certificates of small denominations were issued upon the united responsibility of the banks and circulated among the people as money. When the panic was over these were withdrawn and went out of existence. This is the principle which we use in this proposed legislation. We propose that not less than ten banks, having a united capital and surplus of at least \$5,000,000 may associate themselves together as a clearing-house association, under rules and regulations to be promulgated by the Secretary of the Treasury. The machinery of organization is most simple.

The banks of New York City or any other city in twenty-four hours could form an association as provided in this bill. If, in the opinion of the Secretary of the Treasury, the business condition of the country or of the locality is such as to require additional circulation, any bank belonging to the association may deposit securities owned by it, bonds or commercial paper, with the association. If those authorized to act for the clearing-house association are satisfied with the value of such securities, they make application to the Secretary of the Treasury for additional notes, and he may, in his discretion, issue not to exceed 75 per cent of the securities so deposited in trust with the association. All of the banks belonging to the association and all their assets are liable to the Government for this circulation issued. This follows the line of the law now upon the statute books relating to our present issue of bank notes. So far as the clearing-house association is concerned its security is ample. The security deposited by the bank with the clearing-house association must be ample. The association can require as security two or three times, if it chooses, the amount of such bank notes to be issued.

The association, under the law, has a first and paramount lien upon all the assets of such bank as security for the bank notes issued. So far as the Government is concerned, its security for these notes is much greater than at present. Let us suppose that thirty banks, having capital and surplus of \$15,000,000, form a clearing-house association for the purpose of getting additional circulation under this bill. They must first have 40 per cent of bond-secured circulation. The maximum amount of circulation which they obtain therefore would be \$11,000,000. What security has the Government for this issue?

First, capital and surplus of thirty banks.....	\$15,000,000
Stockholders' liability for, say.....	10,000,000
It has next the specific securities, probably at least twice the amount of notes issued, held in trust by the association for the United States, say.....	22,000,000
It has next a first lien upon all the other assets of all the banks belonging to the association, which would be at least.....	23,000,000

Security for maximum circulation.....	70,000,000
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It then requires the banks to keep 5 per cent of the notes issued in cash in the hands of the Treasurer of the United States to pay these notes when they come in for redemption, and that redemption fund must be constantly kept good. Here, then, we have security, so far as the Government is concerned, of \$70,000,000 worth of securities against an issue of \$11,000,000 of bank notes. Surely no one can question the security of the United States in guaranteeing these notes, and no one will question the ability of the clearing-house association to absolutely protect itself against any loss through any constituent bank. Any bank may join these clearing-house associations if located in contiguous territory, but after such bank joins the association it depends entirely upon the will of the clearing-house association as to whether such bank can take out a dollar of circulation or not. That depends entirely upon the security which it has to offer and the need which it has for money, in the opinion of the managers of the association. Large banks and small banks can belong to these associations with equal security, because each must put up securities from among its assets which are unquestionably good in the eyes of the association.

The experience of fifty years shows that the managers of clearing-house associations take no chances as to the securities



deposited with them, and during all that time not a dollar has ever been lost through a clearing-house association.

The remedy provided under this law exists at all times and in every part of the United States. The annual loss on commercial paper is less than one-eighth of 1 per cent. The banks would bring in their best securities in time of need. If they owned securities of doubtful character, they would not bring them out for other banks to see. Under the provisions of this bill banks need not invest large sums of money in particular kinds of bonds which they must carry many years, perhaps, waiting for an emergency and which they may never need. Under the provisions of the bill passed at the other end of the Capitol only State, county, municipal, and district bonds can be used for emergency circulation.

But the statements of the banks show that not more than fifty or sixty millions of bonds of this description are owned by all the national banks of the United States. Then, to take out \$500,000,000 of emergency currency, in case of need, they would have to withdraw from the channels of commerce more than \$400,000,000. They must provide themselves with these bonds in advance, because it is evident if a bank waits until a panic is imminent or until it has commenced, it will not benefit itself by paying out lawful money for bonds and then exchanging the bonds for 90 per cent of their value in bank notes. Hence they must be carried indefinitely waiting for this emergency. Suppose \$400,000,000 should be withdrawn from the commercial field by the national banks and invested in these bonds. Is it not evident that this great sum withdrawn would mean that crops could not be moved next fall? It would produce such a stringency in the money market as to bring about the very condition which we are legislating to prevent.

Our banking system in many respects is the best that could be devised for our country. We have nearly 40 per cent of the banking capital of the world. No one can doubt that our free banking system has been a great factor in the magnificent development of our country. In every community throughout the length and breadth of our land the substantial men in every city and town can associate themselves together in providing banking capital for their own communities. I doubt if the branch banking system would suit the independent American character. Our people would not be content to be told that some manager in a distant city must be communicated with to give permission for loans to be granted in communities where branches might be established. Our people like to see and talk direct with the man in authority. It may also be doubted whether our people are ready to adopt a great central bank on the European plan, although many of our best financial thinkers consider that we must finally come to this plan. It may be years before we change our banking and currency system. In the meantime we are in constant danger that from some perhaps unexpected cause a currency panic may start and sweep over the country, carrying disaster in its train.

We are the greatest in wealth among the nations of the earth. We are not backward in boasting about the superiority of our institutions, about our enormous expansion, and our modern business methods, and yet Europe looks on amazed at the spectacle of practically all of the banks of the greatest commercial country in the world suspending cash payments. It seems to me that if we adjourn without providing a remedy for this state of affairs it will be almost criminal neglect on the part of Congress. The remedy which we propose is simple in its machinery. Associations in the cities can be completed in twenty-four hours. The principles involved have been tried by experience. It will afford protection and confidence to our people. A monetary commission, which is provided for in this bill, can take up the whole question with a view of finding out if there are other weak spots which need strengthening.

Mr. Speaker, I am not in favor of Government guaranty of deposits. I am willing to admit that if the Government of the United States puts its credit behind the enormous deposits in our banks, the people will feel secure; but I am very doubtful that anything less than a Government guaranty of deposits will prove a remedy. No one will contend that the thrifty depositors in banks should be singled out for protection except for some great public benefit. If these money panics can be stopped in no other way we may have to come to this remedy, but the older nations of Europe, without guaranty of any kind, have been able to stop money panics and runs on banks. Why, then, shall we not be able to accomplish the same result by adopting the same remedy? That remedy is provided in this bill. It will not prevent banks which are mismanaged or which are looted by their officers from failing, but it will prevent the fright growing out of the closing of this class of banks from extending into panic and runs upon other banks.

If the people know that solvent banks can readily and upon their own assets obtain plenty of cash with which to pay their depositors, then they will not want to draw their money. This principle is as old as banking. Many great bankers in the largest cities of the United States have indorsed this plan. Several State conventions of bankers have almost unanimously recommended its principles. The benefits sought for in this proposed legislation apply to every man, woman, and child in the United States. The object of this legislation is of the first magnitude in importance to the people of the United States. Let the Republican party, the great business party of the country, place it upon our statute books. [Loud applause.]

DO WE NEED EMERGENCY CURRENCY?  
[Figures express millions of dollars.]

	Gold.	Silver.	Notes and bank notes.	Total.
<b>UNITED STATES.</b>				
1890.....	\$590.5	\$288.7	\$702.0	\$1,581.2
1897.....	663.2	634.5	692.0	1,989.7
1898.....	681.5	637.6	676.0	1,995.1
1899.....	962.8	639.2	681.0	2,283.0
1900.....	1,034.4	647.3	733.0	2,414.7
1901.....	1,124.6	661.2	748.0	2,533.8
1902.....	1,192.3	670.5	733.0	2,595.8
1903.....	1,249.5	667.4	780.0	2,696.9
1904.....	1,237.6	682.3	800.0	2,720.9
1905.....	1,357.8	686.4	852.0	2,906.2
1906.....	1,472.9	687.9	915.0	3,075.8
<b>GERMANY.</b>				
1896.....	\$654.5	\$212.8	\$123.8	\$991.1
1897.....	688.5	212.8	132.2	1,033.5
1898.....	672.8	208.2	156.7	1,037.7
1899.....	697.9	208.4	173.8	1,080.1
1900.....	721.1	208.4	177.4	1,106.9
1901.....	752.8	207.5	153.4	1,113.7
1902.....	763.5	207.5	181.1	1,152.1
1903.....	801.4	208.6	193.8	1,203.8
1904.....	883.7	210.2	180.8	1,274.7
1905.....	917.4	209.7	213.9	1,341.0
1906.....	1,030.3	219.7	267.1	1,517.1
<b>UNITED KINGDOM.</b>				
1896.....	584.0	121.7	112.1	817.8
1897.....	438.0	121.7	112.0	671.7
1898.....	462.3	111.9	111.6	685.8
1899.....	486.7	111.9	112.3	710.9
1900.....	511.0	116.8	117.6	745.4
1901.....	528.0	116.8	116.2	761.0
1902.....	548.1	116.8	117.9	782.8
1903.....	530.4	115.8	117.1	763.3
1904.....	533.2	113.4	118.1	764.7
1905.....	550.1	111.9	116.6	778.6
1906.....	480.7	116.8	116.8	714.3
<b>FRANCE.</b>				
1896.....	772.0	443.9	119.2	1,335.1
1897.....	810.6	419.8	124.6	1,355.0
1898.....	810.6	420.1	161.1	1,391.8
1899.....	810.6	421.2	194.1	1,425.9
1900.....	810.6	421.2	199.2	1,431.0
1901.....	906.5	419.8	131.5	1,457.8
1902.....	947.7	419.8	158.2	1,525.7
1903.....	968.3	419.8	175.6	1,563.7
1904.....	926.4	411.1	110.9	1,448.4
1905.....	1,032.0	411.1	118.2	1,561.3
1906.....	926.4	411.1	260.2	1,607.7
<b>CANADA.</b>				
1896.....	16.0	5.0	35.0	56.0
1897.....	16.0	5.0	35.0	56.0
1898.....	20.0	5.0	40.5	65.5
1899.....	20.0	5.0	40.5	65.5
1900.....	20.0	5.0	40.5	65.5
1901.....	20.0	5.0	50.9	81.9
1902.....	33.8	6.7	56.9	97.4
1903.....	50.0	6.7	56.9	113.6
1904.....	52.5	6.7	65.1	124.3
1905.....	53.1	6.7	65.1	124.9
1906.....	62.4	6.7	72.5	141.6

Mr. VREELAND. I reserve the remaining minute of my time.

The SPEAKER. The gentleman from Mississippi is entitled to two minutes.

Mr. WILLIAMS. Mr. Speaker, I understand I am entitled to two minutes.

The SPEAKER. Exactly.

Mr. WILLIAMS. Mr. Speaker, of course you and I and all of us know that this foolish Vreeland bill is never intended to become a law; that it is merely expected that the House of Representatives shall pass some act—anything—in order to get a conference with the Senate and bring out what is really intended to be enacted, with the purpose as described by the gentleman from New York [Mr. COCKRAN]. I now yield the bal-

ance of my time on this side to the gentleman from North Carolina [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, the Constitution of the United States empowers and authorizes Congress to coin money and regulate its value. This grant of power is absolute and exclusive, in that it is further provided that no State shall coin money, emit bills of credit, or make anything but gold and silver a legal tender in payment of debts. The power to create money is a sovereign power, inherent in all independent governments, and is equal in dignity to the power to declare war or to make treaties of peace. It is a power that the framers of the Constitution, in my judgment, never intended to be delegated by Congress to national banks or any other agents. I am not opposed to banks nor am I unfriendly to the banking business. I recognize that banks are indispensable to the trade and commerce of the world. But when they are not honestly managed and supervised they may become a menace to the public welfare by creating panics, which are as blighting as the devastation of war. National banks have been the special favorites of the Republican party; they have had too much consideration, both in legislation and in the administration of the law. Twenty-five hundred million dollars of bonds were issued by Congress to defray the expenses of the war and as a basis for securing national bank notes, and at the same time five hundred millions of greenbacks were issued as currency. While this currency was made a legal tender for the payment of debts, public and private, except the interest on the bonds, it was not receivable in payment of import duties, and consequently it depreciated to an alarming extent, falling as low as 38 cents, and yet it was accepted at its face value in the purchase of bonds.

The bonds were made payable in lawful money, which included the depreciated greenbacks. By subsequent acts of Congress the bonds were made payable in coin, which was understood at the time to mean either gold or silver, at the option of the Government, but by interpretation it has been held to mean gold, if the bondholder demanded it, and he never fails to demand it. By this manipulation alone the bond speculators realized a thousand million dollars clear profit, wrung from the hard earnings of the American people by the most grinding and discriminating tax laws that have ever been written in the statute books of a free people. This is a long history of unwise, if not wicked, legislation in favor of national banks and against the interest of the people.

Mr. Speaker, the Republican party has already virtually surrendered the power to fix tariff-tax schedules to the manufacturers for their own benefit in the name of protection of American industries and the American laborer, and if this Aldrich-Vreeland bill should become a law, you will have surrendered the power to control the money supply to the big national banks of New York, the very banks that produced the panics of 1893 and 1907. These banks will not only be able to determine when this currency should be issued, but how much shall be issued.

And remember that every dollar that is issued will be issued to the millionaire banks with but little cost to them, and the small banks that are doing an honest and a conservative business will never receive a dollar. Doubtless you will be able to rush this bill through the House, under the lash of the party whip, without giving a reasonable time for debate and without the right to offer amendments under the gag rule adopted this morning, but you can not conceal the hideous deformity of this bill from the people, though you may deceive yourselves for the time being, but you will have to stand at the bar of public opinion and answer for this day's work. Who is interested in the passage of this bill? Nobody but the few banks that expect to get the benefits. Hundreds and thousands of banks, boards of trade, chambers of commerce, wholesale and retail merchants' associations, labor unions, and individual citizens from every State in the Union have entered and protest against the bill, and nobody, to my knowledge, has openly advocated it outside of Members of the House.

Mr. Speaker, the Committee on Banking and Currency was appointed on December 3. I happened to be a member of that committee, and it is well known to the House and the country that most of the winter and spring has been given to the consideration of currency questions.

Public hearings were given for days and weeks, and leading financiers, bankers, and citizens, including ex-Secretary Gage and Comptroller Dawes, Samuel Gompers, and Sir Morton Frewen, member of English Parliament, and the representatives of the general business of the country, appeared before the committee, and, with one exception, condemned the principles of the Aldrich-Vreeland bill. And by a unanimous vote of the committee the Aldrich bill was laid on the table, and the

Vreeland bill was also tabled. Without any report from the committee the Republican caucus combined the worst features of those bills into a new bill, and say that it shall pass this House to-day.

Mr. Speaker, the minority of the committee, with the assistance of Mr. WILLIAMS, drafted a bill which was intended to be offered as a substitute for the bill that might be proposed by the majority, naturally thinking that ample time would be given for intelligent discussion of the whole financial question, but since you have limited the discussion to three hours, with the opportunity to offer our bill as a substitute, but without any right to propose a single amendment either to your bill or ours, we have decided not to offer a substitute, knowing full well that any bill drafted by Democrats would be treated with contempt by that side of the House, and give you an opportunity and an excuse to raise a false issue in the coming campaign by attacking our bill instead of commending your own, so you now have a clear-cut issue on your bill, and by it alone you shall be judged. I understand that the bill now before the House is the fourth edition of the caucus bill of two nights ago. It is being added to and taken from in order to win recruits from the recalcitrant Republicans.

The fact is but few Republicans of this House believe that this bill should pass without amendment, but you have got to have an emergency bill to try to save the Republican party from complete rout and overthrow. You are in a dilemma. For fifteen years you have contended in Congress, on the stump, and through the press that the Democratic party made the panic in 1893 by reason of a promise to reform the tariff and that your party restored prosperity, and you have assured the people in all the campaigns that you alone could maintain prosperity. But every intelligent man knows that it has always been a false issue. Mr. Cleveland convened Congress in extra session in August, 1893. The panic had been raging for two months, and there was not a law on the statute books that was not put there by the Republican party. Mr. Cleveland insisted that the panic was due to the law providing for the purchase and coinage of silver bullion passed by a Republican Congress and signed by a Republican President in 1890. And in this view almost every Republican in the House and Senate concurred, contending that the repeal of that law would restore prosperity immediately. The law was repealed, and by and by prosperity returned, just as it will if this Congress should pass no law. It was labor, and not law, that produced the prosperity which the American people have enjoyed for the last ten years. When individuals and nations produce and sell in the markets of the world more than their necessities require them to buy, they are prosperous, independent of and in spite of laws. The balance of trade last year in favor of the United States was \$500,000,000, all of which was payable in gold, and but for this large balance to our credit what the result of this panic would have been the wisest can not tell. The country survived the panic of 1893, and it will survive this panic, and the people will learn lessons of wisdom from their experience. The fact is the banks of Wall street precipitated that panic to force the country to adopt the gold standard and sell bonds, and it was done by the endless-chain process in presenting greenbacks and Treasury notes for redemption, until the gold reserve was exhausted and the Secretary was compelled to sell \$260,000,000 of bonds to buy gold for redemption purposes, following the precedent of his Republican predecessor as to redemptions.

I believe however, if the course pursued by Secretary Manning in 1885 had been followed by paying the gamblers and looters silver instead of gold the panic would have been checked without the sale of bonds. Every Republican Secretary has stood by the gold-redemption policy. With only \$150,000,000 as a gold reserve in the Treasury, and resting upon it are outstanding obligations in the way of silver certificates, greenbacks, and national bank notes—the enormous sum of fifteen hundred million dollars, and if this additional currency is to be issued the further burden of five hundred millions will be added. Think of this vast volume of money being converted into an absolute debt against the people with which the gold of the Treasury can be drained and the Secretary forced to sell hundreds of millions of bonds to get gold to make further and repeated redemptions. The policy of redemption as it has been used and abused is reprehensible. It has been done in the interest of high finance. Honest business has never demanded a dollar of redemption.

Mr. Speaker, I really think that the Republican party has argued itself into the belief that it has created the prosperity which the people have enjoyed for a number of years and that they alone can preserve it. I believe that nobody was more surprised when the panic came than the adherents of that party.



You boastfully declared in your campaign book of 1906, in enumerating the good things that you had done, that you "had established the gold standard which placed our monetary system on a stable basis and in harmony with the great nations of the world," and "that none but the rankest pessimist could see a cloud on the horizon."

I think all you gentlemen can see a cloud now above the horizon as big as a man's hand, and I remind you of the fate of the false prophets who had so long misled and deceived the people. You remember the calamity that befell them when they met the truth face to face on Mount Carmel, where Elijah was looking for a "cloud on the horizon." Your slogan of a "full dinner pail and prosperity" will not serve you in the coming campaign. You will face an indignant and undeceived constituency.

I know the Republican party does not admire panics and would not intentionally inflict the country with one, unless they were sure that they could charge it to the Democratic party. The country will hold you responsible for this panic and for your failure to remedy the causes that produced it.

Mr. Speaker, I shall now allude to some of the distinctive features of the bill. The object of the bill is to enable national banks to procure currency from the United States Treasury to prevent or stop a panic. It will become the duty of the Secretary upon the passage of the bill to prepare plates and dies and print in blank 50 per cent of the capital stock of all the national banks of the United States, to be held by the Comptroller of the Currency, and to be delivered according to law to the banks entitled to receive it. There must be at least ten national banks, with unimpaired capital and surplus of not less than \$5,000,000, incorporated into a clearing-house association, with power to sue and be sued, to enable banks to procure this emergency currency. The basis for this circulation is any kind of securities, including stocks, bonds, and commercial paper, without regard to their par value, which national banks may have when transferred to the clearing-house association and approved by the board of trustees, provided each bank has 40 per cent of its capital stock of national-bank notes in circulation and a surplus of 20 per cent. It will be seen at a glance that the banks of some of the States have not sufficient capital to secure a clearing house, and therefore would have to gain admittance into a clearing house in an adjoining State.

The association is voluntary and the benefits to the banks are presumed to be mutual. Each must keep its capital stock and surplus intact, and will be liable for its pro rata part of the defalcations of the other banks of the association. When a bank or a number of banks may think a panic is approaching, application is made by the clearing house to the Secretary of the Treasury for an issue of currency, but the Secretary has authority to reject the application on the ground that he does not believe that the community in which the bank happens to be located needs the currency or that the security is not satisfactory.

Mr. Speaker, does any sane man believe that any bank which has wise and honest management and is doing a safe and legitimate business will become a member of any such ridiculous corporation? But the banks that gamble and speculate in money and in stocks and bonds will always be able to create, at will, a panic sufficient to induce the Secretary of the Treasury to issue to them all the currency they may desire. Banks belonging to the Clearing-House Association of New York City have a basis of securing \$200,000,000 of this emergency currency, while the State of North Carolina could not secure four millions. But the ordinary, honest banks will never get a dollar of the currency, it matters not what their distress may be. It is expressly provided for the few banks that have power enough to create a panic, and it will be given to them cheap in order to induce them to be good, although you have charged 4 per cent interest per annum for the first two months and 1 per cent thereafter until 10 per cent is reached; but they will never pay more than 4 per cent, as they can surrender the currency at the end of two months and get a new supply. And to make it more attractive, the banks are not required to advance the interest out of their vaults.

To illustrate, take a bank that has a million dollars already invested in stocks, bonds, and commercial paper; the bank simply transfers its paper from its own vaults to the vaults of the clearing house, and the Secretary of the Treasury will issue to the bank \$750,000 if the securities are at par, and the interest on this amount for two months would be \$5,000, which amount it takes from the seven hundred and fifty thousand, and pays the interest at another window, and steps out of the Treasury with \$745,000, and continues to draw interest on the securities deposited, and can loan this currency in the New York Stock Exchange for 100 per cent per annum, as was done during the panic this year. And with the consent of

the clearing house of which such bank is a member one class of securities may be withdrawn and others substituted, so that when paper becomes due it can be withdrawn and collected, and new notes could be substituted in lieu of it, and these favorite banks will have the endless-chain process for all the money they may want for speculative purposes. I do not believe, Mr. Speaker, that any man who has given careful thought to this bill believes that the big banks which are behind it will willingly surrender the benefits which they derive from it. It is intended to be made a permanent part of our national banking system. I call attention to the fact that all the present outstanding national-bank notes which are secured by United States bonds are to be canceled on redemption by the Treasury Department, and this emergency currency is to be issued in lieu of it, in order to conceal from the public the fact that emergency currency is being issued at all times without regard to panics. You are giving such dignified recognition to panics that a bureau of panics ought to be established at once.

The bill provides for issuing \$500,000,000, and the entire amount might be taken out in a week, and may be surrendered for cancellation in a week. I submit that this is too much power to intrust to any agency. The power to inflate and contract the currency puts the people at the mercy of him who exercises the power. Mr. Speaker, it is not even pretended by the author and the supporters of this bill that it will afford the relief demanded. It is a mere dope to quiet the nerves, to enable the banks of Wall street to operate more effectively on the honest business of the country until a commission can diagnose the disease and prescribe the remedy that these banks want, in order that they may further exploit their victims. It is pitiable to see a great party that has done so much, and boasted of so many things that it has not done, lie down and confess its inability to deal with the financial situation, which is touching every man and every business in the United States. The industrial enterprises of the country have suspended in many sections, and the men and women whose genius and labor have made this the greatest and richest nation of the earth are idle or working on short time and reduced wages, and hundreds of thousands in the industrial centers are being fed by the hand of charity in bread lines and soup houses, heretofore claimed by Republicans to be Democratic institutions. And the end is not yet—and you dally and delay. You could remove the principal cause that precipitated the panic last October in one hour by amending the national banking laws so as to require all national banks to keep their legal reserves in their own vaults. The law requires banks in reserve and central reserve cities to keep 25 per cent of their deposits as reserve, but permits banks in reserve cities to loan on call one-half of their reserve to central reserve banks. All other banks are required to keep 15 per cent reserve and are permitted to loan three-fifths of it to reserve and central reserve banks. And on the 1st day of August, 1907, there had been loaned or deposited the enormous sum of \$614,000,000, the bulk of it in the big banks in New York City, which in turn loaned it on speculation or invested it in stocks and bonds, so that it was not available on demand. And just when the banks began to call for their money to meet the increasing demands to market the crops, a run was made on the Knickerbocker Trust Company, of New York, and this great bank, with \$8,000,000 in its vaults and \$60,000,000 of deposits, went to the wall, and the speculating banks, finding themselves unable to collect, took fright, and immediately the banks of the Clearing-House Association refused to pay currency on demand, and without authority of law issued clearing-house certificates to meet their money demands. The news flashed over the wires, and every bank in the United States received a shock, and the \$600,000,000 loaned and deposited in the great centers was locked up or tied up, and the panic was on. Four thousand State and national banks within ten days closed their doors against the demands of their own depositors, making either limited payments or tendering clearing-house certificates over their counters when money was demanded. These banks were innocent and suffered greatly, and but for this timely action not only the banks, but the business of the country, doubtless, would have gone down in wreck and ruin. The fault is in the law. If this money had been kept at home, the panic in New York would not have disturbed the country banks.

Mr. Speaker, other grave problems are pressing hard for solution, and so far the Republican party has not been able to cope with them. The receipts are falling behind the expenditures at the rate of \$5,000,000 per month, and yet this has been the most extravagant Congress in the history of the country. You will appropriate over a thousand million dollars at this session. The next fiscal year will find you facing an empty Treasury, and the sale of bonds will be inevitable, unless Provi-

dence comes to the rescue. Factories and mills are closing, and the unemployed are becoming restless. Coxey is again threatening to organize his army of tramps. The number of wage-earners who are now out of employment is something appalling.

The Ethical Social League, of New York, submitted a report on the 7th of April containing the number of unemployed in every State in the Union, aggregating 3,160,000; more than half of this number are in New York, Pennsylvania, Ohio, Illinois, and Michigan. The Southern and Western States so far have not suffered so much as the Northern and New England States. The Bureau of Labor of New York, on April 19, stated that at the close of 1907 one out of every three union men in the State was idle.

The International Brotherhood of Locomotive Engineers, of Springfield, Mo., on February 1, 1908, wrote the following letter to Hon. C. W. HAMLIN, a Member of Congress from that district, which was published in the RECORD:

INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,

Springfield, Mo., February 1, 1908.

Hon. C. W. HAMLIN,

House of Representatives, Washington, D. C.

DEAR SIR: I am requested by your friends, the railroad men of Springfield, Mo., to write you relative to conditions on the Frisco railroad—due to the panic—in hopes that you may introduce or assist in bringing some measure before the present Congress that will relieve conditions and give the wage-earner an opportunity to work so as to earn a living for himself and loved ones dependent on him for support. The Frisco shops only work eight hours per day, four days a week, at present, and were closed twelve working days in January. To-day one-third of the employees of the shops were let out indefinitely, while on the road freight business has fallen off so crews are only making one-half time. This is true of the entire system, and starvation is staring your friends, the railroad men, in the face. The company, owing to short working hours in shops and reduction of number of employees, is unable to keep engines in repair, the result being that when freight is offered for shipment the company is unable to handle it for lack of power. I learn, through our brotherhood, the same conditions prevail on all railroads, and good men are tramping over the country hunting for employment and not able to find any. Is there not some way for Congress to relieve this condition, or is it possible that the moneyed power is supreme—that the inclosed clipping from the St. Louis Post-Dispatch about J. P. Morgan is true. Must the wage-earner come to starvation in order that dividends can be paid on watered stock and the gamblers and stock speculators grow rich? We, your friends, appeal to you, believing that in this, our hour of need, you can help us out. Awaiting your reply, and trusting that Congress will better conditions, I remain, yours, respectfully,

M. J. MURPHY,

Chairman Ozark Division 83,  
Brotherhood of Locomotive Engineers,  
849 North Main street, Springfield, Mo.

It is estimated that the railroads of the United States employ 1,600,000 men and, according to estimates, 500,000 have been laid off in all branches of the service. The following dispatch from Baltimore to the Washington Post, dated Baltimore, March 10, says that the Baltimore and Ohio has issued the following statement:

19,200 FREIGHT CARS IDLE—B. & O. PROPERTY VALUED AT \$19,200,000 NOT EARNING REVENUE.

[Special to the Washington Post.]

BALTIMORE, Md., March 10.

The Baltimore and Ohio has issued the following statement: "Because of general business depression, the Baltimore and Ohio Railroad has 19,200 idle freight cars standing on yard and side tracks and in shops over the system, which includes the Baltimore and Ohio Southwestern Railroad, out of 87,500 cars. Never before in the history of the Baltimore and Ohio, the pioneer railroad of the country, was there near so many cars out of service at one time. At a valuation of \$1,000 per car, this represents \$19,200,000 of the company's money that is not earning any revenue."

Mr. Speaker, in the face of the deplorable conditions throughout the country small politicians are making a demagogical argument to the people in some sections, insisting that local legislation with reference to regulating railroad rates brought on the panic. This is being done to avoid the responsibility of explaining to the people how the Republican party made the panic, in order to get votes. I quote from a dispatch dated Buffalo, N. Y., February 1:

The police force at West Seneca has been trebled to cope with the possibilities of an outbreak of lawlessness of the hundreds of idle and hungry foreigners formerly employed in a steel mill. A bread riot occurred last night.

[From the Springfield (Mo.) Republican.]

Calls for aid at the soup houses are increasing every day. More than 300 people were fed yesterday at the soup houses being conducted by charitable organizations of the city. Though the places opened to the public only last Saturday hundreds have applied for something to eat.

ELKHART, IND., January 29, 1908.

The Lake Shore Railway's big locomotive and allied shops, which had already been reduced to four days' work, were put on two days' work. One thousand men were affected.

I now offer in evidence as to the panic and its effects, the testimony of two eminent Republicans. Ex-Secretary of the

Treasury Lyman P. Gage said in a speech before the Banking and Currency Committee:

In 1907 we were on deep waters of prosperity, when everything ought to have floated serenely, but we bumped hard. We stove open the bottom of the ship. We met with first-class disaster.

And Hon. Leslie M. Shaw, the former Secretary of the Treasury under Mr. Roosevelt, said in a recent speech:

Over 300,000 freight cars standing empty on the tracks, 30,000 locomotives white leaded and out of commission, one-fourth of the population of several large cities idle, for the first time under Republican Administration free soup houses in every industrial center, and the price of farm produce naturally and materially depreciated furnish an object lesson which ought to produce a measure of sober-mindedness on the part of the American people.

Mr. Speaker, why is it that men, women, and children are walking the streets, begging for bread, in the fairest, richest, and best country on the earth? It is because the people have not heeded warning; they have been step by step led on by the delusion that prosperity has been created by laws instead of by labor and that the tariff taxes benefit those who pay them. The real causes of this panic are deeply rooted in the false and vicious tariff laws. Relief will never come by applications of porous plasters and dosing with soothing syrups.

One instance will illustrate: Under the Dingley tariff law 100 per cent is levied on Russian oils in the ports of the United States. Russia is the only country that can compete with the United States in the production of oil. And this tax gives the Standard Oil Company an absolute monopoly of all the oils sold to the people of the United States. They sold last year 6,607,194,000 gallons at 2 cents a gallon more than they charged for the same kind of oil which was shipped to Great Britain and France, netting the company on account of the tariff over \$13,000,000. This discrimination is an outrage upon the American people, and oil should be immediately put on the free list. What good reason can be given for taxing all the people in order to make a few rich? This same Standard Oil Company invested its ill-gotten surplus in banking, and now owns and controls some of the largest banks in New York, which had much to do in creating the panic last fall. The Standard Oil banks are special pets of the Secretary of the Treasury. There is evidence to warrant the conclusion that the big New York banks entered into a collusion to force Congress to pass a law to give them the right to have currency issued on their stocks, bonds, and commercial paper; and when the crash came the Secretary in great haste rushed to New York and made arrangements to deposit additional money with the very banks that inaugurated the panic.

The Treasury had \$268,000,000 of surplus, and by the 1st of December he had in the depositary banks of the country \$228,000,000 of this surplus, which was used without paying the Government one cent of interest, and he allotted to the First National Bank and the National City Bank of New York \$27,000,000, the former under the control of J. Pierpont Morgan and the latter a Standard Oil bank. These two banks were allowed more public money than all the banks of the eleven Southern States; and this money was loaned in the New York Stock Exchange by these banks at 50 per cent, and it is claimed by some charitable-minded people that Rockefeller and Morgan saved the country from financial ruin. Is it possible that the destiny of the Republic is in the keeping of a few big national banks and millionaires of New York City? If they have the power to save, they have the power to destroy. In addition, the Secretary sold Panama bonds and certificates of indebtedness to the amount of \$40,000,000, and that, too, in violation of the spirit and the letter of the law, and this money was also turned over to the banks. There is not another government in Christendom that would have tolerated it.

The very fact that these banks knew that the Secretary would come to their relief in the event of distress induced them to take extraordinary risks in speculations, and it would be so with the new currency issued under this bill. In competition with these banks for Treasury favors in time of a panic the ordinary country bank would have about the same standing as Lazarus had at the gates of Dives. By and by the people, who have the power under the Constitution, will rise in righteous indignation and with their ballots unstained by the touch of the corrupter's gold will drive the despoilers of the country from their intrenchments and in their places will be put men who will stand for equality of opportunity and exact an even-handed justice before the law. I predict that the scepter will pass from your hand, and that the people will elect this year a Democratic President and a Democratic House of Representatives. [Applause.]

Mr. VREELAND. Mr. Speaker, I yield the remaining minute of my time to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I am for the Vreeland bill and not for the Williams bill. I have listened carefully to this debate,



and I have failed to find that our Democratic friends, the gentlemen on the other side of the aisle, have been ready to sponsor the Williams bill, notwithstanding the fact that their peerless leader, William Jennings Bryan, in the Commoner said that it was the best bill before the Congress to-day. And in order that the Democrats in this House may have an opportunity to vote upon the Williams bill, I now offer it as a substitute for the pending measure. [Great applause on the Republican side.]

The SPEAKER. The gentleman from California offers as a substitute the bill H. R. 16730, which, under the order, the Clerk will report.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. [Cries of "Regular order!"]

Mr. Speaker, a parliamentary inquiry. I want to ask the Speaker whether, in the Speaker's opinion, the remarks just made by the gentleman from California were humorous or dilatory. [Applause on the Democratic side.]

The SPEAKER. The Clerk will read. The gentleman from California offers the following amendment, which the Clerk will report, and the amendment will speak for itself.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order. The hour of 5 o'clock having arrived, under the rule, the House must proceed to a vote without an intervening motion. The rule does not provide for the reading of the substitute, which is in a nature of debate.

The SPEAKER. The rule covers the question in the following language:

The vote shall be taken without delay or intervening motion, first, on the question of substituting H. R. 16730.

The gentleman from California, prior to the hour of 5 o'clock, offered the substitute, so that the amendment comes under the order, and the Clerk will read the same.

The Clerk read as follows:

A bill (H. R. 16730) to further protect depositors in banks, to secure a safe and elastic emergency currency, and to amend the national bank act and previous amendments thereto.

Be it enacted, etc., That all laws and parts of laws permitting national banking associations to keep three-fifths of their reserves in national banking associations in reserve cities and all laws and parts of laws permitting national banking associations in reserve cities to keep 50 per cent of their reserves in central reserve cities are hereby repealed.

Sec. 2. That of the reserve now required by law to be kept in lawful money by national banking associations in central reserve cities not less than one-half shall hereafter be held in gold or gold certificates.

Sec. 3. That all laws and parts of laws whereby national bank examiners are now paid fees for examination of banks are hereby repealed, and from and after the date upon which this act shall go into effect national bank examiners shall receive a salary of not less than three thousand nor more than five thousand dollars per annum each, to be fixed in each case by the Comptroller of the Currency, due regard being had to the work to be performed by each, and each examiner, as a further compensation, shall receive his actual expenses while engaged in the discharge of his duties, the said salary and expenses to be paid out of the fund realized under existing law by the duty on circulation.

Sec. 4. That the total liabilities of any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however,* That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed. Any violation of this provision shall be a misdemeanor, and, upon conviction, the offending bank shall be subject to a penalty of not less than the difference between the amount permitted by this provision to be loaned to any one person and the amount actually loaned, to be recovered in a court of competent jurisdiction, and, furthermore, upon conviction, any director of a bank who has knowingly voted to make a loan in violation of this provision and any officer of any bank who shall knowingly make such a loan shall be subject to a fine of not less than \$1,000 or to imprisonment for not less than thirty days, or both.

Sec. 5. That no national banking association shall hereafter make loans which in the aggregate shall amount to more than seven times the aggregate amount of its paid-up capital plus its unimpaired surplus. Any violation of the provisions of this section shall be a misdemeanor, and, upon conviction, the offending bank, its directors or officers, knowingly violating this provision, shall be subject to the penalty provided in the preceding section.

Sec. 6. That any national banking association may hereafter keep 50 per cent of the reserve now required to be kept by it in United States bonds and in bonds of any State or municipal bonds such as are hereinafter described, not over one-half in amount to be in State bonds or any legally authorized bonds issued for municipal purposes by any city or county in the United States which have been at or above par for six years preceding the date of their deposit and which municipality has been in existence as a city or county for a period of ten years and which during said ten years has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it and whose net indebtedness does not exceed 18 per cent of the valuation of taxable property therein, to be ascertained by taking the average valuation of property for the assessment of taxes for the five years preceding the date of the offering of said bonds as security. Before any institution can procure any of the emergency currency notes herein provided for upon such above-described municipal bonds as security the person or institution offering such bonds shall accompany them by the written opinion, or a certified copy of the written opinion,

of the attorney-general of the State of such city or county that the bonds so offered are legally issued and are a valid subsisting obligation against the city or county issuing the same. These bonds thus held as 50 per cent of a bank's reserves are hereby designated as interconvertible bonds.

Sec. 7. That immediately after the passage of this act the Comptroller of the Currency shall address a communication to each national bank then in operation, inclosing a copy of this act, inquiring if the bank will accept the provisions thereof, and all communications of banks in reply to such inquiries shall be filed and preserved by the Comptroller of the Currency as a part of the archives of his office. The banks which accept the provisions of this act shall be held and bound thereby, and their liabilities may be enforced by the Comptroller of the Currency: *Provided,* That the Comptroller of the Currency shall also address a like communication to each State bank, savings bank, and trust company then in operation, which upon accepting the provisions of this act shall submit to the same examinations and make the same reports to the Comptroller of the Currency as are now provided by law for national banking associations.

Sec. 8. That for the purpose of providing an emergency currency any bank holding interconvertible bonds as a part of its reserves may at any time deposit the same in the nearest United States subtreasury and obtain in lieu of them "United States emergency Treasury notes." The notes issued to any national banking association, State bank, savings bank, or trust company under the provisions of this act shall be considered as a loan to such institution, which loan shall bear interest as hereinafter provided, payable in lawful money of the United States. The interest to be paid upon said United States emergency currency notes shall be at the rate of one-eighth of 1 per cent per month for the first four months, or any fractional part thereof, and one-half of 1 per cent per month for the second four months, or any fractional part thereof, and 1 per cent per month thereafter. Whenever any bank, having taken out the above-described "United States emergency currency notes" upon the deposit of their "interconvertible bonds," as herein defined, shall repay to the Treasury of the United States the amount thus taken out, or any part thereof, in any form of lawful money of the United States—not "United States emergency currency notes"—the amount thus repaid shall be set aside as a special fund not to be used in the general expenditures of the Government, or otherwise, except for the purpose of redeeming the "United States emergency currency notes" when they shall come into the Treasury or be presented for payment. Whenever any bank, having taken out "United States emergency currency notes" upon the deposit of interconvertible bonds, as herein defined, shall repay the same, in whole or in part, in "United States emergency currency notes," the said notes shall be canceled and destroyed.

Sec. 9. That any banking association organized and existing under the laws of any State may avail itself of the privileges and benefits of sections 7 and 8 of this act by complying with the provisions thereof under such rules and regulations, consistent with the provisions of this act, as may be prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury.

Sec. 10. That the emergency currency notes provided for in this act shall be a full legal tender for all debts, private and public, and shall conform in size, color, and wording thereon, as nearly as practicable, to the present United States Treasury notes, except each note shall have printed on the face thereof the words: "This note is secured by deposit of bonds with the Treasurer of the United States."

Sec. 11. That it is hereby made the duty of the Secretary of the Treasury, on the 1st day of July, on the 1st day of October, on the 1st day of January, and on the 1st day of April of each year, after thirty days' previous notice of his purpose, to receive and open sealed bids from national and State banks applying to receive deposits (on call) of such surplus moneys in the United States Treasury as he may contemplate depositing with banks, and to award deposits to bidding banks as hereinafter provided. That each bid to receive deposit of any of said funds shall state the amount of money to be applied for to be deposited with the bank making the bid, and the Secretary of the Treasury shall award deposits, in amounts not greater than the amounts applied for and not greater than other provisions of this act prescribe, to the banks offering the highest rate of interest in the order of their respective bids. Where two or more banks offer the same rate of interest, that rate being higher than the rate offered by any other bank, and the amounts applied for by all banks shall exceed the total of surplus funds in the Treasury to be deposited, deposits shall be awarded proportionately to each of said highest bidding banks in the proportion which the total amount of surplus funds in the Treasury bears to the total of amounts applied for by said highest bidding banks: *Provided,* That no offer by any bank to take on deposit an amount less than \$12,500 nor an amount above 50 per cent of the paid-up capital stock of the bidding bank shall be considered by the Secretary of the Treasury, nor shall any bid by any syndicate of banks or combination of banks be considered or received by him. Furthermore, the Secretary of the Treasury in making deposits shall, as far as practicable—interest rates of bids being equal—distribute deposits among the States in proportion to population. The Secretary of the Treasury shall not make, authorize, nor permit any deposit of United States Government funds in any bank which shall not previously to said deposit have complied with the provisions of this act, as well as all existing laws and lawful regulations not inconsistent with the provisions of this act, governing security to be given for repayment of funds deposited with banks on demand. All surplus moneys of the United States now permitted by law to be left in national depositories on call shall hereafter bear a rate of interest not less than 2 per cent per annum and not more than 10 per cent per annum.

Sec. 12. That whenever any bank is made a depository to receive deposits of surplus funds of the United States it shall be required, prior to the deposit of said funds by the Government, to deposit in the Treasury of the United States at Washington, or in some convenient subtreasury of the United States designated by the Comptroller of the Currency, either United States bonds or the bonds of some State of the United States, or municipal bonds such as are described in section 6 of this act and subject to the conditions therein prescribed, which bonds shall be deposited in conformity with the provisions of this act and according to the rules and regulations prescribed by the Secretary of the Treasury not inconsistent with the provisions of this act.

Sec. 13. That there shall be levied a semiannual assessment of one-sixteenth of 1 per cent upon the average six preceding months' deposits of all such banks, banking associations, and associations doing a banking business as are hereafter designated in this section; this assessment of one-sixteenth of 1 per cent to be payable at times and in manner and the average deposits of each bank as a basis of assessment to be determined by rules and regulations prescribed by the Secretary of the

Treasury. The assessment herein prescribed is to continue until the sum of \$15,000,000 has been accumulated and set aside in the Treasury of the United States in trust for the purposes hereinafter designated, the said assessment to be not further levied and to become not further collectible whenever, upon ascertainment by the Secretary of the Treasury, the said sum of \$15,000,000 has been attained: *Provided, however,* That whenever the amount of said fund shall fall below \$15,000,000, then said assessment shall again become operative, payable, and collectible in each and every case until in each case the said sum shall be restored to the amount of \$15,000,000. The sum of \$15,000,000 herein provided to be accumulated and held in the Treasury of the United States is to be held for the sole purpose of paying depositors in the banks whose deposits are hereby assessed when, after the exhaustion of the assets of any failed bank, there remains any balance due depositors unpaid. The assessment herein provided for shall be levied only upon such banks, banking associations, and associations doing a banking business, whether under Federal or State charter, as shall signify to the Secretary of the Treasury their willingness to be so assessed and their desire that their depositors shall become beneficiaries of the fund so accumulated. Any such bank, banking association, or association doing a banking business chartered by the laws of any State shall become subject to this assessment and its depositors shall become beneficiaries of the depositors' indemnity or insurance fund thus accumulated and provided for upon its complying with the provisions of this section and other sections by indicating to the Secretary of the Treasury its willingness to be so assessed, by its paying the assessments and continuing to pay the same, and by its submitting to such examinations by national-bank examiners as are now prescribed for national banks: *Provided, however,* That the Government of the United States shall not, under this section, acquire the right to close or to put into the hands of a receiver or otherwise to penalize any State bank, banking association, or association doing a banking business under a State charter, except that whenever a report shall be made by a national-bank examiner to the Comptroller of the Treasury which shows that if the State bank or banking association operating under the charter of a State justify the closing or appointment of a receiver if the said bank had been a national bank, or which shows that the said State banking institution is reported by the State examiner as failing to comply with the laws of the State of its charter, then the said State bank, banking association, or association doing a banking business under the charter of a State and any owners of future deposits in said bank shall cease thereafter to be beneficiaries of the depositors' indemnity or insurance fund hereby provided to be accumulated, unless the said bank shall within ten days, under the directions of the Secretary of the Treasury, restore itself to a sound condition and be publicly reported by him to have done so: *Provided further,* That in the event any such bank shall fail or refuse to pay the assessment herein provided for within ten days after the notice of its assessment by the Comptroller of the Currency such bank shall be denied the benefits of the deposit guarantee fund provided for herein, except to the extent of the benefit it or its depositors may have become entitled to at the time of its failure to pay said tax. The necessary expenses incident to the enforcement of section 13 of this act shall be paid out of the proceeds of the assets of such failed banks.

Sec. 14. That any officer or director of any national bank who shall negotiate or make a loan where the purpose of the loan is a stock or produce gambling purpose, and that purpose is known to him or them, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine equal to the amount of the loan so unlawfully made and negotiated or shall be punished by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Sec. 15. That this act shall go into effect from and after the 1st day of July succeeding its passage and approval.

During the reading,

Mr. FITZGERALD. The rule provides that at 5 o'clock the vote shall be taken without delay, I submit that this is delay and purely dilatory. [Cries of "Regular order!"]

Mr. COCKRAN. Is a harlequinade not delay?

The SPEAKER. The Clerk will read.

[The Clerk proceeded with and finished the reading of the bill.]

The SPEAKER. The question is on substituting the bill just read, H. R. 16730, for the bill H. R. 21871.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays. [Applause on the Republican side.]

The yeas and nays were ordered.

The question was taken, and there were—yeas 6, nays 231, answered "present" 95, not voting 56, as follows:

YEAS—6.			
Brundidge Cox, Ind.	Davenport Floyd	Hackett	Robinson
NAYS—231			
Acheson	Burton, Del.	Davis, Minn.	Fowler
Alexander, N. Y.	Burton, Ohio	Dawes	French
Allen	Calder	Dawson	Fuller
Ames	Calderhead	De Armond	Gaines, W. Va.
Andrus	Campbell	Denby	Gardner, Mich.
Anthony	Capron	Douglas	Gardner, N. J.
Bannon	Cary	Draper	Gilliams
Barchfeld	Caulfield	Dunwell	Gillet
Burclay	Chaney	Dunwell	Goebel
Bartholdt	Chapman	Dwight	Goldfogle
Bates	Cocks, N. Y.	Ellis, Mo.	Goulden
Beale, Pa.	Cole	Ellis, Oreg.	Graham
Bede	Conner	Englebright	Granger
Bennet, N. Y.	Cook, Colo.	Esch	Greene
Bennett, Ky.	Cook, Pa.	Fairchild	Hale
Bingham	Cooper, Pa.	Fassett	Hall
Bonyng	Cooper, Tex.	Focht	Hamilton, Mich.
Boutell	Cooper, Wis.	Fordney	Hammond
Boyd	Coudrey	Fornes	Haugen
Bradley	Crumpecker	Foss	Hawley
Brownlow	Currier	Foster, Ill.	Hay
Brumm	Cushman	Foster, Ind.	Hayes
Burgess	Dalzell	Foster, Vt.	Henry, Conn.
Burke	Darragh	Foulkrod	
Burleigh	Davidson		

Hepburn	Langley	Mouser	Smith, Mo.
Higgins	Laning	Murdoch	Snapp
Hill, Conn.	Lassiter	Needham	Southwick
Hinshaw	Law	Nelson	Sperry
Holliday	Lawrence	Norris	Stafford
Howard	Lindbergh	Nye	Steenerson
Howell, N. J.	Littlefield	Olmsted	Sterling
Howell, Utah	Longworth	Overstreet	Stevens, Minn.
Howland	Loud	Parker, N. J.	Sturgiss
Hubbard, Iowa	Lovering	Parker, S. Dak.	Sulloway
Hubbard, W. Va.	McCall	Parsons	Sulzer
Huff	McGavin	Payne	Tawney
Hughes, W. Va.	McGuire	Pearre	Taylor, Ala.
Hull, Iowa	McKinlay, Cal.	Perkins	Taylor, Ohio
Humphrey, Wash.	McKinley, Ill.	Pollard	Thistlewood
James, Addison D.	McKinney	Porter	Thomas, Ohio
Jenkins	McLachlan, Cal.	Pray	Tirrell
Johnson, Ky.	McLaughlin, Mich.	Prince	Townsend
Jones, Va.	McMillan	Rainey	Volstead
Jones, Wash.	McMorran	Reeder	Vreeland
Kahn	Macon	Reynolds	Waldo
Keller	Madden	Roberts	Wanger
Kennedy, Iowa	Madison	Rodenberg	Washburn
Kennedy, Ohio	Malby	Ryan	Watson
Kimball	Mann	Scott	Weeks
Kinkaid	Maynard	Shackelford	Weems
Knapp	Miller	Sherley	Wheeler
Knopf	Mondell	Sims	Wilson, Ill.
Knowland	Moon, Pa.	Slayden	Wood
Kuftermann	Moon, Tenn.	Slemp	Woodyard
Lafean	Moore, Pa.	Smith, Cal.	Young
Lamb	Moore, Tex.	Smith, Iowa	The Speaker
Landis	Morse	Smith, Mich.	

ANSWERED "PRESENT"—95.

Adair	Cravens	Helm	Randell, Tex.
Adamson	Crawford	Henry, Tex.	Ransdell, La.
Aiken	Denver	Hill, Miss.	Rauch
Alexander, Mo.	Dixon	Houston	Rhinock
Ansberry	Ellerbe	Hughes, N. J.	Richardson
Ashbrook	Favrot	Hull, Tenn.	Riordan
Bartlett, Nev.	Ferris	Johnson, S. C.	Rothermel
Beall, Tex.	Finley	Kellher	Rucker
Bell, Ga.	Fulton	Kitchin, Claude	Russell, Mo.
Boeber	Gaines, Tenn.	Leake	Russell, Tex.
Bowers	Garner	Lee	Sabath
Brantley	Garrett	Lever	Saunders
Broadhead	Gill	Lindsay	Sheppard
Broussard	Gillespie	Lloyd	Sherwood
Burleson	Godwin	Lorimer	Splight
Burnett	Gordon	McDermott	Stanley
Butler	Gregg	McHenry	Stephens, Tex.
Caldwell	Hackney	McLain	Ton Velle
Candler	Haggott	Nicholls	Underwood
Carlin	Hamill	O'Connell	Wallace
Carter	Hamilton, Iowa	Padgett	Watkins
Clark, Mo.	Hamlin	Page	Williams
Clayton	Hardy	Patterson	Wolf
Craig	Hedlin	Pujo	

NOT VOTING—56.

Bartlett, Ga.	Griggs	Legare	Powers
Birdsall	Gronna	Lenahan	Pratt
Byrd	Harding	Lewis	Reld
Clark, Fla.	Hardwick	Lilley	Sherman
Cockran	Harrison	Livingston	Small
Cousins	Hitchcock	Loudenslager	Smith, Tex.
Davey, La.	Hobson	Lowden	Sparkman
Diekema	Humphreys, Miss.	McCreary	Talbot
Edwards, Ga.	Jackson	Marshall	Thomas, N. C.
Edwards, Ky.	James, Ollie M.	Mudd	Webb
Fitzgerald	Kipp	Murphy	Welss
Flood	Kitchin, Wm. W.	Olcott	Wiley
Gardner, Mass.	Lamar, Fla.	Peters	Willett
Glass	Lamar, Mo.	Pou	Wilson, Pa.

So the substitute was rejected.

The following additional pair was announced.

Until further notice:

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. BUTLER. Mr. Speaker, on this substitute I voted "no." I am paired with the gentleman from Georgia [Mr. BARTLETT], and I am compelled to take my place amongst those who are terrified, and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 185, nays 145, answered "present" 7, not voting 51, as follows:

YEAS—185.			
Acheson	Bonyng	Cocks, N. Y.	Douglas
Alexander, N. Y.	Boutell	Cole	Draper
Allen	Boyd	Conner	Driscoll
Ames	Bradley	Cook, Colo.	Dunwell
Andrus	Brownlow	Cook, Pa.	Durey
Anthony	Brumm	Cooper, Pa.	Dwight
Bannon	Burke	Coudrey	Ellis, Mo.
Barchfeld	Burleigh	Crumpecker	Ellis, Oreg.
Barclay	Burton, Del.	Currier	Englebright
Bartholdt	Burton, Ohio	Cushman	Esch
Bates	Calder	Dalzell	Fairchild
Beale, Pa.	Capron	Davidson	Fassett
Bede	Cary	Davis, Minn.	Focht
Bennet, N. Y.	Caulfield	Dawes	Fordney
Bennett, Ky.	Chaney	Dawson	Foss
Bingham	Chapman	Denby	Foster, Ind.



Foster, Vt.	Hull, Iowa	Madden	Smith, Mich.
Foulkrod	Humphrey, Wash.	Madison	Snapp
French	James, Addison D.	Malby	Southwick
Fuller	Jenkins	Mann	Sperry
Gaines, W. Va.	Jones, Wash.	Miller	Stafford
Gardner, Mich.	Kahn	Mondell	Steenerson
Gardner, N. J.	Kennedy, Iowa	Moon, Pa.	Sterling
Gilham	Kennedy, Ohio	Moore, Pa.	Stevens, Minn.
Gillett	Kinkaid	Mouser	Sturgiss
Gosnell	Knapp	Needham	Sulloway
Graft	Knopf	Norris	Tawney
Graham	Knowland	Nye	Taylor, Ohio
Greene	Lafean	Olmsted	Thistlewood
Hale	Landis	Overstreet	Thomas, Ohio
Hall	Langley	Parker, N. J.	Tirrell
Hamilton, Mich.	Lanig	Parker, S. Dak.	Townsend
Haskins	Law	Parsons	Volstead
Haugen	Lawrence	Payne	Vreeland
Hawley	Littlefield	Pearre	Wanger
Hayes	Longworth	Perkins	Washburn
Hepburn	Lorimer	Pollard	Watson
Higgins	Lovering	Porter	Weeks
Hinshaw	McCall	Pray	Wheeler
Holliday	McGavin	Reeder	Wilson, Ill.
Howell, N. J.	McGuire	Reynolds	Wood
Howell, Utah	McKinlay, Cal.	Roberts	Woodyard
Howland	McKinley, Ill.	Rodenberg	Young
Hubbard, Iowa	McKinney	Scott	The Speaker
Hubbard, W. Va.	McLachlan, Cal.	Slomp	
Huff	McLaughlin, Mich.	Smith, Cal.	
Hughes, W. Va.	McMillan	Smith, Iowa	

## NAYS—145.

Adamson	Favrot	Hull, Tenn.	Rainey
Aiken	Ferris	James, Ollie M.	Randell, Tex.
Alexander, Mo.	Finley	Johnson, Ky.	Ransdell, La.
Ansberry	Fitzgerald	Johnson, S. C.	Rauch
Bartlett, Nev.	Floyd	Jones, Va.	Rhinock
Beall, Tex.	Foster, Ill.	Kelifer	Richardson
Beil, Ga.	Fowler	Keliber	Robinson
Booher	Fulton	Kimball	Rothermel
Bowers	Gaines, Tenn.	Kipp	Rucker
Brantley	Garner	Kitchin, Claude	Russell, Mo.
Brodhead	Garrett	Kiistermann	Russell, Tex.
Broussard	Gill	Lamb	Ryan
Brundidge	Gillespie	Lassiter	Sabath
Burgess	Godwin	Leake	Saunders
Burleson	Goldfogle	Lee	Shackelford
Burnett	Gordon	Lever	Sheppard
Calderhead	Goulden	Lindbergh	Sherley
Caldwell	Granger	Lindsay	Sherrwood
Campbell	Gregg	Lloyd	Sims
Candler	Hackett	McBermott	Slayden
Carlin	Hackney	McHenry	Smith, Mo.
Carter	Hamill	McLain	Spight
Clark, Mo.	Hamilton, Iowa	McMorran	Stanley
Clayton	Hamlin	Macon	Stephens, Tex.
Cockran	Hammond	Maynard	Sulzer
Cooper, Tex.	Hardy	Moon, Tenn.	Taylor, Ala.
Cooper, Wis.	Hay	Moore, Tex.	Tou Velle
Cox, Ind.	Healin	Morse	Underwood
Craig	Helm	Murdoch	Waldo
Cravens	Henry, Conn.	Nelson	Wallace
Crawford	Henry, Tex.	Nicholls	Watkins
Darragh	Hill, Conn.	O'Connell	Weems
Davenport	Hill, Miss.	Page	Williams
De Armond	Hitchcock	Patterson	Wolf
Denver	Houston	Pou	
Dixon	Howard	Prince	
Ellerbe	Hughes, N. J.	Pujo	

## ANSWERED "PRESENT"—7.

Adair	Butler	Padgett	Talbott
Ashbrook	Haggott	Riordan	

## NOT VOTING—51.

Bartlett, Ga.	Griggs	Lewis	Pratt
Birdsall	Gronna	Lilley	Reid
Byrd	Harding	Livingston	Sherman
Clark, Fla.	Jardwick	Loud	Small
Cousins	Jarrison	Loudenslager	Smith, Tex.
Davey, La.	Jobson	Lowden	Sparkman
Diekema	Humphreys, Miss.	McCreary	Thomas, N. C.
Edwards, Ga.	Jackson	Marshall	Webb
Edwards, Ky.	Kitchin, Wm. W.	Mudd	Weisse
Flood	Lamar, Fla.	Murphy	Willey
Fornes	Lamar, Mo.	Olcott	Willett
Gardner, Mass.	Legare	Peters	Wilson, Pa.
Glass	Lenahan	Powers	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. REEDER with Mr. SMITH of Texas.

Mr. GRONNA with Mr. HUMPHREYS of Mississippi.

On this vote:

Mr. LOUD (in favor of) with Mr. PADGETT (against).

Mr. LOUDENSLAGER (in favor of) with Mr. SPARKMAN (against).

Mr. HARDING (in favor of) with Mr. ASHBROOK (against).

Mr. OLCOTT (in favor of) with Mr. HARRISON (against).

Mr. HAGGOTT. Mr. Speaker, on the roll call I voted "yea." I am paired with the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN]. I desire to withdraw my vote and answer "present."

The name of Mr. HAGGOTT was called, and he answered "present."

The result of the vote was then announced as above recorded. [Loud applause on the Republican side.]

Mr. LORIMER. Mr. Speaker, I agreed to see that the gentleman from Mississippi [Mr. HUMPHREYS] was paired or pair with him myself. I voted to amend the bill. His pair came in and voted "no." I wish to be recorded as "present" and paired with the gentleman from Mississippi [Mr. HUMPHREYS] on that vote.

The SPEAKER. Without objection, the gentleman will be permitted to withdraw his vote on the substitute and be recorded as "present," and the pair with the gentleman from Mississippi will be noted. The Chair hears no objection.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 13, 1908:

H. R. 1589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

H. R. 20471. An act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

## STREET RAILWAY IN PONCE, PORTO RICO.

The Speaker laid before the House the following message from the President of the United States, which was read, referred to the Committee on Insular Affairs and, with the accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance amending an ordinance passed by the executive council of Porto Rico, April 19, 1907, entitled "An ordinance supplementary to an ordinance entitled: 'A franchise granting to W. S. H. Lothrop, his heirs, successors, and assigns, the right to construct and operate an electric street railway in certain streets in the city of Ponce and between the city of Ponce and the plaza thereof,' passed by the executive council on the 27th day of February, 1901."

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 14, 1908.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6966. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.

The message also announced that Mr. SCOTT and Mr. TALLAFERRO were excused from further service as conferees on the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, and that the Vice-President had appointed Mr. SMOOT and Mr. TELLER in their places.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3810. An act for the relief of Howard B. Carpenter—to the Committee on Claims.

S. 4435. An act for the relief of George Q. Allen—to the Committee on Claims.

S. 5879. An act to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark.—to the Committee on Public Buildings and Grounds.

S. 7091. An act to grant to the State of Mississippi certain lands for the use of the common schools of that State—to the Committee on the Public Lands.

S. 6966. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.—to the Committee on Rivers and Harbors.

## ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota; and

H. R. 17296. An act providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

The Speaker announced his signature to enrolled bill of the following title:

S. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on May 13, 1908, they had presented to the President of the United States, for his approval, the following bills:

H. R. 20784. An act to authorize aids to navigation in the Light-House Establishment, and for other purposes;

H. R. 4063. An act for the widening of Benning road, and for other purposes;

H. R. 20471. An act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes; and

H. R. 3610. An act granting a pension to James M. Fitch.

#### LEAVE OF ABSENCE.

Mr. CLARK of Florida, by unanimous consent, obtained leave of absence for ten days on account of important business.

#### RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.30 a. m. to-morrow.

The question was taken.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 170, nays 89, answered "present" 8, not voting 120, as follows:

#### YEAS—170.

Acheson	Dawson	Howell, N. J.	Nelson
Adair	Denby	Howell, Utah	Norris
Alexander, N. Y.	Douglas	Howard	Nye
Allen	Draper	Hubbard, Iowa	Olmsted
Ames	Driscoll	Hubbard, W. Va.	Overstreet
Andrus	Durey	Humphrey, Wash.	Parker, N. J.
Bannon	Dwight	James, Addison D.	Parsons
Barchfeld	Ellis, Mo.	Jenkins	Payne
Barclay	Ellis, Oreg.	Kahn, Wash.	Perkins
Bartholdt	Englebright	Kahner	Pollard
Bates	Esch	Kelfer	Porter
Beale, Pa.	Fairchild	Kennedy, Iowa	Pray
Bede	Fassett	Kennedy, Ohio	Rainey
Bennet, N. Y.	Focht	Kinkaid	Rauch
Bonyng	Fordney	Knapp	Reeder
Boutell	Foss	Knowland	Reynolds
Boyd	Foster, Ind.	Küstermann	Smith, Cal.
Bradley	Foulkrod	Lafean	Smith, Iowa
Brownlow	Fowler	Lamb	Smith, Mich.
Burke	French	Landis	Snapp
Burleigh	Fuller	Langley	Southwick
Burton, Ohio	Gaines, W. Va.	Lanning	Stafford
Calder	Gardner, Mich.	Law	Steenerson
Culderhead	Gardner, N. J.	Lawrence	Sterling
Campbell	Gilbams	Lorimer	Sturgiss
Capron	Gillett	Lovering	Sulloway
Caulfield	Graff	McGavin	Tawney
Chaney	Graham	McGuire	Taylor, Ohio
Chapman	Greene	McKinlay, Cal.	Thistlewood
Cocks, N. Y.	Hale	McKinley, Ill.	Thomas, Ohio
Conner	Hall	McKinney	Tirrell
Cook, Colo.	Hamilton, Iowa	McLachlan, Cal.	Volstead
Cook, Pa.	Hamilton, Mich.	McLaughlin, Mich.	Waldo
Cooper, Pa.	Hammond	McMillan	Wanger
Cooper, Wis.	Haskins	McMorran	Washburn
Coudrey	Haugen	Madden	Weems
Crawford	Hawley	Malby	Wheeler
Crumpacker	Hayes	Mann	Wilson, Ill.
Currier	Higgins	Mondell	Wood
Dalzell	Hill, Conn.	Moore, Pa.	Woodyard
Darragh	Hinshaw	Morse	Young
Davidson	Holliday	Mouser	
Dawes	Howard	Needham	

#### NAYS—89.

Adamson	Ellerbe	Heflin	Ransdell, La.
Alken	Favrot	Helm	Rhinock
Alexander, Mo.	Ferris	Henry, Tex.	Richardson
Ashbrook	Finley	Hill, Miss.	Robinson
Bartlett, Nev.	Fitzgerald	Houston	Rothermel
Beall, Tex.	Floyd	Hull, Tenn.	Russell, Mo.
Bell, Ga.	Foster, Ill.	James, Ollie M.	Ryan
Bowers	Fulton	Johnson, Ky.	Sabath
Brantley	Gaines, Tenn.	Johnson, S. C.	Shackelford
Broghead	Garner	Keliber	Sheppard
Burgess	Gill	Kimball	Sherley
Burleson	Gillespie	Kitchin, Claude	Sherwood
Burnett	Godwin	Lloyd	Sims
Candler	Gordon	Macon	Spight
Carlin	Goulden	Maynard	Stanley
Clark, Mo.	Granger	Moon, Tenn.	Tou Velle
Clayton	Gregg	Moore, Tex.	Wallace
Cooper, Tex.	Hackett	Nicholls	Watkins
Cox, Ind.	Hackney	O'Connell	Williams
Craig	Hamill	Page	
Davenport	Hamlin	Patterson	
Deaver	Hardy	Pou	
Dixon	Hay	Randell, Tex.	

#### ANSWERED "PRESENT"—8.

De Armond	Garrett	Padgett	Roberts
Forbes	Haggott	Riordan	Talbott

#### NOT VOTING—120.

Ansberry	Gardner, Mass.	Lever	Pujo
Anthony	Glass	Lewis	Reid
Bartlett, Ga.	Goebel	Lilley	Rodenberg
Bennett, Ky.	Goldfogle	Lindbergh	Rucker
Bingham	Griggs	Lindsay	Saunders
Birdsall	Gronna	Littlefield	Scott
Booher	Harding	Livingston	Sherman
Broussard	Hardwick	Longworth	Slayden
Brumm	Harrison	Loud	Slemp
Brundidge	Henry, Conn.	Loudenslager	Small
Burton, Del.	Hepburn	Lowden	Smith, Mo.
Butler	Hitchcock	McCall	Smith, Tex.
Byrd	Hobson	McCreary	Sparkman
Caldwell	Huff	McDermott	Sperry
Carter	Hughes, N. J.	McHenry	Stephens, Tex.
Cary	Hughes, W. Va.	McLain	Stevens, Minn.
Clark, Fla.	Hull, Iowa	Madison	Sulzer
Cockran	Humphreys, Miss.	Marshall	Taylor, Ala.
Cole	Jackson	Miller	Thomas, N. C.
Cousins	Jones, Va.	Moon, Pa.	Townsend
Cravens	Kipp	Mudd	Underwood
Cushman	Kitchin, Wm. W.	Murdock	Vreeland
Davey, La.	Knoop	Murphy	Watson
Davis, Minn.	Lamar, Fla.	Olcott	Webb
Diekema	Lamar, Mo.	Parker, S. Dak.	Weeks
Dunwell	Lassiter	Pearre	Weisse
Edwards, Ga.	Leake	Peters	Wiley
Edwards, Ky.	Lee	Powers	Willett
Flood	Legare	Pratt	Wilson, Pa.
Foster, Vt.	Lenahan	Prince	Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs. Until further notice:

Mr. LOUDENSLAGER with Mr. SPARKMAN.

Mr. OLCOTT with Mr. HARRISON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. TAYLOR of Ohio with Mr. GARRETT.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. McMORRAN with Mr. PUJO.

For the balance of this day:

Mr. GOEBEL with Mr. BOOHER.

Mr. LONGWORTH with Mr. ANSBERRY.

On this vote:

Mr. LOUD with Mr. PADGETT.

Mr. RODENBERG with Mr. CALDWELL.

Mr. VREELAND with Mr. WILSON of Pennsylvania.

Mr. TOWNSEND with Mr. WOLF.

Mr. STEVENS of Minnesota with Mr. WILLETT.

Mr. WATSON with Mr. UNDERWOOD.

Mr. SPERRY with Mr. WEISSE.

Mr. SLEMP with Mr. TAYLOR of Alabama.

Mr. SCOTT with Mr. SULZER.

Mr. PRINCE with Mr. SMITH of Texas.

Mr. PEARRE with Mr. SMITH of Missouri.

Mr. MURDOCK with Mr. SMALL.

Mr. MOON of Pennsylvania with Mr. SAUNDERS.

Mr. MILLER with Mr. MCHENRY.

Mr. LINDBERGH with Mr. RUCKER.

Mr. KNAFF with Mr. MCDERMOTT.

Mr. LILLEY with Mr. McLAIN.

Mr. HUGHES of West Virginia with Mr. LINDSAY.

Mr. HUFF with Mr. LEVER.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. HENRY of Connecticut with Mr. LEAKE.

Mr. FOSTER of Vermont with Mr. LASSITER.

Mr. DUNWELL with Mr. KIPP.

Mr. DAVIS of Minnesota with Mr. JONES of Virginia.

Mr. ANTHONY with Mr. BRUNDIDGE.

Mr. JACKSON with Mr. CARTER.

Mr. BINGHAM with Mr. COCKRAN.

Mr. BRUMM with Mr. CRAVENS.

Mr. BURTON of Delaware with Mr. DAVEY of Louisiana.

Mr. CARY with Mr. GOLDFOGLE.

Mr. COLE with Mr. HITCHCOCK.

Mr. CUSHMAN with Mr. HUGHES of New Jersey.

The result of the vote was then announced as above recorded. Accordingly (at 6 o'clock and 10 minutes p. m.) the House took a recess until Friday, May 15, 1908, at 11.30 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of appropriation for examining mints, etc. (H. R. Doc. No. 936)—to the Committee on Appropriations and ordered to be printed.



A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an additional estimate of appropriation for pay of the Army and the Military Academy (H. R. Doc. No. 937)—to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BATES, from the Joint Select Committee on Disposition of Useless Papers in the Executive Departments, submitted a report (No. 1652), which report was referred to the House Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 14399) conferring jurisdiction on the Court of Claims to determine the amount due certain Shawnee and Delaware Indians of the United States, reported the same with amendments, accompanied by a report (No. 1653), which said bill and report were referred to the House Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the resolution of the House (H. J. Res. 150) providing for additional lands for Idaho under the provisions of the Carey Act, reported the same with amendments, accompanied by a report (No. 1654), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McMILLAN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13263) to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, reported the same without amendment, accompanied by a report (No. 1655), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KELIHER, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4308) to change the name of V street, from Florida avenue to Nineteenth street NW., to California street, reported the same without amendment, accompanied by a report (No. 1658), which said bill and report were referred to the House Calendar.

Mr. BURKE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6200) granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and renewal of a conduit and pipe line and valve houses upon and across the Fort Douglas Military Reservation, reported the same without amendment, accompanied by a report (No. 1659), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, reported the same without amendment, accompanied by a report (No. 1660), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McMILLAN, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2909) to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907, reported the same without amendment, accompanied by a report (No. 1661), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4931) to correct the military record of Corwin M. Holt, reported the same with amendment, accompanied by a report (No. 1649), which said bill and report were referred to the Private Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10714) authorizing the Secretary of the Interior to enroll Richard Haley and

his family as Choctaw Indians, reported the same with amendments, accompanied by a report (No. 1650), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17191) to confer jurisdiction, legal and equitable, upon the Court of Claims in the matter of the claims of certain Shawnee Indians to be enrolled as Cherokees, under treaty of July 19, 1866, agreement of June 7, 1869, the act of October 1, 1890, and decrees of the courts thereunder, and for other purposes, reported the same with amendments, accompanied by a report (No. 1651), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 6988) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 1656), which said bill and report were referred to the Private Calendar.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred House bill 21579, reported in lieu thereof a bill (H. R. 21895) for the relief of Robert S. Dame and others, and for other purposes, reported the same without amendment, accompanied by a report (No. 1657), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 21893) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for the sale of certain Indian pasture lands in Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. BARTHOLDT: A bill (H. R. 21894) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States—to the Committee on Rivers and Harbors.

By the Committee on Military Affairs: A bill (H. R. 21895) for the relief of Robert S. Dame and others, and for other purposes—to the Private Calendar.

By Mr. ALEXANDER of New York: A bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes—to the Committee on the Judiciary.

By Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds: A bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes—to the Union Calendar.

By Mr. CHANEY: A bill (H. R. 21898) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where courts shall be held, and for other purposes connected therewith—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: A bill (H. R. 21899) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE: Joint resolution (H. J. Res. 183) providing that the age given at enlistment as shown by the records of the War Department shall be accepted as sufficient proof of age in the administration of the act entitled "An act entitled 'An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico,'" approved February 6, 1907, and for other purposes—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: Resolution (H. Res. 416) for the appointment of two additional clerks to the Committee on Enrolled Bills—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bill and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 21900) for the relief of Julius Pickett—to the Committee on War Claims.

By Mr. BOOHER: A bill (H. R. 21901) granting a pension to James W. Rupe—to the Committee on Pensions.

By Mr. DENBY: A bill (H. R. 21902) granting a pension to Margaret J. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21903) granting an increase of pension to Joseph Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21904) authorizing the payment of \$126.40 for bounty and arrears to John Dorsey—to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 21905) for the relief of Samuel Showalter—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 21906) granting an increase of pension to Mary Pendleton Glynn—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 21907) granting a pension to Mary J. Leary—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 21908) for the relief of Thomas J. Lindley—to the Committee on War Claims.

By Mr. MCKINNEY: A bill (H. R. 21909) granting an increase of pension to Ross Rush—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 21910) granting an increase of pension to Stephen W. Cummins—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 21911) for the relief of the estate of Harry Downing, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21912) granting a pension to Thomas M. Davis—to the Committee on Pensions.

Also, a bill (H. R. 21913) for the relief of the estate of B. F. Havens—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 21914) granting an increase of pension to Charles L. Randall—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 21915) for the relief of Alexander Brown—to the Committee on War Claims.

Also, a bill (H. R. 21916) granting an increase of pension to Daniel H. Kettering—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21917) granting an increase of pension to Joseph A. Epsy—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 21918) granting an increase of pension to Asa Smith—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the legislature of the State of Louisiana, for the calling of a constitutional convention to propose amendments to the Constitution of the United States to provide for the election of Senators by the people—to the Committee on the Judiciary.

Also, memorial of the members of the Society of Brewery Workers, of Belleville, Ill., praying for legislation to modify the antitrust law, to restrict injunctions, for the passage of a liability law, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, memorial of the International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, protesting against the removal of the tariff on paper and pulp—to the Committee on Ways and Means.

Also, memorials of members of the Brotherhood of Railway Trainmen, of Niagara Falls, N. Y., Northampton, Mass., and the Brotherhood of Locomotive Engineers, of Milltown, Me., praying for the legislation embodied in the bill known as the "Hemenway-Graff bill"—to the Committee on Interstate and Foreign Commerce.

Also, memorial of William E. Tottingham and 26 others, praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, memorial of the Central Labor Council of Seattle, Wash., praying for the enactment of an employers' liability law—to the Committee on the Judiciary.

Also, memorial of the National Hickory Association, praying for legislation to establish the Appalachian and White Mountain Forest Reserve—to the Committee on Agriculture.

Also, memorial of the organization of German citizens of Cleveland, Ohio, protesting against further legislation restricting interstate commerce in wine and beer—to the Committee on the Judiciary.

Also, memorial of Wichita Lodge, No. 356, Brotherhood of Railway Trainmen, praying for the enactment of an employers' liability law—to the Committee on the Judiciary.

Also, memorial of James H. MacDonald and 28 others, of Portland, Oreg., protesting against the passage of the bill for

protecting the first day of the week in the District of Columbia as a day of rest and other bills on the observance of the Sabbath day—to the Committee on the District of Columbia.

Also, memorial of the National Association of Cement Users, praying for legislation to encourage and continue the testing laboratories for structural materials at St. Louis, Mo.—to the Committee on Appropriations.

Also, memorial of the Commercial and Industrial Association, of Selma, Ala., praying for the establishment of the policy of the improvement of the national waterways—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American League of Independent Workmen, protesting against any change in the Sherman antitrust law, except such as shall be in the interest of all citizens of the United States, and against any legislation which would make void the injunction law or destroy the usefulness of that writ, and also protesting against any legislation which would legalize the boycott—to the Committee on the Judiciary.

Also, memorial of the Merchants' Association of New York, protesting against the passage of the so-called "Vreeland currency bill," and praying for legislation to establish a commission to consider changes in the currency system—to the Committee on Banking and Currency.

Also, memorial of the legislature of the State of Oklahoma, praying for action by Congress to establish a Government exhibit at the International Mining Exposition in New York in 1908—to the Committee on Mines and Mining.

By Mr. ACHESON: Petition of Trades League of Philadelphia, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of citizens of California, Pa., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petitions of Carpenters' District Council of Pittsburg, Allegheny, and vicinity; United Brotherhood of Carpenters and Joiners of America, No. 202, of Pittsburg; United Mine Workers of America, Local Union No. 1718; Typographical Union No. 7, of Pittsburg, Pa.; Amalgamated Sheet Metal Workers' Union, No. 12, of Pittsburg, Pa.; citizens of Fair Haven, Oak Station, Cooey Station, and Dravosburg, Allegheny County, Pa., for the amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and an eight-hour law—to the Committee on the Judiciary.

By Mr. BATES: Petition of Erie Malleable Iron Company, against all anti-injunction measures now pending—to the Committee on the Judiciary.

Also, petition of Lyman Felhelm, of Erie, Pa., against the Sterling bill (H. R. 21358) and the Payne bill (H. R. 21359), anti-injunction bills—to the Committee on the Judiciary.

Also, petition of Gust Krack & Son, against anti-injunction laws—for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Thomas J. Burrell, of Erie, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Home Missionary Society of the Methodist Church in Union City, for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Union City, Pa., against appointment of anyone for postmaster of Union City who favors the liquor interest, and for the Littlefield original-package bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of P. P. Stafford, representing the National Association of Superintendents of Post-Office Stations, favoring the Bennet bill (H. R. 14639)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie Car Works of Erie, against the Sterling bill (H. R. 21358) and the Payne bill (H. R. 21359)—to the Committee on the Judiciary.

Also, petition of Erie City Iron Works, against the Sterling bill (H. R. 21358)—to the Committee on the Judiciary.

Also, petition of N. B. Felgemaker, representing the Erie Organ Company, against the Sterling bill (H. R. 21358) and Payne bill (H. R. 21359), anti-injunction bills—to the Committee on the Judiciary.

Also, petition of Continental Rubber Works, of Erie, Pa., against H. R. 21358 (Sterling bill), and H. R. 21359 (Payne bill), anti-injunction bills—to the Committee on the Judiciary.



Also, petition of the Merchants' Marine League of the United States, favoring the Senate ocean-mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Hardware Mutual Fire Association, of Huntingdon, Pa., against all parcels-post laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie Business Men's Exchange, against all parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petitions of Thomas Quinn, Edward W. McGarry, James Lynch, and others, of Brooklyn, N. Y., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, Pa., favoring the Fowler credit currency bill—to the Committee on Banking and Currency.

By Mr. CHANEY: Petitions of Mirian R. Sanford and others, and Mary Dixon and others, of Vincennes, Ind., for Bates resolution relative to the Polish people in Prussia—to the Committee on Foreign Affairs.

By Mr. CUSHMAN: Petition of citizens of Centalla, Wash., for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. DENBY: Petition of citizens of Detroit, Mich., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. ELLIS of Oregon: Petition of P. P. Fisher, A. C. Raven, and W. H. Fitzgerald, of Portland, Oreg., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Trades League of Philadelphia, favoring the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Rockford (Ill.) Grocers' Association, favoring the Tawney anticoupon bill (H. R. 16085)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wilmer Atkinson, favoring a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Curry, of Streator, Ill., favoring S. 4432, for betterment of the Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of citizens of Ottawa, Ill., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

Also, petition of the Marseilles Building and Loan Association, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. FULTON: Petition of various citizens of Oklahoma, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of citizens of Newport, R. I., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. HAMILL: Petition against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of residents of the Tenth Congressional District, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petition of Fronteriza Union, No. 304, of Laredo, Tex., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of Central Labor Union of Barre, Vt., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour bill—to the Committee on the Judiciary.

By Mr. HOLLIDAY: Petition of citizens of Brazil, Ind., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petitions of mass meeting of citizens of Salt Lake City, James H. Lamont, and J. D. McCarthy, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of Trades League of Philadelphia, favoring the Fowler credit currency bill—to the Committee on Banking and Currency.

Also, petition of Merchants' Marine League, of Cleveland, Ohio, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUGHES of New Jersey: Petition of Robert E. Jackson and others, for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination for President by any political party—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, favoring the Fowler credit currency bill—to the Committee on Banking and Currency.

By Mr. HULL of Iowa: Paper to accompany bill for relief of David Housel (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. JENKINS: Petition of citizens of Superior, Wis., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petition of I. L. M. and T. A. No. 35, for the passage of the Wilson bill to amend the Sherman antitrust law, the Pearre bill, the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of the Merchant Marine League of Cleveland, Ohio, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of International Congress on Tuberculosis, for suitable quarters for the same in Washington at its forthcoming convention, September 21 to October 12, 1908—to the Committee on Assignment of Rooms.

Also, petition of Trades League of Philadelphia, favoring the Fowler credit currency bill—to the Committee on Banking and Currency.

Also, petition of Joseph Wagner, of Brooklyn, N. Y., against all anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of Brooklyn Institute of Arts and Sciences, for establishment of a buffalo park on the Flathead Indian Reservation—to the Committee on Indian Affairs.

Also, petition of Robert E. Jackson and others, for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination of President by any political party—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of citizens of Erie, Sterling, Rock Falls, and Freeport, Ill., in favor of H. R. 18445, to investigate and develop methods of treatment for tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAIN: Paper to accompany bill for relief of heirs of Patrick J. Finley—to the Committee on War Claims.

By Mr. McMILLAN: Petitions of Brotherhood of Painters and Decorators' Union No. 155, and P. B. Martel and others, of Poughkeepsie, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. PORTER: Petitions of citizens of Albion, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. POWERS: Petition of citizens of Bangor, Me., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PUJO: Petition of Lake Charles (La.) labor and union organizations, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Painters' Union, Local No. 12, of Buffalo, N. Y., for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to estab-

lish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of National Tariff League, favoring uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Joseph F. Palukus and others, of Buffalo, N. Y., and Local Union No. 12, Painters, Paper Hangers, and Decorators, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SPARKMAN: Paper to accompany bill for relief of heirs of Benjamin F. Crockett—to the Committee on War Claims.

By Mr. SMITH of Missouri: Petition of citizens of Missouri, favoring the Littlefield and Sims bills—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of labor organizations of Cairo, Ill., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. WEEMS: Petitions of William O'Leary and others, Z. L. Trenton and others, Rich H. Padden and others, and James Guest and others, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. YOUNG: Petition of working people of the Twelfth Congressional District of Michigan, for the protection, restoration, and defense of the natural and inherent rights of our people and for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

## SENATE.

FRIDAY, May 15, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 421. An act to pay allottees the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof;

H. R. 21410. An act granting condemned ordnance to certain institutions; and

H. R. 21871. An act to amend the national banking laws.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 17296) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States, and it was thereupon signed by the Vice-President.

### INTERNATIONAL CONGRESS ON TUBERCULOSIS.

Mr. GALLINGER. Mr. President, I have a letter on a matter of great concern to the American people, which I will ask to have read. I have no suggestions to make concerning it, but I think it well to have it read so that the Senate may understand about the matter and that it may go in the Record for further consideration. I will ask that the Secretary read the letter.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read in part the letter, which is, entire, as follows:

THE INTERNATIONAL CONGRESS ON TUBERCULOSIS,  
Washington, D. C., May 14, 1908.

Senator JACOB GALLINGER, Washington, D. C.

MY DEAR SENATOR: The International Congress on Tuberculosis is to meet in Washington this year from September 21 to October 12, inclusive. From present outlook it will be the most important event in the interest of public health and wealth that the world has seen. England has appointed a committee of nearly 300 of its most prominent citizens to participate, among them such men as Osier, Albutt, Sir

Thomas Barlow, Right Hon. Lord James Blyth, Sir Lauder Brunton, Sir W. Selby Church, Sir Malcolm Morris, the Countess of Aberdeen, and the Lord Provost of Glasgow. France has appointed an equally large committee, with such men on it as Ex-President Loubet, Professors Bouchard and Landouzy, Senator Leon Bourgeois, Senator Labbé, and Director Mesureur. Germany will participate with such men as Von Behring, Nietner, Baginsky, Von Leyden, and Orth. Every civilized country of the world is preparing to participate and has organized for this purpose with its foremost men on its committee. We now are confronted with the problem of properly housing this gigantic gathering and exposition. We not only will have to provide meeting rooms for seven sections of from 300 to 1,000 people each, but we will have to house an exhibit which to the scientific and philanthropic world is what a world's fair is to the commercial world. Every country will participate in this exhibit. Our local committee in Washington has reported that there is no building in Washington outside of Government buildings large enough to house the congress properly. We accordingly have appealed to Congress to give us the use of the Capitol and the Congressional Office Building for housing the congress. These buildings would house the congress creditably to our country and in some measure upon the plane established by other countries.

The congress was organized in Paris in 1898, it met again in Naples in 1899, in Berlin in 1900, in London in 1901, and a second time in Paris in 1905. The meeting in Berlin had between two and three thousand members. In London an immense gathering was expected, and St. James Hall was given for its use. In Paris a still larger gathering was looked for, and the French Republic gave the use of the Grand Palais. The congress on this occasion was the guest of the French Government, and President Loubet presided at the initial meeting. When we invited the congress to Washington, assent was given with tremendous applause and the hope was expressed that this Washington meeting would be the greatest and most fruitful that the world had yet seen. The reputation of our country for doing things on a large scale brings with it obligations which we can not ignore. We must at least do as well as other countries have done, and the world expects that we will do better. Nothing short of the Capitol and the Congressional Office Building will come up to the housing given by England and France.

The question has been asked why this congress has been invited to Washington. The National Association for the Study and Prevention of Tuberculosis, a representative body of citizens of our country, deeply interested in the crusade against tuberculosis, felt that the time has come when the United States should claim its logical place in the world campaign against the white plague and should be permitted to profit by the knowledge and experience of the rest of the world in this warfare. All of the first ruling countries had been hosts to this congress, and the United States had been a guest to each. How could we longer resist the logic of events without defaulting among nations?

Other large cities in our country stood ready not only to house the Congress, but to give it a setting such as had never been given anywhere in the world. We felt, however, that it would be an insult to our National Government to take this congress anywhere in our country except our capital. We felt certain that the United States Congress would do all that might be necessary to give this congress a setting commensurate with its importance and the rank of our country among nations.

The committee has raised a fund of upward of \$60,000 from public-spirited citizens for organizing the congress and getting up the exhibit. We expect to bring this amount up to \$100,000. Were it physically possible for us to supply proper housing, we would do so, and we are confident that we could raise the money for this purpose. As matters stand adequate housing is only possible through Congress, because there are no buildings in Washington outside of Government buildings big enough and dignified enough for the purpose. I therefore appeal to you to help us.

Trusting that we may have your cooperation, I remain,  
Very truly, yours,

LAWRENCE F. FLICK.

Mr. GALLINGER. I think I will ask simply to have the remainder of this interesting letter printed in the Record. It is a matter of extreme importance. I do not feel at all sure that what is asked could possibly be granted, but it is certain that some liberal provision ought to be made by Congress for taking care of this great gathering. Men of distinguished scientific attainments will come from all parts of the world. It seems that England has appointed nearly 300 of its most prominent citizens to come here and participate in this international congress. I ask simply that the remainder of the letter be printed in the Record.

The VICE-PRESIDENT. Without objection the entire letter will be printed in the Record, and it will lie on the table.

### AMENDMENT OF NATIONAL BANKING LAWS.

Mr. HALE. I ask that the financial bill just received from the House be laid before the Senate for reference.

H. R. 21871, an act to amend the national banking laws, was read twice by its title.

Mr. HALE. I ask that the bill be referred to the Committee on Finance.

The VICE-PRESIDENT. It will be so referred.

Mr. NEWLANDS. I should like to ask what disposition was made of the bill?

The VICE-PRESIDENT. It was referred to the Committee on Finance.

Mr. NEWLANDS. Before the reference is made, I should like to say a word on the subject.

Mr. HALE. I am very desirous that we should get an hour for the consideration of the Calendar, by unanimous consent, to dispose of a great many bills there in which many Senators are interested. This bill ought to go to the Committee on Finance at once, but if the Senator is going to debate it I will withdraw my suggestion.



Mr. MONEY. I wish to make an inquiry of the Chair. What is the pending order now?

The VICE-PRESIDENT. The order is the presentation of petitions and memorials.

Mr. NEWLANDS. Mr. President, I wish to say only a few words in regard to this bill. I trust that the Committee on Finance will present the bill with certain amendments which I shall suggest briefly.

One is an amendment requiring that national banks shall keep at least three-fourths of their reserves in their bank vaults, the change, however, to be made gradually, within a period of five years, under the direction of the Comptroller of the Currency.

I also hope that the committee will submit another amendment, and that is one preventing national banks from loaning their depositors' money to an amount exceeding five times their capital and surplus, and that provision shall be made also for a gradual change in this respect, under the direction of the Comptroller of the Currency, within a period of five years, the purpose of the gradual change being not to accomplish an immediate dislocation in the relation between the loans of the banks and their capital and surplus, but to accomplish the reform gradually.

I also trust that an amendment will be offered by the committee providing that State banks may become members of these clearing-house associations, conditioned upon their complying with the requirements of the national-bank act in these provisions relating to the relations of reserves to deposits and bank loans to capital.

I also trust that the committee will offer an amendment that the presidents of the clearing-house associations shall meet annually and select a banking commission of nine men, each representing a section of the country corresponding to the judicial circuits, who shall sit permanently at Washington as an advisory commission to the President, the Secretary of the Treasury, and to Congress, with a view to considering changes in the banking law and making recommendations regarding interstate and international exchange, and also with a view of bringing the Treasury Department into immediate contact with the selected representative of each section of the country, so that we shall have at Washington the sentiment of each section represented in such a commission, instead of compelling the Secretary of the Treasury, as heretofore, to go to one place, New York, for counsel and advice regarding the financial situation.

Now, if the Finance Committee will present brief amendments in this direction—requiring changes in reserves to be gradually brought about within a period of five years; providing that the amount of the capital and surplus and the bank loans shall be fixed in a certain relation, the change to be accomplished in five years; providing that the State banks shall become members of these clearing-house associations upon the condition that they shall subject themselves to the same rules relating to reserves and to bank loans, and then establishing a banking commission at Washington representing the best thought of the banking sentiment in each section and in direct contact with Congress and the Executive in matters of advice and counsel—it seems to me that it will largely perfect this bill and to a very large extent do away with the necessity for the currency commission which it is proposed to create.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Indiana Branch of the National Rivers and Harbors Congress, of Indianapolis, Ind., remonstrating against the enactment of legislation permitting the construction of a dam for power or other purposes in White River at or near Williams, in that State, which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens and labor organizations of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the American Water Works Association, praying for the enactment of legislation providing for the taking of the census of the water powers of the United States by the Census Bureau, which was referred to the Committee on the Census.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Taylorville and Urbana, in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FRYE presented sundry petitions of citizens and labor organizations of Madison, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Central Labor Union, American Federation of Labor, of Newport, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations which was referred to the Committee on the Judiciary.

Mr. PLATT presented petitions of sundry citizens and labor organizations of New York City and Yonkers, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the National Convention for the Unemployed, of New York City, N. Y., praying that an appropriation be made for the improvement of national roadways and for the deepening and improving of the waterways of the country, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a petition of sundry citizens of Rock Springs, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of Corry Council, No. 425, Order of Knights of Columbus, of Corry, Pa., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of Frackville Grange, No. 1225, Patrons of Husbandry, of Frackville, Pa., praying for the passage of the so-called "McHenry bill," providing for the safety of deposits in all banks, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of East Downingtown, Pa., remonstrating against the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

Mr. HALE presented petitions of sundry citizens and labor organizations of Bangor and Millinocket, in the State of Maine, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to promote Rear-Admiral Robley D. Evans to the grade of vice-admiral, which was referred to the Committee on Naval Affairs.

He also presented a petition of the San Joaquin Building Trades Council, of Stockton, Cal., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PILES presented a memorial of sundry citizens of Seattle and Montesano, in the State of Washington, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens and labor organizations of Seattle and Bellingham, in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented a petition of the Central Labor Council, American Federation of Labor, of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of the Commercial Club of Kearney, Nebr., praying for the enactment of legislation to authorize the Secretary of War to investigate and report a plan for the preservation of Old Fort Kearney, in that State, as historical ground, which was referred to the Committee on Military Affairs.

#### TRADE WITH THE PHILIPPINES.

Mr. TELLER. Mr. President, I have here a paper touching trade with the Philippines in sugar and tobacco, sent to me with the request that I should put it in the Record. In my judgment it should not go in the Record; it is cheaper and better to publish it as a document. Therefore I ask unanimous consent that it may be published as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

## MEMORIAL TO ABRAHAM LINCOLN.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the bill (S. 7110) to aid in building a memorial to Abraham Lincoln, on the site of the Lincoln birthplace, in Kentucky, to report it favorably without amendment, and I submit a report (No. 660) thereon. I ask for its present consideration.

Mr. HALE rose.

Mr. CULLOM. I hope the bill will be considered and passed at this time.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the expenditure of \$50,000 under the direction of the Secretary of War, for the express purpose, and no other, of aiding in the building of a suitable memorial upon the farm, in the State of Kentucky, upon which Abraham Lincoln was born, said memorial to be in process of construction February 12, 1900, the centennial of Abraham Lincoln's birth. But authorization of expenditure is made upon the express condition that the Lincoln Farm Association of the State of New York shall first have raised the sum of \$150,000, used, or to be used, for the purchase of the farm, building the memorial, caring for the same, and acquiring relics characteristic of the life of the period and locality in which Lincoln was born.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CONSIDERATION OF THE CALENDAR.

Mr. HALE. Mr. President, when the routine morning business is ended I propose to ask the Senate, for the convenience of a great many Senators, to proceed to the consideration, under Rule VIII, of bills on the Calendar to be passed by unanimous consent.

For several days all bills have been held up by the appropriation and other bills. A great many Senators are interested in bills on the Calendar, and half an hour or an hour spent in taking up only those bills that will pass by unanimous consent will relieve a great many Senators. As soon as the morning business is over I shall make the request. I will not interfere now with the regular order.

## REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Printing, reported an amendment proposing to appropriate \$800 to pay A. J. Halford for compiling, editing, and indexing the third edition of the Congressional Directory, first session, Sixtieth Congress, intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6087) authorizing the extension of P. Volta, Q, and Dent streets NW., reported adversely thereon, and the bill was postponed indefinitely.

Mr. PILES, from the Committee on Commerce I report back favorably with an amendment the bill (S. 6840) to amend the laws concerning transportation between ports of the Territory of Hawaii and other ports of the United States, and I submit a report (No. 661) thereon. I ask for the present consideration of the bill.

Mr. HALE. There are Senators who desire to look at that bill.

Mr. PERKINS. I desire, on the part of the minority of the committee, to submit a minority report.

Mr. HALE. Yes; there is a minority report. Of course it will go over.

The VICE-PRESIDENT. The Senator from California submits the views of the minority. The bill will go to the Calendar.

Mr. ALDRICH. I am directed by the Committee on Finance to report back the bill (H. R. 21871) to amend the national banking law, with a recommendation to strike out all after the enacting clause and to substitute the bill which I send to the desk. I will say that this is a unanimous report of the Committee on Finance.

Mr. BAILEY. I simply in this connection wish to say that the report is unanimous in the sense that I very much prefer the bill reported by the Senate committee as against the bill which passed the House. In that sense it is unanimous.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes, reported it with an amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6019) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report (No. 662) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom the subject was referred, reported a joint resolution (S. R. 88) to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota, which was read twice by its title.

Mr. OWEN, from the Committee on Indian Affairs, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 4290) providing for the extension of time within which purchasers of lands in the Kiowa, Comanche, and Apache reservations and the Fort Sill Wood Reservation may make payment;

A bill (S. 3995) extending time of payment on town-site lots in that part of Oklahoma formerly comprising the Indian Territory;

A bill (S. 6720) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

A bill (S. 6721) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4292) for the relief of Clarence W. Turner, reported it with an amendment.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the amendment submitted by Mr. GOBE on the 8th instant, proposing to appropriate \$214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, submitted a report (No. 663) thereon, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

## MENOMINEE INDIAN RESERVATION, WIS.

Mr. CLAPP. From the Committee on Indian Affairs I report a joint resolution to amend an act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," approved March 28, 1908, and I ask for its present consideration. It is to perfect an act that has already passed at this session, and this joint resolution is reported at the request of the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is unable to be present.

Mr. HALE. It will give rise to no debate?

Mr. CLAPP. Oh, to no debate.

The joint resolution (S. R. 87) to amend an act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," approved March 28, 1908, was read the first time by its title and the second time at length, as follows:

*Resolved, etc.,* That the act of Congress approved March 28, 1908, entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," be, and the same is hereby, amended to authorize the Secretary of the Interior to manufacture into lumber any logs now remaining on hand which have heretofore been cut under the provisions of the act of Congress entitled "An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin," approved June 28, 1906, or under the provisions of the act of Congress entitled "An act to authorize the sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin," approved June 12, 1890, or to dispose of the same in accordance with the provisions of either or both of the two acts of Congress last aforesaid.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7120) granting a pension to Lettie A. Dunn, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 7121) for the relief of the estate of James W. Mardis, which was read twice by its title and referred to the Committee on Claims.



Mr. BURNHAM introduced a bill (S. 7122) for the relief of Nathan F. Amee and others, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 7123) granting an increase of pension to Harry S. Lee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 7124) granting an increase of pension to Frederick E. Sabastian, which was read twice by its title and referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 7125) for the relief of Samuel T. G. Morsell, which was read twice by its title and referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 7126) to authorize French Broad River Power Company to build a dam across French Broad River in Knox County, Tenn., which was read twice by its title and referred to the Committee on Commerce.

Mr. FOSTER introduced a bill (S. 7127) for the relief of heirs of Marcellin Tauzin, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a joint resolution (S. R. 80) patenting certain lands to the municipality of Alva, Okla., which was read twice by its title and referred to the Committee on Public Lands.

#### AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to appropriate \$6,418.16 for reimbursement of the Philadelphia, Baltimore and Washington Railroad Company for the cost of maintenance of the Long Bridge from February 12, 1906, to December 18, 1906, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment providing for the appointment of an inland waterways commission, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. KEAN submitted five amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. MONEY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. WARREN submitted two amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. FRAZIER submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GAMBLE presented an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. OVERMAN submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. BEVERIDGE submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. HEMENWAY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GORE submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. FOSTER submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. HEMENWAY submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. MCCREARY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### THE THIRTEENTH CENSUS.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (H. R. 16054) to provide for the Thirteenth and subsequent decennial censuses, which was referred to the Committee on the Census and ordered to be printed.

#### AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

#### WITHDRAWAL OF PAPERS—WILLIAM HARRINGTON.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of William Harrington, accompanying Senate bill 690, Sixtieth Congress, first session, subject to the provision of clause 2 of Rule XXX.

#### OPENING OF INDIAN ROLLS.

Mr. CLAPP. I ask to have printed as a document a hearing before the Committee on Indian Affairs, United States Senate, on the bill (S. 4736) extending the provisions of an act approved February 8, 1901, entitled "An act amending an act of August 15, 1904, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw and Chickasaw Indians or tribes.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### ENROLLMENT OF OSAGE INDIANS.

Mr. CLAPP. I ask to have printed as a document a hearing before the Committee on Indian Affairs, United States Senate, on joint resolution No. 70, for the enrollment of certain persons as members of the Osage tribe of Indians, and for other purposes.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### SPECIAL PARCELS POST.

Mr. PENROSE. I ask unanimous consent to have inserted in the Record a letter from the Postmaster-General relating to the post-office appropriation bill, which I omitted to have inserted when that bill was up for consideration.

There being no objection, the letter was ordered to be printed in the Record, as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., May 11, 1908.

MY DEAR SENATOR: A statement of the postal receipts for March, 1908, shows a decrease of \$260,957, or 3.11 per cent, at the largest fifty post-offices. The percentages of increase or decrease in the postal receipts at fifty of the principal post-offices during the five months preceding March last, as compared with the corresponding months the previous year, are: October, 3.80 per cent increase; November, 0.17 per cent decrease; December, 6.14 per cent increase; January, 1.59 per cent decrease; February, 4.66 per cent increase.

I am convinced that the establishment of a special local parcel post on rural routes would tend to wipe out the postal deficit, and would eventually make the rural free delivery self-sustaining, besides being a boon to the farmer and retail country merchant. There are now in operation more than 39,000 rural routes, serving a population of about 15,000,000 people; and should an average of 50 pounds of merchandise be carried on each trip throughout the year it is estimated that about \$15,000,000 would be realized, and the net return to the Government would be more than sufficient to equal the deficit. I feel that from an administrative and business view point it is most desirable that such legislation be enacted. However, as this seems impossible at this session of Congress, I urgently recommend that the Postmaster-General be given authority to conduct an experimental parcel post on rural routes, the same as was done originally with rural delivery.

On December 19, 1907, Mr. LAFFAN, of Pennsylvania, introduced a bill in the House providing for the establishment of a parcels-post system in York and Adams counties, Pa. I urge that the principal of this bill be proposed as an amendment to the post-office appropriation bill—with the exception that the Post-Office Department will not require any appropriation for the purpose.

I call your attention to the following presentations concerning the advantages of a special local parcels post confined to rural-delivery routes:

The Department favors the establishment of this special service because of its ability to render it with great advantage to the farmer, the country merchant, and other patrons of the routes, as the necessary machinery (over 39,000 routes now regularly covered by rural carriers) is in operation. There are some 15,000,000 people living on these routes, which shows the vast possibilities of the rural service. The increased cancellations would automatically advance the salaries of postmasters of the fourth class, and the remaining revenue would be clear gain.

The history and advantages of the rural delivery should be understood by our people. There is a feeling in many quarters that it is an extravagance and an unnecessary drain upon the postal revenues. The first rural route was established in the latter part of 1896, \$14,840 being expended for rural delivery during that fiscal year. At that time the postal deficit was \$11,411,779. During the fiscal year ended June 30, 1907, the expenditures for rural delivery aggregated \$26,671,699, while the postal deficit showed a decrease, as compared with 1897, of \$4,800,000, the deficit amounting to \$8,653,282. This would seem to show that, while the expense incurred for maintaining rural delivery is great, yet the rural delivery has been instrumental in increasing the general postal receipts. However, its benefits to our people can not be measured in dollars and cents.

That a local parcels post on rural routes would be of material advantage to the local retail merchant in competition with mail-order houses is seen at once, when it is pointed out that the latter is obliged to pay 44 cents for sending a 4-pound package to a rural-route patron, as against a cost of 25 cents to the local storekeeper for sending an 11-pound package to the rural-route patron.

Letters and petitions for this extension of the parcels post are being received from all sections of the country. Many commercial bodies formerly opposed to any action of this kind are on record as being heartily in favor of it.

On the other hand, objections have been raised to the measures the Department is advocating. Although no sound argument has been advanced in opposition, the contentions which have been made are not without interest. I mention the more important of them, at the same time giving the replies which they have elicited.

The claim that the special local rate recommended for the parcels post on rural routes would eventually be extended to include the entire postal service has been given considerable publicity. The impossibility of this becomes apparent when attention is directed to the cost of railroad transportation, which has no part in the former service. About \$45,000,000 were paid last year for mail transportation and about \$6,000,000 for postal cars.

Others have said that large mail-order houses would under the proposed law utilize the special parcels post on rural routes through agents, to the great disadvantage of the country merchant, first assembling their orders and dispatching them by express or freight to suitable distributing points. The Department has recommended provisions which will prevent any such use of the routes, namely:

"Provided further, That nothing herein contained shall be taken as authorizing the acceptance or delivery at such special rates of postage of any parcel offered by any person acting as agent or representative, upon commission or otherwise, for any person or company not resident on such rural delivery route: And provided further, That only such parcels shall be received for delivery at the special rates of postage as are offered by bona fide merchants or dealers whose regular places of business are on such rural delivery routes or the town from which the route or routes emanate, in the ordinary and regular course of their business, and by residents on such routes in their individual capacity."

It should be remembered, too, that even in the absence of a specific prohibition of this nature, any systematic attempt upon the part of a mail-order house to thus distribute its wares would necessitate the employment of many thousands of local representatives. The catalogues of these concerns indicate in no uncertain way that they attribute their success in large measure to their low selling expense, and that the absence of any sort of agents is the principal feature of their argument in accounting for the supposedly low prices of their goods.

The cry of "class legislation" has been raised. There is, of course, no discrimination involved, for all who can be reached by rural carriers will be accommodated. It would be as reasonable to decry the laws which permit the delivery of mail to patrons living on rural routes while persons differently situated are obliged to make a trip to a near-by post-office to obtain their letters.

With the adoption of new conveniences of life by urban residents and the ever-increasing attractions of the city, especially potent in their influence upon the younger generation, the importance of affording farmers and ruralites generally every legitimate advantage becomes more and more apparent. The free rural delivery has improved materially and intellectually the life of great numbers of these people. Is it too much to ask that the Department shall make a further use of this important system, a use which, while adding appreciably to the postal revenues, will directly and vitally benefit every man, woman, and child within reach of a rural route? The countryman would have the necessities of life delivered at his gate at an average cost of 2 cents a pound, thereby facilitating and increasing consumption. This would mean augmentation of the trade of thousands of country merchants. The commercial traveler should appreciate the advantages of this system. It would increase his orders because the country merchant buys from the jobber or the wholesaler. Every component part of our commercial system would feel the effects of an increased prosperity.

It would inevitably tend toward the improvement of the roads. Better roads and improved postal facilities in the rural districts would result in increased values of farm lands. The rural service as now organized has accomplished something in this direction. Its enlargement will add to the good attained.

Believe me, faithfully, yours,

G. V. L. MEYER.

Hon. ROSES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate.

#### PROPOSED FINANCIAL LEGISLATION.

Mr. NEWLANDS. I submit a resolution, which I ask to have inserted in the Record and then laid upon the table. I shall address the Senate at some future day upon the subject.

The resolution was ordered to be printed in the Record and to lie on the table, as follows:

Resolved, That the Finance Committee be instructed to report amendments to House bill No. 21871, as follows:

First. An amendment providing that three-fourths of the reserves in reserve city and country banks shall be kept in their vaults, the change to be made gradually within a period of five years, under the direction of the Comptroller of the Currency.

Second. An amendment providing that no bank shall make loans of its depositors' money to an amount exceeding five times its capital and surplus, the change to be made gradually within a period of five years, under the direction of the Comptroller of the Currency.

Third. An amendment permitting State commercial banks to become members of national clearing-house associations, provided they submit to the regulations of the national-bank act regarding their capital and reserves and subject themselves to examination under the national-bank act.

Fourth. An amendment providing a method by which clearing-house associations may avail themselves, under the direction of the Secretary of the Treasury, of the use of additional silver as a limited legal tender for debts not exceeding \$50, with a view to substituting such silver, or the certificates representing it for full legal-tender money, gold, or United States notes, now in circulation and outside of bank reserves, in order to increase the amount of gold and full legal-tender notes in such reserves as a basis for bank credits, the amendment to limit the amount of such issue of silver.

Fifth. An amendment providing that the presidents of the clearing-house associations shall meet annually in Washington and shall select nine commissioners, one from each of the judicial circuits of the United States, who shall represent them at Washington as members of a banking commission, of which the Secretary of the Treasury and the Comptroller of the Currency shall be, respectively, the chairman and secretary; the duties of the commission to be advisory to the President, to the Secretary of the Treasury, and to Congress; and such commission to be charged with the duty of considering and recommending changes in the banking act and methods for promoting and improving interstate and international exchange.

Mr. NEWLANDS. I shall call up the resolution for discussion hereafter.

#### SALARIES OF CIRCUIT AND DISTRICT COURT JUDGES.

Mr. DEPEW. I move that 2,000 copies of Senate bill 6973, increasing the salaries of the circuit and district court judges of the United States, be printed for the use of the Senate document room.

The motion was agreed to.

#### PROTECTION OF OWNERS OF PATENTS.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 7653) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, was read the first time by its title.

Mr. KNOX. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That section 4919 of the Revised Statutes of the United States be, and is hereby, amended by adding thereto the following:

"And whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States, without license of the owner thereof, such owner may recover reasonable compensation for such use by suit in the Court of Claims: Provided, however, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement, as set forth in Title LX of the Revised Statutes, or otherwise."

Mr. KNOX. I ask for the present consideration of the bill. A similar bill passed the Senate at the last session. I reported it from the Committee on Patents. It has passed the House in the exact form in which the Senate passed it at the last session.

The object of the bill is to give the owners of letters patent in the United States the right to recover reasonable compensation when their patents are used by the United States without their consent or authority. Strangely enough, under the law, although a patent is property, and has so been determined by the Supreme Court of the United States, and is property which can not be taken by an individual under the fifth amendment without compensation, yet the Supreme Court has held that if the United States uses a patent without the license or authority of the patentee no action can be maintained against the United States unless it has agreed to pay for the use. It is to remedy that inequity that the bill has been introduced. I may state that it is wholly prospective in its operation. It has no reference at all to any use the Government may have made of a patent in the past.

Mr. OVERMAN. I understand that it has no retroactive effect.

Mr. KNOX. It has no retroactive effect.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.



## HOUSE BILLS REFERRED.

H. R. 421. An act to pay allottees the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 21410. An act granting condemned ordnance to certain institutions was read twice by its title, and referred to the Committee on Military Affairs.

## CONSIDERATION OF THE CALENDAR.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of unobjected cases on the Calendar under Rule VIII.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of unobjected bills upon the Calendar under Rule VIII. Is there objection?

Mr. PAYNTER. I should like to make an inquiry. If this order is made and an objection is made to the consideration of a bill when it is reached on the Calendar, can the Senate order that it be taken up for consideration, notwithstanding the objection?

Mr. HALE. Not under the agreement I propose.

Mr. PAYNTER. I object, then, if that is the proposition.

Mr. HALE. If I may make a suggestion, the Senator is objecting to a thing that will be for the convenience of more than half of the Senate.

Mr. PAYNTER. I withdraw my objection.

The VICE-PRESIDENT. The objection is withdrawn.

Mr. CARTER. Mr. President, I do not wish to have the unanimous-consent agreement foreclose the right to make a motion to take up a bill during the consideration of unobjected cases.

Mr. HALE. If that is to be resorted to there is no object in making the agreement. The proposition is to pass bills to which there is no objection. I suppose that more than fifty Senators are interested in such bills. The object of my suggestion is to avoid proceeding by motion to take up a bill, because under those circumstances my suggestion would have no force.

If Senators object to this arrangement, then nothing will be done on the Calendar except to consume the time with one or two cases. I am proposing to do what has always been done toward the close of a session, to relieve Senators who have bills upon the Calendar to which there is no objection.

Therefore my proposition is that the Senate shall proceed by unanimous consent to the consideration of unobjected cases under Rule VIII. If any Senator can stop that by moving to proceed to the consideration of a bill, we may consume the time on one or two cases on the Calendar. Otherwise, Mr. President, in an hour we will pass fifty cases to which nobody has any objection. Any Senator is left entirely free to object to any bill that is reached, and it must go over.

Mr. CARTER. I suggest to the Senator to limit the time until 2 o'clock, then.

Mr. HALE. I did not fix any time because I was entirely willing to leave that to the discretion of the Senate. The Senate can at any time take up any other business.

Mr. TELLER. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Colorado will state his question of order.

Mr. TELLER. Rule VIII provides that—

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question—

And so forth.

I understand that that business comes up in a regular way, and it does not need any motion or any agreement.

Mr. HALE. Except that under the rule any Senator, when an objection is made to a bill that is reached on the Calendar, may move to proceed to its consideration.

Mr. TELLER. Certainly.

Mr. HALE. Then the whole time may be taken up with that bill. My proposition is to avoid that very thing by considering only unobjected cases on the Calendar under Rule VIII, and that the moment a case is objected to it retains its place on the Calendar.

Mr. TELLER. I did not understand that that was the Senator's suggestion.

Mr. HALE. That is my object.

Mr. CARTER. Mr. President, I shall have no objection to fixing any reasonable time during the day for the consideration

of unobjected cases, but I do not wish to be understood as consenting to a unanimous-consent agreement which will deprive any Senator of the privilege he otherwise would enjoy of moving to proceed to the consideration of any measure.

Mr. HALE. My proposition does not affect anything that occurs afterwards. I will ask that we proceed for one hour, and in that time we will pass any number of bills.

Mr. McLAURIN. Say, 2 o'clock.

Mr. PAYNTER. I suggest until 2 o'clock.

Mr. HALE. Very well, I will say until 2 o'clock.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate proceed until the hour of 2 o'clock with the consideration of unobjected bills on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered. The first bill on the Calendar will be stated.

## OMNIBUS CLAIMS BILL.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts, was announced as first in order on the Calendar.

Mr. KEAN. That will have to go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

## NATIONAL FORESTS.

The bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains was announced as next in order.

Mr. TELLER. Let that go over.

The VICE-PRESIDENT. Objection is made, and the bill goes over at the request of the Senator from Colorado.

## JAMES W. KINGON.

The bill (S. 1577) for the relief of Sergt. James W. Kingon was considered as in Committee of the Whole. It requires the accounting officers of the Treasury Department, notwithstanding the proceedings, findings, and sentence of the general court-martial convened pursuant to Special Orders, No. 118, extract, June 28, 1865, issued by command of Brevet Brig. Gen. E. O. Dyke, headquarters Second Division, Fourth Army Corps, and the approval thereof by Brevet Brig. Gen. Joseph Conrad, commanding Second Division Central District of Texas, August 26, 1865, to audit and pay to Sergt. James W. Kingon, Company H, Forty-second Regiment Illinois Veteran Volunteer Infantry, the amount of all pay, compensation, and allowances withheld from him by reason of said proceedings, findings, and sentence of said court-martial and the said approval thereof, as fully and completely as if such proceedings, findings, and sentence had never been had or made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## RUFUS NEAL.

The bill (S. 6161) for the relief of Rufus Neal was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out "two thousand three hundred and seventy-nine" and insert "one thousand seven hundred and fifty," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rufus Neal, of Marion County, Ind., out of any money in the Treasury not otherwise appropriated, the sum of \$1,750, as full compensation for the extra services performed by said Neal in the Engineer Department of the United States Army, as a sawyer and engineer at Nashville, Tenn., during the civil war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MOUNT VERNON AVENUE ASSOCIATION.

The bill (S. 5252) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the treasurer of the Mount Vernon Avenue Association, a corporation chartered and existing under the laws of the State of Virginia, the said Mount Vernon Avenue Association being the assignee of the State of Virginia under the provisions of a joint resolution of the general assembly of the said State of Virginia, approved on

the 5th day of March, 1888, the sum of \$120,000, being the sum advanced by the State of Virginia to the United States under the provisions of an act passed by the general assembly of the State of Virginia on the 27th day of December, 1790, to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government. And the payment of the said sum of \$120,000 to the treasurer of the Mount Vernon Avenue Association shall be in full satisfaction and payment of any and all debts, claims, or demands on the part of the State of Virginia or of her assignee, the Mount Vernon Avenue Association aforesaid, growing out of any money or moneys advanced, loaned, or paid out to the United States by the State of Virginia by virtue of the provisions of the said act passed by the general assembly of Virginia on the 27th day of December, 1790, or under the provisions of any other law, State or national, for the purpose of aiding in the erection of public buildings for the Federal Government in the District of Columbia.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of Maryland, the sum of \$72,000, being the sum advanced by the State of Maryland to the United States under the provisions of a joint resolution passed by the general assembly of the State of Maryland on the 19th day of December, 1791, to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government. And the payment of the said sum of \$72,000 to the State of Maryland shall be in full satisfaction and payment of any and all debts, claims, or demands on the part of the State of Maryland growing out of any money or moneys advanced, loaned, or paid out to the United States by the State of Maryland by virtue of the provisions of the said joint resolution passed by the general assembly of Maryland on the 19th day of December, 1791, or under the provisions of any other law, State or national, for the purposes of aiding in the erection of public buildings for the Federal Government in the District of Columbia.

SEC. 3. That this act shall be in force from the date of its passage.

Mr. BURKETT. Mr. President, from the reading of the bill as I caught it, it is a bill for the construction of streets over in Virginia. I think we really ought to have some explanation of it. I do not know that I have any objection to it, but I simply want some explanation of what the bill contemplates. I think it had better go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Nebraska.

Mr. DANIEL. I trust the Senator will not object to the consideration of the bill. I think when he understands the bill he will have no objection to it.

Mr. BURKETT. I withdraw my objection, Mr. President.

The VICE-PRESIDENT. The objection is withdrawn. The question is on agreeing to the amendment to the bill reported by the committee, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia."

#### REORGANIZATION OF NORTHERN PACIFIC RAILROAD COMPANY.

The next business on the Calendar was the joint resolution (S. R. 93) relating to the reorganization of the Northern Pacific Railroad Company.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The joint resolution will go over without prejudice at the request of the Senator from New Jersey.

#### SALES OF INTOXICANTS ON GOVERNMENT PREMISES.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government was announced as next in order.

Mr. CARTER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. At the request of the Senator from Montana, the bill will go over without prejudice.

#### PUBLIC BUILDING AT HINTON, W. VA.

The bill (S. 157) providing for the erection of a public building in the city of Hinton, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, at the top of page 2, to strike out:

SEC. 2. That the plans, specifications, and full estimate for said building shall be made and approved according to law before work thereon shall be commenced. Until this is done none of the money so appropriated shall be used.

SEC. 3. That the building shall contain such fireproof vaults as may be necessary to protect from destruction by fire the funds and post-office, court, and other records, and it shall also be provided with proper heating and ventilating apparatus.

And in lieu thereof to insert:

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Hinton, W. Va., a building to be used as and for a post-office building, as a place for holding United States courts, and for other purposes of the Federal Government at the said city of Hinton, W. Va., which said building shall cost, complete, not to exceed the sum of \$50,000.

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet, on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT PLATTSMOUTH, NEBR.

The bill (S. 1933) to provide for the erection of a public building at the city of Plattsmouth, Nebr., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, after the words "sum of," to strike out "seventy-five" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to erect a substantial and commodious building, with fireproof vaults and suitable fixtures, for the use and accommodation of the United States post-office and other Government offices in the city of Plattsmouth, State of Nebraska. The building, when completed upon the plans and specifications to be made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of \$75,000. No plan of said building shall be approved by the Secretary of the Treasury if the same involve an expenditure exceeding the sum of \$50,000 for building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ANNA JOHNSON.

The bill (H. R. 16770) granting land to Anna Johnson was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue to Anna Johnson, wife of Gung Sing, alias Jim Johnson, a patent to the following-described land, to wit: The southwest quarter of section 29, in township 13 south, of range 25 east of the New Mexico principal meridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PATENTS FOR LANDS IN IDAHO.

The bill (H. R. 17005) authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church of the United States for the following described lands: The southeast quarter of section 36, township 4 south, range 34 east, of Boise meridian, containing 160 acres; but the patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COURT AT JACKSON, KY.

The bill (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky, was announced as next in order.

Mr. McCREARY. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Kentucky.

#### FUGITIVES FROM JUSTICE.

The bill (S. 2487) to amend section 5278 of the Revised Statutes was announced as next in order.

Mr. OWEN. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Oklahoma.

Mr. PILES. Mr. President, I hope the Senator from Oklahoma will not object to that bill. I am sure he does not understand it or he would not object to it. The only proposed change to be made by the bill in existing law is to allow extradition on an information. A great many of the States prosecute altogether by information. The circuit court of appeals has held that a man can not be extradited from one State to another on an information filed against him. This is merely to amend the law so that criminals may be brought to justice in States where they violate the laws of those States. I am sure



the Senator from Oklahoma, when he understands this bill, can not have any objection to it.

The VICE-PRESIDENT. Does the Senator from Oklahoma insist upon his objection?

Mr. OWEN. I insist upon my objection, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. OWEN subsequently said: Mr. President, I should like to withdraw my objection to Senate bill 2487.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws his objection to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 5278 of the Revised Statutes so as to read as follows:

SEC. 5278. Whenever the executive authority of any State or Territory demands any person, as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found, an information duly filed, or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand shall be paid by such State or Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INTERSTATE-COMMERCE SHIPMENTS OF INTOXICATING LIQUORS.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. ALDRICH. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Rhode Island.

Mr. BACON. Mr. President, I desire to offer a substitute for that bill.

Mr. FRYE. The bill has gone over.

The VICE-PRESIDENT. The bill has gone over at the request of the Senator from Rhode Island [Mr. ALDRICH].

#### DISPOSITION OF TOWN SITES.

The bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

#### RESURVEY OF PUBLIC LANDS IN NEBRASKA.

The bill (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause to be made a resurvey of the lands in township 25 north, range 15; township 26 north, range 31; township 34 north, range 32, and township 24 north, range 46, all west of the sixth principal meridian, in the State of Nebraska; and abrogates all rules and regulations of the Interior Department requiring petitions from all settlers asking for a resurvey and agreement to abide by the result of the same, so far as these lands are concerned, but nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of said lands so occupied, and before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of the lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### POSTAL SAVINGS BANKS.

The bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, was announced as next in order.

Mr. TELLER. Let that bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Colorado.

#### ESTATE OF JULIUS JACOBS.

The bill (S. 5788) for the relief of the estate of Julius Jacobs was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$2,000 to the estate of the late Julius Jacobs, being the amount of money paid by such

estate to the Treasurer of the United States in satisfaction of the loss of an equal sum taken by parties unknown from the vaults of the subtreasury of the United States in the city of San Francisco, Cal., while the same was under guard of United States troops during and after the fire which followed the earthquake of April 18, 1906.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TRANSFER OF STATUE OF PRESIDENT WASHINGTON.

The joint resolution (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library, with an amendment, in line 5, after the word "hereby," to strike out "presented to" and to insert "transferred to the custody of," so as to make the joint resolution read:

*Resolved, etc.*, That the statue of President Washington, now located in the Capitol grounds east of the Capitol, be, and the same is hereby, transferred to the custody of the Smithsonian Institution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution."

Mr. KEAN. I ask that the report accompanying that joint resolution be printed in the Record.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The report referred to is as follows:

Mr. WETMORE, from the Committee on the Library, submitted the following report, to accompany H. J. Res. 124:

The Committee on the Library, to whom was referred the House joint resolution (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, have had the same under consideration and report it back with the following amendments:

In line 5 strike out the words "presented to" and insert in lieu thereof the words "transferred to the custody of."

Amend the title by striking out the word "presentation" and inserting in lieu thereof the word "transfer."

In reporting the joint resolution to the House of Representatives the Committee on the Library say:

"The statue of Washington referred to by the resolution was authorized by act of Congress July 14, 1832, and it was designed to be placed in the center of the Rotunda of the Capitol. Subsequently it was ordered removed to the east of the Capitol.

"The statue is the work of Horatio Greenough, a sculptor of eminence in his time. It was not designed for an outdoor work, and in its present location the semineude figure of Washington excites pity rather than admiration.

"The committee are informed that the Regents of the Smithsonian Institution desire to have the statue and that they will give it a suitable location."

At the request of the Superintendent of the Capitol Building and Grounds several sculptors and workers in marble have examined the Washington statue, and all agree that the soft Italian marble from which it is cut can not withstand the action of the elements in this latitude.

The following letter gives the views of Dr. Charles D. Walcott, Secretary of the Smithsonian Institution, as to the transfer:

SMITHSONIAN INSTITUTION,  
Washington, D. C., March 12, 1908.

DEAR MR. MANN: In response to your request, I have recently made a thorough examination of the Greenough statue of Washington, which is located on the plaza east of the Capitol. The statue is being injured by weathering, owing to the softness of the marble, and it should be protected, both as an object of historical interest and of art.

If the statue is transferred to the custody of the Smithsonian Institution, I will endeavor, with the approval of the Regents of the Institution, to provide a suitable place for it.

As the present granite base is inappropriate, provision should be made for a marble base in keeping with the statue, and also for the cost of moving and properly resetting the statue.

Very truly, yours,

CHAS. D. WALCOTT, Secretary.

Hon. JAMES R. MANN,

United States House of Representatives.

Regent of the Smithsonian Institution, Washington, D. C.

As amended the joint resolution will read:

"Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

*Resolved, etc.*, That the statue of President Washington, now located in the Capitol grounds east of the Capitol, be, and the same is hereby, transferred to the custody of the Smithsonian Institution."

#### PROBATION AND PAROLE SYSTEM FOR THE DISTRICT.

The bill (S. 6242) for the establishment of a probation and parole system for the District of Columbia, was announced as next in order.

Mr. BORAH. I ask that that bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Idaho.

Mr. HEYBURN subsequently said: Mr. President, I am advised that the objection to the bill (S. 6242) for the establishment of a probation and parole system for the District of Columbia is withdrawn. I ask that that bill may be recurred to. It is a matter of local interest and affects the schools.

Mr. BORAH. Mr. President, I withdraw my objection previously made to that bill.

The VICE-PRESIDENT. The Senator from Idaho withdraws his objection to the consideration of the bill.

Mr. NELSON. I should like to have the bill read.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole. It was reported from the Committee on the District of Columbia with an amendment in the nature of a substitute, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That a commission is hereby constituted to be known as the "probation commission" which shall consist ex officio of the justices of the supreme court of the District of Columbia for the time being holding the criminal court, the judges of the police court, the judge of the juvenile court, as well as of two bona fide residents of the District of Columbia who have resided there for at least five years immediately preceding their appointment, to be appointed by the Commissioners of the District of Columbia for a term of three years or until the appointment of their successors; except that the first appointment shall be one for a term of two years and one for a term of three years, and all vacancies in said appointments, except by the expiration of the term of appointment, shall be filled for the unexpired term only.

Sec. 2. That said probation commission shall serve without compensation except as hereinafter provided.

Sec. 3. That it shall be the duty of said commission to supervise and direct the enforcement of this act and all other laws relating to the subject of probation and parole in the District of Columbia; and they shall have power to make and enforce suitable rules and regulations for carrying them into effect, and may suspend or discharge any officers or agents appointed by them whenever, in their judgment, it may be expedient to do so. It shall make and preserve a record of its investigations and official acts and shall render an annual report to the Commissioners of the District of Columbia showing the work done by them.

Sec. 4. That said commission shall annually elect a chairman and secretary from its members and may fix a salary for the secretary not to exceed \$100 per annum. It may also appoint a chief probation guardian at a salary of \$1,800 per annum, and three probation guardians, one of whom shall be a woman, at a salary of \$1,200 per annum each, and three assistant probation guardians, one of whom shall be a woman, at a salary of \$900 per annum each, and a clerk at a salary of \$720.

Sec. 5. That volunteer probation guardians, either male or female, may be appointed by said commission, who shall serve without compensation and shall have such powers and perform such duties as may be assigned to them by said commission or chief probation guardian.

Sec. 6. That the Commissioners of the District of Columbia shall provide such office accommodations, furniture, appliances, stationery, postage stamps, and the amount necessary to cover all other incidental expenses, including books and books of reference, as may be necessary and proper for the prosecution of the work intrusted to said commission, and for the car fare and traveling expenses of either of said probation guardians when on official business.

Sec. 7. That the chief probation guardian shall have general charge, under the directions of the probation commission, of all the details of the probation and parole work and be held responsible by the commission for the proper performance by the probation guardians and their assistants of the duties intrusted to them. It shall be the duty of probation guardians to attend the sessions of the court to which they may from time to time be assigned by the probation commission or the chief probation guardian. And they and the assistant probation guardians shall perform such duties as may be required of them by the chief probation guardian, the orders and regulations of the probation commission, or by the several courts.

Sec. 8. That the supreme court of the District of Columbia, the police courts of the District of Columbia, and the juvenile court of the District of Columbia shall have power in any case, except those involving treason, murder, rape, arson, or kidnapping, after conviction or the entry of a plea of guilty to a felony or misdemeanor and the imposition of a sentence thereon, either of a fine or imprisonment, or both, to place the defendant or defendants upon probation, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the District will be subserved thereby, and may suspend the execution of the sentence for such time and upon such terms as in its discretion may seem best, and place the person or persons under the charge and supervision of the probation commission during such suspension. Every person placed on probation shall observe all rules prescribed for his conduct by the court or by the probation commission, and report to the commission or guardians as directed. He shall be furnished by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereunder.

Sec. 9. That it shall be the duty of the chief probation guardian from time to time to visit the jail and workhouse and all the reformatory institutions in the District of Columbia as well as the penal institutions to which United States prisoners from the District of Columbia are sent, for the purpose of ascertaining the character and habits of the prisoners thus committed to those institutions from said District and whenever it shall seem to him that a prisoner or inmate, excepting when convicted of treason, murder, rape, arson, or kidnapping, has so reformed that he will become a good citizen and may with propriety and safety to the community and with benefit to himself be released from custody upon parole, he shall certify that fact to the probation commission; the probation commission shall carefully investigate all cases presented to it either by the chief probation guardian or by any other person or by the prisoner himself, and if it is satisfied that the prisoner ought to be released on parole it shall recommend such parole to the court which imposed the sentence. If after consideration of said recommendation and the investigation by

the court of the prisoner's record, and after conference with the prosecuting officer, and in United States cases obtaining the consent of the Attorney-General, the court shall be satisfied that the interests of the community and the good of the prisoner or such inmate would be best promoted by releasing him upon parole the court may pass the necessary order upon such terms and conditions as it may prescribe, and if such person shall at any time thereafter be convicted of any crime or misdemeanor, he may be recommitted by the court to serve the remainder of his original sentence not served at the time of his parole in addition to the sentence imposed for such subsequent offense. And for the purposes of this act the court shall have control of the sentence during the entire time covered by it, wherever the prisoner may be confined, but no persons shall be put on probation or parole except with his own consent.

Sec. 10. That upon the termination of the term fixed for such probation or parole, the probation guardian shall report that fact to the court, with a statement of the conduct of the person while on probation or parole, and the court may thereupon discharge the person on probation or parole from further supervision, or it may extend the probation or parole term, as it shall seem proper to the court. At any time during the probationary or parole term the court by which the person was released may, in its discretion, revoke and terminate such probation or parole, or modify the terms and conditions thereof; and whenever the ends of justice shall be best subserved thereby, may terminate the period of probation or parole and discharge the prisoner so held from serving out the unexpired sentence. If the order of probation or parole shall be revoked and terminated by the court prior to the expiration of the term of probation or parole, the court shall cause the rearrest of the person on probation or parole and require him to serve the sentence as originally imposed, and the time of probation or parole shall not be taken into account to diminish the time for which he was originally sentenced; but he shall serve the full sentence not theretofore served, without taking into account the time he was out on probation or parole.

Sec. 11. That as used in this act the term "probation" shall mean the state of a person the execution of whose sentence has been suspended, and "parole" shall mean the release of a person from further serving a sentence imposed.

Sec. 12. That the following sums named, respectively, for the service of the fiscal year ending June 30, 1900, are hereby appropriated, one half out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, to be disbursed by the disbursing officer of the District of Columbia on vouchers audited and approved by the auditor of the said District, pursuant to existing law: Chief probation guardian, \$1,000; three probation guardians, at \$1,200 each; three assistant probation guardians, at \$900 each; one clerk, at \$720; compensation of secretary to the commission not to exceed \$100; rent of offices, \$1,000; furniture and equipment of office, \$500; contingent expenses, including postage, traveling expenses, purchase of law books, books of reference, and periodicals, supplies, and all other necessary incidental items, \$1,500, amounting in all to \$11,920.

Sec. 13. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. BACON. Mr. President, I should like to ask the Senator in charge of the bill—I could not catch it from the reading very clearly—if there is any discretionary power vested in the court? I notice that it is said, "upon such terms and conditions as the court may prescribe." Is it the intention that the court shall be vested really with a discretion as to whether or not the recommendations shall be carried out?

Mr. HEYBURN. Yes; the court is vested with a discretion, but this is only intended to deal with that class of cases that result in filling up the institutions with people who are merely nominally guilty. It leaves to the court the power and duty of assorting them out and determining whether or not such people are criminals and whether they are such people as had better be out and living at their own expense.

Mr. BACON. I gathered as much, but I did not know from the reading how far the judge could control it. Is the power given to the judge in whose court the party was convicted?

Mr. HEYBURN. I suggest that the section in reference to that be again read. It is near the end of the bill.

Mr. DILLINGHAM. It is section 8.

The VICE-PRESIDENT. The Secretary will read section 8 as requested.

The Secretary proceeded to read section 8, and read as follows:

Sec. 8. That the supreme court of the District of Columbia, the police courts of the District of Columbia, and the juvenile court of the District of Columbia shall have power in any case, except those involving treason, murder, rape, arson, or kidnapping, after conviction or the entry of a plea of guilty to a felony or misdemeanor and the imposition of a sentence thereon, either of a fine or imprisonment, or both, to place the defendant or defendants upon probation, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the District will be subserved thereby.

Mr. BACON. I will not ask for the further reading of the section. That explains the matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXECUTORS OF HAROLD BROWN.

The bill (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to



the executors of the estate of Harold Brown, late a citizen of Newport, in the State of Rhode Island, \$861.75, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the estate, which tax was paid by the executors on October 20, 1900, the payment to be in full for all claims by reason of such assessment and collection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAUL BUTLER.

The bill (S. 5997) for the relief of Paul Butler was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Paul Butler \$3,936.72, in full compensation for the use by the United States from March 31, 1874, to April 30, 1880, of certain patented improvements in hook attachments for firearms to the number of 49,200, at the value of 8 cents each, as found by the Court of Claims in the case of Butler against The United States, 23 Court of Claims, page 335.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REFUND OF EXCESS DUTIES.

The bill (S. 3908) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to refund to Messrs. Luyties Brothers, of New York, \$3,830.50, for certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MODELS OF WAR VESSELS IN STATE CAPITOL BUILDINGS.

The bill (S. 142) providing for the deposit of a model of any vessel of war of the United States Navy, bearing the name of a State of the United States, in the capitol building of said State was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, on page 1, line 10, after the word "view," to insert "no model to cost in excess of \$3,500," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view, no model to cost in excess of \$3,500: *Provided,* That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### GLACIER NATIONAL PARK, MONTANA.

The bill (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, on page 1, section 1, line 8, after the words "to wit," to strike out:

Commencing at a point on the international boundary line between the United States and the Dominion of Canada at the closing corner for sections 4 and 5 in township 37 north, range 21 west, Montana principal meridian, Montana; thence following the lines of public land surveys between surveyed and unsurveyed lands, at this date, southerly to the quarter section corner on the east section line of section 10 of township 33 north, range 19 west; thence southerly following the surveyed and unsurveyed section lines to the eighth standard parallel north; thence offset on said parallel to the closing corner for sections 3 and 4, township 32 north, range 19 west; thence south to the meander corner between sections 33 and 34 on the north bank of the Middle Fork of Flathead River; thence following the north bank of said stream.

And in lieu thereof to insert:

Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River.

So as to make the section read:

That there is hereby withdrawn from all forms of location, appropriation, entry, settlement, or sale, except as provided in this act, all

of the public lands of the United States within the limits of that certain area in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right of way of the Great Northern Railroad; thence following the said right of way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning: *Provided,* That all surveyed lands within the limits of said tract are excluded therefrom, together with any valid mining location existing on the 1st day of January, 1908, and any settler on such excluded surveyed land and the owner or locator of any such valid mining claim shall have and enjoy the right of ingress and egress as to such claim or location. The area described as aforesaid is hereby dedicated to use forever as a public park and pleasure ground for the benefit and enjoyment of the people of the United States, and the said area shall henceforth be called "The Glacier National Park."

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. MONEY. Mr. President, before that amendment is agreed to I wish to ask some one who is responsible for the bill what is the area embraced in this reservation.

Mr. NELSON. The junior Senator from Montana [Mr. Dixon] reported the bill.

Mr. MONEY. I should like to have some Senator give me the information.

Mr. DIXON. I will say to the Senator from Mississippi that the bill proposes to include about 1,000,000 acres upon the crest, or the backbone, of the Rocky Mountains next to the Canadian border. It embraces within its area the few remnants of glaciers of the old glacial period. The Geological Survey and everyone, I think, having anything to do with the matter are unanimous in favor of the bill.

Mr. MONEY. That is sufficient, Mr. President. I only wanted to know that there is no land subject to settlement to be included within the limits of the reservation.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Public Lands was, on page 3, section 2, line 25, after the word "dead," to insert the word "or;" in the same line, after the word "down," to strike out "or decaying;" on page 4, beginning in line 1, to strike out "by actual settlers in the adjacent county within the United States;" and, on line 12, after the word "power," to insert the following proviso:

*And provided further,* That the Secretary of the Interior is hereby authorized to grant a right of way for the construction of railroads under the provisions of the acts of Congress authorizing and permitting the construction of railroads over and across the public lands within the limits of forest reservations to any person or corporation who may desire to construct such railroads along the said Flathead River or any of its tributaries within the boundaries of said Glacier National Park.

So as to make the section read:

SEC. 2. That the Glacier National Park shall be in the custody and under the exclusive control of the Secretary of Agriculture, and said Secretary is hereby authorized and empowered to make and promulgate, and in his discretion, from time to time, to amend or revoke such rules and regulations as he may deem necessary to protect fish and game and to preserve the park in a state of nature as far as consistent with the purposes of this act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or company and for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors; and he may also sell and permit the removal of dead or down timber; and persons now having summer homes or cottages erected, or persons whom he may hereafter authorize to erect summer homes or cottages within the limits of said park shall be permitted to use and enjoy the same with not to exceed one acre of land on which the buildings are or may be located, in each case, subject to this act and such rules and regulations as the Secretary may prescribe: *Provided,* That the use of water for the generation of power may be permitted for not exceeding fifty years, subject to the right of said Secretary to regulate charges for the use of such power: *And provided further,* That the Secretary of the Interior is hereby authorized to grant a right of way for the construction of railroads under the provisions of the acts of Congress authorizing and permitting the construction of railroads over and across the public lands within the limits of forest reservations to any person or corporation who may desire to construct such railroads along the said Flathead River or any of its tributaries within the boundaries of said Glacier National Park.

The amendment was agreed to.

Mr. TELLER. I think that bill had better go over, Mr. President.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Colorado.

Mr. TELLER subsequently said: Mr. President, a few moments ago I objected to the consideration of Senate bill 5648 establishing the Glacier National Park in Montana, and so forth. I desire to withdraw my objection to that bill. I am not in favor of creating additional parks, but I am told that this bill is properly guarded, and I will withdraw my objection to it.

The VICE-PRESIDENT. The Senator from Colorado withdraws his objection.

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes.

Mr. CARTER. Mr. President, recurring to the bill, I desire to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 12, before the amendment already agreed to, it is proposed to insert:

*Provided, That the Secretary of the Interior may utilize such lands, bodies of waters, and streams in said park as he may deem necessary in connection with the operations under the reclamation act of June 17, 1902.*

The amendment was agreed to.

Mr. HEYBURN. I should like to hear from the Senator from Montana in reference to this bill.

Mr. CARTER. The amendment I offered was suggested by the Reclamation Service as a precaution. Certain lakes in this park will be flooded to some extent by the building of dams and the backing up of water in the park for Reclamation Service purposes. The amendment is offered to the end that any ambiguity which may exist on the subject of the right to back up the water into the park may be eliminated.

Mr. HEYBURN. Just so it does not recognize the right of the Reclamation Service or any other service to take possession of and sell the right to use the water, I have no objection to the bill. But I should like to have it distinctly understood that any measure or amendment to this bill or any other that undertakes to recognize the right of the Government to sell the right to use the water will meet with objection.

Mr. TELLER. I understood that was not the case. If it was, I certainly should have objected to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LANDS IN CROW INDIAN RESERVATION, MONT.

The bill (S. 2963) for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, directed to immediately cause to be surveyed all the land embraced within the limits of the Crow Indian Reservation, in the State of Montana.

Sec. 2. That so soon as all the lands embraced within said Crow Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made to all persons having tribal rights with said Crow Indians, who have not heretofore received allotments of land, under the provisions of the allotment laws of the United States: *Provided further*, That hereafter the Secretary of the Interior shall cause allotments to be made under the provisions of this act to all children of Indians affected hereby so long as the tribe is possessed of any unallotted tribal or reservation lands.

Sec. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, and in addition thereto not to exceed 5,000 acres of timber lands for the common use of said Indians.

Sec. 4. That there is hereby granted to the Bureau of Catholic Indian Missions the following-described land, now and for many years reserved for and occupied by St. Xavier's Mission, to wit: The east half of the southwest quarter and the west half of the southeast quarter of section 23, township 4 south, range 32 east, on the Crow Reservation, in Montana, containing 160 acres, more or less.

Sec. 5. That the Secretary of the Interior shall also reserve not to exceed 500,000 acres of said lands for the purpose of establishing the said Crow Indians in the business of breeding and selling horses, under the direction and control of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to expend in fencing the said lands so reserved for horse breeding and selling purposes and in the construction of sheds, barns, corrals, fences, and buildings necessary in carrying out the provisions of this section such portion, when available, of the \$40,000 that was set apart for the fencing of said Crow Reservation in the act of Congress, approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation of Montana and making appropriation to carry the same into effect."

Sec. 6. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of five persons to inspect, classify, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians or granted or reserved by the terms of this act, said commission to be constituted as follows: Two of said commissioners shall be persons holding tribal relations with said Indians, one representative of the Indian Bureau, and two resident citizens of the State of Montana.

Sec. 7. That within thirty days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman.

Said commission is hereby empowered to select a clerk at a salary not to exceed \$7 per day.

Sec. 8. That said commissioners shall then proceed to personally inspect and classify and appraise by the smallest legal subdivisions of 40 acres each all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land; second, grazing land; third, mineral land, the mineral land not to be appraised; fourth, timber land. That said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said lands, such inspection and classification to be completed within one year from the date of the organization of said commission. That said commission shall in their report of lands of the fourth class determine as nearly as possible the amount of standing merchantable timber on legal subdivisions thereof, and in so determining the amount of timber they shall be empowered to employ such timber cruisers as may be necessary at salaries not to exceed \$8 per day while so actively employed.

Sec. 9. That when said commission shall have completed the classification and appraisal of all of said lands and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except as hereinafter otherwise provided and excepting sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral lands within said reservation, not exceeding two sections in any one township, which selections must be made within the sixty days immediately prior to the date fixed by the President's proclamation opening the surplus lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of \$1.25 per acre.

Sec. 10. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is \$1.25 per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

Sec. 11. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid as follows: One-half of said money to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, and other necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation semi-annually, share and share alike.

Sec. 12. That all of said lands returned by said Commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under such rules and regulations as he may prescribe: *Provided*, That the lands within said reservation, however classified, shall, on and after sixty days from the date fixed by the President's proclamation opening said lands, be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws at not less than the price therein fixed and not less than the appraised value of the land, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to Indians or reserved under the provisions of this act.

Sec. 13. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or the equivalent, in each township, that may be granted to the State of Montana, the reserved tracts hereby mentioned for agency and school purposes, or to dispose of lands except as provided herein, or to guarantee to find purchasers for said lands, or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

Sec. 14. That the Secretary of the Interior is hereby authorized and directed to set apart from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, preference right of purchase to be given to actual occupants of said town lots at time of survey of same. The net proceeds derived from the sale of such lands shall be deposited in the Treasury of the United States to the credit of the Indians.



SEC. 15. That all lands hereby opened to settlement remaining undisposed of at the end of five years from the date of the President's proclamation opening the same to settlement shall be sold to the highest bidder for cash at not less than \$1.25 per acre, under regulations to be prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder for cash, under such regulations as said Secretary may prescribe, in tracts not exceeding 640 acres to any one person.

SEC. 16. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of \$1.25 per acre; also the sum of \$200,000, or so much thereof as may be necessary, to be immediately available, to enable the Secretary of the Interior to survey, allot, classify, and appraise the lands in said reservation as provided herein, to defray the expense of the appraisement and survey of town sites, and for the survey and reconstruction of irrigation systems on said lands, the latter sum of \$200,000 to be reimbursable out of the funds arising from the sale of said lands.

Mr. TELLER. I should like to know from the Senator who reported the bill whether there is any curtailment of the amount of the allotment.

Mr. DIXON. I will say to the Senator from Colorado there is none whatever. They were allotted many years ago, under the Dawes Act.

Mr. TELLER. I had an idea there was.

Mr. DIXON. No; they average about a thousand acres to a family under the allotments they have now.

Mr. TELLER. It does not change the law as to the allotments?

Mr. DIXON. Not in the least.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SCHOOLS OF MINES AND MINING.

The bill (S. 3764) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof, was considered as in Committee of the Whole. It proposes to appropriate, out of any money in the Treasury not otherwise appropriated, arising from the sale of public lands in any States and Territories and possessions of the United States other than Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, to be paid to each State and Territory, for the establishment and maintenance of schools or departments of mines and mining in connection with the colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with the provisions of an act of Congress approved July 2, 1862, and other institutions, as provided in section 3 of this act, the sum of \$15,000 for the year ending June 30, 1908, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of \$1,000 over the preceding year until the annual amount to be paid thereafter to each State and Territory shall be \$25,000.

Mr. KEAN. I should like to ask the Senator from Ohio what public lands there are out of which this appropriation is to be paid?

Mr. DICK. There are public lands in the Territory of Alaska, the States of Alabama, Arkansas, Louisiana, Michigan, Minnesota, Missouri, and Wisconsin, outside of the irrigation States.

Mr. CLARKE of Arkansas. My attention has been directed to the bill by the fact that the name of Arkansas has been mentioned. What does the Senator propose to do with the public lands in the State of Arkansas?

Mr. DICK. The bill proposes to apply a certain portion of the money derived from the public lands to the establishment and maintenance of schools or departments of instruction in mines and mining.

Mr. CLARKE of Arkansas. I am entirely in favor of that. It is a worthy enterprise, and I have no objection whatever to Arkansas contributing its proportion.

Mr. KEAN. What is the amount of the public lands? What I am trying to get at is this: My impression is that outside of the States and Territories which the bill excepts there is very little public land, and therefore I do not see where the \$15,000 annually to all the States is to come from.

Mr. DICK. If it does not reach that amount it will not be distributed, but the returns for the years back as far as 1899 and down to 1905 exceed the required amount.

Mr. KEAN. Annually?

Mr. DICK. Yes.

Mr. KEAN. I thought we were probably passing a useless bill.

Mr. DICK. No; it is a good bill; and it is asked for by the mining States and the mining interests of every kind and character.

Mr. KEAN. And the other States pay the expenses of the States which are excepted. They get the reclamation fund and they get this fund in addition.

Mr. DICK. They do.

Mr. NELSON. The trouble with the bill is it excludes all the mining States and devotes to this purpose the proceeds of public lands in States where there are no mines. It takes them and uses them for a school of mines.

Mr. DICK. The bill aims to treat the mining schools as we now treat the agricultural colleges, and to give a portion of the proceeds for their support, which we believe to be a matter of national importance and of national and general benefit.

Mr. KEAN. Does not the Senator think that the States which are excepted ought to pay their share of the appropriation if they are going to get the benefit from it?

Mr. DICK. The only States excepted are those where the funds are being used for irrigation purposes.

Mr. KEAN. Why should not an amendment be added excepting those States from the benefit of the proposed act? They are getting all of the land and all the benefit.

Mr. DICK. The bill does so provide. Those States are now excepted.

Mr. KEAN. Yes; they are excepted; and then they get the benefit of all the other public lands in the United States.

Mr. DICK. The lands in some instances are few where these mining schools are being conducted or carried on. This bill has been favorably reported several times in other Congresses. It has been much discussed, and, I think, is generally understood. It will be beneficial legislation, and comes to this body favorably reported by your committee.

Mr. President, the Committee on Mines and Mining, to which was referred this bill, having considered the same, recommend its passage.

The bill herewith reported does not share in the proceeds of the sale of public lands in the States mentioned in the national irrigation act of June 17, 1902, as beneficiaries under said act. The amounts available for the purposes of the bill from the sale of public lands outside the irrigation States for the year ending June 30, 1905, and is taken from the report of the Commissioner of the General Land Office for the year ending June 30, 1905, pages 201, 208, and 209:

Alabama	\$20,002.45
Alaska	9,202.06
Arkansas	84,088.70
Florida	68,252.40
Iowa	211.94
Louisiana	52,183.86
Michigan	34,781.40
Minnesota	335,535.59
Mississippi	25,578.08
Missouri	27,690.64
Wisconsin	22,161.76

Total..... 679,688.89

The States and the district of Alaska, outside the irrigation States and Territories, received on account of sales of public lands during each fiscal year from July 1, 1898, to June 30, 1904, page 224 of the Report of the Commissioner of the General Land Office, 1904:

	1899.	1900.	1901.	1902.	1903.	1904.
Alabama	\$8,515.12	\$7,470.41	\$11,601.12	\$10,550.28	\$11,539.80	\$16,387.47
Alaska	667.50	2,276.32	2,324.02	5,503.10	2,169.06	5,739.82
Arkansas	8,328.72	60,506.00	49,022.16	86,715.28	112,344.06	99,837.88
Florida	1,312.02	3,158.54	4,487.20	5,066.86	11,619.27	31,053.39
Illinois	50.00		1.70		50.00	56.12
Indiana	19.40				11.42	
Iowa	542.28	1,554.92	14,060.15	7,234.44	461.00	1,069.38
Louisiana	8,620.17	19,780.04	38,941.22	63,359.17	125,016.88	74,267.02
Maine				3,770.00		
Michigan	8,707.79	32,391.74	45,027.86	38,789.12	54,724.41	41,080.27
Minnesota	77,325.73	212,600.92	218,756.44	243,947.95	525,640.41	591,915.96
Mississippi	13,849.13	25,365.58	21,300.28	25,202.94	11,536.38	19,785.81
Missouri	15,571.08	105,818.13	23,262.22	24,426.12	33,152.86	28,439.97
Ohio				70.17		
Wisconsin	15,799.89	44,612.83	25,643.98	30,780.74	35,727.18	35,848.08
Total	159,328.83	515,535.52	456,017.41	546,016.17	923,992.78	947,481.17

It is unnecessary to present any extended argument in favor of the adoption of this measure. The principle upon which the bill proceeds is one which has been long established in our legislation, the Congress having in 1862 committed itself to the policy

of extending Federal aid in the way of grants of the public land to the several States for educational purposes. The act of 1862 has been followed and supplemented by the acts of March 2, 1887, and of August 30, 1890, each of which acts carried specific appropriations of money derived from the sale of public lands for the purpose of strengthening and extending the institutions established under the act of 1862. The purpose of the pending bill is directly in line with the policy heretofore pursued, and may properly be regarded as no more than supplementary to the act of 1862. That act made no direct reference to the great mining industries of the country and carried no provision for research or experiment looking to their development. The pending measure is intended to provide for this deficiency, and very wisely does it by strengthening the institutions already established and already partially equipped for the work.

The splendid success which has in every case attended the establishment of the agricultural and mechanical colleges, and the invaluable work they have done in developing and increasing the agricultural wealth of the nation, have abundantly justified the wisdom of the act which founded them. Your committee believe that the passage of this bill will do for the mining interests of the country what has been so well done under the original act for our agricultural interests. It is a matter of common knowledge that, notwithstanding the great value of our mineral product, amounting in the year 1900 to the stupendous aggregate of \$1,070,108,888, there is yet an enormous waste in the present process of extracting both precious and common minerals. There can be no doubt but what scientific research, investigation, and experiment will eventually develop methods and processes by which a large part of this waste can be avoided and the aggregate wealth of the nation thereby vastly increased.

It is a well-recognized fact that the science and art of agriculture in the United States have been revolutionized through the agency of the agricultural experiment stations established under the act of Congress of 1887. Your committee believe that the same methods which have produced such fruitful results in the field of that great industry will be equally productive when applied to the development of our untold mineral wealth, and it seems incontestable that it is as much the right and the duty of the Federal Government to extend aid in the latter case as in the former. The amount appropriated by the bill to forty-eight States and Territories is for the first year \$480,000, and will amount at the end of ten years to \$960,000 per annum. If this expenditure should result in increasing by only one-tenth of 1 per cent our annual mineral product, the country would be more than repaid in the direct increase of wealth, of tax-paying power, and, above all, in the widely diffused increase of intelligence and skill; for every dollar of mineral wealth wrested from the soil is new wealth, which goes into general use, permanently increasing the volume of metallic circulation and contributing ready material for the arts, sciences, and the conveniences of civilized life.

There has been received since the foundation of the Government from the sale of public lands the sum of \$300,320,075.04. This amount has been covered into the General Treasury, and no charge has been made against it. The total receipts from the disposal of public lands for the fiscal year ending June 30, 1901, amounted to \$4,307,437.15, showing an increase over the previous year of \$592,402. Deducting from the receipts of the fiscal year the amount expended and contracted for in the maintenance of the entire land and forest administration, there remained a net surplus in the Treasury from this source of \$3,158,441.67.

Of this amount about \$1,200,000 was appropriated in accordance with the provision of the act of August 30, 1890, for the maintenance and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of 1862, and about \$720,000 for the maintenance of agricultural experiment stations established in accordance with the act of 1887, leaving an unappropriated surplus of \$1,238,441.67. Out of this surplus the present bill would absorb for the first year only the comparatively small sum of \$480,000, and even when it reaches its maximum the amount withdrawn would be but \$960,000, still leaving a wide margin and clearly showing that the bill may be passed without fear of creating embarrassment in any direction.

To fully comprehend the import of the provisions of the bill is, in a large measure, to foresee most of the improvement and progress that will be made in the mining and extraction of the precious, rare, and base metals in the years to come. The effects of education are cumulative, and the value of money expended thereon can not be estimated by the mere cost of educating so many men at so much per capita. Having once received the groundwork which our schools of mines and agricul-

tural colleges give, and having acquired the spirit of investigation and experiment which should really be in the air of all educational institutions, the man is prepared not only to apply that which he has learned, but to go still further and take the initiative in solving problems which have never even been considered within the walls of his school.

The problems which are being presented to the members of the mining and metallurgical profession are increasing in complexity year by year. It is becoming necessary to conduct mining operations at greater depths, and this involves new problems in hoisting, pumping, drainage, and ventilation. The necessity for making closer savings in all metallurgical processes is resulting in the invention of new methods and the improvement of old ones. In many branches methods are now in use which have not undergone any change or improvement for periods varying from a decade to a century, and we can scarcely look to any other source than technical education for leaders to attack these problems. The day of accidental discovery is largely gone by, and the greatest advances of the future must be made by approaching the problems from a scientific point of view and conducting experiments in a more systematic manner than is customary with the hit-or-miss operators whose experiments are conducted without rhyme or reason.

It is easily conceivable, therefore, that if the provisions of this bill should be carried out the money expended would be amply repaid if from the combined annual number of graduates of our mining schools there should be found one whose exceptional ability in any branch of mining or metallurgy would bring about a marked improvement therein. It is wholly within the bounds of possibility that a single invention in metallurgy should result in the annual recovery of precious metals many times greater than the amount to be annually expended on schools of mines, according to the provisions of the bill under consideration. Engineering schools are content for the most part to instruct their pupils in the current practice of the profession. Their field of usefulness, however, could be largely extended by directing their efforts toward professional advance. Investigation and research in such a school should be coordinate with the department of instruction. In aiding the material progress of the world, there are just as great possibilities in wisely directed research as there are in well-imparted instruction. Research means a larger product, a better product, and lower costs. It makes the labor of man more effective, and in the end must redound to the advantage of both producer and consumer. There can be no surplus of research. The value of every ore deposit and every acre of agricultural land is enhanced by improved methods that increase the amount or reduce the cost of production. Every dollar wisely spent in the investigation and solution of agricultural problems adds to the value of millions of acres of agricultural land. Every dollar wisely spent in mining and metallurgical research adds to the value of countless mining claims.

The work of the mining schools already established has proved to be of great value. The mining industry has reached a point where the discoveries of the prospector can be made of great value only by the application of the expert knowledge of men trained in the profession. Great advances have been made within the last few years both in mine operation and ore-treatment methods, and the mining schools must be given a considerable share of the credit for this progress. Millions of dollars annually are added to the wealth and resources of the nation by means of the development of its mineral resources, and the industry is fully entitled to all of the aid which can reasonably be given. The bill once a law will benefit all sections of the country. It will add greatly to the production of wealth and settlement of a part of the country that has immense natural resources.

In 1891 Colorado produced \$4,000,000 in gold and \$21,100,000 in silver. In 1898, when more modern methods for handling gold ores were fairly under way, the production of gold reached \$23,512,819 and of silver \$13,676,889.

In 1905 the gold output was \$29,805,995 and the silver \$7,686,478; adding lead, copper, and tungsten, the total production in Colorado for 1905 was \$55,967,547.

It is estimated that a large proportion of this product is the result of improved scientific treatment of ores.

A former Director of the United States Geological Survey, in a letter to the President of the United States, represents fairly the views of a highly trained expert in this matter:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY,  
Washington, D. C., January 23, 1906.

SIR: I have the honor to submit the following comments on Senate bill No. 3253:

There can be no question that the mining industry would be greatly benefited and extended by the more thorough training of men who are engaged in mineral production. At the present time a considerable



number of mining engineers are graduates from our larger educational institutions, but the great mass of the mineral producers have not been thoroughly trained. A dissemination of geological, chemical, and metallurgical information in mining regions and instruction in the best methods of mining would tend to reduce expensive mistakes and the use of wasteful methods in prospecting, mining, and treatment of ores.

The bill referred to seems well adapted to encourage education and the dissemination of information in respect to mining. It also provides for the investigation of new methods in mining, ore dressing, and metallurgy, which is not elsewhere provided by the Government and which can be carried on with great advantage by mining schools located in mining districts.

Yours, with respect,

CHAS. D. WALCOTT, Director.

The President, The White House.

The extensive work already undertaken by the Government in forestry and irrigation makes it imperative that some provision be made for instruction in these subjects, in order to supply the present urgent demand for experts in these lines of work. The agricultural colleges in which these subjects would naturally be taught will, under the provisions of the bill, be supplied with sufficient funds to carry on the work successfully. Since both mining and agriculture lie at the foundation of national prosperity, it seems both wise and proper for the Government to continue its aid to the agricultural colleges and at the same time to initiate a policy of financial assistance to the mining schools. The history both of industry and of education from the first land-grant act shows conclusively that governmental aid to education is one of the wisest and best methods of public expenditure.

The bill has the indorsement of the American Association of State Mining Schools, of the American Mining Congress, of the Agricultural College Association, and of the Association of State Universities.

Mr. President, I quote in part from a report made upon a like measure in the House:

"The two great sources of our national wealth are agriculture and mining. According to the report of the Secretary of Agriculture, the total value of the agricultural products of the United States for the year 1906 was \$6,794,000,000. Deducting from this amount the value of meat, animal milk, and poultry products, which probably constitute one-half of the total valuation, there remains a value for the direct products of the soil of approximately \$3,500,000,000. The value of the mineral products of the United States for the year 1906, according to the statistics of the United States Geological Survey, was nearly \$2,000,000,000.

"In 1862 the Government took steps for the establishment and maintenance of agricultural colleges in the various States and Territories for teaching the principles of scientific farming. Each of these agricultural colleges so established is now receiving from the Government the sum of \$80,000 per annum, and, according to laws already passed, within three or four years under a scheme of progressive appropriation each of these agricultural colleges will be receiving nearly \$100,000. The present bill would appropriate only \$5,000 for the first year and an additional \$5,000 per annum until the maximum amount of \$25,000 should be reached in 1912. This is only about one-fourth the amount that the agricultural colleges will be receiving. The value of mineral products in the United States in comparison with agricultural products is much greater proportionately than the ratio between what this bill proposes to appropriate to mining schools and appropriations to agricultural colleges. If the Government can profitably appropriate \$100,000 per annum to agricultural colleges, surely it can afford to appropriate one-fourth of this amount to mining schools or departments, in view of the relative importance of our mining output compared with the output of agriculture.

"The effect of governmental action in behalf of these agricultural colleges has been most beneficent. Science has been applied to the soil so that farming has become more scientific and remunerative. By studying the properties and conditions of soils, and scientifically supplying such properties as they have lacked, they have been made to produce manifold more than they could have produced without such treatment. The suitability of certain soils for certain kinds of crops has been investigated, and, as a result, agricultural waste has been reduced to a minimum. The great benefits resulting from these agricultural colleges are apparent to every observant person.

"What these various laws have done for agriculture, this bill proposes to do for mining. It is of the utmost importance that the mineral resources of the nation be conserved, both for the welfare of ourselves and of our posterity. The minerals of the nation are not inexhaustible, and future generations will justly hold us to account if we fail to conserve them to the best of our ability. This bill seeks scientific ways of mining to the end that this industry may be carried on with the least possible amount of waste. It seeks to discover methods for

utilizing all the output of a mine that none of it may be lost. It is quite probable that mines which now can not be operated at all, or, if so, can not be profitably operated, within a few years could be made to pay if the invention of new mining apparatus or the improvement of mining methods could be brought about through scientific study and research. In days past, when mining methods were more crude and less scientific, enough valuable ore was forever lost in the mud and ooze of river beds to defray the cost of the appropriations contemplated in this bill many times over. Ores that could not be worked by the crude machinery of these unscientific times could have been made to bear millions of dollars if more enlightened methods and more scientific machinery had been in existence. This bill, if enacted into law, would result in utilizing every bit of our mineral products and the waste would be reduced to an absolute minimum.

"It is not known what new minerals may be hiding in the pockets of the earth that more scientific methods would bring to light. Take radium, for instance, the wonderful mineral of the twentieth century. Little is known of it, and yet it seems to have great properties of light and heat. Under existing conditions no radium has been found in this country. Every atom of it comes from the zinc blends of Bohemia. It is not improbable that even this precious material may be found in America or might be artificially produced from other minerals if our knowledge of mining processes were only more scientific. What strange minerals not yet known to man might be found through the application of science to mining no one can see.

"The progress of the race toward higher planes of civilization is brought about by studying the records of victory and failure that have been made by different investigators, by avoiding those failures and taking advantage of those successes.

"Vast sums of money have been spent in the investigation of mining conditions, but others have not had the record of these investigations and hence have gone over the same road, to meet the same failure at the end. The establishment of schools or departments for instruction in scientific mining is surely of sufficient importance to be a national matter. If the nation should take this up, a record of achievements and failures could be kept, so that the whole country would have the benefit of the investigation pursued by any one school or department or in any particular field of mines and mining. So long as men work independently the country may lose the value of their services and the work which they are doing may be duplicated, but the national establishment of schools and departments of mines and mining, as contemplated in this bill, would give the whole country the benefit of all the research made in all the different schools or departments. As a result, the progress in mining would necessarily be faster, the waste would be less, and much would be done toward the conservation of our mineral resources.

"But this is not all. The loss of life among miners in America within recent years has been appalling and is startlingly on the increase. It has been presumed generally that railroading is the most hazardous of occupations, but statistics show that more miners per thousand engaged lose their lives in mines than railroad men. It is a matter of common knowledge that in a single month toward the end of 1907 1,000 miners lost their lives in three or four great mining disasters in various coal mines of the country.

"One of the most helpful results of the national establishment of schools or departments of mines and mining as proposed in this bill would be to teach safer methods of mining, so that the lives of miners might be more safe and property in mines more free from destruction. If the Government could do anything to safeguard the lives of miners who take their lives in their hands and go down into the depths of the earth to bring forth the minerals that are essential to civilization, surely it ought to be done. It is believed that, should such schools or departments be established, the next few years would show a welcome decrease in the death rate among miners. What is true in the way of making life safer in mines would also be true of protecting property in them, as the causes of explosions and other disasters incident to mining would be scientifically investigated and reduced to a minimum."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. STANDISH.

The bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, was announced as the next business in order on the Calendar.

Mr. NELSON. Let the bill go over, at the instance of the Senator from Missouri.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Minnesota.

#### SOUTH PASS OF THE MISSISSIPPI RIVER.

The bill (S. 6640) authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in line 3, after the word "that," to strike out "all moneys" and insert "so much as may be necessary of the moneys heretofore or hereafter," so as to make the bill read:

*Be it enacted, etc.,* That so much as may be necessary of the moneys heretofore or hereafter appropriated for the maintenance of South Pass of the Mississippi River, or for examinations and surveys of the South Pass of the Mississippi River, or for the improvement of the Southwest Pass of the Mississippi River, may, in the discretion of the Secretary of War, on the recommendation of the Chief of Engineers, United States Army, be used in dredging shoals in the said river between Cubits Gap and the Head of the Passes whenever it may become necessary to secure a depth of channel through said shoals of 35 feet, with a practicable width; said dredging to be done either by the dredges owned and operated by the United States, or, if necessary, under contract with responsible dredging companies, as may be most economical and advantageous to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MARY S. FERGUSSON.

The bill (S. 6529) for the relief of Mary S. Fergusson was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Philippines with amendments, in line 9, before the word "dollars," to strike out "nine thousand" and insert "four thousand five hundred;" and in line 10, after the words "salary for," to strike out "one year" and insert "six months," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary S. Fergusson, the widow of Arthur W. Fergusson, late executive secretary of the Philippine Islands, who died January 30, 1908, in the service of the Government, the sum of \$4,500, being the amount of salary for six months.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SUNDAY CLOSING IN THE DISTRICT.

The bill (S. 3940) requiring certain places of business in the District of Columbia to be closed on Sunday was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That it shall be unlawful for any person or corporation in the District of Columbia, on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity, and except also newspapers publishers and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus, show, or theatrical performance: *Provided*, That the provisions of this act shall not be construed so as to prohibit sacred concerts, nor the regular business of hotels and restaurants on said day; nor to the delivery of articles of food, including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1; nor to the sale of milk, fruit, confectionery, ice, soda, and mineral waters, newspapers, periodicals, cigars, drugs, medicines, and surgical appliances; nor to the business of livery stables, or other public, or the use of private conveyances; nor to the handling and operation of the United States mail.

SEC. 3. That any person or corporation who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not more than \$10 or by imprisonment in the jail of the District of Columbia for not more than ten days, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That persons who are members of a religious society, who observe as a Sabbath any other day in the week than Sunday, shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

SEC. 4. That all prosecutions for violations of this act shall be in the police courts of the District of Columbia and in the name of the District.

The amendment was agreed to.

Mr. KEAN. I should like to inquire whether it is a unanimous report from the committee.

Mr. JOHNSTON. It is. I desire to offer an amendment. I

move to strike out the proviso in section 3 and to add it to section 1, in just exactly the same language.

The VICE-PRESIDENT. The Senator from Alabama proposes an amendment, which will be stated.

The SECRETARY. On page 3 of the committee amendment, section 3, it is proposed to strike out the proviso and to add it at the end of section 1.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the proper observance of Sunday as a day of rest in the District of Columbia."

#### FISH-CULTURAL STATION IN NEVADA.

The bill (S. 6783) to establish a fish-cultural station in the State of Nevada was considered as in Committee of the Whole. It proposes to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Nevada, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in the State, to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THIRD INSTALLMENT, MISSOURI WAR CLAIMS.

The bill (S. 6764) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FORT CRAWFORD MILITARY TRACT, WISCONSIN.

The bill (S. 4726) for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, State of Wisconsin, was considered as in Committee of the Whole. It proposes that in all cases where it shall be made to appear to the satisfaction of the Secretary of the Interior that the purchaser of a lot in the Fort Crawford military tract at Prairie du Chien, Crawford County, State of Wisconsin, has paid the interest required by law, the amount so paid for interest shall be repaid to the purchaser.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF DISTRICT CODE.

The bill (S. 6506) to amend an act entitled "An act to establish a Code of Law for the District of Columbia" was considered as in Committee of the Whole. It proposes to amend section 1071 by adding the following paragraph:

The record, in the District of Columbia, of any deed or other instrument of writing, not of a testamentary character, where the laws of the District of Columbia authorized the same to be recorded in said District and the same has been recorded agreeably to such laws, and the record in said District of any will or other instrument of writing of a testamentary character, where the laws of said District authorized the same to be admitted to probate and record in said District, by judicial decree, and the same has been so admitted to probate and record agreeably to such laws and (in case of such will or of such other instrument of writing of a testamentary character) of the decree of the court admitting the same to probate and record, shall be good and sufficient prima facie evidence to prove the existence and contents of such deed or will or other instrument of writing, and that it was executed as it purports to have been. And a copy of the same under the hand of the recorder of deeds or register of wills or other keeper of such record and the seal of the office or court in which such record has been made, shall also be good and sufficient prima facie evidence to prove the existence and contents of such deed or will or other instrument of writing, and that it was executed as it purports to have been.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EMBASSY BUILDING, PARIS, FRANCE.

The bill (S. 6959) to provide for the purchase of building and grounds, or of a site and erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States, was announced as the next business in order on the Calendar.

Mr. TELLER. The Senator who introduced the bill is not present. There are Senators who want to be heard on it. I ask that it may go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Colorado.

Mr. CULLOM. I hope the Senator from Colorado will not insist that the bill go over.



Mr. TELLER. I know that one or two Senators want to be heard on the bill. I think it is rather important whether or not we shall adopt the policy therein announced, and if we are going to do it, we should take up the bill at some other time. I am compelled under the circumstances to object.

Mr. CULLOM. We can not take it up at this session unless we do so pretty soon. Of course the Senator has a right to object.

The VICE-PRESIDENT. The Senator from Colorado objects, and the bill will go over.

#### PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The bill (S. 6102) to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Health and National Quarantine with amendments. The first amendment was, on page 3, section 3, line 3, after the word "school," to insert "without compensation to or from the United States and," so as to read:

SEC. 3. That to facilitate cooperation between State and Territorial boards of health or departments of health, including the District of Columbia, and the Public Health and Marine-Hospital Service, there shall be established a school of hygiene, for which the facilities of the hygienic laboratory shall be available. Regulations for admission to and for the conduct of said school shall be made by the Surgeon-General with the approval of the Secretary of the Treasury. There shall be received in this school, without compensation to or from the United States and with such limitations as may be deemed necessary,

The amendment was agreed to.

The next amendment was, on page 4, section 4, line 15, after the word "annum," to strike out:

There shall also be appointed in like manner a solicitor of the Public Health and Marine-Hospital Service, who shall be familiar with the public health laws of the National Government, States, and municipalities, to aid in establishing uniform measures for the protection of the public health and to perform such service of a legal nature as may be required. The salary of the solicitor shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury, and shall not exceed \$5,000 per annum.

The amendment was agreed to.

The next amendment was, on page 5, section 5, line 12, after the word "days," to insert:

And provided further, That the health authorities of all the other States and Territories shall be notified of said special conference, and in their discretion may send delegates, one from each State or Territory, at their own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6101) to promote the efficiency of the Public Health and Marine-Hospital Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Health and National Quarantine with amendments.

The first amendment was, in section 1, page 1, line 10, after the word "surgeons-general," to insert "or colonel;" in line 11, after the word "surgeons-general," to insert "or lieutenant-colonel;" on page 2, line 1, after the word "surgeons," to insert "or major," so as to read:

That hereafter the pay and allowances, including longevity, of the commissioned medical officers of the Public Health and Marine-Hospital Service shall be the same as the pay and allowances, including longevity and excepting forage, of the commissioned officers of the Medical Department of the Army, as follows: Surgeon-General, that of the Surgeon-General of the Army; assistant surgeons-general, that of assistant surgeons-general or colonel of the Army; ten medical directors, that of deputy surgeons-general or lieutenant-colonel of the Army; surgeons, that of surgeons or major of the Army.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That when any officer of the Public Health and Marine-Hospital Service shall be detailed for duty with the military or naval forces of the United States, under the provision of section 4 of the act of July 1, 1902, entitled "An act to increase the efficiency and change the name of the United States Marine-Hospital Service," he shall when on such duty be subject to the Rules and Articles of War.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 21, after the word "promotion," to insert "according to seniority," so as to read:

SEC. 3. That when any commissioned medical officer in the Public Health and Marine-Hospital Service has reached the age of 64 years he shall, upon his own application or in the discretion of the President, be retired and his place on the active list shall be filled by promotion according to seniority.

The amendment was agreed to.

Mr. du PONT. I offer an amendment, to be inserted at the end of section 1.

The VICE-PRESIDENT. The Senator from Delaware proposes an amendment, which will be stated.

The SECRETARY. At the end of section 1 it is proposed to insert:

Provided, That the total number of the commissioned medical officers of the Public Health and Marine-Hospital Service shall not exceed 150.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### INJURIOUS DEPOSITS IN NEW YORK WATERS.

The bill (S. 7023) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide safeguards to life on boats and scows, was considered as in Committee of the Whole.

Mr. KEAN. I should like to ask the Senator from New York whether he thinks the bill will prevent the State of New York from creating a nuisance along the whole coast of New Jersey.

Mr. DEPEW. With the exception of an amendment contained in the bill, the measure is existing law.

Mr. KEAN. I trust the bill will prevent the city of New York from destroying property along the Jersey coast, and therefore I hope everything has been put into the bill that should be there to compel the city of New York to do its duty.

The VICE-PRESIDENT. Does the Senator from New Jersey object to the consideration of the bill?

Mr. KEAN. I do not.

Mr. DEPEW. The object of the bill is particularly to take care of the Jersey coast.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COLLECTION DISTRICTS IN OREGON.

The bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment on page 3, line 23, after the word "fees" to strike out "and," and after the word "commissions" to insert "storage, and all perquisites of every name and nature," so as to read:

Fourth. In the district of Portland a collector, who shall receive a salary of \$6,000 a year, including fees, commissions, storage, and all perquisites of every name and nature; and an appraiser, who shall receive a salary of \$3,000 a year, both of whom shall reside at Portland, Oreg.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon."

#### PROOF OF SIGNATURES AND HANDWRITING.

The bill (S. 608) relating to proof of signatures and handwriting was considered as in Committee of the Whole. It provides that in any court of the United States where the genuineness of the signature or handwriting of any person may be involved, any admitted or proved signature or handwriting of such person shall be competent as a basis for comparison to prove or disprove such genuineness.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ROBERT V. BELT AND JOSEPH P. MULLEN.

The bill (S. 4288) to empower the Court of Claims to hear and determine the claims of Robert V. Belt and Joseph P. Mullen for services and expenses for the Choctaw and Chickasaw freedmen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 2, section 2, line 13, after the word "freedmen," to strike out "and the United States;" in line 14, after the word "freedmen," to strike out "and the United States;" and in line 17, after the word "who," to insert "with such attorney as said freedmen may select and employ," so as to make the section read:

SEC. 2. That the suits in said cases shall be begun by filing petitions in the Court of Claims within sixty days after the approval of this act,

wherein shall be set out such facts and in the manner as prescribed by the rules of that court, by the said Robert V. Belt and Joseph P. Mullen, against the Choctaw freedmen in the one case and against the Chickasaw freedmen in the other case; service of said petitions shall be had by delivery of two copies of each to the Attorney-General, who, with such attorney as said freedmen may select and employ, shall appear and defend for all of the defendants in each of said cases.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 3, after the words "against the," to strike out "United States in the respective cases, said judgments to be certified to Congress as in other cases provided" and insert "individuals to whom such services were rendered," so as to make the section read:

SEC. 3. That the court may receive and consider all papers, documents, records, depositions, or other evidence offered by any of the parties to said suits; and for such amount, if any, as the court shall adjudged to be justly and equitably due to said attorneys, Robert V. Belt and Joseph P. Mullen, as the value of the services rendered and expenses incurred by them for and on behalf of the said Choctaw and Chickasaw freedmen upon the evidence submitted it shall render judgment or decree against the individuals to whom such services were rendered.

The amendment was agreed to.

Mr. KEAN. Is there a report accompanying the bill?

Mr. OWEN. The bill was reported from the Committee on Indian Affairs, and the report is No. 624.

Mr. KEAN. I do not seem to have it here. I wish the Senator from Oklahoma would explain the bill. It seems to be pretty broad.

Mr. OWEN. The bill is to provide a hearing in the case of Robert V. Belt and his associate, Mullen. Mullen was formerly Assistant Commissioner of Indian Affairs, and afterwards served these people and procured a consideration of their claims which led to their being allowed an allotment from the Chickasaw Nation. They have never been compensated, and have had nothing in the way of expenses or other considerations for the services rendered. The bill simply permits the court to consider their claim and find what, if anything, is due to them.

Mr. KEAN. It also provides for the finding of judgment, does it not?

Mr. OWEN. Certainly.

Mr. KEAN. And the report of the claim to Congress.

Mr. OWEN. No; that was stricken out. It was amended so as to read "the individuals to whom such services were rendered."

Mr. KEAN. I have no objection, of course, to the individuals paying.

Mr. OWEN. That is all it provides. The words "the United States" were stricken out. The bill as first presented contained that provision, but it was amended.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CHICKASAW LANDS FOR TOWN SITES.

The bill (S. 5163) to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes, was considered as in Committee of the Whole. It provides that in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law the Secretary of the Interior is authorized to segregate and survey, within that part of the territory of the Choctaw and Chickasaw nations, State of Oklahoma, heretofore segregated as coal and asphalt land, such other towns, parts of towns, or town lots as are now in existence or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., p. 495), under regulations to be prescribed by him.

Section 2 provides that the provisions of section 13 of the act of Congress approved April 26, 1906 (34 Stat. L., p. 137), shall not apply to town lots appraised and sold as provided herein.

Section 3 provides that the Secretary of the Interior shall cause the lots in the town of Hartshorne, Choctaw Nation, State of Oklahoma, to be reappraised as of the date of original appraisal made by the town-site commission; that payments already made on lots therein shall be credited on the basis of reappraisal, and that payments not heretofore made on installments due or past due under the original appraisal shall be superseded by the amounts fixed under the new appraisal; and payments shall be due and date from thirty days after the service of notice of reappraisal.

Section 4 provides that all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns or the reappraisal of any lots in any town heretofore ap-

praised shall be paid from the proceeds of the sale of town lots of the nation in which such town is situated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PAYMENT TO CERTAIN CHEROKEE CITIZENS.

The bill (S. 6930) to pay to certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay, out of any funds in the Treasury belonging to the Cherokee tribe of Indians, to those intermarried white citizens of the said Cherokee tribe placed on the final approved rolls of the said Cherokee tribe by the Secretary of the Interior pursuant to an opinion of the Supreme Court of the United States in the case of Daniel Red Bird against The United States, the share or shares to which they are entitled in the funds of the Cherokee Nation on account of payments heretofore made out of said Cherokee funds to members of the Cherokee Nation, but in which payments said intermarried white Cherokee citizens did not participate and to which they were entitled in accordance with the findings of the Supreme Court in the said case of Daniel Red Bird against The United States, said intermarried white Cherokee citizens having married into the Cherokee Nation prior to November 1, 1875, and not having since abandoned their citizenship. In case any of said intermarried Cherokee white citizens have died since final enrollment their share or shares in the money distributed shall be paid to their heirs or legal representatives, but the Cherokee Nation shall have authority to contest before the Secretary of the Interior the right of any person whose enrollment was made under the decree of the Supreme Court of the United States in the case of Daniel Red Bird to receive such payments, and if said Secretary becomes convinced that such person was improperly enrolled he is hereby authorized to deny him the right to receive such back payments.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FUNDS OF OSAJE INDIANS.

The joint resolution (S. R. 67) empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes, was considered as in Committee of the Whole. It confers jurisdiction upon the Court of Claims to ascertain and determine the amount received by the United States from the sale of lands belonging to the Osage Indians under a treaty between the United States and the Great and Little Osage tribe of Indians, proclaimed January 21, 1867, and credited to the "civilization fund," that has been expended for any other Indians, or for any purpose other than the benefit of the Osage Indians, and the amount so ascertained shall be placed to the credit of the Osage tribe of Indians in the United States Treasury; less fee for attorneys representing said tribe of Indians employed by virtue of the resolution of the Osage national council, passed on the 7th day of December, 1907, in such amount as the court shall ascertain and fix after proper hearing of the services rendered and expenses incurred in the prosecution of the claim aforesaid, and the amounts found due by the court for the purposes hereinbefore stated are hereby appropriated out of said fund.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INDIAN SCHOOL IN ARIZONA TERRITORY.

The bill (S. 6523) granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue a patent to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, for and covering the following described lands, amounting to approximately 280 acres, now and for many years occupied by the said "The Sisters of the Blessed Sacrament for Indians and Colored People" as an Indian school, to wit: The southwest quarter of the southwest quarter of section 13, the south half of the northeast quarter of section 14, and the east half of the northwest quarter and the south half of the northeast quarter of section 24, all in township 26 north, range 30 east, Gila and Salt River meridian, on the Navajo Indian reservation in Arizona Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.



## EFFICIENCY OF THE MILITIA.

The bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from New Jersey.

## DESECRATION OF THE FLAG.

The bill (S. 565) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America was announced as next in order on the Calendar.

Mr. BACON. I hope the bill may be read in such a way that we may know not simply as to the amendments, but in such consecutive way as to enable us to judge of the bill. I am opposed to the desecration of the flag. At the same time there may be some innocent uses of it which should not be denied.

Mr. WARREN. I will say to the Senator that the bill as amended is almost an exact copy of the law of Connecticut and certain other States.

Mr. BACON. I am not objecting to it.

There being no objection, the bill was considered as in Committee of the Whole.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. The Committee on Military Affairs reports to strike out all after the enacting clause and to insert:

That any person who, in any manner, for exhibition or display, puts or causes to be placed any inscription, picture, design, device, symbol, name, advertisement, words, characters, marks, or notice whatever upon any flag, standard, color, or ensign of the United States, or ensign evidently purporting to be such flag, standard, color, or ensign, or who in any manner appends, annexes, or affixes to any such flag, standard, color, or ensign, any inscription, picture, design, device, symbol, name, advertisement, words, marks, notice, or token, whatever, or who displays or exhibits or causes to be placed or exhibited any flag, standard, color, or ensign of the United States, or flag, standard, color, or ensign evidently purporting to be such flag, standard, color, or ensign upon which shall in any manner be put, attached, annexed, or affixed any inscription, picture, design, device, symbol, name, advertisement, words, marks, notice, or token whatever, or who publicly mutilates, tramples upon, or otherwise defaces or defiles any such flag, standard, color, or ensign, whether any such flag, standard, color, or ensign is public or private property, shall be fined not more than \$100, or imprisoned not more than six months, or both, for each offense: *Provided, however,* That flags, standards, colors, or ensigns, the property of or used in the service of the United States or any State, Territory, or the District of Columbia, may have inscriptions, names of actions, words, marks, or symbols which are placed thereon pursuant to law or authorized regulations.

Mr. BACON. Mr. President—If I can have the attention of the Senator from Wyoming—I presume that none of us differ in the purposes that are in view in this legislation. At the same time it ought to be guarded in such a way as not to permit it to be abused.

I wish to state a case to the Senator from Wyoming, and ask him whether the provision of this bill would make the use of it unlawful, as I am about to narrate. Of course I can judge of the bill only imperfectly from the reading of it, but I want to give an illustration: There is in the town in which I live an organization of Confederate veterans, and they have a flag under which they march on all occasions, which is a blending of the United States flag and the Confederate States flag. The purpose that they have in that is manifest to all. Usually such organizations march only under the Confederate flag, and the purpose of blending the two flags is to show that while they are loyal and devoted to the memory of the deeds of themselves and of their fathers in the civil war and to the part they took in it, they are none the less loyal to the Union under which they now live and to which they are equally loyal and equally devoted.

That is the purpose in blending the two flags, and everyone will recognize that it is a most laudable and praiseworthy purpose. In its design it is a very beautiful flag, I will say to Senators, combining as it does the most striking features of each flag. In design and execution it is the most beautiful flag I ever saw—one made at very considerable expense, in silk, with gold ornamentation, and everything that art can tastefully apply to make it a beautiful flag. It is intended to symbolize and demonstrate a very beautiful sentiment—loyalty to the past and none the less loyalty to the present.

Now, will this bill, if it should be enacted into law, make that an unlawful flag to carry?

Mr. WARREN. I will say that I did not report the bill from the committee. It was reported by the Senator from Massachusetts [Mr. LODGE], and it was reported after a long series of consideration by that Senator and two other Senators in subcommittee. During the time a hearing was granted and there were hundreds of patriotic men and women, mostly the latter, who appeared before the subcommittee. A comparison was made between all the laws of the different States and this substitute was adopted.

I of course could not say offhand, even if I could say after more thorough examination, what might be the construction of the law as to this blended flag. If the Senator had the flag here, or if it was more definitely described we might know. Possibly Senators from the States where such laws have been in force for some years can answer that question. But I want to say, generally speaking, that any flag or any use of the flag, devoted to patriotic and loyal purposes would not be complained against, nor be proceeded against under the law. It is not the intent of the law to do that. But in the absence, first, of the blended flag itself or a description of it, and in the absence, second, of the application and precedents established heretofore, and I might say furthermore of my own ignorance as to the law in its possible future application, I am unable to answer categorically yes or no the question the Senator has propounded. Possibly the Senator from Connecticut [Mr. BULKELEY] may be able to give the information.

Mr. BACON. I recognize the sentiment of course and the principle, I will say, which is back of such legislation, and I entirely sympathize with it. That legislation has been pronounced by the Supreme Court of the United States to be constitutional in a case which, I think, went up from Nebraska. I would not wish either to interfere with it or to appear to interfere with it.

Mr. WARREN. If the Senator will allow me, I want to say that the whole theory of the subcommittee and the general committee was to confine the act as closely as possible to the prevention of the willful desecration of the flag, and they selected, as I understand it, the law from one of the whole lot that would be the least, if I may use the word, offensive, and that might be the least apt to infringe upon right privileges that we did not seek to abridge in anyway. As I said, the Senator from Connecticut may be able to answer the Senator's question.

Mr. BACON. I fully understand the purpose expressed by the Senator. I approve the purpose thoroughly. The only question in my mind is whether they have entirely guarded everything so as to effectuate that purpose. I would not myself be willing to object to the consideration of the bill.

Mr. WARREN. Mr. President—

Mr. BACON. I hope the Senator will pardon me.

Mr. WARREN. I will take the liberty, if the Senator is not entirely satisfied, to ask that it shall go over until we can examine it, and it may be called up later to-day or on another occasion. If the Senator would like to have it go over, I will make the objection.

Mr. BULKELEY. Mr. President—

Mr. BACON. If Senators will pardon me a moment, I was endeavoring to say simply that the Senator himself in looking at the bill might suggest an amendment which would not exclude any use of the flag which was recognized as patriotic and loyal or for a public purpose.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. I do.

Mr. BULKELEY. The senior Senator from Massachusetts [Mr. LODGE] was chairman of the subcommittee that had this matter in charge. In response to very urgent appeals from patriotic societies that some law might be passed to prevent an improper desecration, as it was called, of the flag of the United States, and after examining the various laws that had been adopted in the different States, the Senator from Massachusetts concluded that the measure as reported was the simplest and the most efficacious and free from objections that were raised against the bill originally presented.

Such a law has been in force in my own State for a number of years, and there has never been any fault found with its enforcement. It simply prevents what I think everybody concedes ought to be prevented, an improper use of the flag of our country by methods of advertising in one way and another. The bill is perfectly simple in that respect.

## COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. DICK. On behalf of my colleague [Mr. FORAKER], who has offered a substitute for the pending joint resolution, and who because of illness is not able to be present in the Chamber, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

## CONSIDERATION OF THE CALENDAR.

Mr. CARTER. I ask unanimous consent that the time for the consideration of unobjected bills on the Calendar be continued until 3 o'clock.

Mr. ALDRICH. I hardly think it will take that length of time until they can be disposed of.

Mr. WARREN. Let it be a sufficient time to conclude the Calendar.

Mr. CARTER. I think we can finish the Calendar of unobjected cases by 4 o'clock at any rate.

Mr. KEAN. We can probably finish it by 3.

Mr. CARTER. I do not wish a general unanimous-consent agreement which would preclude making a motion at any time during the session to proceed to the consideration of a bill. I will modify my request and ask unanimous consent that we continue to consider unobjected cases on the Calendar under Rule VIII until the hour of 4 o'clock, unless such cases shall have been previously disposed of.

Mr. BRANDEGEE. Mr. President, I do not desire to interfere with the passage of any uncontested matters on the Calendar, but I had intended to move, at 2 o'clock, that the Senate proceed to the consideration of the Appalachian forest-reserve bill. I have no objection to a unanimous-consent agreement to continue with the Calendar for such time as is necessary to pass the uncontested matters, with the understanding that I may have unanimous consent at the end of that time to move to take up the bill I have indicated.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the Senate continue the consideration of unobjected bills upon the Calendar under Rule VIII until 4 o'clock, unless such cases shall have been sooner disposed of. Is there objection to the request?

Mr. BRANDEGEE. I ask the Senator if he modifies his request by agreeing to my suggestion?

Mr. CARTER. I may perchance desire to move a substitute for the bill the Senator contemplates calling up for consideration.

Mr. CULBERSON. We are unable to hear on this side of the Chamber the conversation between the two Senators.

Mr. BRANDEGEE. Of course I can not control the action of the Senator from Montana on any amendment or substitute he intends to move to the bill I spoke of. I simply asked him to agree that I may move that the Senate shall proceed to the consideration of the bill. Then he can vote the way he has a mind to on it.

Mr. CARTER. To be perfectly frank with the Senator, I expect to move to proceed to the consideration of the postal savings-bank bill just as soon as the present order is disposed of, if unanimous consent shall be granted to consider unobjected cases further.

Mr. BRANDEGEE. Then, to be equally frank and perfectly courteous to the Senator, I shall have to object to his request for unanimous consent.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Montana.

Mr. BACON. I hope the Senator will let us proceed with the Calendar.

Mr. ALDRICH. Let us go on and finish the Calendar.

Mr. McCREARY. Yes; under rule VIII.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. CARTER. I yield for a question.

Mr. PILES. I suggest that unanimous consent be asked—

Mr. BACON. Senators on the other side of the Chamber fail to realize that on this side of the Chamber, unless they raise their voices, it is impossible to hear what they say, even when there is no confusion in the hall.

Mr. CARTER. Mr. President, for the benefit of the Senator from Georgia who could not hear—

Mr. BACON. No; it is not for the benefit of the Senator from Georgia, it is for the benefit of all on this side of the Chamber.

Mr. CARTER. I will modify my observation so as to include all Senators on the other side.

Mr. President, the situation seems to be this: I asked unanimous consent for a continuation of the consideration of unobjected cases until the hour of 4 o'clock unless such unobjected cases should in the meantime be disposed of. The Senator from Connecticut [Mr. BRANDEGEE] sought to have unanimous consent embrace an agreement to proceed to the consideration of another bill at the conclusion of the unobjected cases. I can not accept that qualification, and therefore the objection of the Senator from Connecticut obtains as against the continuation of unobjected cases on the Calendar.

Mr. BRANDEGEE. Mr. President, I will withdraw the objection.

The VICE-PRESIDENT. The objection is withdrawn, and without objection unanimous consent is given—

Mr. TELLER. What is the suggestion now?

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the Senate shall continue with the consideration of unobjected bills upon the Calendar under Rule VIII until the hour of 4 o'clock unless the unobjected bills are disposed of in the meantime.

Mr. KEAN. In the same way that we have been proceeding?

Mr. TELLER. Under the same terms we have been proceeding?

The VICE-PRESIDENT. Yes; without objection, it is so ordered.

## DESECRATION OF THE FLAG.

Mr. WARREN. As I am about to leave the Chamber to join a conference, I ask that the bill (S. 565) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America may lie over and we will undertake to consider it after the return of the Senator from Massachusetts [Mr. LODGE] at some later day. I do not understand that there is any objection to the bill. It is simply to ascertain the effect of certain terms in it.

Mr. BACON. As the suggestion probably grows out of remarks which I have made, I desire to say that I will fully cooperate with the Senator from Wyoming and other Senators in the purpose that it shall be considered, and that we shall take occasion to consider it as soon as the Senator from Massachusetts returns.

The VICE-PRESIDENT. The bill will be passed over.

## PORTO RICO PROVISIONAL REGIMENT.

Mr. WARREN. Mr. President, I am called to a public duty in another place and will not be here during further consideration of the Calendar. I therefore ask that the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry, which was reported from the Committee on Military Affairs, may go over under Rule IX, as I do not desire to have it considered at this time.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Wyoming. The Secretary will state the next bill on the Calendar.

## JOHN F. WINGFIELD.

The bill (S. 5944) for the relief of John F. Wingfield was considered as in Committee of the Whole. It proposes to pay to John F. Wingfield, for transporting the mail on route No. 4174, in Virginia, from January 1, to March 31, 1861, the sum of \$50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## NESTLER BREWING COMPANY.

The bill (S. 6373) waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same, was considered as in Committee of the Whole. It proposes to extend the time within which the Nestler Brewing Company, a corporation organized under the laws of the State of Utah, or its agents or legal representatives, may file a claim for the redemption of revenue stamps for a period of ninety days from and after the approval of this act, notwithstanding the provisions of the act of May 12, 1900, amended by the act of June 30, 1902; and the Commissioner of Internal Revenue is authorized to consider and adjudicate said claim upon its merits, notwithstanding any prior determination thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN M. KELLY.

The bill (S. 6923) for the relief of John M. Kelly was considered as in Committee of the Whole. It proposes to pay \$2,048.70 to John M. Kelly, successor to Kelly & Hart, of New Orleans, La., the same being the balance due for dredging in Garden Key, channel at Dry Tortugas, Fla., under contract with the United States, dated January 23, 1901.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PUBLIC BUILDING AT MARSHALL, MO.

The bill (S. 4691) to provide for the purchase of a site and the erection of a public building thereon at Marshall, in the State of Missouri, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire,



by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of governmental offices in the city of Marshall and State of Missouri, the cost of the site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DECORATION AND DIPLOMA TO MAJ. C. DE W. WILCOX.

The bill (S. 5989) authorizing the Department of State to deliver to Capt. C. De W. Wilcox decoration and diploma presented by Government of France was considered as in Committee of the Whole. The bill had been reported from the Committee on Foreign Relations with an amendment, in line 3, after the word "That," to strike out "Captain" and insert "Major," so as to make the bill read:

*Be it enacted, etc., That Maj. C. De W. Wilcox, United States Army, be, and he is hereby, authorized to accept the decoration and diploma of Officier d'Académie tendered to him, through the Department of State of the United States, by the Government of the French Republic; and the Department of State is hereby authorized to deliver to him the said decoration and diploma.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France."

#### INDIAN LANDS IN OKLAHOMA.

The bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, page 1, line 5, after the word "to," to insert "adult;" in the same line, after the word "the," to strike out "various" and insert "following;" in line 7, after the word "except," to strike out "as to 40 acres" and insert "a homestead of 120 acres;" in line 8, after the word "Miami," to strike out "Ottawa;" in line 10, after the word "to," to strike out "twenty-four" and insert "a homestead of 40;" on page 2, line 2, before the word "Reservation," to strike out "in the Modoc" and insert "for each member of the Ottawa tribe on the Ottawa;" in line 3, after the word "may," to insert "upon application of any adult member of either of said tribes;" in line 14, after the word "allottee," to insert "for any part of his surplus lands;" and in the same line, after the word "to," to strike out "the expiration of sixty days from the passage of this act" and insert "January 1, 1909," and at the end of the section to insert the following proviso:

*Provided, That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of said reservations and heretofore reserved to such societies as shown on approved schedules of allotments.*

So as to make the section read:

That from and after sixty days from the passage of this act all restrictions as to sale, incumbrance, or taxation on lands allotted to adult members of the following tribes of the Quapaw Agency, Okla., are hereby removed, except a homestead of 120 acres of each allotment in the Quapaw, Peoria, Miami, Eastern Shawnee, Wyandot, and Seneca reservations and except as to a homestead of 40 acres for each member of the Ottawa tribe on the Ottawa Reservation: *Provided, That the Secretary of the Interior may, upon application of any adult member of either of said tribes, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any allottee of said agency is competent and capable of managing his or her affairs at any time, to cause to be issued to such allottee a patent in fee simple for such portion of his or her allotment hereby reserved from sale, incumbrance, or taxation, and thereafter all restrictions as to sale, incumbrance, or taxation of said land covered by such fee-simple patent shall be removed: Provided further, That any sale, incumbrance, or contract for sale or incumbrance made or entered into by or on behalf of any allottee for any part of his surplus lands prior to January 1, 1909, or prior to the issuance of such fee-simple patent shall be absolutely null and void: Provided, That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of said reservations and heretofore reserved to such societies as shown on approved schedules of allotments.*

The amendment was agreed to.

The next amendment was, in section 2, page 2, after the word "agency," to insert "except members of the Modoc tribe;" on

page 3, in line 4, after the word "allotment," to insert "for use as a homestead, which said homestead is;" in line 6, after the word "and," to strike out "file" and insert "a description of the reserved land shall be filed;" and in line 8, after the word "agency," to strike out "a description thereof," so as to make the section read:

SEC. 2. That within sixty days after the passage of this act each allottee of the Quapaw Agency, except members of the Modoc tribe, the father, and in case of no father then the mother, and in case of no father or mother then the legal guardian, acting for the minor child, shall select the portion of each allotment for use as a homestead, which said homestead is hereby reserved from sale, incumbrance, or taxation, and a description of the reserved land shall be filed with the Secretary of the Interior, the Commissioner of Indian Affairs, or the officer in charge of said agency: *Provided, That if no such selection shall be made as above provided then the Secretary of the Interior is hereby authorized to make such selection for and in behalf of any allottee, and such selection when so made shall be conclusive evidence that such land is reserved from alienation, incumbrance, or taxation.*

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 24, after the word "purposes," to insert "and not otherwise disposed of," so as to make the section read:

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to sell all the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other Government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes, and not otherwise disposed of, shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to add as an additional section the following:

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed: Provided, That no action shall be taken under this section until a majority of the adult members of said Modoc tribe shall consent to such action, said consent to be given in an open council, at a meeting called for the purpose of passing upon the terms of this section, the date and place of such council to be fixed by the Secretary of the Interior.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### CAPT. CHARLES E. MORTON.

The bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Capt. Charles E. Morton, Sixteenth United States Infantry, \$186, to reimburse him for the sum of \$186 United States currency stolen from him, without fault or neglect on his part, while he was first lieutenant, Sixteenth United States Infantry, and acting disbursing officer at Echague, province of Isabela, Luzon, Philippine Islands, and which sum he has since paid into the Treasury of the United States in discharge of his liability as such disbursing officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 21871) to amend the national banking laws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than 50 per cent of its capital stock, and which has a surplus of not less than 20 per cent, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same,

and shall determine the time of issue and fix the amount, within the limitations hereinafter imposed, of the additional circulating notes to be issued. In order that the distribution of notes to be issued under the provisions of this act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: *Provided, however,* That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in section 2 of this act as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, equal in amount to 90 per cent of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury, such additional circulating notes to be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes: *Provided,* That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured by other bonds as provided by this act, shall not at any time exceed the amount of its unimpaired capital and surplus: *And provided further,* That there shall not be outstanding at any time additional circulating notes issued under the provisions of this act to an amount of more than \$500,000,000.

SEC. 2. That the Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in the preceding section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed 10 per cent of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this act, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit. It shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this section, and he shall from time to time furnish information to national banking associations as to such bonds as would be acceptable as security under the provisions of this act.

SEC. 3. That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of this act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury. A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections 5103, 5104, 5105, 5106, 5107, and sections 5224 to 5234, inclusive, of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of this act.

SEC. 4. That section 5214 of the Revised Statutes, as amended, be further amended to read as follows:

"SEC. 5214. National banking associations having on deposit bonds of the United States bearing interest at the rate of 2 per cent per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section 8 of 'An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June 28, 1902, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than 2 per cent per annum shall pay a tax of one-half per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having on deposit bonds to secure their circulating notes other than bonds of the United States shall pay for the first four months a monthly tax of one-half of 1 per cent upon the average amount of such of their notes in circulation as are based upon the deposit of such bonds, and afterwards a monthly tax of three-quarters of 1 per cent upon the average amount of said notes in circulation. Every national banking association having outstanding circulating notes secured by a deposit of bonds other than bonds of the United States shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation. The taxes received on circulating notes secured by bonds other than bonds of the United States shall be paid into the Division of Redemption of the Treasury and credited to the reserve fund held for the redemption of United States and other notes."

SEC. 5. That section 9 of the act approved July 12, 1882, as amended by the act approved March 4, 1907, be further amended to read as follows:

"SEC. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the

manner provided in section 4 of the act approved June 20, 1874, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: *Provided,* That not more than \$9,000,000 of lawful money shall be so deposited during any calendar month for this purpose.

"Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of bonds other than bonds of the United States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the bonds so deposited may be withdrawn: *Provided,* That the deposits under this section to retire notes secured by the deposit of bonds other than bonds of the United States shall not be covered into the Treasury, as required by section 6 of an act entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July 14, 1890, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit."

SEC. 6. That section 5172 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting, and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they will be redeemed by the United States in lawful money upon presentation at the Treasury. This pledge shall be certified by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to 50 per cent of the capital stock of each national banking association; such notes to be deposited in the Treasury or in the subtreasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law."

SEC. 7. That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section 3 of the act approved June 20, 1874, shall be redeemed in lawful money of the United States.

SEC. 8. That the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositories.

SEC. 9. That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this act shall have the approval of the Secretary of the Treasury.

SEC. 10. That all national banking associations designated as regular depositories of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositories, and all such associations designated as temporary depositories of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than 1 per cent per annum upon the average monthly amount of such deposits: *Provided, however,* That nothing contained in this act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided further,* That the rate of interest charged shall be equal and uniform throughout the United States.

SEC. 11. That a commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine Members of the House of Representatives, to be appointed by the Speaker thereof.

SEC. 12. That it shall be the duty of this Commission to inquire into and report to Congress what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

SEC. 13. That a sum sufficient to carry out the purposes of sections 11 and 12 of this act, and to pay the necessary expenses of the Commission, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. McCREARY. Mr. President, I will ask if it is proposed to have action this afternoon on the amendment which has just been read?

Mr. ALDRICH. It is.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The bill is before the Senate as in Committee of the Whole, and the question is on the amendment reported by the Committee on Finance.

Mr. McCREARY. Is that a bill which was reported from the Committee on Finance to-day?

Mr. ALDRICH. It was reported to-day.

Mr. McCREARY. And does the Senator from Rhode Island propose to have action now, without having the bill printed or giving us time to know what is contained in the amendment?

Mr. ALDRICH. The amendment is in print and it has been read. The action of the Finance Committee in reporting the bill this morning was unanimous.



Mr. McCREARY. Is this a substitute for the House bill which passed that body yesterday?

Mr. ALDRICH. It is a substitute for the House bill, and it is absolutely necessary that it should be passed promptly, unless this session is to be prolonged.

Mr. McCREARY. I was going to ask why this unusual haste in pushing the bill through?

Mr. ALDRICH. It is desired to get the bill passed so that it can go into conference to see whether it is possible to secure any action at this session of Congress.

Mr. CULBERSON. I should like to ask the Senator from Rhode Island if it was the understanding of the committee that action would be taken to-day?

Mr. ALDRICH. It was understood that action to-day was necessary to be taken if we were to finally dispose of the matter at this session. The state of the public business is such that it is absolutely necessary that prompt action shall be taken.

Mr. CULBERSON. Was it assented to by the minority of the committee?

Mr. ALDRICH. It was assented to by the minority members of the committee.

Mr. MONEY. I can speak for the members of the minority, Mr. President, if necessary. This bill is a substitute for the Vreeland bill. It is really the Aldrich bill, with some slight amendments. The action was assented to by the Democrats on the committee, the minority, who voted unanimously to report the bill to-day and also to ask for prompt action, which is necessary in order to get the bill into conference. It is a matter that can be considered in conference. There is nothing here which has not been printed.

Mr. McCREARY. I should like to ask the Senator from Mississippi a question. Is it understood that the Democrats on the committee, the minority of the Committee on Finance, were in favor of this bill?

Mr. MONEY. The minority of the committee voted in favor of reporting it out, and I suppose the minority of the Senate—I know I will—will vote to substitute the Aldrich bill for the Vreeland bill; and then, if it comes to a vote, I shall vote against the Aldrich bill or any other bill of the sort.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Finance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CULBERSON. Mr. President, I simply rise to state that while I regard the so-called "Aldrich bill" as preferable to the Vreeland bill, and I make no objection to the substitution, I am opposed to the passage by the Senate of the Aldrich bill as amended in this report from the Committee on Finance, because I regard it as far more objectionable than the original Aldrich bill itself.

The PRESIDING OFFICER. The question now is, Shall the amendment be ordered to be engrossed and the bill to be read a third time?

Mr. NEWLANDS. Mr. President, I should like to inquire of the Senator from Rhode Island whether any amendment proposed reaches the question of the reserves of national banks?

Mr. ALDRICH. It does not, Mr. President. This bill provides for the appointment of a commission to take up all questions pertaining to banking; and the understanding of the committee is that that commission will take up that question and report some measure regulating it in the shape of an amendment to the present law. The action to be taken now merely sends the bill to conference.

Mr. NEWLANDS. Mr. President, as I understand, the original Aldrich bill did contain a provision regarding reserves.

Mr. ALDRICH. That has not been included in the present bill.

Mr. NEWLANDS. Then I want to ask the Senator from Rhode Island whether the conference between the Senate and the House would embrace any question regarding reserves, so that the conference committee may report to both bodies a substitute for either bill covering the question of reserves?

Mr. ALDRICH. It certainly would. The House bill contains a provision regulating the reserves of all national banks, and it will be perfectly competent for the managers of the conference to report such a provision if they shall see fit to do so.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

Mr. CULBERSON. I will ask the Senator from Rhode Island if he would not regard the action of the Senate in passing the

Aldrich bill in the modified form now proposed as a practical instruction from the Senate not to insist upon the reserve clause in the original bill?

Mr. ALDRICH. The conferees on the part of the Senate would not consider themselves instructed at all, unless there should be such an expression of opinion on the part of the Senate.

Mr. CULBERSON. Probably, Mr. President, I ought not to use the word "instruct," but would not the Senator and the other conferees on the part of the Senate regard this last suggestion as the authoritative expression of the Senate, which does not include a reserve provision?

Mr. ALDRICH. Not the final and authoritative action of the Senate by any manner of means. This action sends the whole question to conference. I think the Senate can certainly trust the conferees who will be appointed, and the Senate will certainly have an opportunity to act upon the matter later on.

Mr. NEWLANDS. Mr. President, I regard the question of the relation of reserves to deposits and of capital and surplus to loans as of very much more importance than the creation of an emergency currency, and I trust that the committee of conference will take up these two questions fully and exhaustively. The great difficulty with the banking situation of three or four months ago was that the banks did not have on hand a sufficient amount of cash reserves to meet the checks of their depositors. The difficulty was with the State banks, rather than with the national banks. The statistics show that, on the average, the national banks had a cash reserve of about 18 per cent, whilst the State banks of the country had on hand a cash reserve not exceeding 5 per cent. It is utter folly, Mr. President, in my judgment, to attempt to inaugurate a safe system of banking unless we bring the State banking system into harmony with the national banking system so far as the requirements regarding reserves and capital are concerned. I have contended throughout that it was the duty of Congress not only to see to it that the national banks kept within their vaults an adequate proportion of the cash reserves required by law, but that, in the interest of interstate and foreign commerce, clearly within the regulation and control of the nation, we should so legislate as to prevent State banks engaged in interstate and foreign commerce from maintaining a system which not only imperiled the safety of their banks as financial institutions, but imperiled the safety of the entire national banking system of the country, for we may perfect our national banking system to the highest degree, yet if the State banking system be insufficient in the security offered to depositors, the danger of the State banks will affect the national banks, for depositors do not discriminate as between them—a panic is never logical—and when depositors in State banks become alarmed, the depositors in national banks, however secure they may be, also become alarmed.

The difficulty with the measure thus far considered by the Senate has been that it simply provides an emergency currency to meet the contingency of a panic when the panic is on and public apprehension is aroused. Our attention ought to be directed to so securing depositors in the matter of the capital of the banks and in the matter of reserves as against their deposits as to make a panic absolutely impossible.

#### NATIONAL CLEARING-HOUSE ASSOCIATIONS.

Mr. President, the bill coming from the other House adopts one wise provision, which has been the evolution of experience, and that is the legalization of clearing-house associations as a part of the national-bank system. These clearing-house associations have thus far been voluntary associations created by the banks themselves, partly national and partly State. They have been organized for mutual convenience and for mutual protection. We have found that it is absolutely necessary for these banks to get together in times of panic through their clearing-house associations, and thus restore public confidence by giving aid to individual banks whose financial safety was imperiled. The House bill very wisely, it seems to me, creates these associations, legalizes them, and makes them the instrumentalities through which the emergency circulation is distributed. That provision is the result of an experience of years, and it has been demonstrated that it is a wise method of meeting these great emergencies.

The Senate Committee on Finance have an opportunity to approve of this provision legalizing the national-bank clearing-house associations, and they can make such associations the agency for securing safety in the State banks as well as in the national banks.

There is not a State bank in the country that will not want to become a member of a national clearing-house association if that association has the power of issuing emergency money. If it applies for admission, the nation, the creator of these

clearing-house associations, can attach conditions to the admission, and those conditions should be that the State banks should keep the same reserves in their vaults that are required of the national banks and that their capital should have the same relation to their loans as is required or should be required under proper law—and I hope the Finance Committee will cover that—as is required or should be required of the national banks.

Such measure is simply persuasive; it is not coercive of the State; though, believing as I do, in the full power of the nation over interstate and foreign commerce, I would not hesitate to support a bill that would compel State banks, in the interest of interstate and foreign commerce, to provide such safety appliances for finance as the nation applies to State roads regarding interstate transportation. But here we have an opportunity by simple persuasion to induce State banks to comply with the national-bank requirements as to reserves and as to capital.

But it may be said that it will not do to make this change suddenly, because the national banks will then be compelled either to largely increase their reserves of gold and of lawful money, or they will be compelled to diminish their loans in order to bring their loans within the legal requirements of the provisions regarding their relation to reserves. It would, of course, be impossible in a day or in a week or in a month or in a year to secure to all the banks of the country an actual reserve, an average of even 20 per cent, for, in order to sustain the volume of bank loans which prevailed at the time of the panic, it would be necessary to have a cash reserve of at least \$2,000,000,000 in all of our banks, national and State, whereas, as a matter of fact, we had only \$1,000,000,000.

But this change can be brought about gradually, and it can be brought about by providing in this law that the banks shall be compelled to keep a certain proportion of their cash reserves in their own vaults—an increased amount—and that the State banks that become members of these associations shall similarly comply with that provision; and we should provide that it shall be gradually brought about, within a period of five years, under the direction of the Comptroller of the Currency, so that the banks will have ample time largely to increase their reserves in order to sustain the existing volume of bank loans and to meet the requirements of the future with reference to increased bank loans.

#### INCREASED USE OF SILVER.

Mr. President, there is another question which presents itself, and that is that though we may give these banks five years, or even ten years, to bring their reserves up to the requirements of the law, they will find it difficult to accomplish it if they are compelled to resort only to the existing stock of gold or the production of gold in the future. The world is struggling for gold to-day in almost as great a degree as it did ten years ago, because all the agencies of business and of enterprise have been multiplied. Properties have largely increased in quantity and value. Subjects of exchanges have largely increased in value and number, and a greater number of units of money is required because of the increasing population of the world and the increased demands of business.

It would be wise therefore to provide that the national banks should utilize something else than gold in this endeavor to increase their reserves to an amount necessary to their security and their safety. To-day we have only one billion and a half of gold in the entire country, and one billion of that is in the banks. In order to sustain the existing volume of bank loans, the banks ought to have \$2,000,000,000 of gold in their vaults.

At all events, we can gradually draw the extra half billion of gold from the pockets of the people, where it is used as current money of exchange, into the reserves of the banks, where it will stand as the basis of bank loans. That we can accomplish. How? By simply authorizing the banks to take silver bullion to the Treasury and receive in return for it limited-tender notes for an amount not exceeding \$50, and these limited-tender notes when substituted for the gold that is now in the pockets of the people and in the tills of shops and business houses of the country would serve just as useful a purpose as money of mere exchange in ordinary transactions in life where money actually passes from man to man as gold itself. And thus gradually the banks can draw into their reserves \$500,000,000 of gold, now amongst the people, and used as the common money of exchange, and make it the basis of bank loans.

Five hundred millions more of gold taken out of the pockets of the people and out of the tills of the commercial houses of the country and put in the banks will have an efficiency in exchange of five times that amount, because for every dollar of gold the banks can issue five dollars of credit, those credits being made efficient, being written upon the books of the banks and checked against by the new depositors.

#### THOROUGHGOING LEGISLATION NEEDS.

Mr. President, the treatment of this question by the Finance Committee has been simply skin-deep. They have never reached the real question. It is palliative treatment. It is not a radical cure. There is but one way of making these banks safe, and that is to provide for an average reserve of all the banks, national and State, of at least 20 per cent, but providing for it gradually and without wrenching too seriously existing conditions of finance.

The banking system can never be safe until by law the relation of capital and loans is established so that there can not exist such a condition of things that a bank with \$1,000,000 of capital can accept \$50,000,000 of deposits and loan the \$50,000,000—almost the entire money—to customers, the security in capital thus being only 2 per cent.

The Senator from Rhode Island, in answer to an interrogatory that I put to him when the question was last before the Senate, said that the old State banks regarded the safe relation of capital to loans as one to two and a half. There should be a provision of law that no bank should be permitted to loan its depositors' money to an amount more than five times exceeding its capital and surplus. Whenever it reaches that point, it should cease loaning, and it must keep its depositors' money in its vaults, where it will be responsive to their demands. If you provide that the banks shall have an average reserve of 20 per cent in lawful money and a capital of at least 20 per cent of their permitted loans, then you have, in addition to the securities in which the depositors' money is invested, the actual cash reserve on hand subject to their check, and you have an additional security of 20 per cent in the shape of bank capital and surplus. Thus the depositor has a security of 40 per cent in addition to the security in which his money is invested. Whenever you organize a banking system of this kind, it will simply follow the rules of safe financing and safe banking throughout the world, rules which until recent years prevailed in this country and in the safest States in the Union, and notably in New York State. Until you do that, you will never have a safe system of banking, however you may increase this panic money, this emergency money, that is intended simply to relieve, after an unnecessary panic has been created, the apprehension of depositors as to their security. Such apprehension should be guarded against not by Government guaranty of deposits, but by compelling the banks to have sufficient capital and sufficient reserves to give the depositors absolute security, so that their apprehensions and fears will not be aroused.

I hope the Finance Committee will take under consideration, when this matter goes into conference, certain resolutions which I have presented to-day and which I intended to present as instructions to the Finance Committee in reporting this bill to the Senate. It was my purpose to cover these questions and to have a vote of the Senate, if possible, instructing the Finance Committee to shape these amendments which I have suggested and to present them to the Senate for its action upon the House bill. So far as I am concerned, I would rather build up on the House bill with its clearing-house provisions than I would on the Senate bill.

I ask that the resolution previously submitted by me to-day be appended to my remarks.

The resolution is as follows:

*Resolved*, That the Finance Committee be instructed to report amendments to House bill No. 21871, amending the banking act, as follows: "First. An amendment providing that three-fourths of the reserves in reserve city and country banks shall be kept in their vaults, the change to be made gradually within a period of five years under the direction of the Comptroller of the Currency.

"Second. An amendment providing that no bank shall make loans of its depositors' money to an amount exceeding five times its capital and surplus, the change to be made gradually within a period of five years under the direction of the Comptroller of the Currency.

"Third. An amendment permitting State commercial banks to become members of national clearing-house associations, provided they submit to the regulations of the national-bank act regarding their capital and reserves and subject themselves to examination under the national-bank act.

"Fourth. An amendment providing a method by which clearing-house associations may avail themselves, under the direction of the Secretary of the Treasury, of the use of additional silver as a limited legal tender for debts not exceeding \$50, with a view to substituting such silver or the certificates representing it for full legal-tender money, gold or United States notes, now in circulation and outside of bank reserves, in order to increase the amount of gold and full legal-tender notes in such reserves as a basis for bank credits; the amendment to limit the amount of such issue of silver.

"Fifth. An amendment providing that the presidents of the clearing-house associations shall meet annually in Washington and shall select nine commissioners, one from each of the judicial circuits of the United States, who shall represent them at Washington as members of a banking commission, of which the Secretary of the Treasury and the Comptroller of the Currency shall be, respectively, the chairman and secretary; the duties of the commission to be advisory to the Pres-



dent, to the Secretary of the Treasury, and to Congress; and such commission to be charged with the duty of considering and recommending changes in the banking act and methods for promoting and improving interstate and international exchange."

Mr. BACON. I desire to make an inquiry of the Senator from Rhode Island. If I understand him correctly, there is in the substitute reported by the committee a provision for the appointment of a commission.

Mr. ALDRICH. A commission of nine Senators and nine Members of the House.

Mr. BACON. That is the point. The commission is limited to members of the Senate and of the House.

Mr. ALDRICH. Members of the Senate and of the House. The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. GORE. Mr. President—

Mr. BAILEY. The Senator from Tennessee [Mr. TAYLOR] desires to address the Senate on this question; but I take it the chairman of the committee in charge of the bill will afford that opportunity when the bill comes back on the conference report.

Mr. ALDRICH. Undoubtedly.

Mr. BAILEY. With that understanding, I am ready for the vote.

Mr. GORE. Are amendments to the bill in order?

Mr. ALDRICH. The question is on the third reading of the bill. The amendments have been agreed to, I think. The bill has passed the stage of amendment.

The VICE-PRESIDENT. The bill has passed beyond the point where amendments are in order.

Mr. GORE. Will it reach that point again?

Mr. ALDRICH. Not now.

Mr. GORE. I ask unanimous consent—

Mr. ALDRICH. I do not think that can be done.

Mr. GORE. I ask unanimous consent to present an amendment.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent to present an amendment. Is there objection?

Mr. ALDRICH. I should like to know what the amendment is.

Mr. GORE. I will state that it is the body of the bill (S. 5508) to establish a system of postal savings banks, and for other purposes, introduced by the Senator from Pennsylvania [Mr. KNOX].

Mr. ALDRICH. I shall have to object to that. The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. CULBERSON. On the question of the passage of the bill as reported from the Committee on Finance I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PILES (when Mr. ANKENY's name was called). My colleague is ill and is unable to be present.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I transfer the pair to the Senator from New Jersey [Mr. BRIGGS] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily detained from the Chamber. I transfer it to the Senator from Washington [Mr. ANKENY] and will vote. I vote "yea."

Mr. FOSTER (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote. If he were present I should vote "nay."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer it to the Senator from Ohio [Mr. FORAKER] and will vote. I vote "yea."

Mr. CULBERSON (when Mr. MILTON's name was called). The Senator from Florida [Mr. MILTON] is paired with the Senator from New York [Mr. PLATT].

The roll call was concluded.

Mr. DICK. I desire to announce the unavoidable absence of my colleague [Mr. FORAKER]. If he were here he would vote "yea."

Mr. BAILEY (after having voted in the negative). I have voted, but I desire to inquire whether the Senator from West Virginia [Mr. ELKINS] is recorded.

The VICE-PRESIDENT. He is not recorded.

Mr. BAILEY. I have a general pair with that Senator, and in his absence I think I ought to withdraw my vote. I voted "nay," and if my vote could stand, of course I would leave it

as it has been recorded, but, owing to the absence of the Senator, I withdraw it.

Mr. BACON. My colleague [Mr. CLAY] is absent from the Chamber, serving upon a conference committee. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. Were he present and at liberty to vote my colleague would vote "nay."

I desire furthermore to announce by request that the senior Senator from Florida [Mr. TALIAFERRO] is necessarily absent from the Chamber, and is paired with the Senator from West Virginia [Mr. SCOTT]. If the Senator from Florida were present and at liberty to vote he would vote "nay."

Mr. ALDRICH. I will state, on the authority of the Senator from Florida, that if he were present he would vote "yea." That is the way he informed me this morning. However, it will make no difference in the result.

Mr. BACON. Not at all, but I wish to state to the Senator the ground upon which I made the announcement.

The Senator from Florida, when he left the Chamber, asked me to make the announcement, and while not specifically mentioning the bill, he did put himself in a position where I was authorized here to make the announcement I did. I was informed by one of his colleagues on the Finance Committee that if present he would vote "nay." But in view of the statement made by the Senator from Rhode Island, I feel some delicacy about it.

Mr. ALDRICH. The Senator from Florida himself is my authority for the statement I made.

Mr. BACON. Very well.

Mr. BAILEY. I suggest, although I have had no conference with the Senator from Florida, that between this measure and the House bill the Senator from Florida would favor this bill.

Mr. BACON. Yes.

Mr. BAILEY. All the Democrats on the committee did that. But as to the bill itself I imagine the Senator from Georgia is right about the position of the Senator from Florida.

Mr. MONEY. I wish to make one word of explanation, as perhaps I am responsible for the situation. I understood that the Senator from Florida had voted for the Aldrich bill, but that he would vote against the whole business. I must have made a mistake. I am quite sure the chairman of the committee has a better understanding of it than I have.

Mr. BACON. His vote is not recorded in any event, and I will simply change the announcement to the extent of saying he is paired. I desire that the colloquy shall stand just as it has been uttered here.

Mr. BORAH. I have been requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is ill, and therefore is absent from the Chamber. He would vote "nay," if present.

Mr. NELSON. I desire to state that the junior Senator from South Dakota [Mr. KITTREDGE] is unavoidably absent. Were he present he would vote "yea."

The result was announced—yeas 47, nays 20, as follows:

YEAS—47.			
Aldrich	Curtis	Guggenheim	Perkins
Allison	Daniel	Hale	Piles
Beveridge	Depew	Hemenway	Richardson
Brandegee	Dick	Hopkins	Smith, Mich.
Bulkeley	Dillingham	Johnston	Stephenson
Burkett	Dixon	Kean	Stewart
Burnham	Dolliver	Knox	Sutherland
Burrows	Flint	Long	Teller
Carter	Frye	Nelson	Warner
Clapp	Fulton	Nixon	Warren
Crane	Gallinger	Owen	Wetmore
Cullom	Gamble	Penrose	
NAYS—20.			
Bacon	Clarke, Ark.	Heyburn	Overman
Bankhead	Culbertson	McCreary	Paynter
Borah	Frazier	McLaurin	Rayner
Bourne	Gary	Money	Simmons
Brown	Gore	Newlands	Smith, Md.
NOT VOTING—25.			
Ankeny	Elkins	McCumber	Stone
Bailey	Foraker	McEnery	Taliaferro
Briggs	Foster	Martin	Taylor
Clark, Wyo.	Hansbrough	Milton	Tillman
Clay	Kittredge	Platt	
Davis	La Follette	Scott	
du Pont	Lodge	Smoot	

So the bill was passed.

Mr. ALDRICH. I move that the Senate insist upon its amendment, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and the conferees on the part of the Senate, to consist of five Senators, be appointed by the Chair.

The motion was agreed to.

The VICE-PRESIDENT appointed as the conferees on the part of the Senate Mr. ALDRICH, Mr. ALLISON, Mr. HALE, Mr. DANIEL, and Mr. TELLER.

Mr. BACON. As there was no record vote on the question of substitution, I desire to say for myself that as between the House bill and the substitute I very much prefer the substitute, although I voted against it when it had become the substitute. I want to state that because I thought so far as I was concerned—and I believe many others here are of the same view—the conferees should not go before the country and into conference with the assumed opposition on the part of a large number of those of us who voted against the passage of the bill. Between the two, we favor the substitute.

Mr. HEYBURN. I desire it to appear in the Record that I did not vote against the substitute of the Aldrich bill because I was in favor of the bill as it came from the House. I would vote against both of them.

Mr. MONEY. I should like to have one thing go on the record also. I believe every Democrat voted for the substitute—the Aldrich bill.

CHARLES H. DICKSON.

The VICE-PRESIDENT. The Secretary will report the next case on the Calendar under Rule VIII.

The bill (S. 6665) for the relief of Charles H. Dickson was announced as the next business in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Charles H. Dickson \$256.72, to reimburse him for money taken by burglars from the safe in the office of the Fort Lapwai Indian School, in Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. ATKINS.

The bill (S. 6544) to remove the charge of desertion from the record of William H. Atkins was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove the charge of desertion from the record of William H. Atkins, who served on the U. S. S. *Princeton* and *Powhatan*, and to issue to him an honorable discharge.

Mr. KEAN. Ought not the bill to be amended so as to provide that no pay, bounty, or other allowance shall accrue?

Mr. BACON. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report accompanying it. Mr. CULBERSON. I will relieve the situation by objecting to the further consideration of the bill.

Mr. FRYE. I hope the Senator will not do that. This is the only bill I have left on the Calendar, and the chairman—

Mr. CULBERSON. Mr. President, I surrender.

Mr. BACON. I simply ask that the report be read. I suppose the Senator will not object to that.

Mr. FRYE. The chairman told me it is the most meritorious bill of this kind that was before the committee.

Mr. CULBERSON. What attracted my attention and observation was that the man is charged with desertion, and I do not like a charge—

Mr. FRYE. But he immediately reenlisted and served through the entire war.

Mr. BACON. Very well; I do not insist on having the report read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SHAUGHNESSY.

The bill (H. R. 5297) to complete the naval record of John Shaughnessy was considered as in Committee of the Whole. It directs the Secretary of the Navy to so amend the naval record of John Shaughnessy, late landsman, United States Navy, on U. S. S. *Brooklyn*, as to show him honorably discharged, to date from October 9, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PLATT NATIONAL PARK, SULPHUR, OKLA.

The bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 3, before the word "thousand," to strike out "two hundred and fifty" and insert "twenty," so as to make the bill read:

*Be it enacted, etc.,* That the sum of \$20,000 is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, for the improvement of the Platt National Park, situated at Sulphur, Okla., such money to be used and expended under the supervision of the Secretary of the Interior.

Mr. BEVERIDGE. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report with the bill.

Mr. KEAN. I think the bill had better go over.

Mr. BEVERIDGE. I do not want it to go over, as far as I am concerned, but I should like to have the report read.

Mr. OWEN. The bill has already been disposed of in an amendment to the sundry civil appropriation bill.

The VICE-PRESIDENT. Then the bill had better be indefinitely postponed.

Mr. OWEN. I move that the bill be indefinitely postponed. The motion was agreed to.

TOWN SITES IN OKLAHOMA.

The bill (S. 6246) authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 1, line 7, after the word "quarter," to insert in parentheses "(less 6.28 acres right of way of the Missouri, Kansas and Oklahoma Railway)," so as to make the section read:

That the Secretary of the Interior is hereby authorized to set aside for town-site purposes at Dewey, Okla., the south half of the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter of the northwest quarter (less 6.28 acres right of way of the Missouri, Kansas and Oklahoma Railway) of section 28, township 27 north, range 13 east, formerly allotted to Julia Lewis, who failed to establish her citizenship in the Cherokee Nation.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 4, after the word "of," to strike out "forty" and insert "two hundred;" and in line 6, after the word "thereof," to strike out "from the said Julia Lewis" and insert "and selling all other lots therein," so as to make the section read:

That the Secretary of the Interior is directed to subdivide these lands in accordance with the present streets and alleys laid out on such lands and to dispose of such lands to the credit of the Cherokee Nation at not exceeding the price of \$200 per acre, giving the right of purchasing the lots heretofore acquired in good faith and for valuable consideration to the purchasers thereof and selling all other lots therein at public auction to the highest bidder for cash, depositing the same to the credit of the Cherokee Nation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAWAIIAN POSTAL SAVINGS BANK.

The bill (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits was considered as in Committee of the Whole. It provides that whenever, by reason of the death of any person and the want of an executor or administrator, any demand for moneys deposited in the Hawaiian Postal Savings Bank can not be certified to by the governor of Hawaii as provided in section 102 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, the governor may, upon written application, certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii relating to the distribution of estate of intestates, and his certificate so made, when sealed, countersigned, and approved as provided in that section for other certificates shall have the same force and effect as such other certificates.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN NATIONAL INSTITUTE, PARIS, FRANCE.

The bill (S. 6641) to incorporate the American National Institute (Prix de Paris) at Paris, France, was announced as next in order.

Mr. CULBERSON. Unless there is something specially urgent about the bill, I object to its present consideration.

Mr. FRYE. One moment. I thought the other bill was my last one, but I see that this is mine. This bill has been reported three times unanimously from the Committee on Foreign Relations. It has twice passed the Senate without opposition.

Mr. CULBERSON. It is suggested around me that this is possibly the last bill the Senator from Maine has on the Calendar, and I withdraw the objection.

Mr. FRYE. Thanks to the Senator from Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLA M. COLLINS.

The bill (S. 1750) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, was considered as in Committee of the Whole. It proposes to pay to Ella M. Collins, late postmaster



at Goldfield, Nev., \$821.08, to reimburse her for money expended for necessary clerical assistance and supplies.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. B. GRAHAM.

The bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, was considered as in Committee of the Whole. It proposes to pay to W. B. Graham, late postmaster at Ely, Nev., \$3,335, to reimburse him for money expended for necessary clerical assistance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FARMERS AND MERCHANTS' BANK OF MANDAN, N. DAK.

The bill (S. 3723) for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak., was considered as in Committee of the Whole. It proposes to pay to the Farmers and Merchants' Bank of Mandan, N. Dak., \$57, being the amount of money which was contained in registered letter No. 65130, addressed to said bank by the United States Treasurer at Washington, D. C., February 28, 1905, and destroyed in the burning of a postal car near Hyndman, Pa., March 1, 1905.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD T. LEWIS.

The bill (S. 1526) to correct the military record of Edward T. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Edward T. Lewis shall hereafter be held and considered to have been honorably discharged as a private of Company K, Seventy-seventh Pennsylvania Infantry Volunteers, as of date May 1, 1864; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Edward T. Lewis an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### COAL LANDS IN ALASKA.

The bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest, prior to November 12, 1906, or in accordance with circular of instructions issued by the Secretary of the Interior May 16, 1907, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed 2,560 acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated, and for this purpose such persons, their heirs, or assigns may form associations or corporations who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: *Provided*, That no corporation shall be permitted to consolidate its claims under this act unless 75 per cent of its stock shall be held by persons qualified to enter coal lands in Alaska.

Sec. 2. That the United States shall, at all times, have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase.

Sec. 3. That if any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of 2,560 acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose.

Sec. 4. That every patent issued under this act shall expressly recite the terms and conditions prescribed in sections 2 and 3 hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN subsequently said: I should like to have read section 3 of Senate bill 6805, which was passed a few moments ago.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SEC. 3. That if any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of 2,560 acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose.

Mr. KEAN. I move to reconsider the votes by which the bill was ordered to a third reading and passed. It is utterly impossible to carry out that section.

The motion to reconsider was agreed to.

Mr. KEAN. I now move to strike out section 3.

Mr. BAILEY. I am not sure as to the effect of that section, but as I caught the reading of it it seemed to be wise in its purpose, whether it is wisely drafted or not. I will venture to inquire what the bill is. I ask the Secretary to read the title.

The VICE-PRESIDENT. The bill will be read by its title.

The SECRETARY. A bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska.

Mr. BAILEY. That is so far away that I will abide by the judgment of the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Jersey to strike out section 3.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

#### LANDS AT CORDOVA BAY, ALASKA.

The bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. TELLER. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made by the Senator from Colorado to the consideration of the bill.

#### ALASKA TERMINAL AND NAVIGATION COMPANY.

The bill (S. 6025) for the relief of the Alaska Terminal and Navigation Company was announced as next in order.

Mr. GUGGENHEIM. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made by the junior Senator from Colorado to the consideration of the bill.

#### INDIAN ALLOTMENTS.

The bill (S. 6775) construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, relating to Indian allotments, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where for any reason an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March 2, 1889, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March 2, 1889; and in case of the death of any such Indian the additional lands to which he is of right entitled may be allotted to his heirs: *Provided*, That the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The joint resolution (H. J. Res. 178) for appointment of members of the Board of Managers of the National Home for Dis-

abled Volunteer Soldiers was considered in Committee of the Whole. It provides that Thomas J. Henderson, of Illinois; Walter P. Brownlow, of Tennessee; Edwin P. Hammond, of Indiana, and Joseph S. Smith, of Maine, shall be appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States—Gen. Thomas J. Henderson to succeed himself, his term of service having expired April 21, 1908; Col. Walter P. Brownlow to succeed himself, his term of service having expired April 21, 1908; Col. Edwin P. Hammond to succeed himself, his term of service having expired April 21, 1908, and Gen. Joseph S. Smith to succeed Gen. J. Marshall Brown, whose term of service would have expired on April 21, 1908, but who died on July 20, 1907.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INLAND WATERWAYS COMMISSION.

The bill (S. 7112) providing for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. McLAURIN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Mississippi. This completes the Calendar under the unanimous-consent agreement.

#### NATIONAL FORESTS.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. This bill does not displace the unfinished business?

Mr. BRANDEGEE. No; it does not displace the unfinished business. That was laid aside.

Mr. President, to my mind, the pending bill embodies a proposition which is as important to the country as any proposed legislation before this body. The argument in favor of protecting our natural resources, and especially for preserving the navigability of our navigable streams, has been so frequently presented that I do not care to rehearse it again upon this floor.

The Senator from Colorado [Mr. TELLER], who was temporarily called out of the Chamber, desires to make some remarks upon the bill, and at the conclusion of his remarks I shall take occasion to answer such objections as he may have to the measure. Pending that, I send to the desk and ask to have read by the Secretary two petitions in favor of this legislation, of which hundreds and thousands have reached this body. The petitions describe so concisely the conditions which exist and the reasons for the passage of this legislation that I send them to the desk as a type of the thousands that have been sent here. I ask that the Secretary may read them.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the petition of the executive council of the Connecticut State Board of Trade.

Mr. CARTER. I inquire of the Senator from Connecticut if it would serve the same purpose to have the petitions printed in the RECORD?

Mr. BRANDEGEE. I think not, Mr. President. These are very short papers and I should like to have them read to the Senate.

Mr. TELLER. Mr. President, do I understand that the Senator expects to get up the bill under the agreement to-day?

The VICE-PRESIDENT. The bill is before the Senate on a motion.

Mr. BRANDEGEE. The Senate has voted to proceed to the consideration of the bill, I will say to the Senator from Colorado.

Mr. TELLER. What I wanted to know was whether we would be limited in our remarks as we would have been during the former part of the day.

Mr. BRANDEGEE. I think there is no limit to debate now.

Mr. TELLER. I have no objection to the bill being proceeded with.

#### COAL LANDS IN ALASKA.

Mr. FLINT. Mr. President, during my absence from the Chamber the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska was reconsidered, and a motion was made to strike out one section and then the bill was again passed. I desire to move a reconsideration of the vote by which the bill was passed.

Mr. KEAN. I have no objection to a reconsideration.

Mr. BRANDEGEE. Is that motion in order?

Mr. HOPKINS. If the Senator from California insists upon it, of course I shall not interpose, but the bill has been reconsidered once and amended by the legislative experience of the Senate, and I should like to know why the Senator now desires another reconsideration.

Mr. FLINT. I desire a reconsideration for the reason that I reported the bill from the Committee on Public Lands, and when it was reached on the Calendar it was passed by the Senate; and during my absence the bill was reconsidered and the important provision in it, according to my mind, was stricken out. The bill provides for the consolidation of certain coal claims to the amount of 2,560 acres. That is the limit to which they can be consolidated, and that provision limited the consolidation so that they could not be added to so as to make a number of consolidations. In other words, the total number of acres of coal land in Alaska in consolidation was limited to 2,560 acres. Now it is unlimited by striking out the provision.

Mr. HOPKINS. There are some other provisions, I understand, that were stricken out that were really the objectionable features. Does the Senator have any objection to the amendment that was made on the motion of the Senator from New Jersey?

Mr. FLINT. I do; if the bill is to be passed, I want it passed as it was reported from the committee.

Mr. BRANDEGEE. Mr. President, I should like to inquire whether this colloquy is proceeding by unanimous consent?

The VICE-PRESIDENT. It is proceeding by unanimous consent.

Mr. BRANDEGEE. I shall have to object to the further consideration of it at this time.

The VICE-PRESIDENT. Objection is made. The Senator from Connecticut demands the regular order.

#### NATIONAL FORESTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Mr. BRANDEGEE. I ask that the Secretary resume the reading of petitions.

The VICE-PRESIDENT. Without objection, the Secretary will proceed with the reading of the petitions.

The Secretary resumed and concluded the reading, the petitions being as follows:

APRIL 13, 1908.

To the House of Representatives of these United States in Sixtieth Congress assembled:

We, the undersigned, of the executive council of the Connecticut State Board of Trade, do hereby respectfully petition your honorable body concerning the measure now pending before you and entitled "A bill (H. R. 10457) for acquiring national forests in the Southern Appalachian Mountains."

We are convinced that the powerful array of facts presented by Government experts and other well-known authorities at the hearing before the House Committee on Agriculture, held January 30, 1908, have clearly demonstrated that the rapid destruction of the forests on the watersheds of the mountain ranges specified is directly responsible for the alternate droughts and floods of those interstate rivers taking their sources in these mountains, thereby seriously damaging their navigability for commerce, rendering the water-power running mills and factories during the dry season useless, and causing enormous losses annually by freshet.

In our own Commonwealth, especially, we would refer you to the testimony at said hearing as to the changes in the navigability of the Connecticut River in the vicinity of Hartford, Conn., making it difficult for even light-draft vessels and steamers to reach their docks, owing to the silting of the channel and protracted low stages of water.

It having been clearly shown that it is impossible for the separate States to cope with this vast problem, and that it is for the best interests of commerce and agriculture and the general welfare that the Federal Government should undertake this work, we, as representatives of the entire business interests of the State of Connecticut, do respectfully request of your honorable body the immediate and careful attention which the subject demands, and we do further hope and pray for the speedy enactment of this vital measure.

Charles E. Chandler, president Connecticut State Board of Trade; Willard C. Warren, secretary; Edward E. Bradley, Zalmon Goodsell, Henry C. Dwight, Geo. A. Fairfield, Daniel S. Brinsmade, Richard O. Cheney, Eli C. Birdsey, Dale D. Butler, Clinton L. Allen, John McGinley, Theo. B. Beach, T. H. McKenzie, Homer S. Cummings, George E. Hinman, T. C. Richards, executive council of the State Board of Trade.

THE ASSOCIATION FOR THE PROTECTION OF THE ADIRONDACKS.  
To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Association for the Protection of the Adirondacks, realizing the importance of the ends sought to be attained by H. R. 10457, entitled "A bill for acquiring forests in the Southern Appalachian Mountains and the White Mountains," hereby expresses its approval of the bill and respectfully urges its enactment.

Of the elementary operations of nature none is of more vital importance to the welfare of mankind than the endless circuit of moisture, rising by evaporation from the ocean, carried by the clouds inland, precipitated to the earth, and flowing by lake and stream to the sea again. But to be of value to man this supply of water, so beneficently provided, must be conserved by either natural or artificial means.



The natural, the least expensive, and the most beneficial conservers of water are the forests, between which and the fallen rain there is a reciprocal service; for while the rain on the one hand waters the trees and makes them grow for all the manifold uses to which wood products are put, the trees, on the other hand, by providing the absorbent forest floor and by retarding the melting of snows, restrain the run-off of the water so that it may be employed with economy, safety, and benefit for the equally manifold purposes of agriculture, commerce, manufacture, sanitation, and domestic use.

As nature has provided an endless round in the movement of moisture, so it has provided a similar round in the reproduction of trees; but with this difference: It has not been demonstrated to the satisfaction of science that man can do anything in the long run to increase or diminish the amount of rain precipitated; but it has been demonstrated only too lamentably that he can interrupt the round of reproduction of organic growths, with disastrous results. By the obliteration of the forests to satisfy an overreaching desire for present gain and by a careless or ignorant improvidence of future needs which takes no measures for reproduction, a double evil is wrought. Not only is the timber supply cut off, but the once beneficent rains, relieved of their natural restraint, become agents of destruction. The soil of the hillsides is washed away at a rate a thousand times faster than when protected by forest covering, and the rivers become spasmodic and unreliable—at one time dangerous torrents, at another so reduced in volume as to be valueless for agriculture, commerce, manufacture, or other practical purposes.

All of these things have been exemplified in the State of New York, and perhaps the forestry condition in no single State east of the Mississippi so closely resembles the general forestry condition in the eastern United States as does that of this State. New York was once forest covered from border to border, and if providently used, the timber supply would have been inexhaustible. But it has not so been used. The forests over a greater part of the State have been erased with no provision for reproduction, and with the result that there is to-day a visible timber supply for only about twenty-five years. This period is about the same as that estimated for the visible timber supply of the nation at large. And not only is the State, like the nation, facing a timber famine, but also mill streams once reliable have become useless in the memory of the present generation, and larger rivers have become characterized by destructive floods.

Conditions like these are imminent within the areas of the proposed Southern Appalachian and White Mountain national forests and the regions tributary thereto, unless the Federal Government, exercising its highest function—which is to provide not only for the present, but also for generations to come—steps forward and interposes the protective power which it alone has the means to command.

We need not turn to desert tracts of the Old World for warning or to the rationally managed forests of some foreign countries for encouragement. The experience of our own country is already eloquent with admonition concerning the evils of improvidence; and our knowledge of the unfailing laws of nature accords its unimpeachable warranty to our confidence concerning the beneficent results of forest protection and culture.

The considerations of public policy, of common business sense, and of humanity moving to the enactment of the bill under consideration are so powerful that we again commend it to your favorable consideration.

THE ASSOCIATION FOR THE PROTECTION OF THE ADIRONDACKS.

TRIBUNE BUILDING, New York, March 23, 1908.

Mr. BRANDEGEE. Mr. President, the bill now before the Senate has already been read and amended, and I will ask the Secretary to state the amendments which have been heretofore adopted.

The VICE-PRESIDENT. The Secretary will state the amendments to the bill which have already been agreed to.

The SECRETARY. The amendments to the bill which have heretofore been agreed to are, first, in section 1, page 1, line 3, after the words "Secretary of Agriculture," to insert "for the purpose of preserving the navigability of navigable streams."

Mr. BRANDEGEE. Now, Mr. President, I ask the Secretary to state the amendment heretofore adopted, in line 4.

Mr. TELLER. I suppose the Senator from Connecticut is simply offering these amendments.

Mr. BRANDEGEE. No. The Senator from Colorado perhaps does not know that these amendments had been agreed to by the Senate when the bill was under consideration on April 15.

Mr. TELLER. I was not aware of that fact.

Mr. BRANDEGEE. I believe that is the fact.

The VICE-PRESIDENT. That is correct.

Mr. BRANDEGEE. In section 1, lines 4 and 5, I move to strike out the words "for national-forest purposes."

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 1, page 1, lines 4 and 5, after the word "acquire," it is proposed to strike out "for national-forest purposes."

The amendment was agreed to.

Mr. BRANDEGEE. In section 3, page 2, at the end of line 23, I move to insert the words "for the purpose of preserving the navigability of navigable streams."

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 3, page 2, at the end of line 23, it is proposed to insert "for the purpose of preserving the navigability of navigable streams."

The amendment was agreed to.

Mr. BRANDEGEE. In section 6, page 4, line 1, after the word "prescribe," that section having provided as to the jurisdiction of the United States over the lands proposed to be

taken and for the sale of such parts as were adapted for agriculture, I move to amend by adding the words:

And in case of such sale the jurisdiction over the lands sold shall ipso facto revert to the State in which the lands sold lie.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 6, page 4, line 1, after the word "prescribe," it is proposed to insert:

And in case of such sale the jurisdiction over the lands sold shall ipso facto revert to the State in which the lands sold lie.

The amendment was agreed to.

Mr. BRANDEGEE. In section 9, page 5, line 7, before the words "per centum," I move to strike out "10" and insert "25," so as to make the bill conform to the amendment which was adopted upon the agricultural appropriation bill as to the percentage of receipts from the administration of national forests which should be paid to the States.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BRANDEGEE. I do.

Mr. TELLER. Mr. President, it is not possible to hear what is going on. I suppose the Senator from Connecticut is trying to perfect his bill so as to present it to the Senate in proper shape. I have no objection to that. I am objecting to the bill, not in detail, but on principle. I have no objection to the Senator making any amendment which he thinks will improve his bill. I should like the Senator, after he gets his bill in proper shape, to have it printed, so that we may see it as he desires it to stand.

Mr. BRANDEGEE. Mr. President, I should not think that there was any occasion for reprinting the bill. The bill has simply been amended by inserting the words "for the purpose of preserving the navigability of navigable streams;" and I should not think that any reprint of the bill was necessary because a simple amendment had been adopted.

The reason for that amendment was this: It had been supposed when the bill was reported that its object was sufficiently described by the language authorizing the Secretary of Agriculture to purchase lands deemed to be "more valuable for the regulation of stream flow than for other purposes, and situated on the watersheds of navigable streams." Inasmuch as certain Senators claimed that that was not the true object of the bill, but that the true object of the bill was to take the lands for the purpose of preserving the forests, I think it is well to distinctly specify that the object of the bill is the preservation of the waters of navigable streams.

Having stated that much, if the Senator from Colorado desires to address the Senate in opposition to the measure, I have said all I care to say at this time.

The VICE-PRESIDENT. The Senator from Connecticut has offered an amendment, which will be stated.

The SECRETARY. In section 9, page 5, line 7, before the words "per centum," it is proposed to strike out "ten," and insert "twenty-five," so as to read:

That 25 per cent of all money received during any fiscal year from each national forest,

And so forth.

The amendment was agreed to.

Mr. TELLER. Mr. President, I think we who are opposed to this bill are entitled to have it printed; and if the Senator does not ask for that, I am going to ask for it myself, so that we may have by to-morrow a copy of the bill as it now stands. I do not suppose the Senator expects to pass the bill to-night.

Mr. BRANDEGEE. Very well. I have no objection to the Senator asking that the bill be reprinted, or I will ask to have it reprinted if the Senator desires it.

Mr. TELLER. I do desire it.

Mr. BRANDEGEE. So that it may be ready to-morrow. But I should like to have the Senator proceed with his remarks, if he cares to do so, now.

Mr. TELLER. Mr. President, while I do not want to tire the Senate I want to say that I will not be able to conclude to-night on this bill. So I should like to have the bill reprinted so that I may speak on it to-morrow morning if we continue the discussion of the measure.

Mr. CARTER. Mr. President, I presume under the circumstances—

Mr. BRANDEGEE. Then, Mr. President, I will not ask the attention of the Senate any further this afternoon to the bill, but will ask to have it laid aside and printed as amended.

Mr. CARTER. I move that the Senate—

Mr. TELLER. If it is agreeable to the Senator from Connecticut, I will proceed in the morning.

Mr. BRANDEGEE. That will be very agreeable.

Mr. CARTER. I move that the Senate proceed to the consideration of Calendar No. 544, Senate bill 6484.

The VICE-PRESIDENT. What is the request of the Senator from Connecticut?

Mr. BRANDEGEE. I ask that the bill be printed as amended.

The VICE-PRESIDENT. That order will be made in the absence of objection.

Mr. BRANDEGEE. I now ask that the bill be temporarily laid aside, and I also ask unanimous consent that it be made the unfinished business following Senate joint resolution No. 74.

The VICE-PRESIDENT. Is there objection?

Mr. CARTER. I think the Senate had better retain control over its time and procedure. I move that the Senate proceed to the consideration of Senate bill 6484.

Mr. BRANDEGEE. I asked unanimous consent, and I did not understand that there was any objection to my request.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Connecticut?

Mr. HEYBURN. Mr. President, I do not know that I shall be able to be present to-morrow, and I desire to make a brief suggestion in regard to this bill before it is laid aside.

This bill proposes that the Government of the United States shall purchase land for the purpose of selling it again. That is written in the bill. On a former occasion, when that was proposed in regard to certain lands in Oregon, I stated my position as being against a proposition of that kind. I do not think that the Government of the United States has the power to purchase land for the purpose of selling it again. It has engaged in many kinds of business, but never before in that character of business. This bill proposes that the Government shall appropriate \$5,000,000 for the purpose of purchasing land of private owners, and in section 6 it proposes that the Government may sell it again at such prices as may be fixed by the Secretary of Agriculture.

Mr. President, there is no provision in the Constitution of the United States that authorizes any such proceedings whatever. It has never been done and, in my judgment, it can not properly be done. The United States is authorized to acquire property for certain purposes—for its purposes—but to pay \$5,000,000 for land for the express purpose, as stated in the bill, of selling it again is entirely beyond the power of Congress.

I merely desired to state my position because the question has been previously before the Senate, and I shall be glad to have any Senator state any authority upon which such a proceeding can be based. I am not going to object to the details in regard to the bill or the creation of this forest reserve. The Government may reserve its own lands; but to purchase lands for the purpose of reserving them or for the purpose of selling them is entirely beyond any power possessed by the Government of the United States; and with that suggestion I have nothing further to say.

Mr. HOPKINS. Mr. President, before the Senator from Idaho takes his seat—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. It seems to me that he states the language of that section a little broader than it is. In reading the section it occurs to me that it is simply a precautionary section, providing that if in the purchase of this real estate for the purpose of aiding navigation land should be acquired that would not be necessary for the purposes intended, the Government of the United States would have the right and authority to dispose of it. I think that is quite a different proposition from the one stated by the Senator.

Mr. HEYBURN. Mr. President, I think the Senator has overlooked the language of this bill contained in line 19 and the succeeding lines on page 3, which states expressly that this right shall apply to lands more valuable for agriculture. That question should be determined before the purchase of lands, if the Government has the right to purchase lands at all.

Mr. BRANDEGEE. Mr. President, will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. I want to correct the Senator. The first section does not provide for the purchase of lands more valuable for agriculture, but quite the contrary—of lands "more valuable for the regulation of stream flow than for other purposes."

Mr. HEYBURN. I referred to the language in section 6, and not to the language in section 1.

Mr. BRANDEGEE. The language of section 6, if the Senator will allow me to call his attention to that fact—

Mr. HEYBURN. Yes; I was just going to read it.

Mr. BRANDEGEE. I wish the Senator would read, then, the whole of it.

Mr. HEYBURN. I will read that part of it that applies.

SEC. 6. That whereas small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers in tracts not exceeding 80 acres in area.

Mr. BRANDEGEE. Now, will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. Under that language, do I understand the Senator to claim that this bill authorizes the Government to buy land for the purpose of selling it, or is it a precautionary and a wise provision that if the Government does buy a large tract of land, and it happens to contain a piece that is fit for agriculture, which is not needed for the Government's purpose the Government may get rid of it? And what is there wrong about that?

Mr. HEYBURN. It is a violation of the very principle upon which this Government rests.

Mr. BRANDEGEE. Has not the Government the right to sell the timber on its own lands?

Mr. HEYBURN. On its own lands the Government may do as it sees fit.

Mr. BRANDEGEE. Are not these to be the Government's lands if it has bought them and paid for them?

Mr. HEYBURN. Mr. President, perhaps that may be the purpose the Senator has in mind; but unfortunately the language of the bill gives the Government the right, at the option of the Secretary of Agriculture, to sell these lands without limit. It may be found that 5 per cent or 90 per cent of these lands belong to the class that may be resold by the Government.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. The Senator has answered the proposition to which I was going to call his attention.

Mr. BRANDEGEE. I should like to ask the Senator this question: If the Government has a right to buy the land, has it not an equal right to sell it if it has not further use for it?

Mr. HEYBURN. I do not feel that I am called upon to answer that question. The question of the right to buy lands by the Government is limited and defined by the Constitution. It says exactly for what purpose the Government may buy the lands; and in the absence of such a provision the Government would have no right to buy any lands.

This bill proposes to give the Government, first, the right to buy lands for the purpose of creating a forest reserve; and then it provides that the Government may sell those lands, not under a rule prescribed in the act, but under a rule to be determined by the Secretary of Agriculture, and no limit is placed as to the quantity of land that may be sold nor is any price fixed.

I am not attacking this bill on a question of sentiment or because of any views that I may entertain in regard to the wisdom or unwisdom of creating forest reserves, because it is not necessary in the consideration of this bill to enter upon that question at all. I am speaking of the power of the Government to purchase lands and providing in the act allowing the purchase that the Government may resell them for agricultural purposes.

Mr. President, that question was before us in the Oregon case, and I think the sentiment of the Senate at that time was practically unanimous in support of the position that I now take. It was there provided that the Government might condemn—which is a method of purchase—lands in the State of Oregon for the purpose of subjecting them to the Reclamation Service. There was a large tract of land in Oregon, the owners of which would not agree to enter into a reclamation project, and the Department having charge of the Reclamation Service desired that Congress should enable them to acquire that land, by condemnation or otherwise. I then stated the legal proposition as I state it to-day—that it was not a question of policy, but that it was a question of power. If the Government can buy lands proposed to be purchased under this bill, it can buy



all of the lands in a State. If it can buy 1 acre for this purpose, it can buy 20,000,000 acres for this purpose. Careful legislation for the creation of this reserve should provide that the Government would only buy such lands as it intended to keep permanently for this purpose. That would be careful legislation. If we have not time to consider and make certain these provisions, we should not legislate at all. Until it is definitely determined what lands the Government will need, waiving the question of its right to purchase them, there should be no legislation upon the subject.

I have heard it stated and I have seen it in print that there will be a very large proportion of these lands that will be sold again by the Government to persons for the purpose of farming them, subject to the rules and regulations that the Forestry Service may make in regard to the conditions under which they may be farmed. That is the avowed purpose and intent of this legislation.

I am as much in favor of conserving and preserving to the use of the people the natural resources of the country as any man in this body or as anyone elsewhere, but it does not follow because you are in favor of the Government so doing that you are to make a reckless provision of this kind whereby the Government spends \$5,000,000 to acquire an indefinite tract of land or a very large tract of land—and there is no limit placed upon the amount in this bill—with the understanding expressed in the legislation itself that the Government is to resell it. That is a plain legal proposition involving the power of the Government to do this thing. Waiving the question of policy, it involves the power of the Government, and Congress should not, the Senate of the United States—

Mr. HOPKINS. Mr. President—

Mr. HEYBURN. I will yield in a moment. The Senate of the United States should not lose sight of the question of its power in dealing with this question out of sympathy with a policy or as a matter of sentiment. We are all lawmakers in this body, and we are bound to consider the question as to the extent of the power which we may exercise.

Mr. HOPKINS. Mr. President, before the Senator from Idaho takes his seat, I desire to call to his attention the fact that the bill does not provide for the condemnation of land, but that the Government is to acquire the land by purchase or gift. In acquiring land in this manner it seems to me that section 6 is a very wise provision, because it will undoubtedly occur in many instances that the owners of the real estate that is sought to be bought will not sell the necessary part that the Government must have in order to conserve the interests of this bill unless the entire farm is taken, while a portion of it may not be needed by the Government. Under such conditions there ought to be a provision in the bill, so that the land that is not needed for the purposes provided in the bill can be redispersed of by the Government.

Mr. HEYBURN. Mr. President, condemnation is purchase. There is no difference in law. It is only one method of purchase.

Mr. HOPKINS. The Senator will agree with me in this, that under condemnation proceedings the Government could go out and condemn just such land, and such only, as it needed, and could take it; but if the Government purchases the land it must take what the seller will agree to dispose of.

Mr. HEYBURN. Mr. President, this bill proceeds upon the idea that the Government will be able to obtain title to this land for the price of \$5,000,000. You can not get away from that proposition. You do not need to name the process. We are appropriating \$5,000,000 for the purpose of acquiring lands, coupled with a provision that the Government shall or may sell a part of them if it acquires them. If it acquires them, it acquires them under the provision of this act, and whether it be by purchase or gift or by the legal method of condemnation makes not the slightest difference. It is a question of the power of the Government to acquire lands for the purpose of disposing of them, either by gift or by sale or by any other method.

Mr. BRANDEGEE. Of course I can not admit that the Senator correctly states the purpose of the bill. The purpose of the bill as is perfectly plain to my mind and as it states in so many words is to preserve the navigability of navigable streams. It is not for the purpose of buying land for the purpose of selling it again at all. It proposes to buy some forests to act as a conservator of the water, to deliver it under control to the streams; and in my judgment the Government of the United States has just as good authority to buy a forest and conserve the water at the source of a navigable river as it would have to build a dam or canal in the interest of navigation.

As to selling the surplus parts of the land that are not required for that purpose, if the Senator's contention were true

the Government would be compelled to keep a lot of land that was valuable and the proceeds from the sale of which could go toward preserving the navigability of streams. It would be obliged to keep it. The Senator's theory would result in this, as it seems to me, that while the Government has the right to buy uniforms for its soldiers and ammunition and guns, it has no right to sell what it does not need after it has bought it.

Mr. HOPKINS. I desire to call the attention of the Senator from Connecticut to an instance in American history where a very large tract of land was purchased by the Government of the United States and subsequently conveyed to its citizens. I refer to the Louisiana purchase, where we paid many millions of dollars for the purpose of increasing the territory of the United States and subsequently disposed of it—land on which we now have a number of splendid States of the Union.

Mr. BACON. I should like to inquire of the Senator from Illinois if the State of Idaho was not carved out of that very property?

Mr. GALLINGER. Part of it, at least.

Mr. HEYBURN. What the Government bought was the right of sovereignty. It did not buy the land at so much an acre. It bought the right of government and the right of sovereignty in the Louisiana purchase.

Mr. BACON. How did it acquire the title to the property?

Mr. HEYBURN. The property passed by reason of the sovereignty.

Mr. BACON. The title passed.

Mr. HEYBURN. The sovereignty passed.

Mr. BACON. And the title also.

Mr. HEYBURN. I will ask the Senator how much an acre did we pay for the Louisiana purchase?

Mr. BACON. If I knew the number of acres and divided it into \$15,000,000, I could tell the Senator.

Mr. HEYBURN. There is no analogy whatever between the money paid to the French Government for the Louisiana purchase and the proposition before the Senate.

Mr. BACON. The Senator is a very able lawyer. Does not the Senator recognize the fact that we not only purchased the property, but that we actually purchased the identical land?

Mr. HEYBURN. There is no word of mention in the instrument by which we acquired the Louisiana purchase with reference to the land that came to us by virtue of that sovereignty.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I should like to ask the Senator in the matter of the Louisiana purchase as well as the Gadsden purchase and other purchases which we have made what the sovereignty would have been worth if we had not got the land.

Mr. HEYBURN. We did not purchase it as a land purchase. If we purchased it for the purpose of ownership, we purchased it from a foreign country. The Government has never claimed or exercised the right to purchase the land of its own citizens, and I think I will not be diverted to the consideration of the Louisiana purchase in expressing my objections to the legal right of the Government to purchase land from private citizens for this purpose.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I should like to ask, before the Senator goes entirely from this proposition, if that question is not rather a mixed one? Did not the inhabitants within that section at the time of the Louisiana purchase themselves own land which the Government did not take by purchase? The remainder only the Government got?

Mr. HEYBURN. Yes. The Government did not purchase the private ownership of lands that were included within the Louisiana cession. It did not deal with private titles at all. It purchased whatever went with the sovereignty over that domain—nothing more.

Mr. HOPKINS. Where did the Government of the United States get the legal title which it subsequently gave to the various citizens who acquired title from the Government?

Mr. CULBERSON. That was to the public land in that territory.

Mr. HEYBURN. It never did get title to an acre of land there in private ownership.

PLATT NATIONAL PARK, SULPHUR, OKLA.

Mr. OWEN. I wish the Senator from Idaho would yield to me for just one moment.

Mr. HEYBURN. I yield for a moment.

Mr. OWEN. I move to reconsider the action of the Senate in postponing indefinitely the bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., and that it be restored to its place on the Calendar. I wish it to retain its place on the Calendar.

The motion was agreed to.

Mr. BACON. Mr. President, I am not sure that that was an infraction of the rule which the Senate has adopted to prevent a very common and very objectionable practice which obtained very largely in the Senate of interrupting Senators upon the floor for the purpose of asking the Senate to give attention to other business. I only call attention to it now—I did not do so at the time—in order that it may not appear that we have become indifferent or forgetful of that rule. I am not sure it was a violation. It was in spirit, if not in letter.

The VICE-PRESIDENT. The Senator from Georgia is quite right. In the later days of the session, when the Senate is pressed with the consideration of appropriation bills, and when many amendments must be offered to be printed, and when many Senators are necessarily absent from the Chamber on conference committees, the Chair is inclined to be liberal in the interpretation of the rule, if the Senate does not object.

Mr. BACON. I think the Chair is quite correct in that.

#### NATIONAL FORESTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Mr. HEYBURN. I think the suggestion of the Senator from Texas is very much in point, as I understood his suggestion, that we did not undertake to acquire property in private ownership under the Louisiana purchase. We simply acquired the right which the Government had, which carried with it the right to dispose of the public lands.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. The Senator will allow me to make a suggestion which probably he has covered by his answer. It seems to me that that was a cession of sovereignty over this territory to this Government by the Government of France. We took by cession the sovereignty that France exercised, and by virtue of the sovereignty of course we held the public lands within the territory.

Mr. BACON. I think if the Senator will examine—

Mr. FULTON. But I want to say this: It occurs to me that a different question, for other reasons, is presented here, and that is the right to acquire land within a State under the Constitution for any purpose other than the purposes for which the Constitution provides we may acquire it.

Mr. BACON. I think if the Senator will examine the historical facts he will become satisfied he is mistaken in saying the Government of France transferred to us the sovereignty. The fact of the business is that at the time of the purchase France was not in possession of the property. Spain was. We simply bought a contract.

Mr. HEYBURN. The fact is that there had been, a few months prior to the negotiations with the French Government, an arrangement between Spain and the French Government which had not really been consummated at that time.

Mr. BACON. That is what I say. We bought a contract.

Mr. HEYBURN. Yes.

Mr. FULTON. I should like to make the further suggestion, though, that Mr. Jefferson, under whose banner the Senator from Georgia, I believe, marches, doubted, indeed denied, that we had the constitutional authority to do that.

Mr. BACON. That is a side question which I do not want to stop to discuss. It has been discussed a good many times. I plead guilty to marching under the banner of Jefferson. I am only sorry the Senator from Oregon does not.

Mr. FULTON. I knew the Senator was proud of it. That is why I mentioned it.

Mr. HEYBURN. Mr. President, I do not intend, so far as my action is concerned, to protract the consideration of this question further than to call attention to this question of power, in order that it may not be said hereafter that the attention of the Senate was not directed to that question.

If the Government can purchase this land for this purpose and dispose of it as provided by section 6 of the pending bill, then, if in the judgment of the Government a community of farmers in any State of the Union are not making the best use of the land, the Government may purchase it for the purpose of redistribution to others who, in the opinion of the Government, may make better use of it.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I quite agree with what the Senator from Idaho says to the effect that the Government of the United States has no power to engage in the business of buying and selling land. The Government has no right to purchase a piece of land for the express purpose of selling it again. I agree with him about that. But the Government of the United States has the right, for example, to acquire land for the purpose of a military post. The Senator will agree with me about that.

Mr. HEYBURN. The Constitution gives it that right.

Mr. SUTHERLAND. Yes. Now, suppose the Government had under an act of Congress purchased a large tract of land for a military post, and that it should thereafter turn out that certain small areas were not necessary for military uses, would the Senator say that Congress could not authorize a sale of those small areas?

Mr. HEYBURN. No, Mr. President, I would not say so, because Congress may under the law dispose of property that is no longer needed for governmental purposes.

Mr. SUTHERLAND. One other question.

Mr. HEYBURN. All right.

Mr. SUTHERLAND. If Congress has the power, after the property has been acquired for a specified purpose, to dispose of small areas that are not needed for that purpose, may it not legally provide in advance that if it shall turn out by inadvertence or in any other way that certain small portions of the tract to be acquired for a legitimate purpose are not needed for that purpose, they may be disposed of?

Mr. HEYBURN. Are we to act on the assumption that we are acting inadvertently? That is the conclusion which naturally arises from the suggestion of the Senator from Utah. It is an assumption and a tacit admission that at the time of the enacting of the legislation we are probably acting inadvertently. Are we in the habit of enacting laws which at the time of their enactment are probably inadvertent?

Mr. SUTHERLAND. I am not speaking of the legislation as being seemly, but I am speaking of it from the standpoint of being legal. We have the power to do that; and I understood the Senator from Idaho was attacking section 6 upon the ground that we had power to pass it; not that it was not seemly legislation.

Mr. HEYBURN. The conditions cited by the Senator from Utah with reference to the purchase of land for military reservations or like purposes have no application whatever to a bill which proposes to purchase land for the purposes mentioned in this bill. It is a constitutional power especially given to Congress to acquire lands for necessary military purposes. The language of the Constitution restricts the power to acquiring land for necessary purposes; not for speculative purposes—for the purpose of determining afterwards whether we may or may not need them—but for necessary purposes.

The Senator will not claim for one moment that the doctrine suggested by him might be extended to the case which I have cited of the Government purchasing land, because in its judgment the land may be disposed of by the Government to persons who will make a better use of it or a more profitable use, either in the interest of individuals or in the interest of the Government. There is no analogy between the cases.

Mr. SUTHERLAND. I do not understand that the Senator from Idaho, in attacking the provisions contained in section 6, is claiming that the general purpose of the bill is beyond the power of Congress. That is an entirely different matter.

Mr. HEYBURN. I reserved that point, because I did not care to confuse the consideration of two legal propositions—of the right to purchase for the purposes of this bill.

Mr. SUTHERLAND. Then the Senator in making his argument with reference to section 6 is at least conceding, for the sake of argument, that the bill is valid in its general purpose.

Mr. HEYBURN. I so stated.

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. But I concede it only for the purpose of the argument.

Mr. SUTHERLAND. So conceding, what difference in principle is there between the case presented by this bill and the illustration I gave the Senator with reference to the purchase of land for military reservations?

Mr. HEYBURN. The difference is found in the language of section 6.

Mr. SUTHERLAND. In other words, the proposition to which I invite the attention of the Senator is this: Assuming,



for the sake of argument, that Congress has a right to pass a law providing for the purchase of lands of this character for the purpose of protecting its navigable streams, then, if it turns out after the purchase has been made that certain small areas are not necessary for that purpose, they may be disposed of; Congress may afterwards authorize them to be disposed of; and if Congress could do it afterwards, so far as the question of power is concerned, I see no reason why Congress could not provide for it in advance.

Mr. HEYBURN. Unfortunately for the argument of the Senator, section 6 does not base it upon the question of necessity, but leaves it to the discretion of the Secretary of Agriculture.

Mr. President, we must take this bill as it is before us, and not as it might have been written. The bill contemplates upon its face the reselling of this property for the very purpose to which it is now devoted—agriculture. The Government might, under the policy insisted upon by the Senator from Utah and by the Senator in charge of this bill, purchase farms that were not, in the judgment of the Government, being well administered, in order that it might experiment and see whether or not it could put them to a better use, and then in the event that it could not put them to a better use, retain the right to resell them for the same purposes for which they were devoted when the Government purchased them.

It seems to me the whole case is so entirely devoid of any basis of legal right on the part of Congress that it ought to fall by the weight of its own terms.

Mr. NELSON. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. NELSON. I desire to call the attention of the Senator from Idaho to the language of the treaty under which we acquired the Louisiana purchase.

Mr. HEYBURN. I have it in mind.

Mr. NELSON. Paragraph 1 of the treaty, after reciting the fact that the French Republic had acquired the cession from Spain, goes on to say:

And whereas, in pursuance of the treaty—

Referring to the Spanish treaty—

and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with His Catholic Majesty.

In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property.

The Government acquired this land from France. It acquired it by a cession. A part of that same land was given by the United States to the State of Idaho, sections 16 and 36 for school purposes, and then a lot for a State university and other public buildings. So the Government of the United States, according to the theory of the Senator from Idaho, has been proceeding in this matter unconstitutionally. A good deal of the rest of the land which was not given to the State of Idaho the Government of the United States has disposed of in various ways under its land laws—the homestead law, the cash entry, the stone and timber act, the desert-entry law, and other land laws. It has disposed of to its own citizens the very land it purchased for \$15,000,000.

Mr. GALLINGER. Idaho ought to make a recession of that land.

Mr. NELSON. Inasmuch as the whole thing, according to the Senator's theory, has been unconstitutionally done, why can not the Government reclaim all the property given to the State of Idaho, at all events.

Mr. HEYBURN. I will say, with all respect to the Senator from Minnesota, that I am astonished that he should present such an argument and offer such conclusions. I will ask the Senator from Minnesota if in his judgment as a lawyer the United States Government, acting through Congress, could purchase his land in Minnesota for the purpose of selling it to somebody else?

Mr. NELSON. With my consent, certainly; and the United States could take my whole farm on which I live under the power of eminent domain, if it saw fit. It might want to build a military post there.

Mr. HEYBURN. Ah, there is the nub of the entire proposition. It could build a military post.

Mr. BRANDEGEE. Or other governmental purposes.

Mr. NELSON. It might want it for a seed farm to raise seed for the Agricultural Department.

Mr. HEYBURN. My question is, Can they take it by purchase from the Senator for the purpose of selling it to some other farmer or with a view of selling it to some other farmer? With all respect to the arguments which have been made, it seems to me they are sophistical.

The proposition here and the acquisition of lands under the treaty with France is not a subject for comparison at all. We took by the terms of the treaty the sovereignty, which carried with it not lands held in private ownership, but lands belonging with the sovereignty and as a part of it. They passed to us because we were granted the sovereignty which controlled them in the absence of private ownership. But we took not one acre of privately owned land by virtue of the purchase of the Louisiana tract, as it is generally designated, which was in fact a price paid for the cession of sovereignty.

Mr. NELSON. Will the Senator from Idaho allow me a question?

Mr. HEYBURN. I desire to answer a suggestion by the Senator, which somewhat astonished me, when he compared the propositions contained in this bill with the granting of lands by the Government to a State for educational purposes. The Government of the United States became the sovereign owner of the public lands, which could not be held in private ownership, and being such sovereign owner it conferred upon the State the right to the use and ownership of those lands. It had that right. But that, because it had and exercised that right, it could purchase a farm for the purpose of selling it to some other farmer, will not appeal to any legal mind.

Mr. President, just take into consideration in connection with this section 3, which contains an admission that gives away this entire proposition. Section 3 provides—

That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for national-forest purposes.

There is a concession that gives away the whole proposition. The Government here must get the consent of the State to purchase these lands. Under what clause of the Constitution does the Government of the United States have to get the consent of the State in which the lands of private individuals are situated to purchase the land of private individuals?

Mr. GALLINGER. What clause of the Constitution prohibits it?

Mr. BRANDEGEE. That provision, of course, was not necessary to the acquiring by the Government of land within the State, but was simply put in so that if there should be any State that does not want a forest reserve in the State the Government would not do it against the wishes of the State.

Mr. HEYBURN. I was addressing my objection to the question of power. I am inquired of sotto voce by the Senator from New Hampshire [Mr. GALLINGER] what provision there is to be found in the Constitution that prevents it. That is not a fair test of the powers of Government in any case, so far as the acquisition of property is concerned, inasmuch as the Constitution has dealt with that question and limited in express terms the purposes for which, and the conditions under which, the Government may acquire real estate.

Mr. BRANDEGEE. Is not one of those expressly enumerated powers which the States gave to the United States Government the right to regulate commerce among the States, and does not that include the right to preserve the navigability of our rivers and streams?

Mr. HEYBURN. Mr. President, the argument is as far-fetched as though you were to provide for watchmen to awaken the engineers on a railroad train in order that the train might engage in interstate commerce. There is no more reason or argument behind that, and it would not be so absurd a proposition.

Mr. CARTER. Does the Senator contend that the United States Government can not purchase land in a State without consulting the State?

Mr. HEYBURN. I do not contend it, and I have no defense to make of the section which undertakes to state that principle, which is section 3.

Mr. CARTER. Now, that question being answered by the Senator in that fashion, permit me to suggest to him that undoubtedly this section has in contemplation the cession by the State of police power over these forests to the General Government. In the absence in that cession of jurisdiction of course the State rules and regulations would be supreme in all police matters within the State.

Mr. HEYBURN. Under what provision of the Constitution does the Government of the United States exercise police powers of this kind, I would ask the Senator?

Mr. CARTER. Unquestionably the Congress of the United

States has supreme authority in managing the public domain of the United States and the property of the United States. But that is apart, if the Senator will permit me a moment. The question of the jurisdiction of a State for police purposes within the limits of a State can not be ousted by the ownership of land within the State by the Federal Government.

Mr. HEYBURN. I am glad to hear that stated by the Senator from Montana. I had contended for it.

Mr. CARTER. But in this case the Senator from Idaho quarrels with the proposed statute for the reason that it contemplates a cession to the United States of jurisdiction now in the State for the Federal purposes contemplated by this act.

Mr. HEYBURN. Mr. President, the State does not cede jurisdiction to the United States except within the limitations of the Constitution of the United States. Does the Senator contend that a State can concede to the United States its police power over property held in private ownership in a State? Not for a moment would the Senator contend that.

Mr. CARTER. There is no contention of that kind.

Mr. HEYBURN. If the Government can not acquire this property under the provisions of the law, then the State can add nothing to the jurisdiction of the United States, and if the Government can acquire it, it needs no assistance from the State to have jurisdiction.

Now, a word as to the proposition that these lands are being acquired in order that the Government may exercise police control over them in the interest of preserving the water supply. The purposes stated in the bill are that the lands shall be acquired for the purpose of creating a forest reserve, and the bill undertakes to provide in detail how that jurisdiction shall be exercised and under what rules and regulations the forest reserve to be created shall be managed and controlled.

We have been confronted of late with the proposition that the Government of the United States has an especial interest in conserving the water supply and controlling the use of the waters in each of the States. The Government not only has no interest in it, but it has no power to undertake it. The rivers in the States are under the control of the State government. The State can not confer sovereignty upon the General Government over anything except as provided in the Constitution, and the Constitution is a grant of powers limited by its terms.

Mr. President, I have said more than I had intended to say in regard to the question of the power of the Government to acquire land for the purposes specified in the bill, but I might have taken up the question of the right of the Government to acquire any land beyond the powers conferred in the Constitution.

Mr. BRANDEGEE. I should like to ask the Senator from Idaho if the Government has not as much authority to preserve a forest for the purpose of preventing the soil from washing down and filling up the channels of rivers as it has to spend the money of the Government in digging out the mud of the rivers, as we do by millions in the river and harbor bill, or, as is suggested to me, in building a levee?

Mr. HEYBURN. That question in the abstract might be answered in the affirmative, but as applied to the provision under consideration, I answer it unqualifiedly in the negative. Is the Government to undertake to regulate the rainfall and the conservation of the rain? Then, why does not the Government build great reservoirs at the heads of all the rivers, in order that the water may be released in seasons of drought?

Mr. GALLINGER. It does at the headwaters of the Mississippi.

Mr. BRANDEGEE. I understand that that very thing has been done by the Government at the headwaters of the Mississippi.

Mr. GALLINGER. I observed to the Senator from Idaho that that very thing has been done at the headwaters of the Mississippi. I have had the privilege of looking at those great reservoirs.

Mr. HEYBURN. The purpose for which those reservoirs were created, as expressed in the law under which they were created, has no reference whatever to the washing out of the channels in the rivers.

Mr. GALLINGER. No; but it has reference to improving the navigability of the rivers by holding the water back and in dry seasons letting it go out; and the contention is that it does accomplish that very purpose. I do not know whether it does or not, but that is the contention.

Mr. HEYBURN. It was not the purpose expressed in the legislation. I will not protract this discussion by going into all the dam bills or the bills providing for the construction of reservoirs that the Government has made appropriations for.

Mr. BRANDEGEE. Mr. President, unless there is some other

Senator who desires to speak on the bill this afternoon, a reprint of the bill having been ordered by the Senate with the understanding that it is to be completed to-morrow, I ask unanimous consent that the bill may be laid aside and that it be made the unfinished business, subject, however, to the priority of the present unfinished business.

The VICE-PRESIDENT. The Senator from Connecticut asks—

Mr. CARTER. Before that question is disposed of, to the end that we may secure a more extensive understanding, I ask unanimous consent that immediately after the conclusion of the routine morning business on Monday next Senate bill 6484, known as the "postal savings bank bill," be taken up, and that a final vote be taken on the pending amendments and on the bill before adjournment on that day.

Mr. GALLINGER. The Senator will perceive by examining the Calendar that the Senator from Connecticut [Mr. BULKLEY] has given notice that immediately following the morning business on Monday he would ask the Senate to consider a certain bill.

Mr. CARTER. I make my request for Tuesday, then.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Montana?

Mr. TELLER. I will object to the postal savings bank bill being made a special order for either Monday or Tuesday.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Montana.

Mr. CARTER. Then I give notice that immediately upon the conclusion of the morning business to-morrow I will move that the Senate proceed to the consideration of Senate bill 6484, known as the "postal savings bank bill."

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent that the pending bill be temporarily laid aside and that it be made the unfinished business, subject to the unfinished business now.

Mr. TELLER. And appropriation bills.

Mr. BRANDEGEE. Oh, certainly.

The VICE-PRESIDENT. And appropriation bills.

Mr. CARTER. I can only consent to the request of the Senator subject to the notice I have given, and I reserve the right to make the motion to which I have referred.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

#### MERRIMAC RIVER AND OTHER BRIDGES.

Mr. CULBERSON. Mr. President, I should like to introduce a joint resolution to correct a bill and to have it considered at this time. I will state that unless the bill is corrected it will be valueless. It has left the Senate and has left the House, but has not reached the President.

The joint resolution (S. R. 90) to amend an act authorizing the construction of bridges across navigable waters, etc., was read the first time by its title and the second time at length, as follows:

*Resolved, etc., That the bill (S. 4809) entitled "An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters," be, and the same is hereby, corrected, so that the name St. Louis, Brownsville and Mexico Railway Company, as used therein, be changed to the Brownsville and Gulf Railway Company.*

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 21875. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes; and

H. R. 21897. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4809. An act authorizing the construction of bridges across



navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters;

H. R. 13577. An act providing for the resurvey of certain public lands in the State of Nebraska;

H. R. 16770. An act granting land to Anna Johnson; and  
H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

#### COAL LANDS IN ALASKA.

Mr. FLINT. I ask unanimous consent for a reconsideration of the vote by which the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska was passed.

The VICE-PRESIDENT. The Senator from California asks unanimous consent that the vote by which Senate bill 6805, to encourage the development of coal deposits in the Territory of Alaska, was passed be reconsidered. Is there objection?

Mr. TELLER. There is a pretty thin Senate here to reconsider a vote. I want to know what is the purpose of the Senator? Does he propose to bring the bill again before the Senate?

Mr. FLINT. I shall ask to have the bill placed on the Calendar after having an amendment to the bill reconsidered.

Mr. TELLER. I do not object, Mr. President.

Mr. KEAN. I have no objection to the motion, but I do object to the section that was stricken out being replaced in the bill.

The VICE-PRESIDENT. Is there objection? If not, the votes by which the bill was ordered to a third reading and passed are reconsidered.

Mr. KEAN. The bill is on the Calendar?

The VICE-PRESIDENT. It is.

Mr. KEAN. I object to the consideration of the bill. I move that the Senate proceed to the consideration of executive business.

Mr. NEWLANDS. I desire to give a notice.

Mr. KEAN. I yield for that purpose.

#### INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS. I desire to give notice that to-morrow, after the close of the morning business, I will move the Senate for the immediate consideration of the bill (S. 7112) providing for the appointment of an Inland Waterways Commission, with the view to the improvement and development of the inland waterways of the United States.

Mr. TELLER. I think that will interfere with the rule the Senator from Connecticut [Mr. Brandegee] has had made.

Mr. McLAURIN. I was just going to make that suggestion.

Mr. TELLER. That is my information. The Senator from Connecticut asked unanimous consent that the bill which he has in charge should be the order of business in the morning.

Mr. McLAURIN. And consent was given to that.

Mr. TELLER. Consent was given. The Senator from Nevada had better change the day.

Mr. NEWLANDS. Could the Senator suggest another convenient hour to present the matter?

Mr. TELLER. I judge that the bill the Senator from Connecticut has in charge will take the best part of the day. Probably the Senator had better name another day, say Tuesday.

Mr. NEWLANDS. Then, I will say, after the disposition of the bill which the Senator from Connecticut has in charge I will move the Senate to take up for consideration the bill which I have indicated.

Mr. CARTER. I call the attention of the Senator from Nevada, and likewise of the Senator from Colorado, to the fact that the unanimous consent sought by the Senator from Connecticut, and accorded to him, was with the understanding that immediately after the close of the routine business in the morning I will make a motion to proceed to the consideration of the postal savings bank bill.

Mr. TELLER. I did not understand that.

Mr. CARTER. That was the—

Mr. TELLER. I do not desire to interfere, only I thought the Senator from Connecticut had gone out of the Chamber. I am going to speak on the bill. I can speak to-morrow or some other day.

#### HOUSE BILLS REFERRED.

H. R. 21875. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 21897. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, and improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other

purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

#### COAL LANDS IN ALASKA.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. FLINT. I ask the Senator to withhold his motion for a moment.

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from California?

Mr. KEAN. Certainly.

Mr. FLINT. I ask the Senate to reconsider the vote by which the amendment was adopted to the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska.

The VICE-PRESIDENT. The Senator from California asks the Senate to resume the consideration of the bill with a view to reconsidering the vote by which the amendment was agreed to. The Chair hears no objection, and the question is on agreeing to the motion to reconsider.

Mr. KEAN. I suggest that the Senator from California let that motion be pending.

Mr. FLINT. I simply want to have the bill as it was originally reported to the Senate, and then have it placed on the Calendar. I do not care to ask for any action on the bill at this time.

Mr. KEAN. Very well; I do not object.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the vote is reconsidered.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 16, 1908, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 15, 1908.*

#### PROMOTIONS IN THE NAVY.

Commander Nathaniel R. Usher to be a captain in the Navy from the 23d day of April, 1908 (subject to the examinations required by law).

#### POSTMASTERS.

##### IDAHO.

Sadie Louella Richmond to be postmaster at Culdesac, Nez Perce County, Idaho.

##### ILLINOIS.

Ebenezer J. Allison to be postmaster at Chester, Randolph County, Ill.

##### INDIANA.

John H. Hilty to be postmaster at Berne, Adams County, Ind.,

##### KENTUCKY.

William C. Balee to be postmaster at Guthrie, Todd County, Ky.

Colmore L. Barnes to be postmaster at Elizabethtown, Hardin County, Ky.

Samuel L. Gatrell to be postmaster at Midway, Woodford County, Ky.

Terry T. Hanberry to be postmaster at Eddyville, Lyon County, Ky.

John S. Miller to be postmaster at Greenville, Muhlenberg County, Ky.

Frank W. Rice to be postmaster at Wilmore, Jessamine County, Ky.

Charles F. Troutman to be postmaster at Shepherdsville, Bullitt County, Ky.

John B. Weller to be postmaster at Bardstown, Nelson County, Ky.

Wallace R. Wood to be postmaster at Elkton, in the county of Todd and State of Kentucky.

##### MARYLAND.

Richard E. Bouldin to be postmaster at Bel Air, Harford County, Md.

##### MISSOURI.

Albert J. Caywood to be postmaster at Laclede, Linn County, Mo.

Marvin E. Gorman to be postmaster at Mansfield, Wright County, Mo.

Martin L. Howard to be postmaster at Republic, Greene County, Mo.

Percy P. Hummel to be postmaster at Laddonla, Audrain County, Mo.  
 Isaac V. McPherson to be postmaster at Aurora, Lawrence County, Mo.  
 Jennie A. Mahan to be postmaster at Knobnoster, Johnson County, Mo.  
 Thomas B. Milton to be postmaster at Carl Junction, Jasper County, Mo.  
 Rachael A. Smith to be postmaster at Deepwater, Henry County, Mo.

## MONTANA.

Patrick H. Tooley to be postmaster at Moore, Fergus County, Mont.

## PENNSYLVANIA.

Harry J. Boyde to be postmaster at Beaver, Beaver County, Pa.  
 William H. D. Godshall to be postmaster at Lansdale, Montgomery County, Pa.  
 Edwin F. Luckenbach to be postmaster at Mauch Chunk, Carbon County, Pa.

## TENNESSEE.

John P. Gibbs to be postmaster at Dresden, Weakley County, Tenn.  
 William B. Pickering to be postmaster at Carthage, Smith County, Tenn.  
 John Rains to be postmaster at Etowah, McMinn County, Tenn.

## TEXAS.

J. L. Burke to be postmaster at Elgin, Bastrop County, Tex.  
 Samuel H. Cole to be postmaster at McKinney, Collin County, Tex.  
 J. Wed Davis to be postmaster at Teague, Freestone County, Tex.

## VERMONT.

William O. Williams to be postmaster at West Pawlet, Rutland County, Vt.

## HOUSE OF REPRESENTATIVES.

FRIDAY, May 15, 1908.

[Continuation of the legislative day of Tuesday, May 12, 1908.]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

## MILITARY ACADEMY BILL.

Mr. PARKER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, as amended.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass the Military Academy appropriation bill, with amendments. The Clerk will report the bill and amendments.

Mr. HAY. Before the bill is reported I would like to ask the gentleman from New Jersey about the time—whether the gentleman expects to pass the bill under the suspension of the rules, with the usual twenty minutes' debate?

Mr. PARKER of New Jersey. With the usual twenty minutes' debate on a side.

The Clerk read the bill, as follows:

A bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the fiscal year ending June 30, 1909:

## PERMANENT ESTABLISHMENT.

For pay of seven professors, \$27,000;  
 For pay of one chaplain, \$2,400;  
 For pay of the master of the sword, \$2,400;  
 For pay of cadets, \$300,000;  
 In all, for permanent establishment, \$331,800.  
 For extra pay of officers of the Army on detached service at the Military Academy:  
 For pay of one Superintendent of the United States Military Academy (colonel), in addition to pay as major, \$1,000;  
 For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, \$1,100;  
 For pay of one professor of ordnance and science of gunnery (lieutenant-colonel), in addition to pay as captain, \$1,000;  
 "That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor to teach military hygiene." Provided such officer receives no extra compensation therefor.  
 For pay of one instructor of practical military engineering (major), in addition to pay as captain, \$600;  
 For pay of eight assistant professors (captains), in addition to pay as first lieutenants, \$3,200;  
 For pay of two battalion commanders (majors), in addition to pay as captains, \$1,200;  
 For pay of four senior assistant instructors of cavalry, artillery, and

infantry tactics and ordnance and gunnery and practical engineering (captains), in addition to pay as first lieutenants, \$1,600;

For pay of seven instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, \$4,900;

For pay of one adjutant, in addition to pay as second lieutenant, \$700;

For pay of one treasurer and quartermaster and commissary of cadets, in addition to pay as captain, \$600;

For pay of one line officer, on duty in quartermaster's depot at academy, in addition to pay as first lieutenant, \$400;

For pay of one associate professor of mathematics (major), in addition to pay as captain, \$600;

For pay of one associate professor of modern languages (major), in addition to pay as captain, \$600;

For pay of one constructing quartermaster in addition to pay as major, \$1,000;

For additional pay of professors and officers (and officers on increased rank) for length of service, \$12,000;

In all, for extra pay of officers of Army on detached service at the Military Academy, \$31,000;

For pay of the Military Academy band, field musicians, general Army service, cavalry and artillery detachment, and enlisted men on detached service, and extra pay for enlisted men on special duty;

For pay of military band, one band sergeant and assistant leader, \$900;

Twelve enlisted musicians at \$40 per month, \$5,760;

Twelve enlisted musicians, at \$36 per month, \$5,184;

Sixteen enlisted musicians, at \$24 per month, \$4,608;

Additional pay for length of service, \$2,268;

Clothing on discharge, \$1,100;

Travel allowance to enlisted men on discharge, \$75;

For interest on deposits of enlisted men on discharge, \$300;

For pay of field musicians: One sergeant, with pay of first-class musician, \$600;

One corporal, \$252;

Twenty-two privates, at \$180 each, \$3,960;

Additional pay for length of service, \$516;

Clothing on discharge, \$500;

Travel allowance to enlisted men on discharge, \$50;

Interest on deposits due enlisted men on discharge, \$40;

For pay of general Army service: One first sergeant, \$540;

Eight sergeants, \$2,880;

Two cooks, \$720;

Nine corporals, \$2,268;

One hundred and eighty privates, \$32,400;

Additional pay for length of service, \$14,784;

Clothing on discharge, \$5,310;

Interest on deposits of enlisted men, \$875;

For travel allowances due enlisted men on discharge, \$260;

Extra pay of the enlisted men of the Army service detachment, Quartermaster's Department, on extra duty at West Point, \$22,000;

For pay of cavalry detachment: One first sergeant, \$540;

Six sergeants, \$2,160;

Two cooks, \$720;

Six corporals, \$1,512;

Two trumpeters, \$360;

Two farriers and blacksmiths, \$504;

One saddler, \$252;

One wagoner, \$252;

Seventy-nine privates (cavalry), \$14,220;

Additional pay for length of service, \$4,500;

Clothing on discharge, \$1,800;

Traveling allowances to enlisted men on discharge, \$820;

Interest on deposits to enlisted men, \$100;

For pay of artillery detachment: One first sergeant, \$540;

One quartermaster-sergeant, \$360;

One stable sergeant, \$360;

One chief mechanic, \$288;

Six sergeants, \$2,160;

Three cooks, \$1,080;

Twelve corporals, \$3,024;

Four mechanics, \$1,008;

Two trumpeters, \$360;

One hundred and two privates, \$18,360;

One electrician sergeant, \$540;

One master gunner, \$480;

For additional pay for first and second class gunners, \$1,200;

Additional pay for length of service, \$2,000;

Clothing on discharge, \$1,500;

Interest on deposits due enlisted men, \$125;

Travel allowances to enlisted men on discharge, \$900;

For extra pay of two enlisted men employed as clerks in the office of the adjutant, United States Military Academy, at 50 cents each per day, \$365;

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at 50 cents each per day, \$365;

For extra pay of four enlisted men as printers, at headquarters United States Military Academy, at 50 cents each per day, \$620;

For extra pay of one enlisted man employed as watchman, at 35 cents per day, \$191.63;

For extra pay of one enlisted man employed as trumpeter at the cadet barracks, at 35 cents per day, \$159.69;

For extra pay of one enlisted man employed in the philosophical department observatory as a mechanic, at 50 cents per day, \$156.50;

For extra pay of one enlisted man employed in the philosophical department in care of apparatus, at 50 cents per day, \$156.50;

For extra pay of two enlisted men employed in the chemical department, at 50 cents per day, \$313;

For extra pay of one enlisted man employed in the department of drawing, at 50 cents per day, \$156.50;

For extra pay of one enlisted man employed in the mathematical department, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier as draftsman and lithographic printer, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier as machinist, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier as clerk, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier when employed in department of ordnance and gunnery, at 50 cents per day, \$156.50;

For extra pay of two enlisted men (cavalrymen) when performing special skilled mechanical labor, at 50 cents each per day, \$313;

For extra pay of one enlisted man (cavalryman) employed as saddler, at 50 cents per day, \$156.50;



For extra pay of one enlisted man on duty in charge of engineer property and fatigue, at 50 cents per day, \$156.50;

For extra pay of four enlisted men as assistants and attendants at the library, at 50 cents each per day, \$684;

For extra pay of one enlisted man as clerk in the department of practical military engineering and to the officer in charge of waterworks and works of construction at the Military Academy, at 50 cents per day, \$156.50;

For extra pay of three enlisted men as clerks in the office of the quartermaster United States Military Academy, at 50 cents each per day, \$521.50;

For extra pay of three enlisted men (artillerymen) when performing extra mechanical labor, at 50 cents each per day, \$409.50;

For extra pay of one first sergeant (artilleryman), at 50 cents per day, \$182.50;

For extra pay of two enlisted men as messengers in the office of the adjutant United States Military Academy, at 35 cents each per day, \$219.10;

For extra pay of one enlisted man in charge of property and saddle equipment pertaining to riding and equitation other than military, \$156.50;

For extra pay of one first sergeant (cavalryman), at 50 cents per day, \$182.50;

For extra pay of one enlisted man employed as clerk in charge of clothing room in quartermaster's storehouse, at 50 cents per day, \$156.50;

For extra pay of one enlisted man employed in the department of civil and military engineering, at 50 cents per day, \$156.50;

For extra pay of two teamsters (cavalrymen), at 35 cents each per day, \$255.50;

For extra pay of nine laborers (cavalrymen) employed in keeping clean the equipments used by cadets in riding, \$985.95;

In all, for pay of Military Academy band, field musicians, general Army service, cavalry detachment, artillery detachment, enlisted men on detached service, and extra pay of enlisted men on special duty at the Military Academy, \$178,259.87;

Provided, That the extra pay provided by the preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or Army regulations.

#### PAY OF CIVILIANS.

For pay of one teacher of music, \$1,400;

For clerk to the disbursing officer and quartermaster, \$1,500;

For clerk to adjutant in charge of cadet records, \$1,500;

For one clerk to the adjutant, \$1,200;

For clerk to treasurer, \$1,600;

For one clerk to the quartermaster, \$1,200;

For two civilian instructors of French, to be employed under rules prescribed by the Secretary of War, \$2,000 per year each, \$4,000;

For two civilian instructors in Spanish, at \$2,000 per year each, to be employed under rules prescribed by the Secretary of War, \$4,000;

For two expert civilian instructors in fencing, broadsword exercises, and other military gymnastics as may be required to perfect this part of the training of cadets, \$3,000;

For the pay of one professional civilian instructor in gymnastics, athletics, and swimming, \$1,500;

For pay of one clerk and stenographer in the office of the quartermaster and disbursing officer, \$1,200;

For pay of one clerk in the office of the quartermaster, \$1,200;

For pay of one librarian, \$3,000;

For pay of librarian's assistant, \$1,000;

For pay of one superintendent of gas works, \$1,500;

For pay of engineer of heating and ventilating apparatus for the academic building, the cadet barracks and office building, cadet hospital, chapel, and library, \$1,500;

For pay of assistant engineer of same, \$1,000;

For pay of eleven firemen, \$7,920;

For pay of one draftsman in department of civil and military engineering, \$1,200;

For pay of mechanic and attendant skilled in the technical preparations necessary to chemical and electrical lectures and to the instruction in mineralogy and geology, \$1,200;

For pay of mechanic assistant in department of natural and experimental philosophy, \$1,000;

For pay of custodian of academy building, \$1,000;

For pay of one electrician, \$1,500;

For pay of one civilian plumber, \$1,500;

For pay of assistant plumber, \$900;

For pay of one plumber's helper, \$600;

For pay of one scavenger, at \$60 a month, \$720;

For compensation of chapel organist, \$200;

For pay of superintendent of post cemetery, \$1,200;

For pay of engineer and janitor for Memorial Hall, \$900;

For pay of printer at headquarters, United States Military Academy, \$1,200;

For pay of one assistant printer at headquarters, United States Military Academy, \$720;

For pay of one janitress, Memorial Hall, \$600;

For pay of one master mechanic, \$1,800;

For pay of attendant and skilled photographer in the department of drawing, \$1,000;

For pay of one typewriter, copyist, and attendant in charge of the library in the department of law and history, \$750;

For pay of one stenographer and typewriter in the adjutant's office, \$840;

For pay of one overseer of the waterworks, \$540;

For pay of engineer of steam, electric, and refrigerating apparatus for the cadets' mess, \$1,200;

For pay of one assistant engineer of steam, electric, and refrigerating apparatus for the cadets' mess, \$720;

For pay of one copyist, typewriter, and attendant in the department of modern languages, \$750;

For pay of one mechanic and attendant skilled in the operation necessary for the preparation of lectures and of material in the department of drawing, \$720;

For pay of janitor for bachelor officers' quarters, \$600;

For pay of one chief engineer of power plant, \$2,000;

For pay of four engineers for power plant, \$4,000;

In all, to civilians employed at Military Academy, \$68,580;

Total pay of Military Academy, \$609,639.87.

For current and ordinary expenses as follows:

Provided, That section 1327 of the Revised Statutes be, and it is hereby amended so as to read as follows: That hereafter the Board of Visitors to the Military Academy shall consist of the members of the

Committee on Military Affairs of the Senate and the House of Representatives, respectively, who shall constitute a joint committee which shall annually visit the Military Academy between the 1st day of November and the 1st day of March of the ensuing year, the actual expenses of such committee to be paid out of the contingent fund of each House proportionately: *Provided*, That the actual expenses for travel shall only be paid from Washington to West Point and return: *Provided further*, That so much of sections 1328 and 1329 as is inconsistent with the provisions of this act is hereby repealed.

Contingencies for Superintendent of the Academy, \$2,000;

Repairs and improvements, namely: Timber, planks, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, nails, screws, locks, hinges, glass, paints, turpentine, oils, varnish, brushes, stone, brick, flag, lime, cement, plaster hair, sewer and drain pipe, blasting powder, fuse, iron, steel, tools, machinery, mantels, and other similar materials, renewing roofs, and for pay of architect overseer and citizen mechanics, and labor employed upon repairs and improvements that can not be done by enlisted men, \$40,000;

For fuel and apparatus, namely: Coal, wood, charcoal, stoves, grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, and for repairs of steam heating and coal conveying apparatus, grates, stoves, heaters, ranges, and furnaces, mica, \$30,000;

For gas pipes, gas and electric fixtures, electric lamps, telephone and lighting supplies, lamp-posts, gasometers and retorts, and annual repairs of the same, \$2,500;

For fuel for cadets' mess hall, shops, and laundry, \$14,000;

For postage and telegrams, \$350;

For stationery, namely: Blank books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mullage, wax, wafers, folders, fasteners, rules, files, ink, inkstands, typewriters, typewriting supplies, office furniture, penholders, tape, desk knives, blotting pads, and rubber bands, \$1,500;

For transportation of materials, discharged cadets, and for ferringes, and for transportation of first class of cadets to and from Gettysburg battlefield, Watervliet Arsenal, and Sandy Hook proving grounds, and for expenses of officers detailed to accompany cadets on these trips, \$3,000;

Printing: For printing and binding, type, materials for office, including repairs to motor and machinery, diplomas for graduates, annual registers, blanks, and monthly reports to parents of cadets, \$2,000;

For department of cavalry, artillery, and infantry tactics: Tan bark or other cover for riding hall, to be purchased in open market upon written order of the Superintendent, \$900;

For camp stools, camp and office furniture, and repairs to same; for door mats for cadets barracks, sinks, and guardhouse; for stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics; for books and maps, binding books, and mounting maps; for silk and worsted sashes for cadet officers and acting officers; for furniture, curtains, and rugs for cadet reception room, \$1,445;

Gymnasium and athletic supplies: For repairs, new machines, athletic supplies and fixtures for gymnasium; for foils, masks, belts, fencing gloves, fencing jackets, gaiters, sabers and repairs; for repairs and improvements to dressing rooms, platform, and swimming tank, \$2,820;

For repairs to saddles, bridles, purchase of leather, curb chains, bits, stirrups, etc., and to keep the same in repair, \$250;

For two electric clocks, to be immediately available and to be expended without advertising, \$50;

For department of civil and military engineering: For models, maps, purchase and repair of instruments, apparatus, drawing boards, desks, chairs, shelves, and cases for books and instruments, text-books, books of reference, and stationery for the use of instructors, and contingencies, \$1,200;

For department of natural and experimental philosophy: Additions to apparatus to illustrate the principles of mechanics, acoustics, optics, and astronomy; books of reference, scientific periodicals, text-books, stationery, materials, and repairs; and for repairs to the observatory buildings and repairs to clocks, and for contingent expenses not otherwise provided for, \$1,850;

For department of instruction in mathematics: Text-books, books of reference, binding, and stationery; for tables of logarithms; for rules and triangles; for purchase of geometrical drawings and models; for cases for geometrical models; for office desks, chairs, bookcases, and office fittings; and for contingencies, \$725;

For department of chemistry, mineralogy, and geology: Chemicals, chemical apparatus, glass and porcelain ware, paper, wire, sheet metal, ores, photographic apparatus and materials; rough specimens, fossils, and for apparatus and materials to be used in the practical determination of mineralogical and geological specimens; pencils and paper for the practical instruction in the same branches, and for gradual increase and improvement of the cabinet; for repairs and additions to electric, magnetic, pneumatic, thermic, and optical apparatus; for purchase of laboratory and power-room machinery and apparatus and installation of same; for models, maps, and diagrams, books of reference, text-books, and stationery for use of instructors; and for contingent expenses not otherwise provided for, \$2,500;

For department of drawing: Drawing material, instruments, and stationery for use of instructors; repairs to models and purchase of new models; desks, stretchers, drawing boards, racks, and stands; framing drawings; books and periodicals on art, architecture, topography, and technology; binding maps, books, etc.; repairs to stereopticon and purchase of lantern slides; photographic apparatus and material; purchase of new instruments and repair of old ones, for use of cadets; and for contingent expenses, \$1,230;

For department of modern languages: For stationery, text-books, and books of reference for use of instructors; for repairs of books and apparatus and for office furniture, and for printing examination papers, and other necessary papers, and for contingencies, \$598;

For department of law and history: For stationery, text-books, and books of reference for the use of instructors, maps, map fixtures, furniture, and for repairs to the same; for rebinding books and periodicals, and for contingencies, \$500;

For department of practical military engineering: For purchase and repair of instruments; transportation; purchase of tools, implements, and materials, and for extra-duty pay of engineer soldiers, as follows, namely: For instruments for use in instructing cadets in making reconnaissances; photographic apparatus and material for field photography; drawing instruments and material for plotting reconnaissances; surveying instruments; instruments and material for signaling and field telegraphy; transportation of field parties; tools and material for the preservation, augmentation, and repair of wooden pontoon, and one canvas pontoon train; sapping and mining tools and material; rope; cordage; material for rafts and for spar and trestle bridges; intrench-

ing tools; tools and material for the repair of Fort Clinton and the batteries of the academy, and for extra-duty pay of engineer soldiers, at 50 cents per day each, when performing special skilled mechanical labor in the department of practical military engineering; for models, books of reference, and stationery, and for extra pay of one engineer soldier as assistant in photographic laboratory, and in charge of photographic laboratory, photographic apparatus, materials, and supplies, at 50 cents per day, \$2,000;

For department of ordnance and gunnery: Purchase and repair of instruments, models, and apparatus, and purchase of necessary material; for the purchase of samples of arms and accouterments other than those supplied to the military service; for books of reference, text-books, stationery, and lithographic printing materials, and for contingencies, \$450;

Manufacture or purchase of models of breech mechanisms of cannon, rapid-fire guns, small arms, and the various machines and tools used in their manufacture, for cadet instruction, \$1,200;

For purchase of machines, tools, and material for practical instructions of cadets in wood and metal working, \$500;

For department of military hygiene: For stationery, text-books, and books of reference for use of instructors; for the preparation of plates, purchase of paper, and other expenses incidental to the printing of syllabuses of lectures on parts of the subject not covered by the regular text-books; for the purchase of charts, photographs, and pictures for use in demonstration; for the purchase of instruments and models; for shelves and cases for books, instruments, and models and records; and for contingent expenses not otherwise provided for, \$500;

For a course of lectures for the more complete instruction of cadets, \$1,200.

In all, for current and ordinary expenses, \$115,268.

#### MISCELLANEOUS ITEMS AND INCIDENTAL EXPENSES.

For commercial periodicals, stationery, office furniture and supplies, and for binding orders, circulars, etc., for the office of the treasurer, United States Military Academy, \$210;

For gas-coal, oil, candles, lanterns, matches, chimneys, and wicking for lighting the academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables, and riding hall, sidewalks, camp, and wharfs, \$10,000;

For water pipe, plumbing, and repairs, \$5,000;

For material and labor for cleaning and policing public buildings (not quarters), \$5,500;

For supplies for recitation rooms not otherwise provided for and for renewing and repairing furniture in same, \$600.

Increase and expense of library, namely:

For purchase, preservation, care, storage, binding, and repair of books, periodicals, pamphlets, maps, pictures, and manuscripts; purchase of furniture, cases, stationery, and fittings; for expenses of making copies of military manuscripts in other libraries, and for contingent expenses not otherwise provided for; purchases to be made in open market on the written order of the superintendent, \$10,000;

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, \$1,000;

Provided, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

Purchase of instruments for band and repairs to same; for purchase of reeds, pads, strings, and other materials necessary for brass, wood, wind, and string instruments; for purchase of music stands and other equipments; for purchase of music for military band and orchestra and for extra parts; all to be purchased in open market on order of superintendent, \$2,300;

Repairs and improvements to the laundry machinery and apparatus in the cadet laundry, and the purchase of new material, tools, etc., to be expended without advertising, \$1,800;

Repair of cooking utensils, chairs, tables, and other furniture in the cadet mess, and the replacement of same, to be expended without advertising, \$1,150;

For policing of barracks, bath houses, supplying light and plain furniture to cadet barracks, \$9,500;

For necessary alterations and additions to the library building as follows:

For galleries in the officers' study, map room, reading room, and periodical room, \$950;

For steel shelves in the present map and chart room, to extend over the present shelving to the ceiling, \$900.

In all, for miscellaneous items and incidental expenses, \$46,910.

Total Military Academy, \$771,817.87.

#### BUILDINGS AND GROUNDS.

For cases, materials, fittings, fixtures, and other appliances and repairs for ordnance museum in academy building, \$300.

For repairs to ordnance laboratory and other buildings pertaining to the department of ordnance and gunnery, and materials for roads and walks, and for repairs to machinery and tools, \$150.

For general repairs to the cadet laundry building, and for emergency incidental expenses about building, to be expended without advertising, \$400.

For general incidental repairs and improvements to the cadet store building, including storerooms, office, tailor shops, and shoe-repairing shops, \$500.

For materials and labor for repairs, alterations, and additions needed at the soldiers' hospital, as follows:

Purchase of suitable incandescent lights, droplights, tubing, mantels, etc.; for paraffin and turpentine for waxing floors; for brushes, paints, glass, putty, and for general repairs; for materials for rebronzing radiators, and for purchase of flowers, fruit trees, shrubs, plants, etc., for hospital grounds, \$165.

For waterworks: For the maintenance and operation of the filter beds, reservoirs, and pipe lines, including the tools, implements, and materials required therefor, and for policing the grounds and repairing the roads in the vicinity of the reservoirs, filters, and intake dam, \$2,000.

For repairs and necessary alterations and additions to the cadet hospital, as follows:

For material for rebronzing radiators and piping; material for waxing and polishing floors; suitable incandescent lights, droplights, mantels, tubes, for carpets, furniture, and appliances; for repairs of damaged articles, and for miscellaneous expenses, \$120.

For purchase of flowers and shrubs for hospital grounds, \$100.

For tiling floors and walls of north lower ward, including vestibules, lavatory, bathrooms, etc., to correspond with all other wards in the hospital, \$4,000;

For repainting all ceilings and sidewalls throughout the building,

which are not faced with tiles, and for repainting all interior woodwork and which is now painted and refinishing in hard oil all interior woodwork which is now so finished, \$1,800;

For renewing leaders where necessary, repairing gutters and tin roof of north wing and painting all tin work, \$900;

Repairs to cadet barracks:

For repairing and renewing plastering, painting, and calclining, repairs to woodwork, reflooring, rearranging rooms, increasing sinks, baths, and other incidental repairs to the building, \$5,000;

For maintaining and improving the grounds of the post cemetery, \$1,500;

For continuing the construction of breast-high wall in dangerous places, \$1,000;

For broken stone and gravel for roads, and for repairing sidewalks, roads, paths, and bridges on the reservation, \$6,000;

For continuing work in connection with the restoration of Fort Putnam, on the United States Military Academy Reservation at West Point, N. Y., to be expended under the direction of the Secretary of War, \$5,000;

For one garbage crematory and installation of same, \$2,000;

For hose connections, hose and reels for fire protection in the basement of the cadets' mess, \$100;

For repair of boilers, engines, dynamos, motors, refrigerating and other machinery in the cadet mess, and the replacement of same, to be expended without advertising, \$500;

For a tile or terrazzo floor and tile wainscoting in the servants' dining room, south scullery, south hallway, vestibule, southeast corner of Grant Hall; south serving room, in the cadet mess, \$3,000;

For construction of one primary station, one secondary station, one battery commander's station, one searchlight station, two emplacement booths, and for the purchase of one searchlight and operating machinery, \$12,960;

For purchase of gymnasium apparatus for the drill hall in the barracks of the artillery detachment, \$1,000;

For purchase of one power clipping machine for artillery detachment, \$100;

For purchase of one sewing machine, for leather, for the saddler's shop of the artillery detachment, \$75;

For erection of brick stables with slate roof for ambulances and animals belonging to the soldiers' hospital, \$5,000;

For iron flooring for a portion of the third floor and for removing all the present wooden flooring in library building, \$250.

Total buildings and grounds, \$54,520.

Mr. SULZER. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New York demands a second. Under the rule a second is ordered, and the gentleman from New Jersey has twenty minutes and the gentleman from New York has twenty minutes.

Mr. PARKER of New Jersey. Mr. Speaker, this bill is the West Point appropriation bill, reported by the Committee on Military Affairs as No. 21875. There are some few formal amendments, mostly in striking out the word "submitted," which by mistake was reprinted from the estimates in the bill. The only other corrections were such as made the bill as reported by the committee, certain corrections having been omitted in the printing.

The appropriations last year were \$1,929,703.82. The estimates of this year were \$977,587.87. The committee cut down the estimates for building and grounds by over \$194,000, leaving only \$54,520 for the buildings, and the total of this bill, after adding \$52,000 for increase of pay of officers and men who are at the Point, besides \$35,000 for cadets and \$3,500 for professors, is \$826,337.87, or one hundred and fifty-odd thousand dollars less than the estimates, and over a million dollars less than the appropriations of last year.

Mr. Speaker, in the appropriations we have retained one item which we are glad to add to West Point, and that is a battery and searchlights for practice in the more refined and scientific part of artillery practice, which has not been had at the Point before.

There is one item in the bill which will be of interest to Members of the House. It was thought worth while to change the method of visiting the Point by having the two committees of the Senate and House go there every year between November and March, charging no mileage except from Washington, and allowing nothing but the actual expenses of those committees.

The Board of Visitors as at present constituted is a very pleasant junket. The board of officers as here organized will be a working body of the Senate and of the House, who will go and see what is really going on, probably in November, and come back and tell the House what they have really ascertained. Mr. Speaker, I reserve the balance of my time.

Mr. CRUMPACKER. Before the gentleman sits down, I would like to ask him a question. The Board of Visitors at the Military Academy, under the law as it now exists, is composed of three Members, who are appointed by the Speaker of the House, and my recollection is—

Mr. PARKER of New Jersey. Shall I read the law?

Mr. CRUMPACKER. It is not important to my question. Three Members of the House, two members of the Senate—

Mr. PARKER of New Jersey. There are seven outside visitors.

Mr. CRUMPACKER. Making a board of twelve. Now, this will authorize a committee consisting of the Committee on Military Affairs of the House and the Committee on Military



Affairs of the Senate as a board of visitors, making a board of thirty members.

Mr. PARKER of New Jersey. Yes.

Mr. CRUMPACKER. How much will it increase the expense?

Mr. PARKER of New Jersey. It will decrease it, because no mileage is allowed except from Washington, and that is a very short distance, with very little expense incurred.

Mr. CRUMPACKER. What is the basis of payment for expenses—actual expenses?

Mr. PARKER of New Jersey. Actual expenses.

Mr. SLAYDEN. It makes a very considerable saving in proportion to the total cost.

Mr. CRUMPACKER. And will probably do more good.

Mr. SLAYDEN. Unquestionably. The work of the Board of Visitors, as constituted, is a mere pleasure trip.

Mr. CRUMPACKER. I have always so regarded it, and I have generally regarded all kinds of boards of visitors as sort of perfunctory affairs under ordinary conditions, and probably this may lapse into that innocuous condition or status in the future, but I have no objection if it saves some money.

Mr. PARKER of New Jersey. The proviso is that the actual expenses for traveling shall be paid only from Washington and return.

Mr. PERKINS. It does not provide for mileage?

Mr. PARKER of New Jersey. No.

Mr. ESCH. As it is now the Board of Visitors visits the academy at the close of the school year?

Mr. PARKER of New Jersey. Yes.

Mr. ESCH. Is that a time when the work of the academy can be best observed and criticised?

Mr. PARKER of New Jersey. Not while it is in operation. It has the advantage of seeing the examination and the finale, and it is when they are keyed up to their best to show what has been done. On the other hand, if the committee really wants to know how the work is done at West Point, and should be done, they should see it at some other time.

Mr. ESCH. That is where I agree with the gentleman.

Mr. PARKER of New Jersey. I reserve the balance of my time.

Mr. SULZER. Mr. Speaker, I yield three minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, this bill is the ordinary Military Academy bill, and except for clerical errors that will have to be corrected by amendment is absolutely sound and proper in every respect. The only amendment referred to by the gentleman from New Jersey [Mr. PARKER], who has charge of the bill, makes practical the visit of the Board of Visitors to the academy to investigate and report to Congress. Hitherto it has been a mere annual picnic of a very pleasant but expensive character. This substitutes members from the legislating committees of the two Houses and requires them to attend the academy during the working period, and not at the end of the session, when everything is on parade and for show. It is entirely practical. So far as I am advised, every gentleman who is on the committee and who has ever been there as a member of the Board of Visitors, or who has been there during the session of Congress and during the working period of the academy, is convinced of the propriety of the legislation. I yield back the balance of my time.

Mr. SULZER. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Speaker, I am accused by my colleague from the Springfield (Ohio) district of introducing a veteran pension bill for buncombe or political purposes, to advance my political interests. I am attacked in almost six pages of the CONGRESSIONAL RECORD, misrepresented, misquoted, and maligned as I have never been before in my very long life, and that, too, without any provocation whatever.

I expect my advocacy of the measure of relief for the veterans of the civil war excited the envy of the Ohio Member, who, I am creditably informed, wishes to be recognized as the only soldier of any account on this floor. Before his onslaught, and for the comforts of peace, I would readily and cheerfully have admitted that he is the only soldier of either party from Ohio merely upon the theory that he admits it himself.

I am charged with attacking the committees of Congress, and with attacking Members on the other side of this Chamber, and my colleague coins out of his muddled brains whole sentences that I never uttered. I have no time to reply to six pages of gross and malignant slanders, either of myself or the great army of comrades I have the honor to represent. A few specimen illustrations will suffice. I am charged by my colleague with saying that unless my pension bill is passed Bryan will be elected President. When I denied that I had ever criticised

any Republican Member, and denied that I had even mentioned Bryan's name in my speech, my colleague replied that I had better read my own speech. When I called him down again and challenged him, he called upon the Speaker to protect him. [Laughter and applause.]

Mr. KEIFER. Mr. Speaker, I only want to ask one question. Mr. SHERWOOD. I have no time.

What can any honorable gentleman think of a Member of Congress, lost to all sense of fair play, who will deliberately coin a statement, knowing it to be false, and when challenged to produce the evidence and told to his face at close range that he was not telling the truth, appeal to the Speaker for protection and still print his false statements in the CONGRESSIONAL RECORD to be sent broadcast to the country?

My colleague claims that my pension bill is not a pension bill, because it provides that the veterans to be favored are made a roll of honor. He thinks that there can be no roll of honor among men who stood behind the guns. In his view the roll of honor belongs only to soldiers like himself, who rode on horseback and wore stars. I will not argue that question here. Let me quote a letter just received from Colonel Wood, of Newark, Ohio, who served in the ranks during the war, and now holds the title of colonel in the fraternal order of the Grand Army of the Republic. Colonel Wood is a lifelong Republican and the most prominent candidate for Congress in the Seventeenth Ohio District. I read the letter:

WOOD & WOOD, ATTORNEYS,  
Newark, Ohio, April 30, 1908.

COMRADE SHERWOOD: I have just read KEIFER's attack on you and your bills. He always has been one of the officers who thought they were the guardians of the old private soldiers. Equal rights never enters his head. The officer is the one thing.

He can find fault with your bill. Finding fault is cheap business. It can be done on less capital than any business I know of—

[Laughter and applause.]

and that is one reason why so many are engaged in the business of finding fault and never suggesting any remedy. Now, the substance of his speech is to convince us old soldiers that the Republican party has done all it can or will for us. I am a Republican—by birth and not a convert for office—never held any office, and never want to carry that honor.

You have done more to bring the importance of pension business to the front than any other man, and finding fault with you will not make votes for our Republican party. Our worst enemies are those old Union soldiers who have always held office, and assume to be guardians of the old cripples and widows, and condemn us for asking for a little reward on services rendered to the country. I never could see how a Union soldier could vote a Democratic ticket, but since I read KEIFER's criticism of you and your bills I, with other soldiers here, can see a few reasons why they stray from the path of virtue and vote for and follow a brave old soldier like yourself, who stands up and demands equal rights.

D. W. WOOD.

[Applause and laughter.]

I think Colonel Wood is right. There is an autocracy of sentiment among a certain class of officers who are out of all sympathy with the men of the rank and file, and, as an old soldier writes me:

KEIFER has strutted around three hundred and sixty-five days every year for twenty-five years in a swallow-tailed coat, as a badge of his superiority, and has no sympathy for the common soldier.

[Laughter and applause.]

I stated in my speech of February 26 that the movement for a pension for the veterans was a spontaneous movement. This is literally true. Of all the petitions filed—and I exhibited on the floor of this House on February 26 the greatest array ever before presented by any Member—the Member from Springfield was not able to find in all his days of delving a single printed petition.

Again, the Member from Springfield says these petitions are not representative because they include soldiers who did not serve eighteen months. So much the better for that. If the short-term men, forty-three years after the war, are willing to petition for justice for the old boys who bore the brunt of the battle through a four-years war, it is well and good. My colleague's idea of patriotism is that it is like himself—purely selfish. [Laughter.] This is a mistake.

Before I came to this Congress I put the dollar-a-day pension bill before twelve soldier organizations, including three county organizations and two of the largest and strongest Grand Army of the Republic posts in Ohio. After a full discussion of all of the provisions of the bill, the short-term soldiers, the ninety-day men, and the one-hundred-day men stood up and voted for the bill unanimously, alongside of the veterans. My colleague indorses the age pension, without service, but is opposed to recognizing the veterans by additional legislation. Under the act of February 6, 1907, age pensions are granted, service being no consideration under this law.

Thousands and thousands of soldiers who went into the Army in 1864, from 16 to 17 years old, went through the famous Atlanta campaign, fought in over thirty battles, and

were over one hundred days under fire, can get no pension whatever under the age pension. My bill takes care of all of them at \$1 per day. My colleague claims that my bill is not properly drawn. It was drawn by Capt. Wesley S. Thurston, of Toledo, a better lawyer and a closer student than the able-bodied Springfield critic, although not so explosive and loquacious an advocate. And, with the positive proof in hand of another absolutely false statement of my colleague, I am done. I am charged with the statements of the number of petitions of the Soldiers' Homes. My only statements are in my speech of February 26, 1908, now on my desk, and the largest number stated by me on any Soldiers' Home petitions was 640, from the Soldiers' Home of Hampton, Va. I never even mentioned any petition from the Soldiers' Home at Dayton, Ohio. Hence the statement that I mentioned 6,000 soldiers at Dayton is a malignant falsehood for which there is no possible excuse. I filed the petitions just as received.

The names on the petitions show just how many signed. No one could possibly be deceived. No one knows this any better than the able-bodied Member from Springfield. And yet when I called him down and corrected him in reference to these petitions he declined to yield. But he has only injured himself and lost his standing with all worthy veterans. The letters coming to me daily are evidence of that fact. Here are some resolutions passed unanimously by the strongest body of old soldiers outside the Grand Army of the Republic, all, or nearly all, Republicans of Lucas County; and they are not only unanimous, but voluntary. I never knew of the action of this body of representative Republican soldiers until I received a copy of the resolutions. They express the sentiments of the veterans everywhere.

HEADQUARTERS OF THE EX-SOLDIERS AND MARINES'  
PROTECTIVE ASSOCIATION OF LUCAS COUNTY, OHIO,  
Toledo, Ohio, May 3, 1908.

Gen. I. R. SHERWOOD,  
House of Representatives, Washington, D. C.

MY DEAR SIR AND COMRADE: At a regular meeting of this association, held this date, the following resolutions were adopted:

"Whereas the public press of the country have for the last few days contained reports of a speech delivered by the Hon. J. WARREN KEIFER, of Ohio, in the United States House of Representatives in opposition to the passage of the \$1-a-day bill, introduced by Gen. I. R. SHERWOOD, in which speech Representative KEIFER denounced said bill as a curiosity and a fraud: Therefore

"Resolved by the Lucas County ex-Soldiers, Sailors, and Marines' Protective Association, of Toledo, Ohio, That we condemn such remarks on the part of Congressman KEIFER as unjust, unwarranted, and unpatriotic, and libel becoming the gentleman to whom they are attributed; and be it further

"Resolved, That this association most heartily indorses said \$1-a-day pension bill as the most just and meritorious measure of the kind yet introduced in Congress, and its favorable consideration should not be delayed."

Yours, very truly, C. CRAMER, Secretary.

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER: I yield one minute more.

Mr. SHERWOOD. Here is a leading Republican paper printed in the district I have the honor to represent. It is conceded the ablest Republican weekly in the Ninth District. The editorial quoted is from the issue of May 8, after the malignant and unfair speech of the Springfield Member had been read and digested:

It is a safe bet that at least 90 per cent of the old soldiers in this Congressional district will vote to return General SHERWOOD to Congress. We would not be surprised if the percentage was even greater. The General has made good in all lines, and especially so in matters that are of great interest to the boys of '61.

And now a word in reply to the statement that I have made my dollar-a-day pension bill a political asset. I was nominated for Congress in October, 1906, thirty days before the November election.

At the previous Congressional election the Republican plurality in the district on Member of Congress was 18,640. I was elected without the aid of a campaign manager or a campaign secretary or treasurer, with no campaign fund and not a single daily newspaper, and I never mentioned to an editor, soldier, or anybody else that I ever intended to introduce any pension bill whatever, nor wrote a letter to a soldier asking for his support—never appealed to soldiers either on the stump or in the newspapers asking for support. This disposes of this mean and contemptible charge of the Member from Springfield. [Laughter and applause.]

And now I have a proposition to make, and am prepared to make good. If the Hon. J. WARREN KEIFER will appear in my district ten times, and deliver the speech he made in Congress, printed in the Record of April 28, 1908, I will pay him \$50 a night. This would give him \$500, leaving me \$100 to print handbills and for halls, or \$600 in the aggregate—about what my campaign cost in 1906. It will be equal to Ten Nights in a Barroom. [Prolonged laughter and applause.]

The SPEAKER. The gentleman's time has expired.

Mr. SULZER. I yield one minute more.

Mr. SHERWOOD. All fair-minded Members of this House must agree that there was no possible excuse for the malignant attack of the Springfield Member. I am charitable enough to concede something to his mental and moral decadence, so apparent on both sides of this Chamber. [Laughter.] But this does not suffice. I am called upon to show that in his earlier career he went wrong.

I do not refer to his bill to reduce representation in the South, which he has yearly introduced to secure favor with his colored constituents, and which, as I learn, has never even been argued by him before any appropriate committee—simply a gold brick handed down to fool his colored voters—but I refer to the time he was honored with the Speakership and left that office under a cloud of suspicion, and was compelled by public opinion to seek oblivion from the public gaze for almost a quarter of a century. I am glad he was returned to public life after a new generation came into politics. I am glad he was forgiven. I believe that all punishments should be reformatory. [Laughter.]

What is the record of this gentleman who, without any excuse or any provocation whatever, charged me with introducing a pension bill to deceive and betray my old comrades. Let us see.

I have here a report of a select committee of the Forty-eighth Congress on a question of moment. There is both a majority and minority report. This was over the notorious McGarrahan bill, when Mr. KEIFER was Speaker, and, as the evidence covers 398 pages, I can only make a brief reference. There are no politics in this contention. Gen. H. V. Boynton and Gen. J. WARREN KEIFER were under investigation, both prominent Republicans, the former dean of the press gallery and ranking high as both soldier and citizen. In this Congressional document, the majority report, signed by three members of the Congressional committee—Messrs. J. H. Hopkins, Thomas B. Ward and J. J. Adams—found General Boynton truthful and reliable, and convicted General KEIFER of false testimony and perjury, on the evidence of seven creditable witnesses.

The SPEAKER. The gentleman's time has again expired.

Mr. SHERWOOD. Mr. Speaker, I would like to have printed, if there is no objection, another page.

Mr. PARKER of New Jersey. Mr. Speaker, I object to adding anything to what has been said. I am in charge of this bill and I should have objected in the beginning to what was being done under the guise of debate. [Cries of "Regular order!"] I have a right to speak.

The SPEAKER. The gentleman is in order. The gentleman is entitled to the floor in his own right.

Mr. PARKER of New Jersey. I should have objected, except I was requested by the gentleman from Ohio [Mr. KEIFER] most earnestly not to object. If the gentleman from Ohio [Mr. KEIFER] desires any time now I will yield it to him.

Mr. KEIFER. No, Mr. Speaker; I do not desire time to reply to such a speech as that now.

Mr. PARKER of New Jersey. Then, Mr. Speaker, I yield to the gentleman from New York [Mr. BRADLEY] such time as he may desire, not to exceed five minutes.

Mr. BRADLEY. Mr. Speaker, I would like to address the House at length in relation to the great need for adequate educational facilities for 230 soldiers' children resident at West Point, but as time does not permit a proper and full presentation of the subject, I shall confine myself to a mere formal statement and request. Mr. Speaker, that due respect and courtesy may be shown toward the 1907 Board of Visitors authorized by the Fifty-ninth Congress, on motion of the distinguished chairman of the House Committee on Military Affairs, to investigate and report in regard to school facilities for soldiers' children at West Point, I ask unanimous consent that the report of the 1907 Board of Visitors, only so far as it pertains to the school question, be inserted in the Record in continuation of my remarks.

The SPEAKER. The gentleman from New York asks unanimous consent to insert certain matters in his remarks. Is there objection?

Mr. WILLIAMS. Mr. Speaker, if the gentleman from New York couples with his request a request that the gentleman from Ohio [Mr. SHERWOOD] may complete in the Record a statement he desires to make this morning, I shall not object. Otherwise I do object.

The SPEAKER. The Chair hears objection.

Mr. SULZER. Mr. Speaker, on behalf of the committee I ask unanimous consent that all Members who speak on the bill have permission to extend their remarks.

The SPEAKER. The gentleman from New York asks unanimous consent that all Members who speak upon this bill shall have unanimous consent to extend their remarks in the Record. Is there objection?



Mr. YOUNG. Mr. Speaker, I object.

The SPEAKER. The gentleman from Michigan objects.

Mr. SULZER. Mr. Speaker, I am glad the objection comes from that side and not our side.

The SPEAKER. The gentleman from New York will please be in order. The gentleman from New Jersey has the floor. The gentleman from New York a little later will get it.

Mr. SULZER. Mr. Speaker, I did not know the gentleman from New Jersey had the floor.

The SPEAKER. Yes; the gentleman from New Jersey still has the floor.

Mr. PARKER of New Jersey. Has the request of the gentleman from New York [Mr. BRADLEY] been granted? The gentleman from New York asked unanimous consent to put in a statement of the Board of Visitors with reference to school facilities for soldiers' children at West Point.

The SPEAKER. And objection was made.

Mr. PARKER of New Jersey. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New Jersey reserves the remainder of his time.

Mr. SULZER. How much time has the gentleman from New Jersey remaining?

The SPEAKER. The gentleman from New Jersey has nine minutes and the gentleman from New York has four minutes.

Mr. SULZER. I yield two minutes of that time to the gentleman from Virginia.

Mr. HAY. Mr. Speaker, this is an appropriation bill carrying an appropriation of over \$800,000, with increases of salary in it, with new legislation in it, and it is called up here under suspension of the rules, without opportunity to have it considered in any way or make a point of order against any of the provisions in the bill which are subject to the point of order. This is a new departure in legislation, and therefore this side of the House at least should vote against this bill under the circumstances under which it is brought up. I yield back to the gentleman from New York the balance of my time.

Mr. SULZER. Mr. Speaker, I trust the gentleman from New Jersey will now use a part of his time.

Mr. PARKER of New Jersey. I do not desire to use any more time unless, perhaps, to reply to something that is said.

Mr. SULZER. Mr. Speaker, I shall take advantage of this occasion to speak for the toilers of our country—for the rights of the men who create the wealth of our land, for those worthy citizens of the Republic, the American workmen—who have made us all that we are, and will make us, if we are true to ourselves, all that we hope to be—the greatest and the grandest and the freest and the most prosperous people the world has ever seen.

No man, in my opinion, can pay too high a tribute to "labor." It is the creative force of the material world, the genius of accomplishment of the brain and the brawn of the land, the spirit of all progress, and the milestones marking the advance of man. Civilization owes everything to labor—to the constructive toiler and the creative worker. Labor owes very little to civilization. Mother Earth is labor's best friend. From her forests and her fields, from her rocks and her rivers, the toiler has wrought all and brought forth the wonders of the world.

Labor is not of to-day, or of yesterday, or of to-morrow. It is eternal. Dynasties come and go, governments rise and fall, centuries succeed centuries, but labor goes on forever. Labor is the everlasting law of life.

Tear down your palaces and your temples and labor will replace them; close every avenue of trade and commerce and labor will reopen them; destroy your towns and your cities and labor will rebuild them greater and grander than they were; but destroy labor, and famine will stalk the land, and pestilence will decimate the human race. If every laborer in the world should cease work for ninety days, it would cause the greatest catastrophe that ever befell mankind—a tragedy to the human race impossible to depict and too frightful to contemplate.

Mr. Speaker, let us be just to labor. Let us do something for labor. I am now, always have been, and always will be the friend of the toilers—of the farmers, and the wage-earners of America—of those who earn their bread in the sweat of their face. The record of my life, in the legislature of my State, and in the Congress of the United States, will prove the truth and the sincerity of these words.

My sympathies are all with the poor, with the oppressed, and with the unfortunate. My heart goes out to those who toil and struggle. I know in the long race of life's tempestuous battle only the few win, that the many lose heart, become discouraged, and give up the fight in hopeless despair.

During the five years I was a member of the assembly of the

State of New York, I introduced and passed many bills, which are now laws, in the interest of labor, and for the amelioration of our workmen. I am proud of that record, and I am glad to know that my efforts in the New York legislature, and in Congress, for the wage-earners have always been appreciated by them.

I have been a Member of the House of Representatives for nearly fourteen years. During that time I have done my best for the workers of America—for the brain and the brawn of our land. Unfortunately, since I have been a Member of Congress, I have always been in a hopeless minority, and while I could construct and urge the passage of beneficial legislation, demanded by labor throughout the country, I could not always succeed in writing the laws desired by the producers on the Federal statute books. However, I am never discouraged—the battle for the right will go on and on until justice is done, and the cause of the right triumphs over prejudice and might and cunning.

I stand now where I always have stood, and where I always will stand—for the rights of the toilers, for justice to the workmen of our country whose labor creates all wealth, and I will continue in the future, as I have in the past, to do all in my power to advance their prosperity and to promote their material welfare.

Ever since I have been a Member of Congress I have struggled to pass a bill which I introduced making eight hours a legal working-day. Organized labor from one end of this land to the other favors this bill, but the opposition to it has been so great that its true friends have never been able to pass it. It is a good bill and it ought to pass.

In my judgment no man in this country ought to be compelled to work more than eight hours a day. I want to see, and I hope the day is not far distant when we all shall see, an eight-hour law written on the statute books of our land and rigidly enforced in every State, in every city, in every town, and in every village in the country. I believe it will be beneficial to the laborer, advantageous to the community in which he lives, and for the best interest of the Government. Too long hours make the wage-earner a poor workman. Shorter hours, in my opinion, will produce better results.

I am and always have been an advocate of shorter hours for a legal working-day. It is in harmony with the spirit of the times. The hours constituting a legal day's work should keep step with the progress of invention in labor-saving machinery. The history of the past teaches us that every reduction in the hours constituting a day's work has resulted beneficially. These reductions in the hours of labor have decreased intemperance, increased knowledge, made better homes, happier and better-clothed wives and children, brighter and more prosperous fire-sides, and in every way benefited the social relations, promoted happiness and contentment, and improved the moral, economical, and financial condition of the producing masses of our land.

This bill and many others in the interest of our toilers are the salutary reforms now demanded by the plain people of our Republic and will surely come in time. But we must be ever alert, ever on guard, to secure them. If eternal vigilance is the price of liberty, then eternal agitation is the price of every legislative reform. We must organize and agitate. The war for justice is a never-ending struggle.

I want to see labor secure its just rights and a more equitable distribution of the fruits of toil. It can only be accomplished through the enactment and administration of just laws. The law is the shield of the wage-earners—the sheet anchor of the toiler.

Labor makes no war on vested rights. It does not rail at honestly acquired wealth. It is not antagonistic to legitimate capital. It would close no door to opportunity. It would darken no star of hope. It would not palsy initiation nor paralyze ambition. It stands for the rights of man; for the greatness of individualism; for equal rights to all and special privileges to none; and so I declare that capital and labor must be friends, not enemies. They should act in harmony, not antipathy. Their interests should be mutual, not antagonistic. In our complex civilization each is essential to the other, and they should walk hand in hand. To prosper, they must be at peace, not at war. Each is necessary to the other. Both have their rights and both have their limitations. The inherent rights of labor are as sacred as the vested rights of capital. Labor makes capital—creates all wealth—and should have, to say the least, equal opportunities and as much consideration; but the trouble seems to be that labor does not receive a fair share of what it produces. It is the duty of the legislator to see to it that there is less centralization of wealth and a more equitable distribution of the fruits of toil.

Mr. Speaker, there are several bills now pending in Congress

to do something to ameliorate the condition of the wage-earners of our country, and I had indulged the hope that we would have an opportunity to vote for some of these meritorious measures ere this session adjourned, but it seems the friends of the toilers are again destined, by the inexorable decrees of the powers that be, to bitter disappointment. These bills for labor are all securely pigeonholed in the committees, and they will never be reported, never passed, never enacted into laws, until labor asserts itself at the ballot box and demands its just rights through the agency of the elective franchise.

It is well known to my colleagues that I have prepared and introduced and advocated many bills in the interest of the toilers and the wage-earners of our land. A few have been passed, but only a few. It is a sad commentary on the recent legislative history of Congress that so much has been done for the few and so little, so very little, for the many; so easy to pass a bad bill; so hard to pass a good bill. This is the fault I find with the legislation of the day, and it is a serious fault that must be condemned by every patriotic citizen of our country.

We should legislate for the benefit of all the people, meet the expectations of the toilers of the land, and listen to the just demands of the wage-earners of our country.

In this connection I want to call the attention of the House to a bill I prepared and introduced in the last Congress and in this Congress—a bill "to establish a Department of Labor," with a Secretary having a seat in the Cabinet of the President. This bill is not antagonized by capital and is favored by the toilers and producers of the country. It is a simple measure that excites no opposition from any source. It recognizes the omnipotence of labor, the dignity of the producers, and the greatness of the creators of wealth. It should be speedily enacted into law. It is a short bill, and I send it to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

A bill (H. R. 20587) to establish a Department of Labor.

*Be it enacted, etc.,* That there shall be at the seat of government an executive department known as the "Department of Labor," and a Secretary of Labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$12,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section 158 of the Revised Statutes is hereby amended to include such Department, and the provisions of Title IV of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department.

Sec. 2. That there shall be in said Department six assistant secretaries, to be appointed by the President, by and with the advice and consent of the Senate, to wit:

A First Assistant Secretary, whose duty it shall be to supervise all matters relating to labor engaged in the manufacturing industry.

A Second Assistant Secretary, whose duties shall be to supervise all matters relating to labor engaged in the agricultural industry.

A Third Assistant Secretary, whose duties shall be to supervise all matters relating to labor engaged in the building of highways and the transportation industry, including telephone and telegraph business.

A Fourth Assistant Secretary, whose duties shall be to supervise all matters relating to labor employed in the mining industry.

A Fifth Assistant Secretary, whose duties shall be to supervise all matters relating to labor engaged in the building industry.

A Sixth Assistant Secretary, whose duty it shall be to supervise all matters relating to labor engaged in the mercantile industry.

Sec. 3. That there shall be a branch of this Department, to be known as the "bureau of fisheries," under the direction of a commissioner of fisheries, who shall have charge of all matters relating to labor engaged in the fishing industry.

Sec. 4. That the salary of each of the Assistant Secretaries of Labor shall be \$5,000 per annum, and the salary of the commissioner of fisheries shall be \$3,000 per annum.

Sec. 5. That there shall be one chief clerk, a disbursing clerk, and such other clerical assistants as may be from time to time authorized by Congress, and such number of inspectors and special agents as may be provided for by Congress.

Sec. 6. That it shall be the duty of the Department of Labor to promote such improvements in the social, political, and economic conditions of the wealth-producing laborers of the United States as shall tend to secure to them their natural rights to the opportunity to labor, and to security in the possession and enjoyment of the full fruits of their work.

Sec. 7. That there shall be established in each of the principal divisions of the Department of Labor a bureau of statistics, which shall collect and report at least once each year, and oftener if necessary, the fullest possible statistics of the condition of labor in each of the different industries.

Sec. 8. That special attention shall be given by this Department to the collection and publication, at least monthly, of the fullest possible statistics of the unemployed.

Sec. 9. That statistics of the total production of wealth and the proportion received by labor, and of the distribution and ownership of wealth and land, shall be carefully collected and published at frequent intervals.

Sec. 10. That the Secretary of Labor shall have complete control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his Department; and to this end said Secretary shall have power to employ any or either of the bureaus provided for his Department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

Sec. 11. That the existing Bureau known as the Department of Labor and the Bureau of Immigration of the Department of Com-

merce and Labor, and all matters relating to Chinese immigration, shall be transferred to the Department of Labor. The present office of Commissioner of Labor is hereby abolished, and all the power, duties, records, and business of his present Department shall be transferred to the Department of Labor.

Sec. 12. That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the Department of Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Labor.

Sec. 13. That the Secretary of Labor shall have charge, in the buildings or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; he shall be allowed to expend for periodicals and the purposes of the library and for rental of appropriate quarters for the accommodation of the Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the Department of Labor by this act is occupying rented buildings or premises it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service in this act transferred to the Department of Labor are each and all hereby transferred to said Department at their present grades and salaries, except where otherwise provided in this act: *And provided further,* That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect until otherwise provided by law.

Sec. 14. That there shall be a solicitor of the Department of Justice for the Department of Labor, whose salary shall be \$4,500 per annum, and an assistant solicitor for each of the Assistant Secretaries of the Department of Labor, each at a salary of \$3,000 per annum.

Sec. 15. That the Secretary of the Department of Labor shall have power to appoint boards of arbitration and conciliation wherever the interests of industrial peace may require it to be done.

Sec. 16. That all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the Department of Labor, or any business arising therefrom or pertaining thereto, whether of appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Labor; and all acts or parts of acts inconsistent with this act are, so far as inconsistent, hereby repealed.

Sec. 17. That the Secretary of Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his Department, and describing the work done by the Department in fostering, promoting, and developing the various industries under the supervision of this Department and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

Sec. 18. That a person to be designated by the Secretary of State shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Labor, and to prepare from the dispatches of consular officers, for transmission to the Secretary of Labor, such information as pertains to the work of the Department of Labor, and such persons shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistance as may be deemed necessary by the Secretary of State.

Sec. 19. That this act shall take effect and be in force from and after its passage.

Mr. SULZER. Mr. Speaker, the bill speaks for itself, and every provision in it is self-explanatory. It is a nonpartisan measure, and every Republican and every Democrat in Congress can consistently vote for it if he wants to be just to the producers of our country and to the toilers of our land. Take it all in all, it is a comprehensive measure, drawn to meet the exigency of the times, demanded by the workers of America, approved by every labor organization in the land; and if it were written on our statute books, it would have a most salutary effect, go far to harmonize friction between labor and capital, and do much to solve existing and future industrial problems. As Samuel Gompers, the farseeing president of the American Federation of Labor, most wisely declares in his able argument in favor of the bill—

It is earnestly hoped that the bill for the creation of the Department of Labor, introduced by Mr. SULZER, of New York, may pass and prove a lasting benefit to all our people. No keen observer disputes that the all-absorbing and burning question of our time is expressed in the terms "the labor question." In the effort to establish the rightful relation of the workers to society, in the production of wealth, and in its distribution, are encompassed all the complex questions of our lives. That justice should be meted out to all workers no thoughtful man will deny. Anything which is not based upon ethical considerations for all no intelligent trade unionist asks.

Questions often arise in the official family of the President of the United States in which justice, fair dealing, ethics, and the law and its administration must frequently be under consideration, and, unless there is some representative of the workers competent to speak in their name, to advocate their cause, to convey to the Executive head and his advisers the laborer's side of labor's contention, he and they must be deprived of valuable and far-reaching information. It is to supply this present deficiency that the American Federation of Labor has asked for, and should repeat and increase its efforts to secure, the enactment by Congress of a law creating a department of labor, with a secretary who shall have a seat in the President's Cabinet.

There are some who are advocating the passage of a law creating a department of industry and commerce, with a secretary at its head, providing for him a seat in the President's Cabinet. The several propositions which have been submitted all subordinate and minimize



the question of labor and even the present Federal Bureau of Labor. Against such a plan we have entered, and should again emphatically enter, our protest. As a matter of fact, without a single exception, the members of the Cabinet are now representatives of the employers' and business men's side of industry, commerce, and finance.

And Henry B. Martin, the well-known secretary of the American Antitrust League, in his eloquent argument in favor of the bill before the Committee on Labor, said:

Why is there a need for this fuller and fairer recognition of labor in the affairs of the Government of the United States? I think the reason is clear and plain. It is because the whole prosperity and progress of the United States is dependent upon the freedom and justice and equity with which we treat the laboring masses and because of the resulting increase of prosperity which always follows. The fairer and juster and more liberal conditions of labor in the country, the greater is the prosperity and welfare of the nation. One of the most important reasons why labor should have this fuller recognition in our Government is the fact that we need a more thorough and accurate knowledge by the Government and the people as a whole, through the instrumentality of the Government, of the condition of labor affairs in the country.

There can be no question, I believe, in the mind of any careful observer of present conditions but that there is need at this time in the United States for a fuller and fairer recognition of labor, its rights and its interests. This bill introduced by Congressman WILLIAM SULZER "to establish a Department of Labor" is the longest step in that direction which has ever been proposed to be taken in our country. It is in line with similar legislation in all the advanced and enlightened countries of the world. The placing of labor as a part of the community on an equality with the other branches of the nation by recognition in the shape of an Executive Department, with a Cabinet officer to sit at the council board of the President for the consideration of all the great executive business of the country, is a measure that will be productive, I am sure, of wide and lasting and permanent benefit, not only to labor, but to all other elements of our national life.

Mr. Speaker, my bill to establish "a Department of Labor" means progress along the road of industrial peace. Capital should favor it, as well as labor. For years this legislation has been advocated by the wage-earners of the country. The bill meets with their approbation and has the approval of the best thought in our land. It has been indorsed by some of the ablest thinkers, some of the wisest political economists, and many of our leading newspapers. The time is ripe, it seems to me, for the creation of a Department of Labor with a Secretary having a seat in the Cabinet, with all the rights and powers conferred by this bill. It will bring labor and capital closer together, and one is dependent on the other. They should be friends—not enemies—and walk hand in hand in the march of progress along the highways of mutual prosperity. This bill, if it becomes a law, will go far to prevent serious labor troubles in the future, do much to solve existing labor problems, and every friend of industrial peace should aid in its enactment. The employers of labor as well as the employees themselves, whether they belong to trades unions or not, are all, so far as I have been able to ascertain, in accord with the principles of this progressive legislation and heartily approve of this bill.

I shall fight for the principles embodied in this bill, and continue to advocate its passage until it is enacted into law. It is just and right, and sooner or later it will be the law of the land.

I stand for the rights of man. I am an individualist, and I want to open the door of opportunity to every individual in the land. I want to do all I can to make the world better and kinder and happier and more prosperous. I believe in the dignity of labor, and I want to do everything I can as a legislator to protect its inherent rights and promote its best interests for the lasting benefit of all the people of the country. I want labor to have as much standing as capital in the halls of Congress and at the seat of government. We have a Department to represent war; we have a Department to represent diplomacy; we have a Department to represent our internal affairs; we have a Department to represent commerce; we have a Department to represent justice—all supported by the wage-earners, and in the name of common sense why should we not have a department to represent industrial peace as exemplified by labor, the most important in its last analysis of them all? The creation of this Department of Labor will be a long step in the right direction in the new century's progress for harmony and for industrial peace, and through its agency, in my judgment, many perplexing problems can be quickly solved in a way that will do substantial justice and be fair to all concerned.

Mr. Speaker, labor wants a fair show, an equal chance, a square deal—in Congress and out of Congress. Labor is indefatigable, unselfish, and consistent. It does not ask for more than its just rights. We hear much about equality before the law. That is all labor wants. It seeks no special privileges. A labor union is not a trust—it is a voluntary association for mutual benefit. It has no stock, pays no dividends, but stands for equal rights to all. Labor has as much right to combine and organize as capital. The right of a man to labor is inalienable, and the right of a man to quit work is just as undeniable. Neither capital nor labor has the right to take the law in its own hands. If capital does wrong or commits

crime, that is no reason why labor should do wrong or commit crime, or vice versa. Two wrongs never did and never will make a right. In a government such as ours, the reign of law must not and will not give way to the reign of force.

The best advice that any friend and the most ardent sympathizer can give labor, organized or otherwise, in its struggle for its just rights, for better conditions, for greater progress, and for a more equitable distribution of its fruits, is obey the law. Labor's only hope is here. This is a land of liberty, but it is now, ever was, and always will be, liberty under law.

Sir, after mature reflection, I am of the conviction that the great army of industrial workers, from one end of the land to the other, should be represented in the administrative branch of the Government, so that their rights at all times can be explained, their interests protected, their wants made known, and their grievances discussed intelligently in the Cabinet of the President.

This bill is a meritorious measure and it should be a law. It is the first bill, I believe, ever introduced in Congress to create a Department of Labor. I am informed it is the first attempt to systematically classify labor that has ever been presented in a bill in Congress, and its enactment into law will evidence a disposition on the part of the Government to see to it that labor gets full recognition, the dignity of having a voice in the councils of State, and the opportunity to have its claims dispassionately discussed for a fairer distribution of its products. Give labor this boon, and the "labor question" will be reduced to the minimum.

The expense of maintenance of the Department of Labor will practically be but little more than the expense for the maintenance of the various bureaus at the present time. These bureaus will all be in the Department of Labor. I do not think anyone will take exception to the bill on the ground that it is going to increase the expenses of the Government. A few thousand dollars in a matter of so much moment as this will be of little consequence. I believe that if this bill, or one along similar lines, were on the statute books to-day it would be a long step toward better social, economical, and industrial conditions; a progressive advance along the avenues of internal peace; that it would go far to allay jealousy, establish harmony, promote the general welfare, make the employer and employee better friends, prevent strikes, and lockouts, and boycotts, and business paralysis, and every year save millions and millions of dollars of losses which result necessarily therefrom. The toilers of the land will never be satisfied until this right to a seat in the administrative branch of the Government is allowed. They are entitled to it and they should have it. Let us grant it to them now, because now is the accepted time.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print in connection with my speech some data favorable to my bill to establish a Department of Labor.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the Record data favorable to his bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The resolutions and comments in favor of the bill are as follows:

The American Federation of Labor, in national convention, adopted the following:

"Resolved, That the American Federation, through its executive council, devise means and put into execution some plan whereby the incoming National Administration and the Congress may be urged to consider the advisability of establishing a Department of Labor and the merging of the bureaus alleged to be in the interest of American citizens who are, or desire to be, employed as tradesmen, artisans, mechanics, and laborers, and that, if necessary to accomplish this result, a committee, geographically selected, be hereafter appointed by the president to assist in advancing this and other approved measures.

"Resolved, That each general and local organization embraced in the American Federation of Labor be requested to promote the plans agreed upon in this connection and make appeals to their Representatives in Congress to favorably consider and advocate through this means an aid to peace, prosperity, and patriotism."

WASHINGTON, D. C., March 19, 1908.

To the COMMITTEE ON LABOR,  
House of Representatives.

GREETING: This is to certify that District Assembly 66, Knights of Labor, in regular session assembled, have indorsed by unanimous vote a bill introduced by Mr. SULZER, of New York, to establish a Department of Labor, and respectfully petitions your committee to recommend its passage to the Congress.

The chairman of our legislative committee has been instructed to present this petition to your honorable committee in person.

Very respectfully,

H. A. MARTIN,  
District Secretary.

Respectfully submitted.

H. J. SCHULTZ,  
Chairman Legislative Committee.

THE COMMERCIAL TELEGRAPHERS' UNION OF AMERICA,  
Washington, D. C., March 24, 1908.

Hon. W. SULZER,  
House of Representatives, Washington D. C.

DEAR SIR: I herewith take great pleasure in indorsing H. R. 20587 to establish a Department of Labor, introduced by you; and inasmuch that you have incorporated the telegraph and telephone therein, it greatly increases the importance thereof and should be enacted into law, or rather passed by the Congress, as it will prove to be of inestimable benefit to labor in general.

I am, very truly, yours,  
W. W. BEATTIE, President.

INTERNATIONAL TYPOGRAPHICAL UNION,  
Los Angeles, Cal., March 9, 1908.

Hon. WILLIAM SULZER,  
House of Representatives United States,  
Washington, D. C.

MY DEAR MR. SULZER: I am particularly interested in H. R. 20587, to establish a Department of Labor, introduced by you, and would be pleased to receive the following information:

Noting that the bill has been referred to the Committee on Labor, would you state when, in your judgment, the bill will be operative, provided it meets with the favorable consideration of the committee and the concurrence of the House and Senate?

I assure you that the proposed measure meets with the hearty approval of those who have perused it in this section of the country.

Thanking you for the favor of forwarding me a copy, and trusting to hear from you at an early date, I am,

Very respectfully, yours,

T. D. FENNESSY,  
Representative International Typographical Union.

BROTHERHOOD OF PAINTERS, DECORATORS,  
AND PAPERHANGERS OF AMERICA,  
Lafayette, Ind., March 25, 1908.

Hon. WILLIAM SULZER,  
House of Representatives, Washington, D. C.

DEAR SIR: I am pleased to hear of the progress which H. R. 20587, your Department of Labor bill, is making in committee. I am too busy to prepare a lengthy statement in favor of the measure, but inclose a few lines, which, voicing the sentiments of many men who are directly interested, may have some little weight with the committee.

Regretting my inability to prepare a more effective statement, I remain,

Yours, very sincerely,

J. C. SKEMP, G. S. T.

BROTHERHOOD OF PAINTERS, DECORATORS,  
AND PAPERHANGERS OF AMERICA,  
Lafayette, Ind., March 25, 1908.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES,  
Washington, D. C.

GENTLEMEN: Your committee having granted interested parties an opportunity to submit statements upon H. R. 20587, a bill to create a Department of Labor, introduced by Congressman SULZER of New York, I desire to avail myself of the privilege.

When the bill providing for the establishment of a Department of Commerce and Labor was under consideration organized labor unanimously urged the creation of two separate departments—one of commerce, one of labor. We believed the dual nature of the Department would lessen its efficiency, for, although commerce and labor are closely allied, yet there necessarily exists a wide divergence in the nature of the matters relating to each subject which come under the jurisdiction of the Department.

We believe that the history and experience of the Department since its creation emphasize the correctness of our attitude and justify the enactment of the bill under consideration. Each year the number of wage-workers employed in the manufacturing and commercial industries increases, and the proper regulation of the machinery of production and distribution so that the greatest efficiency may be secured is a matter of greater importance.

To accomplish this work successfully needs a separate department, the staff of which will be able to concentrate its energy and attention exclusively upon the questions affecting labor. Our sister Republic, France, has recognized the need of such a department, and I believe that the interests of employer and employee alike demand that we follow that country's example.

On behalf of the 70,000 members of the Brotherhood of Painters, Decorators, and Paperhangers of America, I therefore respectfully urge the committee to give favorable consideration to the bill introduced by the Hon. WILLIAM SULZER.

Respectfully,

J. C. SKEMP, G. S. T.,  
Brotherhood of Painters, Decorators, and  
Paperhangers of America.

[From Weekly Bulletin of the Clothing Trades, New York, official organ United Garment Workers of America.]

DEPARTMENT OF LABOR—A BILL NOW BEFORE CONGRESS TO HAVE ITS HEAD A MEMBER OF THE PRESIDENT'S CABINET.

Representative WILLIAM SULZER, of New York, has introduced a bill in Congress providing for the establishment of another Department of the Government, the head of which shall have a seat in the President's Cabinet. The new Department is to be known as the "Department of Labor," and its head as the "Secretary of Labor." The head of the Department will be appointed by the President, the same as other members of the Cabinet, with \$12,000 a year as compensation. The bill provides for six assistant secretaries, at \$5,000. The first secretary to supervise matters of manufacture, one for agricultural industry, another to look after transportation, another mining, another the building industry, and another the mercantile industry. One section of the bill provides "that it shall be the duty of the Department of Labor to promote such improvements in the social, political, and economic conditions of the wealth-producing laborers of the United States as shall tend to secure to them their natural rights to the opportunity to labor and to security in the possession and enjoyment of the full fruits of their work."

A Bureau of Statistics is provided for, and a monthly bulletin showing the number of unemployed, the total production of wealth, and the proportion received by labor. It is proposed by the bill that the

present Bureau, known as the "Department of Labor and Bureau of Immigration," be transferred to the proposed new Department, and that the Office of Commissioner of Labor be abolished.

There are to be one solicitor, at \$5,000, for the head of the Department and six assistant solicitors, one for each of the assistant secretaries, at \$3,000. The secretary of the Department is vested with powers to appoint boards of arbitration.

The bill has met with the unanimous indorsement of the Washington Central Labor Union, with its eighty affiliated bodies and 25,000 members, and has the hearty indorsement of national and international labor leaders here.

UNITED BROTHERHOOD OF CARPENTERS  
AND JOINERS OF AMERICA,  
Indianapolis, March 26, 1908.

Hon. WILLIAM SULZER,  
Member of Congress, Washington, D. C.

DEAR SIR: I have carefully perused your bill, which provides for a separate Cabinet Department, to be known as the "Department of Labor," and I certainly concur in this adjunct to the existing Departments. Labor should be recognized to this extent at least. The Department could do a vast amount of good in collecting and compiling statistics of this most necessary branch of our Government relative to the conditions under which the wage-workers of our country live, as well as the hours they work, the wages they receive, the diseases they are subject to, the risks of life they run in each trade or occupation, the average length of life; the homes they live in, whether tenements, apartments, cottages, garrets, or hovels, whether properly ventilated or whether the sanitation is what is desired, and other matters of interest and information that the Government should be in possession of. We, as laboring men, contribute our share to the wealth and prosperity of the country. We contribute our services that the policies of the Government may be carried out and the weak and defenseless protected at all times. We should therefore have some recognition for the efforts and energies put forth along these lines and for the loyalty shown on all occasions to law and order.

The bill has my indorsement, and I trust that both Houses will give you their support in order that same may become a law.

With kind regards, I am, sincerely, yours,

FRANK DUFFY, General Secretary.

HEADQUARTERS OF THE CENTRAL LABOR UNION,  
DISTRICT OF COLUMBIA,  
Washington, D. C., March 23, 1908.

Hon. WILLIAM SULZER, M. C.

DEAR SIR: At a recent meeting of the Central Labor Union of the District of Columbia your bill to establish a Department of Labor (H. R. 20587) was unanimously indorsed, and I was so directed to inform you.

Permit me also to thank you for its introduction, and express the hope that the bill will become a law. It is an important step in the right direction, and such a department would be the means of saving annually to both employee and employer many thousands of dollars, and spare the public much inconvenience now experienced when contentions arise between labor and capital.

Again hoping your bill will become a law, I am,

Respectfully, yours,

SAM DE NEDREY, Secretary.

INTERNATIONAL BROTHERHOOD OF BOOKBINDERS,  
LOCAL UNION No. 4,  
Washington, D. C., March 23, 1908.

Hon. WILLIAM SULZER, New York.

DEAR MR. SULZER: On behalf of my organization, the International Brotherhood of Bookbinders, I desire to heartily approve of your bill (H. R. 20587) to establish a Department of Labor. I have carefully read the bill and I believe if you can procure the passage of same it will not only please the millions of workers who are organized, but also the unorganized toilers in every State of our Union.

It is about time that our Government should take some interest in the welfare of our wage-workers. The passage of your bill will assist in stamping out anarchy and radical socialism, and it will give the discontented toilers to understand that the United States Government in its Department of Labor stands ready to educate and assist in every way our toiling masses who produce all the wealth that our country boasts of. I sincerely hope you may be able to get a vote in the House on your bill this session, and as it is a nonpartisan measure there should be no objection to its passage.

With best wishes, I remain, fraternally, yours,

J. L. FEENEY,  
Chairman Legislative Committee, Central Labor Union,  
President Bookbinders' Union, Local No. 4.

THE TRADES UNIONIST PUBLISHING COMPANY,  
THE TRADES UNIONIST,  
Washington, D. C., February 22, 1908.

Hon. WILLIAM SULZER, M. C.

MY DEAR SULZER: After going over your bill very thoroughly, I just want to make this comment: Should it become a law, it will do more to prevent industrial strife than any other measure yet undertaken. I base my conclusions upon these facts, and I speak from experience, having been "tangled up" in many strikes and having observed many others from labor's standpoint.

Nine strikes out of every ten could be prevented if some one in authority, some one whom men could feel was friendly toward their just demands, could be called on to effect an adjustment. The rank and file of labor don't want strikes.

The officers of organized labor do not want them either. They—both the men and the officers—will go to the limit to prevent them. They are always forced on them, and in nine out of ten cases by an overbearing, supercilious, or bigoted employer. Were your bill a law the assistant secretary of the different industries could force (through public opinion) these unreasonable employers to make concessions provided, of course, these concessions could be in justice given. On the other hand, he could, in exactly the same way, force unreasonable employees to reasonableness. Much, in fact all its success, would depend upon the officials who were placed in charge of these positions.

I will not go further into detail now, my dear SULZER, but I hope,



if it can be done without any embarrassment, that when this bill is before the committee I be allowed to speak for it, for frankly I believe if it becomes a law, and is carried out in the proper spirit, it will mean the elimination of 90 per cent of the industrial disputes of our country.

With best wishes to you, dear sir, I beg to remain,  
Very truly, yours,

W. E. KENNEDY.

Mr. PARKER of New Jersey. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Speaker, I think it a fair sample of some of the arguments that have come from the other side of this Chamber when the gentleman from New York [Mr. SULZER] complains that he has only twenty minutes in which to discuss this matter, and yielded sixteen minutes of that twenty for a political speech.

Mr. SULZER. It was a good speech, was it not?

Mr. HOLLIDAY. Oh, yes; a very good speech. There is very little to discuss in this proposition. It is the routine bill that has been coming here year after year, and every Member is familiar with it. There were changes made necessary by the passage of the military appropriation bill, which added pay to the officers and enlisted men. It was necessary to increase the pay of officers and enlisted men at West Point in order to make that pay correspond with the pay of the other officers. With that exception, there is absolutely but one change in the bill, and that was proposed by a gentleman on the minority side. I think it is a very good change and I am in favor of it. It was a proposition to send a committee from the House of Representatives and the Senate to examine West Point during business hours, at a time when the House was in session, and for the purpose, and the only purpose, of being able to legislate wisely. As I said, that proposition came from a member of the minority, and I heartily agree with him, and I believe the great body of this House heartily agrees with him. Now, it seems to me, Mr. Speaker, that it is utter rot to say that we have had no chance to examine this, when it is precisely the routine matters that have been brought forward year after year ever since the academy was instituted, and there is no particular occasion for an investigation. I think the reason that the gentleman ought to give is that he has not had time enough to talk politics on the bill this morning.

I want to say before closing, Mr. Speaker—I will not have time to elaborate it—that I desire to add my views to those expressed by my colleague on the committee from New York [Mr. BRADLEY] that we ought to have made an appropriation for teachers at West Point. It is a burning shame that this great Government, which is able to spend a billion and a half dollars a year is too poor to educate the children of the defenders of the nation. [Applause.] [Cries of "Vote!"]

The SPEAKER. The question is on suspending the rules, agreeing to the amendment, and passing the bill.

Mr. SULZER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 185, nays 92, answered "present" 12, not voting 98, as follows:

#### YEAS—185.

Alexander, N. Y.	Denby	Hayes	McGavin
Allen	Diekmann	Henry, Conn.	McGuire
Anthony	Douglas	Hepburn	McHenry
Barclay	Draper	Higgins	McKinley, Ill.
Bartoldt	Driscoll	Hill, Conn.	McKinney
Bates	Dwight	Hinschaw	McLachlan, Cal.
Beale, Pa.	Ellis, Oreg.	Holliday	McLaughlin, Mich.
Bennet, N. Y.	Englebright	Howell, N. J.	McMillan
Bennett, Ky.	Esch	Howell, Utah	McMorrison
Bonyne	Fairchild	Hubbard, Iowa	Madden
Bradley	Fassett	Hubbard, W. Va.	Madison
Brownlow	Ferris	Huff	Mann
Brunn	Focht	Hughes, N. J.	Miller
Burleigh	Fordney	Hughes, W. Va.	Moon, Pa.
Burton, Del.	Foss	Hull, Iowa	Morse
Burton, Ohio	Foster, Ind.	Humphrey, Wash.	Murdock
Calder	Foster, Vt.	James, Addison D.	Needham
Calderhead	Foulkrod	Jenkins	Nelson
Campbell	Fowler	Jones, Wash.	Nicholls
Capron	French	Kahn	Nye
Cary	Fuller	Kelley	Olcott
Caulfield	Gaines, Tenn.	Kennedy, Iowa	Olmsted
Chaney	Gaines, W. Va.	Kennedy, Ohio	Overstreet
Chapman	Gardner, Mich.	Kimball	Parker, N. J.
Cocks, N. Y.	Gardner, N. J.	Knapp	Parsons
Cole	Gilham	Knapp	Payne
Conner	Gill	Knowland	Pearre
Cook, Colo.	Gillet	Kuistermann	Perkins
Cook, Pa.	Goebel	Lafan	Pollard
Cooper, Pa.	Gordon	Lafan	Pray
Cooper, Wis.	Goulden	Landis	Prince
Coudrey	Graft	Langley	Reeder
Craig	Graham	Lanning	Reynolds
Crumpacker	Hale	Lawrence	Robinson
Currier	Hall	Lindbergh	Rodenberg
Cushman	Hamilton, Mich.	Longworth	Rothmel
Dalzell	Haskins	Loudenslager	Scott
Davidson	Haugen	Lovering	Slayden
Davis, Minn.	Hawley	McCall	Slomp
Dawson			

Smith, Cal.  
Smith, Iowa.  
Smith, Mich.  
Snapp  
Sperry  
Stafford  
Sterling

Stevens, Minn.  
Sturgis  
Sulloway  
Tawney  
Taylor, Ohio  
Thistlewood  
Thomas, Ohio

Tirrell  
Townsend  
Volstead  
Vreeland  
Waldo  
Wanger  
Washburn

Weeks  
Wood  
Woodyard  
Young

#### NAYS—92.

Adair  
Adamson  
Aiken  
Alexander, Mo.  
Ansberry  
Bartlett, Nev.  
Beall, Tex.  
Bell, Ga.  
Bocher  
Bowers  
Brodhead  
Brundidge  
Burgess  
Burleson  
Burnett  
Caldwell  
Candler  
Carlin  
Carter  
Clark, Mo.  
Clayton  
Cooper, Tex.  
Cox, Ind.

Crawford  
De Armond  
Denver  
Dixon  
Ellerbe  
Favrot  
Finley  
Fitzgerald  
Floyd  
Fornes  
Garner  
Garrett  
Gillespie  
Glass  
Leake  
Lee  
Lever  
McDermott  
McLain  
Macon  
Maynard  
Moore, Tex.  
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Heflin  
Helm  
Henry, Tex.  
Hilli, Miss.  
Hitchcock  
Houston  
Hull, Tenn.  
James, Ollie M.  
Johnson, S. C.  
Jones, Va.  
Kellher  
Kitchin, Claude  
Lamb  
Leake  
Lee  
Lever  
McDermott  
McLain  
Macon  
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Patterson  
Pujo  
Rainey  
Randell, Tex.  
Rauch  
Rhinoek  
Richardson  
Russell, Mo.  
Russell, Tex.  
Sabath  
Saunders  
Shackelford  
Sherley  
Sherwood  
Sims  
Small  
Spight  
Stephens, Tex.  
Tou Velle  
Underwood  
Wallace  
Watkins  
Williams

#### ANSWERED "PRESENT"—12.

Butler  
Cockran  
Flood

Goldfogle  
Hackney  
Lorimer

Padgett  
Riordan  
Roberts

Sheppard  
Sulzer  
Talbot

#### NOT VOTING—98.

Acheson  
Ames  
Andrus  
Ashbrook  
Bannon  
Barchfeld  
Bartlett, Ga.  
Bede  
Bingham  
Birdsall  
Boutell  
Boyd  
Brantley  
Broussard  
Burke  
Byrd  
Clark, Fla.  
Cousins  
Cravens  
Darragh  
Davenport  
Davey, La.  
Dawes  
Dunwell  
Durey

Edwards, Ga.  
Edwards, Ky.  
Ellis, Mo.  
Foster, Ill.  
Fulton  
Gardner, Mass.  
Greene  
Griggs  
Gronna  
Haggott  
Harding  
Hardwick  
Harrison  
Hobson  
Howard  
Humphreys, Miss.  
Jackson  
Johnson, Ky.  
Kipp  
Kitchin, Wm. W.  
Lamar, Fla.  
Lamar, Mo.  
Lassiter  
Law  
Legare

Lenahan  
Lewis  
Lilley  
Lindsay  
Littlefield  
Livingston  
Lloyd  
Loud  
Lowden  
McCreary  
McKinlay, Cal.  
Malby  
Marshall  
Mondell  
Moore, Pa.  
Mouser  
Mudd  
Murphy  
Norris  
Parker, S. Dak.  
Peters  
Porter  
Pou  
Powers  
Pratt

Ransdell, La.  
Reid  
Rucker  
Ryan  
Sherman  
Smith, Mo.  
Smith, Tex.  
Southwick  
Sparkman  
Stanley  
Steenerson  
Taylor, Ala.  
Thomas, N. C.  
Watson  
Webb  
Weems  
Weisse  
Wheeler  
Wiley  
Willett  
Wilson, Ill.  
Wilson, Pa.  
Wolf

So the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. LOWDEN with Mr. LEGARE.

Mr. MCCREARY with Mr. EDWARDS of Georgia.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. PARKER of South Dakota with Mr. WOLF.

Mr. EDWARDS of Kentucky with Mr. WILLETT.

Mr. WILSON of Illinois with Mr. WEBB.

Mr. WHEELER with Mr. THOMAS of North Carolina.

Mr. WEEMS with Mr. TAYLOR of Alabama.

Mr. STEENERSON with Mr. STANLEY.

Mr. SOUTHWICK with Mr. SPARKMAN.

Mr. PORTER with Mr. SMITH of Texas.

Mr. NORRIS with Mr. SMITH of Missouri.

Mr. MOUSER with Mr. RYAN.

Mr. MOORE of Pennsylvania with Mr. RUCKER.

Mr. MONDELL with Mr. REID.

Mr. MALBY with Mr. RANDELL of Louisiana.

Mr. MCKINLAY of California with Mr. POU.

Mr. LITTLEFIELD with Mr. LLOYD.

Mr. LILLEY with Mr. LEWIS.

Mr. LAW with Mr. LAMAR of Florida.

Mr. GRONNA with Mr. KIPP.

Mr. GREENE with Mr. JOHNSON of Kentucky.

Mr. ELLIS of Missouri with Mr. HOWARD.

Mr. DUREY with Mr. HARRISON.

Mr. DUNWELL with Mr. FULTON.

Mr. DARRAGH with Mr. FOSTER of Illinois.

Mr. BURKE with Mr. DAVEY of Louisiana.

Mr. BOYD with Mr. DAVENPORT.

Mr. BEDE with Mr. CRAVEN.

Mr. BARCHFELD with Mr. CLARK of Florida.

Mr. BANNON with Mr. BYRD.

Mr. AMES with Mr. BRANTLEY.

Mr. ACHESON with Mr. ASHBROOK.  
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
 Mr. POWERS with Mr. PRATT.  
 Mr. MUDD with Mr. TALBOTT.  
 Mr. DAWES with Mr. HARDWICK.  
 Mr. MARSHALL with Mr. MURPHY.  
 Mr. HARDING with Mr. PETERS.  
 Mr. ANDRUS with Mr. LINDSAY.  
 Mr. LOUD with Mr. PADGETT.  
 Mr. JACKSON with Mr. GOLDFOGLE.  
 For the session:  
 Mr. WATSON with Mr. SHEPPARD.  
 Mr. LORIMER with Mr. HUMPHREYS of Mississippi.  
 Mr. COUSINS with Mr. FLOOD.  
 Mr. BUTLER with Mr. BARTLETT of Georgia.  
 Mr. SHERMAN with Mr. RIORDAN.  
 On this vote:  
 Mr. GARDNER of Massachusetts with Mr. SULZER.  
 The result of the vote was then announced as above recorded.

## PUBLIC BUILDINGS.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The SPEAKER pro tempore (Mr. CAPRON). The gentleman from Missouri moves to suspend the rules and pass the bill, which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof, and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site:

United States post-office at Gadsden, Ala., \$35,000.  
 United States post-office at Fayetteville, Ark., \$10,000.  
 United States post-office and court-house at Eureka, Cal., \$25,000.  
 United States post-office at Santa Rosa, Cal., \$5,000.  
 United States post-office at Boulder, Colo., \$10,000.  
 United States post-office at Williamstown, Conn., \$10,000.  
 United States post-office at Milford, Del., \$10,000.  
 United States post-office and court-house at Gainesville, Fla., \$90,000.  
 United States post-office and court-house at Ocala, Fla., \$25,000.  
 United States post-office at Americus, Ga., \$25,000.  
 United States post-office at Marietta, Ga., \$10,000.  
 United States post-office and court-house at Rome, Ga., \$20,000.  
 United States post-office at Alton, Ill., \$15,000.  
 United States post-office at Belleville, Ill., \$15,000.  
 United States post-office at Belvidere, Ill., \$8,000.  
 United States post-office at Dixon, Ill., \$25,000.  
 United States post-office and court-house at East St. Louis, Ill., \$25,000.  
 United States post-office at Kewanee, Ill., \$10,000.  
 United States post-office at Lincoln, Ill., \$10,000.  
 United States post-office at Moline, Ill., \$35,000.  
 United States post-office at Paris, Ill., \$25,000.  
 United States post-office at Waukegan, Ill., \$20,000.  
 United States post-office at Bedford, Ind., \$15,000.  
 United States post-office at Burlington, Iowa, \$5,000.  
 United States post-office and court-house at Cedar Rapids, Iowa, \$10,000.  
 United States post-office and court-house at Council Bluffs, Iowa, \$65,000.  
 United States post-office at Mason City, Iowa, \$5,000.  
 United States post-office at Manhattan, Kans., \$20,000.  
 United States post-office and court-house at Bowling Green, Ky., \$40,000.  
 United States post-office at Danville, Ky., \$30,000.  
 United States post-office at Lebanon, Ky., \$25,000.  
 United States post-office and court-house at London, Ky., \$40,000.  
 United States post-office at Mayfield, Ky., \$15,000.  
 United States post-office at Paris, Ky., \$15,000.  
 United States post-office at Versailles, Ky., \$25,000.  
 United States post-office at Winchester, Ky., \$25,000.  
 United States post-office at Ruston, La., \$20,000.  
 United States post-office at Bar Harbor, Me., \$10,000.  
 United States post-office and custom-house at Calais, Me., \$10,000.  
 United States court-house at Portland, Me., \$50,000.  
 United States post-office and court-house at Baltimore, Md., \$35,000.  
 United States post-office and custom-house at Springfield, Mass., \$15,000.  
 United States post-office at Alpena, Mich., \$25,000.  
 United States post-office at Coldwater, Mich., \$10,000.  
 United States post-office at Escanaba, Mich., \$14,000.  
 United States post-office at Manistee, Mich., \$20,000.  
 United States post-office at Niles, Mich., \$20,000.  
 United States post-office at Owosso, Mich., \$5,000.  
 United States post-office at Sault Ste. Marie, Mich., \$40,000.  
 United States post-office at Alexandria, Minn., \$20,000.

United States post-office at Crookston, Minn., \$25,000.  
 United States post-office at New Ulm, Minn., \$20,000.  
 United States post-office at Columbus, Miss., \$20,000.  
 United States post-office at Greenville, Miss., \$15,000.  
 United States post-office and court-house at Jackson, Miss., \$10,000.  
 United States post-office at Yazoo City, Miss., \$20,000.  
 United States post-office and court-house at Cape Girardeau, Mo., \$30,000.  
 United States post-office at Carthage, Mo., \$15,000.  
 United States post-office at Nevada, Mo., \$25,000.  
 United States post-office and court-house at St. Joseph, Mo., \$12,000.  
 United States post-office at St. Louis, Mo., \$275,000.  
 United States post-office and custom-house at Bridgetown, N. J., \$10,000.  
 United States post-office and court-house at Albuquerque, N. Mex., \$30,000.  
 United States post-office at Olean, N. Y., \$10,000.  
 United States post-office at Schenectady, N. Y., \$40,000.  
 United States post-office at Watertown, N. Y., \$6,000.  
 United States post-office at Yonkers, N. Y., \$45,000.  
 United States post-office at Fayetteville, N. C., \$10,000.  
 United States post-office at Kingston, N. C., \$40,000.  
 United States post-office and court-house at Salisbury, N. C., \$40,000.  
 United States post-office and court-house at Washington, N. C., \$35,000.  
 United States post-office and court-house at Cleveland, Ohio, \$850,000.  
 United States post-office and court-house at Columbus, Ohio, \$80,000.  
 United States post-office at Marion, Ohio, \$20,000.  
 United States post-office at Springfield, Ohio, \$12,000.  
 United States post-office at Eugene, Oreg., \$20,000.  
 United States post-office at Carlisle, Pa., \$10,000.  
 United States post-office at Charleroi, Pa., \$25,000.  
 United States post-office at Johnstown, Pa., \$80,000.  
 United States post-office at Meadville, Pa., \$10,000.  
 United States post-office at Woonsocket, R. I., \$10,000.  
 United States post-office and court-house at Anderson, S. C., \$10,000.  
 United States post-office at Sumter, S. C., \$10,000.  
 United States post-office at Johnson City, Tenn., \$10,000.  
 United States post-office at Murfreesboro, Tenn., \$25,000.  
 United States post-office at Corsicana, Tex., \$30,000.  
 United States post-office and court-house at San Angelo, Tex., \$20,000.  
 United States court-house at Texarkana, Tex., \$20,000.  
 United States post-office at Logan, Utah, \$20,000.  
 United States post-office at Barre, Vt., \$13,500.  
 United States post-office at Clifton Forge, Va., \$20,000.  
 United States post-office at Fredericksburg, Va., \$20,000.  
 United States post-office at Manchester, Va., \$5,000.  
 United States post-office at Petersburg, Va., \$20,000.  
 United States post-office at Roanoke, Va., \$25,000.  
 United States post-office at Winchester, Va., \$5,000.  
 United States post-office and court-house at Bluefield, W. Va., \$20,000.  
 United States post-office at Fairmont, W. Va., \$20,000.  
 United States post-office and court-house at Wheeling, W. Va., \$20,000.  
 United States post-office at Chippewa Falls, Wis., \$15,000.  
 United States post-office at Manitowish, Wis., \$20,000.  
 United States post-office at Platteville, Wis., \$25,000.  
 SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the enlargement, extension, remodeling, or improvement of the following-named buildings, within the respective limits of cost hereby fixed:  
 United States post-office and court-house at Montgomery, Ala., \$25,000.  
 United States post-office at Hot Springs, Ark., \$50,000.  
 United States post-office and court-house at Sacramento, Cal., \$120,000.  
 United States post-office at San Jose, Cal., \$2,000.  
 United States post-office and court-house at New London, Conn., \$45,000.  
 United States post-office and court-house at Athens, Ga., \$43,000.  
 United States post-office and court-house at Augusta, Ga., \$10,000.  
 United States post-office at Elgin, Ill., \$40,000.  
 United States post-office and court-house at Peoria, Ill., \$27,000.  
 United States post-office and court-house at Quincy, Ill., \$75,000.  
 United States post-office at Rock Island, Ill., \$80,000.  
 United States post-office and court-house at Davenport, Iowa, \$60,000.  
 United States post-office at Fort Dodge, Iowa, \$130,000.  
 United States post-office at Emporia, Kans., \$30,000.  
 United States post-office at Kansas City, Kans., \$150,000.  
 United States post-office and court-house at Lexington, Ky., \$80,000.  
 United States post-office and court-house at Paducah, Ky., \$15,000.  
 United States post-office and custom-house at Bath, Me., \$35,000.  
 United States post-office and custom-house at Belfast, Me., \$37,000.  
 United States post-office and custom-house at Ellsworth, Me., \$42,000.  
 United States post-office at Jackson, Mich., \$25,000.  
 United States post-office and court-house at Meridian, Miss., \$50,000.  
 United States post-office and court-house at Manchester, N. H., \$25,000.  
 United States post-office at New Brunswick, N. J., \$45,000: *Provided*, That the Secretary of the Treasury may, in his discretion, reduce the open space for fire protection to 25 feet.  
 United States post-office at Goldsboro, N. C., \$10,000.  
 United States post-office and court-house at Newbern, N. C., \$15,000.  
 United States post-office and court-house at Raleigh, N. C., \$10,000, for the installation of elevator.  
 United States post-office at Lima, Ohio, \$80,000.  
 United States post-office at Chester, Pa., \$40,000.  
 United States post-office at Reading, Pa., \$65,000.  
 United States post-office at Pawtucket, R. I., \$50,000: *Provided*, That the Secretary of the Treasury may, in his discretion, reduce the open space for fire protection to 15 feet.  
 United States post-office and court-house at Sioux Falls, S. Dak., \$50,000.  
 United States post-office and court-house at Bristol, Tenn., \$40,000.  
 United States post-office and court-house at Jackson, Tenn., \$50,000.  
 United States post-office and court-house at San Antonio, Tex., \$100,000.  
 United States post-office and court-house at Danville, Va., \$55,000.  
 United States post-office and court-house at Charleston, W. Va., \$125,000.  
 United States post-office and court-house at Huntington, W. Va., \$5,500, for the installation of elevator.  
 United States post-office and court-house at La Crosse, Wis., \$40,000.  
 That the present site in each of the cities heretofore mentioned shall not be enlarged by the acquisition of ground under the provisions of this act unless the Secretary of the Treasury is given specific



authority herein to enlarge said sites, and where such authority is given the Secretary is authorized to secure, by purchase, condemnation, or otherwise, such additional ground as he may deem necessary, respectively: *Provided*, That the limits of cost hereinbefore respectively fixed shall include all necessary changes in, alterations and repairs of, the above-named buildings, and of the heating, ventilating, and plumbing systems and elevators therein, which may become necessary by reason of, or incident to, the extension or enlargement of said building, or which it may be found expedient or advisable to make to such heating, ventilating, and plumbing systems and elevators because of the enlargement, extension, remodeling, or improving of said buildings, and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said buildings, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof."

Sec. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post-office and other governmental offices upon ground now owned by the United States or authorized to be acquired in each of the following cities, respectively, within its respective limit of cost hereby fixed:

United States post-office at Troy, Ala., \$40,000.  
 United States post-office at Santa Cruz, Cal., \$90,000.  
 United States post-office at Griffin, Ga., \$50,000.  
 United States post-office at Newnan, Ga., \$45,000.  
 United States post-office at Way Cross, Ga., \$75,000: *Provided*, That not to exceed \$6,000 may be available for the acquisition of additional ground.  
 United States post-office and land office at Lewiston, Idaho, \$75,000.  
 United States post-office at Centralia, Ill., \$60,000.  
 United States post-office at Litchfield, Ill., \$60,000.  
 United States post-office at Columbus, Ind., \$65,000.  
 United States post-office at Connersville, Ind., \$60,000.  
 United States post-office at Jeffersonville, Ind., \$50,000.  
 United States post-office at Kokomo, Ind., \$75,000.  
 United States post-office at Decorah, Iowa, \$60,000.  
 United States post-office at Estherville, Iowa, \$60,000.  
 United States post-office at Shenandoah, Iowa, \$60,000.  
 United States post-office and court-house at Catlettsburg, Ky., \$100,000.  
 United States post-office at Beverly, Mass., \$70,000: *Provided*, That not to exceed \$5,000 may be available for the acquisition of additional ground.  
 United States post-office at Marlboro, Mass., \$70,000.  
 United States post-office at Plymouth, Mass., \$75,000: *Provided*, That not to exceed \$10,000 may be available for the acquisition of a site in addition to \$12,000 heretofore authorized.  
 United States post-office at Webster, Mass., \$60,000.  
 United States post-office at Woburn, Mass., \$60,000.  
 United States post-office at Pontiac, Mich., \$70,000.  
 United States post-office at Austin, Minn., \$50,000.  
 United States post-office at Brainerd, Minn., \$45,000.  
 United States post-office at Rochester, Minn., \$50,000.  
 United States post-office at Hattiesburg, Miss., \$70,000.  
 United States post-office at West Point, Miss., \$50,000.  
 United States post-office at Carrollton, Mo., \$60,000.  
 United States post-office at Clinton, Mo., \$65,000.  
 United States post-office at Independence, Mo., \$75,000: *Provided*, That not to exceed \$5,000 shall be available for additional ground.  
 United States post-office at Lexington, Mo., \$45,000.  
 United States post-office at Macon, Mo., \$60,000.  
 United States post-office at Warrensburg, Mo., \$65,000.  
 United States post-office at Columbus, Nebr., \$65,000.  
 United States post-office at Plattsmouth, Nebr., \$50,000.  
 United States post-office at Keene, N. H., \$70,000.  
 United States post-office at Amsterdam, N. Y., \$65,000.  
 United States post-office at Malone, N. Y., \$50,000.  
 United States post-office at Middletown, N. Y., \$60,000.  
 United States post-office at Concord, N. C., \$80,000.  
 United States post-office at Henderson, N. C., \$60,000.  
 United States post-office at High Point, N. C., \$65,000.  
 United States post-office at Ashtabula, Ohio, \$80,000.  
 United States post-office at Delaware, Ohio, \$65,000.  
 United States post-office and court-house at Enid, Okla., \$100,000.  
 United States post-office at Bradford, Pa., \$70,000.  
 United States post-office at Carbondale, Pa., \$60,000.  
 United States post-office at Chambersburg, Pa., \$65,000.  
 United States post-office at Greensburg, Pa., \$70,000.  
 United States post-office at Sewickley, Pa., \$60,000.  
 United States post-office at Shamokin, Pa., \$65,000.  
 United States post-office and internal-revenue office at York, Pa., \$300,000: *Provided*, That not to exceed \$35,000 shall be available for the acquisition of additional ground.  
 United States post-office at Alken, S. C., \$50,000.  
 United States post-office at Cleveland, Tenn., \$50,000.  
 United States post-office at Palestine, Tex., \$70,000.  
 United States post-office at San Marcos, Tex., \$50,000.  
 United States post-office at Temple, Tex., \$70,000.  
 United States post-office and court-house at Bellingham, Wash., \$120,000.  
 United States post-office and court-house at North Yakima, Wash., \$120,000.  
 United States post-office at Appleton, Wis., \$65,000.  
 United States post-office at Beloit, Wis., \$75,000.  
 United States post-office at Watertown, Wis., \$65,000.  
 United States post-office and court-house at Lander, Wyo., \$115,000.  
 Sec. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post-office and other governmental offices in each of the cities enumerated in this section, within its respective limit of cost, including site, hereby fixed:  
 United States post-office at Ensley, Ala., \$60,000.  
 United States post-office at Eufaula, Ala., \$50,000.  
 United States post-office at Talladega, Ala., \$65,000.  
 United States post-office and court-house at Phoenix, Ariz., \$140,000.  
 United States post-office at Hope, Ark., \$50,000.

United States post-office at Paragould, Ark., \$50,000.  
 United States post-office at Alameda, Cal., \$120,000.  
 United States post-office at Santa Barbara, Cal., \$110,000.  
 United States post-office at Fort Collins, Colo., \$60,000.  
 United States post-office at Ansonia, Conn., \$90,000.  
 United States post-office at Bristol, Conn., \$90,000: *Provided*, That the requirement herein contained that all sites selected under the provisions of this act shall be bounded on at least two sides by streets, shall not be applicable to the acquisition of a site at Bristol.  
 United States post-office at Danbury, Conn., \$115,000.  
 United States post-office at Cordale, Ga., \$50,000.  
 United States post-office at Dublin, Ga., \$50,000.  
 United States post-office at Lagrange, Ga., \$50,000.  
 United States post-office at Chicago Heights, Ill., \$65,000.  
 United States post-office at Granite City, Ill., \$70,000.  
 United States post-office at Greenville, Ill., \$65,000.  
 United States post-office at La Salle, Ill., \$65,000.  
 United States post-office at Mattoon, Ill., \$70,000.  
 United States post-office at Murphysboro, Ill., \$65,000: *Provided*, That the Secretary of the Treasury may, in his discretion, reduce the open space for fire protection to 15 feet.  
 United States post-office at Pana, Ill., \$70,000.  
 United States post-office at Pontiac, Ill., \$65,000.  
 United States post-office at Bloomington, Ind., \$60,000, in addition to \$6,000 heretofore authorized.  
 United States post-office at Brazil, Ind., \$65,000.  
 United States post-office at Goshen, Ind., \$70,000.  
 United States post-office at Laporte, Ind., \$70,000.  
 United States post-office at Princeton, Ind., \$65,000.  
 United States post-office at Wabash, Ind., \$65,000.  
 United States post-office at Ames, Iowa, \$60,000.  
 United States post-office at Clay Center, Kans., \$65,000.  
 United States post-office at Coffeyville, Kans., \$75,000.  
 United States post-office at Great Bend, Kans., \$60,000.  
 United States post-office at Wellington, Kans., \$65,000.  
 United States post-office at Mount Sterling, Ky., \$65,000.  
 United States post-office at Somerset, Ky., \$65,000.  
 United States post-office at Waterville, Me., \$120,000.  
 United States post-office at Frostburg, Md., \$50,000.  
 United States post-office at Athol, Mass., \$65,000.  
 United States post-office at Chelsea, Mass., \$125,000.  
 United States post-office at Milford, Mass., \$80,000.  
 United States post-office at Westfield, Mass., \$75,000.  
 United States post-office at Hillsdale, Mich., \$50,000.  
 United States post-office at Ionia, Mich., \$65,000.  
 United States post-office at Monroe, Mich., \$60,000.  
 United States post-office at Mount Clements, Mich., \$65,000.  
 United States post-office at Faribault, Minn., \$50,000.  
 United States post-office at Virginia, Minn., \$60,000.  
 United States post-office at Wilmar, Minn., \$50,000.  
 United States post-office at Brookhaven, Miss., \$65,000.  
 United States post-office at Corinth, Miss., \$60,000.  
 United States post-office at Greenwood, Miss., \$60,000.  
 United States post-office at Mexico, Mo., \$80,000.  
 United States post-office and land-office at Billings, Mont., \$125,000.  
 United States post-office at Fairbury, Nebr., \$70,000.  
 United States post-office at Holdrege, Nebr., \$80,000.  
 United States post-office and court-house at North Platte, Nebr., \$110,000.  
 United States post-office at Asbury Park, N. J., \$125,000.  
 United States post-office at Burlington, N. J., \$50,000.  
 United States post-office and court-house at Roswell, N. Mex., \$130,000.  
 United States post-office at Newark, N. Y., \$50,000.  
 United States post-office at Penn Yan, N. Y., \$50,000.  
 United States post-office at Gastonia, N. C., \$65,000.  
 United States post-office at Lexington, N. C., \$65,000.  
 United States post-office and court-house at Bismarck, N. Dak., \$150,000.  
 United States post-office and court-house at Minot, N. Dak., \$125,000.  
 United States post-office at Ironton, Ohio, \$90,000.  
 United States post-office at Mansfield, Ohio, \$100,000.  
 United States post-office at Massillon, Ohio, \$90,000.  
 United States post-office at Albany, Oreg., \$65,000.  
 United States post-office at Pendleton, Oreg., \$70,000.  
 United States post-office at Braddock, Pa., \$125,000.  
 United States post-office at Bristol, Pa., \$65,000.  
 United States post-office at Connellsville, Pa., \$70,000, in addition to \$20,000 heretofore authorized for site only.  
 United States post-office at Homestead, Pa., \$100,000.  
 United States post-office at Steelton, Pa., \$75,000.  
 United States post-office at Darlington, S. C., \$50,000.  
 United States post-office at Gaffney, S. C., \$50,000.  
 United States post-office at Laurens, S. C., \$50,000.  
 United States post-office at Newberry, S. C., \$50,000.  
 United States post-office at Orangeburg, S. C., \$50,000.  
 United States post-office at Union, S. C., \$50,000.  
 United States post-office at Huron, S. Dak., \$65,000.  
 United States post-office at Harriman, Tenn., \$55,000.  
 United States post-office at Union City, Tenn., \$50,000.  
 United States post-office at Bonham, Tex., \$50,000.  
 United States post-office at Cleburne, Tex., \$60,000.  
 United States post-office and custom-house at Corpus Christi, Tex., \$70,000.  
 United States post-office at Mineral Wells, Tex., \$60,000.  
 United States post-office and custom-house at Port Arthur, Tex., \$125,000.  
 United States post-office at Sulphur Springs, Tex., \$50,000.  
 United States post-office at Terrell, Tex., \$50,000.  
 United States post-office and court-house at Victoria, Tex., \$95,000.  
 United States post-office at Waxahachie, Tex., \$60,000.  
 United States post-office at Wichita Falls, Tex., \$50,000.  
 United States post-office at Brattleboro, Vt., \$90,000.  
 United States post-office and custom-house at Richford, Vt., \$60,000.  
 United States post-office and court-house at Big Stone Gap, Va., \$105,000.  
 United States post-office at Lexington, Va., \$60,000.  
 United States post-office at Suffolk, Va., \$60,000.  
 United States post-office at Morgantown, W. Va., \$75,000.  
 United States post-office at Point Pleasant, W. Va., \$75,000.  
 United States post-office at Stevens Point, Wis., \$65,000.

Sec. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices in each of the cities enumerated in this section within its respective limit of cost hereby fixed:

United States post-office at Culman, Ala., \$5,000.  
 United States post-office at Mobile, Ala., \$125,000.  
 United States post-office at Opelika, Ala., \$7,500.  
 United States post-office at Eureka Springs, Ark., \$7,500.  
 United States post-office at Searcy, Ark., \$5,000.  
 United States post-office at Grass Valley, Cal., \$10,000.  
 United States post-office at Pasadena, Cal., \$50,000.  
 United States post-office at Grand Junction, Colo., \$10,000.  
 United States post-office at Greeley, Colo., \$10,000.  
 United States post-office at Naugatuck, Conn., \$15,000.  
 United States post-office at Washington, D. C., \$500,000.  
 United States post-office at St. Petersburg, Fla., \$7,500.  
 United States post-office at Bainbridge, Ga., \$7,500.  
 United States post-office at Cedartown, Ga., \$7,500.  
 United States post-office at Elberton, Ga., \$7,500.  
 United States post-office at Milledgeville, Ga., \$7,500.  
 United States marine hospital at Savannah, Ga., \$13,500, for additional land.  
 United States post-office at Tifton, Ga., \$7,500.  
 United States post-office and court-house at Pocatello, Idaho, \$10,000.  
 United States post-office at Chicago, Ill., \$750,000.  
 United States post-office at Duquoin, Ill., \$5,000.  
 United States post-office at Harrisburg, Ill., \$7,500.  
 United States post-office at Rochelle, Ill., \$7,500.  
 United States post-office at South Chicago, Ill., \$25,000, in addition to \$25,000 heretofore authorized: *Provided*, That the Secretary of the Treasury may, in his discretion, reduce the open space for fire protection to 15 feet.  
 United States post-office at Sterling, Ill., \$5,000, for additional ground.  
 United States post-office at Denison, Iowa, \$7,500.  
 United States post-office at Fort Madison, Iowa, \$10,000.  
 United States post-office at Iowa Falls, Iowa, \$7,500.  
 United States post-office at Le Mars, Iowa, \$10,000.  
 United States post-office at Red Oak, Iowa, \$10,000.  
 United States post-office at Beloit, Kans., \$7,500.  
 United States post-office at Concordia, Kans., \$7,500.  
 United States post-office at Ottawa, Kans., \$7,500.  
 United States post-office at Ashland, Ky., \$12,000.  
 United States post-office at Hopkinsville, Ky., \$12,000.  
 United States post-office at Lawrenceburg, Ky., \$7,500.  
 United States post-office at Crowley, La., \$5,000.  
 United States post-office at Lafayette, La., \$5,000.  
 United States post-office at Hildeford, Me., \$20,000.  
 United States post-office at Camden, Me., \$10,000.  
 United States post-office at Gardiner, Me., \$15,000.  
 United States post-office at Old Town, Me., \$10,000.  
 United States post-office at Attleboro, Mass., \$20,000.  
 United States custom-house at Boston, Mass., \$500,000.  
 United States post-office at New Bedford, Mass., \$125,000.  
 United States post-office at Battle Creek, Mich., \$19,500, for additional ground.  
 United States post-office at Petoskey, Mich., \$7,500.  
 United States post-office at Moorhead, Minn., \$5,000.  
 United States post-office at Laurel, Miss., \$12,500.  
 United States post-office and court-house at Vicksburg, Miss., \$15,000, for additional ground.  
 United States post-office at Boonville, Mo., \$10,000.  
 United States post-office at Chillicothe, Mo., \$10,000.  
 United States post-office at Marshall, Mo., \$5,000.  
 United States post-office at Maryville, Mo., \$7,500.  
 United States post-office at Poplar Bluff, Mo., \$10,000.  
 United States post-office at Rolla, Mo., \$5,000.  
 United States post-office and court-house at McCook, Nebr., \$8,000.  
 United States post-office at Rochester, N. H., \$10,000.  
 United States post-office at Morristown, N. J., \$35,000.  
 United States post-office at Orange, N. J., \$30,000.  
 United States post-office, Borough of Bronx, New York City, N. Y., \$100,000.  
 United States post-office at Cortland, N. Y., \$20,000.  
 United States post-office at Fulton, N. Y., \$10,000.  
 United States post-office at Hornell, N. Y., \$20,000.  
 United States post-office at Mount Vernon, N. Y., \$35,000.  
 United States post-office at Oneonta, N. Y., \$20,000.  
 United States post-office at Salamanca, N. Y., \$10,000.  
 United States post-office only at Syracuse, N. Y., \$75,000, in addition to \$150,000 heretofore authorized for the acquisition of a site for post-office and court-house.  
 United States post-office at Waterloo, N. Y., \$10,000.  
 United States post-office at Wilson, N. C., \$10,000.  
 United States post-office and court-house at Chickasha, Okla., \$15,000.  
 United States post-office and court-house at Guthrie, Okla., \$35,000, for additional ground.  
 United States post-office and court-house at McAlester, Okla., \$15,000.  
 United States post-office and court-house at Tulsa, Okla., \$20,000.  
 United States post-office at Bellefontaine, Ohio, \$10,000.  
 United States post-office at Cambridge, Ohio, \$10,000.  
 United States post-office at Middletown, Ohio, \$10,000.  
 United States post-office at Steubenville, Ohio, \$20,000.  
 United States post-office at Tiffin, Ohio, \$12,500.  
 United States post-office at Van Wert, Ohio, \$10,000.  
 United States post-office at Corry, Pa., \$18,000.  
 United States post-office at Gettysburg, Pa., \$25,000.  
 United States post-office at Titusville, Pa., \$20,000.  
 United States post-office at Westerly, R. I., \$20,000.  
 United States post-office at Rapid City, S. Dak., \$7,500.  
 United States post-office at Lebanon, Tenn., \$5,000.  
 United States post-office at Pulaski, Tenn., \$7,500.  
 United States post-office at Springfield, Tenn., \$5,000.  
 United States post-office at Austin, Tex., \$40,000.  
 United States post-office at Cuero, Tex., \$7,500.  
 United States post-office at Marlin, Tex., \$7,500.  
 United States post-office at Nacogdoches, Tex., \$5,000.  
 United States post-office at Navasota, Tex., \$5,000.  
 United States post-office at Park City, Utah, \$5,000.  
 United States post-office at Bennington, Vt., \$10,000.  
 United States post-office at Wytheville, Va., \$5,000.  
 United States post-office at Bedford City, Va., \$7,500.  
 United States post-office at Everett, Wash., \$15,000.

United States post-office at Olympia, Wash., \$20,000.  
 United States post-office and court-house at Walla Walla, Wash., \$20,000.

United States post-office and court-house at Parkersburg, W. Va., \$35,000, for additional ground.

United States post-office at Menomonee, \$10,000.  
 United States post-office at Merrill, Wis., \$7,500.  
 United States appraisers' stores at Milwaukee, Wis., \$50,000.  
 United States post-office at Waukesha, Wis., \$15,000 in addition to \$10,000 heretofore authorized.

United States post-office at Rock Springs, Wyo., \$10,000.

Sec. 6. That the appropriations made to carry into effect the provisions of legislation authorizing the acquisition of land for sites for public buildings or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, shall be deemed to be available only for the purposes specifically enumerated in said legislation, and the Secretary of the Treasury is hereby authorized and directed to submit to Congress annually detailed estimates of appropriations necessary for defraying all expenses, both in the Office of the Supervising Architect and in the field, of every kind and character incident to, or requisite for, the administrative work of carrying into effect the provisions of this or subsequent public-building acts, so far as the same relate to public buildings under the control of the Treasury Department, such estimates to be in addition to and separate and apart from the estimates of appropriations providing specifically for the salaries of certain officers and employees in the Office of the Supervising Architect; that the appropriations for said administrative work, when made, shall be immediately available for such personal services and all other expenses and supplies, both for office and field work, as the Secretary of the Treasury may deem necessary and specially order or approve to carry into effect the provisions of this and subsequent acts relating to the acquisition of land for sites or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, including the annual appropriations under the control of the Supervising Architect: *Provided*, That such persons as may be regularly appointed and paid from such appropriations shall be subject, in all respects, to the laws, rules, and regulations respecting entrance into or separation from the classified civil service of the United States, and shall be employed only in the Office of the Supervising Architect or in fieldwork of construction and repair under his supervision and control, and the Secretary of the Treasury shall annually submit to Congress in the Book of Estimates a statement, showing the names of all persons whose salaries or compensation are paid from said appropriations, their duties, and the rate of compensation and the amount paid to each of them, respectively: *And provided further*, That this act shall not be construed as rendering unavailable for the employment of personal services in the Office of the Supervising Architect, or for any other purpose now authorized by law, any of the appropriations or balances of appropriations made prior to July 1, 1907, for the acquisition of land for sites, or the enlargement thereof, or for the erection, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, or any of the annual appropriations under the control of the Supervising Architect. And all appropriations made in full or in part subsequent to July 1, 1907, for extension of the limits of cost of public buildings or sites, or for the acquisition of land for sites, or the enlargement thereof, or for the erection, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, or for any annual appropriation under the control of the Supervising Architect, shall be subject to the provisions hereof.

Sec. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to dispose of the Federal building at Danville, Ill., at such time and in such manner and upon such terms as he may deem for the best interests of the United States; and to cause to be erected upon the site thereof a suitable and commodious building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use of the post-office, United States courts, and other governmental offices in said city, at a limit of cost for said building not to exceed the sum of \$225,000. That the new building hereby authorized shall be protected from danger from fire in adjacent structures by an open space of not less than 25 feet on all sides, including streets and alleys, and the open space of 40 feet required by existing law to be preserved for that purpose in connection with the present building is hereby reduced accordingly.

That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, in lieu of the foregoing, to acquire by exchange for the present post-office building and the site thereof a rectangular site at the northeast corner of Harrison and Vermillion streets in said city, having a frontage on Vermillion street of not less than 140 feet, with a depth on Harrison street of at least 148 feet and 6 inches, and to execute on behalf of the United States the necessary conveyances to effect such exchange; and also to acquire, by purchase, condemnation, or otherwise, so much of the remaining frontage on Vermillion street, between Harrison and Madison streets, and having a like depth of not less than 148 feet and 6 inches, as he may deem necessary, to provide a suitable site for the building hereinafter authorized to be erected.

That upon said new site, when acquired as aforesaid, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable and commodious building, with fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the post-office, United States courts, and other governmental offices in said city, at a total limit of cost of not to exceed \$275,000, including such land, if any, as may be acquired in addition to that secured by exchange for the present site.

Sec. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the United States post-office building at Ottumwa, Iowa, to be taken down and a new building to be erected on the site thereof for the accommodation of the United States post-office, courts, and other governmental offices, at a total cost to the Government, including the removal of the present building and the construction of a new building with fireproof vaults, heating and ventilating apparatus, and approaches, complete, not to exceed \$200,000; including \$35,000 authorized by the act of June 30, 1906, which shall be available for this purpose.

Sec. 9. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to sell at private sale to the Florence Lodge, No. 820, Benevolent and Protective Order of Elks, at Florence, Ala., the following-described strip or parcel of land, situate and being in the city of Florence, county of Lauderdale, State of Alabama: Beginning on the southerly line to Tombigbee street, in Flor-



ence, Ala., at the northeasterly corner of the tract of land purchased by the United States Government from Dwight Devine and others on the 17th day of December, 1903, the deed to which is on record in the office of the probate judge of Lauderdale County, Ala., book No. 67, pages 295, 296, and 297; thence at right angles to said Tombigbee street, southwardly, 100 feet; thence, at right angles, westwardly, 10 feet; thence, northwardly, at right angles, 100 feet to Tombigbee street; thence at right angles, eastwardly, along the said street 10 feet to the point of beginning, which embraces a strip of land 10 feet in width and 100 feet in length off the east side of the Federal building site in Florence, Ala., for such an amount as the Secretary of the Treasury, in his judgment, shall deem to be a fair and just compensation for said property. The Secretary of the Treasury, in the event of such sale, is authorized and directed to execute a quitclaim deed to Florence Lodge, No. 820, Benevolent and Protective Order of Elks, at Florence, Ala., conveying all the rights, title, claim, and interest of the United States in or to said above-described strip of land.

Sec. 10. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and building for the United States post-office and other governmental offices at Peekskill, N. Y., at a cost for said site and building of not to exceed \$40,000.

That upon the title to said property being vested in the United States, the Secretary of the Treasury is hereby further authorized and directed to cause the building so acquired to be altered, remodeled, extended, or repaired for the use and accommodation of the United States post-office and other governmental offices in said city, including necessary changes in alterations, or remodeling of, or repair to, the heating, ventilating, and plumbing systems in said building at a cost not to exceed \$5,000.

Sec. 11. That the provision contained in the act approved June 30, 1906, authorizing and directing the Secretary of the Treasury to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post-office and court-house at Little Rock, Ark., upon ground now owned by the United States, at a limit of cost of \$125,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury, within said limit of cost, to enter into contracts for the enlargement, extension, remodeling, and improvement of the present post-office and court-house building at Little Rock, Ark.

Sec. 12. That the provision contained in the act approved June 30, 1906, authorizing and directing the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary for the enlargement, extension, remodeling, or improvement of the United States subtreasury building at San Francisco, Cal., at a limit of cost of \$375,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States subtreasury and other governmental offices at San Francisco, Cal., at a cost not to exceed the said sum of \$375,000.

Sec. 13. That of the amount authorized in the act approved June 30, 1906, for the acquisition of a site and the erection thereon of a suitable building for the use and accommodation of the United States post-office and other governmental offices at San Diego, Cal., at a cost not to exceed \$150,000, the sum of \$15,000, or so much thereof as may be necessary, may be used for the purchase of lands in said city to be assigned to the use of the War Department and for removing to such newly acquired land and placing in position the buildings and structures now on block 39, the making of water and sewer connections therewith, the inclosing of said newly acquired land, and other incidental expenses of like character: *Provided*, That upon the acquisition of such land, block 39, in said city of San Diego, Cal., now owned by the United States and assigned to the uses and purposes of the War Department, shall be assigned to the Treasury Department as the site for the United States post-office and custom-house building authorized by said act approved June 30, 1906.

Sec. 14. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to reduce the open space for fire protection at Newark, Ohio, to 20 feet, to insure the acquisition of a suitable site and the erection thereon of an adequate building for the accommodation of the United States post-office and other governmental offices within the present limit of cost as fixed by the act approved June 30, 1906.

Sec. 15. That section 16 of an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be, and the same is hereby, amended so as to read as follows: "Sec. 16. That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the old custom-house and post-office building and the site thereof, at the corner of Seneca and Washington streets, in the city of Buffalo and State of New York, at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be for the best interests of the United States, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said building and site shall not be sold for a sum less than \$100,000."

Sec. 16. That a commission consisting of the Secretary of War, the Secretary of the Treasury, the Superintendent of the United States Capitol Building and Grounds, one member of the Grand Army of the Republic, to be designated by the commander in chief of that organization, and a member of the United Spanish War Veterans, to be designated by the commander in chief of that organization, be, and is hereby, created, which shall cause plans and estimates to be prepared for a memorial amphitheater at Arlington, Va., and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the direction of the Secretary of the Treasury.

And for the expense of said commission a sum not to exceed \$5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission.

Sec. 17. That the northerly portion of the Government reservation bounded by B street north, B street south, Seventh street west, and Sixth street west, in the District of Columbia, known as Armory Square, comprising that portion of said square north of a line established for the south front of the buildings for the new National Museum and the new Department of Agriculture, be, and is hereby, selected and dedicated as a site for an armory for the National Guard of the District of Columbia, after the removal of the buildings and tracks of the Baltimore and Potomac Railroad Company from said square.

That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, and the

Superintendent of the United States Capitol Building and Grounds, be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the supervision of the Secretary of the Treasury.

And for the expense of said commission a sum not to exceed \$2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission.

Sec. 18. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States custom-house, United States courts, and other governmental offices at Honolulu, Hawaii, \$100,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$850,000.

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$100,000 may be expended during the fiscal year ending June 30, 1909.

Sec. 19. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Oklahoma City, Okla., \$50,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$200,000.

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$50,000 may be expended during the fiscal year ending June 30, 1909.

Sec. 20. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the United States post-office and court-house building at Shreveport, La., to be taken down and a new building erected on the site thereof for the accommodation of the United States post-office, courts, and other governmental offices, at a total cost to the Government, including the removal of the present building and the construction of a new building with fire-proof vaults, heating and ventilating apparatus, and approaches, complete, not to exceed \$200,000. And the Secretary of the Treasury may, in his discretion, reduce the open space for fire protection to 20 feet: *Provided*, That of this amount not to exceed \$50,000 may be expended during the fiscal year ending June 30, 1909.

Sec. 21. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office at Minneapolis, Minn., \$100,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$500,000.

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$100,000 may be expended during the fiscal year ending June 30, 1909.

Sec. 22. That for the purpose of beginning the construction of a suitable and adequate fireproof addition to the present Federal building for the accommodation of the United States post-office, United States courts, and other governmental offices at Dayton, Ohio, \$60,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost for said addition at the sum hereby named, but the addition hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$325,000.

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable addition for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$60,000 may be expended during the fiscal year ending June 30, 1909.

Sec. 23. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office at Jersey City, N. J., \$100,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$350,000.

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$100,000 may be expended during the fiscal year ending June 30, 1909.

Sec. 24. That for the purpose of beginning the construction of suitable and commodious fireproof buildings, and the acquisition of additional ground, for the accommodation of the United States custom-house and other governmental offices, excepting United States courts and post-office, and for a Government warehouse or appraisers' store building, at Wilmington, N. C., \$80,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said buildings and additional ground at the sum hereby named, but the buildings hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, approaches, and additional land, not exceeding \$280,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, said additional ground and to enter into contracts for the construction of suitable buildings for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$80,000 may be expended during the fiscal year ending June 30, 1909. That the Secretary of the Treasury be, and he is hereby, further

authorized and directed to use for said new buildings the present site of the United States custom-house and warehouse, and to erect thereon suitable buildings for the purposes aforesaid, purchasing ground adjacent thereto for the enlargement of said site; and he is hereby authorized to provide for the use, in the construction of said new buildings, of such of the material composing the present structures as he may deem suitable for the purpose, or, in his discretion, to dispose of the same and to use the proceeds toward the cost of constructing the new buildings; and in case of such sale of the old material the limit of cost heretofore fixed for said new buildings and additional ground is hereby increased by a sum equal to the net proceeds derived from said sale.

SEC. 25. That the Secretary of the Treasury be, and he is hereby, authorized and empowered in lieu of making additions to the present Federal building at Lynchburg, Va., authorization for which has heretofore been made, to acquire a new Federal building site in the city of Lynchburg, Va., by the exchange of the present post-office and court-house building and the site thereof in said city for a portion of the land and improvements thereon belonging to the city of Lynchburg, commonly known as the "warehouse property," having a frontage of 132 feet on Church street and 182 feet on Tenth street, and to execute the necessary conveyances therefor to said city upon the payment to the United States by said city of a sum not less than \$70,000, and the furnishing, free of cost to the United States, of such abstracts, official certifications, evidences of title, and deeds of conveyance as, in the opinion of the Attorney-General, may be necessary to vest in the United States a good and valid title to said property. That upon said new site, if acquired as aforesaid, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable and commodious building, with fireproof vaults, heating and ventilating apparatus, and approaches complete, for the use and accommodation of the United States post-office, United States courts, and other governmental offices in said city, at a total limit of cost of not to exceed \$220,000, and the unexpended balances of any authorization heretofore made for the enlargement, extension, remodeling, or improving of the present post-office and court-house building in the city of Lynchburg, together with such sum as may be received from said city, as heretofore provided, be, and the same are hereby, authorized to be applied and made available to carry into effect the provisions of this section, and no further authorization therefor is made: *Provided*, That the Secretary of the Treasury may, in his discretion, proceed, if he deems best, with the improvement and enlargement of the present Federal building within the limit of cost heretofore fixed.

SEC. 26. That a commission be, and the same is hereby, created, to consist of five members, namely, the Secretary of War, the Attorney-General, the president of the Board of Commissioners of the District of Columbia, the chairman of the Committee on Public Buildings and Grounds of the United States Senate, and the chairman of the Committee on Public Buildings and Grounds of the United States House of Representatives, for the purpose of investigating the title of the United States in and to all lands in the District of Columbia, with a view to protecting such title, filing a map of said lands, and ascertaining whether or not any individual or corporation is, without proper authority, occupying, in whole or in part, any such lands. Said commission shall also investigate and report on any and all transfers of title to such lands by the United States, either by authority of Congress or otherwise, and shall make recommendations as to the future policy of the Government with respect to the sale or retention of any and all such lands, title to which may have been or is now vested in the United States, and pending the report of said commission, unless otherwise directed by Congress, all authorizations heretofore made for the sale of Government land in the District of Columbia, in which conveyances have not been made or contracts entered into, shall be held in abeyance. The commission hereby created shall have authority to send for persons, papers, documents, public and private records, administer oaths, and to conduct such investigation in such manner as said commission may deem best, and shall report the results of such investigation to the Sixtieth Congress, together with its recommendations. And for the expense of said commission a sum not to exceed \$5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission.

SEC. 27. That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to convey by quitclaim deed to the city of San Juan, P. R., for street and other purposes, such portions of the site in said city reserved for Federal building purposes by Executive order dated June 30, 1903, as in the opinion of the Secretary of the Treasury may not be required for the present or probable future needs of the United States for sites for Federal buildings.

SEC. 28. That hereafter in all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of land for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Secretary of the Treasury, unless otherwise specifically directed, be, and he is hereby, authorized and empowered to enter into contracts within the full limit of cost fixed by Congress therefor.

SEC. 29. That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings, the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located, where the buildings are reserved by the vendors, at a fair rental value, the net proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided.

SEC. 30. That proposals for the sale of land suitable for all sites, or additions to sites, provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of said cities, respectively, of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be mailed and addressed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons

therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

SEC. 31. That all buildings authorized to be constructed, enlarged, or extended under the provisions of this act shall, unless otherwise provided herein, be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys: *Provided*, That in exceptional cases and for good cause shown the Secretary of the Treasury may, in his discretion, reduce the open space to less than 40 feet and to any dimensions which he shall deem sufficient to afford fire protection.

SEC. 32. That Congress reserves the right to alter, amend, or repeal this act.

SEC. 33. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. BRANTLEY. I demand a second.

The SPEAKER pro tempore. Under the rules—

Mr. FITZGERALD. Is the gentleman from Georgia opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Georgia opposed to the bill, or is any member of the Committee on Public Buildings and Grounds opposed to the bill?

Mr. BRANTLEY. No; it is the unanimous report of the committee.

Mr. SMALL. I am opposed to the bill.

Mr. FITZGERALD. Mr. Speaker, I made the demand for a second, and I am opposed to the bill.

The SPEAKER pro tempore. The gentleman from New York demands a second and is opposed to the bill. The gentleman from Missouri [Mr. BARTHOLOTT] is entitled to twenty minutes, and the gentleman from New York [Mr. FITZGERALD] is entitled to twenty minutes.

Mr. BARTHOLOTT. Mr. Speaker, in presenting what is known as the "omnibus public-building bill" to the House for passage, I desire to state that this comprehensive measure represents the labor of many months and the diligent and conscientious efforts—barring the chairman of course—of every member of the Committee on Public Buildings and Grounds. Including 56 bills passed by and sent over from the other House, the committee has had under consideration not less than \$21 different bills and propositions, calling for a total appropriation of more than \$112,000,000. The bill as it is now presented to the House carries only about one-fifth of that amount, namely, in round numbers, \$21,000,000, with a little over \$2,000,000 additional for continuing contracts. By continuing contracts are meant those cases where the total limits of cost of the authorizations have been fixed and only a small amount authorized for the present, in order to enable the Supervising Architect to begin the construction of the buildings.

It is needless, perhaps, to state that the task of scaling down the enormous demands made upon the committee to the proportions of this bill was not a pleasant one, but the duty had to be performed though the result be disappointment in some quarters, inasmuch as the committee could not in all cases grant what Members desired. In a general way, it can be stated, however, that the most urgent needs of our growing Federal service have been amply provided for.

The wisdom of legislation of this kind, Mr. Speaker, is patent to all. It is necessary, even in times of great prosperity, to house the growing Federal service, but it is especially desirable in periods of temporary depression, when appropriations of this character made by the General Government will have the effect of stimulating business and affording employment to labor.

The new policy adopted by the committee two years ago, namely, that of constructing plain and practical buildings instead of ornamental structures for the postal service, has been strictly adhered to in the present bill. In nearly all the large cities whose claims have been considered by the committee the present Federal buildings will be turned over to the uses of the Government other than those of the post-office, while for the postal service special buildings in close proximity to railroad stations are contemplated. This policy is not only more economical, but will also afford better and more healthful accommodations to the employees, and at the same time facilitate and cheapen the transmission of the mails.

I also desire to call special attention to a new departure which has suggested itself as a better business method of defraying the expenses of the Office of the Supervising Architect. Heretofore the field and office expenses of that service have been deducted from the amounts appropriated for new building projects, and this system has caused considerable dissatisfaction in many cases. In lieu of it the committee now proposes that all of these expenses shall be appropriated for directly upon estimates to be annually submitted by the Secretary of the Treasury.

And in this connection permit me to suggest that upon the inauguration of this reform steps should be taken at an early



day, either by the Secretary of the Treasury or by Congress, to consolidate under one head all the branches of the Treasury Department which have to do with building operations. At the present time this service is divided, and a consolidation is desirable from every consideration of economy and efficient public service.

One other section in the bill should be specially mentioned, namely, section 26, which proposes the creation of a commission to consist of the Secretary of War, the Attorney-General, the president of the Board of District Commissioners, and the respective chairmen of the Senate and House Committees on Public Buildings and Grounds. This commission is to fully investigate land transfers in the District of Columbia, and is to fix a definite policy with respect to the disposition of Government lands in the District of Columbia, with a view to determining which of these lands shall properly be disposed of or retained. The commission is to report at the next session of Congress.

Upon examination of the bill Members of the House will find—and I believe they will do the committee the justice to say so—that the claims of all sections of the country have been fully and impartially considered without regard to party, individual representation here, or any other consideration except the public good.

Now, Mr. Speaker, I desire to call attention to some omissions which I have been advised by several members of the committee have occurred in the bill. They are Xenia and Wooster, Ohio, and Elwood, Ind., for which sites had been contemplated, as I understand it, by the subcommittees. Since it is not possible under this rule to offer amendments to the bill, I will state that if these corrections should be made in the other House there will be no objection to them on the part of the conferees of the House.

In order to answer any questions or objections, I reserve the remainder of my time.

Mr. FITZGERALD. I wish to express my objection to this method of passing an important bill.

This bill contains 454 items and carries \$20,000,000 in direct appropriations and over \$3,000,000 in authorizations. It is referred to in all of the morning papers of to-day as the "pork barrel." For several weeks the papers of the country have announced that the public-buildings bill was being held up until after a currency bill had been passed through this House, and that as soon as that bill was passed with the necessary votes this bill would be reported. I do not believe all that I see in the papers of the country, Mr. Speaker, and yet it is a somewhat peculiar coincidence that the gentleman from Missouri reported this bill immediately after the vote was taken upon the currency bill yesterday.

This bill contains sixty-two pages. It has been in print about three hours. The gentleman from Missouri asks the House to examine this bill carefully, not of course before it passes, but after it passes, and then to do the committee the justice to say that every section of the country has been fairly and impartially treated, or, as I might more bluntly state it, that the spoils have been evenly distributed to accomplish the purpose desired.

It has been asserted that this bill would be so prepared that if the President of the United States dared to exercise his constitutional power and to veto this bill, so many Members would be personally interested in it that there would be no question that the bill would pass easily, over the veto of the President. Of course, Mr. Speaker, I have no knowledge and no means of ascertaining whether the bill has been framed with that purpose in view. I am quite confident that the present Chief Executive of the United States will never put the Congress to the test by vetoing a public-building bill.

The gentleman from Missouri [Mr. BARTHOLOMEW] justifies this bill because in a time of depression it is wise for this Government to undertake great public works, so as to employ the unemployed. Does the gentleman from Missouri hope to have employed a sufficient number of the idle men of the country so that when election comes around they will fail to appreciate the condition to which a Republican Administration has brought the country? To-day the Treasury sheet shows that for the present fiscal year there is a deficit in the revenues in comparison with the expenditures of \$56,000,000.

This day last year the excess of revenues over expenditures was \$61,000,000. The estimates for carrying on the public service for the current year are \$118,000,000 in excess of the estimated revenues, and Congress apparently is determined not only to appropriate all of the money asked by the Departments, but to seek out, as is done here, the opportunity to appropriate \$20,000,000 additional. If there were no fear, Mr. Speaker, that this bill could stand the scrutiny of Members who desire to scrutinize it, if the items in the bill could stand upon their merits if taken singly by the Members of the House and dis-

cussed, why is this bill not brought before the House as the river and harbor bills are brought here, and every item permitted to stand on its merits? Why are these lumped together so that, as it has been well said on other occasions by my colleague, they will go through by the "cohesive power of public plunder?" Is there anything here that can not stand upon its merits?

The gentleman from Missouri has referred to one section of the bill, calling particular attention to it. It creates a commission to investigate transactions conveying the title of the United States to certain tracts of land in the District of Columbia. The action of the Republican Congresses during the past twelve years has been severely scored by a distinguished Republican Senator. He has condemned this Congress and its predecessors for having made indefensible transfers of the public land in this District. The gentleman from Missouri brings in a bill providing a commission to investigate these transfers, and that commission is to consist of the Secretary of War, who was authorized to make them, of the president of the Commissioners of the District of Columbia, who also recommended them, and of the chairman of the two committees, through whom I assume most of the bills passed, and in addition to that the Attorney-General. Not a single Democrat can find a place on that commission.

I do not impeach the integrity of any of the men who are upon that Commission, but if the conditions here have been sufficiently grave to necessitate an investigation of the prior actions of Congress, it would at least have been an assurance to the public that the investigation would have been impartial if all the members of the Commission were not members of the same political party.

Mr. Speaker, I simply wish to enter my emphatic protest against the passage in this way of a bill carrying \$20,000,000, so distributed that it is impossible to obtain any consideration of the bill here. I suppose that when the gentleman from Missouri said that Members would investigate it and ascertain that all sections had been impartially treated, he meant that each Member would examine that part of the bill that affected his district particularly, and then they would say that all sections, at least to some extent, were satisfied with the bill.

I have attempted to glance through the bill hastily. I have understood that the Speaker has been a busy man; pressure has been brought upon him from all parts of the country, from all classes of people, for all classes of legislation, and yet more of this bill is devoted to the item for a new public building in the city of Danville, Ill., than to any other single item in the bill; and it may show the complete harmony of action between the Speaker and the chairman of this committee when it is noted that Danville, Ill., and St. Louis each get the identical amount for a public building in their respective places.

Mr. Speaker, I shall take a minute or two longer. Some time since I stated that it would have been advisable for the Speaker to dismiss Congress and conduct the business here himself. I have since ascertained that that would not be an unprecedented action. I have found it stated in a history of the Territory of Alabama, by Pickett, that—

the first territorial legislature was convened on the 19th of January, 1818. James Titus was the only member of the executive council and the senate. He sat alone and decided upon all actions of the lower house, and adjourned to meet again with a show of formality that was quite ludicrous.

Why not have the Speaker act here without the rest of the House, call the House to order, rush down and make a point of no quorum, rush back and go through the formality of counting a quorum, afterwards moving to suspend the rules and pass any particular bill he desired, then come down and take twenty minutes to debate one side of it and twenty minutes to debate the other side—and we all know he could discuss both sides with equal effectiveness—then return to the Speaker's chair and take the vote on the passage of the bill? Why go through the absurd farce of intimating that the Members have anything to do with legislation when not sufficient time has been given even to read intelligently this bill carrying \$23,000,000 in 454 items?

Mr. Speaker, I yield five minutes to the gentleman from North Carolina, who, I understand, is opposed to the bill.

Mr. SMALL. Mr. Speaker, there are just a few words I wish to say regarding this bill. It seems to be understood that every Member of this House must favor this bill because his district has been recognized by an appropriation, great or small. My district has been favored by the committee by increasing the limit of cost of the public building and site in my home city of Washington, N. C., from \$75,000 to \$110,000, but they have ignored the claims of Greenville, N. C. I realize the difficulties under which the committee has labored. From the statement

of the number of bills which have been referred to that committee and the number of bills which have come from the other House, I realize that in the selection of the most meritorious locations they have had an arduous undertaking. I am not impugning their good motives or patriotic desire to serve the entire country in the preparation of this bill. Yet there are two features which I wish to criticize. It is well known to members of the House that for several weeks this bill has been prepared, passed upon by the full committee, and was ready to be offered to this House at any time.

Yet at about 5 o'clock or 6 o'clock yesterday evening, just before the adjournment, it was reported, and no Member of this House, except the committee, had an opportunity to inspect the bill until it was printed this morning and placed in the document room for distribution about 11 o'clock. I do not understand the reason for this action on the part of the committee. I would like to have some explanation from the chairman. To my mind, Mr. Speaker, it indicates a growing lack of confidence upon the part of committees and upon the part of leaders in this House in the membership of the House. What reason exists that any Member of this House should not have known the contents of this bill? The members, including the chairman, had held it in executive confidence until it was reported. I asked one or two members of the committee, and also the clerk of the committee, as to the contents of the bill and that was the information which I received, and I assume others were treated likewise.

Why is it that during the three weeks since this bill has been completed it was withheld from the House and presented finally with only two or three hours in which to inspect it, and that during the session of the House?

While upon this subject, I recall the great sundry civil appropriation bill. Members were not permitted to see the hearings, and the bill was not reported until the day before it was taken up in this House, although it contains one of the most important budgets presented to Congress during the entire session.

Mr. Speaker, I wish to submit one other criticism. I have a town in my district which sought the acquisition of a site for the erection of a public building. I refer to the town of Greenville. It has a population of about 7,000. Its people are progressive. A large educational institution will soon be established there. It is the largest bright-tobacco market in the world. These are only a few of its attractive features. I understood that town was not recognized because it did not have \$10,000 gross receipts from the post-office, and that no town was included in the bill which had less than \$10,000.

If everyone had been treated alike, then there could be no just complaint upon the part of Members. Perhaps the chairman of the committee, perhaps the members of the committee may not know there has been any deviation from their alleged rule; and yet, looking at the list of towns for which sites are provided here, I find several towns which, according to the last report of the Post-Office Department for the year ending March 31, 1907, have less than \$10,000 gross receipts. They are Cullman, Ala., Searcy, Ark., Cedartown, Ga., Elberton, Ga., Harrisburg, Ill., Lawrenceburg, Ky., Lafayette, La., Rolla, Mo., Pulaskee, Tenn., Springfield, Tenn., Cuero, Tex., Navasota, Tex., Park City, Utah, Wytheville, Va. Each one of those towns, according to the last available report of the Post-Office Department, have less than \$10,000 of gross revenues. Now, this may be an inadvertence on the part of the committee; the committee may have been ignorant of the fact.

The SPEAKER. The gentleman's time has expired.

Mr. FITZGERALD. I yield the gentleman half a minute.

Mr. SMALL. I say this may have been done inadvertently on the part of the committee, and yet it must be admitted on the part of the committee that I owed it as a duty to myself and my constituents to point out this inconsistent attitude on the part of the committee. The chairman of the committee can say whether the information I have given is correct or not, and I have the report of the Post-Office Department here on my desk.

I repeat, I do not impugn the motives of or make any charge of unfairness against the committee. It is simply up to the committee to explain.

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time, two minutes and a half, to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Speaker, whatever criticism may be justly made on the pending bill, or the manner of its passage, it is not subject to the criticism of being a partisan bill. I realize, as did our committee, that it is utterly impossible in framing a bill of this magnitude, covering as many items as

were pending before the committee, to frame a bill that would put everything in that everybody wanted or that justly ought to go in. In my judgment this is an absolutely fair and equitable bill, so far as it could be made so. There may be mistakes in it, but those mistakes have not been the result of any disposition or desire to treat any section of the country or any individual unfairly.

My friend from North Carolina [Mr. SMALL] complains of the omission of a very small item in the face of the fact that the State of North Carolina is much more largely represented in this bill than many States larger than the State of North Carolina. There are various reasons that occur why in framing such a bill it is necessary to leave out this item or that item. The fact that a State already has its just proportion of items is one of them.

I only want to say, Mr. Speaker, that in my opinion the committee tried to be fair and just to each and every section of the country. I want to say, further, in the moment of time that I have left that in the print of this bill, as stated by the gentleman from Missouri, certain items through some error or accident, items that had been agreed upon, do not appear in the print as, for instance, the items for Xenia and Wooster, Ohio, and Elwood, Ind. In the framing of the bill—that is, in compiling the reports of the various subcommittees or in the preparation of copy for the printer, these mistakes have occurred, these omissions have been made. This statement should be made in the hope that these mistakes may be corrected elsewhere. There is no opportunity now for amendment here. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, in answer to the criticism of the gentleman from North Carolina [Mr. SMALL], I want to make this emphatic statement, that in no case has the Committee on Public Buildings and Grounds deviated from the rule, which is, that no consideration should be given to a town having less than \$10,000 postal receipts. [Applause.] In all cases mentioned by the gentleman there were specific reasons for such deviation. Namely, either the town has a court, though it does not have the necessary postal receipts, or it has a customs service which necessitates the erection of a public building, or it has large internal-revenue receipts, as in the tobacco and whisky districts of the South. But in each case, Mr. Speaker, where the postal receipts were below \$10,000 the towns were stricken from the reports of the subcommittee. To show that this is true I refer to a case which appealed to me strongly for many reasons—the case of the gentleman from Alabama [Mr. HOBSON], whose town has a little over \$8,000 postal receipts, and which had to be cut out on that account.

Mr. SMALL. Mr. Speaker, will the gentleman permit me a question?

Mr. BARTHOLDT. No; I can not; I have not the time.

The SPEAKER. The gentleman from Missouri declines to yield.

Mr. BARTHOLDT. The gentleman from North Carolina has, as I notice, an increase of the limit of cost for the post-office and court-house at Washington, N. C., of \$35,000. He has also introduced a bill for the acquisition of a site at Greenville, N. C. The postal receipts at Greenville for the last fiscal year, however, were only \$7,247. [Applause.] Consequently, even if the committee had made an exception because of the distinguished and long services of the gentleman from North Carolina in this House, there would have been no probability of this town growing sufficiently that in two years—that is, by the time the building would have to be erected on the site—it would have the necessary postal receipts, and for that reason, not because the gentleman was discriminated against, that item was left out. In a general way, let me add, Mr. Speaker, that the State of North Carolina has more appropriations in this bill in proportion to its population than any other State in the Union. [Applause.]

Reference has also been made by the gentleman from New York [Mr. FITZGERALD] to the item carried in this bill to increase the limit of cost for the new post-office building at St. Louis, Mo. That building when completed, though St. Louis is rapidly advancing to the million-population rank, will not cost more than \$1,000,000. It is to be a model building of its kind; and when the proposition was originally made to the committee, every member agreed it was the most modest request before the committee. Now, as to the State of Missouri: I will merely compare that State with Texas, two States of nearly equal population. Texas receives over \$1,000,000 in this bill, and Missouri, including the \$275,000 for St. Louis, carries only \$700,000. So far as the item for Rolla, Mo., is concerned, to which reference has been made, I want to say to the gentleman that it is well within its



rights, because that town has free delivery and is entitled to consideration, although that district is represented by a Democrat. [Applause.] And I want to say further, Mr. Speaker, that I greatly regret that the gentleman from New York [Mr. FITZGERALD] saw fit to differentiate here in discussing this bill between the two parties, because in our committee we know no such difference, as all the Democratic members will be ready to tell you. [Applause.]

Mr. FITZGERALD. This bill shows that. I admit there is no partisanship in the bill as reported.

Mr. BARTHOLOTT. Now, Mr. Speaker, I will be pleased to yield three minutes to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I am not going to speak in support of this bill because this bill does not need the recommendation of any gentleman upon the floor of this House outside of the recommendations made by the committee which reported the bill. I have confidence in every gentleman upon that committee on both sides of the Chamber. I rise to say to the gentleman and to the Members of this House that when I go back home and meet this question and meet the statement of the gentleman from New York this morning I am going to say to my people, when I address them, that the gentleman from New York has done great injustice to the gentlemen on his side of the Chamber when he undertook to slander every Member of this House by saying that they were open to purchase.

I am not going to defend the Republican side, because, Mr. Speaker, they need no defense—

Mr. FITZGERALD. Mr. Speaker, I call the gentleman to order.

Mr. JENKINS. But I merely speak in defense—

Mr. FITZGERALD. The gentleman has no right, and the gentleman can not attribute such offensive language to me as that which reflects upon the membership of this House when I did not utter it.

Mr. JENKINS. I will just ask to proceed in order, and I will modify it as much as I can.

Mr. FITZGERALD. The gentleman must understand that he must not make such statements.

The SPEAKER. What did the Chair understand the gentleman from Wisconsin [Mr. JENKINS] to ask?

Mr. JENKINS. I ask unanimous consent to proceed in order, then. I said I was willing to qualify my statement. I was only speaking with reference to the effect, at least, of the language of the gentleman from New York [Mr. FITZGERALD]. I am sorry he was sensitive about it.

Mr. FITZGERALD. I am not sensitive. I understand the English language, and I never hesitate to say exactly what I mean, and I will not permit the gentleman from Wisconsin [Mr. JENKINS], or any other Member of this House, to attribute to me a charge that the Members of this House can be purchased or are subject to purchase.

Mr. SULZER. The gentleman has apologized.

Mr. JENKINS. I was speaking with reference to the statement made that this bill had been held up by the powers in this House until after the financial bill had been reported.

Mr. SULZER. Who held it up?

Mr. JENKINS. I considered that as a charge that gentlemen on the floor of this House were open to purchase.

Mr. SULZER. Who held it up?

Mr. JENKINS. The gentleman has withdrawn his reflections upon Members of this House.

Mr. FITZGERALD. I did not withdraw the statement I made.

The SPEAKER. The incident is closed. The gentleman from Wisconsin will proceed.

Mr. JENKINS. Now, Mr. Speaker, the practice has always been to withhold the public-building bill until pretty nearly the close of the session, but I want to ask my friend from New York [Mr. FITZGERALD] how many Democratic Indians we got onto our financial reservation yesterday by reason of the fact that the Democratic party was as well cared for in this bill as the Republican membership here? I think, Mr. Speaker, that when we are discussing these questions in the House we ought not to cast these unjust reflections and have it sent all over the country that men are influenced. I want to be able to say that, after my long years of service in this House, I have never met a gentleman on either side of this Chamber that I thought was open to purchase. [Applause.]

Mr. BARTHOLOTT. Mr. Speaker, since this bill carries a large amount of money, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas, 281, nays 6, answered "present" 4, not voting 96, as follows:

YEAS—281.

Acheson	Draper	Hubbard, Iowa	Padgett
Adair	Driscoll	Hubbard, W. Va.	Page
Adamson	Durey	Huff	Parker, N. J.
Alken	Dwight	Hughes, N. J.	Parker, S. Dak.
Alexander, Mo.	Ellerbe	Hull, Iowa	Parsons
Alexander, N. Y.	Ellis, Oreg.	Hull, Tenn.	Patterson
Allen	Englebright	Humphrey, Wash.	Payne
Ames	Esch	James, Addison D.	Pearre
Ansberry	Fairchild	James, Ollie M.	Pollard
Ashbrook	Fassett	Jenkins	Pray
Barchfield	Ferris	Johnson, Ky.	Prince
Barclay	Finley	Johnson, S. C.	Pujo
Bartholdt	Flood	Jones, Va.	Rainey
Bartlett, Nev.	Floyd	Jones, Wash.	Randell, Tex.
Bates	Focht	Kahn	Rauch
Beale, Pa.	Fordney	Kelker	Reeder
Beall, Tex.	Foster, Ill.	Kellher	Reynolds
Bede	Foster, Ind.	Kennedy, Iowa	Rhinock
Bell, Ga.	Foster, Vt.	Kennedy, Ohio	Richardson
Bennett, Ky.	Foulkrod	Kimball	Roberts
Bonyngo	Fowler	Kinkaid	Robinson
Booher	French	Kitchin, Claude	Rodenberg
Boutell	Fuller	Knapp	Rothermel
Bowers	Fulton	Knopf	Russell, Mo.
Boyd	Gaines, Tenn.	Knowland	Russell, Tex.
Bradley	Gaines, W. Va.	Kustermann	Sabath
Brantley	Gardner, Mich.	Lafean	Saunders
Broussard	Gardner, N. J.	Lamb	Scott
Brownlow	Garner	Langley	Shackelford
Brundidge	Garrett	Lanning	Sheppard
Burgess	Gilham	Lassiter	Shirley
Burleigh	Gillespie	Lawrence	Sims
Burnett	Glass	Leake	Slayden
Burton, Del.	Godwin	Lee	Slomp
Burton, Ohio	Goebel	Lever	Smith, Cal.
Butler	Gordon	Lindbergh	Smith, Iowa
Calderhead	Goulden	Lloyd	Smith, Mich.
Caldwell	Graff	Loudenslager	Snapp
Campbell	Graham	Lovering	Southwick
Candler	Granger	McCall	Sparkman
Capron	Greene	McDermott	Sperry
Cary	Hackett	McGavin	Splight
Caulfield	Hackney	McGuire	Stafford
Chaney	Hale	McHenry	Stanley
Chapman	Hall	McKinlay, Cal.	Steenerson
Clark, Mo.	Hamilton	McKinley, Ill.	Sterling
Clayton	Hamilton, Iowa	McKinney	Sturgis
Cole	Hamilton, Mich.	McLachlan, Cal.	Sulloway
Conner	Hamlin	McLain	Taylor, Ala.
Cook, Colo.	Hammond	McLaughlin, Mich.	Taylor, Ohio
Cook, Pa.	Hardy	McMorran	Thistlewood
Cooper, Pa.	Haskins	Macon	Thomas, Ohio
Cooper, Tex.	Haugen	Madden	Tirrell
Cooper, Wis.	Hawley	Madison	Tou Velle
Coudrey	Hay	Malby	Townsend
Cox, Ind.	Hayes	Maynard	Underwood
Craig	Heflin	Moore, Pa.	Waldo
Crumpacker	Helm	Moore, Tenn.	Wallace
Currer	Henry, Conn.	Moore, Pa.	Wanger
Cushman	Henry, Tex.	Moore, Tex.	Washburn
Dalzell	Hepburn	Morse	Watkins
Davenport	Higgins	Mouser	Watson
Davidson	Hill, Conn.	Murdock	Weeks
Davis, Minn.	Hill, Miss.	Needham	Williams
Dawes	Hinshaw	Nelson	Wilson, Ill.
Dawson	Holliday	Nicholls	Wood
Denby	Houston	Norris	Woodyard
Denver	Howard	Nye	Young
Diekema	Howell, N. J.	O'Connell	
Dixon	Howell, Utah	Olcott	
Douglas	Howland	Olsted	

NAYS—6.

Brodhead

Cockran

Crawford

Fitzgerald

Goldfogle

Sherwood

ANSWERED "PRESENT"—4.

Carlin

Small

Sulzer

Talbott

NOT VOTING—96.

Andrus  
Anthony  
Bannon  
Bartlett, Ga.  
Bennett, N. Y.  
Bingham  
Birdsall  
Brumm  
Burke  
Burleson  
Byrd  
Calder  
Carter  
Clark, Fla.  
Cocks, N. Y.  
Cousins  
Cravens  
Darragh  
Davey, La.  
De Armond  
Dunwell  
Edwards, Ga.  
Edwards, Ky.  
Ellis, Mo.

Favrot  
Fornes  
Foss  
Gardner, Mass.  
Gill  
Gillett  
Gregg  
Griggs  
Gronna  
Haggott  
Harding  
Hardwick  
Harrison  
Hitchcock  
Hobson  
Hughes, W. Va.  
Humphreys, Miss.  
Jackson  
Klipp  
Kitchin, Wm. W.  
Lamar, Fla.  
Lamar, Mo.  
Landis  
Law

Legare  
Lenahan  
Lewis  
Lilley  
Lindsay  
Littlefield  
Livingston  
Longworth  
Lorimer  
Loud  
Lowden  
McCreary  
McMillan  
Mann  
Marshall  
Miller  
Mondell  
Mudd  
Murphy  
Overstreet  
Perkins  
Peters  
Porter  
Pou

Powers  
Pratt  
Ransdell, La.  
Reid  
Riordan  
Rucker  
Ryan  
Sherman  
Smith, Mo.  
Smith, Tex.  
Stephens, Tex.  
Stevens, Minn.  
Tawney  
Thomas, N. C.  
Volstead  
Vreeland  
Webb  
Weems  
Weisse  
Wheeler  
Wiley  
Willett  
Wilson, Pa.  
Wolf

So the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. VREELAND with Mr. WEBB.

Mr. TAWNEY with Mr. STEPHENS of Texas.

Mr. OVERSTREET with Mr. RYAN.  
 Mr. MILLER with Mr. LENAHER.  
 Mr. MANN with Mr. HITCHCOCK.  
 Mr. LONGWORTH with Mr. GREGG.  
 Mr. LANDIS with Mr. GILL.  
 Mr. STEVENS of Minnesota with Mr. FAVROT.  
 Mr. GILLET with Mr. FORNES.  
 Mr. FOSS with Mr. DE ARMOND.  
 Mr. DARRAGH with Mr. CARTER.  
 Mr. COCKS of New York with Mr. CARLIN.  
 Mr. CALDER with Mr. BURLISON.  
 Mr. HUGHES of West Virginia with Mr. BARTLETT of Georgia.  
 Mr. GARDNER of Massachusetts with Mr. SULZER.  
 Mr. McMILLAN with Mr. SMALL.  
 Mr. COUSINS with Mr. HOBSON.  
 Mr. PADGETT. Mr. Speaker, I desire to ask if the gentleman from Michigan [Mr. LOUD] voted?  
 The SPEAKER. He did not.  
 Mr. PADGETT. I desire to state that the gentleman from Michigan [Mr. LOUD] is detained because of sickness. He informed me that he was in favor of the bill. I had a pair with him, and by his consent I have voted.  
 The result of the vote was then announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 124. Joint resolution authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank deposits;

H. R. 5297. An act to complete the naval record of John Shaughnessy; and

H. J. Res. 178. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

## PENSIONS.

Mr. CALDERHEAD. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill H. R. 1062, and concur in the Senate amendment, with a House amendment.

The SPEAKER. The Clerk will report the title of the bill, the Senate amendment, and the House amendment thereto.

The Clerk read as follows:

A bill (H. R. 1062) granting an increase of pension to Charles C. Weaver.

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The Senate amendment was read, as follows:

Strike out all after the word "laws," in line 5, and insert:

"The name of Charles C. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

"The name of Andrew Goddard, late of Companies M and H, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$12 per month."

"The name of Marshall W. Rogers, late of Company G, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of William M. Jordan, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of Mittle Choate, widow of George W. Choate, late of Company B, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving."

"The name of Davis E. Jones, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

"The name of Patrick Grady, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

"The name of John F. Lane, late of Company I, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of John McNally, late of Company F, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of Shelton Canfield, late of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of Alexander Keefe, late of Company A, Second Regiment United States Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving."

"The name of Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of Philip Bowers, late of Company M, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of Frederick Wiflin, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of John Wagner, late of Company F, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

"The name of Griffith T. Murphy, late of Company B, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of Albert Newton, late of Company C, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

"The name of Henry M. Waters, late of Company H, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

"The name of Martin L. Bruce, late of Company G, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

"The name of Joseph Rickey, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

"The name of James S. Anderson, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

"Amend the title so as to read: 'An act granting pension and increase of pension to certain soldiers and sailors of the civil war, and certain widows of such soldiers and sailors.'"

The amendment submitted by Mr. CALDERHEAD is as follows:

The name of Noah N. Greer, late of Company F, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate \$30 per month in lieu of that he is now receiving.

The name of Thomas Greenwood, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S. Cox, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William J. Nash, late of Company D, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William G. Silger, late of Company D, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Eagleson, late of Company C, Third Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel White, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Perry B. Wilson, late of Company K, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of David Woods, late of Companies H and A, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harriett J. Cobbey, widow of Joseph E. Cobbey, late first lieutenant Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of John A. Phillips, late of Company F, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Carrie L. Poole, widow of Theodore L. Poole, late first lieutenant Company H, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving, and \$2 per month additional on account of a minor child of the soldier until such child shall arrive at the age of 16 years.

The name of David H. Moredick, late of Company B, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. White, late second lieutenant Company C, Seventy-first Regiment, and of Company G, Sixty-ninth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander N. Hart, late of Company H, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Dorbert, late of Company F, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph K. Bradfield, late of Company B, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry S. Hubbard, late of Company F, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Commodore P. Barker, late of Company G, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John D. Reynolds, late of Company D, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Durling, late of Company F, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Mahood, late of Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alva Griswold, late of Company B, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Haywood W. Weathering, late of Company C, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John P. Swigert, late of Company G, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John J. Fordney, late unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Johnson White, late of Company H, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.



The names of Edward B. Valerius and Louise M. Valerius, helpless and dependent children of Peter Valerius, late of Company G, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay each of them a pension at the rate of \$12 per month.

The name of Edwin E. Cleveland, late of Company K, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Martin, late of Company I, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel T. Askey, late of Company F, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Seifert, late of Company H, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Casper Pixley, late of Company I, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry B. Crawford, late of Company B, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Myron L. Fales, late of Company K, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard W. Courtney, late of Company E, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oscar A. Paddock, late of Company K, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Richard Davis, late of Company E, Sixth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Orlando Cummings, alias Comans, late of Battery L, Second Regiment United States Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Owen Carroll, late of Company H, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Belt, late of Company C, Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James P. Ferrell, late of Company C, Forty-eighth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David A. Davis, late quartermaster-sergeant, First Regiment Kentucky Volunteer Cavalry, and of Company K, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James A. Hunter, late of Companies I and D, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Hohenstein, late of Company B, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Franklin Montgomery, late of Company K, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Bragaw, late of Company F, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Barnett, late of Company K, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Eberly, late of Company K, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew Johnson Smith, helpless and dependent child of Henry Smith, late of Company H, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Josiah Lamb, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Wood, late first lieutenant Company E, and captain Company G, Fifteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James E. Fangle, late of Company G, One hundred and thirty-fourth Regiment Ohio National Guard Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elijah W. Adkins, late of Company E, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Julius D. Austin, late of Company A, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Austin L. Nichols, late of Company H, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles O. Thomas, late of Company F, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Otto, late first lieutenant Company C, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John S. Thompson, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John M. Boyd, late of Company E, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Angel, late first lieutenant Company D, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Burris, late of Company F, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry J. Kimball, late of Company B, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. Armstrong, late of Company I, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac N. Sandwick, late of Company B, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George E. Dee, late of Company H, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Marshal S. Phillips, late of Company M, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Robert A. Gentry, late of Company D, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert Fargue, late of Company E, Fifty-seventh Regiment, and Company K, Sixty-first Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Hinkel, late of Ninth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hiram P. Neyman, late of Company I, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George B. Bergen, late second lieutenant Company I, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Augustus Van Derveer, late of Company G, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cordice R. Sprague, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John M. Armstrong, late of Company E, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nancy E. Conner, widow of Matthew B. Conner, late of Company H, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of David H. Bishop, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Nell, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis A. Woodruff, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry K. Sikes, late of Company G, First Regiment New York Volunteer Mounted Rifles, and Company G, Fourth Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simeon Kysar, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles C. Brown, late of Company B, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Henry Hammond, late of Company E, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of James T. Gill, late of Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Patrick Breen, late of Company C, Second Regiment United States Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Ebenezer Watson, late of Company E, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles F. Perry, late of Company K, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Standish C. Stiles, late of Company I, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Duesler, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin C. Durham, late of Company K, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Paul Gettis, late of Company H, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wilber S. Benjamin, late of Company D, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gustav Timble, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel W. Lapham, late captain Company K, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John F. Swaney, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Pickett, late of Company G, Fourteenth Regiment, and Company L, Eighth Regiment, Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Underwood, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael Guth, late of Captain Piquenard's independent company of Pioneers, Fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Smith, late of Companies K and A, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and

pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. McCoy, late of Company G, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Benjamin, late of Companies I and D, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Gaertner, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry W. Elbridge, late of Company G, Thirteenth Regiment New York Volunteer Cavalry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary Spillane, widow of Michael Spillane, late of Company E, Twelfth Regiment, and Company E, Fifth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of John Welker, late of Company E, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William Lamon, late first lieutenant Company C, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of America H. Adams, widow of William G. Adams, late of Company G, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Allen L. Adams, helpless and dependent son of said William G. Adams, this pension shall be reduced to \$12 per month from and after the date of death of said Allen L. Adams: *And provided further*, That in the event of the death of America H. Adams the name of said Allen L. Adams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said America H. Adams.

The name of Henry Allen, late of Fifth Independent Battery Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frances Crain, widow of Seburn S. Crain, late of Company G, One hundred and twenty-eighth Regiment, and Company C, Ninth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William Crain, helpless and dependent son of said Seburn S. Crain, this pension shall be reduced to \$12 per month from and after the date of death of said William Crain: *And provided further*, That in the event of the death of Frances Crain, the name of said William Crain shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Frances Crain.

The name of Oliver J. Williams, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John McNevin, late captain Company C, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac G. Barstow, late of Company M, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis Myers, late of Company G, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Mead, late of Company I, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Murray, late of Company A, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elisha Cooley, late of Company H, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Rencher, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levi N. Woodside, late first lieutenant Company G, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew Barry, late of Company B, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adam Allen, first, late of Company K, Forty-fourth Regiment Ohio Volunteer Infantry, and Company K, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Roberts, late of Company K, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Deaver, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Wesley A. Bond, late of Company D, Twenty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John McIntosh, late of Company K, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Shadrach Stacy, late second lieutenant Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Cline, late of Company B, Sixty-ninth Regiment New York State Militia Volunteer Infantry, and pay him a pension at the rate of twelve dollars per month.

The name of John Plush, late of Company I, Fifth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Louis Fricke, late of Company F, One hundred and twenty-first Regiment, and Company G, Sixty-fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Fallis H. Castone, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Merritt D. En Earl, late of Company K, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John M. Quay, late of Company K, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Cavanagh, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert W. Hardin, late of Company H, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Scott, late of Company B, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Seward Q. Payne, late of Company A, Fourth Regiment Iowa Volunteer Infantry, and second lieutenant Company B, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hilan Hoskin, late of Company I, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John T. Stasel, late of Company D, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Bassett, late of Company E, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James W. Flak, late of Company A, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alfred Harper, late of Company A, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lizzie Duncan, widow of Robert Duncan, late of Company H, Eleventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The name of Isaac N. Greer, late of U. S. S. Juliet, Hastings, and Fawn, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank E. Watrous, late captain Company F, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William Scott, late of Company D, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel R. Irwin, late first lieutenant Company C, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James P. Mallison, late of Company B, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank Marshall, late of Company K, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hiram P. Worthley, late of Company G, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. McClure, late of Company G, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Jacob Gruenewald, late of Company C, First Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James S. Everhart, late of Company H, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John D. Landis, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Albert Blood, late of Company H, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alphonso N. Nichols, late major and additional paymaster, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward Blaisdell, late of Company B, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Willis W. Wilkison, late of Company H, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Hayes, late of Company G, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Reuben V. G. Smith, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and Battery E, Second United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah Schoonmaker, late of Company E, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. Brown, late of Company D, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William K. Turner, late of Company G, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert McKee, late of Company A, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Ure, late of Company H, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Satory, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Grapen, late of Company F, First Regiment Missouri State Militia Volunteer Infantry, and Company F, Thirteenth



Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Volney B. St. John, late of Company A, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Morse, late of Company B, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Orson N. Coon, late of Company H, Third Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Hock, late of Company C, One hundred and eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Abel E. Titus, late of Company B, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel H. Osborne, late of Company H, Eighty-eighth Regiment Indiana Volunteer Infantry, and Company A, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James W. Burnes, late captain Company L, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Carney, late of Company F, Thirtieth Regiment Connecticut Volunteer Infantry, and Company A Battalion, Thirtieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William N. Webster, late of Company B, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William P. Criswell, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adam Curry, late of Company B, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ambrose S. Wilkey, late of Company B, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James H. Richardson, late of Company F, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Percy H. Dunkin, late of Company E, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James H. Hill, late of Company A, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Silas M. Abers, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John F. Hanson, late of Company K, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Beman Follett, late of Company B, First Regiment United States Volunteer Sharpshooters, and Company I, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lindsay Roop, late of Company A, One hundred and fortieth Regiment, and Company H, Fifty-third Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William B. Jenkins, late of Company D, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. Brown, late of U. S. S. Ohio, North Carolina, and Wyoming, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George A. Carter, late of Company G, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Hooper, late of Company D, Second Regiment, Eastern Shore, Maryland Volunteer Infantry, and Company I, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert H. Plummer, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Theresa B. Hanson, widow of Other P. Hanson, late of Company D, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William S. Warner, late of Company I, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank H. Cotterell, late of Company H, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W. McClintock, late of Company K, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George R. Achor, late of Company D, and band, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles B. Peet, late of Company B, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John M. Southworth, late second lieutenant Company H, Eighty-eighth Regiment Illinois Volunteer Cavalry, and captain Company C, Sixteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry H. Wright, late of companies H and A, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Kirby, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Stephen A. Signor, late of Company C, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Morris, late of Company M, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Stephen Townsend, late of Company M, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert K. Robinson, late surgeon, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Charles S. Bottomly, late of Company C, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albino Vigil, late second lieutenant Company B, First Regiment New Mexico Militia Infantry, and pay him a pension at the rate of \$12 per month.

The name of Garret Jones, late of Company K, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Dewitt, late principal musician, band, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas W. Gibson, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Smiley, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Urlick, late of Company B, Twenty-second Regiment Kentucky Volunteer Infantry, and Company A, Seventh Regiment Kentucky Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Rowe, late of Company B, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Coleman, late of Company G, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Townsend, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Lee, late of Company M, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lyman Blowers, late of Company B, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Bennager Odell, late of Company E, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Tyler, late of Company C, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas M. Phibbs, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William P. Brittain, late of Company K, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George M. Smith, late of Company H, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Clifford, late of Company H, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Ambrose Pratt Stone, alias Pratt Stone, late of Company A, first lieutenant Company D, and captain Company F, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel B. Hendricks, helpless and dependent child of Henry C. Hendricks, late of Company E, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Frances E. Kennedy, widow of Orlando Kennedy, late of Company A, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Zelotus L. Place, late of Company D, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Melvin A. Cary, late of Company E, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John O. Tuell, late of Company F, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis M. Walker, late first lieutenant Company D, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Clement, late of Company A, Sixteenth Regiment Maine Volunteer Infantry, and Company B, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David L. Bush, late of Company A, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles E. Hall, late of Company K, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jonathan R. Wright, late of Eighth Independent Company Ohio Volunteer Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Martin, late of Company B, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Morgan, late of Company F, Thirtieth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Abraham Colby, late quartermaster-sergeant, Eighteenth Battery New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. Mothersbaugh, helpless and dependent child of James M. Mothersbaugh, late of Company E, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Peter Lunsford, late of Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Adam Miller, late of Companies H and B, Ninetieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Nelson, late of Companies E and I, Seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Smith, second, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George C. Turner, late of Company K, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Theodore B. Brannan, late of Battery F, Fourth Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Durr, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Conklin, late of Company L, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James F. Lyon, late of Company C, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William G. Otis, late of Company K, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Madison, late of Company E, Forty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Anna M. Umstead, widow of Peter Umstead, late of Company G, Forty-fifth Regiment Pennsylvania Emergency Militia, and pay her a pension at the rate of \$8 per month.

The name of Henry C. Gosling, late of Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Tobias, late of Company F, Thirty-seventh Regiment Pennsylvania Volunteer Reserve Infantry, and Company I, First Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William F. Crouch, late of Company A, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Almeda Clark, widow of Moses P. Clark, late captain, Sixth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of George G. Sherlock, late of Company I, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William B. Wragham, late of Company E, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Charles Van Horn, late of Twelfth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Jackson, late of Company F, One hundred and thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James L. Wheeler, late of Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John P. Veach, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eliza Calver, widow of George W. H. Calver, late assistant surgeon, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Martha G. Calver, helpless and dependent daughter of said George W. H. Calver, this pension shall be reduced to \$12 per month from and after the date of death of said Martha G. Calver: *And provided further*, That in the event of the death of Eliza Calver the name of said Martha G. Calver shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Eliza Calver.

The name of Napoleon B. Beaulieu, late of Company E, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel S. Boyer, late of Company I, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry M. Walrath, late of Company C, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Ferdinand Spies, late second lieutenant Company E, Twenty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward A. True, late captain Company H, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Bowser, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary A. Taylor, widow of Boies Taylor, late of Second Battery, New Jersey Volunteer Light Artillery, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Thomas J. De Bolt, late of Company C, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Albright, late of Company I, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elmadorus P. Cochran, late of Company C, Second Regiment United States Volunteer Sharpshooters, and Company C, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert Hyson, late of Company E, Nineteenth Regiment

Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Boldt, late of Company D, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Bausum, late of Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel M. Ruch, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Eggleston, late captain Company D, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Darinus Heath, late of Company D, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$12 per month.

The name of William P. Ray, late of Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and Company E, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James C. Stephens, late of Company B, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and Company B, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Hilber, late of Company F, Sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Trowbridge Suwarrow, late of detachment of cavalry, United States Military Academy, West Point, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Given, late of Company B, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rollin B. Hotchkiss, late of Company D, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edwin W. Brame, late of Company D, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Zalmon B. Allee, late of Company B, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Watson, late of Company H, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Carroll, late of Company C, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Martin, late of Company B, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Magee, late of Company F, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eugenius Jenkins, late of Company C, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nicholas Corson, late second lieutenant Company G, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. McCrady, late of Company I, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ira B. Timmons, late of Company G, Twenty-fifth Regiment, and Company K, Seventeenth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Crugom, late drum major, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Bentley, late of Company K, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and Company D, Fourth Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Radford, late of U. S. S. Ohio, Vincennes, and North Carolina, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Terwilliger, late of Company B, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Harman, late of Company A, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gilbert S. Main, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas P. McCracken, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Anna E. Webb, helpless and dependent child of James Webb, late of Company C, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Josiah F. Kirk, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and Company F, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Osgood, late captain Company E, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah J. Davis, widow of Daniel Davis, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Charles Walley, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.



The name of Willis G. Craddock, late of Company A, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Orrin Nason, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Mendenhall, late of Company F, First Regiment Ohio Volunteer Infantry, and late of U. S. S. Grampus, Ouachita, and Great Western, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Bela L. Burr, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Burkman, late of Company K, Fifth Regiment Missouri Volunteer Infantry, and Troop L, Seventh United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Vinson V. Williams, late of Company B, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martha Spencer, widow of John Spencer, late of Company F, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ezra Q. Timms, late of Company F, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Dallas Seaburg, late of Twenty-sixth Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Philip Adolphus, late assistant surgeon, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Miel, late of Company F, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Plummer, late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lafayette F. Hall, late of Company K, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jerome B. Applegate, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Bridget McAllister, widow of John H. McAllister, late of Company I, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and Seventh Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of David Zecher, late of Company D, Fiftieth Regiment Pennsylvania Emergency Militia Infantry, and pay him a pension at the rate of \$12 per month.

The name of Daniel D. Darling, late of Company B, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew McCutchan, late captain Company A, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Prather, late quartermaster-sergeant, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gilbert J. George, late second lieutenant Company D, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Augustus F. Davis, late of Company I, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas J. Norman, late of Company E, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eli H. Burdick, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, and Company F, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elza L. Thorn, late of Company H, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hiram J. Gorham, late of Companies I and A, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Melvina M. Marsh, widow of Leonard F. Marsh, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Stephen C. Albright, late of Company C, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jeremiah Holcomb, late of Company F, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry E. Butler, late of Company D, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John A. Tucker, late of Company E, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John H. Bryant, late of Company M, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James P. Shaw, late of Company A, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Daniel Keister, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry F. Sager, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John H. Guffey, late of Capt. J. B. Kennamer's company, Alabama Scouts and Guides, and pay him a pension at the rate of \$12 per month.

The name of Matthew C. Reed, late of Company I, One hundred

and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and Company G, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas J. Gafford, late of Company K, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Bartshe, late of Company I, Eighth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adin Nordyke, late captain Company G, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Ransom Laird, late of Company C, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Henry Towns, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cyrus L. Danforth, late of Company I, Fourteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William J. Stewart, late of Company E, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Templeton, late first lieutenant Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Barclay J. Benbow, late of Company A, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Myers, late of Company K, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Crouch, late of Company B, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Abigail Tharpe, dependent mother of Charles P. Snapp, late of Company A, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Wyatt Blackburn, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Irad McElhoses, late of Company I, Sixty-second Regiment, and Company I, One hundred and fifty-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Merryweather, late of Company H, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Presley Jenkins, late of Company E, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levi Long, late of Company C, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George B. Haines, late of Company B, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward W. Kendall, late of Company A, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Fredrick Holliger, late of Company B, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cornelius McGuire, late of Company H, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of J. Davis Duffield, late of Company E, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Newton K. Andrew, late of Company I, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Peter L. Cramer, late of Company B, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Clarence L. Northrup, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph J. Peters, alias James H. Donohue, late of Company D, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Fonda, late of Company C, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Erastus Perrine, late unassigned, Fifty-third Regiment Illinois Volunteer Infantry, Company A, Second Battalion, Thirtieth Regiment United States Infantry, and general service, United States Army, and pay him a pension at the rate of \$12 per month.

The name of Peter G. Wynegar, late of Company H, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Major Randolph, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin S. Jacobs, late of Fourth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William S. Lewis, late first lieutenant Company E, Fifty-second Regiment Pennsylvania Volunteer Infantry, and late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Lumon Gee, late of Company B, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lionel O. Coleman, late of Company C, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Warford, late of Company A, Fifteenth Regi-

ment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Orne, alias Augustus Seaton, late of Company A, Fifty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Flagg, late of Company D, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Silas A. Brown, late of Company L, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Holzner, late of Company C, Sixty-seventh Regiment Indiana Volunteer Infantry, and Company I, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Bradford Jones, late of Second Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Sarah Jane Ross, widow of William E. W. Ross, late Lieutenant-colonel Thirty-first Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Peter Truckey, late of Company A, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Llewellyn Harris, late of Company D, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Perrin, Jr., late of Company I, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Bradford F. Darling, late of Company K, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Little, late first lieutenant, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Van Horn, late of Company H, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Eugene F. Skiffington, late of Company E, Twenty-second Regiment, and Company L, Thirty-second Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elijah H. White, late of Company L, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Richard S. Hambridge, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Burr Parsons, late of Company D, Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry D. Hashbarger, late of Company D, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Anne A. Hayden, widow of Edmund S. Hayden, late of U. S. S. Ohio and Connecticut, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of William H. Edwards, late of Company E, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph H. Prime, late first lieutenant Company G and captain Company F, Seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George F. Lord, late of Company B, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Roxanna Rines, widow of William H. Rines, late of U. S. S. Sonoma, United States Navy, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Eliza M. Burk, former widow of Phillip Burk, late of Company E, Thirtieth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Eleanor McDevitt, former widow of Frank McDevitt, late scout, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Peter Girard, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles A. Jones, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ira Bennett, late of Company E, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Fletcher Hedges, late of Company G, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edmund Kendall, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and United States Signal Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Richard Whipple, late of Company B, Sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry A. Keyes, late of Company H, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Potter, late of Company A, Twenty-first Regiment Missouri Volunteer Infantry, and Company B, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James Ohaver, late of Company B, One hundred and seventeenth Regiment, and Company A, One hundred and fifty-sixth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Maney, late of Company C, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Philip Mann, late of Company G, Forty-ninth Regiment

Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin G. Owen, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Graham, late second lieutenant Company L, Sixth Regiment Kansas Volunteer Cavalry, and first lieutenant Company M, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Wesley F. Barry, late of Company A, Eighth Regiment New York Volunteer Heavy Artillery, and Company K, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. Cady, late captain Company H, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Amos C. Keepers, late of Company D, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Samuel Wheeler, late of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Danford Taylor, late second lieutenant Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Baptist Firmsbach, late second lieutenant Company G, Twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Amelia Johnson, widow of Eli Johnson, late of Company I, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and Company F, First Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John G. Burchfield, late of Company G, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas E. Shoemaker, late of Company A, Fourth Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Christian Bergmann, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Arnold, late of Company F, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Orrin D. Wickizer, late of Company I, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Dillon, late of Company K, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Manning Austin, late of Company G, Tenth Regiment New York Volunteer Cavalry, and Company I, Second Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Leroy S. Scott, late of Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John C. Crimins, late of U. S. S. Great Western, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William B. Downey, late of Company F, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh McLean, late of U. S. S. Clara Dolsen, Onachita, and Red Rover, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James W. Hobbs, late of Seventeenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James B. Cothorn, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Robb, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Williams, Jr., late of Companies I and E, Thirty-fourth Regiment, and Company I, Thirty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harriett A. Neldig, widow of Benjamin F. Neldig, late of Company H, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ruben Lantz, late of Company G, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Walter S. Chapman, late of Company A, Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Frey, late of Company H, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gretchen Stommell, widow of Julius Stommell, late captain Company G, Forty-first Regiment New York Volunteer Infantry, and first lieutenant, Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month.

The name of Young Vineyard, late of Company C, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Samuel S. W. Hoffman, late of Company F, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth Ryan, formerly Elizabeth Rice, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The name of William W. Jordan, late of Company E, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas W. Stimmler, late of Company G, First Regiment, and Company G, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.



The name of Rufus G. Lowe, late of Company E, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George G. Hughes, late of Captain Bard's Independent Company, Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of John Marley, late of Company D, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas McNulty, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles Eribolin, late of Company I, Twelfth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James S. Wigmore, late of Company K, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John H. Duncan, late of Company H, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Josiah Hayes, late of Company G, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alice Morse, helpless and dependent child of Charles W. Morse, late first lieutenant Company K, Second Regiment, and first lieutenant and captain Company E, Sixteenth Regiment, Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Harrison Seabrooks, late of Company H, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Joseph C. Allison, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Catherine Waughop, widow of Martin H. Waughop, late of Company B, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Andrew Bucher, late of Company E, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Snooks, late of Company A, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Casebeer, late of Company A, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. Morgan, late of Company D, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lorenzo A. Dodge, late of Company I, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas J. Buttum, late of Company B, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John S. Wingfield, late of Company D, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Forrest, late of Company A, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Evaline Aubrey, widow of George W. Aubrey, late second lieutenant, Hardy County, West Virginia State Militia, and pay her a pension at the rate of \$12 per month.

The name of John W. Armour, late of Company B, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh Smith, late of Company B, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Englebert, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James R. Byrd, late of Company K, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jonas P. Davis, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lyman B. Smith, late first lieutenant Company D, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth Grave, widow of Frederick Grave, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Myrtle L. Hart, helpless and dependent child of Charles Hart, late of Company E, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Benjamin B. Paul, late of Company K, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander Childers, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Franklin Simons, late of Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William A. Tyler, late of Company D, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of T. Clark Stockhill, late of Company K, Seventh Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Stackhouse, late of Company B, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George W. Moore, late of Company E, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Dennis Flynn, late of Company M, Sixteenth Regiment

New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Beardsley, late of band, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Boyle, late of Company G, Independent Battery, Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Mary E. Wolf, widow of Leonard Wolf, late of Company B, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

*Provided*, That in the event of the death of Effie J. Wolf, helpless and dependent daughter of said Leonard Wolf, this pension shall be reduced to \$12 per month from and after the date of death of said Effie J. Wolf: *And provided further*, That in the event of the death of Mary E. Wolf, the name of said Effie J. Wolf shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Mary E. Wolf.

The name of Isaac Thuston, late of Company B, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Worden, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Denham, late of Company A, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Bredbenner, late of Company G, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph G. Moreau, late second lieutenant Company G, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Frances T. Gaddis, former widow of John C. Wiggins, late first lieutenant, Signal Corps, United States Army, and pay her a pension at the rate of \$12 per month.

The name of John E. Smith, late of Company K, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 dollars per month in lieu of that he is now receiving.

The name of Sarah M. Jones, widow of Patrick H. Jones, late major, Thirty-seventh Regiment, and colonel One hundred and fifty-fourth Regiment, New York Volunteer Infantry and brigadier-general, United States Volunteers, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Elijah H. Garner, late of Company F, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Cooper, late of Company K, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Dwight Pierce, late of Company D, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Fay, late scout and guide, United States Volunteers, and pay him a pension at the rate of \$20 per month.

The name of Stephen A. Hunter, late of Company G, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and Company B, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David E. Kutz, late of Company E, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George F. Sloane, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, and Company C, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Delano Meyers, late of Company G, Thirty-third Regiment, and Company F, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Esther Reed, widow of Henry B. Reed, late of Company D, Twentieth Regiment, and captain Company G, One hundred and twenty-ninth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph A. Hollister, late of Company A, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel B. Pettingill, late veterinary sergeant, Seventh Squadron Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry F. Feger, late of Company H, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Celia Spitsnale, widow of Samuel Spitsnale, late of Company A, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Paul Tracey, late of Company L, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James C. Preston, late of Company C, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Hitchcock, late of Company C, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh McKinney, late of Company K, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$45 per month in lieu of that he is now receiving.

The name of William James, late of Company C, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ovid W. Barney, late of Company A, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William A. Ferris, late of Company G, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sarah E. Evans, widow of Phillip C. Evans, late of

Company C, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of James M. Gibson, late of Company B, First Battalion Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah L. Jenness, widow of Mark C. Jenness, late of Company I, Sixth Regiment, and Company C, Seventh Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William J. Henry, late of Company I, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter Ackerman, late of Company I, Seventeenth Regiment New York Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Peter Banks, late of Company G, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John N. Eddinger, late of Company H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Jackson, late of Company F, Fifty-third Regiment Pennsylvania Volunteer Infantry, and Company F, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Friend Z. Leonard, late of Company A, Fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John H. Salisbury, late of Company B, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The name of Alfred G. Kinslow, alias George Lee, late of U. S. S. Ohio, Saco, and Fort Donelson, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas M. Cavitt, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William H. Wing, late of Company A, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Stine, late of Company G, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frederick George Hocking, late of Company C, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George T. Black, late of Company D, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John J. Sharp, late of Company A, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and Company K, Twelfth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Francis M. Lutz, late of Company I, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and Company F, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew J. Williams, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward L. Bailey, late captain Company I, and major, Lieutenant-colonel, and colonel, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John Wand, late of Company C, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward Wall, late of Company K, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Smith, late of Company B, Thirty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Dott, late of Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Abram Townson, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Daniel J. Fox, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sue Webb Cooke, widow of Robert H. Cooke, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$12 per month.

The name of Alfred W. Gilkinson, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James K. Brewer, late of Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel V. List, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William C. Beebe, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sumner L. Warner, late of Company B, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Burton, Jr., late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah L. Procter, widow of George W. Procter, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$10 per month in lieu of that she is now receiving.

The name of Elisha Johnson, late of Company B, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oliver Bruch, late of Company C, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lyman M. Aldrich, late of Company I, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John T. Hutchins, late of Company E, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Stevens, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of May de Forest Young, helpless and dependent child of Harrison de Forest Young, late captain Company A, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Anna Shaw, widow of William Shaw, late of Company E, Twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Alice C. Risley, widow of Samuel A. Risley, late of Company C, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and Signal Corps, United States Army, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Thomas B. Fogle, late of Company D, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Caroline Lankford, widow of Robert Lankford, late of Company G, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of John Byrns, late of Company H, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Christopher Ulrich, late of Company G, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Freeland Young, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, and Seventh Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gudson Revis, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alice A. Johnson, widow of William M. Johnson, late of Company F, Sixth Regiment Missouri State Militia Cavalry, and Company A, Thirteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of said William M. Johnson until they reach the age of 16 years.

The name of Samuel H. Slaughter, late of Company A, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eurith Knight, widow of Frederick Knight, late second Lieutenant Company E, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The name of Henry R. Stevens, late major, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William E. Barnes, late of Company H, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David A. Stewart, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph G. Shank, late of Company A, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Childers, late of Company A, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh R. Schoonover, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John P. Martin, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James McLaughlin, late of Company B, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Kidd, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Oscar F. Miller, late of Company C, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William A. Wallace, late of Company C, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Trezise, late of Company F, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Keys, late of Independent Company, attached to Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Asa Wren, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rhoda Bissell Thomas, widow of Charles W. Thomas, late first Lieutenant Captain Vaughn's independent battery, Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$40 per month.

The name of Johnson Hinton, late of Company G, Sixty-ninth Regiment New York State Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John Rodgers, late of Company A, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gustaf Alstrand, late of Company H, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucy B. Suzer, widow of Gilbert Suzer, late of Company C, First Regiment Michigan Veteran Volunteer Infantry, and pay her a pension at the rate of \$12 per month.



The name of William H. Isenberg, late of Company I, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Perry Harter, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Catherine Greelish, widow of John Greelish, late captain Company E, Eighth Regiment Kansas Volunteer Infantry, and Company F, Fifteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Reuben A. Ketchum, late of Battery K, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William L. West, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ormond D. Kimball, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James R. Moses, late of Company G, Eleventh Regiment, and Company D, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Brooks, late captain Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Tyra Montgomery, late first lieutenant Company K, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Edwin J. Barber, late second lieutenant Seventeenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward C. Emerson, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elisha W. Cross, late of Company C, First Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Stephen A. Reid, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Thompson, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The name of James M. Zumwalt, late of Company M, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cassius C. Wertz, late of Company C, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Timothy Hayne, late of U. S. S. Alleghany, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Milford Ingraham, late first lieutenant Company C, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William A. Stewart, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Murray Murch, late of Company D, Maine Volunteer Coast Guards, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Maria B. Wheaton, widow of Frank Wheaton, late major-general, United States Army, and pay her a pension at the rate of \$50 per month.

The name of Edwin A. Chase, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James S. Wheeler, late of Company F, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Leach, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Mitchell, late of Company F, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry W. Howe, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harriet E. Noble, widow of Henry B. Noble, late captain, Eighth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of George H. Pettis, late first lieutenant and adjutant First Regiment New Mexico Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Seymour Camp, late of Company D, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Gorman, late of U. S. S. Ohio, Brooklyn, and Fort Jackson, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Rolando S. Fuller, late of Company G, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alexander Burleigh, late of Company B, Sixth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Anna A. Foster, widow of Charles W. Foster, late major and quartermaster, United States Army, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Grace F. Jacobs, widow of J. W. Jacobs, late colonel and assistant quartermaster-general, United States Army, and pay her a pension at the rate of \$40 per month.

The name of Jasper Taylor, late of Company E, Eighteenth Regiment Wisconsin Volunteer Infantry, and Company C, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William F. Willis, late of Company K, First Regiment

Eastern Shore Maryland Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Ella Richmond Shaw, helpless and dependent daughter of George R. Shaw, late of Company F, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Henrietta S. Kimball, widow of Abner D. Kimball, late of Company I, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The name of Abraham J. Buckles, late second lieutenant Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$55 per month in lieu of that he is now receiving.

The name of Watson R. Gribbin, late of Company E, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cornelia Foster, widow of Uriah Foster, late of Company E, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Fred Reed, late of Company B, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ira W. Wheeler, alias Charles Smith, late of Troop L, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Tabitha Evaline Dumond, widow of David R. Dumond, late of Company E, Nineteenth Regiment, and Company E, Twentieth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Hannah T. Maddox, widow of Billings Maddox, late of Company B, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Margaret Allison, widow of William Allison, late of Company B, Fifth Regiment Delaware Volunteer Infantry, and Company A, Seventh Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Charles F. French, late of Company G, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James T. P. Bucklin, late major Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Randolph Holding, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank Kasshafer, alias Frank Snyder, late of Company G, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and Troop B, First Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Duggan, late of Company D, Twenty-eighth Regiment Connecticut Volunteer Infantry, and landsman, U. S. S. Victoria, St. Lawrence, and Poppy, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Timothy Covell, Jr., late of Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sarah Pennock, widow of William T. Pennock, late first lieutenant, First Regiment United States Cavalry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of John M. Burk, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and Ninety-fifth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon G. Cutting, late of Company I, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William B. Scott, late of Company B, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William T. Smith, late of Company B, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Moore, late of Company G, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah A. Creed, widow of John C. Creed, late of Company D, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Winifred Flynn, widow of Thomas V. Flynn, late of Company D, Eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The name of John H. Stover, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Heimbach, late captain Company B, Seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George G. Sherlock, late of Company I, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Young, late of Company K, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Addison Baker, late of Company C, and quartermaster-sergeant Third Regiment Indiana Home Guards, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles L. Morrison, late of Company A, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin B. Wilson, late of Company K, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Laura W. Russell, former widow of Almon A. Spooner, late of Company B, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The name of Stephen D. Taber, late of Company H, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a

pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John L. Smith, late of Company B, Fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George T. Miller, late of Company I, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas B. Lewis, late captain Company B, Thirtieth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Reilly, late second lieutenant Company B, First Battalion, Fremont Rangers, Missouri Home Guards, and pay him a pension at the rate of \$12 per month.

The name of Thomas A. Skrivan, late of Company K, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph C. Lambert, late of Company D, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and Company G, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah Johnson, late of Company K, Second Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alfred O. Smith, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John H. Carter, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jefferson Wood, late of Company F, Eighth Regiment Iowa Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Silas L. Ashley, late of Company F, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lucy E. Gregory, widow of Stephen Gregory, late of Company E, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Joseph S. Works, late of Company K, Ninth Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Shaahan, late of Company F, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Corter J. Brazee, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Goss, late of Companies I and C, Seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Royal E. Duke, late commissary-sergeant First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William S. McCormish, late of Company G, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cynthia A. Lapham, widow of William B. Lapham, late first lieutenant Company F, Twenty-third Regiment Maine Volunteer Infantry, and Seventh Battery, Maine Volunteer Light Artillery, and captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of James Wilson, late of Company I, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew H. Yeazell, late first lieutenant and captain Company I, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Champlin, late captain Company H, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Solomon Holsey, late of Company A, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jud Morrow, late of Company C, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles E. Bowman, late of Company I, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Toor Anderson, late of Company B, Thirty-fourth Regiment Wisconsin Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hiram E. Turner, late first lieutenant Company K, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Johnson Gammel, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Weeden, late of Company K, Fifty-fifth Regiment Illinois Volunteer Infantry, and Company E, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Breckenridge, late of Company D, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Julia E. Willcox, widow of Orlando B. Willcox, late brevet major-general, United States Army, and pay her a pension at the rate of \$50 per month.

The name of Robert A. Kerr, late of Company A, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Donegan, late of Company A, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Street, late of First Battery Kentucky Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas L. Sims, late of Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Stephen Prior, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Jennings, late of Company G, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry Thompson, late of Company I, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$15 per month.

The name of Thomas Shultz, late of Company G, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel L. Higgins, late of Companies D and F, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Alexander, late of Company A, Fifth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Horace Seward, late of Company B, First Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel H. Britts, late of Company K, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jesse Chapman, late of Company A, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Cary, late of Company E, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Angeline C. Powell, widow of James W. Powell, late colonel Seventeenth Regiment United States Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Thomas L. Ward, late of Battery I, Third Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rufus G. Tole, late of Company E, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Coddington, late captain Company A, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael C. Caddle, late of Company B, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin Smith, late of Company H, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Kemmer, late of Company G, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and One hundred and seventy-third Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William A. Fiske, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James T. Johnson, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eber B. Priest, late of Companies B and C, Fourth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry J. Porter, late of Company G, Second Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Woodland, late of Company B, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harry B. Bents, late totally helpless and crippled son of Adam C. Bents, late of Company B, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Angie E. Kerr, widow of Benjamin S. Kerr, late first lieutenant and captain Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The name of Edward Thompson, late first lieutenant Company H, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Shattuck, late of Company B, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob H. Dewees, late lieutenant-colonel Thirtieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William I. Dossett, late of Company C, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sidney F. Sanborn, late of Company F, Fifty-third Regiment New York Volunteer Infantry, and Captain Houghton's company, New Hampshire Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Thomas A. Walters, late of Company B, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alfred Johnson, late of Company K, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Elizabeth Grass, late nurse, Medical Department, United States Volunteers, and widow of Harman Grass, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Butler Oleson, late of Troop I, First Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Caleb F. Bandle, late of Company G, Seventy-second Regiment New York Volunteer Infantry, and Company L, Twenty-second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Newland, late of Company E, Twelfth Regiment



Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alonzo Greenleaf, late of Company B, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Richard H. Shapland, late of Company E, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Amos P. Johnson, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard C. Vanderford, late of Company C, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Milburn, late of Company H, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Towers, late quartermaster, U. S. S. Great Western and General Pillow, United States Navy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles E. Perry, late of Company A, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James T. Moore, late of Company F, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of George Jacobs, late of Company C, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah E. Smedley, late of Companies I and A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jeremiah Regan, late of Company G, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Leonard Goss, late of Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ellen A. Smith, widow of Col. Andrew K. Smith, late surgeon, United States Army, retired, and pay her a pension at the rate of \$30 per month.

The name of James Karr, late of Company H, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Francis O'Leary, late of Company D, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William B. Jones, late captain Company G, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Chase, late third assistant engineer, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Stuckey, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Ellis, late of Company G, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Ashton, late of Troop K, Second Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac Daniels, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George H. Scougale, late of Company F, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Elizabeth McCann, widow of William P. McCann, late commodore, retired, United States Navy, and pay her a pension at the rate of \$40 per month.

The name of Cornelius Teal, late of Company B, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. McIntire, late of Company C, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Doyle, late of Company G, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rubamah D. Sawyer, widow of James W. Sawyer, late of First Battery Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George F. Pond, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lindly Cox, late of Company G, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Edwards, late of U. S. S. New London, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Caleb H. Ellis, late captain Company E, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Whyte, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and Signal Corps, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James L. Foss, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah E. Dodd, widow of Benjamin F. Dodd, late of Company K, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Edwin Smith, late of Company G, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas N. Bray, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Evelina H. Sewall, widow of Frederic D. Sewall, late

colonel Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$40 per month.

The name of Peter Dwyer, late of Companies C and E, Eighth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eli H. Young, late of Company I, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Charles Crane, late of Company A, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Louisa January, widow of Horace January, late second lieutenant Company H, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The name of Alonzo B. Curtis, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Handly, late of Company G, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Margaret Thompson, widow of William Thompson, late captain of the forecastle, U. S. S. Morning Light, Princeton, and Hartford, United States Navy, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of William A. Champlain, late second lieutenant Company D, Eleventh Regiment Rhode Island Volunteer Infantry, and second lieutenant Company C, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary C. Hayes, widow of Oren T. Hayes, late first lieutenant Company H, First Regiment Minnesota Volunteer Infantry, and major First Regiment Minnesota Volunteer Mounted Rifles, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Cyrus Wellington, late of Company H, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jennie Hammond, widow of Milton S. Hammond, late of Company E, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George W. Bennum, late of Company B, Sixth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emily D. Carnagua, widow of James W. Carnagua, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Thomas Hooper, late of Company F, Third Regiment Colorado Volunteer Infantry, and Company H, Second Regiment Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Laura M. Granger, widow of Paul L. Granger, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Marvin Boget, late of Company I, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Rollin A. Pratt, late of Company K, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Moyer, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Fannie J. Sargent, former wife of John B. Sargent, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Kate Spencer, widow of Charles B. Spencer, late acting second assistant engineer, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Edward Seeland, late of Company C, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh T. Crockett, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John P. Buckley, alias Newton J. Pilcher, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and Company A, Residual Battalion Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Issacher R. Waggener, late of Company H, Twenty-fifth Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert W. Malcolm, late of Company A, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jason P. Carey, late of Company K, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Constantin G. W. Bischoff, late of Company F, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Cullimore, late second lieutenant Company F, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jefferson H. Montgomery, late second lieutenant Company B, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Townsend, late principal musician Fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Rice, late of Company C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Relp, late of Company C, Seventy-second Regiment, and Company E, Thirtieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Daniel Caswell, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$33 per month in lieu of that he is now receiving.

The name of Emma A. Henry, widow of George E. Henry, late captain Company B, First Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of John Worrel, late captain Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Philip D. Gibson, late of Company C, Fifty-first Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas W. Manchester, late captain Company B, Ninety-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret K. Hern, widow of David W. Hern, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of John Hancock, late major and assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Samuel H. Hurst, late lieutenant-colonel Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Philip Liebrich, late of Company I, First Regiment New Jersey Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Tinker, late of Company M, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Frank M. Becker, late of Company I, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Flora A. Knight, widow of John A. Knight, late of Company E, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Abraham Walk, late of Company C, First Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mattie Allen, widow of William Allen, late of Company I, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of James Jones, late surgeon's steward, U. S. S. Princeton and Princess Royal, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Herman Greager, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of David H. Norris, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Headington, late captain Company H and major One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James B. How, late of Company A, Rifle Battalion, First Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Thomas Kidd, late of Company K, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John L. Middleton, late of Company F, One hundred and tenth Regiment Ohio Volunteer Infantry, and Company F, Seventeenth Regiment United States Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adam F. Broyles, late sergeant-major Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Oliver Brown, late of Company C, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Theron W. Haight, late of Company K, Twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John G. Wheeler, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael A. Leahy, late captain Company D, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Sarah A. Cooley, widow of Joseph W. Cooley, late first lieutenant Company D, Twenty-fourth Regiment New York Volunteer Cavalry, and Company D, First Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The name of Joseph Moore, late of Company A, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward B. Loudembourg, late of Company F, Ninth Regiment Delaware Volunteer Infantry, civil war, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Cable, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Susan D. Cross, dependent mother of Thomas H. Cross, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Junius A. Parmelee, late of Company K, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Young, late of Company K, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The name of William E. Dow, late of Company E, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George E. Garland, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis E. Wheeler, late quartermaster-sergeant Company A, Second Regiment Minnesota Volunteer Cavalry, and second lieutenant Company D, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Cook, late of Battery M, Fourth Regiment United States Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Edwin Morgan, late captain Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Ritchie, Jr., late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas Black, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eva Seeley, widow of Oscar Seeley, late paymaster's steward, U. S. S. North Carolina, Connecticut, and Commodore Hull, United States Navy, and pay her a pension at the rate of \$24 per month in lieu of the amount she is now receiving.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I ask for a second.

The SPEAKER. Under the rules a second is ordered. The gentleman from Kansas [Mr. CALDERHEAD] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. CALDERHEAD. Mr. Speaker, the bill and the amendment include all bills that have passed the Senate and have been reported to the House, and all the bills reported by the Committee on Invalid Pensions to the House, and brings the Calendar up to date. I know of no reason for any further discussion of the matter.

The SPEAKER. The gentleman from Kansas reserves the remainder of his time.

Mr. WILLIAMS. I only desire to ask the gentleman a question. I understand these matters have already been passed upon by us virtually?

Mr. CALDERHEAD. Yes, sir.

Mr. WILLIAMS. I wanted the House to understand it. That is all, and I waive the balance of my time.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I would like to have the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 190, nays 4, answered "present" 12, not voting 172, as follows:

## YEAS—190.

Adair	Denver	Howell, Utah.	Norris
Adamson	Diekema	Howard	O'Connell
Alken	Dixon	Hubbard, W. Va.	Olcott
Alexander, Mo.	Douglas	Huff	Page
Alexander, N. Y.	Draper	Hughes, N. J.	Parsons
Allen	Driscoll	Hull, Tenn.	Patterson
Ames	Dwight	Hull, Addison D.	Payne
Andrus	Elliott	Jenkins	Perre
Ansberry	Englebright	Jones, Ky.	Perkins
Ashbrook	Esch	Jones, Va.	Pollard
Barchfeld	Fairchild	Jones, Wash.	Pray
Barclay	Fassett	Kahn	Prince
Bartholdt	Ferris	Kelley	Pujo
Bartlett, Nev.	Fitzgerald	Kelther	Rainey
Bates	Floyd	Kennedy, Iowa	Rauch
Beale, Pa.	Focht	Kennedy, Ohio	Reeder
Bede	Foster, Ill.	Kinball	Reynolds
Bell, Ga.	Foster, Ind.	Kinkaid	Richardson
Bennett, Ky.	Foster, Vt.	Kitchin, Claude	Rodenberg
Bonyage	Fowler	Knapp	Russell, Mo.
Booner	French	Knopf	Scott
Boyd	Fuller	Kuistermann	Shackelford
Bradley	Fulton	Lafean	Sheppard
Brothead	Gardner, Mich.	Lamb	Sherwood
Brownlow	Gilham	Landis	Small
Burgess	Gillespie	Langley	Smith, Cal.
Burleigh	Glass	Lawrence	Smith, Mo.
Burton, Ohio	Godwin	Lever	Snapp
Calder	Goebel	Lindbergh	Sperry
Calderhead	Goulden	Lloyd	Spight
Caldwell	Graham	Longworth	Stanley
Capron	Granger	Loudenslager	Sterling
Cary	Greene	Lovering	Sturgis
Chapman	Gregg	McCall	Sulloway
Clark, Mo.	Hackett	McDermott	Sulzer
Cocks, N. Y.	Hackney	McHenry	Thistlewood
Cook, Colo.	Hale	McKinley, Ill.	Tirrell
Cook, Pa.	Hall	McKinney	Tou Velle
Cooper, Pa.	Hamilton, Mich.	McLachlan, Cal.	Townsend
Cooper, Wis.	Hamlin	McMorran	Underwood
Cox, Ind.	Hammond	Macon	Vreeland
Crawford	Hawley	Madden	Waldo
Currier	Hay	Maynard	Wanger
Cushman	Hayes	Moore, Pa.	Watson
Dalzell	Heflin	Moore, Tex.	Weeks
Davenport	Helm	Morse	Wheeler
Davis, Minn.	Higgins	Mouser	Williams
Dawes	Hinshaw	Murdock	Wilson, Ill.
Dawson	Holliday	Needham	Woodyard
De Armond	Howell, N. J.	Nichols	

## NAYS—4.

Beall, Tex.	Cooper, Tex.	Henry, Tex.	Russell, Tex.
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## ANSWERED "PRESENT"—12.

Butler	Hamilton, Iowa	Lorimer	Talbot
Campbell	Houston	Padgett	Wallace
Garner	Legare	Randell, Tex.	Watkins



## NOT VOTING—172.

Acheson	Favrot	Kitchin, Wm. W.	Powers
Anthony	Finley	Knowland	Pratt
Bannon	Flood	Lamar, Fla.	Ransdell, La.
Bartlett, Ga.	Fordney	Lamar, Mo.	Reid
Bennet, N. Y.	Fornes	Lanning	Rhinock
Bingham	Foss	Lassiter	Riordan
Birdsall	Foulkrod	Law	Roberts
Boutell	Gaines, Tenn.	Leake	Robinson
Bowers	Gaines, W. Va.	Lee	Rothermel
Brantley	Gardner, Mass.	Lenahan	Rucker
Broussard	Gardner, N. J.	Lewis	Ryan
Braum	Garrett	Lilley	Sabath
Brundidge	Gill	Lindsay	Saunders
Burke	Gillett	Littlefield	Sherley
Burleson	Goldfogle	Livingston	Sherman
Burnett	Gordon	Loud	Sims
Burton, Del.	Graff	Lowden	Slayden
Byrd	Griggs	McCreary	Slemp
Candler	Gronna	McGavin	Smith, Iowa
Carlin	Haggott	McGuire	Smith, Mich.
Carter	Hamill	McKinlay, Cal.	Smith, Tex.
Caulfield	Harding	McLain	Southwick
Chaney	Hardwick	McLaughlin, Mich.	Sparkman
Clark, Fla.	Hardy	McMillan	Stafford
Clayton	Harrison	Madison	Steenerson
Cockran	Haskins	Malby	Stevens, Tex.
Cole	Haugen	Mann	Stevens, Minn.
Conner	Henry, Conn.	Marshall	Tawney
Coudrey	Hepburn	Miller	Taylor, Ala.
Cousins	Hill, Conn.	Mondell	Taylor, Ohio
Craig	Hill, Miss.	Moon, Pa.	Thomas, N. C.
Cravens	Hitchcock	Moon, Tenn.	Thomas, Ohio
Crumpacker	Hobson	Mudd	Voistead
Darragh	Howard	Murphy	Washburn
Davey, La.	Hubbard, Iowa	Nelson	Webb
Davidson	Hughes, W. Va.	Nye	Weems
Denby	Hull, Iowa	Olmsted	Welssie
Dunwell	Humphrey, Wash.	Overstreet	Wiley
Durey	Humphreys, Miss.	Parker, N. J.	Willett
Edwards, Ga.	Jackson	Parker, S. Dak.	Wilson, Pa.
Edwards, Ky.	James, Ollie M.	Peters	Wolf
Ellis, Mo.	Johnson, S. C.	Porter	Wood
Ellis, Oreg.	Kipp	Pou	Young

So the rules were suspended and the motion agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANTHONY with Mr. BOWERS.

Mr. SOUTHWICK with Mr. SHERLEY.

Mr. TAYLOR of Ohio with Mr. SAUNDERS.

Mr. SMITH of Michigan with Mr. SABATH.

Mr. SLEMP with Mr. RUCKER.

Mr. PARKER of New Jersey with Mr. ROBINSON.

Mr. OLMSTED with Mr. ROTHERMEL.

Mr. MALBY with Mr. RHINOCK.

Mr. McLAUGHLIN of Michigan with Mr. McLAIN.

Mr. LOW with Mr. LEE.

Mr. HUGHES of West Virginia with Mr. LEAKE.

Mr. HILL of Connecticut with Mr. KIPP.

Mr. COUSINS with Mr. FLOOD.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. HEPBURN with Mr. MOON of Tennessee.

Mr. HENRY of Connecticut with Mr. JOHNSON of South Carolina.

Mr. HAUGEN with Mr. OLLIE M. JAMES.

Mr. HASKINS with Mr. HITCHCOCK.

Mr. FOULKROD with Mr. HILL of Mississippi.

Mr. FORDNEY with Mr. HARDY.

Mr. ELLIS of Oregon with Mr. HAMILL.

Mr. DENBY with Mr. GORDON.

Mr. DAVIDSON with Mr. GAINES of Tennessee.

Mr. CRUMPACKER with Mr. FINLEY.

Mr. COUDREY with Mr. CRAIG.

Mr. CONNER with Mr. COCKRAN.

Mr. COLE with Mr. CANDLER.

Mr. CHANEY with Mr. BURNETT.

Mr. LANING with Mr. SPARKMAN.

Mr. CAULFIELD with Mr. BURLESON.

Mr. BURTON of Delaware with Mr. BRANTLEY.

Mr. BENNET of New York with Mr. FORNES.

Mr. GRAFF with Mr. HOUSTON.

Mr. SMITH of Iowa with Mr. WATKINS.

Mr. LOUD with Mr. PADGETT.

Mr. MOON of Pennsylvania with Mr. WALLACE.

Mr. MANN with Mr. SIMS.

Mr. THOMAS of Ohio with Mr. HOBSON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. McGAVIN with Mr. CLAYTON.

Mr. NYE with Mr. RANDALL of Texas.

Mr. ROBERTS with Mr. BROUSSARD.

For the remainder of this day:

Mr. NELSON with Mr. HAMILTON of Iowa.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. HAMILTON of Iowa. Mr. Speaker, I was paired with the gentleman from Wisconsin [Mr. NELSON], and forgot it

and voted aye. I desire to have my vote recorded "present."

The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21260. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7653. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes;

H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry;

H. R. 17005. An act authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho;

H. R. 16770. An act granting land to Anna Johnson; and

H. R. 13577. An act providing for the resurvey of certain public lands in the State of Nebraska.

The message also announced that the Senate had passed bills of the following title, in which the concurrence of the House of Representatives was requested:

S. 6796. An act to refund certain duties inequitably collected on anthracite coal by the collector of customs at Baltimore, Md.; and

S. 7113. An act making appropriation for repairs and reconstruction of buildings destroyed by cyclone at Fort Crook military post.

## JERRY MURPHY AND OTHERS.

Mr. LOUDENSLAGER. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, and concur in the Senate amendments, with a House amendment.

The SPEAKER pro tempore. The gentleman from New Jersey moves to take from the Speaker's table the bill H. R. 1991, suspend the rules, and concur in the Senate amendments, with a House amendment. The Clerk will report the amendments.

The Clerk read as follows:

Strike out all after the word "laws," in line 5, and insert:

"The name of Jerry Murphy, late of Troop H, United States Mounted Rifles, Texas and New Mexico Indian disturbances, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Frank Z. Curry, late second lieutenant of Company B, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

"The name of Roy L. Jones, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Harris Alvin Conrad, minor child of Alvin S. Conrad, late of Company L, Sixth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$12 per month until he reaches the age of 16 years.

"The name of Harry L. Orendorff, late seaman U. S. S. Newport, United States Navy, and pay him a pension at the rate of \$24 per month.

"The name of James Barbour, late of Company A, Third Regiment United States Infantry, Texas and New Mexico Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Jorge Benavides Anderson, widow of Tandy K. Anderson, late of Capt. M. B. Lamar's independent company Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of James J. Callan, late of Company E, Second Regiment United States Cavalry, and pay him a pension at the rate of \$8 per month.

"The name of Margaret C. Storts, widow of Charles Henry Storts, late of Company I, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Jennie H. Thomas, widow of Edward L. Thomas, late second lieutenant Captain Loyall's company Georgia Mounted Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Louisa E. Price, widow of Edmund Price, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Angelina Phillips, widow of William Phillips, late of Captain Dayton and Field's companies, District of Columbia Militia, war of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

"The name of Eliza J. Walker, widow of William C. Walker, late of Captain Smith's company, Colonel Young's Regiment Texas Cavalry, war with Mexico, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

"The name of John Hearn, late of Company E, Sixty-ninth Regiment

New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Penelope L. Newman, widow of James Newman, late of Company E, Battalion of Mississippi Volunteer Riflemen, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Ophelia J. Gordon, widow of Thomas M. Gordon, late of Company G, Second Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Maggie Z. Tarter, widow of William W. Tarter, late of Company H, Sixth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of said William W. Tarter until they reach the age of 16 years.

"The name of Samuel W. Burt, late of Captain Henry's company, South Carolina Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Emeline M. Strong, widow of John Strong, late of Company F, First Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Noble Saxton, late of Captain Sheffield's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Anna Borkowski, dependent mother of Frank Borkowski, late of Company D, Second Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

"The name of Martha C. Pace, widow of Alexander Pace, late of Captains Crute's and Allen's companies, Georgia Mounted Volunteers, Creek Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Peter A. Rainbolt, late of Captain Boling's Company B Mounted California Volunteers, California Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of William Goulding, late of Battery F, Second Regiment United States Artillery, Florida Seminole Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of John Lichtenberger, late of Company C, Ninth Regiment Illinois Infantry, war with Spain.

"The name of Eliza D. Ramey, widow of William Ramey, late of Captain Roger's company, Alabama Mounted Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Mary Hutchinson, widow of Burrell B. Hutchinson, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Sterling A. Galt, late of Company G, First Regiment North Dakota Infantry, and Company F, Thirty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Tillman L. Lafferty, late of Company D, Twenty-sixth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

"The name of Elizabeth Norton, widow of Charles F. Norton, late hospital steward, Third Regiment Texas Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Charles F. Norton until she reaches the age of 16 years.

"The name of Sarah E. Willis, widow of Platte A. Willis, late of Company B, Second Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Martha Marble, widow of John K. Marble, late of Company A, Fifth Regiment Louisiana Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Martha E. McDonald, widow of William P. McDonald, late of Company E, First Regiment Missouri Mounted Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Louisa J. Long, widow of Martin L. Long, late of Captain Price's company, Georgia Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Mary A. L. Hawk, widow of George F. Hawk, late ensign, United States Navy, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

"The name of Rebecca Williams, widow of Augustus H. Williams, late of Captain Greer's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Dinah E. Sprague, widow of Ara Sprague, late of Captain Peterson's company, New York Militia, war of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

"The name of Wyatt Roberson, late of Capt. N. Kelsey's company, North Carolina Volunteers, Cherokee Indian disturbance, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Margaret E. McGuire, widow of Terrance McGuire, late of Captain Dill's company, First Regiment Georgia Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Mary E. Leigh, widow of Benjamin Leigh, late of Captain Green's company, Georgia Militia, Creek Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Addie W. Farquhar, widow of Rear-Admiral Norman V. H. Farquhar, late of United States Navy, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

"The name of America Bruce, widow of Griffin Bruce, late of Captain Howell's company, Tennessee Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of James Cochran Key, late of Captain Garmany's company, Georgia Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Sarah W. Passmore, widow of Brewington Passmore, late of Company B, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Annie Ricks, widow of Edward Ricks, late of Captain

Buckel's company, Johnson's Regiment Texas Rifle Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of William Abt, late of Eighth Company United States Coast Artillery, and pay him a pension at the rate of \$46 per month.

"The name of Thomas J. Perkins, late of Captain Hay's Company B, First Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of John Mogg, alias John Moor, late of Company G, Eighth Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Thetus R. Hobbs, widow of Calvin Hobbs, late of Company E, First Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of Charles Pharazyn, late of Batteries E and I, Third United States Artillery, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of James Kilby, late of Captain Peden's company, North Carolina Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving."

#### With a House amendment as follows:

Add to the Senate amendment the following:

"The name of Elmira H. Ludlam, dependent mother of William P. Ludlam, late of Company K, Twenty-eighth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month.

"The name of Wilhelmina G. Hebb, widow of Clement D. Hebb, late Lieutenant-colonel United States Marine Corps, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

"The name of Ida E. Vaughn, widow of James T. Vaughn, late of Company A, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of the said James T. Vaughn until they reach the age of 16 years.

"The name of Lovisa Rhoades, helpless daughter of Orin Rhoades, late of Capt. Richard Smyth's company, Major Witherell's Detachment of Michigan Volunteer Cavalry and Militia, war of 1812, and pay her a pension at the rate of \$12 per month.

"The name of Granville Davis, late of Company F, Eighth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$8 per month.

"The name of Frank E. Pierce, late of Company C, Fourteenth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Quince Record, late musician, Fifth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Dennis O'Shey, late of Battery L, Second Regiment United States Artillery, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Robert L. McCullough, late of Company M, Sixth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Joseph Lewis, late of Company F, Eighth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

"The name of Mary I. Reese, widow of Chauncey B. Reese, late major, Corps of Engineers, United States Army, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

"The name of Emily Lee, widow of Arza Lee, late of Captain Wright's company, Thirtieth Regiment United States Infantry, war of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

"The name of Andrew J. Duncan, formerly known as Andrew J. Revels, late of Captain Willard's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Arabella H. Colahan, widow of Charles E. Colahan, late commander, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

"The name of Edith Burt Trout, widow of Harry G. Trout, late captain, Second Regiment United States Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

"The name of Lucy Scott West, widow of Barrington K. West, late Lieutenant-colonel, United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving, and \$2 per month additional for each of two children of said officer until they attain the age of 16 years.

"The name of Fletcher Vilott, late scout attached to Ninth Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

"The name of William E. Thompson, late of Company I, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

"The name of Beatrice Paul Marmion, widow of Medical Director Robert A. Marmion (retired rank of rear-admiral), United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

"The name of Mary Eddy Driggs, widow of William H. Driggs, late commander, United States Navy, and pay her a pension at the rate of \$30 per month.

"The name of Joseph Goose (Can-t-tere), late Indian scout, United States Army, and of Company I, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of \$20 per month.

"The name of Charles Lauder, late of Company I, First Regiment North Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

"The name of John W. Winslett, late of Captain Jenkin's company, Alabama Volunteers, Creek Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Thomas J. Zipperer, late of Captain Coffee's independent company, Florida Volunteers, war with Mexico, and pay him a pension at the rate of \$16 per month.

"The name of George A. Hicks, late of Colonel Markham's Navajo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Newton A. Way, late first lieutenant, Troop G, Third Regiment United States Volunteer Cavalry, war with Spain, and



pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

"The name of Katharine E. Looker, widow of Henry B. Looker, late captain Company H, First Regiment District of Columbia Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$20 per month, and \$2 per month additional on account of the minor child of said Henry B. Looker until he reaches the age of 16 years.

"The name of John McGuire, late of Troop C, Seventh Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

"The name of Jason A. Pelton, late of Company F, Thirty-second Regiment Michigan Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

"The name of Emil Kuhlblank, late landsman, U. S. S. Palos, United States Navy, and pay him a pension at the rate of \$12 per month.

"The name of Laura M. Schofield, widow of William B. Schofield, late major and paymaster, United States Army, and pay her a pension at the rate of \$25 per month.

"The name of Augusta L. B. Curry, widow of Manly Bowle Curry, late major and paymaster, United States Army, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of the said Manly Bowle Curry until they reach the age of 16 years.

"The name of Willis J. Freeman, late of Company K, Second Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$17 per month.

"The name of Bartolo Canova, late of Captain Mickler's Independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Cecil I. Smith, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$10 per month.

"The name of Miriam A. F. Jett, widow of Jesse T. Jett, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said Jesse T. Jett until they reach the age of 16 years.

"The name of Allen A. Wesley, late surgeon, Eighth Regiment Illinois Volunteer Infantry, war with Spain.

"The name of Richard M. Robinson, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$15 per month.

"The name of Henry W. Schroder, late of the United States Marine Corps, United States Navy, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Charles L. Berkheimer, late of Battery L, Third Regiment United States Artillery, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Mary B. Bryant, widow of James C. Bryant, late major, Third Regiment Kentucky Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$25 per month.

"The name of Cornelius Meek, late of Company A, Second Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$16 per month.

"The name of Mattie B. Romsey, widow of Bradford T. Romsey, late of Company D, Second Regiment Mississippi Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Bradford T. Romsey until she reaches the age of 16 years.

"The name of Anna L. Gifford, widow of John H. Gifford, late of Company K, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$12 per month.

"The name of Marion C. Turritt, widow of Brig. Gen. Henry S. Turritt, United States Army, and pay her a pension at the rate of \$30 per month.

"The name of Charles R. Barron, late musician, First Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

"The name of James Parkerson, late of Captain Laffery's company, Tennessee Mounted Volunteers, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Annie Lynch, widow of Michael Lynch, late of Company F, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Michael Lynch, until she reaches the age of 16 years.

"The name of Robert J. Whitehurst, late of Captain Lesley's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Carl F. Schults, late of Company G, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Thomas J. Long, late of Captain Snell's Independent company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Alfred Johnson, late of Troop F, Ninth Regiment United States Cavalry.

"The name of William Firth, late of Company A, Sixth Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Evelyn G. Regan, widow of James Regan, late colonel Ninth Regiment United States Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

"The name of George W. Tucker, late of Captain Bailey's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Francis Marlon Harrison, late of Capt. J. J. Grumple's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Alice K. F. Martin, widow of John T. Martin, late captain, Artillery Corps, United States Army, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said John T. Martin until she reaches the age of 16 years.

"The name of Flenon Bole, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$29 per month.

"The name of Andrew J. Arendell, late of Company C, First Regiment Tennessee Volunteer Infantry, war with Spain.

"The name of Rebecca Van Walraven, dependent mother of Lee A. Van Walraven, late of Company C, Second Regiment New Jersey Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month.

"The name of Priscilla A. Nicolson, widow of John O. Nicolson, late lieutenant, United States Navy, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

"The name of Hiram A. McLeod, late of Captain McLeod's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of George R. Wolf, late of Company A, Fourth Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Nannie E. Lenderman, widow of John K. Lenderman, late of Company H, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

"The name of James N. Skiff, dependent father of James N. Skiff, late of Company H, Sixty-ninth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Genevieve P. Hosley, widow of Harry H. Hosley, late commander, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

"The name of Jesse Johnson, late of Company D, First Regiment United States Infantry, Texas and New Mexico Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Charles M. S. Ronsholdt, late of Company C, First Regiment Illinois Volunteer Cavalry, war with Spain, and pay him a pension at the rate of \$30 per month.

"The name of James T. Roberts, late of Troop F, Seventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Charles J. Tribble, late of Troop D, Seventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$8 per month.

"The name of John E. Fillmon, late of Captains Curry and Fitzgerald's companies, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Lina V. Dietz, widow of Ernst P. Dietz, late captain Company B, First Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$20 per month, and \$2 per month additional on account of the minor child of the said Ernst P. Dietz until she reaches the age of 16 years.

"The name of Anna S. Patrick, widow of Benjamin F. Patrick, jr., late captain, Forty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$20 per month.

"The name of William F. Mead, late of Troop H, Fifteenth Regiment United States Cavalry, and pay him a pension at the rate of \$46 per month.

"The name of John W. Lannier, late of Captain Sparkman's Independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Katherine Collins, dependent mother of John J. Kehoe, late of Company G, Second Regiment Oregon Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month.

"The name of Arthur A. Plenz, late of Astor Battery, United States Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of \$8 per month.

"The name of Levi Castle, late first lieutenant Company E, First Regiment Idaho Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

"The name of Jacob Renwald, late of Company G, Fifth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

"The name of Rufus W. Cobb, late of Captain Long's company, Hay's Regiment Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month.

"The name of George W. Mason, late of Company A, First Regiment Kentucky Volunteer Cavalry, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

"The name of Sarah J. Paynter, widow of Christian Paynter, late second lieutenant Company D, Second Regiment Indiana Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

"The name of Carl Roepke, late of Company A, Fifth Regiment United States Cavalry, war with Spain.

"The name of Andrew A. Boyet, late of Capt. H. V. Snell's Independent company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Charles W. Freund, late of Company C, Sixty-ninth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$8 per month.

"The name of Benjamin Brown, late of Companies C and H, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of \$25 per month.

"The name of Andrew J. Baldwin, late of Capt. Oliver Shead's company, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of Joseph R. Ralston, late of Company C, First Regiment Oregon Riflemen, Cayuse Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

"The name of George Evans, late of Company G, Twenty-fifth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

"The name of Julia M. Tisdale, widow of Ryland D. Tisdale, late lieutenant, United States Navy, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said Ryland D. Tisdale until they reach the age of 16 years.

"The name of Willie C. Wilmot, late of Company C, First Regiment New Hampshire Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Margaret F. Jewell, widow of James M. Jewell, late second lieutenant, Fourteenth Regiment United States Cavalry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said James M. Jewell until she reaches the age of 16 years."

Mr. RICHARDSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Alabama demands a second. Under the rule a second is ordered, and the gentleman from New Jersey [Mr. LOUDENSLAGER] is entitled to twenty minutes and the gentleman from Alabama [Mr. RICHARDSON] to twenty minutes.

Mr. LOUDENSLAGER. Mr. Speaker, I will reserve my time.

Mr. RICHARDSON. Mr. Speaker, I am fully advised of the jurisdiction of the Pension Committee, I think, and I know its limitations; but I have never seen a series of rules adopted and practiced by any committee to which an exception might not be made under proper conditions and circumstances. I think we have here an instance where an amendment is to be presented that ought to appeal, and I believe will appeal, to the Members upon the floor of this House. I understand that under the rule no amendment can be allowed to the pending bill presented by the chairman of the Pension Committee, but I ask unanimous consent to be allowed to make an amendment. And I sincerely hope that there will be no objection. I will state the amendment.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to make an amendment. Is there objection?

Mr. LOUDENSLAGER. I regret very much, Mr. Speaker, that I shall have to object.

Mr. JONES of Virginia. I ask the gentleman from New Jersey if he will not withhold his objection until the amendment is stated? Possibly he will not object to it then.

Mr. LOUDENSLAGER. Having been advised of the nature of the amendment, I am compelled, owing to the precedent which it would establish, to insist upon my objection.

Mr. JONES of Virginia. Will the gentleman from New Jersey allow a statement of the amendment? There may be circumstances concerning it that he does not know about.

The SPEAKER pro tempore. Objection is made.

Mr. RICHARDSON. The amendment is as follows: Senate bill 6846 provided a pension at the rate of \$50 per month to Ellen Bernard Lee, widow of Gen. Fitzhugh Lee, late brigadier-general of the United States Army. This provision was stricken out by the Pension Committee of the House, and my amendment is to restore the provision of \$50 per month for Mrs. Lee. As I said, I am aware that the Pension Committee has not established a precedent of allowing a pension to the widow of an Indian war soldier or to the widow of a soldier of the Spanish-American war. My amendment, Mr. Speaker, relates, as I have said, to the widow of Gen. Fitzhugh Lee. It is useless for me to recount here to-day in this presence the distinguished services of that famous man. The President of the United States has been remarkably kind, considerate, thoughtful, and generous and appointed the son of Gen. Fitzhugh Lee an aid on his staff, and I am advised and do not hesitate to make the statement that out of the compensation of that young man as an aid to the President of the United States his mother has received her only support. Often in the history of this House in the past few years, and within the time that I have been a Member of it, notable exceptions have been made in matters of this kind. When General Lee died, he was a brigadier-general in the United States Regular Army. He was a general in the Spanish-American war.

Mr. KEIFER. A major-general.

Mr. RICHARDSON. A major-general, as my friend from Ohio suggests. I think this House can with good and sufficient reasons imitate the generosity and delicate consideration which has been displayed by the President of the United States to the worthy son of this worthy woman. The President has sent young Lee to Paris to occupy a position in an important school. By reason of this goodness and kindness of the President, Mrs. Lee is practically cut off from the small support that she had through the compensation of her son as aid to the President.

I say that under these circumstances we ought to make an exception. I do not hesitate to say in the presence of this House that the circumstances connected with this case appeal most powerfully to my heart. General Fitzhugh Lee was wounded while fighting the Indians. He was the consul of our Government at Habana, Cuba, and rendered our country distinguished diplomatic services in the troublesome times preceding our war with Spain. He was a major-general in our war with Spain, and did his full duty. He lived, fought, and died a poor man, and his widow is entitled to the small compensation asked for by my amendment.

I do not believe that a rigid, unbending iron rule, one that contravenes the suggestion or impulses of generosity and kindness, ought to be followed in a case like this, and I submit it,

Mr. Speaker, fairly to this House. I will not undertake, because it might be improper and it might be misconstrued, if I undertook to give instances where precedents of liberality, generosity, and kindness have been established by this House, regardless of fixed rules. We are only asking for this good woman a pension of \$50 a month, and I trust and hope that the bill will find a responsive sympathy in the hearts of the Members of this House.

I yield now, Mr. Speaker, such time as my friend from Virginia [Mr. JONES] may wish.

Mr. GOULDEN. Before the gentleman takes his seat, I would like to ask him a question. Does this lady now receive any pension?

Mr. RICHARDSON. I am informed that she receives none at all.

Mr. GOULDEN. I think she is entitled to it.

Mr. JONES of Virginia. Mr. Speaker, I would like to be informed as to the parliamentary situation. I understand the gentleman from New Jersey [Mr. LOUDENSLAGER], chairman of the Committee on Pensions, moved to suspend the rules and pass the bill which has just been read to the House, and, if I am not mistaken, he stated there were certain amendments. I wish to ask if those amendments have been actually read to the House and if they are all included in the omnibus bill which was read at the desk?

Mr. LOUDENSLAGER. All the amendments were read at the desk.

Mr. JONES of Virginia. Are there any amendments other than those read which it is the gentleman's purpose to offer?

Mr. LOUDENSLAGER. The motion was to take from the Speaker's table the House bill 1991, agree to the Senate amendment with an amendment, which I sent to the Clerk's desk and which was read. They have all been read to the House.

Mr. JONES of Virginia. Mr. Speaker, my purpose in rising was to say a word or two in favor of a provision which the Committee on Pensions has stricken out of one of the Senate bills which has been offered as an amendment to the House bill now under consideration. The Senate bill provided, among others, for a pension of \$50 a month for Mrs. Ellen Bernard Lee, widow of Gen. Fitzhugh Lee. The Committee on Pensions in this House, to whom that bill was referred, has seen fit to strike out the provision giving Mrs. Lee a pension; and since the Chair holds that, under the extraordinary rules under which this body is now operating, no motion to restore that provision can be entertained, I fear there is nothing to be accomplished by a discussion of the subject. That, Mr. Speaker, is one of the unfortunate results of the adoption of this rule, and nothing could more strongly illustrate the injustice of which so drastic a rule is capable of working.

Mr. AMES. The result of the filibuster.

Mr. JONES of Virginia. Not, as the gentleman from Massachusetts suggests, the result of the filibuster, but the result of the rule, because, Mr. Speaker, the gentleman surely does not want to admit, I think, that the minority can force the majority to do anything which it does not desire to do. I am not willing to believe that the gentleman wishes to give the country that impression. That is even more than the minority has yet claimed.

Now, Mr. Speaker, I do not think there is, or can possibly be, a single provision in this omnibus bill, with all of its omnibus amendments, more meritorious, or one which would appeal with greater force to this House, than the one which the Committee on Pensions has deliberately stricken out, and which the House is powerless, even if everyone of its Members desired it, to have reinserted.

From what I know of the sentiment of this House I do not hesitate to say that I believe it would vote almost unanimously in favor of giving this small pension to the widow of Fitzhugh Lee; in fact, I do not know of a single Member of the House, unless it be the chairman of the Committee on Pensions, the gentleman from New Jersey, who would vote against so meritorious a proposition.

Lest some gentleman, aware of the distinguished part which General Lee bore in the war between the States, may suppose that the career of this superb soldier was confined to that war, I wish to declare that such was very far from being the case.

General Lee was an officer in the United States Army before the beginning of the war between the States. He performed very gallant and most distinguished services in the wars with the Indians. In the performance of these services he was wounded in both lungs by an arrow, very seriously and dangerously wounded, a fact probably not known to all the Members of this House. In addition to this, we all know that when the war with Spain was declared he was consul-general at Habana, and that he performed very valuable services in that capacity.



services so highly regarded by his countrymen that when he returned to this country after the destruction of the *Maine* he was given here, in the city of Washington, one of the largest and most enthusiastic receptions ever given to any military hero within my recollection.

He was appointed by President McKinley a major-general in the Army, and he was in charge of the American troops in Cuba during the troublous times that succeeded the war, during what may be called the "period of pacification." Now, Mr. Speaker, General Lee died as he lived, a poor man. He had never cared anything about the accumulation of money, and I happen to know that he had not drawn the salary due him as president of the Jamestown Exposition for the two years just previous to his untimely death, and I am told that his widow may never receive a cent of that money. She was left absolutely penniless, and she has long been and now is dependent upon her son, Capt. Fitzhugh Lee, who is known to a good many gentlemen of this House as one of the aids, until recently, of President Roosevelt.

It seems to me that this is a case which ought to appeal to every Member on both sides of this Chamber, and it is one which I think, Mr. Speaker, does so appeal. I believe that if the opportunity were given, if the gentleman from New Jersey would not object to a request for unanimous consent to offer an amendment restoring the Senate provision granting to Mrs. Lee the very modest pension of \$50 a month, such an amendment would be received with unanimous approval. I am going to again ask, Mr. Speaker, that unanimous consent be given me to offer as an amendment the provision inserted in this bill by the Senate, to give Mrs. Ellen Bernard Lee a pension of \$50 a month.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to offer as an amendment the provision placed in the bill by the Senate to give Mrs. Lee a pension of \$50 a month. Is there objection?

Mr. LOUDENSLAGER. Mr. Speaker, in view of the thousands of widows of privates all over the country who have the same kind of claim upon the bounty of the Government as this one does, who have no one here to ask unanimous consent for them, I must still continue my objection.

The SPEAKER pro tempore. The gentleman from New Jersey objects.

Mr. JONES of Virginia. Mr. Speaker, I am very sorry that the gentleman feels constrained to object to this request. I have no doubt that there are a great many other widows in the country who need and probably deserve pensions. Because they can not all get them seems to me not to be a very good reason for objecting to the granting of pensions to those whose claims actually come before Congress. If this rule had been pursued all during the years that have passed since the close of the civil war, there are a great many widows who to-day are enjoying pensions five, yes, ten, times as large as that which is asked for Mrs. Lee, who would not now be enjoying them.

I have no doubt that there are a great many widows of the civil war just as deserving as many of those who already receive very large pensions who to-day are receiving a pittance of \$8 or \$12 a month. If the rule which the gentleman from New Jersey would now enforce against the widow of Gen. Fitzhugh Lee had been invoked against some of the widows of high officers who are now drawing very large pensions, they would never have received them, as the gentleman very well knows.

Mr. LOUDENSLAGER. Mr. Speaker, I do not desire to consume any of the time of the House other than to say that I have no objection to this Government granting an annuity to the widow of General Lee, but I do have great objection to its being granted in the way of a pension, thus establishing a precedent that if followed out would cost this country two or three hundred millions of dollars a year. I do not believe that on either side of this House there is a single Member who, if he gives this thought and study, will be in favor of it. I ask for a vote on the motion, Mr. Speaker.

The SPEAKER pro tempore. The question is upon suspending the rules and concurring in the Senate amendments with an amendment.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The SPEAKER pro tempore. The gentleman from Mississippi demands the yeas and nays. As many as favor ordering the yeas and nays will rise and stand until counted. [After counting.] A sufficient number, and the yeas and nays are ordered.

Mr. PAYNE. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of no quorum, and the Chair will count. [After counting.] One hundred and seven gentlemen present; not a quorum. The

Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion to suspend the rules and concur in the Senate amendments with an amendment. The Clerk will call the roll.

The question was taken, and there were—yeas 177, nays 7, answered "present" 17, not voting 187, as follows:

## YEAS—177.

Adair	Driscoll	Hull, Tenn.	Patterson
Aiken	Ellis, Mo.	Humphrey, Wash.	Payne
Alexander, Mo.	Ellis, Oreg.	James, Addison D.	Pollard
Alexander, N. Y.	Englebright	Jenkins	Porter
Allen	Esch	Johnson, Ky.	Prince
Ames	Fairchild	Jones, Wash.	Rainey
Andrus	Fassett	Kelfer	Rauch
Ashbrook	Ferris	Kellher	Reynolds
Barclay	Finley	Kennedy, Iowa	Richardson
Bartholdt	Floyd	Kennedy, Ohio	Robinson
Bede	Focht	Kimball	Rothermel
Bell, Ga.	Foss	Kitchin, Claude	Rucker
Bonyage	Foster, Ill.	Knapp	Russell, Mo.
Booher	Foster, Vt.	Knopf	Saunders
Brantley	Fowler	Knowland	Shackelford
Brodhead	French	Kustermann	Sheppard
Brownlow	Fuller	Lafean	Sherwood
Brum	Fulton	Lamb	Slemp
Burgess	Gaines, Tenn.	Landis	Smith, Cal.
Burleigh	Gardner, Mich.	Langley	Smith, Mich.
Burton, Del.	Garrett	Lanling	Smith, Mo.
Burton, Ohio	Gilham	Law	Snapp
Caldwell	Godwin	Lee	Sperry
Caldwell	Goulden	Lever	Stanley
Campbell	Greene	Lindbergh	Steemerson
Capron	Hackney	Lloyd	Stephens, Tex.
Cary	Hale	Londenslager	Sterling
Chaney	Hall	McGavin	Sturgiss
Chapman	Hamill	McHenry	Sulloway
Clark, Mo.	Hamilton, Mich.	McKinley, Ill.	Sulzer
Conner	Hamlin	McKinney	Taylor, Ala.
Cook, Colo.	Hammond	McMorran	Thistlewood
Cooper, Tex.	Haskins	Macon	Tirrell
Cox, Ind.	Hawley	Moore, Pa.	Volstead
Craig	Helm	Mouser	Waldo
Currier	Henry, Conn.	Murdoch	Wallace
Cushman	Higgins	Needham	Watson
Dalzell	Hill, Conn.	Nicholls	Weeks
Darragh	Hinsaw	Norris	Williams
Dawson	Holliday	Nye	Wilson, Ill.
De Armond	Houston	O'Connell	Young
Denver	Howland	Olcott	The Speaker
Diekema	Hubbard, W. Va.	Olmsted	
Dixon	Huff	Page	
Douglas	Hughes, N. J.	Parsons	

## NAYS—7.

Beall, Tex.	Henry, Tex.	Moore, Tex.	Sabath
Hardy	Jones, Va.	Russell, Tex.	

## ANSWERED "PRESENT"—17.

Adamson	Ellerbe	Hill, Miss.	Small
Ansberry	Flood	James, Ollie M.	Watkins
Boutell	Garner	Legare	
Butler	Hamilton, Iowa	Lorimer	
Clayton	Heflin	Sims	

## NOT VOTING—187.

Acheson	Dwight	Kipp	Pou
Anthony	Edwards, Ga.	Kitchin, Wm. W.	Powers
Bannon	Edwards, Ky.	Lamar, Fla.	Pratt
Barchfeld	Favrot	Lamar, Mo.	Pray
Bartlett, Ga.	Fitzgerald	Lassiter	Pujo
Bartlett, Nev.	Fordney	Lawrence	Randall, Tex.
Bates	Fornes	Leake	Randsell, La.
Beale, Pa.	Foster, Ind.	Lenahan	Reeder
Bennet, N. Y.	Foulkrod	Lewis	Reid
Bennett, Ky.	Gaines, W. Va.	Lilley	Rhinock
Bingham	Gardner, Mass.	Lindsay	Riordan
Birdsall	Gardner, N. J.	Littlefield	Roberts
Bowers	Gill	Livingston	Rodenberg
Boyd	Gillespie	Longworth	Ryan
Bradley	Gillet	Loud	Scott
Broussard	Glass	Lovering	Sherley
Brundidge	Goebel	Lowden	Sherman
Burke	Goldfogle	McCall	Slayden
Burleson	Gordon	McCreary	Smith, Iowa
Burnett	Graff	McDermott	Smith, Tex.
Byrd	Graham	McGuire	Southwick
Calder	Granger	McKinlay, Cal.	Sparkman
Candler	Gregg	McLachlan, Cal.	Spight
Carlin	Griggs	McLain	Stafford
Carter	Gronna	McLaughlin, Mich.	Stevens, Minn.
Caulfield	Hackett	McMillan	Talbott
Clark, Fla.	Haggott	Madden	Tawney
Cockran	Harding	Madison	Taylor, Ohio
Cocks, N. Y.	Hardwick	Malby	Thomas, N. C.
Cole	Harrison	Mann	Thomas, Ohio
Cook, Pa.	Haugen	Marshall	Tou Velle
Cooper, Pa.	Hay	Maynard	Townsend
Cooper, Wis.	Hayes	Miller	Underwood
Coudrey	Hepburn	Mondell	Vreeland
Cousins	Hitchcock	Moon, Pa.	Wanger
Cravens	Hobson	Moon, Tenn.	Washburn
Crawford	Howard	Morse	Webb
Crumpacker	Howell, N. J.	Mudd	Weems
Davenport	Howell, Utah	Murphy	Weisse
Davey, La.	Hubbard, Iowa	Nelson	Wheeler
Davidson	Hughes, W. Va.	Overstreet	Wiley
Davis, Minn.	Hull, Iowa	Padgett	Willett
Dawes	Humphreys, Miss.	Parker, N. J.	Wilson, Pa.
Denby	Jackson	Parker, S. Dak.	Wolf
Draper	Johnson, S. C.	Pearre	Wood
Dunwell	Kahn	Perkins	Woodyard
Durey	Kinkaid	Peters	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of day:

Mr. PEARRE with Mr. WOLF.

Until Saturday:

Mr. VREELAND with Mr. HAMMOND.

Until further notice:

Mr. COOK of Pennsylvania with Mr. DAVENPORT.

Mr. COOPER of Wisconsin with Mr. FITZGERALD.

Mr. COUDREY with Mr. GARNER.

Mr. DAVIS of Minnesota with Mr. GILL.

Mr. DWIGHT with Mr. GILLESPIE.

Mr. GILLET with Mr. GREGG.

Mr. HOWELL of New Jersey with Mr. HAY.

Mr. LAWRENCE with Mr. McDERMOTT.

Mr. MADDEN with Mr. MAYNARD.

Mr. REEDER with Mr. PUJO.

Mr. TAWNEY with Mr. SMALL.

Mr. WOODYARD with Mr. TOU VELLE.

Mr. GRAHAM with Mr. UNDERWOOD.

Mr. LONGWORTH with Mr. CLAYTON.

Mr. COOPER of Pennsylvania with Mr. CRAWFORD.

Mr. BRADLEY with Mr. BRUNDIDGE.

Mr. BATES with Mr. BARTLETT of Georgia.

Mr. HAYES with Mr. GLASS.

Mr. TAYLOR of Ohio with Mr. ANSBERRY.

Mr. KAHN with Mr. HEFLIN.

Mr. DRAPER with Mr. SPIGHT.

For the session:

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

The doors were opened.

#### AMENDING LAW IN RELATION TO COLLECTION OF THE REVENUES.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules, to disagree to the Senate amendments to the bill H. R. 17506, and ask for a conference.

The SPEAKER. The gentleman from New York moves to suspend the rules, disagree to the Senate amendments, and ask for a conference on the following bill, which the Clerk will report with Senate amendments.

The Clerk read as follows:

H. R. 17506, entitled "An act to amend an act entitled 'An act to simplify the laws in relation to the collection of the revenues,' approved June 10, 1890, as amended by an act entitled 'An act to provide revenues for the Government and to encourage the industries of the United States,' approved June 24, 1897."

The Senate amendments were read.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second just for the purpose of stating I think the bill ought to go to conference.

The SPEAKER. Under the rule the second is ordered. The question is on the motion of the gentleman from New York to suspend the rules, disagree to the Senate amendments, and ask for a conference.

Mr. CLARK of Missouri. Mr. Speaker, the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-three gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as favor agreeing to the motion will, as their names are called, answer "aye;" as many as are opposed will answer "no;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 183, answered "present" 16, not voting 189, as follows:

#### YEAS—183.

Adair	Burleson	De Armond	Foster, Ill.
Alken	Burton, Del.	Denver	Foster, Va.
Alexander, N. Y.	Burton, Ohio	Diekema	Fowler
Allen	Calderhead	Dixon	French
Ames	Capron	Douglas	Fuller
Ansberry	Cary	Driscoll	Gaines, Tenn.
Ashbrook	Chaney	Durey	Gardner, Mich.
Barclay	Chapman	Ellerbe	Gardner, N. J.
Bartholdt	Clark, Mo.	Ellis, Mo.	Garner
Beall, Tex.	Cole	Ellis, Oreg.	Garrett
Bede	Cook, Colo.	Englebright	Gilham
Hell, Ga.	Cooper, Tex.	Esch	Gillett
Bonyne	Cox, Ind.	Fassett	Godwin
Booher	Crawford	Ferris	Goulden
Brantley	Currier	Finley	Gregg
Brownlow	Cushman	Fitzgerald	Hackett
Brundidge	Dalzell	Floyd	Hackney
Burgess	Darragh	Focht	Hale
Burlingame	Dawes	Foss	Hall

Hamill	Kennedy, Iowa	Needham	Small
Hamilton, Mich.	Kennedy, Ohio	Nicholls	Smith, Cal.
Hamlin	Kimball	Nye	Smith, Mo.
Haskins	Kitchin, Claude	O'Connell	Snapp
Hawley	Knapp	Olcott	Southwick
Hay	Knowland	Olmsted	Sperry
Helm	Kuftermann	Overstreet	Stanford
Henry, Conn.	Lafean	Page	Stanley
Henry, Tex.	Lamb	Parsons	Stephens, Tex.
Higgins	Landis	Patterson	Sterling
Hill, Conn.	Lanning	Payne	Sturges
Hill, Miss.	Law	Pearre	Sulloway
Hinshaw	Lever	Pollard	Sulzer
Holliday	Lindbergh	Prince	Tawney
Houston	Lloyd	Rainey	Thistlewood
Howland	Loudenslager	Reynolds	Tirrell
Hubbard, W. Va.	Lovering	Richardson	Tou Velle
Hull, Tenn.	McGavin	Robinson	Volstead
Humphrey, Wash.	McHenry	Rodenberg	Waldo
James, Addison D.	McKinley, Ill.	Rothermel	Wallace
James, Oille M.	McKinney	Rucker	Watson
Jenkins	McMorran	Russell, Mo.	Weeks
Johnson, Ky.	Macon	Sabath	Weems
Johnson, S. C.	Madden	Shackelford	Williams
Jones, Wash.	Moore, Pa.	Sheppard	Young
Kelfer	Moore, Tex.	Sherwood	The Speaker
Kelher	Mouser	Slomp	

#### ANSWERED "PRESENT"—16.

Adamson	Clayton	Heflin	Mann
Alexander, Mo.	Hamilton, Iowa	Knopf	Moon, Tenn.
Boutell	Hardy	Legare	Sims
Butler	Hayes	Lorimer	Watkins

#### NOT VOTING—189.

Acheson	Dunwell	Kipp	Pratt
Andrus	Dwight	Kitchin, Wm. W.	Pray
Anthony	Edwards, Ga.	Lamar, Fla.	Pujo
Bannon	Edwards, Ky.	Lamar, Mo.	Randell, Tex.
Barchfield	Fairchild	Langley	Randell, La.
Bartlett, Ga.	Favrot	Lassiter	Rauch
Bartlett, Nev.	Flood	Lawrence	Reeder
Bates	Fordney	Leake	Reid
Beale, Pa.	Fornes	Lee	Rhinock
Bennet, N. Y.	Foster, Ind.	Lenahan	Riordan
Bennett, Ky.	Foulkrod	Lewis	Roberts
Bingham	Fulton	Lilly	Russell, Tex.
Birdsall	Gaines, W. Va.	Lindsay	Ryan
Bowers	Gardner, Mass.	Littlefield	Saunders
Boyd	Gill	Livingston	Scott
Bradley	Gillespie	Longworth	Sherley
Broadhead	Glass	Loud	Sherman
Broussard	Goebel	Lowden	Shayden
Brunn	Goldfogle	McCall	Smith, Iowa
Burke	Gordon	McCreary	Smith, Mich.
Burnett	Graft	McDermott	Smith, Tex.
Byrd	Graham	McGuire	Sparkman
Calder	Granger	McKinlay, Cal.	Spight
Caldwell	Greene	McLachlan, Cal.	Steenerson
Campbell	Griggs	McLain	Stevens, Minn.
Candler	Gronna	McLaughlin, Mich.	Talbot
Carlin	Haggott	McMillan	Taylor, Ala.
Carter	Hammond	Madison	Taylor, Ohio
Caulfield	Harding	Malby	Thomas, N. C.
Clark, Fla.	Hardwick	Marshall	Thomas, Ohio
Cockran	Harrison	Maynard	Townsend
Cocks, N. Y.	Haugen	Miller	Underwood
Conner	Hepburn	Mondell	Vreeland
Cook, Pa.	Hitchcock	Moon, Pa.	Wanger
Cooper, Pa.	Hobson	Morse	Washburn
Cooper, Wis.	Howard	Mudd	Webb
Coudrey	Howell, N. J.	Murdoch	Weisse
Cousins	Howell, Utah	Murphy	Wheeler
Craig	Hubbard, Iowa	Nelson	Wiley
Cravens	Huff	Norris	Willett
Crumpacker	Hughes, N. J.	Padgett	Wilson, Ill.
Davenport	Hughes, W. Va.	Parker, N. J.	Wilson, Pa.
Davey, La.	Hull, Iowa	Parker, S. Dak.	Wolf
Davidson	Humphreys, Miss.	Perkins	Wood
Davis, Minn.	Jackson	Peters	Woodyard
Dawson	Jones, Va.	Porter	
Denby	Kahn	Pou	
Draper	Kinkaid	Powers	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HOWELL of New Jersey with Mr. ALEXANDER of Missouri.

Mr. BRADLEY with Mr. GRANGER.

Mr. DAWSON with Mr. JONES of Virginia.

Mr. FAIRCHILD with Mr. RUSSELL of Texas.

Mr. SCOTT with Mr. RAUCH.

Mr. GREENE with Mr. RANDELL of Texas.

Mr. KNOPF with Mr. CALDWELL.

The doors were opened.

The result of the vote was announced as above recorded.

The SPEAKER announced the following conferees: Mr. PAYNE, Mr. DALZELL, and Mr. UNDERWOOD.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed the bill (H. R. 21871) to amend the national banking laws, with an amendment, and asked for a conference on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. ALDRICH, Mr. HALE, Mr. ALLISON, Mr. DANIEL, and Mr. TELLER.



## RAILROAD SIDING AT NAVY-YARD.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20120, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to take from the Speaker's table the following bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Reserving the right to object, I wish to ask the gentleman if this is not a bill from the Committee on the District of Columbia?

Mr. MOORE of Pennsylvania. Yes; it is.

Mr. WILLIAMS. That being a bill from the District of Columbia Committee, then, in pursuance of a statement previously made by me upon the floor, I shall not object.

The SPEAKER. The Chair hears no objection. The Chair announces the following conferees: Mr. MOORE of Pennsylvania, Mr. FOSTER of Indiana, and Mr. MURPHY.

## NATIONAL BANKING LAWS.

Mr. BURTON of Ohio. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 21871, disagree to the Senate amendments, and assent to the request for a conference.

The SPEAKER. The gentleman from Ohio [Mr. BURTON] moves to suspend the rules, take from the Speaker's table the bill (H. R. 21871), of which the Clerk will read the title, disagree to the Senate amendments, and agree to a conference.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I notice that the Chair announces that the Clerk will read merely the title.

The SPEAKER. For the present the title.

Mr. WILLIAMS. Is it not necessary that the amendments themselves be read, so that the House will know the subject-matter to be considered?

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 21871) to amend the national banking laws.

The Senate amendments were read.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second, Mr. Speaker.

The SPEAKER. Under the rule, a second is ordered.

Mr. WILLIAMS. Mr. Speaker, pending that, I should like to submit a parliamentary inquiry to the Speaker: If this motion to suspend the rules and take this bill from the Speaker's desk, with the Senate amendments, and disagree to the same and assent to the conference asked for by the Senate, is voted down, then the parliamentary inquiry which I desire to make is, Whether or not the bill would not then necessarily go back to the Committee on Banking and Currency of the House?

The SPEAKER. The Chair will decide the various actions under the rules upon bills when questions are presented. The Chair would have to make a critical examination of the bill. It is as much as the Chair can do to decide intelligently questions as they arise.

Mr. WILLIAMS. I asked the question of the Chair in good faith.

The SPEAKER. The Chair answers the gentleman from Mississippi in good faith.

Mr. WILLIAMS. I understood the Chair's answer to be rather a confession of inability to answer the question.

The SPEAKER. The Chair has not given the bill that close attention as to the point referred to that the Chair ought to give it if the point ever arises. That is all the Chair aims to say.

Mr. WILLIAMS. The point that I make, Mr. Speaker, will not arise except in the minds of Members, to determine their votes. There is no point of order that can be made—

Mr. PAYNE. Mr. Speaker, is this a part of the debate? If not, I insist on the regular order.

The SPEAKER. The gentleman from Ohio is recognized for twenty minutes and the gentleman from Mississippi is recognized for twenty minutes.

Mr. BURTON of Ohio. Mr. Speaker, the Vreeland bill, which passed the House yesterday, is thoroughly understood. The Senate has taken prompt action upon this measure, and sends here to us in the form of an amendment to the Vreeland bill the bill known as the "Aldrich bill." [Applause.] So that the

House clearly understands the situation. This almost immediate action by the Senate gives promise that we can accomplish something at this session, and I trust the motion may promptly prevail. I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, upon yesterday, I believe it was— [Great laughter.]

Mr. CUSHMAN. You were present. [Renewed laughter.]

Mr. WILLIAMS. You have run this thing so rapidly I hardly know whether it was yesterday or not. Mr. Speaker, the gentleman from Washington [Mr. CUSHMAN] has indicated his ignorance of the manner in which the House has been carrying on its affairs. I said "on yesterday, I believe," because I thought the House might perhaps understand either that I was referring to the days of the week or of the legislative day. If the former, it was yesterday; if the latter, it was to-day.

In the parting remarks I made on that day I said: "Of course, Mr. Speaker, you understand, and I understand, and everybody here understands that there is no intention of passing this miserable, foolish makeshift of a Vreeland bill, but the sole intent is to get something—anything—out of the House, so as to get to a conference with the Senate, whereby the Senate can send back a bill that the predatory wealth of the country really desires to be passed."

Now, the gentleman from Ohio has just confessed that the sum and substance of his motion is to pass the Aldrich bill. But yesterday you were holding up the Vreeland bill as a great thing. Now, Mr. Speaker, if this motion passes what do you do? You have taken the Aldrich bill, if the motion prevails, less the La Follette amendment, which fixed a penalty upon dishonest management by directors and officers of banks; less the Johnston amendment, which fixed a certain percentage of reserves to be held in the vaults of the banks to prevent a recurrence of a depositors' panic. You have not adopted the Vreeland bill in anything except the commission feature, and even there you extend the junketing powers of the commission, because the Vreeland bill contained a limit upon the amount of money that the junketing commission could spend in traveling around over the world, whereas the bill as it comes back from the Senate contains no limitation at all, but says:

A sum sufficient to carry out the purposes of sections 11 and 12—leaving the commission to expend any amount it chooses in financial knight-errantry.

Now, Mr. Speaker, if this motion passes this matter will go to conference. If this motion to suspend the rules and do what the gentleman from Ohio proposes to do does not pass the House, then this bill will go back to the Committee on Banking and Currency under the rules of the House. I therefore express the hope that every man on this side of the Chamber, and every man on that side of the Chamber who desires wise and honest banking laws, will vote in opposition to the motion made by the gentleman from Ohio [Mr. BURTON].

Mr. Speaker, I picked up the Washington Post this morning, and I found a little squib in it entitled: "A record made by the Printing Office." I find that upon yesterday, according to the Calendar, to-day, according to the Journal, the so-called "Vreeland bill" got to the Public Printer's Office at 11.30 o'clock; that it was set up in type, proofed and corrected, printed, and sent back here at 12.30 o'clock. The Committee on Banking and Currency was discharged from its consideration before a printed copy got to the committee.

Now, I find the Senate substituting the Aldrich bill as their provision for that which the House passed, and doing it so very quickly that it is sent back here on the same legislative day, and on the next calendar day after the consideration by the House. This is a very important public bill; and I find the Speaker, who finds it so difficult to recognize Members of Congress for useful, remedial legislation demanded by the country, recognizing the gentleman from Ohio to send the matter to conference at once. What is your object, except it be to get this miserable performance over and through with before the country can know what you are doing, before it can be awakened to the gravity of it, and by pressure from the country and from its business interests, and from its financial interests, can prevent you from perpetrating this great fraud? Why, Mr. Speaker, do you know what your performance on that side of the Chamber in regard to this financial legislation reminds me of?

It reminds me of a story of my friend from Arizona, MARK SMITH, told me some days back, of a scene when law and order were not so well preserved in Arizona as they are now. When Mark was riding along a serried and gullied road on horseback, he found a man hanging about as high as Haman and about as dead as Hector, and almost as dead as this so-called "Vreeland legislation" and the Kahn vaudeville performance which accompanied it ought to be.

Upon that man's back was a placard, and the placard contained these words:

This man during his life was a very bad man in some respects, and a damned sight worse one in others.

[Laughter].

There comes back from the Senate an absolutely worse bill than you sent there. Nobody would have imagined it possible, but you have done it. This measure is worse even than the Aldrich bill, because it strikes out of the Aldrich bill the feature to provide a penalty against dishonesty—the La Follette amendment, which was a good feature in it. It strikes out of the Aldrich bill the Johnston amendment to force the banks to keep a certain percentage of their reserves in their own vaults, which was a good feature in the Aldrich bill; so the Senate has sent back a worse bill than the Aldrich bill as it passed the Senate, and you have received back a worse bill than the Vreeland bill as it passed the House, although nobody but Omniscience itself could have looked to either possibility. How much time have I consumed, Mr. Speaker?

The SPEAKER. Seven minutes.

Mr. WILLIAMS. I yield ten minutes to the gentleman from New Jersey [Mr. FOWLER] unless the other side will consume some of their time. I will ask the gentleman from Ohio, is he going to conclude in one speech?

Mr. BURTON of Ohio. Probably so. I can not tell with certainty. No one has asked me, up to date, for any time.

Mr. WILLIAMS. I now yield to the gentleman from New Jersey.

Mr. FOWLER. Yesterday, Mr. Speaker, the gentleman from New York [Mr. VREELAND] used this language:

Mr. Speaker, I want to use half a minute in reply to the telegram the gentleman from Mississippi [Mr. WILLIAMS] has put in the RECORD from several small banks up in some of the interior counties of Pennsylvania. I will say, Mr. Speaker, that there has been no "round robins" worked in order to bring any support or resolutions in behalf of this bill. No banker has been asked to support this bill; no association of manufacturers has been asked to pass resolutions for this bill. I charge that for weeks past systematic efforts have been made by gentlemen opposed to this bill. I charge that a letter has been sent out to 6,500 banks in the United States upon the paper of the Banking and Currency Committee, signed by the chairman of that committee, urging banks to telegraph and write to Members of Congress against a great danger, the nature of which they must judge for themselves. They were told in that letter that a billion and a half of bank debts were about to be assumed by the United States unless they should prevent action by telegraphing to their Members. No "round robins" have been used on this bill, and yet more than fifty great bankers have sent letters and telegrams to this city favoring the passage of this bill.

I have received this letter from a prominent banker in the United States:

MAY 4, 1908.

Hon. CHARLES N. FOWLER,  
House of Representatives, Washington, D. C.

DEAR SIR: The inclosed may interest you, particularly the last clause, which is not in accordance with my understanding of what transpired. Yours, truly,

It contained this letter:

Am sending you a copy of currency bill introduced yesterday. Contains nothing but provisions for the organization of clearing-house associations and provisions for a currency commission. My judgment is, in looking over the ground and talking with the Finance Committee of the Senate, that we shall get about the legislation that is in this bill during the present session or we shall get nothing. If merely a commission is sent to the Senate, I am confident they will attach the Aldrich bill and send it back. That would mean that no legislation of any kind, even a commission, would go into the law. I think we recognize by appointing a commission that there is need of further investigation into the currency systems.

In my judgment the passage of this bill will do considerable to give the feeling of confidence to the country. While it will come into use only in case of pressure, yet the fact that large amounts of bank notes are to be kept on hand would be of assistance to national banks all the time by enabling them to have their orders for notes immediately filled. At present it often happens that in the fall, when additional currency is needed and large banks would like to take out additional circulation, they find that it will take five or six weeks to get the circulation delivered, and by that time the need for it is over, so that the bill, in that respect, will be of continuous benefit—

No round robins, gentlemen! This follows:

Could you not see your way clear, therefore, to write to Members of Congress in favor of passing this bill; also to have your correspondents send in letters to the same effect? You will notice that the bill as introduced follows very closely the suggestions made by Western bankers when they were here to oppose the Aldrich bill.

Yours, truly,

EDWARD B. VREELAND.

[Laughter.]

Standing here, in his proper place, the gentleman from New York used this language on page 6542 of the RECORD:

Mr. VREELAND. I have not brought up the forty or fifty letters which I have, but I have one in my pocket that came in this morning by mere chance—

They all came by chance, you see!

It is from the president—

Now, mark this—

It is from the president of the First National Bank of Atlanta, Ga., with a capital of \$1,000,000, the largest bank in the State of Georgia, its president a member of the American Bankers' Association from the State of Georgia. Mr. McCord writes me that he has prepared and will mail to-day letters to every Member of Congress from the State of Georgia urging them to vote for this bill.

I call your attention to these facts: There is no First National Bank in Atlanta, Ga. There is no bank in Atlanta, Ga., with a capital of \$1,000,000. [Laughter.] Mr. McCord, whom I know intimately, is vice-president of the Third National Bank, which has a capital of \$500,000.

Now, I am going to read the letter that I addressed to the people, but before proceeding with this letter I challenge the gentleman from New York, the new knight of finance and currency from the hopyards and the hayfields of Cattaraugus County, to file in the RECORD to-morrow those forty letters. I challenge him to do it. Let the public read them. This is my letter. I will not only content myself with having sent it to 6,500 bankers, but I will submit it to the considerate judgment—the free and unbiased opinion—of 85,000,000 of people by putting it in the RECORD. [Applause.] I will stand by it, and, mark my words, it has in it the substance of prophecy.

COMMITTEE ON BANKING AND CURRENCY,  
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,  
Washington, D. C., May 9, 1908.

MY DEAR SIR: It is a matter of vital importance that, if any financial or currency legislation is to be passed this session, it should be right and wise, and should not complicate still more inextricably our already unfortunate condition.

To adopt an associate-bank scheme (the Vreeland bill) which is novel and has never been tried anywhere in the world, under the pretense that it is a clearing-house plan, because clearing houses were used during the panic, will prove a most disastrous venture for many reasons. Not one bank in ten in the United States would become a beneficiary. It therefore gives no common advantage to small and large banks alike.

The guaranty of bank debts by the United States Government has no parallel in history; and, since the Government has no liquid assets with which to meet them, it will imperil the national credit, especially when the reserve fund is already overburdened—

They came to realize that fact the night before they introduced the last edition of this bill.

It has been proposed in the Vreeland bill to have the United States Government indorse and guarantee one billion five hundred million of bank notes.

We may pass Mr. VREELAND's associate-bank bill in an hour under the whip and spur of power, although we are dealing with the most delicate and important subject in the world, and it may remain to curse us for a half century, since the normal increase of money and currency is very great in a new and growing country like ours, having been about \$150,000,000 a year for the last ten years. Unless provision is made for this normal increase we will carry the burden of the proposed taxes on this emergency currency ranging from 4 to 10 per cent in the form of increased rates of interest, ranging from 1 to 3 per cent. This increased burden upon commerce will help no one, not even the banks, because the profits of a bank are superimposed upon the cost of production whatever the level of that cost may be.

This bill will rob the farmer, the manufacturer, the merchant, and in the end will be borne by labor, and will be the means, in many instances, of shutting us out from the markets of the world.

It is both your duty and your interest to enter your protest against the passage of the Vreeland bill; and you should at once telegraph your Member of Congress and Senator in opposition to this monstrous and dangerous proposition—

I say that now—

It has been born of a necessity, and is an economic deformity, and will prove only another addition to the mistakes and blunders of the last forty years, which have left us only a crazy quilt, and made our financial and currency practices the laughingstock of the rest of the world.

The highest wisdom would require us to wait until intelligence and reason asserted themselves, but if we must do something, that something should at least be right, however small or great it be.

If, after reading the inclosed bill, you believe that its adoption would be a step in the right direction and would conserve the public welfare until the whole matter could be considered and passed upon by a broad commission, representing all the various interests of the United States, you should telegraph and write your Representative immediately, expressing your views in favor of it.

CHARLES N. FOWLER.

[During the reading of the letter the time of Mr. FOWLER expired and Mr. WILLIAMS yielded him two minutes more.]

Mr. FOWLER. I submit the following for the sober consideration of this House if they hope to act wisely and secure the approval of the final judgment of the American people:

MAY 13, 1908.

Hon. JOSEPH G. CANNON,  
Speaker House of Representatives, Washington, D. C.

DEAR SIR: The following quotation is a copy of a message sent you to-day by me:

"Vreeland bill panic breeder. Better nothing. Fowler bill good." The Vreeland bill is a panic breeder because it puts no check whatever on the amount that may be issued of bond-secured currency, and as long as we have such a currency that does not return frequently for redemption, just so long will the trust companies and the State banks count it as a reserve, and consequently as real money in their institutions, and expand credits until panic is produced as in the recent past. Instead of Congress endeavoring to legislate, at least toward a better system, it seems from bills recently presented it is working for more patchwork and chaos.



If the United States Government had to issue bonds for any purpose whatever to-day, the national banks of the country would buy them and issue currency thereon regardless of whether needed or not, and thereby encourage the overexpansion mentioned above. Furthermore, if this temporary Vreeland bill becomes a law, it will have a tendency to prevent Congress taking up, after election, scientific legislation.

A large banking system is very much needed, but this is a political impossibility. Mr. FOWLER, however, by grouping our banks in his bill, has added features that will bring the banks closer together for scientific education and for warding off overexpansion and thereby preventing a panic, as does a large banking system. This is undoubtedly as near a large banking system as can be obtained, and at the same time it retains intact our small banks the country over that the people are so attached to.

The bill furthermore provides for the retirement of all bond-secured currency, and for a currency system that is flexible and one that is acknowledged as correct by the world's best students.

We are now having the usual stagnation in money matters that follows overexpansion of credits, and this fall we will have the Presidential election on hand, and therefore there is no probability of overexpansion and panic until a settled policy is assured; and therefore no extreme needs for currency legislation, it seems, is now demanded, certainly none that is not well founded on that truth that is recognized the world over.

It does seem that America has had enough of hasty makeshift legislation to make Congress take time, if necessary, and lay foundations on broad, deep, and lasting principles.

I have been in the banking business in this city for twenty-seven years and until recently. I went through the hard times of 1893-1896. Since then have been a close student, and for these reasons I presume to address you as I have. Please excuse me if I show a little of the ego between the lines.

With proper banking and currency laws our last panic would have been less severe, and furthermore, we would have been able to have cushioned down easier, and thereby this terrible stagnation in business which we now have, with men out of employment everywhere, would not have been nearly so great.

I beg of you to lend your influence for no more makeshifts or temporary legislation, and for the best or nothing for America. The Fowler bill is certainly worthy of the most careful consideration. It seems to me that it is as near the truth as could be gotten up.

With hopes for the best legislation in the end, and for your, and now my, party, I am,

Sincerely, yours,

J. G. VINTON.

NEW YORK, May 14, 1908.

HON. CHARLES N. FOWLER,  
Chairman Committee on Banking and Currency,  
Washington, D. C.

The Merchants' Association of New York protests against the ill-considered and hasty proposition embodied in the latest phase of Vreeland currency bill, as near as they are able to follow the rapid changes which this bill is undergoing. We believe the vast majority of mercantile bodies would join us in this protest if they had time to find out what is going on.

We urge no legislation except creation of commission.  
THE MERCHANTS' ASSOCIATION OF NEW YORK,  
HENRY B. TOWNE, President,  
EDWARD D. PAGE, Chairman,  
Committee on Commercial Law.

TRADES LEAGUE OF PHILADELPHIA,  
OFFICE OF THE SECRETARY,  
Philadelphia, Pa., May 11, 1908.

HON. CHARLES N. FOWLER,  
Chairman Banking and Currency Committee,  
House of Representatives, Washington, D. C.

DEAR SIR: At a special meeting of the board of directors of the Trades League this afternoon the following resolutions were unanimously adopted:

"Whereas the cause of currency reform has been strengthened by the action of the recent Republican conference in declaring, by an overwhelming vote, its confidence in commercial paper as a safe and logical asset for emergency currency, and also by approving the appointment of a commission to investigate financial conditions and to frame a permanent financial measure; but

"Whereas serious embarrassment and loss to the National Government and grave disturbance to financial and commercial interests are likely to follow the adoption of a credit or asset currency measure, unless the construction of said measure is complete and scientific, and such as would insure the automatic expansion and contraction of the volume of currency in response to the normal demands of trade, and would insure the redemption of said currency in gold or its equivalent without threatening the integrity of the gold reserve in the National Treasury;

Resolved, That in view of the conflicting opinions expressed by different Members of Congress and the improbability of the subject receiving the exhaustive and dispassionate consideration which its importance warrants, together with the absence of currency-panic apprehension for this year, the Trades League of Philadelphia believes that constructive currency legislation could be wisely deferred until such a measure is duly framed by a competent commission; but if it be deemed essential to enact some form of constructive currency legislation at this time, the Trades League earnestly advocates the adoption of the Fowler credit currency bill, introduced into the House May 9, 1908, because, under said bill, the currency would be secured by the assets of the banks, protected by the same reserve of lawful money which is now required against deposits, guaranteed by a general guaranty fund, and, by reason of its prompt redemption, be automatically retired when not needed by the normal demands of trade, and the redemption of which currency would be independent of the gold reserve in the National Treasury.

Resolved, That the Trades League of Philadelphia further earnestly urges the enactment of the Fowler currency commission bill, for the reason that while said bill provides for representatives of all legitimate interests, thereby logically commanding the confidence of all classes and all sections of the country, the large majority of Congressional Representatives and financial experts upon said commission would justify expectation of the framing of a scientific, comprehensive, and practical measure which would duly safeguard all legitimate interests and insure the greatest security and uniformity to the financial and commercial interests of the nation.

Yours, truly,  
[REAL.]

N. B. KELLY, Secretary.

[From the New York Tribune, May 13, 1908.]

#### THE CURRENCY BILL.

Without the text of the new Vreeland currency bill at hand it is impossible to discuss its provisions with full confidence, but from the summary of the amendments given out the bill is apparently greatly improved. In effect it provides for the issue in an emergency of the familiar clearing-house certificates in the form of bank notes. The amendments agreed upon have safeguarded the formation of the proposed clearing-house associations in important particulars. They must be made up of banks in a contiguous territory. Not more than one can be formed in a single city, and no bank can belong to more than one clearing house. The main effect of these changes will be to make it impossible for a "chain of banks" under a single ownership to form a clearing house for the purpose of taking out circulation.

One important amendment which the Tribune advocated we are glad to see embodied in the bill—namely, the requirement that the banks maintain a reserve against their notes. Apparently—for the summary is not specific on this point—the reserve required against the notes is the same as the reserve required against deposits, and this is as it should be. A bank's note is a promise to pay on demand just exactly as a depositor's pass book is, except that one is current and the other is personal. They are demand liabilities on exactly the same footing, and sound banking requires a reserve against each. This principle has been wisely recognized.

A defect in the bill, which ought to be corrected when it comes up for passage either in the House or the Senate, is the failure to provide redemption facilities. Why this has not been done is not clear, inasmuch as the clearing houses to be created under the bill could naturally and properly serve as the redemption agencies. Circumstances might easily arise under which the burden upon the Treasury of redeeming a \$500,000,000 issue of bank notes would be full of embarrassment and possibly of danger. If the Treasury were ever again in as weak a condition as it was in after the panic of 1893 the redeeming of a \$500,000,000 issue forced in by a high tax in a period when interest rates were falling rapidly might be fraught with peril, and the emergency issue, instead of warding off a panic, might magnify it. These proposed notes are bank notes, and it is the proper function of the banks, not of the Government, to redeem bank notes.

MR. WILLIAMS. Mr. Speaker, how much time has the other side?

THE SPEAKER. The gentleman from Ohio has nineteen minutes and the gentleman from Mississippi two minutes.

MR. WILLIAMS. As the other side have nineteen minutes and I have only two minutes, I suggest that the other side use some of their time.

MR. BURTON of Ohio. Of course I desire to close the debate; no gentleman upon this side has asked for time, and I think the gentleman from Mississippi had better take the two minutes, and I will close. I do not intend to occupy all of my time.

MR. WILLIAMS. Mr. Speaker, in that two minutes I want to say that the special rule which was passed by the House of Representatives—because, the Speaker having evaded it, I will have to answer my own parliamentary inquiry—says:

That immediately upon the adoption of this rule, and at any time thereafter during the remainder of this session, it shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments; and such amendments having been read, the question shall be at once taken, without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" and if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

So that the special rule applies only to "general appropriation bills." Moreover, this question was not submitted by the Speaker in the language of the rule—the language placed in quotation marks in the special rule. This is not a general appropriation bill. This is a bill, however, that "makes a charge on the Treasury," and therefore comes under Rule XX, which says:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Rule XIII, in reference to the Calendar of the Committee of the Whole House on the state of the Union, says:

First. A Calendar of the Committee of the Whole House on the state of the Union to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property.

That indicates the Calendar upon which this sort of legislation goes. Now, I direct the attention of the Chair to page 335 of the Manual and Digest, under the heading of "Amendments between the Houses," which says:

The point being made and sustained that a Senate amendment to a House bill must be considered in Committee of the Whole, the bill is referred directly from the Speaker's table to the standing committee having jurisdiction.

Now, Mr. Speaker, I have read this in order that the gentlemen of the House might understand that although I can not make a point of order, because the motion to suspend the rules, under a recent ruling of the Chair, suspends all rules, still I want the House to understand what the effect would be if we vote "no" and successfully defeat the motion. It is only when a motion to suspend is sustained by the House that, as pretended, "all rules are suspended." Then the Speaker's duty

will be, if we beat the motion to suspend, to send this bill, which has come back from the Senate, to the Committee on Banking and Currency, being the standing committee having jurisdiction of the subject-matter.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. BURTON of Ohio. Mr. Speaker, I take it to be unnecessary to discuss the parliamentary point made by the gentleman from Mississippi [Mr. WILLIAMS]. Under the rule adopted April 20, it is possible to suspend the rules upon a conference report. I must say that this discussion of yesterday and to-day—

Mr. WILLIAMS. But this is not a conference report.

Mr. BURTON of Ohio. It is action upon a conference report.

Mr. FITZGERALD. There has been no conference report.

Mr. BURTON of Ohio. Well, it is a request for a conference, and it comes under the rule, at any rate. I must say, Mr. Speaker, that this discussion both of yesterday and to-day has assumed a very singular phase. This is a financial question, which we should discuss dispassionately, but the air has been filled with accusations that this measure is prompted by predatory wealth and by fraud.

Gentlemen, can you not stand up and argue this bill on its merits? Are you in a position to complain of our efforts to accomplish something for the interest of the whole country? You brought in a bill which had most distinguished approval, that of your candidate for the Presidency, that of your leader, also the unanimous approval of the Democratic minority of the Committee on Banking and Currency. You presented it and with a blare of trumpets went to the country and told of the great benefits which would come from the bill which you proposed. No predatory wealth was behind your measure; only benevolent, philanthropic motives. But when it came to the day of discussion, never was there an army which so defiantly marched up to the top of the hill and then skeddaddled down again. [Applause and laughter on the Republican side.]

Mr. WILLIAMS. Will the gentleman from Ohio permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. BURTON of Ohio. Certainly.

Mr. WILLIAMS. Then I would ask the gentleman these two questions: First, whether or not that bill was not designated by its number without any permission to us to make the slightest amendment in it [laughter on the Republican side]—oh, wait. Second, whether or not the gentleman from Ohio did not know—I know that other gentlemen did know it, whether the gentleman from Ohio knew it or not—that there was a clerical mistake in section 7 of that bill which we wanted to correct? [Laughter on the Republican side.]

Mr. BURTON of Ohio. First, I suppose it was designated by number. It was a bill that you had until the month of March to perfect, and later there was ample time for you to perfect it. [Applause on the Republican side.]

Mr. WILLIAMS. It had been perfected with the exception of a clerical error, and you would not let us correct that.

Mr. BURTON of Ohio. I want to say to the gentleman that if he had risen before this House and said, "I stand for the substance of that bill, but there is a clerical error in it which I desire to correct," I do not believe there is a Member of this House who would have uttered a syllable of protest against that correction being made. [Applause and cheers on the Republican side.]

Mr. WILLIAMS. Protest! Mr. Speaker, I ask unanimous consent now. I ask that consent now.

Mr. BURTON of Ohio. I must decline to yield further to the gentleman.

Mr. WILLIAMS. But the gentleman issued a challenge, and I have accepted that challenge.

Mr. BURTON of Ohio. Oh, let not the gentleman deceive himself. This bill was under discussion for hours. If he was in love with his bill and it had a trivial blemish, why did he not rise up and point out that blemish and ask to have it removed? He did nothing, because he says there was a "clerical error!" [Laughter on the Republican side.] The Congress must wait. The country must wait. We must have no financial legislation, because, forsooth, somebody's private secretary made a "clerical error!"

Mr. WILLIAMS. Which clerical error defeated the purposes of the bill.

Mr. BURTON of Ohio. Oh, I can not yield any more. Mr. Speaker, there have been instances in the history of the world before when the specious attempt was made to throw the blame for inaction or misdeeds upon the private secretary. [Laughter.] It is far better for the gentleman to stand up and take the responsibility himself. Why, one would think to listen to his remarks that we were moving to concur in the Aldrich bill.

We are moving to disagree. We are moving to sustain the bill passed by the House yesterday, and I want to say that as one Member of this House I shall stand by the substantial provisions of the bill as it passed the House yesterday. [Applause on the Republican side.]

The Aldrich bill has been much abused [laughter on the Democratic side]; it is not so bad a measure as it is claimed to be; but, in my judgment, it points in the wrong direction, and if it passes this House, it will be without my vote and without my support. [Prolonged applause on the Republican side.]

The gentleman from Mississippi [Mr. WILLIAMS] speaks of an amendment being left out. Just let us consider a minute the difference between destruction, between standing in opposition, and constructive legislation. The gentleman from Mississippi and many of his party, lo, these many months and many years, have been standing in the way of legislation, and they have lost the gift which otherwise would belong to them of constructing something. [Laughter and applause on the Republican side.]

They know how to oppose; they do not know how to create. When the time comes for discussion I want them to say whether they favor that section of the Aldrich bill which would make it impossible in the smaller communities of the country to operate a bank at all, because it provides that no bank shall discount the notes of a corporation in case they have any directors in common. Such a provision would absolutely prevent the organization of banks, or, at any rate, do away with the benefits conferred by them, in these minor communities. Do we wish to fasten any such hampering, absurd section as that upon any bill? With that part which would prevent the buying of bonds or stocks of a corporation by a bank having trustees who are also trustees in that corporation I could agree, but I would not agree to the extreme and absurd provision which I have mentioned.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BURTON of Ohio. How much time have I remaining, Mr. Speaker?

Mr. FITZGERALD. Just a brief question.

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. FITZGERALD. Is the gentleman aware that that provision which was referred to as the La Follette amendment is not in this Senate amendment as it comes here in this bill?

Mr. BURTON of Ohio. If it is left out, it is because a step has been taken in the right direction in the Senate. [Applause on the Republican side.] It is possible, too, it may be a "clerical error." [Laughter and applause on the Republican side.]

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. BURTON of Ohio. Yes.

Mr. OLLIE M. JAMES. Would the gentleman say it was a step in the right direction when the Senate struck out the provision giving the President the right to appoint six members of the commission and giving that right to the Speaker and the Vice-President?

Mr. BURTON of Ohio. That is for discussion—

Mr. OLLIE M. JAMES. Is the gentleman for that particular recommendation?

Mr. BURTON of Ohio. I would stand by the action of the House, in the first instance, whether I believed in it or not. Six in the Senate, six here, and six outside, but I do not regard that question as of such vital importance that it should be allowed to prevent financial legislation. I say that right here and now. [Applause on the Republican side.] We should not stop investigating or shrink from investigating banking and currency questions on the comparatively unimportant problem of how eighteen men shall be selected.

Mr. OLLIE M. JAMES. I just wanted to know—

Mr. BURTON of Ohio. But in answering your question I am now anticipating something that is not before the House—

Mr. OLLIE M. JAMES. I want to know—

The SPEAKER. Under the rule the gentleman from Kentucky should address the Speaker—

Mr. OLLIE M. JAMES. Mr. Speaker, I merely wanted to know of the gentleman if he maintains the same distrust of the President that has been exhibited by the Senate on this question?

Mr. BURTON of Ohio. By no means have I any distrust of the President. I have the greatest confidence in him. Nor do I think the action indicates any distrust on the part of the Senate. There is room for argument on both sides. They made that change, probably, thinking that it was the duty of legislators to solve legislative questions. [Applause on the Republican side.]

I listened with interest to the remarks of the gentleman from New Jersey [Mr. FOWLER]. He referred to the letter written by Mr. VREELAND. Unfortunately Mr. VREELAND is not here, but



certainly he was within his rights and in the performance of his duty if he sent out a letter in regard to this legislation. If he was unwilling to do anything of that kind, why—

Mr. BURLESON. He denied it.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Ohio. I yield.

Mr. FOWLER. I do not question his right to send that letter, but he was so cruel as to charge me with having sent out a letter with the Committee of Banking and Currency heading upon it and signed by the chairman. His letter was upon official paper, but as I received it I believe the committee heading had been clipped off; but the point that I make is he was chiding me for doing a thing which he denied having done himself, although he had done it. [Applause on the Democratic side.]

Mr. BURTON of Ohio. There is something just a little artificial in this applause. The gentleman from New Jersey [Mr. FOWLER] ignores the distinction between a propaganda that has been carried on by him for months, the difference between his sending out more than 6,000 letters, on the letter heads of the Banking and Currency Committee, and the sending out by the gentleman from New York [Mr. VREELAND], so far as it is brought to the attention of the House, of a single letter, though there may have been fifty or a hundred; even if there were a thousand, I do not care.

Mr. FOWLER. Will the gentleman yield?

Mr. BURTON of Ohio. I can not yield further.

Mr. FOWLER. I want to say that what you said the other day, when you stated I was opposed to my bill, was false, and you must have known it.

Mr. BURTON of Ohio. The gentleman from New Jersey must recollect that he did say, in the presence of the committee, that he was not now in favor of his bill.

Mr. FOWLER. Mr. Speaker—

Mr. BURTON of Ohio. I will not enter into further controversy here as to veracity.

Mr. FOWLER. There was not a man on the committee—

Mr. BURTON of Ohio. I will not yield to the gentleman from New Jersey. The gentleman from New Jersey, certainly by his conduct, coincided with that statement, because since the filing of his bill not one single step has he taken to bring the measure before the House. The gentleman from New Jersey—

Mr. FOWLER. Mr. Speaker—

The SPEAKER. Will the gentleman from Ohio [Mr. BURTON] yield to the gentleman from New Jersey [Mr. FOWLER]?

Mr. BURTON of Ohio. I will not yield further to the gentleman.

Mr. FOWLER. I will state that that is also untrue.

Mr. BURTON of Ohio. That question may be left to the membership of the House, who thoroughly understand it. There are some Members of the House who, if they should make the accusation made by the gentleman from New Jersey, would cause me extreme sensitiveness, but in this particular case it does not in the least disturb me. [Applause.]

Mr. WEEKS. Will the gentleman yield?

Mr. BURTON of Ohio. Yes.

Mr. WEEKS. I would like to ask the gentleman from Ohio if he does not recollect that I was present in the committee room when the gentleman from New Jersey [Mr. FOWLER] made the statement which the gentleman from Ohio stated in his speech the other day, and which the gentleman from New Jersey has just denied? [Applause.]

Mr. BURTON of Ohio. I do remember it. Does the gentleman from New Jersey [Mr. FOWLER] commend his letter that he has read here in the presence of this House? It contains the statement that, under this bill, \$1,500,000,000 of money issued by banks is to go out into the country. Does not the gentleman from New Jersey know that statement to be absolutely untrue, and if he does not know that it is untrue, does not every other Member of this House know that it is an absolute misstatement?

There are about \$630,000,000 of national-bank notes in circulation, secured by Government bonds. The utmost limit in this bill is \$500,000,000, making in all \$1,130,000,000. And I must emphatically deny that our monetary system has been the laughing stock of the world. [Applause on the Republican side.] I listened once to the speech of an old blind orator in our State who spoke of the greenback, in figurative language, as crucified by the Pontius Pilates and despised by the Herods of finance, but loved by the people with an ardent fondness, because those notes brought to this country such financial aid that it could prosecute the most terrible of civil wars.

Our national banking system is a good system so far as it goes. The greenback, or the national-bank note, is received in

the remotest quarters of the world by peasant or banker as sound money, as money not only of the greatest country on the globe, but as good as ever coined in the mint of king or emperor. [Applause on the Republican side.]

True, our paper money does not have the flexibility that is desirable in a good currency system, and for that reason we are bringing in this bill, this much-abused bill, opposed by some bankers, opposed by some merchants. I am becoming tired, gentlemen, of these telegrams and letters sent in here by men who are either entirely ignorant of the question or else who have some selfish interest to subserve. It is for us, the representatives of the people, to take up this question, bearing in mind the solemnity of our oaths, bearing in mind our duty to our constituents and to the country. [Applause on the Republican side.] It is for us to do something, not rejecting advice, not thinking to spite bankers or capitalists or anyone, but recognizing that the first duty is with us right here in this great representative body, and we shall fail in our chiefest duty unless we show capability to solve the great questions that are before us.

The Vreeland bill is not a model bill; but when you come to take into account the requisites of currency—safety, acceptability to the people, workability, taking these three together, and the fact that no permanent solution is in sight, I want to say to you, my fellow-Representatives, this is the best proposition that has been presented to this House. No element of danger lurks in it; no predatory wealth can take advantage of it; but it can stimulate the healing streams of commerce; it can drive away panic; it can bring benefit to all the people.

We do not wish to present to the people the spectacle of opposing everything and bringing forward a measure only to flee from it as if it were a pestilence, not showing the courage either to vote for it or against it. [Laughter and applause on the Republican side.] We will not follow the example of the great party which represents the minority. Marshaled in solid array, they nevertheless contented themselves with answering "present!" Why, who supposed you were not present? [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Speaker, I ask for a vote. [Loud and long-continued applause on the Republican side.]

The question was taken.

Mr. WILLIAMS. Mr. Speaker, for fear the demand might be regarded as dilatory, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 152, nays 104, answered "present" 15, not voting 117, as follows:

## YEAS—152.

Acheson	Diekema	Hubbard, W. Va.	Olmsted
Alexander, N. Y.	Douglas	Huff	Overstreet
Allen	Draper	Humphrey, Wash.	Parker, N. J.
Ames	Driscoll	James, Addison D.	Parsons
Andrus	Dwight	Jones, Wash.	Payne
Anthony	Ellis, Mo.	Kelley	Pearre
Barchfeld	Ellis, Oreg.	Kennedy, Iowa	Perkins
Barclay	Englebright	Kennedy, Ohio	Pollard
Bates	Each	Kinkaid	Pray
Bede	Fairchild	Knapp	Prince
Bennett, Ky.	Fassett	Knowland	Reynolds
Bonyng	Focht	Kuftermann	Rosenberg
Boyd	Fordney	Lafean	Scott
Brownlow	Foster, Ind.	Landis	Slemp
Brumm	Fowler	Langley	Smith, Iowa
Burleigh	French	Lanning	Snapp
Burton, Del.	Fuller	Lawrence	Southwick
Burton, Ohio	Gaines, W. Va.	Lindbergh	Stafford
Calderhead	Gardner, Mich.	Lorimer	Sterling
Campbell	Gardner, N. J.	Loudenslager	Sturgiss
Capron	Gilbama	Lovering	Sulloway
Cary	Gillett	McGavin	Tawney
Caulfield	Graft	McKinley, Ill.	Thistlewood
Chaney	Graham	McKinney	Tirrell
Chapman	Hale	McLaughlin, Mich.	Volstead
Cocks, N. Y.	Hall	McMorran	Vreeland
Cole	Hamilton, Mich.	Madden	Waldo
Conner	Haskins	Madison	Wanger
Cooper, Wis.	Haugen	Mann	Washburn
Coudrey	Hawley	Miller	Watson
Crumpacker	Hayes	Mondell	Weeks
Currier	Higgins	Moore, Pa.	Weems
Cushman	Hill, Conn.	Morse	Wheeler
Dalzell	Hinsaw	Mouser	Wilson, Ill.
Davidson	Holliday	Murdock	Wood
Davis, Minn.	Howell, Utah.	Needham	Woodyard
Dawes	Howland	Norris	Young
Dawson	Hubbard, Iowa	Nye	The Speaker

## NAYS—104.

Adair	Brantley	Cockran	Finley
Adamson	Brodhead	Cooper, Tex.	Fitzgerald
Aiken	Brundidge	Cox, Ind.	Floyd
Alexander, Mo.	Burgess	Crawford	Foster, Ill.
Ashbrook	Burleson	Davenport	Gaines, Tenn.
Bartlett, Nev.	Burnett	De Armond	Garner
Beall, Tex.	Candler	Denver	Garrett
Beil, Ga.	Carlin	Dixon	Gillespie
Booher	Carter	Ellerbe	Glass
Bowers	Clark, Mo.	Ferris	Godwin

Gordon	Hull, Tenn.	Moon, Tenn.	Sabath
Granger	James, Ollie M.	Moore, Tex.	Shackelford
Gregg	Johnson, Ky.	Nicholls	Sherley
Hackett	Johnson, S. C.	O'Connell	Sherwood
Hackney	Keilber	Page	Sims
Hamill	Kimball	Patterson	Small
Hamlin	Kitchin, Claude	Pujo	Smith, Mo.
Hammond	Lamb	Rainey	Spight
Hardy	Lee	Randell, Tex.	Stanley
Hay	Lee	Ransdell, La.	Stephens, Tex.
Helm	Lever	Rauch	Sulzer
Henry, Tex.	Lloyd	Robinson	Tou Velle
Hill, Miss.	McHenry	Rothermel	Underwood
Houston	McLain	Rucker	Wallace
Howard	Macon	Russell, Mo.	Watkins
Hughes, N. J.	Maynard	Russell, Tex.	Williams

## ANSWERED "PRESENT"—15.

Ansberry	Flood	Kahn	Reeder
Bennet, N. Y.	Goulden	Longworth	Slayden
Butler	Haggott	Olcott	Smith, Cal.
Caldwell	Hamilton, Iowa	Padgett	

## NOT VOTING—117

Bannon	Foster, Vt.	Lassiter	Reld
Bartholdt	Foulkrod	Law	Rhinock
Bartlett, Ga.	Fulton	Legare	Richardson
Beale, Pa.	Gardner, Mass.	Lenahan	Riordan
Bingham	Gill	Lewis	Roberts
Birdsall	Goebel	Lilley	Ryan
Boutell	Goldfogle	Lindsay	Saunders
Bradley	Greene	Littlefield	Sheppard
Broussard	Griggs	Livingston	Sherman
Burke	Gronna	Loud	Smith, Mich.
Byrd	Harding	Lowden	Smith, Tex.
Calder	Hardwick	McCall	Sparkman
Clark, Fla.	Harrison	McCreary	Sperry
Clayton	Heflin	McDermott	Steenerson
Cook, Colo.	Henry, Conn.	McGuire	Stevens, Minn.
Cook, Pa.	Hepburn	McKinlay, Cal.	Talbot
Cooper, Pa.	Hitchcock	McLachlan, Cal.	Taylor, Ala.
Cousins	Hobson	McMillan	Taylor, Ohio
Craig	Howell, N. J.	Malby	Thomas, N. C.
Cravens	Hughes, W. Va.	Marshall	Thomas, Ohio
Darragh	Hull, Iowa	Moon, Pa.	Townsend
Davey, La.	Humphreys, Miss.	Mudd	Webb
Denby	Jackson	Murphy	Weisse
Dunwell	Jenkins	Nelson	Wiley
Durey	Jones, Va.	Parker, S. Dak.	Willitt
Edwards, Ga.	Kipp	Peters	Wilson, Pa.
Edwards, Ky.	Kitchin, Wm. W.	Porter	Wolf
Favrot	Knopf	Pou	
Fornes	Lamar, Fla.	Powers	
Foss	Lamar, Mo.	Pratt	

So the motion was agreed to.

The following additional pairs were announced:  
Until further notice:

Mr. COOK of Pennsylvania with Mr. LASSITER.  
Mr. FOSS with Mr. HUMPHREYS of Mississippi.  
Mr. TOWNSEND with Mr. MCDERMOTT.  
Mr. JENKINS with Mr. WEBB.  
Mr. SMITH of Michigan with Mr. WEISSE.  
Mr. HEPBURN with Mr. WILEY.  
Mr. FOSTER of Vermont with Mr. SPARKMAN.  
Mr. DENBY with Mr. FULTON.  
Mr. GRONNA with Mr. CRAVENS.  
Mr. BARTHOLDT with Mr. CRAIG.

For the session:

Mr. COUSINS with Mr. FLOOD.  
Mr. BRADLEY with Mr. GOULDEN.  
Mr. WATSON with Mr. SHEPPARD.  
Mr. SHERMAN with Mr. RIORDAN.

For the balance of the day:

Mr. SMITH of California with Mr. RICHARDSON.

On this vote:

Mr. OLCOTT (in favor of) with Mr. HARRISON (against).  
Mr. KAHN. Mr. Speaker, I voted "aye." I find I am paired with the gentleman from Alabama [Mr. HEFLIN]. I desire to withdraw my vote and ask to be marked "present."

Mr. SMITH of California. Mr. Speaker, I voted "aye." I desire to withdraw my vote and be marked "present," as I am paired with the gentleman from Alabama [Mr. RICHARDSON].

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the following conferees: Mr. VREELAND, Mr. BURTON of Ohio, Mr. WEEKS, Mr. LEWIS, and Mr. PUJO.

Mr. WILLIAMS. Mr. Speaker, the Chair has just announced certain conferees, among whom were two Democrats, one of whom, Mr. LEWIS, is not here, and I am informed can not be here. I request the Speaker, therefore, to appoint another Democrat in his stead.

The SPEAKER. The conferees committee consists of five. The Chair will let the conferees stand, for the present at least.

## WITHDRAWAL OF PAPERS.

Mr. GOULDEN, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the

papers in the case of Mrs. E. O. Rorke (H. R. 1722), Fifty-fifth Congress, no adverse report having been made thereon.

## HOUSE BILLS WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bills with Senate amendments of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

H. R. 18030. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

H. R. 19737. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

## ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry;

H. R. 13577. An act providing for resurvey of certain public lands in the State of Nebraska; and

H. R. 16770. An act granting land to Anna Johnson.

The Speaker announced his signature to enrolled bill of the following title:

S. 4809. An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6796. An act to refund certain duties inequitably collected on anthracite coal by the collector of customs at Baltimore, Md.—to the Committee on Claims.

S. 7113. An act making appropriations for repairs and reconstruction of buildings destroyed by cyclone at Fort Crook military post—to the Committee on Military Affairs.

## REPRINT.

Mr. FRENCH obtained unanimous consent for a reprint of Senate joint resolution 51, providing for additional lands for Idaho under the provisions of the Carey Act.

## RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11.30 a. m. to-morrow.

The question was taken.

Mr. WILLIAMS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 148, nays 74, answered "present" 13, not voting 152, as follows:

## YEAS—148.

Acheson	Dalzell	Hill, Conn.	Needham
Adair	Darragh	Hinschaw	Norris
Alexander, N. Y.	Davidson	Holliday	Nye
Allen	Dawes	Howell, Utah	Olcott
Ames	Dawson	Howland	Olmsted
Andrus	Diekema	Hubbard, Iowa	Overstreet
Anthony	Douglas	Hubbard, W. Va.	Parker, N. J.
Barchfeld	Draper	Huff	Parsons
Barclay	Dwight	Humphrey, Wash.	Payne
Bartholdt	Ellis, Mo.	James, Addison D.	Perkins
Bates	Ellis, Oreg.	Jenkins	Pollard
Bede	Englebright	Jones, Wash.	Pray
Bennett, Ky.	Esch	Kelley	Rainey
Bonyuge	Fairchild	Kennedy, Iowa	Reynolds
Boyd	Fassett	Kennedy, Ohio	Rosenberg
Brownlow	Focht	Kinkaid	Sleep
Brumm	Fordney	Knapp	Smith, Iowa
Burleigh	Foster, Ind.	Knowland	Snapp
Burton, Del.	Foster, Vt.	Lafren	Southwick
Burton, Ohio	Fowler	Landis	Sterling
Calder	French	Langley	Sturgis
Calderhead	Fuller	Lanning	Sullivan
Campbell	Gaines, W. Va.	Lawrence	Tawney
Capron	Gardner, Mich.	Lindbergh	Thistlewood
Cary	Gardner, N. J.	Lorimer	Tirrell
Caulfield	Gilham	Loudenslager	Volstead
Chaney	Glass	Lovering	Vreeland
Chapman	Graff	McKinley, Ill.	Waldo
Cocks, N. Y.	Graham	McKinney	Wanger
Cole	Hale	McLaughlin, Mich.	Washburn
Conner	Hall	McMorran	Watson
Cook, Colo.	Hamilton, Mich.	Madden	Weems
Cooper, Wis.	Haskins	Miller	Wheeler
Coudrey	Haugen	Moore, Pa.	Wilson, Ill.
Crumpacker	Hawley	Morse	Wood
Currier	Hayes	Mouser	Woodyard
Cushman	Higgins	Murdock	Young



## NAYS—74.

Adams	Dixon	Hay	Moore, Tex.
Aiken	Ellerbe	Helm	O'Connell
Alexander, Mo.	Ferris	Henry, Tex.	Page
Bartlett, Nev.	Finley	Hill, Miss.	Pujo
Benli, Tex.	Fitzgerald	Houston	Randell, Tex.
Bell, Ga.	Floyd	Hughes, N. J.	Rauch
Booher	Foster, Ill.	Hull, Tenn.	Robinson
Bowers	Gaines, Tenn.	James, Ollie M.	Rothermel
Brantley	Garner	Johnson, Ky.	Russell, Mo.
Brodhead	Garrett	Johnson, S. C.	Russell, Tex.
Burgess	Gillespie	Kelher	Sabath
Burleson	Godwin	Kimball	Sherley
Burnett	Gordon	Kitchin, Claude	Spight
Candler	Granger	Lee	Tou Velle
Clark, Mo.	Gregg	Lloyd	Underwood
Cox, Ind.	Hackett	McHenry	Wallace
Crawford	Hackney	Macon	Williams
Davenport	Hamlin	Maynard	
Denver	Hammond	Moon, Tenn.	

## ANSWERED "PRESENT"—13.

Ansherry	Goulden	Mann	Watkins
Bennet, N. Y.	Haggott	Reeder	
Caldwell	Kahn	Sheppard	
De Armond	Longworth	Small	

## NOT VOTING—152.

Ashbrook	Gardner, Mass.	Lever	Rhinock
Bannon	Gill	Lewis	Richardson
Bartlett, Ga.	Gillett	Lilly	Riordan
Beale, Pa.	Goebel	Lindsay	Roberts
Bingham	Goldfogle	Littlefield	Rucker
Birdsall	Greene	Livingston	Ryan
Boutell	Griggs	Loud	Saunders
Bradley	Gronna	Lowden	Scott
Broussard	Hamill	McCall	Shackelford
Brundidge	Hamilton, Iowa	McCreary	Sherman
Burke	Harding	McDermott	Sherwood
Butler	Hardwick	McGavin	Sims
Byrd	Hardy	McGuire	Slayden
Carlin	Harrison	McKinlay, Cal.	Smith, Cal.
Carter	Heflin	McLachlan, Cal.	Smith, Mich.
Clark, Fla.	Henry, Conn.	McLain	Smith, Mo.
Clayton	Heburn	McMillan	Smith, Tex.
Cockran	Hitchcock	Madison	Sparkman
Cook, Pa.	Hobson	Malby	Sperry
Cooper, Pa.	Howard	Marshall	Stafford
Cooper, Tex.	Howell, N. J.	Mondell	Stanley
Cousins	Hughes, W. Va.	Moon, Pa.	Steenerson
Craig	Hull, Iowa	Mudd	Stevens, Tex.
Cravens	Humphreys, Miss.	Murphy	Stevens, Minn.
Davey, La.	Jackson	Nelson	Sulzer
Davis, Minn.	Jones, Va.	Nicholls	Talbot
Denby	Klipp	Padgett	Taylor, Ala.
Driscoll	Kitchin, Wm. W.	Parker, S. Dak.	Taylor, Ohio
Dunwell	Knopf	Patterson	Thomas, N. C.
Durey	Küstermann	Pearre	Thomas, Ohio
Edwards, Ga.	Lamar, Fla.	Peters	Townsend
Edwards, Ky.	Lamar, Mo.	Porter	Webb
Favrot	Lamb	Pou	Weeks
Flood	Lassiter	Powers	Weisse
Fornes	Law	Pratt	Wiley
Foss	Lenka	Prince	Willett
Foulkrod	Legare	Ransdell, La.	Wilson, Pa.
Fulton	Lenahan	Reid	Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MANN with Mr. SIMS.

On this vote:

Mr. WEEKS with Mr. SMITH of Missouri.

Mr. TOWNSEND with Mr. TAYLOR of Alabama.

Mr. STEVENS of Minnesota with Mr. SULZER.

Mr. STEENERSON with Mr. SHERWOOD.

Mr. STAFFORD with Mr. SHACKLEFORD.

Mr. SPERRY with Mr. SAUNDERS.

Mr. SMITH of Michigan with Mr. RYAN.

Mr. SCOTT with Mr. STANLEY.

Mr. PORTER with Mr. RUCKER.

Mr. PEARRE with Mr. RANSDALL of Louisiana.

Mr. MOON of Pennsylvania with Mr. POU.

Mr. McLACHLAN of California with Mr. PATTERSON.

Mr. MCGAVIN with Mr. NICHOLLS.

Mr. MCGUIRE with Mr. LEVER.

Mr. MCCALL with Mr. LAMB.

Mr. KÜSTERMANN with Mr. McLAIN.

Mr. GOEBEL with Mr. JONES of Virginia.

Mr. McMILLAN with Mr. HOWARD.

Mr. GILLETT with Mr. HITCHCOCK.

Mr. FOULKROD with Mr. HARDY.

Mr. DAVEY of Louisiana with Mr. HAMILTON of Iowa.

Mr. HOWELL of New Jersey with Mr. HAMILL.

Mr. DUNWELL with Mr. FAVROT.

Mr. DRISCOLL with Mr. COOPER of Texas.

Mr. DENBY with Mr. COCKRAN.

Mr. DAVIS of Minnesota with Mr. CARTER.

Mr. COOPER of Pennsylvania with Mr. CARLIN.

Mr. BEALE of Pennsylvania with Mr. BRUNDIDGE.

Mr. BURKE with Mr. ASHBROOK.

## CONFEREES ON CURRENCY BILL.

The SPEAKER. Pending the announcement of the vote, if there be no objection, the Chair will state that he is informed that the gentleman from Georgia [Mr. LEWIS] will not return during the session. The Chair therefore appoints the gentleman from Virginia [Mr. GLASS] one of the conferees on the currency bill in the place of the gentleman from Georgia [Mr. LEWIS].

## RECESS.

The result of the vote was announced as above recorded. Accordingly (at 6 o'clock and 55 minutes p. m.) the House took a recess until Saturday, May 16, 1908, at 11.30 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, submitting an estimate of appropriation for payment of certain expenses of advertising in connection with examination as to a bridge across the Delaware River near Trenton, N. J. (H. R. Doc. 941)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Boothbay Harbor, Maine (H. R. Doc. 944)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of South Fork of Forked River, Tennessee (H. R. Doc. 945)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of the Treasury, transmitting papers in the claim of the Charleston, S. C., Light and Water Company (H. R. Doc. 943)—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Treasurer of the United States submitting an estimate of appropriation for compensation of certain employees of the Bureau of Engraving and Printing (H. R. Doc. 942)—to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DENBY, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 21922) to amend an act approved June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," reported the same without amendment, accompanied by a report (No. 1662), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LINDBERGH, from the Committee on Indian Affairs, to which was referred the resolution of the House (H. J. Res. 152) concerning the Navajo Indian Reservation in New Mexico, reported the same without amendment, accompanied by a report (No. 1663), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Pennsylvania, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2295) to extend the time within which the Washington and Western Maryland Railroad Company shall be required to complete the road of said company under the provisions of an act of Congress approved March 2, 1889, as amended by an act of Congress approved June 28, 1906, reported the same with amendments, accompanied by a report (No. 1664), which said bill and report were referred to the House Calendar.

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4814) to amend section 491a of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1665), which said bill and report were referred to the House Calendar.

Mr. KAHN from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6358) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," reported the same without amendment, accompanied by a report (No.

1666), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21890) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States, reported the same with amendment, accompanied by a report (No. 1668), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment, reported the same with amendments, accompanied by a report (No. 1669) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18792) to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service, reported the same with amendment, accompanied by a report (No. 1670), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. AMES, from the Committee on Militia, to which was referred House bill 7545, reported in lieu thereof a bill (H. R. 21926) for the organization of the militia in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1671), which said bill and report were referred to the House Calendar.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 21815) to amend the laws relating to navigation, and for other purposes, reported the same with amendments, accompanied by a report (No. 1672), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

##### Under clause 2 of Rule XIII.

Mr. COOPER of Pennsylvania, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 20204) for the relief of Clara A. Carter, widow of Martin J. Carter, late consul of the United States to Yarmouth, Nova Scotia, reported the same without amendment, accompanied by a report (No. 1667), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Iowa: A bill (H. R. 21919) to establish a fish-cultural station in the western section of the State of Iowa—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEISSE: A bill (H. R. 21920) transferring swamp lands to the State of Wisconsin—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 21921) to authorize the publication of a dictionary of the minerals and ores of the United States—to the Committee on Printing.

By Mr. DENBY, from the Committee on Foreign Affairs: A bill (H. R. 21922) to amend an act approved June 30, 1906, entitled "An act creating a United States court for China, and prescribing the jurisdiction thereof"—to the Union Calendar.

By Mr. MANN: A bill (H. R. 21923) relating to the transportation of habit-forming and poisonous drugs in interstate and foreign commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: A bill (H. R. 21924) for a survey of South Bay, in Boston Harbor, Boston, Mass.—to the Committee on Rivers and Harbors.

By Mr. FORNES (by request): A bill (H. R. 21925) for improving national roadways and waterways—to the Committee on Interstate and Foreign Commerce.

By Mr. AMES, from the Committee on Militia: A bill (H. R. 21926) for the organization of the militia in the District of Columbia—to the House Calendar.

By Mr. ROBERTS: A bill (H. R. 21927) to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes—to the Committee on Appropriations.

By Mr. FOCHT: A bill (H. R. 21928) to provide for site and public building at Lewistown, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. SHERLEY: A bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903—to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21930) granting a pension to Lewis Bockoven—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 21931) granting an increase of pension to Martin V. Helton—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 21932) for the relief of heirs or estate of Edward Théophile Broussard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21933) for the relief of Leonidas P. Hebert, administrator of estate of Hebert & Landry, of Louisiana—to the Committee on War Claims.

By Mr. DARRAGH: A bill (H. R. 21934) to correct the military record of Henry J. Baker—to the Committee on Military Affairs.

By Mr. DAVIDSON: A bill (H. R. 21935) granting an increase of pension to Addie J. Curran—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 21936) granting an increase of pension to Henry P. Heald—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21937) for the relief of Jake T. Patrick—to the Committee on Claims.

Also, a bill (H. R. 21938) granting a pension to Thomas Jent—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 21939) granting an increase of pension to Samuel D. Hallock, alias Drake Hallock—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 21940) granting an increase of pension to Frank Ringler—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 21941) granting an increase of pension to James O'Sullivan—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 21942) granting an increase of pension to Moses McGinnis—to the Committee on Invalid Pensions.

Also a bill (H. R. 21943) granting an increase of pension to Acan Misplay—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21944) granting an increase of pension to Reuben C. Moulton—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 21945) granting an increase of pension to P. B. West—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Grand Master P. H. Morrissey, for the Brotherhood of Railway Trainmen, praying for the passage of the so-called "Rodenberg-Hemenway-Graff safety ash-pan bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Stephen Pittman—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Julius Pickett—to the Committee on War Claims.

Also, paper to accompany bill for relief of John B. De Bord—to the Committee on War Claims.

By Mr. BOWERS: Petition of Jones Company, of Overt, Miss., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BROUSSARD: Paper to accompany bill for relief of estate of Edward Théophile Broussard—to the Committee on War Claims.

By Mr. CALDER: Paper to accompany bill for relief of George H. Crosman—to the Committee on Invalid Pensions.

Also, petition of William A. Gray and other citizens of Brooklyn, N. Y., for amendment to Sherman antitrust law (H. R.



20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of citizens of Taylorville, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of Journeymen Bricklayers of Philadelphia, for the exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of members of the Trades and Labor Council of Racine, Wis., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. COUSINS: Petitions of citizens of Bainbridge, Ga.; Brattleboro, Vt.; Laurens, Iowa; New York, N. Y.; Emerson, Iowa, and East St. Louis, Ill., favoring resolution of sympathy for the people of Russia—to the Committee on Foreign Affairs.

By Mr. DARRAGH: Memorial of International Longshoremen's Association of Ford River, Mich., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Mrs. W. P. Andrews and 19 other residents of St. Louis, Gratiot County, Mich., and Sadie Messenger and 80 other residents of Alma, Gratiot County, Mich., favoring adoption of concurrent resolution 28—to the Committee on Foreign Affairs.

By Mr. DAVIS of Minnesota: Petition of Trades League of Philadelphia, favoring the Fowler credit currency bill—to the Committee on Banking and Currency.

By Mr. DAWSON: Petition of Outlook Club, of Maquoketa, Iowa, in favor of H. R. 18445, to investigate and develop methods of treatment for tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGLAS: Petitions of citizens of Hollister, Ohio, in mass meeting, and Local No. 338, Journeymen Barbers' International Union of America, of Chillicothe, Ohio, for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of citizens of Troy, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petitions of Boot and Shoe Workers of Syracuse, N. Y.; Clothing Cutters and Trimmers' Local Union 128, United Garment Workers of America, and cigar makers, citizens, and organized labor of Syracuse, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FOCHT: Petition of General Kane Post, No. 292, Grand Army of the Republic, Department of Pennsylvania, for amendment of the McCumber pension act so as to have maximum rate of \$20 apply at age of 65 instead of 75 years, as at present—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of United Harbor, American Association of Masters, Mates, and Pilots, for Senate joint resolution 40, relative to carrying Government supplies in American bottoms—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Robert E. Jackson, for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination for President by any political party—to the Committee on the Judiciary.

Also, petition of national convention of unemployed, for appropriation of \$150,000,000 for deepening and improving waterways, and other public works, for the maintenance of the unemployed—to the Committee on Rivers and Harbors.

Also, petition of National Irrigation Association of Chicago, against the so-called "320-acre dry-land farming bill" (S. 6155)—to the Committee on Irrigation of Arid Lands.

Also, petition of Merchants' Marine League of the United States, of Cleveland, Ohio, for the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Max Shubert and others, of Long Island City, and R. D. Doehliert, Jr., of Rutherford, N. J., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the em-

ployers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petitions of Building Trades Employers' Association, John Williams (Incorporated), Hess Brothers, and Edgar P. Reynolds, against all anti-injunction legislation—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of State of New York, relating to contingent expenses of the war of 1812—to the Committee on Claims.

Also, petition of Wilmer Atkinson, favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Merchants' Marine League of the United States, favoring the ocean mail subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cincinnati Chamber of Commerce, for survey of a canal between Toledo, Ohio, and Chicago, Ill., and for the deepening of the Miami and Erie Canal—to the Committee on Railways and Canals.

Also, petition of Dr. A. M. Harrison, of Rockford, Ill., for Senate bill 4432, for the betterment of the Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of citizens of Chicago, Ill., for the passage of the Wilson bill to amend the Sherman antitrust law, the Pearre bill, the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Mothers' Study Club, of Rockford, for legislation along line of conversation of natural resources of the country—to the Committee on Agriculture.

By Mr. HAMILTON of Michigan: Petitions of citizens of South Haven, Mich.; Casco Pomological Society; Civic Improvement League, and Scott Club, of South Haven, for legislation to secure conservation of natural resources—to the Committee on Agriculture.

By Mr. HAYES: Petitions of citizens of San Mateo, numbering 217, and organized labor of San Francisco, Cal., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of civic section of the History Club of Los Gatos, Cal., for legislation to conserve the natural resources of the country—to the Committee on Agriculture.

By Mr. HOLLIDAY: Petition of citizens of Terre Haute, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. HOWELL: Paper to accompany bill for relief of Catherinea E. Dohm—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of Chamber of Commerce of Pittsburgh, Pa., favoring H. R. 17979 (Esch bill), requiring common carriers to make full reports of all accidents to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: Petition of Women's Home Missionary Society of the Capitol Park Methodist Episcopal Church, of Des Moines, Iowa, for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. GARNER: Petition of Carpenters' Union, Local No. 1883, of Laredo, Tex., favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of E. D. Stodder, of Atlantic City, N. J., for legislation to conserve natural resources of the country—to the Committee on Agriculture.

Also, petition of Robert E. Jackson and others, for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination of President by any political party—to the Committee on the Judiciary.

Also, petition of George W. De Long Post, Grand Army of the Republic, No. 45, Department of California and Nevada, favoring H. R. 220, to prevent desecration of the flag—to the Committee on the Judiciary.

Also, petitions of Clement Capazzi, Joseph Capazzi, and Nicholas Capazzi; National Lodge, No. 556, International Association of Machinists; Frank A. White, Alex. E. Squire, H. Jaussen, John Dasker, Silas M. White, William H. Murphy, A. Graham, Charles H. Forello, Frank L. Webb, James B. McGarvey, William C. Schwarz, William L. Walsh, A. W. Frances, William Hennig, Anthony Dietz, George Ripley, George S. Bartram, George J. Zwicker, J. L. Nisbet, Charles Obert, Charles J. Carroll, John T. Keane, A. J. Spelker, P. J. McCarthy, H. H. Tadmon, Henry Krogman, William B. Cleary, George

Matheson, W. B. Driscoll, W. E. Robinson, Edward S. Kellogg, Charles Allione, and Frank O. Eaton, of Bronx, N. Y.; Edward Beister, of Wakefield, N. Y., and Robert McKechnie, George Goode, Anthony Lindenmyer, B. W. Lyman, Edward Schlueter, Edward J. Casey, Morton B. Connelly, Emil Schoemmel, A. B. Burt, John J. Farrell, E. McCormick, and Charles Weiss, of New York City, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petitions of citizens of Holyoke, Mass., and Local Union No. 155, International Brotherhood of Stationary Firemen, of Lee, Mass., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. LORIMER: Petition of Brotherhood of Railway Trainmen, for the Rodenberg anti-injunction bill and the Hemenway-Graff safety ash-pan bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: Petition of Anton Funk, John M. Taylor, and August Spengler, of Brainerd, Minn., for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination for President by any political party—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of United Harbor, No. 1, American Association of Masters, Mates, and Pilots of New York, favoring Senate joint resolution 40, for carrying Government supplies in American bottoms—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Stephen E. A. Weinberg, on behalf of many persons, to secure the flag that was on Lawrence's ship in 1812—to the Committee on Naval Affairs.

Also, petition of Young Folks' Hebrew Association, favoring the Littlefield original-package bill and kindred legislation—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petition of citizens of Washington and Oregon, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of various labor organizations of Washington, for amendment to Sherman antitrust law, Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Granges Nos. 570, 194, 990, 1201, 1242, 1161, 899, 705, 131, and 1340, all of the State of Pennsylvania, favoring H. R. 12682, for financial legislation to secure depositors against bank failures (McHenry bill)—to the Committee on Banking and Currency.

Also, petitions of East Benton Grange and Granges Nos. 516, 1355, 1285, 1223, 1087, 1236, 1218, 1225, and 1042, all of the State of Pennsylvania favoring H. R. 12682, to safeguard people's savings against bank failures—to the Committee on Banking and Currency.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Rachel Ringler—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of citizens of Bangor, Me., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PRAY: Petitions of Trades and Labor Assembly of Helena, Mont.; E. R. Torrey and other citizens of Butte, Mont., and Union No. 744, Brotherhood of Carpenters and Joiners of America, of Red Lodge, Mont., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. RAINEY: Petition of Western Society of Engineers, for legislation conserving natural resources of the country—to the Committee on Agriculture.

Also, petition of Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of E. D. Stodder, of Atlantic City, for legislation to conserve the natural resources of the country—to the Committee on Agriculture.

Also, petition of Robert E. Jackson and others, for legislation to prevent the President or Cabinet officers from taking active part in behalf of any candidate for the nomination for President by any political party—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, favoring the Fowler credit currency bill—to the Committee on Banking and Currency.

Also, petition of Charles Hall Davis, favoring H. R. 21263—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Petition of George S. Knapp and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WEISSE: Petition of Oshkosh Chamber of Commerce, for legislation along the line of conservation of the natural resources of the country—to the Committee on Agriculture.

By Mr. WOOD: Petition of D. J. Swaner, of Trenton, N. J., for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Asa Smith—to the Committee on Invalid Pensions.

## SENATE.

SATURDAY, May 16, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### FOREST-SERVICE EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture transmitting, in response to a resolution of the 24th ultimo, a statement of the attendance of members of the Forest Service at meetings and conventions during the year 1907, which, with the accompanying paper, was ordered to lie on the table and be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21871) to amend the national banking laws, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. VREELAND, Mr. BURTON of Ohio, Mr. WEEKS, Mr. GLASS, and Mr. PUJO managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOORE of Pennsylvania, Mr. FOSTER of Indiana, and Mr. MURPHY of Wisconsin managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. DALZELL, and Mr. UNDERWOOD managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the following bills, each with an amendment, in which it requested the concurrence of the Senate:

H. R. 1062. An act granting an increase of pension to Charles C. Weaver; and

H. R. 1991. An act granting an increase of pension to Jerry Murphy.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 5297. An act to complete the naval record of John Shaughnessy;

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank deposits;



H. R. 17005. An act authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho; and

H. J. Res. 178. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented sundry petitions of citizens of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented the memorial of J. W. Wuppermann, of New York City, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Collar and Shirt Manufacturers' Association of Troy, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of the National Brick Manufacturers' Association of Corning, N. Y., and a memorial of the Horseheads Brick Company, of Horseheads, N. Y., remonstrating against an appropriation being made for the development of the use of concrete as a building material, which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Auburn, N. Y., praying for the ratification of a reciprocal trade treaty between the United States and France, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Lodge No. 99, Brotherhood of Locomotive Engineers, of Rochester, N. Y., and petition of the International Convention, Brotherhood of Locomotive Engineers, of Columbus, Ohio, praying for the enactment of legislation requiring railroad companies to equip their locomotives with automatic self-dumping and self-cleaning ash pans, which was referred to the Committee on Interstate Commerce.

Mr. OWEN presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the Record, as follows:

House concurrent resolution 13.

Whereas the growth and spread of consumption or tuberculosis—commonly known as the "white plague"—in some parts of the United States is becoming prevaillingly prevalent; and

Whereas it is now generally accepted as a fact that this dread disease can be communicated from one person to another, by the healthy person inhaling the diseased breath of the consumptive and also by inhaling dried expectorations carried by the wind; and

Whereas separation of the consumptively afflicted from the well and healthy is one of the best ways and means of preventing the spread of the disease, and to benefit the ailing; Therefore be it

Resolved by the senate and house of representatives of the legislative assembly of the State of Oklahoma, That the Government of the United States be requested, and the United States is hereby requested, to take early action looking toward the procurement by purchase or cession from the State of Texas, in the arid regions thereof, or Territory of Arizona, a tract of land at least 18 miles square, to be used for a consumptives' home and sanitarium; that the United States is hereby requested to reclaim said tract of land by wells or otherwise, so as to make the same productive, thereby affording the unfortunate an opportunity for profitable outdoor employment in the way of gardening, raising poultry, and engaging in other light enterprises to assist them in earning a competency and as an aid to mind employment at the same time.

That the United States be requested to cut said reserve into small tracts and to improve the same, and to place the same in a cheerful, homelike condition, as far as possible, in order that the unfortunate may find that relief that is awaiting him in the dry, recuperating, health-giving atmosphere of the dry regions above named.

That a copy of these resolutions be forwarded to the President of the United States, to the President of the United States Senate, and to the Speaker of the House of Representatives.

WM. H. MURRAY,

Speaker of the House of Representatives.

GEO. W. BELLAMY,

President of the Senate.

Mr. OWEN presented petitions of sundry citizens of Ardmore and Shawnee, and of Local Union No. 302, International Hod Carriers and Brick Layers' Union of America, of Tulsa, all in the State of Oklahoma, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Hanna, Rock Springs, and Evanston, in the State of

Wyoming, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. McLAURIN presented a petition of sundry citizens of Washington County, Miss., praying for the enactment of legislation for the relief of Henry L. Blake and others, which was referred to the Committee on Claims.

Mr. McCREARY presented a petition of sundry citizens of Owensboro, Ky., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. SUTHERLAND presented a petition of Local Union No. 3, Bricklayers and Masons' Union of America, of Ogden, Utah, and a petition of Local Union No. 194, United Brotherhood of Carpenters and Joiners of America, of Salt Lake City, Utah, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FRYE presented petitions of sundry citizens of Anson and Madison, in the State of Maine, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FILES presented petitions of Journeymen Plumbers' Union No. 32, of Seattle; of Local Union No. 300, Brotherhood of Painters, Decorators, and Paperhangers of America, of Seattle; of Local Union No. 2610, United Mine Workers of America, of Ravensdale; of Pattern Makers' Union, of Tacoma, and of Local Union No. 71, Journeymen Tailors' Union of America, of Seattle, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented petitions of the American League of Independent Workmen, of Tacoma, Wash., and of sundry citizens of Bellingham and Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented a memorial of the Vulcan Iron Works, of Seattle, Wash., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of Local Union No. 86, International Typographical Union, of Reading, Pa., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Trades Assembly of Washington, Pa., praying that at least one of the new battle ships be constructed at a Government navy-yard, which was ordered to lie on the table.

He also presented a memorial of Ingham Post, No. 91, Department of Pennsylvania, Grand Army of the Republic, of Canton, Pa., remonstrating against placing a statue of Gen. Robert E. Lee, late of the Southern Confederacy, in Statuary Hall, in the National Capitol, Washington, D. C., which was referred to the Committee on the Library.

Mr. HALE presented a petition of sundry citizens of Madison, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented the memorial of J. D. Spreckels & Bros. Company of San Francisco, Cal., remonstrating against the enactment of legislation amending the laws relating to transportation between ports of the Territory of Hawaii and other ports of the United States, which was referred to the Committee on Commerce.

Mr. RICHARDSON presented a petition of the Woman's Christian Temperance Union of Milton, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Granite City, Chicago, Peoria, Centralia, and Edwardsville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the African Methodist Episcopal Church, of Normal, Ill., praying for the enactment of legislation to limit the effect of the regula-

tions of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Granite City, Ill., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also presented a petition of the Civic Improvement Association of Upper Alton, Ill., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented petitions of sundry citizens of Thornton and Woodstock, in the State of New Hampshire, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Rochester, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of J. E. Irvine, of Washington, D. C., praying for the enactment of legislation providing for the suppression of usury in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Surety Loan Company, the Reliance Loan and Trust Company, and the Metropolitan Loan and Trust Company, of Washington, D. C., remonstrating against the enactment of legislation to amend the Code of Law for the District of Columbia with regard to the receipt of usurious interest, which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented memorials of sundry citizens and business firms of New York City, Brooklyn, Rochester, Syracuse, Buffalo, Watertown, Binghamton, Ogdensburg, Utica, Lockport, Troy, and Oneonta, all in the State of New York, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and labor organizations of Yonkers, Albion, Elmira, Brooklyn, Hadley, Utica, Albany, Syracuse, Salamanca, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Printing, to whom was referred the amendment submitted by Mr. HEYBURN on the 7th instant, proposing to appropriate \$1,500 to pay C. E. Alden for services rendered and assistance employed in preparing an index to the compilation of rules and regulations governing the various Executive Departments, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 6495) to provide for the incorporation of banks within the District of Columbia (Report No. 664); and

A bill (S. 6413) to limit the period for refunding taxes and assessments erroneously paid (Report No. 665).

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 4482) to amend section 18 of an act, approved April 26, 1906, entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," reported adversely thereon and the bill was postponed indefinitely.

Mr. TELLER, from the Select Committee on the Five Civilized Tribes, reported an amendment providing for the transmission by the Secretary of the Treasury and the Secretary of the Interior to the Public Printer either the original or a true and correct copy of the original of each and every roll of the Choctaw and Chickasaw Indians now in the possession and custody of either of these Departments, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

#### INVESTIGATIONS BY COMMITTEE ON FINANCE.

Mr. ALDRICH, from the Committee on Finance, reported the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Committee on Finance are authorized, in connection with investigations heretofore ordered by the Senate, with the

view of promptly securing the information necessary for an intelligent revision of the customs laws of the United States, to call to their assistance experts in the Executive Departments of the Government and to employ such other assistants as they shall require; and they are especially directed to report what further legislation is necessary to secure equitable treatment for the agricultural and other products of the United States in foreign countries; and they shall also, in the consideration of changes of rates, secure proof of the relative cost of production in this and in principal competing foreign countries of the various articles affected by the tariff upon which changes in rates of duty are desirable.

#### BILLS INTRODUCED.

Mr. DILLINGHAM introduced a bill (S. 7128) to give the Court of Claims jurisdiction to hear and determine claims for the payment of medical expenses of sick officers and enlisted men of the Army while absent from duty with leave or on furlough, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. CRANE introduced a bill (S. 7129) for the relief of the heirs and legal representatives of Thomas F. Norton, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7130) granting a pension to George Bond; and

A bill (S. 7131) granting a pension to Thomas Miles.

Mr. GUGGENHEIM introduced a bill (S. 7132) granting a pension to John G. Schempp, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMITH of Maryland introduced a bill (S. 7133) for the relief of the estate of George Lloyd Raley, which was read twice by its title and referred to the Committee on Claims.

Mr. DICK introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7134) providing for the erection of a public building at Norwalk, Ohio; and

A bill (S. 7135) providing for the purchase of a site and the erection thereon of a public building at Defiance, in the State of Ohio.

Mr. MONEY introduced a bill (S. 7136) for the relief of the estate of Phereby R. Sheppard, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS (for Mr. McCUMBER) introduced a bill (S. 7137) for the relief of James W. Brown and others, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. GARY introduced a bill (S. 7138) for the relief of Winjah Lodge, No. 40, Ancient Free and Accepted Masons, of South Carolina, which was read twice by its title and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 7139) for the purchase of a site for a Federal building for the United States post-office at Kittanning, Pa., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. ALLISON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7140) granting an increase of pension to William N. Watson;

A bill (S. 7141) granting an increase of pension to John M. Ryan;

A bill (S. 7142) granting a pension to Harriet B. Duncan;

A bill (S. 7143) granting an increase of pension to Charles Moritz; and

A bill (S. 7144) granting an increase of pension to William A. York.

Mr. OVERMAN introduced a bill (S. 7145) granting an increase of pension to John Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. FOSTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7146) for the relief of Mrs. Maria Barron; and

A bill (S. 7147) for the relief of Leonidas P. Hebart.

Mr. McLAURIN introduced a bill (S. 7148) for the relief of the estate of Calvin Tilley, which was read twice by its title and referred to the Committee on Claims.

Mr. SMOOT introduced a bill (S. 7149) granting a pension to Nannie M. Lowe, which was read twice by its title and referred to the Committee on Pensions.

#### AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate \$1,000 to pay N. M. Wakefield for services rendered in preparing a tracer of legislation and notifying the members of the Senate of the movements of the Senate bills, intended to



be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate \$150 to pay John K. White for extra services rendered as clerk and stenographer to the Capitol police board, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$300 to pay Charles M. Morris for extra clerical service for editing and compiling the testimony taken before the Joint Committee on Patents, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENTS TO OMNIBUS PUBLIC-BUILDINGS BILL.

Mr. NIXON submitted two amendments intended to be proposed by him to the omnibus public-buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PAYNTER submitted two amendments intended to be proposed by him to the omnibus public-buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. OWEN submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. SUTHERLAND submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CURTIS submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. LONG submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PENROSE submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. OVERMAN (for Mr. TAYLOR) submitted an amendment intended to be proposed to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. DICK submitted two amendments intended to be proposed by him to the omnibus public-buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. DEPEW submitted three amendments intended to be proposed by him to the omnibus public-buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### WITHDRAWAL OF PAPERS—FRANCES BIGLOW.

On motion of Mr. ALLISON, it was

Ordered, That there may be withdrawn from the files of the Senate the papers in the case of S. 3118, Fifty-ninth Congress, first session, granting a pension to Francis Biglow, there having been no adverse report thereon.

#### DISBURSEMENT OF INDIAN FUNDS.

Mr. OWEN submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to cause to be prepared and to transmit to the Senate a detailed statement showing all revenues of every kind and character collected and all funds from all sources received and credited to each of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes since June 28, 1898, and the disbursements made from the funds of said tribes, severally, with the authority therefor since said date.

#### EMPLOYMENT OF STENOGRAPHER.

Mr. FLINT submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Irrigation be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and that such stenographer be paid out of the contingent fund of the Senate.

CHARLES C. WEAVER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 1062) granting an increase of pension to Charles C. Weaver, which, on motion of Mr. SMOOT, was with the bill referred to the Committee on Pensions.

JERRY MURPHY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, which, on motion of Mr. SMOOT, was with the bill referred to the Committee on Pensions.

#### SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and Mr. ALLISON, Mr. HALE, and Mr. TELLER were appointed as the conferees on the part of the Senate.

#### RAILROAD SIDING AT WASHINGTON NAVY-YARD.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CARTER. I move that the Senate insist upon its amendment, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and Mr. CARTER, Mr. BURKETT, and Mr. MARTIN were appointed as the conferees on the part of the Senate.

#### COLLECTION OF REVENUE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, as amended by an act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALDRICH. I move that the Senate insist on its amendment, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and Mr. ALDRICH, Mr. ALLISON, and Mr. DANIEL were appointed as the conferees on the part of the Senate.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1900, having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 9, 11, and 12.

And agree to same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and strike out the amended paragraph and insert in lieu thereof the following:

"Secretary of legation to Salvador and consul-general to San Salvador, two thousand dollars; and the provision in the act of May 11, 1908, for a consul-general at San Salvador is hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For salaries of consuls-general and consuls, as provided in the act approved May 11, 1908, entitled 'An act to amend an act entitled 'An act to provide for the reorganization of the consular service of the United States,' approved April 5, 1906,' as follows: Consuls-general, three hundred and three thousand dollars; consuls, seven hundred and thirty-three thousand dollars; in all, one million and thirty-six thousand dollars.

"For salaries of five consular inspectors, at five thousand dollars each, twenty-five thousand dollars."

And the Senate agree to the same.

EUGENE HALE,  
S. M. CULLOM,  
A. S. CLAY,

*Managers on the part of the Senate.*

C. B. LANDIS,  
J. B. PERKINS,  
WILLIAM M. HOWARD,

*Managers on the part of the House.*

The report was agreed to.

#### POSTAL SAVINGS BANKS.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Mr. CARTER. Mr. President, yesterday evening I gave notice that I would reserve the right to move to take up the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes. I am very anxious that that bill shall be accorded consideration.

Since yesterday evening's session I have been advised by several Senators of their desire to be heard on the bill, and I realize that at least two of the Senators desiring to address the Senate on the bill during its consideration are so situated with reference to the business of the Senate as to render it quite difficult if not impossible to prepare or to take the time to address the Senate on the subject during the few remaining days of the present session.

I feel, however, that the Senate is entitled to the privilege of voting on this measure. According to my view, there is a distinct majority in the body in favor of it. I do not at the same time desire to work a hardship on any Senator nor seek to violate a usage which has become sacred in the Chamber of allowing Senators a reasonable time to prepare for an address or speech on any bill.

To the end that ample time may be allowed to all Senators who desire to study the bill and to address the Senate upon it, and at the same time make some progress, I ask unanimous consent that the 11th day of January be fixed for a vote on all amendments then pending and on the bill, the final vote to be taken before adjournment on that day.

Mr. HOPKINS. Mr. President, the Senator from Montana the other day made a very clear explanation of the various provisions of the bill. The subject-matter of the bill has been before the public and before Congress for several sessions. I sincerely hope that the Senator who has charge of the bill can make some arrangement with Senators who desire to speak upon it to have those speeches made at the present session, so that a vote can be taken before Congress adjourns.

Mr. HALE. Mr. President, I think the Senator from Montana is proceeding in the right way to get a vote on his bill during the present Congress. Whatever may be the feeling of a majority of the Senate, there are a good many Senators

who are opposed to the bill who desire to debate it, and will debate it to the best of their faculty whenever it comes up.

It is a literal impossibility to carry out the suggestion of the Senator from Illinois and get a vote upon this most important and contested measure at the present session. If Congress is to adjourn, as I hope we may, on one of the later days of next week, we can not precipitate into the business of the Senate any such contested measure as this and give it anything like fair consideration. I do not speak for myself alone, but for other Senators who are opposed to the measure and who will debate it when it comes up.

But the Senator is entitled to bring the matter before the Senate during this Congress, and I think his suggestion is a wise one. I shall not object for one to a day being fixed—the day the Senator fixes or any day that suits him—when the matter shall be taken up and disposed of after discussion by the Senate. But I think I am entitled to say, knowing something about the condition of the business and the desires of Senators to adjourn, that it would be impossible to give this measure any proper consideration in the remnant that is left us of the present session.

Mr. BRANDEGEE. Mr. President, I wish to make a parliamentary inquiry. I had made a motion to proceed to the consideration of Senate bill 4825, and doubtless that motion is not debatable. If the Senator from Montana will allow my motion to be put, I will then yield to him for the purpose of making his request.

Mr. CARTER. I trust the Senator from Connecticut will bear in mind—

Mr. TELLER. Mr. President, if there is to be any general agreement about the bill, I hope it will be so stated that we on this side of the Chamber may know what it is. I do not believe anyone on this side knows what the Senator from Montana is asking.

The VICE-PRESIDENT. Does the Senator from Connecticut object to the request of the Senator from Montana?

Mr. BRANDEGEE. I will withhold my motion for the present and see if the request can be agreed to.

Mr. MARTIN. Mr. President, I think it requires very exceptional circumstances to justify the Senate in fixing at one session what business it will take up at another session. This is a very important measure, and it is impossible for us to foresee now whether it can have proper consideration and the Senate will be ready for a vote upon it at the time mentioned. I am constrained, under the circumstances, to object.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Montana.

Mr. HALE. Let me suggest to the Senator from Montana that he move that the bill shall be made a special order for the day named. Then when that time comes the Senate can deal with it as it does with all matters, and when the Senate wants a vote, it is the pride of the Senate that it can say it always gets a vote. The Senator in that way will avoid the objection raised by the Senator from Virginia.

Mr. CARTER. I would prefer making the special order applicable to an earlier date. I, therefore, move that the postal savings-bank bill be made the special order for the second Monday in December.

Mr. HALE. That does not interfere with the special order already made?

Mr. CARTER. No.

The VICE-PRESIDENT. The Senator from Montana moves that the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, be made a special order for the second Monday in December.

Mr. CULBERSON. I ask what day of the month that will be?

The VICE-PRESIDENT. The 14th of December.

Mr. HALE. That is a week after Congress meets.

Mr. OVERMAN. What is the effect of a special order? It means that the bill is to be taken up for consideration, but no vote is to be had at that time, I understand.

The VICE-PRESIDENT. That it is simply to be made a special order for that day, and then it is in the control of the Senate. The question is on agreeing to the motion of the Senator from Montana. [Putting the question.] The motion is agreed to, two-thirds of the Senators present having voted in favor thereof.

#### NATIONAL FORESTS.

Mr. BRANDEGEE. I renew my motion.

The VICE-PRESIDENT. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.



The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BRANDEGEE. A reprint of the bill which was ordered yesterday has been made and there are copies here in the Senate which may be distributed. I understand the Senator from Colorado [Mr. TELLER] desires to speak this morning. He so stated yesterday.

Mr. TELLER. Mr. President, the bill now under consideration is one of a good deal of importance, and I have no doubt one that has attracted considerable attention. I am going to make my objections to the bill, and make them as briefly as I can, considering the importance of the subject. I know that we are in the last hours of the session, and the Senator who has the bill in charge is anxious to dispose of it; but my sense of duty requires me to make some objections to the bill and to state at some length the reasons why I object to it.

The bill has attracted considerable attention, because it has been fathered and supported by certain interests here at Washington as well as an interest in the vicinity where it is proposed that the forest reservations shall be established. If the bill is adopted, we shall enter upon a system heretofore not touched, and I think I may say heretofore supposed to be entirely outside of the business of the Government of the United States.

In a few words, Mr. President, I will state the proposition. It is to buy a large tract of land in the New England section of the country and create a great forest reserve, and to buy in another section of the country, in the South, another great forest reserve, one to be called the "White Mountain Reserve" and the other to be called the "Appalachian Mountain Reserve." The bill is a modest bill, considering what we are doing. It provides for an appropriation of only \$5,000,000, but the plan laid out by the bill would indicate that it would cost probably from \$50,000,000 to \$150,000,000 before we get through.

It is said by those who are advocating the bill—and I refer more particularly to the forest-reserve people now than to anybody else—that there are 75,000,000 acres of land in these two sections that ought to be incorporated into forest reserves, that ought to be bought by the Government of the United States for that purpose and devoted to that purpose. The price fixed in the various hearings the committee has had for the last three or four years puts the price of the land at from \$3.50 to \$6 an acre. Five million dollars will not buy very much forest-reserve land at that rate. But I am not concerned about the expense so much as I am about the principle involved in this enterprise. I can not myself escape the conclusion that the Government of the United States is without authority to engage in the business here suggested.

Yesterday the Senator who has the bill in charge, I suppose acting by direction of the committee, had an amendment made to the bill which was, I presume, proposed by the committee to remove some constitutional objection to this proceeding. It will be found on page 3, after the words "United States," in line 3. After the words "for national forest purposes" the words "for the purpose of preserving the navigability of navigable streams" were inserted. In approaching that subject I do not want to be offensive to anybody, but it is certain that this is an afterthought, and it has been incorporated in the bill for the purpose of meeting a constitutional objection raised in another place. If I may say it without offense to the committee or to anyone else, I will say it is a mere pretense that the bill is proposed for the purpose of protecting navigation, when in fact it is proposed for an entirely different purpose, and that is for the purchase of land and the incorporation of it by the Government of the United States into a forest not for the purpose of navigation, not to benefit navigable streams, but for the purpose of the preservation of timber and the preservation of the soil on the mountain sides, and to create a summer resort for the citizens of the section who would naturally avail themselves of such a park.

I might say I think there is another purpose in the bill, and that is to secure for the manufacturing people of a certain section more water power, if possible, for the purpose of manufacturing. None of these, in my opinion, are really propositions in the interest of the Federal Government, but in the interest of individuals and possibly of States.

That the purpose is other than the bill declares I shall endeavor to establish by the testimony of witnesses presented by the friends of this measure. The committee of another body has taken testimony on this subject. Practically every witness who appeared before the committee stated the purpose of the bill, and there was no one who did not indicate that there are other purposes than that of navigation. The only possible reason that could be given for this expenditure is that it would improve the navigation of certain rivers that are practically

nonnavigable now, or if they are navigable the commerce on them is so small and inconsequential that there is not any excuse for such an outlay of money for the purpose of protecting the waters.

Mr. Andrew J. Peters, of Massachusetts, states:

That the Massachusetts State Board of Trade gives its unqualified indorsement of bills now before Congress for the purpose of acquiring forest reserves in the Appalachian Mountains and White Mountains, to be known as the "Appalachian Reserve" and "White Mountain Forest Reserve," to the end that these areas may be properly controlled and protected, not only for their scenic value, but for the preservation of the sources of water supply of rivers which furnish the power for vast manufacturing interests.

The senior Senator from Massachusetts [Mr. Lodge] appeared before the committee and said:

The Senate last year passed the Appalachian forest bill, and it is considered by the people of my State—although no part of the reservation lies in Massachusetts—of the most vital importance to our industries, owing to the rivers and the water supply.

There is not a word there about the navigability of the stream.

Mr. C. J. H. Woodbury said:

I am secretary of the National Association of Cotton Manufacturers, whose members represent about \$750,000,000 in the cotton manufacturing business, with about 20,000,000 spindles, and I wish to present their resolution, which I will file, and also a set of resolutions from the Massachusetts Institute of Technology. Without taking the time of the committee, I would say that we have four of our members here who are very large manufacturers; and if it is the pleasure of the committee, I know they will add information of great value.

I challenge anybody to find in Mr. Woodbury's statement that there is any idea or any purpose of increasing the water in these rivers for navigable purposes. The Massachusetts Institute of Technology in the preamble to their resolution says:

(2) The maintenance of these forest tracts tends to conserve the regulation of rainfall, and therefore to the raising of agricultural products and to the health of the people;

(3) The forests are a great advantage to the States in which they are situated from their contribution to the scenic beauties of nature, and furnish conditions of salubrity and comfort during the summer, which form a means of attracting great numbers of summer tourists;

(4) The educational effect of life in the open has been abundantly recognized by the establishment of summer camps for the training of boys in athletics and woodcraft, and permanent places for the encouragement of this important movement would be provided by such reserves as are contemplated;

(5) A forest reserve would furnish opportunity for practical experiments in forestry and for demonstrating the value of the cultivation of trees, and would also serve as a place for the protection of the wild creatures of the woods, many of which are threatened with extinction;

(6) The conservation of the forests would tend to husband a portion of the national wealth, which had been grossly wasted by careless methods of cutting, and we believe that under the skilled supervision which such reservations would be expected to receive that the supply from the natural forest growth would be made a source of material income toward the expenses involved in the maintenance of the whole tract.

Mr. President, is there anything anywhere in that resolution, coming from one of the most intelligent bodies in Massachusetts, that would indicate that this was for the purpose of conserving the water for commerce? I have gone through this entire hearing and I do not believe that there is 1 per cent of the statements made that have any reference whatever to commerce or to preserving the water for commercial purposes. I will call attention to some of these, but not to all of them.

Mr. DANIEL. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. TELLER. Certainly.

Mr. DANIEL. Is there any method which the Senator from Colorado can suggest of preserving the commercial water of the streams other than by this method of preserving the forests?

Mr. TELLER. Mr. President, in the first place, I do not know whether there is or not; but I do know that if there is, it has not been suggested, and I know further this bill is not here for the purpose of protecting the water, but for another purpose entirely. It may be that incidentally they may protect some of the water of those rivers; but that was not the purpose of the bill when it was reported, and it has not been until within the last few days; and then only when a distinguished lawyer in the other House declared that, unless that was the primary and sole purpose, it was not within the provisions of the Constitution of the United States that we should engage in this business.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I do.

Mr. BRANDEGEE. Let me ask the Senator if he does not think that the language in the original bill, before it was amended at all, which authorized the purchase of lands more valuable for the regulation of stream flow than for other purposes, situated on the watersheds of navigable streams in the

Appalachian Mountains distinctly points to the conservation of water in the streams and the preservation of the navigation of the streams?

Mr. TELLER. Mr. President, if it does point to it, the committee did not think it was sufficient, and therefore they reported the amendment. But I understand—and the testimony will show it—that the bill referred to the use of water for water power and not for navigation.

Mr. BRANDEGEE. Mr. President, if the Senator will yield once more—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I yield, of course.

Mr. BRANDEGEE. If that was so, there would have been no sense in using the word "navigable," because water can furnish power whether a river is navigable or not.

Mr. TELLER. Mr. President, the people who have been advocating this measure have been advocating it not in the interest of navigation, but in the interest of forest reserves as reserves. They have been interested in saving the water for water power and the timber for public use.

Mr. Pinchot, who is supposed to know all about forests, and to whom, I understand, some people bow supinely and are ready to take anything he says as law and gospel on this subject—I heard him applauded here as the man who had come to save the forests of this country—Mr. Pinchot appeared before the committee, and I will show before I get through that that agency has been the active and moving cause which has prepared, provided, and sent out laws to be enacted and resolutions to be passed, and he is here now. He starts out by saying:

In a statement which I had the honor of making before the Committee on Agriculture last week I said that the United States was in a dangerous condition in regard to the timber supply. We are on the verge of a timber famine, indicated by the high prices to which timber has risen in the last few years, and by the fact that the best estimates now available indicate a total supply in the country, neglecting growth, for only about twenty years, and that the most liberal allowances which could be made for that growth would not extend the supply more than an additional ten years.

Then, Mr. President, he goes on to speak of the destruction and scarcity of timber, and all that, and says not a word about commerce. Then he proceeds to refer to the danger from fire and the destruction thereby of this timber, and he recommends the buying of these lands. He says that he thinks the Government could make some money in that way. I will read what he says:

With the rapid rise in the price of timber, there is no question whatever but that we would find in the United States the same experience which other nations have had, so that our timber lands will pay a large net revenue over and above expenses, just as they do now in Germany, France, Austria-Hungary, and so on, ranging from \$1 to \$5 and \$6 per annum an acre, net. As a strictly business proposition, from a revenue point of view, there can be no doubt that these lands will pay.

One word in conclusion, Mr. Chairman. In my judgment not only will it pay from a business point of view, because of the timber, to acquire these lands, but the prevention of floods, the protection of water power, the protection of the soil, and especially the maintenance of navigable streams.

That is the only suggestion of that character in this statement when he finally gets down to navigable streams.

Mr. CLARK of Wyoming. From what does the Senator read?

Mr. TELLER. I am reading from the hearings before the House committee.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I do.

Mr. BRANDEGEE. I desire to remind the Senator from Colorado that Mr. Pinchot stated that this reservation would especially benefit the navigability of streams.

Mr. TELLER. Certainly; I have read what he said. I did not intend to leave that out, Mr. President, but that was subordinate to the other purposes.

Now, if I do not delay the Senate too long, I wish to speak somewhat about the importance of the navigability of streams in the section of the United States embraced in the bill.

Mr. BEVERIDGE. Mr. President, before the Senator from Colorado gets through, I wish to ask him a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. Certainly.

Mr. BEVERIDGE. If the navigability of the streams is involved and this forest reserve conserves that purpose, does the Senator from Colorado see any objection to the plan merely because, as incident to that larger matter, the Government shall sell the down timber and the dead timber and derive a revenue from it at the same time?

Mr. TELLER. I do not know what the Senator from Indiana may think are the functions of the General Government, but my education has led me to believe that it could not enter into the timber business, that it has no concern with the timber business, and that it is not to be the paramount business, and it is not what it is here declared to be.

Mr. President, before I get through I am going to deny that there is any necessity of protecting the water for navigation, and that was not in the thought of anybody who inaugurated this scheme. It never has been. It has been for a forest reserve, that the Government of the United States might have a game reserve, might have a place where timber could be raised and where timber could be profitably sold.

Mr. President, you can not by a pretense make lawful that which is unlawful; you can not by inserting in a bill that a certain thing is the primary object, when it is not the object, make a bill constitutional when it is not constitutional; and I am going to cite the authority of Members of the House Committee on the Judiciary to that effect. But it is a common-law proposition that you can not do indirectly what you can not do directly—that is, you can not do a thing pretending it is for one purpose when really you are trying to do it for another purpose if the right to do the thing is denied or forbidden.

Then Mr. Phillip W. Ayres appeared before the committee. He said he was a forester. I do not know whether he is one who is connected with the Forest Reserve Service of the United States; but he said he was a forester.

Mr. GALLINGER. I will say to the Senator that Mr. Phillip W. Ayres is connected with a volunteer forestry association in the State of New Hampshire. He is a cultivated, educated gentleman and, I think, a graduate of a forestry school. He has no connection with the United States Government.

Mr. TELLER. Very well. He says:

I wish to speak especially of the method of removing the timber and its wastefulness, and incidentally I have some figures about the White Mountain region which I will not read to the committee, but which cover the forested area of the White Mountains and the yields and stands in the different portions of them, the value of the stumpage and of the timber on those several watersheds, and particularly some tables with regard to the extension of the cutting of spruce, which is limited in area, and upon which the supply of newspaper material throughout the entire United States depends. We feel that the White Mountains in this respect differ from the southern mountains, in that they produce a material which at present is limited in the area of its growth, and which is used universally through the country—

That is, spruce, which is used for paper making—

and that the White Mountains, with the areas immediately adjoining in the other States, ship their product, the spruce pulp, to all parts of the United States; and if the waste of the spruce timber continues as it has in the last few years, the entire country must suffer in that respect.

Mr. President, what has the Government of the United States to do with the waste of spruce timber in New Hampshire or anywhere else? Of course I know there has been here recently a distinguished gathering to see about conserving the natural products of the country. It is the States that ought to conserve those resources and not the General Government. I am in favor of forest reserves, but I am not in favor of the Government of the United States going into the business for the purpose of preserving game or forests, because there is no such power given to it under the Constitution; and if this bill had been taken up six months ago, the advocates of it would have based their arguments upon the necessity of the preservation of the forests as forests and not upon their preservation for the purpose of conserving the water supply and promoting the navigability of streams. They were educated by what occurred in another body to make the distinction between forests and water which they are now trying to make.

Mr. BEVERIDGE. I do not want to interrupt the Senator—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I do.

Mr. BEVERIDGE. But I think I can point out a fact within our own experience here—

Mr. TELLER. I am not going to yield to the Senator to make a speech. I thought he wanted to ask a question.

Mr. BEVERIDGE. I did not rise to ask a question. I merely wanted to call attention to what occurred here at the last session; but if it interrupts the Senator, I will not do so.

Mr. TELLER. I have told the Senator who has this bill in charge that, although I would vote against it, I would not purposely delay the vote on it. I am not talking against time, and I hope to be excused from any unnecessary interruptions. I will gladly answer questions.

Mr. OVERMAN. I should like to ask the Senator a question.



The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. TELLER. Certainly.

Mr. OVERMAN. I think the Senator from Colorado is mistaken in one statement he has made. As I understood him, he said that the idea of preserving these forests to protect the water supply and the navigability of the streams has only been suggested since the report of the Judiciary Committee of the House of Representatives. As I understood him, previous to that time the idea was merely to preserve the forests without considering their relation to the water supply. I see here a report made on April 13, in which they go into the question of the water supply very fully, and it seems devoted more to that than to anything else. It is a supplemental report.

Mr. TELLER. That arose from the fact that the chairman of the committee contended that this bill was not for the purpose of increasing the water supply and promoting the navigability of streams, and was not within the constitutional authority and power of Congress. Of course he then went into the whole subject. But that is what inspired the supporters of the bill to base their arguments upon the proposition that by preserving the forests navigation would be promoted. I am not speaking of the Senatorial supporters of the bill, but I am speaking of those outside, because it has been in season and out of season forced upon us for the last two years, and hundreds of associations and individuals have been telegraphing and writing in its interest.

Mr. Ayres is high up in forestry matters, as the Senator from New Hampshire [Mr. GALLINGER] says, and I again quote from him:

The method of cutting timber on the mountain slopes is the most destructive possible. The growth of the timber on the mountain sides is such that when a portion of the trees are removed the rest of them are likely to topple over with the heavy wind. The soil on the mountain sides is thin, and the growth is slow, the summers are short and cold, the elevation being between 3,000 and 4,000 feet, and with the pure spruce stands in that mountain region the growth is such that it requires one hundred and twenty-five years for a spruce tree to become 6 inches in diameter, which is the smallest merchantable size. These trees are swept off in their entirety, and although the operators do not use the entire amount of the timber, sometimes using only one-half or sometimes only one-fourth of it, the entire mountain side is stripped in order that the trees which are of sufficient size may roll over their prostrate neighbors to get down to the logging slopes; so that one-fourth to three-quarters of the forest is needlessly destroyed in order that the logs may be gotten out more easily. The Forest Service has prepared two albums, one of the Appalachian region and one of the White Mountain region, showing the methods of logging in these mountains.

That was brought to my notice, I think, at least a couple of years ago.

These albums are here before you, and these pictures show the perfect, clean, razor-like cutting off of the mountains, and they are indicative, they are entirely typical of the Northern States and of the Southern States, and the results are simply alarming. I believe I am not inclined to make extreme statements, but let me prove my point. In the first place, it is almost invariable that fire follows the debris which is left in such great quantities on the mountain side. Even if fire does not follow, the exposure to the sun of the roots of the trees that remain and of their stems kills them off, so the fact remains that there are no trees whatever over very large areas.

Then the chairman asked this question:

Has any State, to your knowledge, ever attempted to prevent by legislation such wasteful lumbering?

Mr. Ayres replied:

I believe that it has not. There are many individuals that have done it. There are many of our States that now have forestry commissions and State foresters which endeavor to get at their individual owners and prevent this. There are States like New York, Pennsylvania, and Michigan and other States which own forest tracts which are put in proper forest management. But I know of no legislation in any State which undertakes to prevent the individual from doing what he will with his own land.

Mr. President, I do not wonder at that. There would be a good deal of trouble, I think, in saying to a man, "You must not cut your timber unless you cut it under certain conditions." All through his testimony Mr. Ayres shows that he is not talking about navigation or commerce, and did not have it in his mind at all. Perhaps if he were called back and read Mr. JENKINS's report, he might have some further ideas to advance. I can not read all his statement, but later on he said:

These tables I have here will show you facts with regard to the spruce and hard woods of the White Mountains, on which the country is dependent for its supply of paper.

On the next page is the testimony of Mr. I. C. White, State geologist of West Virginia. All the way through he is in favor of this proposition, because of the preservation of forests. He speaks about preserving—

this great belt of timber and at the same time preserve the water supply, which will keep up the navigation of these rivers and make these dams which cost so much money, and which are so vital to the transportation interests of the country, useful for all time.

To that extent he referred to the relation of forest preservation to the navigability of streams.

I now quote from the testimony of Mr. A. M. Schoen, on page 736. He says:

I regret that I am not able to say anything about the White Mountains, as I am not conversant with that section. Mr. Porter, of Boston, was to have been here to speak of them. But there are other gentlemen here who will speak on that section. In the South nearly all our streams from which we obtain power for cotton mills or other purposes take their rise in the Southern Appalachians, and the denudation of the forest growth on these slopes will necessarily affect the flow of these streams, and especially in its uniformity.

Then he takes up the question of water power and the value of water power on the James River, which I suppose is one of the most valuable water powers of the United States, at least I have always been led to suppose so from what I have learned of it. It has a fine fall, and there is a fair amount of water. I find here a statement of the value of the water power of the forest streams. It is quite incomprehensible that this bill is in the interest alone of commerce to preserve the navigability of the rivers when the main feature of this whole statement is either that the timber is valuable and we are to save the timber and make money out of the timber, or that the water power is valuable and we are to make money out of the water power. This gentleman gives an estimate as to the water power of several rivers. I take it from his testimony that he thinks the water power belongs to the United States, though I am not quite clear, after reading it, whether he believed that or whether he believed that it belonged to the State. He says:

In going over that list I find that the Potomac River has 131,000 horsepower available and undeveloped, the Rappahannock 30,000 horsepower, which is projected and to be developed very shortly; the James River 23,000 developed near Richmond, and the available but undeveloped horsepower is very difficult to ascertain on account of the fact that the railroad runs very close to the bed of the river, that being a valley road, and a large development can not be effected without the consent of the railroad. The Appomattox River has 5,000 horsepower developed near Petersburg and 10,000 undeveloped, which will be developed at no late date; the Roanoke River, with 2,000 horsepower developed and 75,000 available; the Yadkin, with 87,000 horsepower developed and 80,000 available but undeveloped—

And so forth.

So he proceeds, dealing entirely with the water power. He comes down to the number of spindles that are being run by water power and how many might be run by water power, and then he makes some calculations of what the value of the water power will be. He concludes that the water power of the rivers he has named has a value of \$48,780,000 per annum. If that is so, Virginia is very rich in water power, and Virginia ought to be able to take care of all her forests and all the water that is necessary to keep up the water-power supply.

Another man came in and testified, who also dealt with the question of water power. He proceeded in the same way—I am not going to attempt to read all of this, because it would occupy too much time—but he goes on to speak about the rivers and the number of spindles, which is very great. Then comes the engineer of the Southern Power Company, who is a North Carolina man.

Mr. OVERMAN. What is his name?

Mr. TELLER. His name is W. F. Lee. His interest is shown by his testimony to be in the water power and not in the forests. He wants the forest to be preserved because it will create water power. Then he goes on to tell how cheaply water power can be used. He says:

We have been selling that power at about half what it could be made for by steam. This additional expense that we are going to in supplementing our water power with steam power is going to increase our rates. Our men who are financing this are going to ask for a fair return on their money, and it is going to mean that the advantages those people have had by reason of having that cheaper power will in part disappear. They have got to pay a fair return on these investments that will guarantee them their power.

I could read a good deal more of this, but will not do so. I only read enough to show that the primary purpose and the avowed object of this proposed legislation is not the preservation of the water supply and the navigability of streams, but the preservation of the forests and timber.

Mr. G. F. Swaine said, among other things:

I should like to say that the engineers, so far as I can speak for them, are very apprehensive with reference to the question of the timber supply. They realize that, as Mr. Pinchot has said, a timber famine is in sight, and they are asking themselves what they shall do ten or fifteen years from now, when the price of timber rises still higher and timber is still more difficult to obtain.

And all the way through is the same talk about timber. He continues:

Now, the regulation of the rivers affects the water powers, the preservation of the soil, and the navigation of the streams.

That is his first reference to streams—

The destruction of the forests is a very serious element as affecting the regulation of the flow of the streams, etc.

On the next page he says:

Now, the manufactures of New England grew up because of the water power. The city of Lowell, the city of Lawrence, were built because there were large water powers there on the streams, and all along our New England streams these large cities like Lawrence and Lowell and Manchester and Lewiston and Biddeford and others, Holyoke, Turners Falls, Bellows Falls, have grown up largely on account of the presence there of these large water powers.

Then he goes into some estimate of the value of these water powers. That is undoubtedly one of the reasons why people want to preserve the water in that country, not for navigation, but for water-power purposes. He said, in answer to a question, that he found all the manufacturers of New England favorable to this scheme. Undoubtedly that is true, Mr. President.

Then here is Mr. Edwin A. Start, who complains of fires, and I want to call attention to his testimony:

Mr. HAWLEY. Under your New England fire laws, do you exercise supervision over fires built for the burning up of brush on private property?

Mr. START. Yes, sir.

Mr. HAWLEY. And do you require permission to be issued before they can burn brush on their property?

Mr. START. Yes, sir.

Mr. HAWLEY. To what extent are those fire laws in force along the region it is proposed that this White Mountain and Appalachian reservation should include?

Mr. START. Very little. It would be almost impossible to enforce such laws.

Mr. President, it is apparent that the Government of the United States is to take upon itself under this system the enforcing of laws that the States themselves do not attempt to enforce.

Before I get through I will come to the question whether the Government can enforce the laws there. When one of the witnesses was asked whether there would be reservoirs, he replied he thought the power companies would build reservoirs. This is Mr. Woodbury, secretary of the National Association of Cotton Manufacturers:

The cotton manufacturers in New England have, from time to time, an opportunity afforded, exerted all of their interest toward these forest-preservation laws, which have been summarized by Mr. Start before. They authorized me to come here, and the governor of Massachusetts also gave me permission to represent the Commonwealth. They have sent down four men, four large manufacturers, of whom Mr. Dumaine appeared before you this morning—he has under his charge very nearly twice as many spindles as any man in the world—and two other gentlemen, Hon. Arthur Low, of Pittsburg, who has mills at Pittsburg, at Clinton in Massachusetts, and at Huntsville, Ga., who was obliged to go back, as was also Mr. Joseph B. Gray, hydrographic expert of the Locks and Canal Company.

These mills are large users of water. They use a great deal of water in bleaching and dyeing.

I have a very large number of points marked here, but I aver now that an examination will show that the real purpose of those who appeared before the committee was either to secure the forests as forests or the water power for manufacturing purposes and not for commerce, and they had no thought of it for that purpose, except incidentally.

I am coming to another feature of this matter, which is not as pleasing to me even as what I am going to skip. I wish to say that I have not read anything like the amount I might read to show that the whole purpose of this is not for commerce, but for another purpose. I find here this, to which I call attention. It is from the statement of Harvey N. Shepard, of Boston, Mass.:

There are 10,000,000 people within easy and accessible distance of the White Mountains, who come there year after year—clerks, teachers, people of small salaries—who can gain only a few days' vacation, and they get that exhilaration that comes to a man or a woman when he has climbed a high mountain and looks out upon the forests and all the beauties of nature. That is something that is worth more than any material consideration. It is something that can not be reckoned in money.

They want the Government of the United States to take upon itself the obligation to provide amusement of that kind for the people.

Then he goes on to tell about a club which has been organized there, and it has provided the means of getting into the woods, and so forth and so on. On another page the same gentleman says:

The great manufacturing possibilities of the future of the country depend upon your action. I do not, gentlemen, urge at this time the reservoir system presented by your Government expert who spoke a few moments ago. That may be a question of the future.

The whole theory of this man was that it would help manufacturing. Mr. Sullivan, president of the Board of Trade of Lawrence, Mass., says:

The city of Lawrence has 80,000 people, and it is growing at the rate of three or four thousand a year. Within a mile and a half are 20,000 more people, so we have in all about 100,000 people. We not only live by the stream, which turns the wheels, but we drink the water of that river; we live on it practically. We are obliged to filter this water at an expense of nearly \$200,000 for filter galleries, the first in this country—

I suppose the Government will, when it gets into this business, provide the filters as well as the water—

If you allow the forests to be destroyed, you destroy the city of Lawrence. This is a peculiar position, but you know that if we were to ask you to-day to protect our city against the approach of enemies to destroy it, Congress would appropriate millions of dollars. We ask you now in peace to preserve the means by which we exist. Our position is peculiar. We live on this river, we depend on it for drinking, for turning the machinery, and for other purposes.

It seems to me that if a city of that kind is in such danger, it ought to be able to control the State authorities and have the State protect the water.

I am coming to the action of the several States, and I confess that I have been a good deal surprised of late years at the things done in high official circles, and I have had to reorganize somewhat my ideas of the powers of the General Government as now asserted, not only in the executive department, but here in this branch of the Government. But there are some things that I do not believe anybody will seriously contend for; that is to say, I do not believe Congress can give to any State any authority which it did not possess the moment it became a State. I do not believe Congress can take away from a State anything that belonged to it when it became a State.

Mr. President, there are a number of bills which have been passed by different States, and every one of them, I venture to say, went out from the Forestry Service, with the request that it be enacted into law, because they all bear the imprint of that office and all are practically the same in their theory of what the State might and ought to do. Let me read section 18½ of the Alabama act:

Sec. 18½. That the consent of the State of Alabama be, and is hereby, given to the acquisition by the United States, by purchase or gift, or by condemnation according to law, of such land in Alabama as in the opinion of the Federal Government may be needed for the establishment of such a national forest reserve in this region.

Mind you, that has nothing to do with water. That is a forest reserve.

Provided, That the State shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with a commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed. In all condemnation proceedings the right to the Federal Government shall be limited to the specific objects set forth by the laws of the United States in regard to forest reserves.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. Certainly.

Mr. NEWLANDS. May I ask the Senator from what page he reads?

Mr. TELLER. I am reading from the hearings before the House committee. If the Senator has the document, it is page 788.

Mr. NEWLANDS. Thanks.

Mr. TELLER. Here is a most remarkable proposition, and it could not have emanated from any place except the Forestry Service. There is no other place in the public service where such a thing could have been thought of or invented.

That power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations of both civil and criminal nature, and provide punishment for violation thereof as in its judgment may be necessary for the management, control, and protection of such lands as may from time to time be acquired by the United States under the provisions of this act.

Mr. BORAH. Is that in the Alabama act?

Mr. TELLER. That is in the Alabama act, and it is practically repeated in the acts of several other States.

The power is hereby conferred upon Congress.

I do not believe any Senator will rise here and say that that act confers any power upon Congress. I do not think anybody will assert that even for a moment.

Mr. DANIEL. Was it a cession to the United States?

Mr. TELLER. No, sir; not a cession. It does not cede. It says it is concurrent and not a cession. Story said that the Government of the United States could not take a qualified cession; it must take an absolute cession. He said that the jurisdiction of the United States means absolute jurisdiction; and he repeated that two or three times in different opinions. That is more than fifty years old. It ought to be self-evident to everybody that we can not as a nation divide our sovereignty with any other sovereignty or half sovereignty; and certainly Congress can not confer upon the States any power that the States do not have.

Mr. DANIEL. Will the Senator permit me to ask him a question?



Mr. TELLER. I will.

Mr. DANIEL. I do this for the enlightenment of the meditation of the Senator on the subject. Section 8 of this bill provides:

Sec. 8. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. DANIEL. Certainly.

Mr. TELLER. Do you believe that Congress has any authority to pass that provision and make it effective?

Mr. DANIEL. I do not like to give an opinion on the subject offhand. I have never studied it before, but I should doubt the propriety of that section. I want to hear the Senator's opinion.

Mr. TELLER. I regard it as an elementary principle of government that Congress can neither increase the power of a State nor diminish the power of a State. I know at the close of the great war there was an attempt to diminish the powers of the States, but whenever the Supreme Court has had an opportunity it has declared that it could not be done, no matter how guilty the people might be of crimes against the United States. The State was still there and with the same rights it had before the war began.

I intended to come to that, but I will pass it and read some of the others, and then I want to say what I think about it. I will take Georgia. The act is as follows:

An act to give consent by the State of Georgia to the acquisition by the United States of such lands as may be needed for the establishment of a national forest reserve in said State.

Whereas it is proposed that the Federal Government establish in the high mountain regions of Georgia and adjacent States a national forest reserve, which will perpetuate these forests and forever preserve the headwaters of many important streams, and which will thus prove of great and permanent benefit to the people of this State; and whereas a bill has been introduced in the Federal Congress providing for the purchase of such lands for said purpose, the general assembly of Georgia do enact:

SECTION 1. That the consent of the State of Georgia be, and is hereby, given to the acquisition by the United States, by purchase or gift, or by condemnation according to the law, of such lands in the mountain region of Georgia as in the opinion of the Federal Government may be needed to the establishment of such a national forest reserve in that region: *Provided*, That the State shall retain a concurrent jurisdiction with the United States in and over such lands so far as that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of any crime without or within said jurisdiction, may be executed in like manner as if this act had not been passed: *And provided*, That in all condemnation proceedings the rights of the Federal Government shall be limited to the specific objects set forth by the laws of the United States in regard to forest reserves.

SEC. 2. That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition as hereinbefore provided, for incorporation in said national forest reserves, of such mountain lands lying in Georgia as in the opinion of the Federal Government may be needed for this purpose.

SEC. 3. Power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations, of both civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the management, control, and protection of such land as may be from time to time acquired by the United States under the provisions of this act.

This act shall be in force from its passage.

It is mighty kind on the part of the State of Georgia to allow Congress to pass such laws as it wants to. I thought myself that the Constitution of the United States determined what Congress could pass, and I did not know that all the people of the United States voting or all the people of the States voting or all of the States combined could give Congress any power that did not exist the day the Constitution was adopted, or which was not created by the subsequent amendments to the Constitution.

There is but one way in which you can confer upon Congress power which it has not got, and that is by an amendment of the Constitution; that is, by the verdict of the American people expressed in the way the Constitution provides it shall be. The States did not make the Constitution. It is true, they had something to do with it. The Supreme Court has said again and again that the people of the United States made the Constitution, and it is the people's Constitution, and in the very preamble it is declared that it is made by the people of the United States, and the courts have sustained that.

Now, Mr. President, Virginia. I see before me the senior Senator from Virginia [Mr. DANIEL]. I want to call his attention to this act. I venture to say that the Senator from Virginia never saw this before. I doubt whether any considerable number of the people of Virginia ever heard of it. It went up from the

Department to the people of Virginia, and they were asked to put it through. This is a little different from the others.

*Resolved by the senate of Virginia, the house of delegates concurring*, That the general assembly of Virginia hereby expresses its approval of the movement looking to the establishment by the Federal Government of an extensive national forest in the Southern Appalachian Mountain region—

I want to call attention that in every movement of this kind it is a forest. There is not a suggestion about streams in any one of these acts—

as a wise and beneficent measure, such as many other nations have already adopted and which this country has already adopted in the West—

That is not true. We have never adopted any such proposition in the West. The Government has taken its own lands and put them in forests, but never has taken anybody's else. I believe it did exchange some acres and put them into forests. It made an exchange under the statute which we provided, but it is a very different thing for the Government to buy lands to make forest reserves and taking its own lands for that purpose—

and should adopt in the East before it is too late, looking to the conservation of its forests and the protection of the sources of important streams; and

Whereas the proposal to establish this forest reserve has been approved and urged by the leading scientific and forestry associations of this country and by both the general and technical press; and

Whereas the general assembly of Virginia has already passed an act granting the State's consent to the acquisition of lands in Virginia by the Federal Government for incorporation in such a forest reserve, believing the reserve to be one of great importance to the people of this State; and

Whereas a bill is now before the Federal Congress providing for the purchase of lands for this purpose:

*Resolved*, That the Senators and Representatives in Congress from this State are hereby requested to urge upon Congress the importance of prompt and favorable action in behalf of this measure, and that copies of this resolution be sent to the Senators and Representatives from Virginia.

Then follows the act referred to:

An act to give consent by the State of Virginia to acquisition by the United States of such lands as may be needed for the establishment of a national forest reserve in the said State. Approved February 15, 1901.

Whereas it is proposed that the Federal Government establish in the high mountain regions of Virginia and adjacent States a national forest reserve, which will perpetuate these forests forever and preserve the headwaters of many important streams, and which will prove of great and permanent benefit to the people of this State; and

Whereas a bill has been introduced in the Federal Congress providing for the purchase of such lands for said purpose; Therefore

*Be it enacted by the general assembly of Virginia*, That the consent of the State of Virginia be, and is hereby, given to the acquisition by the United States, by purchase or gift, or by condemnation according to law, of such lands in Virginia as in the opinion of the Federal Government may be needed for the establishment of such a national forest reserve in that region: *Provided*, That the State shall retain a concurrent jurisdiction with the United States in and over such lands so far as that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed: *And provided*, That in all condemnation proceedings the rights of the Federal Government shall be limited to the specific objects set forth by the laws of the United States in regard to forest reserves.

2. That the power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition, as hereinbefore provided, for incorporation in said national forest reserve such forest-covered lands lying in Virginia as in the opinion of the Federal Government may be needed for this purpose.

There is not a word about preserving the rivers. They might have taken the country where there was not any water at all, if they saw fit, under this.

It is incomprehensible to me that any legislative body in this country would believe it could confer authority upon Congress.

3. Power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations of both civil and criminal nature—

It is incomprehensible to me that any legislative body in this country would believe it could confer such authority upon Congress.

And provide punishment for violation thereof, as in its judgment may be necessary for the management, control, and protection of such lands as may be from time to time acquired by the United States under the provisions of this act.

Then North Carolina came in:

An act to give consent by the State of North Carolina to the acquisition by the United States of such lands as may be needed for the establishment of a national forest reserve in said State.

Whereas it is proposed that the Federal Government purchase lands in the high mountain regions of western North Carolina and adjacent States for the purpose of establishing there a national forest reserve which will perpetuate these forests and forever preserve the headwaters of many important streams, and which will thus prove of great and permanent benefit to the people of this State; and whereas a bill has been introduced in the Federal Congress providing for the purchase of such lands for said purpose: Therefore, the general assembly of North Carolina do enact:

SECTION 1. That the consent of the general assembly of North Carolina be, and is hereby, given to the acquisition by the United States, by purchase or by condemnation, with adequate compensation except as hereinafter provided, of such lands in western North Carolina as

in the opinion of the Federal Government may be needed for the establishment of such a national forest reserve in that region: *Provided*, That the State of North Carolina shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases and such criminal process as may issue under the authority of the State of North Carolina against any person charged with the commission of any crime without or within said jurisdiction may be executed thereon in like manner as if this act had not been passed.

SEC. 2. That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition as hereinafter provided for incorporation in said national forest reserve such forest-covered lands lying in western North Carolina as in the opinion of the Federal Government may be needed for this purpose: *Provided*, That as much as 200 acres of any tract of land occupied as a home by bona fide residents in this State at the date of the ratification of this act shall be exempt from the provisions of this section.

SEC. 3. Power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations of both civil and criminal nature, and provide punishment therefor, as in its judgment may be deemed necessary for the management, control, and protection of such lands as may be from time to time acquired by the United States under the provisions of this act.

SEC. 4. This act shall be in force from and after its ratification. In the general assembly, read three times, and ratified this the 18th day of January, A. D. 1901.

W. D. TURNER,  
President of the Senate.

WALTER E. MOORE,  
Speaker of the House of Representatives.

Then here is New Hampshire. Now, New Hampshire may have some interest in this matter:

That the consent of the State of New Hampshire be, and is hereby, given to the acquisition by the United States by purchase, or condemnation according to law of such lands in this State as in the opinion of the Federal Government may be needed for the establishment of a national forest reserve in the White Mountain region.

The Senator who has this bill in charge would incorporate into that, if he had an opportunity, for the purpose of protecting the waters of the country, but unfortunately the Department which inaugurated this and has supported it and backed it did not then dream that the Government did not have the authority to take this land and do with it as it saw fit.

Tennessee passed two acts providing practically the same thing. As I said, every one of these acts came from the same author, from the same place, and whoever it was, he had the same idea:

#### TENNESSEE.

A resolution favoring the establishment of a national forest reserve in the Southern Appalachian Mountain region.

*Resolved by the house of representatives (the senate concurring):* The general assembly of Tennessee hereby expresses its approval of the movement looking to the establishment by the Federal Government of an extensive national forest reserve in the Southern Appalachian Mountain region as a wise and beneficent measure, such as many other nations have already adopted, and which this country has already adopted in the West and should adopt in the East before it is too late, looking to the conservation of its forests and the protection of the sources of important streams; and

Whereas the proposal to establish this forest reserve has been approved and urged by the leading scientific societies and forestry associations of this country and by the general press; and

Whereas this general assembly has before it a bill granting the State's consent to the acquisition of lands in eastern Tennessee by the Federal Government for incorporation in such a forest reserve, believing the reserve to be one of great importance to the people of this State; and

Whereas a bill is now before the Federal Congress providing for the purchase of lands for this purpose:

*Resolved*, That the Senators and Representatives in Congress from this State are hereby requested to urge upon Congress the importance of prompt and favorable action in behalf of this measure.

An act to give consent by the State of Tennessee to the acquisition by the United States of such lands as may be needed for the establishment of a national forest reserve in the said State.

Whereas it is proposed that the Federal Government establish in the high mountain regions of eastern Tennessee and adjacent States a national forest reserve, which will perpetuate these forests, and forever preserve the headwaters of many important streams, and which will thus prove of great and permanent benefit to the people of this State; and

Whereas a bill has been introduced in the Federal Congress providing for the purchase of such lands for said purpose: Therefore,

*Be it enacted by the general assembly of the State of Tennessee:*

SECTION 1. That the consent of the State of Tennessee be, and is hereby, given to the acquisition by the United States, by purchase, gift, or condemnation according to law, of such lands in this State as in the opinion of the Federal Government may be needed for the establishment of such a national forest reserve in that region:

*Provided*, That the State shall retain the concurrent jurisdiction with the United States in and over such lands, so far that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed.

*Provided further*, That this act shall apply to lands in Tennessee lying within 20 miles of the North Carolina State line; that all condemnation proceedings herein provided shall be limited to lands now forest covered, and that in all such condemnation proceedings the right of the Federal Government shall be limited to the specific objects set forth in this act and in the laws of the United States in regard to forest reserves.

SEC. 2. *Be it further enacted*, That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition, as hereinafter provided, for incorporation in said national forest reserve such forest-covered lands lying in the State as in the opinion of the Federal Government may be needed for this purpose.

SEC. 3. *Be it further enacted*, That power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations of both civil and criminal nature, and provide punishment for violation thereof, as in its judgment may be necessary for the management, control, and protection of such lands as may be from time to time acquired by the United States under the provisions of this act.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 16, 1901.

Then, an astonishing thing is that here is the State of Maine doing the same thing.

Whereas certain permanent and summer residents of this State have taken steps to memorialize Congress for the establishment of a national forest reserve in the White Mountain region.

That is for summer residences—summer homes.

Whereas the establishment of such a reserve would perpetuate valuable forest growths and forever preserve the headwaters of several important streams and thus benefit the commerce, industry, and agriculture of all the New England States save one; and

Whereas the White Mountain region is of increasing importance as a pleasure resort to fully one-quarter of the entire population of the country who reside within easy reach of it: Therefore be it

*Resolved by the senate and house of representatives in general court convened*, That the legislature of Maine hereby expresses its approval of the proposition to establish a White Mountain national forest reserve.

That the consent of the State of Maine be, and is hereby, given to the acquisition by the United States by purchase, gift, or condemnation according to law, of such lands in this State as, in the opinion of the Federal Government, may be needed for the establishment of a national forest reserve in the White Mountain region.

That power is hereby conferred upon Congress to pass such laws and make and provide for the making of such rules and regulations of both civil and criminal nature and provide punishment for the violation thereof as, in its judgment, may be necessary for the management, control, and protection of such lands as may from time to time be acquired by the United States under the provisions of this joint resolution: *Provided*, That the State of Maine shall retain a concurrent jurisdiction with the United States in and over such lands so far as that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of crime, without or within said jurisdiction, may be executed therein in like manner as if this joint resolution had not been passed.

That the Senators and Representatives in Congress from this State are hereby requested to urge upon Congress the importance of prompt and favorable action on behalf of the proposition to establish a White Mountain national forest reserve.

Every one of the provisions which I have read is indicative of the fact that this is a forest reserve and not a water preserve.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. I do.

Mr. NEWLANDS. Will the Senator permit me to make a suggestion?

Mr. TELLER. I do not want the Senator to make a speech, because I want to get through. I will let him ask a question or make a brief suggestion. Otherwise I fear I shall get into a discussion that will last all day.

Mr. NEWLANDS. The suggestion I wish to make is a very brief one.

Mr. TELLER. I promised to be as brief as I could.

Mr. NEWLANDS. It seems apparent from the State legislation to which the Senator has referred that the chief consideration they had in view at that time was the preservation of the forests and the timber supply and as sources of power, as increasing the water power, for the purpose of manufacturing, and so forth. But the Senator will observe that within the last two or three years there has been a great movement in this country toward the waterways for purposes of navigation. That movement has taken a very intense form within the last two or three years. Does not the Senator realize that that is the uppermost idea in the minds of the people of this country, that the waterways shall be developed to their highest use for navigation and incidentally for the other purposes?

Mr. TELLER. The evidence before me justifies me in saying it is a second thought and not the first. I do not agree with the Senator that the people have gone wild about waterways since the Inland Waterways Commission was organized and started on its trip down the Mississippi River. I am not saying anything against the Commission.

Mr. NEWLANDS. The Inland Waterways Commission is simply the outgrowth of this movement. There was a great demand upon the part of all the people living within the region of the waterways that there should be a development, and that demand has been met, as I understand, by the President appointing a commission for the purpose of recommending to Congress a broad and comprehensive plan for the development of the waterways. The appointment of the Commission was the result of the agitation and was not the cause of the agitation.

Mr. TELLER. I think I keep fairly in touch with the public on these questions. I have been here a good many years, and I



have been a waterways man myself. I have voted for all the development of rivers, because I thought it was a constitutional right and constitutional duty. I deny that there is any more interest in it to-day than there was thirty years ago, when I came into the Senate—not a bit more. It has been discussed less in the last ten years than it was during the previous ten years or before that. It is true, I think, that the Inland Waterways Commission did stir up some interest in it. But it did not tell us a single thing—and I have read with care their report—that any ordinarily intelligent man did not know. I am frank about it. There is nothing in that report of any benefit to anybody. Everybody knew that the Mississippi River was a great river and that it ought to be protected and made navigable, and be made navigable for vessels twice the size of the vessels that traverse it now.

Mr. President, I have advocated on this floor for more than twenty years the making of a water canal from Lake Michigan into the Mississippi River, and I took some part in getting a small canal from the Illinois River into the Mississippi River. It was too small to be of any real benefit, but it was the best we could do, hoping that it might be the progenitor of something better, as I have no doubt it will in time. But there has been no such feeling among the people generally.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. Certainly.

Mr. NEWLANDS. May I ask the Senator whether the Congress of the United States in its action upon the question of improving the waterways of the country for purposes of navigability has met the expectations of the Senator himself? I will ask him further whether it is not possible that the people of the entire country are very much dissatisfied with the inaction, the inertia, the apathy, and the indifference of Congress on this subject, as shown by its lack of appropriate legislation? I know that the Senator has been a foremost advocate of the development of our waterways, but certainly the action of Congress has not kept pace with his desires or with his expectation, and it is possible that the whole country may be dissatisfied with the action of the Congress, as the Senator doubtless is himself.

Mr. TELLER. Mr. President, I am not complaining of Congress at all. I did make complaint here some years ago about the system by which we were expending our money, and we changed that system. But, Mr. President, the party that is in power now and has been in power all except eight years since I have been in public life, now over thirty years, is the party that has had the power to provide these waterways if they wanted to do so. Yet the people have year after year supported them and always in their national conventions declared that their conduct had been entirely satisfactory to them up to that time. So I do not believe the Senator from Nevada can bring any proof to show that there is any general rebellion against the lack of attention to waterways.

Mr. President, I am desirous not to take too much time, and I want to skip some of this matter if I can, because I realize that it is supposed we are in the neighborhood of final adjournment. We have the resolutions of the board of directors of the American Institute of Electrical Engineers, and their principal idea seems to be that we were deforesting the forests; that the timber supply was disappearing; and therefore we ought to have these lands put in a forest reserve. They say:

Whereas the timber resources of this country are being rapidly diminished, owing to unscientific methods of forestry, to the prevalence of forest fires, and to a wasteful use of timber, resulting in a steady increase in the cost of both hard and soft woods, and which may result moreover in the diminution of the natural storage capacity of our streams, an increasing irregularity in the flow, and consequent impairment of the value of our water powers.

Those are the engineers. Then they urge the passage of this bill, or something like it.

A resolution adopted by the National Board of Trade at its meeting in Washington, in 1908, contains the following:

Whereas the continuation and development of foreign trade in manufactured goods depends largely on our ability to produce at the minimum of cost, it is therefore of vital importance that the waterways and water powers of the Southern Appalachian and White Mountain regions, where hundreds of millions of dollars are now invested in manufacturing enterprises, shall be conserved and perpetuated by protecting the forest cover of these regions.

There is not a word, Mr. President, about commerce or shipping.

Now, I have gone over that. I have gone over it for the purpose of showing that the primary object of this measure is not water, but forests, timber, lumber, power, places of resort, not one of which can be claimed to bring it within the purview of the National Government.

Mr. President, I have here a report from the majority of the Judiciary Committee of the House of Representatives. The committee seem to be divided somewhat upon the theory upon which they go, but I am going to show what they all, without exception, declared. Only one man said if you can bring it within the provision that it is really and perfectly and honestly for the purpose of preserving the water and increasing the navigability of streams, he thought it might be done. All the others said it could not be done at all.

Mr. GALLINGER. Does the Senator notice that five members of that committee united in this statement?

It is amply apparent from the foregoing statement that Congress has the constitutional power to acquire lands and forest reserves in a State by purchase, condemnation, or otherwise, as an aid to navigation, if it be made to appear to Congress that such reserves would materially or substantially aid navigation.

Five members of the committee to which the Senator calls attention united in that statement.

Mr. TELLER. The men who stood for that more than anybody else added the following:

One of the purposes of the Constitution being to preserve and maintain the use of our navigable rivers as aids to commerce, the State and the Federal Government may agree as they deem best to carry out this great purpose. Such an agreement can be expressed in the act of Congress by setting forth therein in detail the particular cessations of jurisdiction by the State that would be required by the United States as a condition precedent to purchasing the reserves, and by also setting forth therein the purpose for which such jurisdiction is required. This purpose should plainly appear to be that of aiding navigation. All other purposes should be eliminated.

Mr. President, you knock the whole bottom out of this case if you eliminate everything except that.

Mr. GALLINGER. But manifestly in the following paragraph they were not quite so emphatic on that point. They clearly state that if it is an aid to navigation it can be done.

Mr. TELLER. The majority of the committee were absolute and unequivocal in declaring that there was no authority on the part of the Government to buy this land.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Yes.

Mr. BRANDEGEE. The Senator understands, I suppose, that the report of the Judiciary Committee in the House was upon the bill that was pending in the House and not upon the bill under discussion here.

Mr. TELLER. It was exactly the same bill, except the slight amendment you had made yesterday, which, in my opinion, cuts no figure in the case at all.

Mr. BRANDEGEE. The Senator would admit, I assume, that if Congress is satisfied that the purchase of the forests will promote the navigability of navigable streams it is a constitutional purpose.

Mr. TELLER. I will not admit anything of the kind.

Mr. BRANDEGEE. Will the Senator admit that it is constitutional to improve the navigability of navigable streams?

Mr. TELLER. I suppose I have voted a hundred times favorably on that proposition. It is begging the question when you say if Congress believes it. Nobody can believe that that is the purpose if he will read this testimony. Nobody can believe it, because of the fact that it has been presented to us for the last five years not as an aid to commerce but simply as a forest reserve and a timber-protecting scheme. You can not change that purpose by suddenly putting in some provision for a purpose that does not exist.

Mr. President, I desire to have this report of the House committee published. That by Mr. JENKINS—

Mr. GALLINGER. Then I will request that the entire report be published.

Mr. TELLER. I mean the whole of it, all of it.

Mr. GALLINGER. I think we might well question the propriety of discussing the action of the House on this question under the rules of the Senate, but I will not raise that point.

Mr. TELLER. No; Mr. President, that is not objectionable.

Mr. GALLINGER. I think it is, under our rules.

Mr. TELLER. It is not, Mr. President.

Mr. GALLINGER. All right.

Mr. TELLER. This is past. There has been a lapse. Something has been done. Whenever the House of Representatives has completed its action, then it is subject to discussion, as I can show by the authorities, both in England and in the United States. I believe, Mr. President, I have always kept within the rules on these matters, and I believe I know what they are quite as well as anybody else.

But if I can not discuss it, then surely it ought not to be put into the Record. I want to put into the Record everything that was said by the committee unless there is some objection.

Mr. GALLINGER. I will say I have no objection if the Senator puts in the entire report.

Mr. TELLER. There are three reports here and they are all in one pamphlet. I pass it up and I ask that it may go in as an appendix to what I have been saying.

The VICE-PRESIDENT. Is there objection? Without objection, it is so ordered.

The matter referred to is as follows:

[House of Representatives. Report No. 1514. Sixtieth Congress, first session.]

POWER OF FEDERAL GOVERNMENT TO ACQUIRE LANDS FOR NATIONAL FOREST PURPOSES.

Mr. JENKINS, from the Committee on the Judiciary, submitted the following report, to accompany H. Res. No. 365.

The Committee on the Judiciary received from the House the following:

Whereas the President in his message to the Congress at its present session, on December 3, 1907, makes the following recommendation:

"We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the nation. These lands, because they form a national asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean;" and

Whereas there have been introduced into the House of Representatives bills for the acquirement of national forests in the Southern Appalachian Mountains and the White Mountains, the same being H. R. 10456 and H. R. 10457, which provide as follows:

"That the Secretary of Agriculture is hereby authorized and directed, in his discretion, to acquire for national forest purposes, by purchase or gift, lands more valuable for the regulation of stream flow than for other purposes, and situated on the watersheds of navigable streams in the Southern Appalachian Mountains within the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, and Tennessee, and in the White Mountains within the States of New Hampshire and Maine.

"That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

"That the sum of \$5,000,000 is hereby appropriated to carry out the provisions of this act, out of any moneys in the Treasury not otherwise appropriated, and said sum shall be available immediately and until expended for said purpose: *Provided*, That the Secretary of Agriculture shall each year make a detailed report to Congress of the lands purchased under this act, and the cost thereof;" Therefore be it

*Resolved*, That so much of the President's message, above referred to, which relates to the acquisition of lands in the South Appalachian and White Mountains "for the use of the nation" be referred to the Committee on the Judiciary of the House of Representatives, together with the questions involved in the bills referred to, directing the Secretary of Agriculture to acquire for national forest purposes lands in the Southern Appalachian and White Mountains, within the States named, with instructions to said committee to report fully at an early date their views as to the power of the Federal Government by legislation to acquire, by purchase, condemnation, or otherwise, the lands referred to in said bills, situated in the States mentioned, and to appropriate money therefor, and also what power and authority the Federal Government has by legislation to acquire for the purpose of forest reserves lands within a State wherein the Government of the United States has no public domain, and to make appropriation therefor.

We respectfully report that the committee has obeyed the instructions of the House and had under consideration the aforesaid communication. The instructions are to report the views of the committee as to the power of the Federal Government, by legislation, to acquire, by purchase, condemnation, or otherwise, the lands referred to, situated in the States mentioned in the preamble, and to appropriate money therefor; and also what power and authority the Federal Government has by legislation to acquire for the purpose of national forest purposes lands within a State wherein the Government of the United States has no public domain, and to make appropriation therefor.

To restate the question, in other words to be gathered from the entire communication, Has Congress the power to enter a State and take from the owner thereof lands for forest purposes more valuable for the regulation of stream flow than for other purposes? The committee have been aided in their research by arguments made on behalf of the constitutionality of the measure and also in favor of the unconstitutionality of the same. The committee is not unmindful of the interest taken by many people in this matter, many believing that if Congress has the power and would exercise it, it would be beneficial, but it is purely a question of power. In this matter the committee is limited to answering a constitutional question, which must be gathered from the communication sent by the House to this committee, and can not consider any question of policy. It is said on behalf of the constitutionality of the proposed measure that the object is the regulation of stream flow in navigable rivers, while the instrument sent by the House to this committee says, in part: "To acquire for national forest purposes lands more valuable for the regulation of stream flow than for any other purposes."

In order to determine the question, reference will have to be made to the Constitution. It is universally agreed that the Government of the United States is one of limited power; that the power of the United States is to be found in the Constitution of the United States; that the Government of the United States is not only one of limited power, but the powers are enumerated. After stating what powers are conferred on Congress by enumeration, follows a provision for carrying the express powers into effect, authorizing Congress to make all laws necessary and proper for carrying into execution the enumerated powers in the Constitution. The construction of this paragraph was very aptly and wisely stated in *McCulloch v. Maryland* (4 Wheat., 316), by Marshall, Chief Justice, who said:

"But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

The express enumerated power so strongly relied upon is the one that confers upon Congress the power to regulate commerce between the States. The question addressed to this committee is much more important than the average person may think. It is very easy for those in favor of a proposition to lose sight of any constitutional question involved. As the nation grows and expands many appeals for relief are made for Federal power by the people, apparently of the belief that the National Government is capable of immense powers of legislation for the general welfare of the people. When the people are not in sympathy with the exercise of Federal power, they are extremely sensitive, and the best and only way is to pursue the pathway so clearly defining the line of demarcation between State and Federal power. There is nothing more dangerous to the peace, prosperity, and perpetuity of this nation than for Congress to execute powers not conferred. The people will always be loyal to the States, and the nation will always be in need of the assistance and support of the people; and the best way to obtain the sympathy and support of the people for the National Government is for the Congress of the United States to keep within the limitations conferred by the Constitution.

It was said by Taney, Chief Justice, in *Martin v. Waddell* (1842) (16 Pet. (U. S.), 410), that "when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government."

This language was repeated by McKinley, J., in *Pollard v. Hagan* (1845) (3 How. (U. S.), 229). The Constitution of the United States confers no power of eminent domain or of legislation over State territory, except that contained in the seventeenth clause, eighth section, first article, relating to the seat of government and places purchased with the consent of the State for forts, magazines, etc. Hence it was said by the court, in the case last cited, that, even if Georgia had in her compact of cession to the United States of the territory of Alabama granted the municipal right of sovereignty and eminent domain, "such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere except in the cases in which it is expressly granted."

Hence it was held in that case that the shores of navigable waters and the soils under them were not granted by the Constitution of the United States, but were reserved to the States, respectively, and that Alabama, though a new State, had after admission the same rights, sovereignty, and jurisdiction over the subject as the original States. This was reaffirmed in *Gilman v. Philadelphia* (1865) (3 Wall. (U. S.), 713).

These authorities invite attention to two important matters bearing on the question, one the extent of ownership by the people and the States of the navigable waters and the soils under them, and the riparian rights of the people and States: All of which are involved, when the United States seeks to acquire lands for forest purposes, and affected by the constitutional question.

The other not constitutional but extremely important, as to whether the States or National Government shall exercise jurisdiction over lands so acquired. The United States can only exercise authority when lands are purchased by the consent of the legislatures of the States, in which the same shall be for the erection of forts, magazines, and arsenals, dock yards, and other needful buildings; therefore, it seems plain that the United States can not, even with the consent of the States, exercise jurisdiction, and if the United States purchases lands as contemplated, the same will forever remain subject to State power.

The National Government can not acquire land for national forest purposes unless that power is conferred upon Congress by the Constitution. Congress can not exercise this right unless it is necessary to accomplish some object within the authority of Congress. A government of limited power can not afford to exercise a power it does not enjoy when the exercise of the power is at the expense of the creator of the government of the limited power. The people created the National Government by adopting the Constitution, giving it limited power only, and defined the powers by enumeration. So jealous were the States of the new sovereign, and so determined to enjoy rights not delegated, that, notwithstanding it was universally conceded by the framers of the new government that no power could be exercised unless conferred by the Constitution, the tenth amendment to the Constitution was adopted:

"Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In speaking of this amendment, the Supreme Court of the United States, in *Kansas v. Colorado* (206 U. S., 46), said in part:

"This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act."

All power is vested in the United States, the several States, or the people of the United States. What power is not enjoyed by the United States is with the States or the people. The States and the people have some constitutional rights, even if there is nothing more involved than some mountainous country and forests of timber of no great commercial value. If the Federal Government lacks the power, and the States give their consent to the legislation, it will not confer power on the United States, as the States can not enlarge the powers of the Federal Government in that way. The National Government can not afford to invade a State and take from the people, in violation of their reserved rights, the navigable waters and the soils under them, and the riparian rights of the people and the States, and private lands or the lands of a State, for any purpose unless the power exists, and if the power exists and is legitimate and within the scope of the Constitution, its exercise can not be questioned by the courts and ought to be acquiesced in by the people; but if the power does not exist, no matter how necessary, proper, and beneficial to the people, its exercise can and in time will be questioned, and the people will lose confidence in the National Government if attempts are made to violate their rights and exercise powers not conferred by the Constitution.

The National Government can never be maintained and perpetuated unless it keeps within its just powers. An unwarranted exercise of power when not conferred by the Constitution may be overlooked when necessary to save the life of the nation. It will never be overlooked or forgotten if there be unwarranted Federal action or the rights of the people or the States are involved, even if the occasion



and demand is great. It may look like a small and unimportant matter and meet the approval of public opinion for the Federal Government to invade a State and condemn lands for forest purposes. But if the power is lacking the principle is great, and it is the duty of Congress to jealously guard the rights of the States and not attempt to exercise powers not conferred. There is no dispute but what the National Government has authority to take land by right of eminent domain whenever the use of the land is necessary in furtherance of the execution of any power given the National Government by the Constitution.

No one questions but what the United States can acquire lands for military purposes; for the erection of public buildings, such as post-offices and court-houses; in the interest of coast survey; for the purpose of erecting light-houses, under the powers conferred by the Constitution. But in each such case the controlling question is as to whether or not the use to which the land is to be put is a public one. That is, in other words, the power to act must be found in the Constitution, and after the power is ascertained it must be found that the use is public. It is unnecessary to determine whether the use is public when the power is wanting. In other words, as more directly applicable to this matter, Congress having power to regulate commerce between the States has an unquestioned right to improve navigable streams, and may, for that purpose and to that end, take land whenever in the judgment of Congress it is necessary to the proper exercise of that power. But an entirely different question is presented when the United States attempts to acquire forest lands because it is claimed by some, not by all, that it will cause it to rain and thereby increase the flow of the stream. If the use of the land is to assist in the execution of some power of government a different question is presented.

The important question arises: Has the National Government the power under the Constitution to acquire lands for the purpose of national forestry purposes, according to the words of the resolution? If so, unquestionably Congress has power to make all laws necessary and proper to carry that power into execution. There is no difference as far as the question herein is concerned between the right to purchase and the right to condemn. For the purpose of answering the House, the acquisition by purchase and condemnation may be treated together, and acquisition by the words "or otherwise" may be treated as including gifts or excluded as immaterial. A careful reading of all the enumerated powers contained in the Constitution fails to disclose any authority on the part of Congress to acquire lands in a State by condemnation or purchase for national forestry purposes. Not that express power to acquire lands for national forestry purposes must be found in the Constitution in so many words among the enumerated powers, but an express power must be first found that can be executed by the acquisition of lands for forestry purposes. The express power is placed in the Constitution to authorize Congress to act. Then the question arises: Is the proposed act to acquire lands within the meaning of the Constitution necessary and proper to carry the express power into execution?

Marshall, Chief Justice, has told Congress how legislation can be constitutional within that power. Congress must have discretion to exercise the power in a manner most beneficial to the people. The end must be legitimate and within the scope of the Constitution, then all appropriate means plainly adapted to that end, not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional. As illustrated, by the power given Congress "to raise and support armies." It is supposed that Congress will exercise the power most beneficial to the people as to the size of the Army, pay of the Army, and how cared for, etc. And all power of Congress to provide for the particular thing named is not to be found in express words in the Constitution. The same might be said of the familiar power to establish post-offices and post-roads that will secure transportation and delivery of the mails, and appropriate buildings. As applied to the matter before the committee, unless an aid and betterment of navigation, it is clearly unconstitutional.

Then the further question arises: Is the acquisition of lands for forest reserves a necessary and proper act to carry into execution the power to regulate commerce? Still further: Is Congress exercising a constitutional discretion most beneficial to the people when it seeks to acquire mountains and forests, unless it appears the best, cheapest, and most legitimate means to control the flow of streams and improvement of navigation? An express power must be found in the Constitution. It was impossible for the Constitution to call by name or state all Congress could do. For to mention any specific act under any one express power would exclude things not mentioned and limit unnecessarily the power of Congress; therefore much is left to the wise and just discretion of Congress in legislating pursuant to the express power granted. And the limitation of that power, so aptly stated by Marshall, Chief Justice, can not be improved upon. But it is plain to be seen that legislation pursuant to an express power is subject to the limitations cited.

Would it be constitutional for Congress in the exercise of its discretion to buy a site for a small public building, to condemn 40 acres of land and interfere with as many people when 1 acre of land would be sufficient? When an express power is found that will justify legislation to carry that power into execution, it is still subject to constitutional limitations. Is the power sought to be exercised by Congress fairly deducible from the express power granted? Is the power to acquire land for forestry purposes fairly deducible from the power to regulate commerce? Would it be an honest exercise of discretion for the manifest interests of the people? This feature must be closely scanned or everything popular and demanded by the people will soon be considered constitutional, and constitutional law will soon be a thing of the past.

A careful reading of the resolution discloses that the object sought is not the regulation of commerce; that the object of the acquisition of land is for national forest purposes, though incidentally it may be an aid to commerce. And it has been suggested that the *United States v. Gettysburg Electric Railway Company* (160 U. S., 668), decided in 1896, is authority for the constitutionality of the proposed measure. In that case the United States sought to condemn lands for the purpose of preserving the lines of battle at Gettysburg, Pa., and for marking with tablets the position occupied by the various commands of the armies of the Potomac and of northern Virginia on that field. The Supreme Court held that the right of condemnation existed; that the power to acquire and condemn existed, having been conferred by the Constitution, and that the use to which the lands were to be put was a public one. The Constitution gives Congress the power to declare war; to raise and support armies; to provide and maintain a navy. It was held by the court that the end to be attained was within that power. The facts brought the case within the doctrine of Marshall, Chief Justice, and the court in part said:

"That the battle of Gettysburg was one of the great battles of the

world. The numbers contained in the opposing armies were great; the sacrifice of life was dreadful, while the bravery and, indeed, heroism displayed by both the contending forces ranked with the highest exhibition of those qualities ever made by man. The importance of the issue involved in the contest of which this great battle was a part can not be overestimated. The existence of the Government itself and the perpetuity of our institutions depended upon the result. Valuable lessons in the art of war can now be learned from the examination of this great battlefield in connection with the history of the events which there took place. Can it be that the Government is without power to preserve the land and properly mark out the various sites upon which this struggle took place? Can it not erect monuments provided for by those acts of Congress or even take possession of the field of battle in the name and for the benefit of all the citizens of the country for the present and for the future? Such a use seems necessarily not only a public use, but one so closely connected with the welfare of the Republic itself as to be within the powers granted Congress by the Constitution for the purpose of protecting and preserving the whole country."

This case certainly must be regarded as an extreme application of the doctrine of Marshall, Chief Justice. If there is any doubt in the mind of any person after reading the Constitution, that doubt will be readily dispelled by the foregoing doubtful case and the further case of *Kansas v. Colorado* (206 U. S., 46). The United States intervened. From the statement of the case it appears that the United States was seeking to reclaim about 60,000,000 acres of land belonging to the United States within the arid region, and in the opinion of the court, speaking of the claim of the United States, it is said, on page 86:

"It rears its petition of intervention upon its alleged duty of legislating for the reclamation of arid lands."

And on page 87 the court further says:

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid lands."

Section 8 contains the power of Congress to regulate interstate commerce, yet the court says, on page 88:

"We must look beyond section 8 for Congressional authority over arid lands."

And on page 91 the court further says:

"But, as our national territory has been enlarged, we have within our borders extensive tracts of arid lands which ought to be reclaimed, and it may well be that no power is adequate for their reclamation other than that of the National Government. But if no such power has been granted none can be exercised."

And the court reached the conclusion that the United States under the Constitution could not for want of power reclaim arid lands under the commerce clause of the Constitution or any other express power. There is practically no difference between reclaiming arid lands for agricultural purposes and acquiring lands for forestry purposes. The facts in the case, the conclusions reached by the court, and the views of those insisting upon the constitutionality of the proposed legislation can profitably be restated by an extract taken from an argument made and brief filed on behalf of the constitutionality of the proposed measure:

"The United States of America filed its petition of intervention, and alleged that within the watershed of the Arkansas River are 1,000,000 acres of public lands, uninhabitable and unsalable unless rendered so by the impounding of waters in this watershed to reclaim this land, that legislation of Congress has sanctioned the use of these waters in this arid region, and that under the reclamation act of June 17, 1902, \$1,000,000 have been expended in procuring sites for reservoirs and dams."

This contention brought directly to the court the question whether the amount of the flow of the waters of the Arkansas River is subject to the authority and control of the United States. The United States claimed that in and near the river, as it runs through Kansas and Colorado, are large tracts of arid lands; that the National Government itself is the owner of many thousands of acres, and that it has the right to make such legislative provision as in its judgment is needed for the reclamation of all these arid lands and for that purpose to appropriate the accessible waters."

"This claim, says the Supreme Court, involves the question whether the reclamation of arid lands is one of the powers granted to the General Government. Certainly it is not, for in the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution we can not find one which by any implication refers to the reclamation of arid lands."

"That clause only decides that the reclamation of arid lands is not one of the powers granted to the General Government, and it was not claimed to be a means by which an express power was to be carried into execution."

A concession that the reclamation of arid lands is not within any power of Congress.

Assuming and conceding that Congress has plenary power over all navigable streams under the commerce clause of the Constitution, the important question is, Is the pending measure needed to improve navigation? Would it be the consensus of opinion on the part of a large number of men, competent to speak upon the subject, that the acquisition of lands for forestry purposes is needed within the constitutional discretion of Congress to improve navigation? The power simply includes the ordinary means of executing the power with reference to the power and dignity of the nation, the rights of the States and of the people, the object, purpose, and end sought without attempt to exercise powers not conferred. If not expressed, is it properly incident to an express power necessary to its execution? But it is argued that the end sought is the control of stream flow to improve navigation. No one questions the right and power of Congress, under its power to regulate commerce between the States, to make all laws necessary and proper to carry that power into execution, which will include the improvement of navigation. Unquestionably Congress has the power to improve navigation under its power to regulate commerce, for commerce includes navigation and intercourse, transportation by water as well as by land, and control of all accessible waters. The main proposition is to acquire lands for forestry purposes—just how that will regulate stream flow or improve navigation is, for the present, rather speculative.

It is very clear that the only end sought is the retention and preservation of forests—that is, an increase of the flow of the stream—and improvement of navigation is not the end sought, not the principal matter. Unquestionably Congress has power to increase the flow of

streams and improve navigation under its power to regulate commerce. Hence it is argued that the retention and preservation of forests will increase the flow of streams and improve navigation so as to invoke the commerce clause of the Constitution, and, under that power, acquire lands for forestry purposes without any reference to the effect upon the flow of streams or improvement of navigation. If the end sought is the increase of the flow of streams and improvement of navigation, and that is the principal matter, why not apply to Congress for the improvement of the rivers involved; and, if Congress in its wisdom decides upon the improvement, no person will risk his reputation by insisting that it is necessary and proper to acquire the mountains and forests involved in order to improve the navigation.

What is the primary question? In common fairness it must be said, the acquisition of lands for forestry purposes, and that the improvement of navigation is but an incidental matter. This is not said to beg the question but to better develop the constitutional question involved. Does any person believe for a moment that if a proposition was made to Congress to appropriate \$5,000,000 for the improvement of the navigation of the rivers involved it would command one vote? Has it not been determined by Congress at the present time not to make any appropriation for the improvements of rivers and harbors this year? It is a very important question and should be rightly determined. We should not enter upon such an unknown sea of difficulties, unless the power is clear, for no one can tell when this expenditure of public money will end.

The United States is the moving party, not the States. That is, the States are not taking any action whatever against the United States; are not interfering with the flow of any stream or assuming any right or control over navigation or commerce. On the contrary, it is the United States asserting the right to enter States and take by purchase, gift, or condemnation lands for national forestry purposes. The interested States may be willing, the people of these States may be willing, that Congress should in this manner exceed its powers for their benefit, but this does not justify unconstitutional action upon the part of Congress, and will sooner or later be cited as a precedent—as a usurpation of power on the part of Congress.

The lands to be selected may be more valuable for the regulation of stream flow than for any other purpose and yet might not be an aid to navigation or even increase the flow of the stream, and not be valuable for either. How will the transfer of the title to these mountains and forests to the United States increase the flow of the stream or improve navigation? The argument on behalf of the measure seems to establish several propositions: That the reclamation of the forests is a public one for the benefit of the people; that the removal of the forests permits the rainfall to run at once over the land into the streams and soon disappear; that the retention of the forests increases the quantity of leaves and other vegetable matter, so that the rainfall percolates into the ground. It must be conceded that the flow of the stream depends upon the quantity of rainfall and its velocity. Good sense discloses that in times of great and continuous drought it takes an immense amount of rain to affect the flow of a stream. If rain falls slowly, it percolates into the ground—swamp and low places—and not until the ground is well soaked is there an appreciable effect upon stream flow.

No person will want to risk his reputation by saying that commerce by water transportation can be successfully carried on by means of rainfall, or that the acquisition of lands by the United States will increase rainfall or improve navigation. When there are large quantities of snow passing away and rainfalls producing floods, the flow of the stream will necessarily be increased, but practically as soon as the flood ceases the stream flow will recede to normal depths, and the water in the ground can not be depended upon to provide for navigation. In order to follow and accurately determine the matter, the nature of the transaction must be considered. It is either to acquire lands for forestry purposes, or to improve navigation of streams. If the former, it can not be done, for there is no express power. If the latter, it can not be done under the construction given by Marshall, Chief Justice. For to purchase mountains and forests to improve navigation would not be exercising a discretion most beneficial to the people. The end would not be legitimate; not within the scope of the Constitution; it would not be an appropriate means adapted to that end, and would not consist with the letter or spirit of the Constitution.

In *Kansas v. Colorado* the Supreme Court of the United States denied the right of the United States to reclaim arid lands, while the case concedes it would be a great public benefit and have a tendency to improve navigation. It is not a question of strict construction of the Constitution on the one hand and of a broad and liberal construction on the other, but an ascertainment of the line of demarcation between State and Federal power, with justice to both.

Where in the Constitution is to be found the power in the National Government to reclaim its own arid lands or to acquire arid lands for the purpose of reclamation? Nowhere, not even under the power to regulate commerce. When the reclaimed lands will likely increase the rainfall, thereby increasing the flow of the stream, answers the Supreme Court in *Kansas v. Colorado*. Where in the Constitution is to be found any power in the National Government to acquire lands for national forestry purposes? Nowhere, answers the Constitution and the Supreme Court of the United States in *Kansas v. Colorado*, for the case in *Kansas v. Colorado* and the question before your committee are absolutely identical.

The action of Congress to be constitutional must depend upon the powers enumerated in the Constitution. To justify action one at least of the enumerated powers must expressly provide for the legislation, or it must be justified by that power in the constitutional manner indicated, as in case of power to declare war. Here is an express power, and Congress can for any reason make a declaration of war against any nation, and its action can not be questioned by the courts. But having declared war many questions may arise as to necessary and proper action to make the declaration of war effective, and this must be determined by construction, as to its being necessary and proper; whether an appropriate means to carry the war power into execution in a manner most beneficial to the people. Is the end legitimate and within the scope of the Constitution? For these matters are not expressly provided for—such as the size of the Army, how raised, by enlistment or draft; as to discipline; whether regulars or volunteers; as to the arm of service, the term of service. All of this and many more show what legislation is a necessary and proper execution of the power.

The doctrine as to what can be done pursuant to an express power so as to make it operative and effective presents a most interesting question in our constitutional history. There is great danger of the powerful influence of two extremes, one for anything within the will of Congress, the other to so limit power as to prevent legislation when wise, necessary, and constitutional. We should in the interest of the

people avoid both extremes. Congress should never shrink from exercising all of its full power, when beneficial to the people, and always be careful to avoid an unconstitutional exercise of power. The constitutionality of the proposed measure is worthy of careful consideration for the effect of the proposed legislation upon the future of the nation.

If Congress has power to acquire the lands in question, there is nothing to prevent the national power from acquiring any and all lands of a State and all the worthless lands of all the States the people desire to sell, and it will increase friction between the State and Federal Government over the question of jurisdiction. Forests and worthless lands will be for sale all over the nation, and the power of the States will be subordinate to the desire of the people to unload on the nation lands that the poorest emigrants will not locate upon. So we agree that the power to regulate commerce is expressly provided for, and according to the broad definition given that term by the courts and the commercial world much can be constitutionally done, and the growing wants of the people will call for full exercise of all the power Congress enjoys. But this will not justify Congress assuming the reclamation of forests under the remote and speculative claim that it will improve navigation.

It does not change the constitutional aspect, because the lands can be purchased by agreement with the owners; but if the power is exercised and the owners refuse to sell they will have to submit to the land being taken from them, and this raises a very important question—whether the Government would be discharging its constitutional duty in taking from private owners their property. Even assuming that the Government can go and take property, it certainly must be absolutely needed for the use of the Government, for, as the Supreme Court of the United States said in *Van Brocklin and Another v. State of Tennessee and Others*, 117 U. S., 151, page 158:

"The United States did not and can not hold property, as a monarch may, for private or personal purposes. All the property and revenues of the United States must be held and applied, as all taxes, duties, imposts, and excises must be laid and collected, to pay the debts and provide for the common defense and general welfare of the United States."

It does not satisfy the Constitution that it would be beneficial to the people or popular with them, or that the Government can use the same, or that the Government needs it. The power to acquire it must first be ascertained independent of all these considerations, and then if the power is ascertained, the question arises as to whether or not the end is legitimate, whether it is fairly and honestly exercised in a manner beneficial to the people. It must absolutely be needed for the use of the Government, in the furtherance of some one of the enumerated powers.

It can not be doubted that the original idea is the acquisition of lands for forestry purposes. This is easily ascertained from what has been said in various ways in advocacy of the measure. The improvement of navigation to those supporting the proposition is a matter of secondary, if of any importance, suggested so as to bring it under the commerce clause.

There is another feature of the case to be considered, tending to show that the primary object is the acquisition of lands for forest purposes, and not for the improvement of navigation. Congress will not be following constitutional lines if it attempts, under the circumstances of the case, to improve navigation by acquiring lands, for Congress has no constitutional authority to act when there is no commerce. That is, it would be exceeding its power, within the definition of Marshall, C. J.

Every person interested knows that Congress does not intend by the purchase or by the acquisition of the lands to take any steps affirmatively toward the improvement of the rivers affected; that the improvement of navigation will go on just the same with or without the acquisition of the lands, and the talk of improvement of navigation and the regulation of commerce is to secure the lands for forest purposes, without reference to the effect upon navigation or commerce. It is a matter of common knowledge that the purchase of the lands will not bring commerce; that the increase of the flow of streams is not called for in the interest of commerce; that many of the streams have never been used and can not be made navigable as instrumentalities of commerce.

In other words, the demand for the acquisition of the lands is not in the interest of either navigation or commerce. It is well known that many acres of the land sought for forest purposes will not be needed or considered in connection with either navigation or commerce, as under any theory can not be made very favorable for either. As showing at least how necessary it is that the question be thoroughly examined and carefully understood several of the earnest advocates of the measure insist that it is not necessary to take the land. The same object can be accomplished by the Federal Government preventing the cutting of the timber, and thereby improve navigation. It is too plain for discussion that the sole purpose and object is the acquisition of lands for forest purposes; that the thought of improving navigation or regulating commerce is not to be seriously considered; that the purchase of the lands will not improve navigation; that there is no commerce to be subserved. It is a well-known fact that much of the land in question is so remote that, while it would be considered a part of the forest reserve, it could under no circumstances be considered valuable for increase of the flow of streams or for the purposes of navigation. So the whole proposition must be considered as an acquisition of lands for forest purposes.

It does not require any evidence of the situation outside of the record for Congress to act correctly. That is, the communication sent to the committee by the House is full enough. Congress can not shirk its constitutional duty, for the proposition is plainly and sufficiently presented to Congress. Can Congress acquire lands for forest reserves? Can Congress acquire lands for forest purposes because of the increase of the flow of the stream and consequent regulation of commerce?

If this can be constitutionally done, under the commerce clause of the Constitution, the doors will be opened wide enough to dispense with all State power and rights and do anything that is popular with the people or quite generally demanded. If the constitutionality of the measure is to be determined by the amount of an appropriation, we shall have no guide for future action except the amount of money involved. Some of the States of the Union have been very sensitive about excessive Federal power, but raise no voice against its exercise when the benefits accrue to them. Forever hereafter they should hold their peace.

Restating the proposition briefly: Congress has express power to regulate commerce between the States; but a great question presents itself when it is asked what can be done under and pursuant to that



power. The Constitution says Congress shall have power to make all laws necessary and proper to carry that power into execution. The fact that Congress has express power to make all laws necessary and proper to carry the enumerated powers into execution does not enlarge the power of Congress, for without it, unquestionably, Congress can do the same thing—that is, exercise all powers to the same extent as now. Still, we have but a limited idea as to what can be done, even when we keep in mind the rule laid down by Marshall, C. J., and carefully consider the many things the Supreme Court has said Congress has power to do. The great growth of the nation in population, business, and commerce, makes many demands upon Congress for legislation under that power, and no narrow construction should be adopted that will prevent proper Congressional action. No statement can be made that will include all Congress can do under that power. The boundaries can not be marked or limits to its exercise of legislative power prescribed.

The framework of the Constitution shows how thoroughly the fathers understood what they were doing. The best way to reach a correct conclusion is to consider what is proposed, what is the matter sought to be done, the end contemplated. With that ascertained, the question is, Can it be constitutionally accomplished within the construction stated by Marshall, C. J., the proposition being for Congress "to acquire for national forest purposes lands more valuable for the regulation of stream flow than for any other purpose, does it under what power, we ask? The answer is, the power to regulate commerce. Assuming the fact to be that the land is more valuable for the regulation of stream flow than for any other purpose, does it prove, within the meaning of the Constitution, that its purchase will improve navigation?

We fully appreciate the width and depth of the power that must be ascertained by construction, and readily concede that the power is so great that Congress has the right to improve navigable streams, and for that purpose may take lands. But are we, when we acquire lands for national forest purposes, regulating commerce or improving navigable streams? If we acquire all of the lands in the United States for national forest purposes, will it improve navigable streams or in any manner operate as a regulation of commerce? Assuming that under its power to regulate commerce Congress has power to improve navigable streams, would anyone say Congress was exercising that discretion with respect to the means employed, most beneficial to the people, when, in attempting to improve the navigation of streams, it acquires for national forest purposes lands more valuable for stream flow than for any other purposes?

It does not change the constitutional character of the matter when the selection is limited to lands more valuable for stream flow than for any other purposes. That is, the fact that it is so valuable, will not make it constitutional to take the lands for national forest purposes. Is the taking of lands for national forest purposes a substantial and practical way of improving navigation? Would the end be legitimate? Would the means employed be appropriate and plainly adapted to that end? How much will navigable streams be improved by the United States purchasing lands for national forest purposes, even if more valuable for stream flow than for any other purposes? Has Congress exercised that discretion with respect to the means employed in the manner most beneficial to the people when it undertakes to improve navigable streams by acquiring lands for forest purposes more valuable for the regulation of stream flow than for any other purpose? Could it fairly be said that by so doing Congress has kept itself within the scope of the Constitution? Are these means that can be employed under the Constitution, or would the same be employed even as a business proposition?

If the purchase of the lands will not improve navigable streams, notwithstanding the same are taken for national forest purposes, it is not constitutional. There is no constitutional means for the United States to acquire lands unless it is necessary and proper to carry into execution some one of the enumerated express powers of government, and then strictly within the construction given by Marshall, C. J. Can it be said that the United States can enter any State and acquire lands for public parks? If not, the United States can not enter a State and take lands for forest purposes.

If the primary purpose is to improve navigation, Congress can declare to what extent the improvement shall be made, and, having exercised its discretion, the courts can not go behind it. But when Congress continues the exercise of its powers, improving navigation to the extent of declaring that there shall be taken for national forest purposes lands more valuable for the regulation of stream flow than for any other purpose, this discretion can be questioned in the courts. At the outset, therefore, it becomes the duty of Congress to consider whether such action is constitutional; whether this high duty assigned to it is being executed in a manner most beneficial to the people; whether the acquisition of the land is legitimate. Is it an honest, fair, and constitutional exercise of power? Is the acquisition of the lands necessary for the improvement of navigation?

As suggested in *Kansas v. Colorado*, if this is necessary for the welfare of the people, let us amend the Constitution, but do not violate great principles of constitutional law under the guise of regulating commerce. The power of Congress is ample to satisfy the wants of the people, as far as regulating commerce is concerned, but not broad enough to acquire lands for forestry purposes.

In answer to the foregoing resolution of inquiry, the committee submit the following:

*Resolved*, That the committee is of the opinion that the Federal Government has no power to acquire lands within a State solely for forest reserves; but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part, and that any appropriation made therefor is limited to that purpose.

*Resolved*, That the bills referred to in the resolutions of the House (H. R. 10456 and H. R. 10457) are not confined to such last-mentioned purpose and are therefore unconstitutional.

I concur in the foregoing views of Mr. JENKINS and I dissent from that portion of the resolution adopted by the committee reading as follows:

"But under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part."

GEORGE R. MALBY.

#### VIEWS OF RICHARD WAYNE PARKER.

The resolution adopted by the committee is as follows:

*Resolved*, That the committee is of the opinion that the Federal Government has no power to acquire lands within a State solely for forest reserves; but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part, and that any appropriation made therefor is limited to that purpose.

*Resolved*, That the bills referred to in the resolutions of the House (H. R. 10456 and H. R. 10457) are not confined to such last-mentioned purpose and are therefore unconstitutional.

I agree with the resolution adopted by the committee that the bills submitted are unconstitutional, that the important duty of establishing and maintaining forest reserves within each State is for that State, and that the United States has no interest even in the flow of streams, except for the regulation of commerce, including the maintenance, improvement, and construction of navigable channels, whether natural or artificial, which may be used in interstate and foreign commerce; but I find myself unable to agree that in the interests of navigation the United States can purchase and control thousands of square miles of dry land and take that land out of the control and taxable jurisdiction of the several States. It is not to my mind at all clear that such power was given by the Constitution or can be included within the power to regulate commerce; nor is it at all clear that any State legislature has the right to convey away part of the State for purposes not within the United States Constitution and to bar all future legislatures and the people of the State from the benefits resulting from improvement and taxation of those lands.

No one can exaggerate the importance of the establishment and maintenance of forest reserves, especially upon the headwaters of our various rivers. Their necessity is being realized by all the States. In New York and New Jersey the mountain area is fast being segregated for the water supply of great cities. The roots of the monarchs of the forest hold back rainfall, regulate and even the flow of streams, moderate freshets, protect the slopes from wash and waste and the river bottoms and channels from deposits of sand and gravel, and preserve a flow for the dry season. Forests even seem to temper the climate, and they constantly lay by stores of lumber that is becoming more and more valuable every day. These are great public considerations, but, like many other public matters, they seem to belong to the several States. It is true that, directly or indirectly, floods and freshets from the headwaters will affect the channel and navigation of a stream and may have to be provided against. Such provision by engineering works on the streams, as by dams, ponds, etc., is certainly within the power of the United States, whose rights over navigable channels used in interstate and foreign commerce are paramount for the construction, improvement, and maintenance of such channels.

There seems, however, to be a recognized legal distinction between rights in the stream and rights on the land whose surface sheds the rainfall into that stream. We may note examples.

No action lies by any person against his neighbor for flow of surface water.

No action lies for changes in the amount or character of stream flow by ordinary use of the land higher up, such as clearing, tillage, etc., even if the stream be muddied so as, for instance, to damage a paper mill. These principles are established in a host of cases, wherein it was held that every man's right is subject to the right of his neighbor to use his own property in the ordinary way. In like manner it may well be held that the rights of the United States in the waters are subject to the rights of the people of the various States to use the dry land in ordinary ways, as they may deem proper, and that a grant of power to construct navigable waterways may not be used to divest them of that land except so far as it is necessary to engineering work connected with such waterways. By the act of April 28, 1888 (25 Stat. L. 94), any land may be acquired needed to maintain, operate, or prosecute work for the improvement of rivers and harbors for which provision has been made by law. This statute is quoted in Mr. BRANTLEY's views, page 30, and seems to cover the entire jurisdiction of the United States. If it be true that headwater forests are land that is so needed, the claim can be made under this statute in court. To my mind it is certainly doubtful, and I can not concur in the opinion of the committee on this point.

It seems still more a question whether any State can be divested by the legislature of its control over its territory. The importance of mountain land to every State is growing day by day if only for aqueducts. The State holds the rainfall and streams as a sacred trust for its own citizens, whose life depends upon a daily supply of water. This principle has just been laid down by the Supreme Court in the case of the State of New Jersey against the Hudson County Water Company. It can never be foreseen what value may lie in territory which the State is asked to grant away and put out of the march of improvement.

For these reasons I am unable to concur in so much of the resolution adopted by the committee as declares the power of the United States to acquire forests within the States in aid of navigation. The question is at least doubtful.

To restate the matter briefly:

The United States have no interest in the rivers, except for purposes of navigation, and it may fairly be said that the rivers of the Atlantic slope are not navigable above the tidal flow.

It is very hard to see how buying the whole surface of the ground is a question of navigation. There has to be some distinction between land and water. Of course the building of banks and dams, the dredging or digging of the bottom, new channels, or even dams for water supply to a canal are all matters which require the purchase of land, but this is for works on the stream. It is going beyond anything which has ever been hinted to suggest that because the water that falls from the skies runs off the surface into navigable streams that therefore this surface becomes a mere incident of navigation. The United States is a Government of limited powers. In this particular respect it stands in precisely the same position as if it had been authorized by the State to control, maintain, improve, and build navigable waterways anywhere within the State. If these powers were given to a corporation, together with the great governmental power of eminent domain, it could take whatever land should be found necessary for channels or works of navigation, including dams, ponds, feeders, banks, new channels, or cut-offs, but such a company would certainly not have the power to condemn and take dry ground not needed for these works on the theory that the rainfall ran off this ground into their canals. Such a power would mean that they could shut up whole sections of that

State against settlement, improvements, and increased taxable value. Such powers would not be implied in such a grant, nor should they be implied in the grant to the United States by the Constitution.

It is truly said that clearing the ground increases freshets and encourages the formation of bars to the injury of navigation. Tillage does the same, perhaps to a greater extent. So does building a city, paving streets, roofing the houses, and all the devices by which we turn the whole rainfall into the streams as soon as engineering can send it there. The influence upon navigation in these cases is "direct and substantial," but it can hardly be asserted that therefore the United States could acquire the farm or the city, although the committee resolution holds that the Federal Government may appropriate "for the purchase of lands . . . in a State, provided it is made clearly to appear that such lands have a direct and substantial connection with the maintenance and improvement of the navigability of a river actually navigable in whole or in part." It has been held that the United States can have no title in docks, wharves, and piers, or in the soil under the river, except for engineering works to aid navigation. The same principle applies, and "control stops with the shore."

RICHARD WAYNE PARKER.

#### VIEWS OF MESSRS. LITTLEFIELD, DIEKEMA, AND BANNON.

No money can be constitutionally appropriated from the Federal Treasury except for the accomplishment of a Federal purpose, the proper discharge or exercise of a Federal function. It has long been settled that the Federal Government is a Government of granted, enumerated powers, under which only such undefined powers can be exercised as are "appropriate and plainly adapted" to the effective practical exercise of the granted, enumerated powers. (*Kansas v. Colorado*, 206 U. S., 88.)

When a project is suggested as the subject-matter of a Federal appropriation the only question to be determined is, Does the project come fairly within the scope of these granted, enumerated powers or the undefined powers "appropriate and plainly adapted to" their effective practical exercise. If it does not, then the Federal Government has no constitutional power to appropriate the public money to accomplish such a purpose. The mere size of a project, the fact that it involves immense values, affects millions of people, is distributed throughout the whole geographical area of the United States, lending the unintelligent and uninformed for those reasons to describe it as national, does not even remotely tend to establish the fact that it is included within any granted enumerated power or an undefined power "appropriate and plainly adapted to" its effective and practical exercise.

Bigness no doubt appeals to the imagination and engenders desire for Federal control, but this consideration has no place in determining a result which depends upon the exercise of the reasoning faculties. The fact that the project is large or small, unimportant or important, does not reach the threshold of the discussion in determining whether it is included in a granted power. Nor is it a question as to whether certain powers could be more advantageously and effectively exercised by the Federal Government, and therefore ought to have been granted. It is not a question as to what ought or might have been granted; the only question is what is the power that was granted. It is claimed, and it is true, that the preservation of the forests by the application of scientific methods of conservation is essential to the maintenance of an adequate supply of timber, lumber, and fuel, etc., and means the preservation of natural resources of almost incalculable value. It is also claimed, and we think correctly, that the preservation of the forests is of very great importance in the development, maintenance, and conservation of water powers along the streams that have their rise in the watersheds covered by these forests. Our attention has not been called to, and we have not been able to find, any power granted to the Federal Government to which, either directly or by reasonable implication or necessary inference, either of these purposes may with any propriety be referred.

Moreover, it seems clear that the Government can only constitutionally acquire property for a constitutional Federal purpose, which clearly constitutes a public use, and therefore what it can constitutionally acquire by purchase it also has the right to acquire by the exercise of eminent domain. Certainly eminent domain can not be exercised except for a public use. Measured by this standard the purpose disclosed in the bills referred to in the resolution (H. R. 10458, H. R. 10457—they are identical in terms) is clearly not a Federal purpose and would not justify any appropriation. The purpose upon which they are predicated is, section 1, "To acquire for national forest purposes," and in section 3, "Shall have consented to the acquisition of such land by the United States for national forest purposes." We are unable to find, and our attention has not been called to, any grant of power to the Federal Government which includes, even indirectly, these purposes. (206 U. S., 46.) It is, however, claimed that although these bills do not proceed upon that hypothesis, that the appropriation can be justified on the ground of the relation of the forests on the watershed, to the navigability of the streams that have their sources in such watersheds.

It is said that the deforesting of the watersheds precipitates into the streams soil and silt that is carried downstream until it accumulates in such quantities as to substantially obstruct navigation, and make it necessary to remove such obstruction in order to preserve their navigability; and that the watershed when properly covered with forest retains the rainfall, so that it is gradually distributed throughout the year, and thus increases the flow in navigable portions of the river, so as to preserve their navigability, when otherwise they would be unnavigable during the dry portions of the year, and that for the purpose of thus protecting and preserving the navigability of the navigable portions of the river Congress can make these appropriations for the acquisition and control of the forests on the watersheds. The control of the navigable waters of the United States has been recognized as within the Federal jurisdiction and subject to all necessary appropriate legislation in a long line of decisions from (not to go farther back) *Gilman v. Philadelphia* (3 Wall., 724), in which the court said:

"Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose, and to the extent necessary of all the navigable rivers of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the nation and subject to all the requisite legislation by Congress. This necessarily includes the power to keep these open and free from any obstruction to their navigation interposed by the States or otherwise, to remove such obstructions where they exist, and to provide, by such sanctions as they deem proper, against the occurrence of the evil and for the punishment of the offenders."

to *Kansas v. Colorado* (supra), where the court denied the petition of the United States to intervene to protect its alleged interests in the

irrigation of arid lands, holding that the United States had no constitutional power to provide for the irrigation of lands other than its own, the court expressly stating that such denial was "without prejudice to the rights of the United States to take such action as it shall deem necessary to preserve or improve the navigability of the Arkansas River." (117.)

The power of the Federal Government to remove obstructions from navigable rivers, either by dredging, removal of rocks and ledges, and compelling necessary changes in the construction of bridges, is repeatedly exercised and universally conceded. That the exercise of this power is not confined to the portion of the stream that is within the navigable limits, but extends to obstructions in existence or contemplated, above the point of navigability, is settled by the case of *United States v. Rio Grande Irrigation Company*. (174 U. S., 690.) This was a case where the United States, by the Attorney-General, filed a bill in equity to restrain the defendants from constructing a dam across the Rio Grande River in the Territory of New Mexico, and it was conceded that the Rio Grande River in the limits of New Mexico was not navigable.

The court below denied the prayer and dismissed the bill, and this decision was reversed and the case sent back, with instructions to the court below "to order an inquiry into the question as to whether the intended acts of the defendants in the construction of a dam and in appropriating the waters of the Rio Grande will substantially diminish the navigability of that stream within the limits of present navigability; and if so, to issue a decree restraining these acts to the extent that they will so diminish."

In the course of the opinion by Mr. Justice Brewer (which was unanimous) the court, after referring to the fact that the city of New York had appropriated the waters of the Croton River, a nonnavigable river and a tributary of the Hudson River, and stating that it could do so without question "unless thereby the navigability of the Hudson should be disturbed," used as a significant illustration of the power of Congress the following language: "On the other hand, if the State of New York should, even at a place above the limits of navigability, by appropriation for any domestic purposes, diminish the volume of water which, flowing into the Hudson, make it a navigable stream, to such an extent as to destroy its navigability, undoubtedly the jurisdiction of the National Government would arise and its power to restrain such appropriation be unquestioned." (709.)

In *United States v. Lynch* (188 U. S., 445), it appeared that the United States for the purpose of improving the navigability of the Savannah River constructed "certain dams, training walls, and other obstructions" which it was claimed flooded the lands belonging to Lynch so "as to substantially destroy their value." The question in the case was whether "the Government in the exercise of its powers of eminent domain and regulation of commerce" had taken the property of the plaintiff below and should make compensation therefor. It is obvious that if the Congress had no constitutional power to improve the navigability of the river by holding back its flow by the dam, its acts would have been tortious and not the legal basis for the exercise of the right of eminent domain. The case was elaborately argued, and there was a vigorous dissenting opinion by some of the ablest members of the court, the majority holding, however, "that there has been a taking of the lands for public uses, and that the Government is under an implied contract to make just compensation therefor." There is no intimation in either the arguments or the opinions that there was any question as to the right of the Government to erect and maintain the dam for the purposes indicated, and the case must have proceeded upon the theory that exercise of such a right was a constitutional exercise of power. Indeed, the minority opinion in substance declares that the damage was "caused by the lawful exercise of the United States of its power to improve navigation," but insists that it was "damnum absque injuria."

We may therefore consider it settled that the United States may constitutionally expend money in damming the waters of a river to improve its navigability. As the Government has the right to take the land of a private individual at one point in a river by the exercise of the right of eminent domain, for the purpose of improving its navigability, it is difficult to see why it can not acquire the land of other individuals, at any other point on the river from its source to its mouth, by purchase or eminent domain (involuntary sale by the owner), for the same purpose to accomplish the same result, especially in view of the fact that it is held that the construction of a dam may be restrained, if it impairs the navigability of the river, though it may be located above the navigable point in a nonnavigable part of the river. The particular means used can not determine the constitutionality of the exercise of the power. If the means are appropriate, the result accomplished is the test. If an artificial reservoir may be created and maintained at one point, no reason is perceived why a natural reservoir may not be restored and maintained at another point. If the purpose and result be the same. The Government has undoubted power to remove obstructions from the navigable part of the river, to prevent obstructions from being placed therein or over the same, to prevent obstructions in the nonnavigable portions that impair its navigability. It would seem to follow that if reforesting the watershed at its source was an appropriate means "plainly adapted to that end" of preventing the depositing in the river of accumulations that would obstruct its navigable portion, that Congress would have the right to acquire and control them for that purpose.

The foresting of the watershed at the source of a river and the prevention of the accumulation of obstruction within its navigable limits, or the improvement of its navigability by increasing the flow of the water therein during the dry season must, in our judgment, be something more than theoretical, technical, fanciful, or negligible. It must be physical, tangible, actual, and substantial, demonstrable by satisfactory competent testimony, in order to justify an appropriation for that purpose. The protection or the improvement of the navigability of the river must also be the real, effective, sole, and not the incidental, purpose of the appropriation. It would not justify an appropriation when the real purpose is the conservation of the supply of raw material for forestry products, or the development of water powers and the protection or improvement of the navigability of the river is only theoretical or incidental thereto. The improvement or conservation of the navigability of the river must be the only purpose for which the appropriation is made. In such case the fact, if it be a fact, that other useful purposes are also served, does not militate against the exercise of the power to accomplish the real purpose of the appropriation, as a matter of law. As a matter of law, such purposes can not be a part of the purpose, although as a matter of fact they may be among the necessary incidentals of the result. In this connection what constitutes navigability should be stated. This is well settled.



In *The Daniel Ball* (10 Wall., 463) the court said: "Those rivers must be regarded as public navigable rivers in law which are navigable in fact, and they are navigable in fact when they are used or are susceptible of being used in their ordinary condition for highways of commerce, over which trade and travel are or may be conducted in the customary modes of the United States within the meaning of the acts of Congress in contradistinction of the navigable waters of the State, when they form in their ordinary conditions by themselves or by uniting with other waters a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water." . . .

And "It would be a narrow rule to hold that in this country unless a river was capable of being navigated by steam or sail vessels it could not be treated as a public highway. The capability of use by the public for purposes of transportation and commerce affords the true criterion of the navigability of a river, rather than the extent and manner of that use. If it be capable in its natural state of being used for purposes of commerce, no matter in what mode the commerce may be conducted, it is navigable in fact and becomes in law a public river or highway" the court said in *The Montello* (20 Wall., 441). These cases have been cited and approved in numerous cases, which are collected in notes to United States Reports, volume 7, page 306, and volume 8, page 328. Whether the deforesting of the land described in the bill has any physical and tangible connection with the navigability of the rivers which have their sources in the respective watersheds was a subject of controversy before our committee, and upon that question of fact we express no opinion, but upon the hypothesis above set forth we are of the opinion that for that specific purpose, and that purpose only, an appropriation can lawfully be made, and that the legislation therefor must in terms be confined to that purpose. It also follows that no land can lawfully be acquired in excess of what is necessary for the carrying out of that purpose, and the bills before us are not properly limited as to the amount that can be lawfully acquired for the one constitutional purpose for which the appropriation can be made.

C. E. LITTLEFIELD,  
G. J. DIEKEMA,  
HENRY BANNON.

We concur in the foregoing views of Messrs. LITTLEFIELD, DIEKEMA, and BANNON.

D. S. ALEXANDER,  
R. O. MOON.

I concur with the foregoing views except that I regard it as at least very doubtful whether the United States can in any event acquire land in the several States for forest purposes. I file separate views on that subject.

RICHARD WAYNE PARKER.

#### VIEWS OF MR. BRANTLEY.

The Committee on the Judiciary has before it House resolution No. 208, which reads as follows:

"Whereas the President, in his message to the Congress at its present session, on December 3, 1907, makes the following recommendation:

"We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the nation. These lands, because they form a national asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean;" and

"Whereas there have been introduced into the House of Representatives bills for the acquirement of national forests in the Southern Appalachian Mountains and the White Mountains, the same being H. R. 10456 and H. R. 10457, which provide as follows:

"That the Secretary of Agriculture is hereby authorized and directed, in his discretion, to acquire for national forest purposes, by purchase or gift, lands more valuable for the regulation of stream flow than for other purposes, and situated on the watersheds of navigable streams in the Southern Appalachian Mountains within the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, and Tennessee, and in the White Mountains within the States of New Hampshire and Maine."

"That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States."

"That the sum of \$5,000,000 is hereby appropriated to carry out the provisions of this act, out of any moneys in the Treasury not otherwise appropriated, and said sum shall be available immediately and until expended for said purpose: *Provided*, That the Secretary of Agriculture shall each year make a detailed report to Congress of the lands purchased under this act, and the cost thereof; Therefore be it

*Resolved*, That so much of the President's message, above referred to, which relates to the acquisition of lands in the Southern Appalachian and White Mountains 'for the use of the nation' be referred to the Committee on the Judiciary of the House of Representatives, together with the questions involved in the bills referred to, directing the Secretary of Agriculture to acquire for national forest purposes lands in the Southern Appalachian and White Mountains, within the States named, with instructions to said committee to report fully at an early date their views as to the power of the Federal Government by legislation to acquire, by purchase, condemnation, or otherwise, the lands referred to in said bills, situated in the States mentioned, and to appropriate money therefor, and also what power and authority the Federal Government has by legislation to acquire for the purpose of forest reserves lands within a State wherein the Government of the United States has no public domain, and to make appropriation therefor."

It is to be noted that said resolution refers to the committee a certain portion of the President's message, together with certain questions involved in two House bills, to wit, H. R. 10456 and 10457; that is, the questions involved in "directing the Secretary of Agriculture to acquire for national forest purposes lands in the Southern Appalachian and White Mountains within the States named." The resolution then instructs the committee to report fully at an early date their views, first, "as to the power of the Federal Government by legislation to acquire by purchase, condemnation, or otherwise, the lands referred to in said bills, situated in the States mentioned, and to appropriate money therefor;" and, second, "what power and authority the Federal Government has by legislation to acquire for the purpose of forest reserves lands within a State wherein the Government of the United States has no public domain, and to make appropriation therefor."

The power of the General Government to acquire land in a State by purchase, condemnation, or otherwise being unquestioned, where the same is necessary to some governmental use, authorized by the Constitution, it becomes necessary in the very outset of the investigation directed to be made to inquire as to the uses for which it is proposed to acquire the land and the forest reserves referred to in said resolution. In *McCulloch v. Maryland* (4 Wheaton, 421) it is said:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adequate to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional."

Our inquiry must be, first, as to whether the owning of lands and forest reserves in a State by the General Government is itself the end sought to be attained by acquiring them or whether such acquiring is designed as a means to some other end. This inquiry must be determined before we can pass on the question of whether the end is legitimate and within the scope of the Constitution. The importance of this inquiry is further apparent in the light of the statement of the Supreme Court in 117 U. S., 158, in the case of *Van Brocklin v. Tennessee*, to wit:

"The United States do not and can not hold property as a monarch may for private or personal purposes. All the property and revenues of the United States must be held and applied as all taxes, duties, imposts, and excises must be laid and collected 'to pay the debts and provide for the common defense and general welfare of the United States.'"

Unless, therefore, it shall appear that said lands and forest reserves are proposed to be held and used in some way for the general welfare, under some power delegated to Congress by the Constitution, it requires no argument to demonstrate that Congress has no power to acquire or to hold them.

#### THE PROPOSED USE OF FOREST RESERVES.

Directing our inquiry, therefore, in the first place, to the proposed uses of the said land and forest reserves, it is essential to carefully scrutinize all the language of the said House bills 10456 and 10457, and as well the history of said bills in so far as the same is shown in the proceedings of the previous Congress and in the results of the act of the previous Congress. Proceeding with the investigation in this way, we find that the agricultural bill approved March 4, 1907, required the Secretary of Agriculture to investigate the watersheds of the Southern Appalachian and White Mountains "and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government purchasing and setting apart the same as national forest reserves for the purpose of conserving and regulating the water supply and flow of said stream in the interest of agriculture, water power, and navigation."

The important thing here to be observed is that the Fifty-ninth Congress in ordering said survey distinctly directed that information be furnished as to the advisability of acquiring the proposed forest reserves, not as an end in itself, but as a means to other specified ends, to wit, "for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation."

It is a just assumption that the Fifty-ninth Congress felt authorized in appropriating money for this survey, and it is to be noted that one of the ends sought to be achieved by the survey, whatever may be said of the others, was clearly within the constitutional power of Congress, and that end is the conserving and regulating the water supply of certain streams in the interest of navigation. I have examined the report of the Secretary of Agriculture made in pursuance of said direction of the Fifty-ninth Congress. The same is embraced in Senate Document No. 91, Sixtieth Congress, first session. In this report the Secretary states, among other things, that "all the waters gathered by the Southern Appalachian and White Mountains flow to the sea through navigable rivers," and he submits an argument supported by facts presented by him that the preservation of the forests in these mountains would equalize the flow of these rivers, tending to the avoidance of floods and freshets and to a greater volume of water in time of drought. His argument is that forest reserves in these mountains would aid navigation in all streams having their source in these mountains. The committee does not undertake to pass judgment on this argument, but refers to it in order to determine whether or not there is any constitutional purpose sought to be accomplished by the proposed forest reserves. Gentlemen presumably competent to advise on such matters have appeared before the committee and urged that the preservation of the forests on the Southern Appalachian and White Mountains would materially aid the navigability of certain navigable rivers, but, as just stated, the committee does not feel that it has jurisdiction or is called upon to report a conclusion on the facts involved in this argument.

We next take notice of H. R. 10456 and H. R. 10457, the language in each being the same. The description of the lands to be acquired under these bills is, first, "lands more valuable for the stream flow than for other purposes," and, second, lands "situated on the watersheds of navigable streams." This language clearly indicates a relation of some kind between these lands and the streams having their origin in them and a purpose to utilize that relation in the interest of such streams. Provision is made in the bill for allowing private parties to control any minerals that may be on the lands acquired, and as well that merchantable timber may be removed by such parties under regulations to be prescribed by the Government. Provision is also made for private parties to obtain lands "chiefly valuable for agriculture" that the Government may chance to acquire in its purchases of forest lands. All these provisions point directly to the conclusion that one of the purposes of these bills, if not the primary purpose, is to control the watersheds of the streams rising in these mountains in the direct interest of these streams. The exclusion of minerals, merchantable timber, and agricultural lands from the reserves leaves no other conclusion to be fairly reached. That this conclusion is correct, is shown, I think, in the language of section 10 of the bills, to wit: "That the Secretary of Agriculture may, for further protection of the watersheds of said navigable streams," do certain other things. In other words, all that precedes in the bills is for the purpose of protecting the watersheds of navigable rivers, and what follows in section 10 is for the further protection of such watersheds.

#### THE REAL INQUIRY.

Assuming that this conclusion as to the purpose of these bills is correct, the real inquiry that is presented to the committee relates to the power of Congress under the Constitution to acquire lands and establish forest reserves in a State where no public domain now exists for the purpose of improving or adding to the navigability of certain nav-

igable rivers. The committee is not called upon to determine whether, as a matter of fact, the growth of forests or the preservation of forests on mountains would aid the navigability of navigable rivers having their source in such mountains. That question, presumably, the House has reserved for its own decision. The committee is called upon to report simply on the question of power, assuming the existence of the facts necessary to the exercise of the power. The power of Congress over navigation and to appropriate money for the improvement of rivers and harbors has been so universally acquiesced in for so long a period of time as to be now unquestioned. This power is derived from the commerce clause of the Constitution. As far back as 3 Wallace, 724, in the case of *Gilman v. Philadelphia*, the Supreme Court said:

"Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose and to the extent necessary of all the navigable waters of the United States which are accessible from a State other than that in which they lie. For this purpose they are the public property of the nation and subject to all the requisite legislation by Congress. This necessarily includes the power to keep them open and free from any obstruction to their navigation, imposed by the State or otherwise; to remove such obstructions when they exist, and to provide by such sanctions as they may deem proper against the occurrence of the evil and for the punishment of offenders. For these purposes Congress possesses all the power which existed in the States before the adoption of the National Constitution and which have always existed in the Parliament of England. It is for Congress to determine when its full power shall be brought into activity and as to the regulation and sanction which shall be provided."

The Secretary of Agriculture has informed us that all the navigable rivers having their source in the mountains referred to, and that it is claimed would be benefited by the proposed forest reserves, "flow to the sea." They are all therefore "accessible from a State other than those in which they lie" and are "subject to all the requisite legislation by Congress" for their control in the regulation of commerce. Congress having the power "to keep them open and free from any obstructions" and "to remove such obstructions," and having the power "to provide by such sanctions as they may deem proper against the occurrence of the evil," and also "to determine when its full power shall be brought into activity," and also to determine "as to the regulation and sanctions which shall be provided," it would seem to be incontrovertible under this authority that Congress has the power to acquire and own the proposed forest reserves if in its judgment such forest reserves would aid navigation. The question, it seems to me, is one of discretion, not one of power.

The Savannah River is one of the rivers that it is claimed would be directly benefited by the proposed forest reserves. In the case of *South Carolina v. Georgia* et al. (94 U. S., 4), the second headnote reads: "Congress has the same power over the Savannah River that it has over the other navigable waters of the United States."

In the opinion the court says, page 9:

"That the power to regulate interstate commerce and commerce with foreign nations, conferred upon Congress by the Constitution, extends to the control of navigable rivers between States—rivers that are accessible from other States at least to the extent of improving their navigability—has not been questioned during the argument nor could it be with any show of reason. From an early period in the history of the Government it has been so understood and determined."

The court quotes the extract from *Gilman v. Philadelphia* (3 Wallace, 724) just above and says:

"Such has uniformly been the construction given to that clause of the Constitution which confers upon Congress the power to regulate commerce."

In a Wisconsin case, reported in 96 U. S., 387, the same involving certain river and harbor improvements and the laws of Congress in reference to them, the court, in speaking of these laws, says:

"They amount to the declaration of the Federal Government that we here interpose and assert our power. We take upon ourselves the burden of this improvement which properly belongs to us and that hereafter this work for the public good is in our hands and subject to our control. Nor can there be any doubt that such action is within the constitutional power of Congress. It is a power which has been exercised ever since the Government was organized under the Constitution."

In the celebrated case of *Gibbons v. Ogden* (9 Wheaton) the court said, page 190:

"The power over commerce, including navigation, was one of the primary objects for which the people of America adopted their Government, and must have been contemplated in forming it."

Again, on page 195, the court says:

"The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union, and furnish the means of exercising this right. If Congress has the power to regulate it, that power must be exercised wherever the subject exists."

#### CONGRESS HAS POWER BEYOND NAVIGABLE PORTIONS OF STREAMS.

The power of Congress over navigation extends beyond that portion of a navigable stream that is actually navigable, and it covers every navigable river in the United States. Congress long ago exercised its power over a navigable river beyond the point of its navigability, and the Supreme Court has upheld its act in so doing.

In the act of September 19, 1890 (26 Stat., 454, par. 10), it is provided:

"That the creation of any obstruction, not affirmatively authorized by law, to the navigable capacity of any waters, in respect of which the United States has jurisdiction, is hereby prohibited, etc."

Again, in the river and harbor act of March 3, 1899, in section 10, it is provided—

"That the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited."

Note must be given to the broader language used in the later act and to the substitution of "authorized by Congress" for "authorized by law." Both these laws are construed in a case reported in 174 U. S., 690. Here a dam was proposed to be erected in the waters of a navigable river, but at a point far above where the river was actually navigable. The United States Government sought to enjoin the building of the dam, on the ground that it would interfere with the navigable portion of the river by decreasing the supply of water. The lower court's decision was adverse to the Government. A reversal was had in the Supreme Court and the case remanded with directions in which there is ordered an "inquiry into the question whether the intended act of the defendants in the construction of a dam and in appropriating the waters of the Rio Grande will substantially diminish the navi-

gability of that stream within the limits of present navigability, and, if so, to enter a decree restraining these acts to the extent that they will so diminish."

In the opinion, page 703, the court, in speaking of the power of a State to permit the appropriation of flowing waters for such purposes as it deems wise, said there were two limitations to this power. The first, that a State can not in the absence of authority from Congress so legislate as to destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of the waters; the second—"that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country, even against any State action."

The court further discussed the act of September 19, 1890, as amended and reenacted July 13, 1892, 27 Stat., 110 (quoted above), and said, page 708:

"It was an exercise by Congress of the power oftentimes declared by the court to belong to it of national control over navigable streams."

"It is urged that the true construction of this act limits its applicability to obstructions in the navigable portion of a navigable stream, and that as it appears that although the Rio Grande may be navigable for a certain distance above its mouth, it is not navigable in the Territory of New Mexico, the statute has no applicability. The language is general and must be given full scope. It is not a prohibition of any obstruction to the navigation, but any obstruction to the navigable capacity, and anything, wherever done, or however done, within the limits of the jurisdiction of the United States which tends to destroy the navigable capacity of one of the navigable waters of the United States is within the terms of the prohibition. Evidently Congress, perceiving that the time had come when the growing interests of commerce required that the navigable waters of the United States should be subjected to the direct control of the National Government, and that nothing should be done by any State tending to destroy that navigability without the explicit assent of the National Government, enacted the statute in question, and it would be to improperly ignore the scope of this language to limit it to the acts done within the very limits of navigation of a navigable stream."

If Congress has the power, as this opinion declares, to legislate against obstructions that interfere with the "navigable capacity" of navigable streams "wherever done or however done within the limits of the United States," and regardless of whether done in the navigable portions of such streams, why has not Congress an equal power to legislate in the same way to increase the "navigable capacity" of such streams? If it be a fact that denuding the mountains of their forest results in filling up the navigable streams in their navigable portions with silt, dirt, or debris, causing obstructions therein, why has not Congress the same power to prevent the formation of such obstructions that it has to remove such obstructions after they have been formed? If Congress has the power to remove a dam, placed far above the navigable portion of a navigable stream, because it is an obstruction to the navigable portion of the stream, in that it decreases the flow of water, why has not Congress equal power to remove any other obstructions in the stream at any point between the ending of navigation and the source of the stream, if such obstruction decreases the flow of water in the navigable portion of such stream? If it be a fact that destroying the forests on the mountain side results in a greatly reduced flow of water during periods of drought in all streams having their origin in such mountains, why has not Congress the same power where such streams are navigable to prevent the destruction of such forests that it has to prevent a dam at some other point on the non-navigable portion of the stream? Why is not one thing just as important to be done as the other in the interest of navigation? Is not prevention more important than cure, and particularly so when in all the experience of our Government cure by dredging has never been anything but a temporary cure? In the light of the authority just quoted, there appears to be involved in the resolutions referred to the committee only questions of fact and matters of policy. The existence of the power inquired about appears to be amply assured.

The case of *Kansas v. Colorado*, reported in 206 U. S., 46, is not an authority against the existence in Congress of such power, but, on the contrary, in so far as it touches this particular question of power, the opinion clearly indicates its existence. In this case the Supreme Court denied the power of the United States to control the waters of a river in a State for the purpose of reclamation of arid lands, the court holding that the reclamation of arid lands within a State is not within the constitutional power of Congress. But the court said, page 86:

"It follows from this that if in the present case the National Government was asserting as against either Kansas or Colorado that the appropriation for the purposes of irrigation of the waters of the Arkansas was affecting the navigability of the stream, it would become our duty to determine the truth of the charge. But the Government makes no such contention. On the contrary, it distinctly asserts that the Arkansas River is not now and never was practically navigable beyond Fort Gibson, in the Indian Territory, and nowhere claims that any appropriation of the waters by Kansas or Colorado affects its navigability."

In the syllabus the existence of the specific power being discussed is clearly recognized, to wit:

"While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream."

Here is express recognition of the power of Congress, within a State, to control the flow of a stream for the purpose of preserving or improving its navigability.

If it be a fact that a forest on the mountain side will control the flow of a stream having its origin in the mountain, and that such control will preserve or will improve the navigability of the stream, why is not the language quoted direct authority for Congress to preserve the forests on such mountain side?

The syllabus just quoted from *Kansas v. Colorado*, amply supported as it is by the full text of the opinion, furnishes authority for the contention that Congress has no constitutional power to control the flow of a stream within a State for the purpose of aiding agriculture or improving water power, which are two other alleged purposes of forest reserves, as shown in the order for survey contained in the act of March 4, 1907, but at the same time it furnishes equally strong author-



ity for the proposition that Congress may control such stream flow for the purpose of preserving or improving the navigability of such streams.

It can not be seriously argued that because Congress in aiding navigation will at the same time produce other beneficial results, that Congress has no power to aid navigation. The control and regulation of the flow of water in a stream would undoubtedly improve the value of the water power on such stream, but it would to a greater extent improve the navigability of the stream. If such stream was navigable, there could be no use made of its water power by a State or individuals that would interfere with its "navigable capacity," and its water power, controlled as it would be by the State, whatever might be its value, would be subservient to the preservation of its navigability. If by controlling stream flow freshets and floods could be avoided or substantially reduced in volume or in frequency, agriculture would undoubtedly be benefited, because agricultural lands would be saved the deposits destroying their fertility and left on them by overflows; but would not this be a mere incident? Must Congress be denied its undoubted power to improve and preserve the navigability of navigable streams because in so doing there will be other beneficial results? Congress has never made an appropriation for any public improvement in any community, whether for harbor improvements or buildings, that has not resulted in benefiting the community in many ways, and yet the appropriation has always been justified because intended for a distinct constitutional purpose.

The incidental benefits in other directions that have followed have never stood in the way of an appropriation for a legitimate end.

#### PREVIOUS ACTS OF CONGRESS.

The direct question as to the power of Congress to aid navigation by acquiring land within a State to be used as forest reserves has never arisen, so far as I am advised, but both Congress and the Supreme Court have repeatedly recognized the power of Congress to acquire, by purchase or condemnation, lands within a State for the purpose generally of aiding navigation.

I am not prepared to advise that this power is limited to any specific area of land short of what is actually necessary for the particular constitutional purpose of aiding navigation.

The act of April 28, 1888 (25 Stat., 94), reads:

"The Secretary of War may cause proceedings to be instituted in the name of the United States in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land, right of way, or material needed to enable him to maintain, operate, or prosecute work for the improvement of rivers and harbors for which provision has been made by law, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided, however, That when the owner of such land, right of way, or material shall fix a price for the same, which in the opinion of the Secretary of War shall be reasonable, he may purchase the same at such price without further delay: And provided further, That the Secretary of War is hereby authorized to accept donations of lands or material required for the maintenance or prosecution of such works.*"

In 188 U. S., 445, is reported a case for damages against the United States, caused by overflowing lands as the result of putting in dams and training walls in the Savannah River. The damages were allowed.

In the syllabus, the court says:

"Notwithstanding that the work causing the injury was done in improving the navigability of a navigable river, and by the Constitution Congress is given full control over such improvements, the injuries can not be regarded as purely consequential, and the Government can not appropriate property without being liable to the obligation created by the fifth amendment of paying just compensation."

Mr. Justice Brewer said, page 404:

"It is earnestly contended in argument that the Government had a right to appropriate this property. *This may be conceded, but there is a vast difference between a proprietary and a governmental right.*"

"Very different from this proprietary right of the Government in respect to property which it owns is its governmental right to appropriate the property of individuals."

"*All private property is held subject to the necessities of government.*"

The right of eminent domain underlies all such rights of property. The Government may take personal or real property, whenever its necessities or the exigencies of the occasion demand."

Congress has extended its power to nonnavigable waters adjacent to navigable waters, and for the express purpose of preventing the navigable waters from being filled up with earth and other material, the identical purpose that it is claimed forest reserves would serve. In 85 Statutes, Law 1147, Congress has empowered the Secretary of War "to prescribe regulations to govern the transportation and dumping into any navigable waters or waters adjacent thereto, of dredgings, earth, garbage, and other refuse materials of every kind or description, whenever in his judgment such regulations are required in the interest of navigation."

Congress has extended its jurisdiction to prevent floods in a navigable river, another purpose that it is claimed forest reserves would serve. In 21 Statutes, Law 38, Congress conferred the power upon and made it the duty of the Mississippi River Commission to mature, among others, plans "to prevent destructive floods."

#### THE POWER GENERALLY TO ACQUIRE LAND.

I stated in the outset that the power of Congress to acquire land in a State by purchase or condemnation was unquestioned, provided a necessity to acquire it for some legitimate governmental use existed. The authorities for this proposition are ample.

Article 1, section 8, of the Constitution reads:

"Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States, and to exercise like authority over all places purchased by consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dock yards, and other needful buildings."

This section, however, is not in any respect a limitation on the power of Congress to acquire lands in a State, but is a limitation on the power of Congress to "exercise exclusive legislation."

In Kohl v. U. S., reported in 91 U. S., 367, 371, the court says:

"The powers vested by the Constitution in the General Government demand for their exercise the acquisition of lands in all the States. These are needed for forts, armories, and arsenals, for navy-yards and light-houses, for custom-houses, post-offices, and court-houses, and for other public uses."

Also—

"No one doubts the existence in the State governments of the right of eminent domain—a right distinct from and paramount to the right of ultimate ownership. But it is no more necessary for the exercise of the powers of a State government than it is for the exercise of the conceded powers of the Federal Government. That Government is as sovereign within its sphere as the States are within theirs. True, its sphere is limited. Certain subjects only are committed to it; but its power over those subjects is as full and complete as is the power of the States over the subjects to which their sovereignty extends. The power is not changed by its transfer to another holder. But if the right of eminent domain exists in the Federal Government, it is a right which may be exercised within the States, so far as is necessary to the enjoyment of the powers conferred upon it by the Constitution."

In 109 U. S., 518, the court says:

"The power to take private property for public uses, generally termed the right of eminent domain, belongs to every independent government. It is an incident of sovereignty and, as said in *Boom v. Patterson* (98 U. S., 106), requires no constitutional recognition."

In *Fort Leavenworth Railroad Company v. Lowe* (114 U. S., 527) the syllabus states:

"In the act admitting Kansas as a State, there was no reservation of Federal jurisdiction over the Fort Leavenworth Military Reservation. The State of Kansas subsequently ceded to the United States exclusive jurisdiction over the same, 'saving further to said State the right to tax railroad, bridge, or other corporations, their franchises and property, on said reservation.' Held, that the property and franchises of a railroad company within the reservation was liable to pay taxes in the State of Kansas, imposed according to its laws."

On page 530 the court, after quoting Article I, section 8 of the Constitution, says:

"This power of exclusive legislation is to be exercised, as thus seen, over places purchased by consent of the legislatures of the States in which they are situated, for the specific purposes enumerated. . . . Purchase with such consent was the only mode then thought of for the acquisition by the General Government of title to lands in the States. Since the adoption of the Constitution this view has not generally prevailed. Such consent has not always been obtained nor supposed necessary for the purchase by the General Government of lands within the States. . . . The consent of the States to the purchase of lands within them for the special purposes named is, however, essential under the Constitution to the transfer to the General Government, with the title of political jurisdiction and dominion. When lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor. The property in that case, unless used as a means to carry out the purposes of the Government, is subject to the legislative authority and control of the States equally with the property of private individuals. But not only by direct purchase have the United States been able to acquire lands they needed without the consent of the States, but it has been held that they possess the right of eminent domain within the States, using those terms, not as expressing ultimate dominion or title to property, but as indicating the right to take private property for public uses, when needed to execute the powers conferred by the Constitution; and that the General Government is not dependent upon the caprice of individuals or the will of State legislatures in the acquisition of such lands as may be required for the full and effective exercise of its powers. This doctrine was authoritatively declared in *Kohl v. United States*" (91 U. S., 367.)

The court, after quoting from various opinions of other courts and of Attorneys-General of the United States, concludes, page 539:

"Where, therefore, lands are acquired in any other way by the United States within the limits of a State than by purchase with her consent, they will hold the lands subject to this qualification: that if upon them forts, arsenals, or other public buildings are erected for the uses of the General Government, such buildings with their appurtenances, as instrumentalities for the execution of its powers, will be free from any such interference and jurisdiction of the State as would destroy or impair their effective use for the purposes designed. Such is the law with reference to all instrumentalities created by the General Government. Their exemption from State control is essential to the independence of and sovereign authority of the United States within the sphere of their delegated powers. But when not used as instrumentalities, the legislative power of the State over the places acquired will be as full and complete as over any other places within her limits."

In reference to the particular case before it, the court said, page 539:

"It not being a case where exclusive legislative authority is vested by the Constitution in the United States, that cession could be accompanied with such conditions as the State might see fit to annex, not inconsistent with the free and effective use of the fort as a military post."

In answer to the objection that a State has no power to cede away her jurisdiction and legislative power over any portion of her territory, except as such cession follows under the Constitution from her consent to a purchase by the United States for some one of the purposes mentioned in the Constitution, the court says, page 540:

"It is undoubtedly true that the State, whether represented by her legislature or through a convention specially called for that purpose, is incompetent to cede her political jurisdiction and legislative authority over any part of her territory to a foreign country without the concurrence of the General Government."

But the court says, page 541:

"In their relation to the General Government the States of the Union stand in a very different position from that which they hold to foreign governments. Though the jurisdiction and authority of the General Government are essentially different from those of the State, they are not those of a different country; and the two, the State and the General Government, may deal with each other in any way they may deem best to carry out the purposes of the Constitution."

The question presented in *Van Brocklin v. State of Tennessee* (117 U. S., 151) was whether lands in the State of Tennessee sold for taxes by the United States and bought in by the United States could be taxed by the State while they were owned by the United States. In a most elaborate opinion the court held they could not be so taxed. The syllabus is:

"Property of the United States is exempt by the Constitution of the United States from taxation under the authority of a State."

In the opinion this summing up of the power of the United States to acquire and own lands within a State is made, page 154:

"So the United States, at the discretion of Congress, may acquire and hold real property in any State, whenever such property is needed for

the use of the Government, in the execution of any of its powers, whether for arsenals, fortifications, light-houses, custom-houses, court-houses, barracks, or hospitals, or for any other of the many public purposes for which such property is used; and when the property can not be acquired by voluntary arrangement with its owners it may be taken against their will by the United States, in the exercise of the power of eminent domain, upon making just compensation, with or without a concurrent act of the State in which the land is situated (10 Peter, 25; 91 U. S., 367; 94 U. S., 315, 320; 100 U. S., 513; 112 U. S., 645; 114 U. S., 525)."

In *Cherokee Nation v. Kansas Railway Company* (135 U. S., 641) the court denied the right of the Cherokee Nation, as the owner of land in the Indian Territory, to prevent a railroad company, under power vested in it by Congress, from condemning such land for right of way. The court said, page 656:

"The fact that the Cherokee Nation holds these lands in fee simple under patents from the United States is of no consequence in the present discussion, for the United States may exercise the right of eminent domain, even within the limits of the several States, for purposes necessary to the execution of the powers granted to the General Government by the Constitution."

The court quotes with approval the opinion of Mr. Justice Bradley, in 35 Federal Reporter, 9, 19, page 656, as follows:

"The argument based upon the doctrine that the States have the eminent domain or highest dominion in the lands comprised within their limits, and that the United States have no dominion in such lands, can not avail to frustrate the supremacy given by the Constitution to the Government of the United States in all matters within the scope of its sovereignty. . . . Whatever may be the necessities or conclusions of theoretical law as to eminent domain or anything else, it must be received as a postulate of the Constitution that the Government of the United States is invested with full and complete power to execute and carry out its purposes."

The court further, page 657, said:

"The lands in the Cherokee territory, like the lands held by private owners everywhere within the geographical limits of the United States, are held subject to the authority of the General Government to take them for such objects as are germane to the execution of the powers granted to it, provided only that they are not taken without just compensation being made to the owner."

In *United States v. Gettysburg Electric Railway* (160 U. S., 668) it is held not only that the United States has power to hold lands in a State for the purpose of "preserving the lines of battle at Gettysburg, Pa., and for properly marking with tablets the positions occupied by the various commands of the armies of the Potomac and of northern Virginia on that field, and for opening and improving avenues along the positions occupied by troops upon those lines, and for fencing the same, and for determining the leading tactical positions of batteries, regiments, brigades, divisions, corps, and other organizations, with reference to the study and correct understanding of the battle and to mark the same with suitable tablets, each bearing a brief historical legend compiled without praise and without censure," but that the United States has power to condemn lands within a State for such purpose. The court below held that "the intended use of the land is not that kind of a public use for which the United States has the constitutional power to condemn land," and this holding was reversed by the unanimous opinion of the Supreme Court.

Mr. Justice Peckham, for the court, page 679, said the important question to be determined was whether the use proposed was of that kind of public use for which the Government of the United States is authorized to condemn land. He said:

"It has authority to do so whenever it is necessary or appropriate to use the land in the execution of any of the powers granted to it by the Constitution."

He said, page 680:

"Upon the question whether the proposed use of this land is a public one, we think there can be no well-founded doubt. And also, in our judgment, the Government has the constitutional power to condemn the land for the proposed use. It is, of course, not necessary that the power of condemnation for such purpose be expressly given by the Constitution. The right to condemn at all is not so given. It results from the powers that are given, and it is implied, because of its necessity or because it is appropriate in exercising these powers. Congress has the power to declare war and to create and equip armies and navies. It has the great power of taxation to be exercised for the common defense and general welfare. Having such powers, it has such other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect. Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country, and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress, must be valid. This proposed use comes within such description."

He further said:

"The end to be attained by this proposed use, as provided for by the act of Congress, is legitimate and lies within the scope of the Constitution."

He further said, page 683:

"Its national character and importance, we think, are plain. The power to condemn for this purpose need not be plainly and unmistakably deduced from any one of the particularly specified powers. Any number of these powers may be grouped together, and an inference from them all may be drawn that the power claimed has been conferred."

These authorities fully sustain the proposition that Congress has the power to acquire lands in any State for any legitimate governmental use, and that Article I, section 8, of the Constitution does not limit this power. The limitation of this power that is fixed by the Constitution is that such lands can be acquired only in execution of some power that is delegated to Congress.

#### POLITICAL POWER AND LEGISLATIVE CONTROL.

If the United States should acquire a forest reserve in a State, a most interesting and important question would arise as to where the political power and legislative control over such forest reserve would vest, and this is a question separate and apart from the question of power in the United States to acquire such reserve. H. R. 10456 and 10457 provide that such reserves shall not be acquired in a State without the consent of such State. The language of section 2 is:

"That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for national forest purposes."

Section 4 prohibits any payment for the lands "until the title shall be satisfactory to the Attorney-General and shall be vested in the United States." If the State consents to the passing of the title for national forest purposes and the title is actually approved and passed, nothing further will be required by the United States. Section 8 gives to the United States jurisdiction to punish offenses only, leaving all other jurisdiction in the State. Section 7, however, provides that "The lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provision of section 24 of the act approved March 3, 1891, volume 26, Statutes 1103, and acts supplemental to and amendatory thereof."

This section confers more jurisdiction on the United States than the simple one of punishing offenses.

In my opinion, should the United States acquire forest reserves in a State for the purpose of navigation, which it has the constitutional power to do, and no more appeared than the mere fact of acquiring title by the United States, whether by purchase or condemnation, the United States would hold such land as any other proprietor in the State, subject to the complete jurisdiction of the State, save in two particulars. The State could not tax the lands, nor could it interfere with the governmental uses for which the United States acquired them. This, I think, is made perfectly clear by the *Fort Leavenworth* case (114 U. S., 527) and the *Van Brocklin* case (117 U. S., 151), as well as in some of the other cases already cited. In order for the United States to exercise any other jurisdiction over such lands, the State would have to expressly cede such other jurisdiction. These bills require no cession of jurisdiction by the States. They simply require the consent of the State that the title shall pass for national forest purposes. The consent to the passing of title would not add anything to the two rights or privileges already referred to, for these the United States would enjoy, even though the State had not consented to the passing of the title.

In the absence of a cession of jurisdiction for that purpose by the State, the United States would have no jurisdiction to set apart such lands as "permanent national forest lands" and control them as such for a purpose wholly unrelated to navigation, nor could the State cede jurisdiction for such purpose, for the power of the State and the power of the United States is each limited to ceding jurisdiction and accepting jurisdiction over land within a State for a constitutional use, and such use, as we have already seen, is not a constitutional use. Again, forest reserves as an aid to navigation not being "needful buildings," nor in any sense related to the properties or purposes described in Article I, section 8, of the Constitution, it is much to be doubted if the United States, even with the express grant of the State, could exercise "exclusive" legislative power over them. There is some force in the suggestion that Article I, section 8, of the Constitution limits the power of the United States to exercise "exclusive" legislative power in a State to the particular properties and purposes enumerated. Be that as it may, however, it is quite evident that a simple consent of the State that the United States might purchase lands within its domain would confer no legislative power, exclusive or otherwise, on the United States that would not attach without such consent.

Where land is acquired in a State by the United States for one of the purposes enumerated in Article I, section 8, of the Constitution, and the State consents thereto, the Constitution immediately confers exclusive legislative power over such land upon the United States. In the case of *Fort Leavenworth* (114 U. S., 527) the court quotes with approval, on page 533, from Mr. Justice Story, in *United States v. Cornell* (2 Mason, 60), as follows:

"For it may well be doubted whether Congress is by the terms of the Constitution at liberty to purchase lands, property, dockyards, etc., with the consent of the State legislature, where such consent is so qualified that it will not justify exclusive legislation of Congress there. It may well be doubted if such consent be not utterly void."

This rule has no application to lands acquired in a State for some constitutional purpose other than those enumerated in Article I, section 8, and in all such other cases where a State cedes jurisdiction it may limit or qualify such cession as it sees proper to do.

In *Cooley's Constitutional Law*, third edition, page 103, the entire matter is summed up as follows:

"The Constitution, as we have seen, provides for the exclusive jurisdiction in the United States not only over the seat of government but over other places purchased with the consent of the legislature of the State for the erection of needful buildings. This power of exclusive legislation carries with it exclusive jurisdiction; the full sovereign authority over such places passes under such circumstances into the hands of the National Government. The State, therefore, can not take cognizance of acts committed there, and the inhabitants of those places cease to be inhabitants of the State and can no longer exercise any civil or political rights under the laws of the State. But land within the limits of a State can be acquired for governmental purposes in other ways than by purchase with the consent of the legislature; and if acquired in any other way exclusive jurisdiction and legislative power do not pass to the United States. The property may be purchased without the consent of the legislature, may be taken under the power of eminent domain, or may be part of territory originally belonging to the United States and not exempted from the jurisdiction of the State at the time of the admission of the State wherein the property lies. In these cases the interest of the United States is that of an ordinary proprietor, but doubtless, under any circumstances, the Federal property, however acquired, would be free from any such interference for Federal purposes. The State may also cede jurisdiction to the Federal Government over any such place, and in doing so may make such restrictions or conditions as it may see fit, provided they are not inconsistent with the effective use of the property for the purposes for which it was acquired."

Upon the question now being discussed the decision of Judge Seaman (71 Fed. Rep., 545) is to the point. The syllabus is:

"The purchase of lands in a State by the General Government with legislative consent does not ipso facto confer upon the General Government exclusive jurisdiction unless the purchase is for a fort or for some other purpose distinctly named in Article I, section 8, of the Constitution; and in order that exclusive jurisdiction may be acquired over land taken for any other purpose, the act providing therefor and calling for the consent must unequivocally declare that exclusive jurisdiction is intended and necessary, or such necessity must be manifest from the purpose of the act."

Judge Seaman, in his opinion, page 552, says:

"It was declared by Chief Justice Spencer, in the great and leading case of *People v. Godfrey* (17 Johns, 225), as a fundamental principle, 'that the rights of sovereignty are never to be taken away by implication,' and the rule thus stated is an accepted canon in the construction of powers between the nations and State. Reading the Wisconsin



statute in the light of this rule, and in the view that the purpose was not one for which exclusive legislation was prescribed, either by the Constitution or by Congressional enactments, the omission of the word 'exclusive,' or some equivocal term, is material, and in my opinion the act must be interpreted as ceding—that is, yielding or surrendering—to the United States such jurisdiction as Congress may find necessary for the object of the cession and for the exercise of which there must be clear enactments to that end within its powers."

The Wisconsin act reads:

"That jurisdiction over the several tracts of land hereinafter mentioned be, and hereby is, ceded to the United States of America."

In 114 U. S., 545, *Chicago and Pacific Railway Co. v. McGlinn*, the court referred to the point made in the argument of *Fort Leavenworth v. Lowe et al.*, same volume, that the act of cession by the State of Kansas conferred "exclusive" jurisdiction over the territory to the United States and that any limitations in the act were void. The court said, in speaking of *Fort Leavenworth v. Lowe et al.*:

"We there held that a building on a tract of land owned by the United States used as a fort or for other public purposes of the Federal Government is exempted as an instrumentality of the Government from any such control or interference by the State as will defeat or embarrass its effective use for these purposes. But in order that the United States may possess exclusive legislative power over the tract, except as may be necessary to the use of the building thereon as such instrumentality, they must have acquired the tract by purchase, with the consent of the State. This is the only mode prescribed by the Federal Constitution for their acquisition of exclusive legislative power over it. We also held that it is competent for the legislature of a State to cede exclusive jurisdiction over places needed by the General Government in the execution of its powers."

This case involved a suit against a railroad company on the reservation for killing a cow, brought in the State court of Kansas, under a Kansas statute. The railroad company contended that the Kansas statute was void, because the United States had exclusive legislative power over the reservation and that the limitation in the act of cession was void. The court said, page 546:

"We are clear that this contention can not be maintained. It is a general rule of public law, recognized and acted upon by the United States, that whenever political jurisdiction and legislative power over any territory are transferred from one nation or sovereign to another, the municipal laws of the country—that is, laws which are intended for the protection of private rights—continue in force until abrogated or changed by the new government or sovereign. By the cession public property passes from one government to the other, but private property remains as before, and with it those municipal laws which are designed to secure its peaceful use and enjoyment."

In 146 U. S., 325, *Benson v. United States*, the Kansas military reservation and the jurisdiction of the United States thereover was again before the Supreme Court, this time in a prosecution before the circuit court of the United States for murder committed on the reservation. The court, on page 331, said:

"It is contended by appellant's counsel that within the scope of those decisions (114 U. S., 525, and 114 U. S., 542) jurisdiction passed to the General Government only over such portions of the reserve as are actually used for military purposes, and that the particular part of the reserve on which the crime charged was committed was used solely for farming purposes. But in matters of that kind the courts follow the action of the political department of the Government. (2 Wall., 525, 537.) The character and purposes of its occupation having been officially and legally established by that branch of the Government which has control over such matters, is not open to the courts, on a question of jurisdiction, to inquire what may be the actual uses to which any portion of the reserve is temporarily put. There was therefore jurisdiction in the circuit court."

In 162 U. S., 390, *Palmer v. Barrett*, a case from New York, the question arose as to the exclusive jurisdiction of the United States over certain lands adjacent to the navy-yard and hospital in Brooklyn that had been ceded with certain limitations to the United States by the State of New York. The case involved a lease. The court said:

"In the absence of any proof to the contrary it is to be considered that the lease was valid and that both parties to it received the benefits stipulated in the contract. This being true, the case then presents the very contingency contemplated by the act of cession—that is, the exclusion from the jurisdiction of the United States of such portion of the ceded land not used for the governmental purposes of the United States therein specified. Assuming, without deciding, that if the cession of jurisdiction to the United States had been free from condition or limitation the land should be treated and considered as within the sole jurisdiction of the United States," etc.

This last clause suggests the doubt heretofore expressed of the existence of unlimited power in the United States to exercise "exclusive" legislative power in a State with the consent of the State. This doubt is strengthened by the following case:

In *Pollard's Lessee v. Hagan et al.* (3 Howard, 212, 223), the court says, in speaking of the act admitting Alabama into the Union:

"Nothing remained in the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

The court here quotes Article I, section 8, of the Constitution, and says:

"Within the District of Columbia and the other places purchased and used for the purposes above mentioned the national and municipal powers of government of every description are united in the Government of the Union. And these are the only cases within the United States in which all the powers of government are united in a single government, except in the cases already mentioned in the temporary Territorial governments, and there a local government exists."

The opinion, further, page 224, recites:

"We therefore think the United States hold the public lands within the new States by force of the deeds of cession and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess, or have reserved by compact with the new States for that particular purpose. The provision of the Constitution above referred to shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution, but it is inconsistent with the spirit and intention of the deeds of cession."

It should be said of this opinion that the right of "eminent domain," referred to in it, has reference to ultimate ownership and dominion of property rather than to the right to take private property for public uses. It is in the latter sense that the right of "eminent domain" has been so frequently held by the Supreme Court to exist in the United States.

Whatever may be the power of the United States to exercise exclusive legislative power within a State it is not necessary now to determine, nor is it necessary to determine what jurisdiction should be ceded by a State in case the United States purchase forest reserves within its domain. It is quite evident that H. R. 10456 and 10457 do not contemplate that such reserves shall be acquired in any State without the consent of such State, and it is equally evident that these bills do not contemplate that the United States shall exercise exclusive legislative power over such reserves when purchased. These questions therefore are not submitted to the committee. Considering the questions that are presented, there ought to be no difficulty in adjusting the question of power over such reserves between the State and the United States. The Supreme Court said in the *Fort Leavenworth v. Lowe* case (114 U. S., 541) that "the State and the General Government may deal with each other in any way they may deem best to carry out the purposes of the Constitution."

One of the purposes of the Constitution being to preserve and maintain the use of our navigable rivers as aids to commerce, the State and the Federal Government may agree as they deem best to carry out this great purpose. Such agreement can be expressed in the act of Congress by setting forth therein in detail the particular cessions of jurisdiction by the State that would be required by the United States as a condition precedent to purchasing the reserves, and by also setting forth therein the purpose for which such jurisdiction is required. This purpose should plainly appear to be that of aiding navigation. All other purposes should be eliminated. Such an act of Congress, followed by cession from the State of the required jurisdiction for the purpose stated, would constitute the agreement between the United States and the State and would be clearly within the scope of the Constitution.

#### IN CONCLUSION.

It is amply apparent from the foregoing statement that Congress has the constitutional power to acquire lands and forest reserves in a State by purchase, condemnation, or otherwise, as an aid to navigation, if it be made to appear to Congress that such reserves would materially or substantially aid navigation.

WILLIAM G. BRANTLEY.

We concur in the conclusion of Mr. BRANTLEY.

JOHN H. FOSTER.

E. Y. WEBB.

CHARLES Q. TIRRELL.

HENRY S. CAULFIELD.

I concur with Mr. BRANTLEY in his conclusion that Congress has the constitutional power to acquire lands strictly in the interest of navigation, but as the bills pending before the committee are, in my opinion, not based primarily upon this proposition, I desire to guard against committing myself to the policy which I believe to be involved.

CHAS. C. REID.

Mr. TELLER. Mr. President, I know very well that this scheme will eventually be adopted. I have no doubt about it. Whether it will be at this particular time I have some doubt, because I do not believe the other House will pass it. That remark may be out of order—I think it is—and if so I will withdraw that part of it.

But, Mr. President, I have discovered that whenever there is difficulty anywhere, a matter that ought to be rectified, Congress is the body that is applied to. I have an idea that it was the theory of the Government that the National Government should deal with things the States could not properly do. There are plenty of court decisions to that effect. We have had repeated declarations of that kind by public men for many years; and that is the law, Mr. President, which ought to govern us here.

It is not any answer to me to say timber is being destroyed. It is not any answer to say the soil of the New Hampshire hills is being washed into the valleys. If anybody can protect that timber, it is the State of New Hampshire; if anybody can protect the soil, it is the State of New Hampshire; and when you take away from the State the opportunity to do that you minimize and destroy the right of the State.

Now, Mr. President, I am going to let this matter rest where it is. I do not believe I will make any further discussion of it; I will yield to the Senator from Nevada [Mr. NEWLANDS], if he wants to proceed.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. NEWLANDS. Mr. President, I have very little familiarity with the pending bill. I understand that it provides for the acquisition by the General Government of the White Mountain forests, which are the source of the Merrimac and Connecticut and other rivers in New England, and of the Appalachian Mountains, which are the source of most of the rivers of Virginia; all of the rivers, I believe, of North Carolina, South Carolina, and Georgia, and most of the rivers of Alabama and Tennessee.

The Senator from Colorado [Mr. TELLER] objects to the bill, and he states that the national purpose for which these forests are to be acquired, namely, the promotion of navigation as part of interstate and foreign commerce, is a mere pretense; that the real purpose of their acquisition is to use them for timber supply, for pleasure resorts, and for the development of water power in manufacture, and he refers in confirmation of this to the hearings in the House committee, where various citizens appeared, testifying to the uses to which these forests could be put. He also refers in terms of criticism to the legislation of the various States affected, South as well as North, granting to the National Government a certain jurisdiction over these forests in case they should be acquired.

Mr. President, so far as the statutes of the States are concerned in which these various cessions are made, it does not seem to me that they are properly before us now. It may be, as the Senator says, that these various States had not the power to grant anything to the National Government; that they had no power to give it a power where none existed or to make cessions of jurisdiction.

That may all be true, but I suggest that the question before us is whether the National Government has the power under the Constitution to acquire these forests, not whether the States can cede to the National Government such power or can cede it jurisdiction over the lands acquired.

So the question is not whether the people of these various States wish to promote other interests, such as pleasure resorts, timber supply, and manufactures. All those may be incidentally promoted by the preservation of a forest, whether that forest be preserved by the States or by the nation. The question simply before us is, whether the nation has the power to acquire these forests in the interest of interstate and foreign commerce and of the navigation of the rivers which form so important a part of this commerce.

If the power exists, I imagine that Congress is the judge as to when and to what extent it will exercise the power, and the mere failure in discretion will not invalidate the act. But is it possible that there is any failure of discretion in this contemplated act?

Are there any considerations which should be addressed to us as legislators regarding the policy of this act, the power of acquisition being conceded?

I contend there can be no question that wise public policy requires that the nation should move in this matter, and not leave the action entirely to the individual States. I would welcome the cooperation of the States in this great movement. I trust that in this great scheme of internal improvement the energies of the States will be aroused as well as the energies of the National Government.

But a State can only act within its own boundaries, and nature has had no regard whatever for the artificial boundaries of States in its distribution of our rivers. These rivers are rarely, almost never, within the boundaries of a single State, and sometimes they constitute the boundaries between great States.

So it is utterly impossible for any individual State to take up the problem in any comprehensive way, and if the States are to act at all they must act in unison and in cooperation with each other. It does seem to me that the Union of States was organized for the purpose of bringing about cooperative action within the powers granted, and if we can find a power granted that will cover this case the best method of accomplishing cooperation between the States is through the action of the National Congress under the power granted in the Constitution.

Now, that power is the power to regulate interstate and foreign commerce, and under that power, according to the statement of the Senator from Colorado, the National Government has an easement upon every river in the country that is either navigable or capable of being made navigable. I will venture to say we can go further than that; that it has an easement and control over every river that is not navigable, provided such river is tributary to a navigable river and the treatment of that river by scientific methods will promote the navigability of the main river into which it empties.

So the power of the National Government not only extends to those parts that are navigable and those parts that are capable of being made navigable, but it is carried to the remote sources of the streams themselves and the very springs from which they arise, if it can be proved that the control of those sources is essential to the control of the main river itself for the purposes of navigation.

Mr. ALDRICH. Has the pending measure had the consideration of the Inland-Waterways Commission, and do they approve of this legislation?

Mr. NEWLANDS. Mr. President, we have not had either of these specific propositions before us. The Commission has simply taken up the general problems relating to forest preserva-

tion as a part of the development of our waterways, and the opinion is, I think, unanimous that one of the most essential parts of stream treatment and control is the conservation of the waters in these great forests, holding the flood waters and preventing them from being precipitated rapidly into the streams, thus increasing the floods and impeding commerce.

Mr. President, so far as the Appalachian Mountains are concerned, we have the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, Tennessee, and Pennsylvania interested. These mountains are the sources of almost all the rivers that are either navigable or capable of being made navigable in those States, some of the rivers flowing toward the west into the Gulf of Mexico and the others flowing east into the Atlantic Ocean.

Now, how have we treated those rivers thus far? Most unscientifically. The bulk of the expenditure of the nation in the promotion of navigation has been on the rivers which have their sources in the Appalachian Mountains, and the treatment has consisted in what? In flood prevention? No. In the prevention of the erosion of the soil? In a very slight degree. The treatment has consisted in taking out of the rivers by the process of dredging the sand and silt deposited in the rivers during the periods of flood.

What has scientific experience demonstrated as the best method of treating these rivers? The prevention of the floods themselves, the prevention of the erosion of the soil, the prevention of the destruction of the banks, so that the sand and silt may not be deposited in the rivers to be afterwards taken out by the process of dredging.

Flood control, then, is absolutely essential. It is familiar to us all that these forest areas when denuded of their trees rapidly precipitate the waters that fall upon the lands into the tributaries of these great rivers, and the waters are thus forced into the main rivers and create the destructive floods; and they deposit the sand and silt and alluvial soil in the channels of the rivers, whence they are gradually carried into the bays, gulfs, and sounds of the coasts, where they are obstructive to navigation.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. NEWLANDS. Certainly.

Mr. FULTON. I understand the Senator, for the reasons which he has just stated, contends that this is constitutional legislation under the commerce clause.

Mr. NEWLANDS. Yes.

Mr. FULTON. I suggest to the Senator a stronger ground on which to plant the constitutionality. It has been suggested that it should be planted on the right of the General Government to maintain post-roads. The floods washing down the mountain sides make gulleys in the roads, undermine the roads, and make it dangerous for the stage drivers to drive along the roads at night. Clearly it is within the constitutional competency of Congress to protect the stage drivers on a post-road, and I should think that that was a better ground upon which to base the constitutionality of the bill.

Mr. GALLINGER. Mr. President, I think I can give the Senator from Nevada a much stronger reason for the constitutionality of the bill than the Senator from Oregon has in his suggestion about the stage drivers and the bad roads of his part of the country.

Mr. FULTON. No, Mr. President, not in my part of the country, but in the particular part of the country to which the bill applies and to which it is addressed. Besides, these post-roads extend over the mountains, and unquestionably the floods are approximately the cause of any injury that results to the roads.

Mr. GALLINGER. If the Senator will honor us with a visit to the White Mountains of New Hampshire he will find roads there as good as there are in the world, and he will find upon inquiry that the State of New Hampshire has constructed those roads.

Mr. President, I want the attention of the Senator from Nevada [Mr. NEWLANDS], because he is going to discuss the constitutionality of this measure, and I want him to know the facts. More than a year ago in the agricultural appropriation bill this provision was put in the bill:

And to report to Congress the area and natural conditions of said watersheds—

That is, the watersheds of the Appalachian and White Mountain regions—

the price at which the same can be purchased by the Government, and the advisability of the Government purchasing and setting apart the same as national forest reserves for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation.



Congress took that action more than a year ago, and acting upon that, the investigation has been made, out of which investigation has grown the bill that is now before Congress.

If the Senator from Nevada [Mr. NEWLANDS] will bear with me a moment longer, as the Senator from Colorado [Mr. TELLER] has called attention to the opinion of the chairman of the House Committee on the Judiciary, I want to read a few sentences that were concurred in by several members of that committee. In commenting upon this provision in the agricultural bill, this gentleman says:

The important thing here to be observed is that the Fifty-ninth Congress in ordering said survey distinctly directed that information be furnished as to the advisability of acquiring the proposed forest reserves, not as an end in itself, but as a means to other specified ends, to wit, "for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation."

It is a just assumption that the Fifty-ninth Congress felt authorized in appropriating money for this survey, and it is to be noted that one of the ends sought to be achieved by the survey, whatever may be said of the others, was clearly within the constitutional power of Congress, and that end is the conserving and regulating the water supply of certain streams in the interest of navigation. I have examined the report of the Secretary of Agriculture made in pursuance of said direction of the Fifty-ninth Congress. The same is embraced in Senate Document No. 91, Sixtieth Congress, first session. In this report the Secretary states, among other things, that "all the waters gathered by the Southern Appalachian and White Mountains flows to the sea through navigable rivers," and he submits an argument supported by facts presented by him that the preservation of the forests in these mountains would equalize the flow of these rivers, tending to the avoidance of floods and freshets and to a greater volume of water in time of drought.

I owe an apology to the Senator from Nevada for taking so much of his time, but as the Senator from Oregon [Mr. FULTON] raised the question, rather jocularly, as to the constitutional right of this proposed legislation, I wanted to call the Senator's attention to the fact that Congress more than a year ago, in the provision which I have read, provided for this investigation along constitutional lines.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. The Senator from Nevada is entitled to the floor. Does he yield to the Senator from Rhode Island?

Mr. NEWLANDS. I do.

Mr. ALDRICH. I should like to ask the Senator from Nevada if he can tell us about how long it will be before this Inland Waterways Commission will be able to furnish Congress any solution of these difficult problems? The country is awaiting, with more or less expectancy, a report from that Commission. I should like to know whether such a report is likely to reach Congress in time to act upon this bill intelligently at this session or will it be received later on?

Mr. NEWLANDS. I will state that before the Inland Waterways Commission made its report and at the very commencement of its deliberations after its investigation of the last summer I introduced in the Senate a bill, No. 560, which I presented tentatively, as representing my individual views upon the subject. In that bill I provided for an inland waterway fund of \$50,000,000, which is to be reinforced whenever reduced below \$20,000,000 by a bond issue. I also provided in that bill for the coordination of the various scientific surveys of the Government in the development of this work, and also for the appointment of a commission of experts—a board of experts—by the President with full power not only to make plans, but to act and to commence immediately the construction of the various projects which they recommended after their approval by the President of the United States.

The bill also provided for cooperation with the various States in these matters. So that where there were any questions relating to the development of rivers that could not be, as a matter of national power, undertaken by the National Government itself, they could be undertaken by the State governments and by corporations and by individuals, so that we would have everybody—the National Government, the State governments, corporations, and individuals, whoever had any right or interest in the stream—at work in the matter of the development of these rivers for every purpose to which they could be put in civilized society, including, of course, navigation, which is the only power under which the nation could act.

I would prefer not to go into that question at any length, because I understand that the chairman of the committee is desirous of having a vote upon the bill this afternoon, and I do not wish to absorb too much time. I shall present my views regarding the inland-waterways bill when I move the Senate to take up the modified bill which was introduced by me the other day, which provides for the continuance of this Commission and a small fund for expenses. I simply wish to say a word more upon this matter.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. I do.

Mr. CLARK of Wyoming. I want to get the judgment of the Senator from Nevada. I understand this measure contemplates an expenditure of something over \$20,000,000—\$5,000,000 in this bill and looking to fifteen or twenty million dollars later on—in order to carry out the project under the report that was made by the Commission which has investigated it. I understand further that the Senator from Nevada is very much in earnest in his desire to get a permanent inland waterways commission, which shall investigate and pass upon the necessities of the Government in regard to water transportation. I understand further that that Commission, which has been working for some time, has not yet made any report upon this project.

Now, I want to ask the Senator from Nevada if, in his judgment, it is not the wiser course, before entering upon this expenditure of \$20,000,000, to wait until we shall have a favorable report, if it be favorable, of the expert Commission upon this project.

Mr. BRANDEGEE. Mr. President, will the Senator from Nevada yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. I do.

Mr. BRANDEGEE. I want to suggest to the Senator from Nevada that, so far as I know, there is no proposition to spend \$20,000,000; but there is a proposition to buy what land we can in the White Mountains and in the Appalachian Mountain country for \$5,000,000. After that has been administered under the provisions of this bill, if the Department suggests that further action be taken and more money appropriated, then it will be a matter for some future Congress to determine.

Mr. CLARK of Wyoming. Mr. President, if the Senator will bear with me there—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. I am ready to answer the Senator's question.

Mr. CLARK of Wyoming. Mr. President, if the Senator will pardon me a moment, in that view of the case I can not see any reason for this appropriation of \$5,000,000, because, if this bill is justified, it is justified in view of the report which has been made by the Commission appointed to examine this project. If anything is justified to be done under this project, it is to expend the twenty or twenty-odd million dollars which will be required to make it successful. I understand perfectly well, as the Senator states, that it is not a proposition—

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Illinois?

Mr. CLARK of Wyoming. I do.

Mr. HOPKINS. I want to suggest to the Senator that I think the proposition of acquiring the territory as described in this bill is one that antedates the Commission of which he speaks, by which so large an amount of money is to be ultimately expended.

Mr. CLARK of Wyoming. That is true, and nobody was able to form any idea of what the cost of the proposition was. One of the purposes of the appointment of this Commission was to ascertain the cost of the project and whether it can be properly carried out. We have the report of this Commission, in which they say that they have not been able to get an estimate of the amounts for which the land can be bought, but from what they have ascertained as to the value placed upon the lands and what they can be obtained for by condemnation proceedings, they believe, I think, that it would amount to \$20,000,000.

Mr. BRANDEGEE. Mr. President, it seems to me, with the permission of the Senator from Nevada—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. I do.

Mr. BRANDEGEE. It seems that the Senator from Wyoming has put an entirely erroneous construction upon the proposition. He seems to want the Senate to infer that unless Congress shall decide in future to spend \$15,000,000 more this \$5,000,000 that we shall probably to-day authorize to be spent will have been wasted.

Mr. CLARK of Wyoming. That is just exactly it.

Mr. BRANDEGEE. There is nothing to that, in my opinion; for if they spend, say, \$5,000,000 for certain portions of the land at the head of certain streams, and it does protect and preserve the navigability of those streams, I do not see any waste about it; but if the experiment is proven to be successful

and future Congresses want to go further, they can do so, but if the experiment should be a failure, then, of course, the money would be lost, though it would not be \$20,000,000; it would be \$5,000,000.

Mr. HOPKINS. I wish to ask the Senator from Connecticut, in view of his explanation, if it would not be wiser for us to embark upon the expenditure of the \$5,000,000 proposed in this bill than to appropriate the entire \$20,000,000, because if the expenditure of the \$5,000,000 does not conserve the interest of the navigability of these streams it would be an argument for not appropriating the additional \$15,000,000?

Mr. BRANDEGEE. Precisely. The grievance of the Senator from Wyoming is that we are not wasting enough money, as I understand.

Mr. CLARK of Wyoming. Mr. President—

Mr. NEWLANDS. Mr. President, I must decline to be interrupted further.

Mr. CLARK of Wyoming. The Senator from Wyoming has no grievance. He simply rose to ask the judgment of the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. President, the Senator from Oregon [Mr. FULTON] put a question to me, which I assume was facetious, and to which he hardly expects a serious reply. So far as the Senator—

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. NEWLANDS. I must decline to yield further.

The VICE-PRESIDENT. The Senator from Nevada declines to yield.

Mr. NEWLANDS. I will state to the Senator from Oregon that I assured the Senator from Connecticut a short time ago that I would not exhaust much time. I know he is anxious to get on with his bill, and I want to proceed with my remarks. So I must decline to yield.

Mr. FULTON. I must express the hope that the Senator will reform his judgment touching my purpose in asking the question.

Mr. NEWLANDS. Now, as to the inquiry of the Senator from Wyoming [Mr. CLARK]. I understood the Senator to ask whether it would not be better to postpone action upon this bill until after the Inland Waterways Commission, of which I am a member, can consider this project and report upon it. I wish to say to him that I think he misconceives the purpose and function of the Inland Waterways Commission. It has no foundation in statute at all. It is not a body of experts authorized by statute to pass upon these questions.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. Certainly.

Mr. HALE. The Senator refers to some kind of a commission, which he terms the "Inland Waterways Commission." What legally constituted commission is that? What real tribunal is it?

Mr. NEWLANDS. I will state to the Senator from Maine that that Commission has not the authority of any statute passed by the Congress of the United States. It exists simply by the personal selection of the President as advisory to him in recommending to Congress a plan of legislation, his power being derived from that provision of the Constitution which gives him the right to make recommendations to Congress. Of course included in that right is the right to seek information anywhere, to call upon individuals or call upon the people collectively, or to appoint a committee or a commission for that purpose purely advisory to himself. He selected as members of that Commission the Chief of the Corps of Engineers of the Army, the Chief of the Reclamation Service, the Chief of the Forestry Service, a member of the Bureau of Soils, the Chief of the Bureau of Corporations, the chairman of the House Committee on Rivers and Harbors [Mr. BURTON of Ohio], the Senator from Alabama [Mr. BANKHEAD], who had been the leading minority member of that committee in the House, the Senator from Missouri [Mr. WARNER], and myself.

Of that Commission Mr. BURTON was made chairman. I will state that I was quite surprised when I received a letter from the President requesting me to serve upon this Commission, as I represented a State that had no navigable waters. I assumed, however, that the reason for my selection was that in formulating this plan the President desired to avail himself of the experience of one who was interested in irrigation and who had had something to do with the legislation upon that subject, and that the consideration of irrigation was necessary in the study of stream control, the purpose of the inquiry being to co-ordinate the action of all the scientific branches of the Govern-

ment relating to water under one plan of legislation, so they could all work harmoniously for the development of these rivers.

Mr. HALE. What I am waiting for is for the Senator to tell me—he refers to this as the Inland Waterways Commission—how it became constituted a commission, because a commission is always understood, and ought to be understood, as a real, legally constituted body, with defined powers, which make it an active, operative commission, and I was asking the Senator, who knows a great deal more about it than I do, what created this a commission?

Mr. NEWLANDS. Simply the personal selection by the President of certain men whom he thought qualified to aid him in the preparation of a plan of legislation upon this great subject which, if he approved, he could recommend to Congress.

Mr. HALE. Mr. President, did the members of this body receive a commission, a certificated appointment, something that carried with it legal powers? It was something more than an invitation to appear, I suppose, at a certain time and confer together. It being called a Commission—I am not disposed to belittle it, for it is an extremely important subject-matter—my theory, with some experience in Congress, is that a commission is something more than a meeting of certain gentlemen together to talk things over. A commission is, or should be, a legally constituted body, and I was only asking the Senator what it was that made this a legally constituted body.

Mr. NEWLANDS. I will state—

Mr. BEVERIDGE. Will the Senator permit me?

Mr. NEWLANDS. If the Senator will let me make my answer, I will state that if it is necessary that a commission should have the authority of a statute passed by Congress, then he is entirely right in the assumption that it is a misnomer to call this a commission, but I do not understand that that is the definition of a commission. It has been the custom, as I understand, of the President to appoint an advisory committee or commission of this kind to consider questions that he has in view regarding legislation, with a view to aiding him in the preparation of a plan and recommendation to Congress. He might call it a committee, he might call it a commission, he might call it a board, but it has never been contended, of course, that this has the sanction of Congressional action. I will state—

Mr. BEVERIDGE. Mr. President—

Mr. NEWLANDS. If the Senator will permit me one moment, I will state that, as a member of this Commission to which the Senator refers, I received no commission, as I understand. I received a personal letter from the President, stating his purpose, and asking me whether I would act upon this Commission, with a view to preparing this plan of legislation.

At first I had some doubt as to whether I, as a member of a legislative body, could with propriety serve upon such a commission. I felt satisfied, of course, that I could not serve upon an executive commission or a commission organized by Congress for the purpose of discharging executive duties, such as a board of experts for the purpose of considering and executing projects would be; and so I was in some doubt; but I came to the conclusion that under the power granted by the Constitution to the President of making recommendations to Congress it was entirely within his province to ask for aid and seek aid or information anywhere, with a view to facilitating his labors, and that it would be entirely appropriate for me to act upon this commission in this advisory way.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. Yes.

Mr. BEVERIDGE. If the Senator will permit me just a moment with reference to the question asked by the Senator from Maine [Mr. HALE]. The Senator from Maine, of course, is technically correct, and yet such a commission, in the real meaning of the term, not the technical meaning of the term, although without any Congressional sanction, might afterwards be ratified and accomplish a very great public good, as, for example, the Commission that settled the questions involved in the anthracite coal strike, which, if I remember correctly—and if I do not some Senator will correct me—was appointed in precisely the way the Inland Waterways Commission was. They not only were appointed, but they sat and had hearings; they examined all the testimony involved; they made a finding, and they settled the strike and cleared up the entire difficulty, which was too grave and far-reaching and serious to have awaited Congressional action, because it was on hand at that moment. So wise were the conclusions of the Commission that afterwards when Congress met, as I remember, they ratified the action of that Commission by voting a compensation to the



commissioners. That is an illustration of the substantial nature of a commission after all, although it might not technically be established by law. I am much obliged to the Senator from Nevada for yielding to me.

Mr. NEWLANDS. Mr. President, I ask the pardon of the Senator from Connecticut [Mr. BRANDEGEE] for allowing this discussion to be injected into this debate, because I know that it delays the consideration of his bill, but—

Mr. ALDRICH. Mr. President, will the Senator bear with me a moment to ask him a question?

Mr. NEWLANDS (continuing). I will be very brief and will add only a few remarks on the bill before the Senate.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. If the Senator will bear with me for another question—

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. I should like to ask whether there has been any definite statement made anywhere of the functions of this important Commission to which the Senator has referred?

Mr. NEWLANDS. There is a statement made in the message of the President in which he said that he had appointed this committee or commission to consider this plan of legislation; that they had made a partial report; that it was highly desirable that the work of the Commission should continue, and that it should receive the sanction of law in order, I imagine, that the expenses of the Commission might be paid. I will state that, so far as I am individually concerned, I would never receive compensation for my services in connection with this work, but there are other members of the Commission who are not members of the legislative body, who, I think, ought to receive some compensation.

Mr. ALDRICH. They are evidently acting in cooperation with the governors. There are no governors on the commission, as I understand.

Mr. NEWLANDS. There are no governors on the Commission. Now, Mr. President, regarding this particular bill, I wish to say that the control of the stream flow is of the highest importance to navigation. It is important that a full and equal flow should be maintained, not a spasmodic flow, not a flow of floods at certain seasons and of a stream reduced to a mere thread at other seasons. It is of the highest importance that there should be an equal flow, and for this reason it is essential that storage should be accomplished in some way. Storage can be accomplished by artificial reservoirs or it can be accomplished by the acquisition of natural reservoirs. The forest is such a natural reservoir, for when the lands are stripped of their forests, waters falling upon them rush into the streams and increase their flow, destroy the banks, deposit sand and silt in the rivers, which constitute obstructions to navigation. So that a proper stream control involves not only the preservation and the conservation of the forests, but the prevention of soil erosion, the prevention of the destruction of banks by a system of bank revetments and levees, and the reclamation of swamp lands themselves in a measure; for the construction of levees with a view to stream control necessarily involves the reclamation of swamp lands adjoining. So all these problems are involved.

But the Senator from Wyoming [Mr. CLARK] asked me why I am willing to support this project when evidently this entire scheme of legislation involves full and comprehensive plans that will involve the irrigation of arid lands at the sources of these rivers, the preservation of forests, the protection of banks, the development of water power through the construction of dams and the reclamation of swamp lands. My answer is that I prefer a comprehensive plan, but thus far I have been unable to get a bill out of the Committee on Commerce; and I therefore deem it advisable, whenever an individual project comes up as meritorious as this is, to support it and to help put it through, for there can be no question whatever but that the purchase and preservation and conserving of these forests will be absolutely essential to any scheme of waterway development to be entered upon in the future, however comprehensive the plan may be. So I am heartily in favor of this bill as an entering wedge in this comprehensive scheme of waterway development.

The Senator from Colorado [Mr. TELLER] says that we have always been attending to waterways heretofore, and that there is no more movement in this direction now than there has been. I think the Senator is oblivious to the signs of the times. I am sure that wherever I have been during the last summer I have found people in every section alive upon this question. They have been holding local conventions in every part of the Union;

they have organized water associations on the Pacific coast; they have organized the Mississippi River Association, the Upper Mississippi River Association, the Missouri River Association, the Deepwater to the Gulf Association, the Atlantic Coast Waterways Association, and all of these conventions, including the Rivers and Harbors Congress, have been meeting during the past year and have been giving expression to a public sentiment upon the subject which is intense. The country at large is not satisfied with the action of Congress in the past. We have spent nearly \$500,000,000 in the development of our waterways, and have done it ineffectively, simply because we have had no broad and comprehensive plan into which everything relating to the development of these rivers for every beneficial purpose could be dovetailed.

It will not be until we adopt such a plan, involving the co-ordination of all the scientific services and bureaus of the Government that have any relation to water, and involving the cooperation of the States and municipalities, so far as their powers and their interests lie, that we can hope to have the complete development of our waterways for every purpose to which civilization can put them, one of the most important, of course, being navigation as a part of interstate and foreign commerce.

I do not contend for one moment that the nation has any power in this matter outside of the interstate-commerce clause, but in that way it has the greatest interest in these rivers. Whatever we may say about the jurisdiction of the States and the rights of the States, whatever we may say about the powers and rights of riparian owners, it is apparent that the nation, having an easement in every navigable stream and in every river capable of being made navigable and in the tributary streams to those rivers which can be made navigable as a part of the stream control, has a larger interest in these rivers than any of the States or all of the States combined, or any of the municipalities or all of the bank owners, or all of them combined. It is essential, therefore, that the nation should enter into cooperation with all in this great work.

Mr. President, the people have evidenced in every way their intense feeling on this subject. Senators will find in the platforms of both parties during the next campaign the most emphatic expressions upon this subject. There is a feeling that Congress has been lagging upon this question; that Congress is guilty of inertia and apathy and indifference; and the only answer that can be made to the charge is that Congress rarely creates public opinion, but always responds to public opinion, and when public opinion becomes sufficiently definite and demonstrated Congress always acts. The time for action has now come, because public opinion has been formed. There is no question about it. I would have been glad if the comprehensive plan which I presented to Congress early in the session, and which has been debated upon this floor and which has been presented to the Committee on Commerce, and which has in its main and essential features the approval of the Secretary of War and of the Inland Waterways Commission and of the subcommittee of the Committee on Commerce, could have been put upon the statute books at this session. But with the pressure of business, realizing it would be impossible to get this great and comprehensive plan fully before Congress, I introduced a lesser measure, providing simply for a continuance of the Commission and for its expenses not exceeding \$20,000. I have endeavored to secure consideration of this lesser bill by unanimous consent, but objection has been made. I shall at the earliest moment move the Senate for the present consideration of this bill, in order that the sanction of Congress may be given to the investigation already inaugurated by the action of the President.

Mr. NEWLANDS appended to his remarks the following remarks of Mr. Bryan at the Conference on the Conservation of Natural Resources, May 15, 1908:

#### REMARKS OF MR. BRYAN.

I acknowledge my obligation to President Roosevelt for the opportunity which he has given me to participate in this meeting. The conference marks the beginning of a new era, during which increasing attention will be given to the far-reaching problems involved—in the conservation of the nation's resources. The epoch-making speech with which the Chief Executive opened the first session must exert a powerful influence upon the country at large, as it has upon those who were fortunate enough to hear him.

The assembling of the governors of nearly all the forty-six States in itself an historic event of the first magnitude, for this meeting, and the future meetings which this one assures, will facilitate cooperation between the States, make easier the doing of those things which should be done by the National Government, and stimulate the several States to act more speedily and with better information upon the things which should be done by the States independently. There has been some difference of opinion as to the relative spheres of the nation and the State, but such discussions as we have had here will help to define these spheres and to harmonize conflicting opinions.

I am a strict constructionist if that means to believe that the Federal Government is one of delegated powers and that constitutional

limitations should be carefully observed. I am jealous of any encroachment upon the rights of the States believing that the States are as indestructible as the Union is indissoluble. It is, however, entirely consistent with this theory to believe, as I do believe, that it is just as imperative that the General Government shall discharge the duties delegated to it, as it is that the States shall exercise the powers reserved to them.

There is no twilight zone between the nation and the State, in which exploiting interests can take refuge from both, and my observation is that most—not all, but most—of the contentions over the line between nation and State are traceable to predatory corporations which are trying to shield themselves from deserved punishment, or endeavoring to prevent needed restraining legislation. The first point which I desire to make is that earnest men, with an unselfish purpose, and concerned only for the public good, will be able to agree upon legislation which will not only preserve for the future the inheritance which we have received from a bountiful Providence, but preserve it in such a way as to avoid the dangers of centralization. Nothing that is necessary is impossible; and it would be a reflection upon the intelligence, as well as upon the patriotism of our people, to doubt the value of gatherings of this kind.

The time allotted to each speaker is so short that instead of attempting to discuss the various questions presented I shall content myself with a few suggestions in line with the very able papers that have been presented by the specialists who have appeared before us. I begin with the proposition that it should be our purpose not only to preserve the nation's resources for future generations by reducing waste to a minimum, but that we should see to it that a few of the people do not monopolize that which is in equity the property of all the people. The earth belongs to each generation, and it is as criminal to fetter future generations with perpetual franchises, making the multitude servants to a favored fraction of the population, as it would be to unnecessarily impair the common store. I am glad that Secretary Garfield emphasizes this point. It is one that must always be kept in mind by the nation and by the several States.

The first national asset is to be found in the life of the people, and Mr. Mitchell very properly and with great force pointed out the importance of safeguarding the life, the limbs, and the health of those who are engaged in converting the nation's natural resources into material wealth. I would go a step further and say that we could well afford to include in the appropriations made by Congress a sum sufficient to carry on necessary investigations into the cause of diseases national in their scope, and to stimulate the search for remedies which would add to the life, health, and usefulness of the whole population.

I was surprised at the statistics given in regard to our coal and our iron ore. While it is possible that new coal measures and new ore beds may be discovered, we can not afford to base our conduct upon speculations as to what may yet be discovered. We should begin an intelligent supervision and conservation of that which is known to exist, and I respectfully submit that it is worth while to ask ourselves whether we can afford to offer a bounty to those who are engaged in exhausting the supply of raw materials, which when gone can not be replaced. Surely if there is any importation which we can properly encourage by a free list, it is the importation of those raw materials of which our own supply is limited. And what I say in regard to coal and iron ore is equally applicable to timber. It is hardly consistent to discourage the importation of lumber, while we worry about the devastation of our forests.

Mr. Hill has rendered the conference a real service in presenting the facts and statistics set forth in his address on land and its cultivation. Few of us, probably, were conscious of the impairment of the crop value of our soil. I am sure that a clear understanding of this subject will lead to a still further enlargement of the work of the Department of Agriculture and to still closer cooperation between the Department of Agriculture and the States in teaching economical methods of agriculture. Already the rapid growth of the agricultural college offers encouragement, and I am glad to express my appreciation of the valuable work done by Secretary Wilson and his associates in bringing to our country fruits, plants, and grasses suited to the different parts of our country. As the farmer pays more than his share of the taxes and receives less than his share of the direct benefits which flow from national appropriations, it is only justice to him that we shall be liberal in the support of every effort put forth for the improvement of agriculture.

Irrigation has justified the arguments which led to the inauguration of the work. No one who has witnessed the transformation of the desert into field and garden can doubt the wisdom of the steps that have been taken. Here, as elsewhere, both the nation and the State can find a field for legitimate activity, and I am sure that there will be a continuation of this work until all of the waters which can be utilized for that purpose have been appropriated.

The same principle which was invoked in support of irrigation can be invoked in support of drainage. The question is not whether the water should be brought upon the land or taken off the land; it is whether the land shall be made tillable and its wealth-producing qualities utilized. Drainage of the swamps is, therefore, as legitimate a work as the reclamation of arid wastes.

No subject has been brought out more prominently at this conference than the subject of forestry, and it justifies the time devoted to it, for our timber lands touch our national interests at several points. Our use of lumber is enormous, but immense as would be the inconvenience and loss caused by the absence of lumber the consequence of the destruction of our forests would be still more disastrous to the nation. As has been shown, the timber on our mountain ranges protects our water supply. Not to speak of changes in climate which might follow the denuding of our mountains, the loss to the irrigated country could not be remedied and the damage to the streams could not be calculated. And if this is not enough to arouse the interest of all, I may add that the destruction of the forests on the mountain ranges would in time impair the underflow upon which we rely for our well water.

The good effects of this conference are already apparent in the determination expressed by several governors to at once appoint forestry commissions and begin such work as the State can do. In this case action is so urgent and the field to be covered so large that both the nation and the several States can exercise themselves to the full without danger of doing too much. The national reservations already made in the West and the new reservations that ought to be made and are likely to be made in the White Mountains and in the Appalachian Range can doubtless be so administered as to protect national interests without unduly burdening the States in which the reservations are located, or needlessly interfering with the development of the States. No national policy need retard the development of the Western States, and their own interests would restrain them from sacrificing future wealth and protection for temporary advantage.

Lastly, I come to our interior waterways. I shall not defend the improvement of these waterways on the ground that such improvement would help to regulate the railroad rates, although it would aid regulation, for regulation can be secured by legislation whenever the people are ready to exercise the power which they have. But water traffic is less expensive than traffic by rail, and there are many commodities which can be transported much more cheaply by water than they could possibly be carried on land. I believe it has been estimated that an expenditure of \$500,000,000 on interior waterways would result in a saving of nearly \$200,000,000 annually.

If this saving were equally divided between the producers and the consumers it would be an enormous profit to both, and Mr. Carnegie has pointed out that water transportation, by requiring less iron and less coal in proportion to the freight carried, would enable us to postpone the exhaustion of our iron mines and our coal beds.

The development of water transportation is essentially a national project, because the water courses run by and through many States. And yet, as has been pointed out, it would be possible for the States to do a certain amount of developing along this line if they were permitted to avail themselves of the use of the water power that could be developed.

Just a word in conclusion about an investment in permanent improvements. Money spent in care for the life and health of the people, in protecting the soil from erosion and from exhaustion, in preventing waste in the use of minerals of a limited supply, in the reclamation of deserts and of swamps, and in the preservation of forests still remaining and the replanting of denuded tracts—money invested in these and in the development of waterways and in the deepening of harbors, is an investment yielding an annual return. If any of these expenditures fail to bring a return at once, the money expended is like a bequest to those who come after it. And as the parent lives for his child, as well as for himself, so the citizen provides for the future as well as for the present. This gathering will be remembered by future generations because they, as well as ourselves, will be the recipients of the benefits which will flow from this conference. We have all been strengthened by communion together; our vision has been enlarged, and the enthusiasm here aroused will permeate every State and every community.

Mr. DANIEL. Mr. President, I expect to vote for this bill, and I will preface my remarks by reading a few words from a recent writer on this subject:

In fifty years we shall have whole States as bare as China. The Appalachians will be stripped to bed rock. The Rockies will send down vast floods, which can not be controlled. The Canadian forests north of the Great Lakes will be swept away. Our Middle West will be bare. The Yazoo Delta will be ripped apart, because no levee will be able to stand the floods of those days. We shall be living in crowded concrete houses and at double the rent we now pay. We shall make vehicles of steel; use no wood on our farms. We shall pay 10 cents for a newspaper; 50 cents for a magazine; as much for a lead pencil. Cotton will be immensely higher. Beef will be the privilege of the few. Clothing will cost twice what it costs to-day. Like Chinamen, our children will rake the soil for fuel or forage or food. We shall shiver in a cold and burn in a heat never before felt in this temperate zone, meant by God as a comfortable growing place for splendid human beings, unless we wake up.

This, Mr. President, is the greswome prophecy of Emerson Hough in a magazine article in which he sentimentously states what is the foreshadowing as to the condition of our country if we allow it to be dried up by the denudation of its forests.

There are some facts related in his article which tend to support his views, amongst them that 100,000 acres of timber are cut over every day; that one-half is used by the railroads; that last year 40,000,000 feet B. M. of lumber were consumed; that 100,000,000 ties a year are under contribution from the woods; that 70,000,000,000 feet of telegraph poles were subtracted, and so on as to other drafts upon our resources of timber which are daily, hourly, consuming this portion of our heritage.

It is said that at the foundation of the Government one-half of the country was in forests, and that half of that half has gone. As the pace of our consumption has rapidly broadened and increased, it may be instantly recognized that if we have consumed a half of our forests in a little over a hundred years the great multiplication of our population, of our inventions, and of the articles which we consume, will make the next fifty years as great a source of devastation as the one hundred years past.

Mr. President, this is the primary fact that underlies this bill. It is true that many of the reports and essays on this subject speak of timber as if timber were the main thing aimed at in the bill. It concerns the forests, but the forests in the particular relation which they have to water and the water in the particular relation that it has to navigation. It concerns a subject which is a necessary means to an end. The end is navigation; the means, the preservation of the waters that we may have navigation, and the preservation of the forests that we may get water.

Out West we are turning water into the deserts, and the dry land is growing up in fields and in gardens and increasing the products for the use of man. Here, as in the West, we must commence with the forests in order to get the water, and it is for this reason that I regard this bill as constitutional.

I always listen with the greatest respect to the Senator from Colorado [Mr. TELLER] for his learning, his intellect, and for the steadiness with which he pursues a sincere conviction, but we can not always agree with anybody, and on this occasion I find myself, with all deference, disagreeing with him. I



will read from a case with which he is familiar. It is the case of *The United States v. The Rio Grande Irrigation Company*, decided by the United States Supreme Court. The opinion in that case, delivered by Judge Brewer, was unanimously concurred in, and it reviews briefly, but clearly, the relations of the State and the Federal Government to its navigable streams. Out in Colorado the legislature had changed the common-law rule as to streams within the dominion of that State, and the Supreme Court recognized its authority to do so, but said these words of limitation:

Two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its waters; so far at least as may be necessary for the beneficial uses of the Government property.

And then:

Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States.

And then this sentence:

In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action.

This is a necessary corollary to the sole power that exists in the Government of the United States to regulate commerce. That is a complete power. There is no rival in its exercise. It is simply impossible for the States to do it, and it is conferred in specific words by the fundamental law of the United States. Under that power this Government has dug many a canal. It is daily building harbors and docks. It is turning the courses of rivers into canals. It may make a highway on land or it may make a highway of water. The highways of water dry up unless constantly fed by the vital sources that supply them. When they dry up, they then fill up and nothing but the dry parched earth remains where once flowed a stream bearing commerce.

As the United States Government may build a railroad between States—and it has been so expressly decided by the United States Supreme Court in a thorough analysis and comment on that subject—so it can not be denied by a legislative body which at almost every session of Congress provides for opening the channels of rivers, for building levees on rivers, for protecting our water courses as the cheapest and best of all the media of our interstate commerce and travel.

Now, then, I ask the Senator from Colorado how else could he suggest that the United States might preserve these natural water courses and keep water in them if not by pursuing the course which the scientists of our country, none dissenting, have urged, by preserving the natural storehouses which supply the water to the water courses?

Mr. President, while I have very briefly stated these views, I think I have touched the very center of this question. It is suggested by another gentleman that we may build lakes in the mountains, storage houses for the waters that fall from the skies—artificial ones. Is it not a simpler method to preserve the natural ones? There are thousands of places where you can not make the arrangements to store the water and where the water does not exist to be stored. If it is a more natural way, if it is an easier way, if it is more practicable to preserve the forests which are nature's storehouses of water, certainly they can not be interdicted by those who recommend us to build those that are purely artificial.

Plenty makes waste. By nature this country was stored with the most boundless supply of natural resources of any land which man has tenanted. But our growth has been rapid. Plenty has made waste. When a field along the eastern shores of our country was exhausted the inhabitant and cultivator thereof often could find a better one a few miles west, and a continuous stream of population has gone into the land from here to California, until we have reached a period when we can see the beginning of the end of our boundless resources. It is out of necessity that economy is born, and the whole nation has now to turn its attention to economizing the resources that remain to us and to bring into play the unused powers of our Constitution, that the public means and energies may be applied to that end.

I am not one of those who recommend the searching of the Constitution in order to avoid what is its plain and obvious meaning. It should be construed naturally, as men construe the language of life in their ordinary affairs, and should be taken and administered in the true sense in which its authors uttered it. But I do not think that this is a straining of the Constitution. I know that when Jefferson was pondering the acquisition of Louisiana he was a very strict constructionist of the powers of the Federal Government under the Federal

Constitution. He gravely doubted whether this country had the power. But the exigency was so great, the opportunity was so tempting, that as great a mind as his and as conscientious a statesman as he was yielded to the obvious arguments that appealed to the whole country. That mighty domain in the West, which has become the homes of millions of people, is a sufficient vindication of the action of the United States, without attempting to strain the meaning of the Constitution to bar the people from its obvious destiny.

We have to save our forests if we can do so honestly and in the line of thought of our Constitution; unless all the great jurists who have occupied seats on the Supreme Court of the United States have erred from the foundation in asserting the rights of this country to control the navigable streams and to make streams navigable that were not naturally so, to turn the courses of streams, to dig canals and pour the waters into dry and empty fields where they find it convenient and wise to make streams—unless all that body of juridical philosophy was a profound error from its inception, this proposed act is in strict line and purview of its principles. It proclaims so upon its face:

That the Secretary of Agriculture, for the purpose of preserving the navigability of navigable streams, is hereby authorized and directed, in his discretion, to acquire by purchase or gift lands more valuable for the regulation of stream flow than for other purposes.

This proposed act is careful not to trench upon what are the rights of the States. It says:

SEC. 3. That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for national forest purposes for the purpose of preserving the navigability of navigable streams.

It is true, as a matter of fact, what has been adverted to by the Senator from Colorado [Mr. TELLER], that there are other things which will be affected by the very fact that these great tracts of land are bought up and cared for by the United States for the purpose of preserving the forests. They are not the prime purpose of the act; they are not the immediate effect of the act. They are simply incidental things which flow as a consequence from one main thing.

You can do no act in life, you can pass no statute that does not have collateral effects, sometimes good and sometimes evil, albeit its own purpose may be perfectly pure. This is inherent in the nature of all things mundane and of all things human. Things have a direct effect. Their collateral ones no human being can count, because they affect many other things cognate and many things even remote.

The primary object of this bill is to preserve our forests that we may preserve our water; and when gentlemen are asked how else "will you do it," they can suggest no other way, at least no other obvious way, and none that they would recommend.

For these reasons, sir, I expect to support this bill.

Mr. BRANDEGEE. Mr. President, I do not desire to make a speech. I want to have the bill passed. I simply ask the privilege of inserting in the Record the statement of Mr. Charles C. Goodrich, an experienced navigator of the Connecticut River, made before the House Committee on Agriculture.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

STATEMENT OF CHARLES C. GOODRICH, OF HARTFORD, CONN., GENERAL MANAGER OF THE HARTFORD AND NEW YORK TRANSPORTATION COMPANY.

Mr. GOODRICH. Two years ago I had occasion, by appointment of the governor, to come before this committee and say a few words in regard to the whole matter of the Appalachian and White Mountain forest reserves. This season I was again asked by the governor's executive secretary if I would come here. I wish to say but very little this year, and that to apply entirely to the effect of the cutting of the forests in the White Mountains upon the navigation in the Connecticut River. I would say that for thirty years I have been manager of some thirty-five United States vessels engaged in coastwise trade between the various ports upon the Connecticut River, and in this term I have had ample opportunity to realize the effect upon our river of the denuding of the forests in the White Mountains. I would say that, especially of late years and since the cutting has extended to the minor timber, the spruce of 6 or 8 and even 5 inches, which was formerly left to grow, is now being taken by the pulp mills. I have been in that vicinity for forty years, although only thirty years in this particular capacity, and from the beginning of my experience our floods have commenced about from the 1st to the 10th of April, and they came for the next two months pretty steadily, and for two months longer there was still a steady feed from those mountains. In the last twenty years the freshet has come fully one month earlier, the snows have started to melt fully one month earlier, the continuation has been more than one month longer, and the total supply of water has been reduced at least 50 per cent, coming rapidly in the spring, when it was of no use to the mill man or the man engaged in navigation, and escaping and going by without being made valuable in any way, and has been followed, at the present time, by an almost total lack of flow, beginning with about the 10th of May and extending through until the fall rains come again, nearly to the 1st of October.

In the lower river, speaking now of Hartford, and below that to the mouth of the river, there is about 1,000,000 tons of marine commerce, and with the aid of nature, so far as Long Island Sound is concerned, 15 miles away, and the aid of the Government to the extent of \$10,000 a year, devoted to the yearly removal of deposits that come from the north, the navigation has been steady and uninterrupted, and we have had that for quite a number of years. Not a trip has been lost by the daily steamers running from Hartford to New York; but, as I say, that has been made possible mainly by Government aid.

As to the effect upon the whole nation and its being more than a local question, I rather appear in the interests of navigation as a whole than as to any local matter. I would say that if at any time a cargo of lumber from Mobile or from Brunswick, Ga., or fertilizers from Georgia, or any cargo in the coastwise trade coming to that river, the very first thing you do is to call up and find out what depth of water you can actually get in the river. It will be from 3 to 5 feet, according to the varying degrees of water. We have from 15 to 30 or 40 feet in the spring, tapering off by May or June and until these alluvial deposits have been cut, it can be reduced to 9½ or 10 feet, and prices will go up correspondingly. In the last twenty years the bar at the mouth of the river, which now extends off to a distance of 3 miles offshore and into the 15-fathom line of water, and has extended to the seaward from 3 to 4 miles, to the same depth of water, has so confined the flow of the sound that the outer end of the bar has ceased to build, and it is adding constantly to the long sand shoal, now 10 miles to the west of the mouth and in mid sound.

Of course, gentlemen, I know that as long as rivers run these bars will build and they will go on building, as they will to a certain extent in the Connecticut River; with the wash of the unprotected mountains and the clearing away of these forests and the burning and denuding and washing, we are getting far more than our share of New Hampshire and Vermont and Massachusetts—more than we wish to have planted at that point, for it is certainly a source of very great danger and annoyance to us. [Applause.]

Mr. BRANDEGEE. I also ask permission to insert in the Record a section of the report of the committee as to the effect upon the stream flow of washing down silt from the hills and the cutting down of forests. I ask to have inserted such portions as I have marked in lead pencil.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

*Removal of forest has increased floods.*—The balance of conditions was not seriously disturbed until within the past few decades, during which the forest has been rapidly destroyed, not only in the valleys and foothills, but on the steep slopes of the high mountains. During this time, in the streams which take their rise in the Appalachians, there has been an enormous increase in the number and duration of floods. The increases are directly proportionate to the rate at which the forest has been removed. They are greatest in such streams as the Ohio, Cumberland, Wateree, and Santee, where the most timber has been removed, and least in the streams on the watersheds of which forest conditions have been least changed. Except in the change of forest conditions there have been no factors that could have intensified flood conditions. In the Ohio River, in seventy years, the number of floods at Wheeling has increased 62 per cent, and their aggregate duration 116 per cent. In the Cumberland River, at Burnside, Ky., the number of floods increased 330 per cent in the fifteen years between 1891 and 1905, and the duration in the same proportion. During the same period, in the Wateree River, at Camden, S. C., the number of floods increased 65 per cent, and the duration 82 per cent. In the Congaree River the increase during the same time has been 94 per cent in number and 113 per cent in duration. In the Savannah River, at Augusta, Ga., between the years 1876 and 1905, the increase in the number of floods has been 94 per cent, and in duration 266 per cent. Between 1891 and 1905 the Alabama River, at Selma, Ala., had an increase in number of floods of 83 per cent, and in duration of 31 per cent.

*Low-water conditions intensified.*—This great increase, both in number of floods and the period during which they lasted, has been accompanied by a corresponding decrease in low-water stage, as is shown by both actual measurements and common observation. As an instance, the Tennessee River, at Chattanooga, shows a low-water period of 499 days for the decade of 1895–1904, as against 399 days for the decade of 1875–1884.

How important is the effect of forest upon the dry season flow of streams is apparent from the following table, which gives during the last eight months of the driest year the flow in gallons per square mile of streams from similar watersheds in New Jersey, some forested, others barren.

Month.	Forested watershed.	Barren watershed.
April.....	597,000	631,000
May.....	297,000	145,000
June.....	272,000	139,000
July.....	207,000	22,000
August.....	140,000	22,000
September.....	139,000	23,000
October.....	129,000	22,000
November.....	127,000	23,000

If the nine months are divided into seasons of three months each, the previous figures expressed in percentages show, approximately, the flow as given below:

	Forested watershed.	Barren watershed.
	Per cent.	Per cent.
First three months.....	58	69
Second three months.....	25	30
Third three months.....	22	11

Throughout the Appalachian region it is common observation that the streams whose watersheds have been deforested carry less water at their low stages and are low through longer aggregate periods than when their watersheds were forested.

*Navigable streams filled with silt.*—The floods which result from barren watersheds in the Southern Appalachians and in the White Mountains are carrying down into the streams vast quantities of sand, silt, and gravel, thereby filling the channels and interfering with navigation. Natural conditions in both regions are such as to intensify erosion. Precipitation is heavy and at times torrential. Slopes are long and very steep. The soils, especially in the South, on account of their character, erode with intense rapidity. Testimony of local engineers, Government experts, and actual users of the rivers is available from many sources, and it is unanimous that extensive and ill-advised cutting of timber from the high watersheds results in scouring the soil from the bare slopes and in removing it to the lower stretches of the streams. Since all the rivers which drain the Southern Appalachian Mountains and the White Mountains are to some extent navigable, the direct relation between forests on the mountains and navigation in the rivers which flow from them is clear.

The Government has expended on the rivers that flow from the White Mountains over \$2,500,000. Over \$41,000,000 have been spent upon the rivers that flow from the Southern Appalachians, and because of the continued brush of sand and silt from the denuded mountain watersheds they are less navigable now than ever before.

Mr. SUTHERLAND. I wish to call the attention of the Senator in charge of the bill to section 3, which provides:

SEC. 3. That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States.

I call attention to the fact that there is no provision in that section for a cession of jurisdiction on the part of the State. Under the Constitution—

Mr. BRANDEGEE. If the Senator will allow me for a moment, whether the section requires it or not, the States have already ceded jurisdiction to the United States, and the Senator will find those acts of cession of jurisdiction in the hearings before the House Committee on Agriculture—every one of them. I will listen to the Senator, however, if he desires to proceed.

Mr. SUTHERLAND. I think the provision ought to go into the bill.

Mr. BRANDEGEE. I have no objection to its going into the bill.

Mr. SUTHERLAND. There is no reason why it should not.

Mr. BRANDEGEE. Will the Senator offer such an amendment?

Mr. SUTHERLAND. I will; but I want, first of all, to call attention to why I think it is necessary.

The Constitution gives Congress authority, among other things—

To exercise exclusive jurisdiction in all cases whatsoever over such district—

Describing it, and—  
to exercise like authority over all places purchased by the consent of the legislature of the State of which the same shall be—

Now, I invite the Senator's particular attention to this—for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

The property described in this bill does not come within any one of those descriptions. It is something entirely outside of that provision of the Constitution.

So my point is that this provision of the Constitution which gives Congress exclusive jurisdiction over property of that character when purchased with the consent of the State will not apply to this matter, but something more will be necessary, namely, cession of jurisdiction on the part of the State.

I think that has been held in two or three cases. It was held in effect in the Fort Leavenworth case; it was held in effect in the recent case decided by the district court in Kentucky, where property had been acquired for the purpose of making locks upon the banks of the stream.

So I offer the amendment I send to the desk, to come in at the end of the section.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 3 the following:

And has ceded jurisdiction to the United States over offenses committed therein in violation of the laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I want to treat the Senator from Colorado [Mr. TELLER] fairly. He suggested to me that he would like to have the yeas and nays upon the passage of the bill. I do not care to call for them. I do not want to be accused by him of taking any unfair advantage of him, but he wanted to be recorded against the bill. I will state that if the Senate would be content to let it go that way, perhaps my statement to that effect would be satisfactory to him. However, he wanted to be recorded as voting against the bill.

Mr. TELLER entered the Chamber.



Mr. CULLOM. Here is the Senator from Colorado.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. The Senator from Colorado is present.

Mr. BRANDEGEE. The bill has been passed?

The VICE-PRESIDENT. The bill has been passed.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. CULLOM. Yes; if the Senator wants the floor.

Mr. TELLER. I merely wish to say that I am against this bill, and, if a roll call had been had, I should have voted "nay."

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Texas?

Mr. CULLOM. I yield to the Senator.

Mr. BAILEY. I desire to say that I was called by some of my constituents from the Senate Chamber for the moment. Had I been here I should have felt very much inclined to demand a roll call on the bill, so that I might have recorded my vote against it. I do not do that, and I make this statement to go in the RECORD.

#### THE OMNIBUS CLAIMS BILL.

Mr. FULTON. I ask the Senator from Illinois to yield to me for a moment just to make a statement.

Mr. CULLOM. All right; I will yield to the Senator.

Mr. FULTON. Mr. President, I feel that I ought to make a statement in regard to House bill 21372, the omnibus claims bill. I had addressed the Chair for the purpose of moving to take up that bill.

I have no disposition to be insistent about the bill being taken up, but I am chairman of the Committee on Claims, from which the bill has come. A great many States are deeply interested in the items. I feel it my duty to make a reasonable effort to bring the bill before the Senate, but if there is no disposition to take it up, we are now late in the session, and so far as I am concerned, I will drop the matter and not annoy the Senate by a motion to take it up.

Mr. McCREARY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. CULLOM. I yield to the Senator.

Mr. McCREARY. Mr. President, I wish to say that it is only a quarter after 3, and the omnibus claims bill is a very important measure. It contains claims of citizens of various States—North, South, East, and West. We could pass the bill in an hour. I do not think any Senator desires to offer an amendment to it. The bill has passed the House, and it is a very important bill. Many of the claims are old, and those who hold them have been waiting anxiously for some time to get their money. I would be glad if my distinguished friend from Illinois would be willing to withdraw his motion that we may take up that bill.

Mr. CULLOM. I must insist on my motion. I yield for a moment to the Senator from Idaho [Mr. BORAH].

#### REID V. THE UNITED STATES.

Mr. BORAH. I present the opinion by Judge Hough, in the United States district court for the southern district of New York, in the case of Oscar W. Reid v. The United States. I move that 1,000 copies be printed as a document. It bears upon the Brownsville matter.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, May 18, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate, May 16, 1908.*

##### COLLECTORS OF CUSTOMS.

Robert S. Burlingame, of Rhode Island, to be collector of customs for the district of Newport, in the State of Rhode Island, in place of Clarence A. Hammett, deceased.

Cornelius O'Keefe, of Arizona, to be collector of customs for the district of Arizona, in the Territory of Arizona, in place of Myron H. McCord, deceased.

#### SOLICITOR OF INTERNAL REVENUE.

Fletcher Maddox, of Montana, to be solicitor of internal revenue, in place of Arthur B. Hayes, resigned.

#### PROMOTIONS IN THE ARMY.

##### INFANTRY ARM.

Capt. Daniel B. Devore, Twenty-third Infantry, to be major from May 15, 1908, vice Travis, Eleventh Infantry, retired from active service.

##### CAVALRY ARM.

##### To be first lieutenants.

Second Lieut. Robert W. Leshner, Third Cavalry, from April 14, 1908, vice Moore, Second Cavalry, promoted.

Second Lieut. George Grunert, Eleventh Cavalry, from April 16, 1908, vice Raysor, Fifth Cavalry, promoted.

Second Lieut. William R. Pope, Second Cavalry, from April 30, 1908, vice Fonda, Tenth Cavalry, detailed in the Signal Corps.

Second Lieut. Olney Place, Sixth Cavalry, from May 6, 1908, vice Read, Sixth Cavalry, promoted.

Second Lieut. Thomas H. Cunningham, Eighth Cavalry, from May 10, 1908, vice Schultz, Fourteenth Cavalry, promoted.

Capt. Edward D. Taussig to be a rear-admiral in the Navy from the 15th day of May, 1908, vice Rear-Admiral George A. Bicknell, retired.

Ensign George J. Meyers to be a lieutenant (junior grade) in the Navy from the 2d day of May, 1907, upon the completion of three years' service.

Lieut. (Junior Grade) George J. Meyers to be a lieutenant in the Navy from the 2d day of May, 1907, to fill a vacancy existing in that grade on that date.

Asst. Paymaster William L. F. Simonpietri to be a passed assistant paymaster in the Navy from the 1st day of October, 1907, vice P. A. Paymaster Arthur S. Peters, resigned, and to take rank from the 3d day of August, 1907.

Paymaster Francis J. Painter, who was confirmed by the Senate on the 2d day of March, 1907, for advancement from the grade of passed assistant paymaster with the rank of lieutenant to the grade of paymaster with the rank of lieutenant, in accordance with the provisions of an act of Congress approved June 29, 1906, to be a paymaster with the rank of lieutenant-commander on the retired list of the Navy from the date of his advancement, in accordance with an opinion of the Attorney-General dated January 13, 1908.

Midshipman Hugh K. Aiken to be an ensign in the Navy from the 13th day of May, 1908, to fill a vacancy existing in that grade on that date.

Gunner Herbert A. Nevins to be a chief gunner in the Navy, to rank with, but after, ensign, from the 15th day of May, 1907, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Brig. Gen. George F. Elliott, United States Marine Corps, to be Major-General Commandant of the Marine Corps, from the 13th day of May, 1908.

Capt. David D. Porter to be assistant adjutant and inspector in the United States Marine Corps, with the rank of major, from the 14th day of May, 1908, to fill a vacancy existing on that date.

Capt. Harold C. Reisinger to be assistant paymaster in the United States Marine Corps, with the rank of captain, from the 14th day of May, 1908, to fill a vacancy existing on that date.

First Lieut. Davis B. Wills to be assistant paymaster in the United States Marine Corps, with the rank of captain, from the 14th day of May, 1908, to fill a vacancy existing on that date.

The following-named officers of the United States Marine Corps to be assistant quartermasters in the Marine Corps, with the rank of captain, from the 14th day of May, 1908, to fill vacancies existing on that date:

First Lieut. Frank Halford,

First Lieut. Walter E. Noa,

First Lieut. Seth Williams,

First Lieut. Edward W. Banker, and

First Lieut. Charles R. Sanderson.

#### POSTMASTERS.

##### IOWA.

Hiram E. Morrison to be postmaster at Seymour, Wayne County, Iowa, in place of James H. Morrison, deceased.

##### KENTUCKY.

George W. Hutcheson to be postmaster at Lawrenceburg, Anderson County, Ky., in place of George W. Hutcheson. Incumbent's commission expired December 17, 1907.

##### NEW MEXICO.

James T. Fay to be postmaster at Farmington, San Juan County, N. Mex., in place of James A. Duff, resigned.

## PENNSYLVANIA.

Delos A. Wright to be postmaster at Union City, Erie County, Pa., in place of Delos A. Wright. Incumbent's commission expired April 27, 1908.

## RHODE ISLAND.

William F. Caswell to be postmaster at Jamestown, Newport County, R. I., in place of John B. Landers, deceased.

## VERMONT.

Heman I. Spafford to be postmaster at North Bennington, Bennington County, Vt., in place of Walter G. Shaw. Incumbent's commission expired April 5, 1908.

## WISCONSIN.

George E. Bogrand to be postmaster at Wausaukee, Marinette County, Wis., in place of Henry G. Laun. Incumbent's commission expired January 14, 1908.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 16, 1908.*

## DISTRICT JUDGE.

Oscar R. Hundley, of Alabama, to be United States district judge for the northern district of Alabama, who was appointed during the last recess of the Senate, as provided for by the act approved February 25, 1907, entitled "An act providing for a United States judge for the northern judicial district of Alabama."

## PROMOTIONS IN THE NAVY.

Gunners Thomas J. Hurd and Joseph Mitchell to be chief gunners in the Navy from the 11th day of March, 1908, upon the completion of six years' service in present grade.

## PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Frederick Jules Haake to be captain in the Revenue-Cutter Service of the United States, to rank as such from January 22, 1908.

First Lieut. Francis Saltus Van Boskerck to be captain in the Revenue-Cutter Service of the United States, to rank as such from April 22, 1908.

First Lieut. George Creighton Carmine to be captain in the Revenue-Cutter Service of the United States, to rank as such from January 1, 1908.

First Lieut. Detlef Frederick Argentino de Otte to be captain in the Revenue-Cutter Service of the United States, to rank as such from April 7, 1908.

First Lieut. George Metcalf Daniels to be captain in the Revenue-Cutter Service of the United States, to rank as such from March 9, 1908.

## POSTMASTERS.

## NORTH CAROLINA.

Frank B. Benbow to be postmaster at Franklin, Macon County, N. C.

Samuel M. Jones to be postmaster at Sandford, Moore County, N. C.

Mattie S. Martin to be postmaster at Leakesville, Rockingham County, N. C.

Richard M. Norment to be postmaster at Lumberton, Robeson County, N. C.

## HOUSE OF REPRESENTATIVES.

SATURDAY, May 16, 1908.

[Continuation of the legislative day of Tuesday, May 12, 1908.]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

## SUNDRY CIVIL APPROPRIATION BILL.

The Speaker laid before the House, from the Speaker's table, the sundry civil appropriation bill, with Senate amendments. The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc, and ask a conference with the Senate?

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 240, nays 7, answered "present" 8, not voting 132, as follows:

## YEAS—240.

Acheson	Andrus	Bede	Bradley
Adair	Ansherry	Bell, Ga.	Brantley
Adamsou	Ashbrook	Bennett, Ky.	Brodhead
Aiken	Barelay	Bonyne	Brownlow
Alexander, Mo.	Bartholdt	Booher	Brumm
Alexander, N. Y.	Bates	Bowers	Burgess
Allen	Beall, Tex.	Boyd	Burleigh

Burleson	Gaines, Tenn.	Kennedy, Ohio	Pujo
Burnett	Gardner, Mich.	Kimball	Rainey
Burton, Ohio	Gardner, N. J.	Kinkaid	Rauch
Candler	Garner	Kitchin, Claude	Reeder
Capron	Garrett	Knapp	Richardson
Carter	Gilbams	Knowland	Robinson
Cary	Gillett	Kuftermann	Rodenberg
Chapman	Glass	Lafean	Rothermel
Clark, Mo.	Godwin	Lamb	Rucker
Clayton	Goldfogle	Langley	Russell, Mo.
Cockran	Gordon	Lanning	Russell, Tex.
Cocks, N. Y.	Goulden	Lassiter	Ryan
Cole	Graft	Lawrence	Sabath
Conner	Graham	Leake	Saunders
Cook, Pa.	Granger	Lindbergh	Scott
Cooper, Pa.	Hackney	Lloyd	Shackelford
Cooper, Tex.	Hale	Longworth	Sherley
Cooper, Wis.	Hall	Loud	Sherwood
Coudrey	Hamilton, Iowa	Loudenslager	Sims
Cox, Ind.	Hamilton, Mich.	Lovering	Slayden
Craig	Hamlin	McCall	Slemp
Crawford	Hammond	McDermott	Smith, Cal.
Crumpacker	Hardy	McKinlay, Cal.	Smith, Iowa
Currier	Harrison	McKinley, Ill.	Smith, Mo.
Dalzell	Haskins	McKinney	Snapp
Darragh	Hawley	McLain	Sparkman
Davidson	Hay	McLaughlin, Mich.	Sperry
Davis, Minn.	Hayes	McMorran	Spight
Dawson	Heflin	Macon	Stafford
De Armond	Helm	Madden	Steenerson
Denver	Henry, Conn.	Mann	Sterling
Diekema	Henry, Tex.	Maynard	Sturgiss
Dixon	Hepburn	Moon, Tenn.	Sullivan
Douglas	Higgins	Moore, Tex.	Sulzer
Draper	Hill, Conn.	Morse	Tawney
Driscoll	Hill, Miss.	Mouser	Taylor, Ohio
Durey	Hinsaw	Murdoch	Thistlewood
Ellerbe	Holliday	Needham	Tirrell
Englebright	Houston	Nelson	Tou Velle
Esch	Howell, N. J.	Nicholls	Townsend
Fairchild	Howell, Utah	Norris	Underwood
Favrot	Hubbard, Iowa	Nye	Volstead
Ferris	Hubbard, W. Va.	O'Connell	Vreeland
Finley	Hughes, N. J.	Overstreet	Waldo
Fitzgerald	Hull, Tenn.	Padgett	Wanger
Floyd	James, Addison D.	Page	Watkins
Focht	Jenkins	Parker, N. J.	Watson
Fordney	Johnson, Ky.	Parsons	Wheeler
Foster, Ill.	Johnson, S. C.	Patterson	Williams
Foster, Vt.	Kahn	Payne	Wilson, Ill.
French	Kelifer	Pearre	Wood
Fuller	Kellher	Perkins	Woodyard
Fulton	Kennedy, Iowa	Pollard	Young

## NAYS—7.

Bartlett, Nev.  
Cushman

## ANSWERED "PRESENT"—8.

Bennet, N. Y.  
Brundidge

## NOT VOTING—132.

Ames	Fassett	Lamar, Fla.	Powers
Anthony	Fornes	Lamar, Mo.	Pratt
Bannon	Foss	Landis	Pray
Barchfeld	Foster, Ind.	Law	Prince
Bartlett, Ga.	Foulkrod	Lenahan	Randall, Tex.
Beale, Pa.	Fowler	Lever	Randsell, La.
Bingham	Gaines, W. Va.	Lewis	Reid
Birdsall	Gardner, Mass.	Lilley	Reynolds
Boutell	Gill	Lindsay	Rhinoek
Broussard	Gillespie	Littlesfield	Riordan
Burke	Goebel	Livingston	Roberts
Burton, Del.	Greene	Lorimer	Sheppard
Byrd	Gregg	McCreary	Sherman
Calder	Griggs	McGavin	Smith, Mich.
Calderhead	Gronna	McGuire	Smith, Tex.
Caldwell	Hackett	McHenry	Southwick
Campbell	Hamill	McLachlan, Cal.	Stanley
Carlin	Harding	McMillan	Stephens, Tex.
Caulfield	Hardwick	Madison	Stevens, Minn.
Chaney	Haugen	Malby	Talbott
Clark, Fla.	Hobson	Marshall	Taylor, Ala.
Cook, Colo.	Howard	Miller	Thomas, N. C.
Cousins	Howland	Mondell	Thomas, Ohio
Cravens	Huff	Moore, Pa.	Wallace
Davey, La.	Hughes, W. Va.	Moore, Pa.	Washburn
Dawes	Hull, Iowa	Mudd	Webb
Denby	Humphreys, Miss.	Murphy	Weeks
Dunwell	Jackson	Olcott	Weems
Dwight	James, Ollie M.	Olmsted	Wells
Edwards, Ga.	Jones, Va.	Parker, S. Dak.	Wiley
Edwards, Ky.	Kipp	Peters	Willett
Ellis, Mo.	Kitchin, Wm. W.	Porter	Wilson, Pa.
Ellis, Oreg.	Knopf	Pou	Wolf

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. COUSINS with Mr. FLOOD.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. WATSON with Mr. SHEPPARD.

Until further notice:

Mr. GRONNA with Mr. KIPP.

Mr. ELLIS of Missouri with Mr. HOWARD.

Mr. BANNON with Mr. BYRD.

Mr. HAUGEN with Mr. WALLACE.

Mr. STEVENS of Minnesota with Mr. WOLF.



Mr. SOUTHWICK with Mr. WILSON of Pennsylvania.  
 Mr. SMITH of Michigan with Mr. WILEY.  
 Mr. OLMSTED with Mr. WEISSE.  
 Mr. OLCOTT with Mr. WEBB.  
 Mr. MOORE of Pennsylvania with Mr. THOMAS of North Caro-

lina.

Mr. MOON of Pennsylvania with Mr. TAYLOR of Alabama.  
 Mr. MONDELL with Mr. STEPHENS of Texas.  
 Mr. MILLER with Mr. STANLEY.  
 Mr. MALBY with Mr. SMITH of Texas.  
 Mr. McMILLAN with Mr. SMALL.  
 Mr. McLACHLAN of California with Mr. RHINOCK.  
 Mr. FOSTER of Indiana with Mr. REID.  
 Mr. LANDIS with Mr. RANSELL of Louisiana.  
 Mr. HULL of Iowa with Mr. RANDELL of Texas.  
 Mr. HUGHES of West Virginia with Mr. POU.  
 Mr. GREENE with Mr. McHENRY.  
 Mr. GOEBEL with Mr. LINDSAY.  
 Mr. FOULKROD with Mr. LEWIS.  
 Mr. FOSS with Mr. LEVER.  
 Mr. FASSETT with Mr. LENAHER.  
 Mr. ELLIS of Oregon with Mr. LAMAR of Florida.  
 Mr. DWIGHT with Mr. JONES of Virginia.  
 Mr. DUNWELL with Mr. OLLIE M. JAMES.  
 Mr. CHANEY with Mr. HACKETT.  
 Mr. CAULFIELD with Mr. GREGG.  
 Mr. CALDERHEAD with Mr. GILLESPIE.  
 Mr. CALDER with Mr. GILL.  
 Mr. BENNET of New York with Mr. FORNES.  
 Mr. BARCHFELD with Mr. CRAVENS.  
 Mr. ANTHONY with Mr. CLARK of Florida.  
 Mr. AMES with Mr. CARLIN.  
 Mr. KNOPP with Mr. CALDWELL.  
 Mr. BIRDSALL with Mr. LAMAR of Missouri.  
 Mr. BOUTELL with Mr. GRIGGS.  
 Mr. McCREARY with Mr. EDWARDS of Georgia.  
 Mr. ROBERTS with Mr. BROUSSARD.  
 Mr. THOMAS of Ohio with Mr. HOBSON.  
 Mr. HARDING with Mr. PETERS.  
 Mr. MARSHALL with Mr. MURPHY.  
 Mr. DAWES with Mr. HARDWICK.  
 Mr. BINGHAM with Mr. LIVINGSTON.  
 Mr. LOWDEN with Mr. LEGARE.  
 Mr. EDWARDS of Kentucky with Mr. WILLET.  
 Mr. BURKE with Mr. DAVEY of Louisiana.  
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
 Mr. POWERS with Mr. PRATT.  
 Mr. MUDD with Mr. TALBOTT.

The result of the vote was announced as above recorded.

The Chair announced the following conferees on the part of the House: Mr. TAWNEY, Mr. SMITH of Iowa, Mr. FITZGERALD.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY, by direction of the Committee on Appropriations, reported the bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, which was read a first and second time and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 142. An act providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State of the United States in the capitol building of said State;  
 S. 157. An act providing for the erection of a public building in the city of Hinton, W. Va.;

S. 608. An act relating to proof of signatures and handwriting;

S. 1526. An act to correct the military record of Edward T. Lewis;

S. 1577. An act for the relief of Sergt. James W. Kingon;  
 S. 1750. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies;

S. 2487. An act to amend section 5278 of the Revised Statutes;  
 S. 2963. An act for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment;

S. 3723. An act for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.;

S. 3764. An act to apply a portion of the sales of public lands to the endowment of schools or department of mines and mining, and to regulate the expenditure thereof;

S. 6246. An act authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes;

S. 6373. An act waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same;

S. 6506. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia";

S. 6523. An act granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania;

S. 6529. An act for the relief of Mary S. Fergusson;

S. 6544. An act to remove the charge of desertion from the record of William H. Atkins;

S. 6640. An act authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width;

S. 6641. An act to incorporate the American National Institute (Prix de Paris) at Paris, France;

S. 6665. An act for the relief of Charles H. Dickson;

S. 6682. An act to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance;

S. 6764. An act authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri;

S. 6775. An act construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, relating to Indian allotments, and for other purposes;

S. 6783. An act to establish a fish-cultural station in the State of Nevada;

S. 6788. An act to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon;

S. 6923. An act for the relief of John M. Kelly;

S. 6930. An act to pay to certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court;

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898;

S. 4288. An act to empower the Court of Claims to hear and determine the claims of Robert V. Belt and Joseph P. Mullen for services and expenses for the Choctaw and Chickasaw freedmen;

S. 4691. An act to provide for the purchase of a site and the erection of a public building thereon at Marshall, in the State of Missouri;

S. 4726. An act for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, State of Wisconsin;

S. 7023. An act to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide safeguards to life on boats and scows;

S. 7110. An act to aid in building a memorial to Abraham Lincoln on the site of the Lincoln birthplace in Kentucky;

S. 5163. An act to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes;

S. 5252. An act to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia;

S. 5648. An act to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes;

S. 5788. An act for the relief of the estate of Julius Jacobs;

S. 5905. An act for the relief of the executors of the estate of Harold Brown, deceased;

S. 5944. An act for the relief of John F. Wingfield;

S. 5997. An act for the relief of Paul Butler;

S. 6101. An act to promote the efficiency of the Public Health and Marine-Hospital Service;

S. 6102. An act to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service;

S. 6161. An act for the relief of Rufus Neal;

S. 6242. An act for the establishment of a probation and parole system for the District of Columbia;

S. R. 67. Joint resolution empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes;

S. R. 87. Joint resolution to amend an act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," approved March 28, 1908; and

S. R. 90. Joint resolution to amend an act authorizing the construction of bridges across navigable waters, etc.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4809) to authorize the construction of a bridge across the Merrimac River at Syngs Island, Massachusetts.

#### COMPENSATING GOVERNMENT EMPLOYEES FOR INJURIES SUSTAINED IN EMPLOYMENT.

Mr. ALEXANDER of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That when, after the passage of this act, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor work or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, he shall be entitled to receive for one year thereafter, unless sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

SEC. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under 16 years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in equal portions, under such regulations as the Secretary of Commerce and Labor may prescribe, the same amount, for the remainder of the said year, that the husband, or father, or son would be entitled to receive as pay if he were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of 16 years during the said year, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the origin and nature of the accident and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports.

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate satisfactorily accounted for. In the case of incapacity for work lasting more than thirty days, the injured party or his legal representatives desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for

compensation, to be accompanied by a certificate of his attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, submit himself to medical examination, to be provided and paid for under the direction of the Secretary, and if he refuses to submit to or obstructs such examination his right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

SEC. 6. That to seek to obtain by fraudulent means or to accept benefits under this act to which the person is not entitled shall be deemed a misdemeanor on his part and punishable by a fine of not more than \$1,000 or by imprisonment for not more than two years, or both.

SEC. 7. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

SEC. 8. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be *pro tanto* void.

SEC. 9. That this act shall only take effect as to the right to receive compensation for any damages from accidents as to those occurring on and after July 1, 1908.

SEC. 10. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

Mr. CLAYTON. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from New York is entitled to twenty minutes and the gentleman from Alabama to twenty minutes.

Mr. ALEXANDER of New York. Mr. Speaker, I will ask the gentleman from Alabama how much time he wants.

Mr. CLAYTON. I have been asked by several gentlemen on this side of the House for time. I suppose I shall want all of the twenty minutes.

Mr. ALEXANDER of New York. Mr. Speaker, this bill practically covers all Government employees engaged in hazardous occupations.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, I would like to state that this is an important bill, and I would ask unanimous consent that there be forty minutes' debate on a side.

Mr. ALEXANDER of New York. Mr. Speaker, I will say to the gentleman from Kentucky that I can yield him some time, if he can not get it from the gentleman from Alabama [Mr. CLAYTON].

Mr. SHERLEY. I have no desire to ask time for myself, but I assume that the House would want more time in which to debate the matter.

Mr. ALEXANDER of New York. I will say to the gentleman from Kentucky that I shall ask unanimous consent to extend my remarks, and then parcel out the balance of the time.

Mr. WILLIAMS. To that I shall object.

Mr. ALEXANDER of New York. I ask, Mr. Speaker, that all Members be allowed to extend their remarks in the RECORD on this bill.

Mr. WILLIAMS. Mr. Speaker, to that request I make objection.

The SPEAKER. The gentleman from Mississippi objects.

Mr. WILLIAMS. I have no objection to the extension of debate on the floor, but I shall object to printing and extending in the RECORD. There has been too much abuse of that.

Mr. ALEXANDER of New York. As I was saying, Mr. Speaker, the purpose of this bill is to compensate Government employees engaged in hazardous occupations. Such employment is practically confined to arsenals, navy-yards, manufacturing establishments (such as armories, clothing depots, shipyards, proving grounds, powder factories, and so forth), to construction of river and harbor work, and to work upon the Isthmian Canal. The bill provides that the wages of such an employee who is injured in the course of such employment, without contributory negligence or misconduct, shall be continued for one year unless he is sooner able to resume work. If such an one is killed, or subsequently dies during the year, an amount equal to a year's wages or the remainder thereof is paid in equal portions to his widow, children under 16 years of age, and dependent parent, or to the survivor or survivors.

All payments are made under the direction of the Secretary of Commerce and Labor, who is authorized to pass upon questions of negligence and misconduct and to make such rules and regulations as may be necessary to safeguard the interests of the Government and of the beneficiaries. From his decision no appeal is allowed. Sections 3 to 9, inclusive, make ample provision for the protection of the Government, requiring notice of accident, investigations, medical examinations from time to time, and so forth. Section 10 repeals all acts in conflict.



The principle of this measure is not new to our Government. For five years railway postal clerks have been thus compensated, and since May 4, 1882, members of the Life-Saving Service have enjoyed similar benefits. In case of injury a postal clerk is paid his wages for one year, unless sooner able to resume work, ranging from \$800 to \$1,600. If he is killed or dies within one year, his family receives a lump sum of \$1,000. A surfman in the Life-Saving Service, if injured, may receive his wages for two years, unless sooner able to resume work, ranging from \$650 to \$1,560 for the two years. If killed, his family receives a like amount. Under the provisions of this bill a Government artisan or laborer, if injured, receives one year's wages, unless sooner able to resume work, ranging from \$300 (boys) to \$1,600 (foremen and experts), being an average of about \$800. If killed, his family receives a like amount.

There is insufficient data as to the number and character of accidents occurring to Government employees upon which to base an accurate estimate of the cost under this bill. In the railway mail service there are 14,347 postal clerks, and last year it cost the Government \$98,143.95 because of accidents. The Life-Saving Service employs 1,898 surfmen, and the Government during the last year paid for accidents and deaths \$41,270.51. This amount also includes sums paid for sickness contracted in the service.

There are approximately 6,600 artisans and laborers employed in arsenals, armories, and other manufacturing establishments of the War Department, and during the past ten years 8 were killed and 41 more or less seriously injured. The average absence from work because of these injuries was about two and one-half months. Under this bill the Government would have paid during the ten years a total of about \$20,000, or an average of \$2,000 a year. It ought to be added that the fewness of the accidents arising in the workshops of the War Department is largely due to the excellent condition of the machinery and the discipline exercised by the officers in charge.

The thirty-one navy-yards, naval stations, training stations, and naval magazines under the Navy Department employ approximately 25,000 men, but no statistics are available showing the number of accidents. Under the Isthmian Canal Commission approximately 11,000 men are engaged in hazardous occupations, their wages ranging from \$500 (unskilled laborers) to \$2,200 (locomotive engineers). During the calendar year 1907 there were 142 accidents resulting in death and approximately 1,300 treated in the hospitals. As no statistics are available showing the wages received by those killed or injured, no estimate can be made of the probable cost of compensation under this bill. The number of injured in proportion to those employed is very large, although it is likely that many accidents were slight and many due to the contributory negligence of the employees.

The Government in its river and harbor work employs approximately 12,800 artisans and laborers, their wages ranging from \$400 to \$3,600, with an approximate average of \$1,200. The perfect machinery and the discipline exercised over the employees have resulted in a very few accidents, 75 approximately having occurred since and including the year 1894. Of those injured only 2 were killed and 1 died.

The bill covers approximately 55,400 employees out of a total of 337,751 connected with the classified and unclassified civil service of the United States. If to this amount be added the postal clerks and members of the Life-Saving Service, the aggregate who may be cared for, if injured, will be increased to 71,000.

This measure is not as comprehensive or as liberal as many desire. Bills have been introduced extending relief to all employees of the Government. Some of these bills exclude negligence; others allow actions to be brought in Federal courts, with and without limitation as to the amount recoverable; others, following the rule of compensation adopted in this measure, double and treble the amount to be paid in case of injury or death. Nevertheless, it has seemed wise to the committee to confine compensation so far as possible to hazardous occupations, and to adhere not only to the system already adopted by the Treasury and Post-Office Departments, but to dispense relatively about the same amount of relief.

This plan, uniformly advocated by such employees of the Government as appeared before the committee, seems to be much more satisfactory because it gives food to the family at a time when the employee can not earn wages. Indeed, a strong feeling was evidenced at the hearings that some less expensive system of compensating accidents should be adopted than the lawsuit, which involves delay, produces uncertainty, withholds money when most needed, and works other hardships. What the injured employee seems to desire is to have his family supported while he is unable to earn wages, and he seems to prefer to take a less amount, to be used at such a time,

than to wait the result of a slow lawsuit, even though it may, if he succeeds, bring him two or three times as much.

Several of the governments of Europe have adopted this system of compensation. Under the provisions of the English workmen's compensation act of 1897, an employee of the Government, if injured, receives for a period not exceeding six months one-half his average weekly earnings during the previous twelve months; if killed, his family receives an amount ranging from \$730 to \$1,460.

In France certain Government employees in state, departmental, and communal establishments are paid two-thirds of their annual wages for permanent total disablement and one-half for temporary disability, besides medical and surgical benefits. When death occurs, those dependent upon him receive 60 per cent of his annual wages until the widow remarries and until the children reach the age of 16.

In Germany employees of the Government in the industrial establishments of the army and navy, and in the postal, telegraph, and railway service, receive for total disability from one-half to two-thirds of their daily wages and a less amount for partial disability. In case of death dependents receive 60 per cent of their wages until widow remarries, etc.

Similar compensation is provided in Austria and other European countries. The money so paid seems to be derived for the most part from accident insurance for which the governments pay in whole or in part. In Austria, for illustration, an employee receives 60 per cent of his wages for the first four weeks from the required sick benefit insurance, for which the employee pays two-thirds and the Government one-third; thereafter during disability he receives the same amount from the required accident insurance fund, of which the employee pays 10 per cent and the Government 90 per cent. In Belgium employees of the Government are compensated under the compulsory accident insurance law, the Government paying the whole premium. The entire cost under the workmen's compensation act of France is borne by the Government. In Germany sickness and accident insurance is compulsory except in the case of soldiers and other excepted classes, which are otherwise provided for.

Mr. JONES of Washington. Will the gentleman yield?

Mr. ALEXANDER of New York. Yes.

Mr. JONES of Washington. I notice here that the employees in the Reclamation Service are not covered by this bill. A great many of these employees are engaged in very hazardous work, where there is blasting going on, and they are liable to injury. Will the gentleman state why they are not included in this bill?

Mr. ALEXANDER of New York. Because, I may say to the gentleman from Washington, that although it may be hazardous employment, it is usually done under contract and not directly by the Government. This was my information after the gentleman spoke to me of the matter during the preparation of the bill.

Mr. JONES of Washington. I came with reference to the matter as soon as I learned of the preparation of the bill.

Mr. STERLING. May I ask the gentleman from Washington if nearly all of that work is not done under contract, and are not those men employed by contract?

Mr. JONES of Washington. Oh, not entirely. Some of it the Government does.

Mr. STERLING. Does the gentleman have any idea how much of it is done by the Government?

Mr. JONES of Washington. I can not say; but I know there is a great deal of it. For instance, in my own county the work is being done by the Government now and not by contract.

Mr. KEIFER. Mr. Speaker, I would like to ask the gentleman a question.

Mr. ALEXANDER of New York. I yield to the gentleman from Ohio.

Mr. KEIFER. I am in sympathy with this matter. I do not see any reason why the word "hazardous" should be used in line 7, page 1. Suppose one of the employees of the Isthmian Canal was engaged in work that could not be classed as hazardous and yet through the blasting and other hazardous operations that were going on along the line of the Panama Canal he was injured; he could not recover anything, could he, under this bill?

Mr. ALEXANDER of New York. I will say to the gentleman that this covers, or is supposed to cover, all employees under the Isthmian Canal Commission who work in dangerous places or are likely to be hurt by blasting.

Mr. KEIFER. But if the gentleman will pardon me, I am speaking now of the bill and not what somebody said. This is the language:

Any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or

in the construction of river and harbor work, or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission—

Now, the employees must be actually employed in hazardous employment to be entitled to any relief under the bill should it become a law, and if they are not so employed and yet get injured through hazardous work of others, they could not recover under this bill.

Mr. ALEXANDER of New York. I will say to the gentleman that the bill covers all persons who could by any possibility be injured through hazardous work.

Mr. KEIFER. I do not know. You use the word "hazardous" relating to employees of the Isthmian Canal Commission and do not use it as to artisans and laborers in manufacturing establishments or arsenals or navy-yards or in the construction of river and harbor work. Why this discrimination?

Mr. ALEXANDER of New York. Because men so employed are engaged in hazardous occupations, while not all on the Isthmus are engaged in hazardous occupations.

Mr. KEIFER. I think they are not all engaged in actual hazardous occupations, but they are all in hazardous relation to hazardous work, and that is my observation, having been there twice and somewhat carefully examined or observed the work in progress all the way across the Isthmus.

Mr. ALEXANDER of New York. The bill was worded advisedly so as to exclude those not engaged in hazardous employment. All those engaged in navy-yards, arsenals, proving grounds, and other establishments indicated are likely to be hurt.

Mr. SULZER. Will my colleague permit an inquiry?

Mr. KEIFER. Let me make this inquiry, and then I have finished. Suppose one of these men not engaged in hazardous employment at all is traveling upon the Isthmian railroad that is engaged in carrying back and forth material in making the cut at Culebra and other places and he is injured through some means or other through no fault of his. He could not recover under this, while the man engaged in the hazardous work on the train could had he been injured.

Mr. ALEXANDER of New York. I think the Secretary of Commerce and Labor would find that when an employee is traveling on the railroad he is engaged in hazardous employment.

Mr. SULZER. Will the gentleman yield for an inquiry?

Mr. ALEXANDER of New York. Yes.

Mr. SULZER. In my opinion this is a most meritorious bill, and I am very much in favor of it as a step in the right direction, but what I wish to know is this: Why does not this bill cover all the employees of the Government, such as the letter carriers, the railway mail clerks, the elevator men in the public buildings of the Government, and so forth. These men are all engaged in hazardous employment and just as likely to be hurt as anybody else, and they should have this protection as well as those now provided for in the bill. I would like to amend the bill to include all the toilers and workers.

Mr. ALEXANDER of New York. I will say to my colleague from New York postal clerks are already provided for. They get their year's wages if injured, and if killed, their families receive a thousand dollars in a lump sum. The Life-Saving Service men are likewise protected. The purpose of the bill is to protect those who are engaged in hazardous employment.

Mr. SULZER. That is exactly what I am in favor of doing. But I want the bill to go further and include all the employees of the Government. The bill is good so far as it goes, but it does not go far enough to suit me.

Mr. ALEXANDER of New York. Now, Mr. Speaker, I must decline to yield further. I reserve the balance of my time. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. HAMILTON of Iowa. I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. GILLETT. I do not yield. Mr. Speaker, this legislation illustrates to my mind the harmful effect of the Democratic attempt to usurp the functions of the majority and force upon it its programme of legislation by filibuster. Of course I do not suppose they expect to accomplish their object, perhaps they do not want to do so, but whether they accomplish that or not, there is one thing they do accomplish and inevitably accomplish. They force the majority to bring its legislation under stress with a limit of time like this under suspension of the rules, so that we have no opportunity to amend or debate it as we should, and, consequently, the Democratic filibuster and consumption of time is directly responsible for limiting this House in expressing its opinions upon legislation.

This bill is an illustration. Ordinarily, as it is on the Union Calendar, it would have to go to the Committee of the Whole and be subject to amendment, and I believe would be infinitely improved by the votes of the majority of the House. I think that a great majority of this House believe that the employees of the Government throughout the country should at least have the same rights that every employee of any private individual or corporation has; that he should at least have the right, when injured in employment, to sue the person or the corporation by whose negligence the injury occurs. That is a privilege that every other individual in the United States has. That is the least which I think every Government employee should have, and if this bill was subject to amendment I have no doubt that this House would at least go as far as that. But I recognize that under the conditions forced upon us we can not have that right. Therefore, although I think this bill does not go nearly far enough, yet it does accomplish a little something; it does give to the Government employees, who have absolutely no remedy, some slight remedy, and therefore I hope that this bill, as a mere stop-gap, a gift of a small part of what the employees ought to receive, will become a law. My attention was drawn to this subject many years ago, and although I know it is unpopular and tactless to say "I told you so," I can not refrain from saying that before this subject was generally agitated, nearly ten years ago, I introduced a bill, it being called to my attention by employees in my district, allowing a Government employee to sue the Government the same as he could any other person. Since then the subject has been discussed, the President of the United States has taken up the subject, labor itself has gone further and public opinion has gone further, and bills have been introduced which practically amount to an insurance of the Government employees against any accident. Whether the House would adopt that principle if it had the opportunity, I do not know. It seems to me the least that the House would give would be that when they are injured without negligence of their own, and by the negligence of their employer, they should have the same right as all of the rest of us have—to resort to the courts for their legal remedy. But inasmuch as there is no opportunity for amendment, I hope that this bill in its present form will be adopted.

Mr. HAMILTON of Iowa. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. HAMILTON of Iowa. I desire to ask the gentleman this question: It speaks of the employees having the right to sue the Government for injuries the same as suing a private corporation, for instance. Under the terms of this bill would they have any right, if the bill became a law, to sue the Government?

Mr. GILLETT. I am afraid I must have been very obscure in what I said. That was the very criticism I was applying to this bill, because it does not give any right to sue the Government. All this bill does is to give the right to a person who is injured to go to the Secretary of Commerce and Labor and get, at the most, one year's wages. Now, what I think he ought to have is a right, at least, to go and sue for a fair compensation.

Mr. HAMILTON of Iowa. I agree with the gentleman entirely, but under this bill they would have no such right, and the decision of the Secretary of Commerce and Labor would be a final decision on all these propositions?

Mr. GILLETT. Yes. That was the very criticism I was bringing against the bill. I hope I make myself clear now.

Mr. HAMILTON of Iowa. Then, does the gentleman think that the bill ought to be voted down?

Mr. GILLETT. I do not. I think it is better to have this bill than nothing.

Mr. SHERLEY. Mr. Speaker, I desire now to renew my request that twenty minutes of additional time be given for debate on this bill. I ask unanimous consent.

Mr. CAPRON. Mr. Speaker, in view of the refusal of consent to extend remarks upon the bill by the leader of the minority, I shall object.

Mr. SHERLEY. I want to ask the gentleman a question.

Mr. ALEXANDER of New York. I reserve the balance of my time until the gentleman from Alabama consumes some of his.

Mr. CLAYTON. Mr. Speaker, may I ask how much more time the gentleman from New York has?

The SPEAKER. Five minutes.

Mr. CLAYTON. Mr. Speaker, this bill comes from the Committee on the Judiciary with a unanimous report. It is not perfect in all particulars, but it was the best that could be done to harmonize the divergent views of the members of the



committee. The bill does not present an entirely new legislative question. An examination of the report will show that laws similar to this obtain in respect to railway mail clerks and some other employees of the Government engaged in some other hazardous work.

The gentleman from Massachusetts [Mr. GILLET] goes out of his way to indulge a very boyish complaint against the minority Members of this House. He undertakes to tell to the country that this bill is not perfect and will not be perfect as it passes this House, because, he says, the minority will not allow you of the majority to amend this bill as it ought to be amended. [Applause on the Democratic side.] Now, Mr. Speaker, I want to make this proposition, this request, right now: I ask unanimous consent that five hours be given to the consideration of this bill and that amendments be allowed during that five hours. I ask unanimous consent that this may be done. [Loud applause on the Democratic side.]

Mr. STERLING. I object.

Mr. WILLIAMS. Who objected, Mr. Speaker?

The SPEAKER. The gentleman from Illinois.

Mr. CLAYTON. The gentleman from Illinois objects. So, then, we find that objection to amendment of this measure comes from the Republican side, by a gentleman from the State of Illinois. [Applause on the Democratic side.]

Mr. Speaker, it has not been the purpose of the minority members of the Committee on the Judiciary to bring partisan politics into such a matter as this, and I deplore the fact that the gentleman from Massachusetts saw fit to inject into this great question a lot of puny, peanut politics. [Applause on the Democratic side.] I now yield five minutes to the gentleman from New Jersey.

Mr. HUGHES of New Jersey. Mr. Speaker, I regret very much that the gentleman from Massachusetts saw fit to endeavor to obtain some partisan advantage out of the consideration of this measure. He called the attention of the House to the fact that time is flying and that little or none is left to consider measures of this kind. I call his attention, and that of the country, to the fact that there is nothing which compels this House to adjourn on the 23d day of May, or any other day prior to next December. If the majority on this floor is in the mood, if the majority in this House is sincere in its oft-repeated declarations in favor of labor, this House need not adjourn on the 23d of May, but can go on any length of time it desires in order to pass legislation that the people want. I am voting for this measure now because I can get nothing better.

But we can, if the majority chooses, stay here and pass an anti-injunction bill, a bill which you can put up to us under a rule, name it by number and by title, introduced by a gentleman on your side of the House, and we will stay here with you after the 23d day of May and vote upon that anti-injunction proposition. We will stay here until the Commission that was appointed to inquire into the constitutionality of the eight-hour act has reported. That law has been in effect, so far as legislative enactment is concerned, since 1868 in this country, but the heads of the Departments have consistently and constantly ignored it, and are now ignoring it, and it has been the subject of legislation in each of the Congresses in which I have served. Yet we are in precisely the same position now in regard to it as we were when I first came into this House. Bills are introduced here, hearings are had, and some subterfuge is adopted in the closing days of the session that carries them over the Presidential election. There is no reason why this character of legislation should not be disposed of.

Can you go to the country and say that you can not pass these bills because you had to go to Chicago, perhaps, to prevent the nomination of some man who will act in the interests of the people? This bill is not much. There is nobody who desires it greatly except for this fact: That it recognizes the principle. It means that this great Government is not lagging too far behind the other great nations of the earth, practically every one of which has adopted the principle in its entirety. We do not give a man a right of action; we do not give him the right against the Government which he has against any other employer. We simply say to him that if he is injured and can satisfy the head of some Department that he has not violated the rules and regulations by him prescribed, and that he is without fault, then after filing affidavits to show that he has done everything proper for him to do under the circumstances, perhaps he will get his wages for a year, if his injuries are sufficiently severe.

It is impossible, of course, for the Members of this House to understand the bill in the limited time that it will be before them for discussion, but this much can be said of it, that it is a step in the right direction. I sincerely hope that it will pass. I yield back the balance of my time.

Mr. CLAYTON. May I ask the gentleman from New York if he desires to consume his five minutes now.

Mr. ALEXANDER of New York. I prefer that the gentleman consume the remainder of his time.

Mr. CLAYTON. Then I yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. This is one of the bills upon the Democratic minority programme, and it is a bill upon which I am not going to demand the yeas and nays, in accordance with the Democratic programme first asserted by me.

The gentleman from Massachusetts [Mr. GILLET] has said that "the minority was trying to usurp the rights of the majority." You Republicans have gotten so arrogant and dogmatic that you think when a man elected by the people to serve a constituency on this floor happens to be a Democrat, he has no right to express opinions about what the legislative programme of the Congress of the United States ought to be, nor any number of them to combine to express that opinion. We are simply asserting the right to awaken the public conscience, and it is better to pass good legislation such as this is, and into which you have been whipped under a twenty-minute debate on each side, than not to pass any good legislation at all. That is as far as that goes.

Now, Mr. Speaker, to prove your bad faith in connection with this matter, the gentleman from Massachusetts has said that I have forced you to act under this special rule. Why, I have not. You adopted the special rule. We on this side voted against the special rule, and you are not even by that rule compelled to operate in every case under that rule. You could have made an exception in this particular case. You could have given the right of amendment by simply resorting to the ordinary procedure, and you need not have shackled your men on that side to vote "up or down" without any power of amendment. However, you of your own will, possessing power to grant right to amend, or yourselves to amend, in the very motion to suspend, have purposely denied it. Now, as I am not going to call the roll, and as that takes thirty-five minutes, I ask, in order to demonstrate the hypocrisy of the pretense that the right to amend is cut off by me, unanimous consent that thirty-five minutes may be given to Members to offer amendments to this bill.

Mr. PAYNE. Mr. Speaker, I object.

Mr. WILLIAMS. Ah, I knew the objection would come, and I hoped, so that it might be a Republican party move, it would come from the floor leader of the Republican party. It has come. [Applause on the Democratic side.] Now, the gentleman from Massachusetts [Mr. GILLET], so fair, so honest, will go back to the people of Massachusetts and say:

The speech that I made, though I thought at the time I was doing sincere work for the public, turned out afterwards to be pure, unadulterated buncombe, as far as the Republican party was concerned, and the objection that the bill could not be amended by me must lie upon my own side, the Republican side of the House.

[Applause on the Democratic side.]

Mr. Speaker, I should like to amend this bill in at least two respects. I have read it very carefully; I agree to it very much indeed. I heartily indorse it as an improvement on present wrongs. I think, however, that the ninety days' time given in section 4 for a claim for compensation to be made is too short. I should like to see it extended. I think the provision in section 6 that anybody who undertakes to "accept benefits under this act to which he is not entitled shall be guilty of a misdemeanor" ought to be stricken out, because under a possible construction of the act, if a man made a claim for damages and that claim was overruled by the Department, the sole judge and final arbiter under the act, it might possibly subject him to punishment for a misdemeanor for having attempted to get compensation.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. I yield one minute more.

Mr. WILLIAMS. But, Mr. Speaker, this bill will go to another branch of the National Legislature, and I have a hope that these two defects and other defects will be cured there, and I hope there will not be a vote cast, upon this side of the Chamber at any rate, against this bill, and I hope that that side of the Chamber will also be unanimous, either from conviction or because of fear in supporting it and in giving to the laboring men in the employ of the Government their just rights. If the bill be not perfect, it can be perfected on the other side of the Capitol. If the bill be not perfect now, it might have been perfected by the majority here during this long session or by unanimous consent now granted to consider amendments; but this majority is so anxious to show that it is helpless in the face of a minority which itself is vaunted to be really helpless and so anxious to indulge in demagogic nonsense about being "forced to do what it does not want to do by a minority" that

is powerless to force anything, that you will not perfect it here, though I hope the Senate, composed of a majority of Republicans and some White House Democrats, will. [Applause on the Democratic side.]

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, this bill goes a short way in the right direction. It should go much further. The Democrats are ready to go further, but the Republican party in this House, under their tyrannical rules, will not permit it. You think that you will throw this little "sop" to the laboring people of the country and thereby accomplish your purpose of hoodwinking them. Gentlemen, if I had my way, instead of saying to the laboring man, the artisan, the mechanic, "You may have compensation for the time you lose from your work on account of injury, or your family may have one year's pay on account of your death," I would throw open wide the doors of the courts of the country to them, and say, "Come into the temples of justice and stand upon the same footing as any other citizen in this broad Republic, and contend for every right and every dollar to which your cases entitle you." Ah, it accords but little justice to the laboring man. Why are you not willing to go further? Why are you not willing to take up the anti-injunction measure and the other meritorious legislation demanded by those engaged in laborious pursuits? If you are willing to do it, the Democratic party will remain here with you all the summer to consummate their just demands. We challenge you to that field of legislation. [Applause on the Democratic side.]

Mr. WILLIAMS. If the gentleman from Texas will permit an interruption, I would say that there is nothing in the Constitution or the rules forcing this House to adjourn until next December, and they can stay here and perfect legislation if they will.

Mr. HENRY of Texas. Concurring with the gentleman from Mississippi [Mr. WILLIAMS], I will go further, and say if you will accord this justice, the Democrats will remain in session until the 1st day of December in order to secure the legislation. [Applause on the Democratic side.]

Mr. CLAYTON. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this bill is a good step in the right direction, and I shall vote for it. I listened with some surprise to the gentleman from Massachusetts [Mr. GILLETTE] who complained about the majority being controlled by the minority of the House. Does the gentleman mean to say that the minority, the Democrats, of the Judiciary Committee, control the majority, the Republicans, of that committee?

Mr. GILLETTE. The gentleman does not quote me correctly.

Mr. GAINES of Tennessee. The gentleman stated that the minority of the House was controlling the majority of the House.

Mr. GILLETTE. I said that you took up so much time in roll calls that we were obliged to adopt rules which necessarily cut off debate.

Mr. GAINES of Tennessee. But the rules did not apply to the work of the committee which framed this bill, and the gentleman knows that since the leader of the minority has been whipping the majority into action and compelling a quorum to come here every day, that the majority has been working every day, and has done more of the ordinary routine and legislation since he begun his so-called "filibustering" than in any day previous thereto in this Congress or in the memory of the gentleman from Massachusetts.

I ask the gentleman, and I ask the majority, why can you not have night sessions, as in previous Congresses? Why can you not labor here at night, if you want to help along the laboring people of this country? Why can you not remain in session until December and perfect legislation which you say is impaired by the action of the minority? You have the majority, the majority makes the rules, and you make the laws, and the minority has served as a cat-o'-nine tails on your legislative backs to put you to work and keep you at it. If we had not whipped you into action, this Congress would have gone down into history as a "do-nothing Congress," and you know it. Mr. Speaker, the majority did nothing in December, and practically nothing in January, and you know the people of this country know that fact; and now Members of the majority are whining here because the minority, the Democrats, are making the majority do a little something for the relief of the people of this country, which could have been and should have been done long since. [Applause on the Democratic side.]

Mr. CLAYTON. I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I understand that the gentleman from New York will yield me two minutes.

Mr. ALEXANDER of New York. I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY], Mr. Speaker.

Mr. SHERLEY. So that I have four minutes. Mr. Speaker, in that four minutes it is impossible to make a full statement as to what this bill does and does not contain, and before attempting to make even a limited statement as to some of its provisions I wish to state that there have always been two theories as to the position the Government should take in regard to compensation for employees. One view partially embodied in this bill is that there should be fixed rates of compensation. The other view is to give to the citizen the same right against the Government that he would have against an ordinary employer, to give him access to the courts that he may there establish his rights. In my judgment there is a middle ground which could be successfully invoked. That would be to make provision that certain compensation should be given in case of injury, but it should be optional with the employee to accept that or to assert his right in a court, his election to assert his right in court depriving him of any right under the compensation provisions of the bill.

Coming to the provisions of this bill, and as an evidence of its crudity, I desire to call attention to one fact. There is certain compensation fixed in the case of death, and that compensation provides that the widow or minor children shall receive the same sum for the remainder of the year that the employee would have received if alive and he had continued to be employed. In other words, if he dies two days prior to the expiration of his year his widow would be entitled, under the ordinary construction of this bill, to compensation for two days, whereas if he died at the beginning of the fiscal year the compensation would extend over the remainder of the year—a proposition that surely was not intended by the authors of the bill. Doubtless what was intended was that in case of death resulting from injuries received in the Government's employ the beneficiaries of the deceased employee should receive a sum equal to the yearly compensation that would have been paid such employee had he lived and continued in the Government employ less such amount as shall equal the sum, if any, that might have been paid him during his illness after his injury. But this is not what is provided, by any means.

Mr. COOPER of Wisconsin. Will the gentleman permit me to make a suggestion?

Mr. SHERLEY. Just a suggestion.

Mr. COOPER of Wisconsin. If a laboring man in my State was killed by a railroad accident, his family would get \$5,000, while under this bill his family would simply get the balance of his salary for the year.

Mr. SHERLEY. Yes; the amount the family would receive would depend upon the time in the year's employment he was killed. Now, if the House was permitted to amend the bill that could be remedied by putting in a few words and striking out seven. On page 2, if you struck out in lines 14 and 15 the words "for the remainder of the said year," and in line 16, after the word "pay," insert "for the year," the law would read that these beneficiaries shall receive the same amount that the husband, or father, or son, would be entitled to receive as pay for a year if he were alive and continued in that employment that long, and then add just prior to the word "provided," in line 17, the words "less such amount as equals the sum, if any, paid such employee, in accordance with the provisions of section 1 herein."

Now, this would make the bill accord with what, as I have said, was the evident intention of the bill.

If I had the time, I might urge other objections to the bill, but realizing the legislative situation I shall not urge the nonpassage of the act. I realize that it is this or nothing, and I realize that this bill will probably be perfected before it becomes a law, and that in any event the moment it goes on the statute books and real judicial attention is directed to it there will then be enacted a real law that will do substantial justice to the employees of the Government. What I hope to see is a bill providing for certain definite compensation if the employee chooses to accept it, with the option of refusing to accept such compensation and then have the right to seek his remedy in court as he would seek it against any other employer. The effect of that will be twofold. It will not only be to give to the employees just compensation, but it will be to make the Government conduct its business properly. The greatest restraint that has been upon the railroads, and the greatest help in the protection of life, has been the right of the individual citizen to go into court and recover damages for negligence. Way beyond your safety-appliance laws in effectiveness is



that right of the citizen to make the railroad pay for its negligence. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. CLAYTON. Mr. Speaker I yield two minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this is a good bill. Its purpose is to compensate Government employees engaged in hazardous occupations in case they are injured. It is a step in the right direction, and I hope the bill will pass unanimously. It has been adopted in European countries, and it should be the law in this country. In many things along these lines we are behind the age. The only criticism that I can make in regard to the provisions of the bill is that it does not go far enough to suit me. If I had my way, I would provide that every employee of the Government engaged in hazardous pursuits should have the benefits of the terms of this bill. Why only include those engaged in certain departments of the Government? Why not include those engaged in hazardous employment in every department of the Government? They should all be included. It is only fair and just and proper. I will go as far as any man in Congress in enacting legislation to protect Government employees. The honest, the industrious, and the faithful employees of the Government are entitled to this consideration. The bill should be amended to include all the employees of Uncle Sam engaged in dangerous occupations. If the House had the opportunity to consider this bill as it ought to be considered, on its merits, I know there are enough Members in the House to vote to amend the bill so that it will provide some protection for all the employees of the Government. However, that can not be done under the rule. This is the best we can get now, and I shall vote for the bill, and hope it will pass and become a law before we adjourn. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CLAYTON. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. NICHOLLS].

Mr. NICHOLLS. Mr. Speaker, I am very happy to be a Member of the House of Representatives at a time when a bill of this character is about to be passed. I shall vote for it heartily. I want to say that we are extending a principle which is in effect and has worked admirably in Great Britain. They also have in Great Britain a liability bill, which allows them to sue for damages in case the damage is greater than the compensation provided for by the compensation act. I believe that this principle ought to become an established fact in the various States of the Union, in order that the people who are engaged in mines and factories who are unable to employ lawyers and sue for damages and whose children suffer for want while such lawsuits are going on may be at once compensated and properly taken care of. In the anthracite region, a part of which I represent, there are approximately 600 people killed every year. If a tax of 2 cents per ton were placed upon the coal mined, it would provide \$900,000 for the 600 men, or \$1,500 each, and leave a half million dollars to relieve those who are injured.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, how much time have I left?

The SPEAKER. One minute.

Mr. CLAYTON. Then, Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, for about six months I have worked to prepare a similar bill to the bill that is under discussion now. I introduced my bill February 10, which not only provides for compensation—

Mr. CLAYTON. What is the number?

Mr. SABATH. The number is H. R. 16739. It not only provides for compensation for Government employees, but it provides for compensation for injuries to employees engaged in interstate and foreign commerce, which would include thousands and thousands of laboring men who are employed in hazardous and dangerous occupations. I notice that that bill has not received any consideration. If the gentlemen who reported this bill that is before us now would have been sincere, fair, and honest with the laboring men, they would have reported my bill in place of this one. [Applause on the Democratic side.] Two sessions ago a bill similar to the one now under consideration was introduced by the gentleman from Virginia [Mr. MAYNARD], and—

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Illinois [Mr. SABATH]

asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. PAYNE. I object.

Mr. ALEXANDER of New York. Mr. Speaker, how much more time have I?

The SPEAKER. Three minutes.

Mr. ALEXANDER of New York. I yield one minute to the gentleman from Illinois [Mr. McKINNEY].

Mr. McKINNEY. Mr. Speaker, I am strongly in favor of the Government being made liable for compensation on account of injuries received by its employees in the course of their employment. I can see no good reason why such liability should not be established by law. I shall vote for this bill, not because I consider it the best measure that was before the Judiciary Committee, but because it is a step in the right direction, and for that reason only. And I shall trust that in future sessions Congress will provide more adequate and more just compensation.

The Government is a competitor in the field of labor with private employers. As yet there has been no satisfactory reason advanced as to why the same liability attached to private employment of labor should not extend to the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER of New York. Mr. Speaker, I yield one minute to my colleague from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, this is perhaps as good a bill as could get the unanimous support of the Judiciary Committee. However, I am disappointed in it. It is not, in my judgment, as fair or as equitable a bill as should come before us. Every employment, every relation in life is somewhat hazardous and dangerous, and I know of no reason why every employee who is injured through no fault or negligence on his own part should not have the right to full compensation, as he would have against a corporation or against a private individual on the same facts. He can not recover at all under this bill unless he proves he is entirely free from negligence or carelessness which caused or contributed to the accident. Therefore there is no reason why he should not recover all the damages to which he is entitled and all the damages which he or his family has suffered by reason of his injury or by reason of his death. I will support this bill, and I hope that in the next Congress we will have the opportunity of voting for a more comprehensive, fair, and equitable measure.

Mr. ALEXANDER of New York. Mr. Speaker, I yield the balance of my time to my colleague from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, after the objections made by the minority that no opportunity was given to amend, I listened with interest to the speech made by the leader of the minority, for in that speech he mentioned the amendments that he would like to offer. They were to the ninety-day provision and to section 6, but those are not the sections which I think most would like to have amended. I suspected if they were given a chance for amendment they might vote "present," as they did the other day.

Mr. COCKRAN. Try us.

Mr. PARSONS. The section which really ought to be amended here and which I would like to see amended, is the first section of the bill, which describes the classes of employees who are to be benefited by the legislation. I wish I could offer an amendment, and if I could it would be to strike out all the language from line 4, after the word "States," down to the word "is," in line 9.

Mr. SULZER. We will give you unanimous consent to do it.

The SPEAKER. The gentleman's time has expired. All time has expired. The question is on suspending the rules and passing the bill with the amendment.

The question was taken, and a majority having voted in favor thereof, the rules were suspended and the bill as amended was passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20345) making appropriations for the consular and diplomatic service for the fiscal year ending June 30, 1909.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France; and

S. 3940. An act for the proper observance of Sunday as a day of rest in the District of Columbia.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I call up the conference report on the diplomatic and consular appropriation bill, and move to suspend the rules and agree to the conference report.

The SPEAKER. The gentleman from New York moves to suspend the rules and agree to the conference report on the following bill.

The Clerk read as follows:

The bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 9, 11, and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and strike out the amended paragraph and insert in lieu thereof the following:

"Secretary of legation to Salvador and consul-general to San Salvador, two thousand dollars; and the provision in the act of May eleventh, nineteen hundred and eight, for a consul-general at San Salvador is hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For salaries of consuls-general and consuls, as provided in the act approved May eleventh, nineteen hundred and eight, entitled 'An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April fifth, nineteen hundred and six,' as follows: Consuls-general, three hundred and three thousand dollars; consuls, seven hundred and thirty-three thousand dollars; in all, one million and thirty-six thousand dollars.

"For salaries of five consular inspectors, at five thousand dollars each, twenty-five thousand dollars."

And the Senate agree to the same.

C. B. LANDIS,  
J. R. PERKINS,  
WM. M. HOWARD,

*Managers on the part of the House.*

EUGENE HALE,  
S. M. CULLOM,  
A. S. CLAY,

*Managers on the part of the Senate.*

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

The SPEAKER. Under the rules, a second is ordered.

Mr. PERKINS. Mr. Speaker, I do not think this report needs any discussion. I would, however, be glad to answer any questions anyone would like to ask.

Mr. WILLIAMS. We can not get hold of any printed copy of what the Senate amendments are, and I would like to see them from the Clerk's desk, if possible, and know what we are acting upon. The gentleman gives no explanation, and everybody knows that with the disorder that is kept in the House we can not hear what is read from the desk.

Mr. PERKINS. I will state very briefly what the Senate amendments are.

Mr. WILLIAMS. That is what I have asked.

Mr. PERKINS. Two amendments were made by the Senate, one authorizing the Secretary of State to expend \$10,000 in connection with the proceedings in reference to the boundary treaty between this country and Canada; one authorizing the

Secretary of State to expend, if required, \$15,000 in protecting the rights of American citizens who are using lumber and floating lumber on the St. John River, the boundary between Maine and Canada. Both of these questions present international questions, in which it is proper, as we thought, that the Government should protect the rights of our own citizens. In these two amendments, recommended by the Secretary of State, adopted by the Senate, the House committee concur. The Senate had also added an item of \$15,000 for three additional inspectors of consuls. There are now five inspectors of consuls, who receive a salary of \$5,000 each per annum. The Senate increased them by making it eight, increasing the appropriation for their allowance from \$25,000 to \$40,000. In the opinion of the House conferees that increase was not at present required; in that the Senate concurred and receded from their amendment. These are the only amendments, except amendments that are purely verbal in reference to the phraseology of the bill.

There are two other small amendments that for the moment I overlooked. The Senate added in reference to San Salvador an increase of salary of the secretary and consul-general from \$2,000 to \$3,500. To that we objected, and the Senate receded. The Senate added an appropriation of \$3,300 for the expense of a building erected on land owned by the Government in Tokyo, Japan. Some years ago the interpreter, a very valuable man, I am glad to say, in the employ of the Government, erected upon land owned by the Government a building which he has since used. That cost about \$3,300 or \$3,400. He now asks to have allowed the expense of that building which he erected and which stands upon Government ground. That was allowed by the Senate, but the House conferees thought that that would be a dangerous precedent, for anyone under those circumstances who could find ground in any of those oriental countries owned by the Government might erect a building on Government land that he required to use, and, having used during service, would then ask the Government to pay for it. In view of that fact, the House conferees declined to agree, and the Senate receded.

I will say to the House that the only amendments allowed increasing the appropriations in the bill as it passed this House were the two items amounting to in all \$25,000, not necessarily to be used, but to protect the rights of our own Government.

Mr. WILLIAMS. One moment. Is it true, as I have seen it stated in the papers, that the Senate has placed in this bill an item for an appropriation of \$500,000 for the purchase of ambassadorial homes in Berlin and Paris?

Mr. PERKINS. That did not come on the bill. That was an amendment offered in the Senate, but ruled out in the Senate on a point of order.

Mr. WILLIAMS. They did not come in on the bill?

Mr. PERKINS. They are not on the bill.

Mr. WILLIAMS. Now, then, the gentleman moves that we accept the conference report?

Mr. PERKINS. I move that the conference report be accepted by the House.

Mr. WILLIAMS. I think the gentleman has made a very clear and lucid explanation of the matter, and has not wasted the time of the House or the country in an endeavor to explain what he is doing. His explanation has been so well made that it has removed certain objections which I had to the acceptance of the conference report, and I suggest that his example be imitated upon that side of the Chamber in the interest of the intelligent transaction of business.

Mr. GAINES of West Virginia. The gentleman will admit, will he not, that praise from Sir Hubert is praise indeed!

Mr. PERKINS. Oh, certainly; I admit that. [Laughter.]

Mr. TAWNEY. Will the gentleman from New York yield for a question?

Mr. PERKINS. Certainly.

Mr. TAWNEY. I desire to ask the gentleman a question in regard to the item of \$15,000 which the Secretary of State is authorized to expend in the settlement of some questions in reference to citizens of the United States in the State of Maine using the St. John River in the transportation of their logs. How does that question arise? I will say that my understanding is that under the existing law citizens of the State of Maine floating logs down the St. John River float them into Canada, and then back into the United States, and under the Dingley tariff law there is a special provision that admits these logs free of duty. Now, has the Canadian Government interfered with the rights of the citizens of the United States in the use of the river for that purpose?

Mr. PERKINS. The statement is made to the committee that the Canadian Government threatens to interfere in this way: There are American citizens who own timber along the St. John River, who have constructed booms to be used in the float-



ing of their logs, and the Canadian Government alleges that certain acts of our citizens are contrary to treaty rights. The government of the province of New Brunswick has authorized the bringing of litigation to restrain these American citizens from the use of these booms, and has even threatened to interfere by force, to destroy certain booms on the river. Now, it is hoped—

Mr. TAWNEY. Are these booms located in Canadian water; that is, on the Canadian side, or in that part of the river that flows through Canadian territory?

Mr. PERKINS. They are located in the river, and are claimed by our Government, as well as by the lumbermen, to be within the rights which were guaranteed to American citizens by the Webster-Ashburton treaty. Negotiations are now pending between the Secretary of State and the representative of the British Government to have these questions adjusted. It is thought that probably those negotiations will be brought to a termination satisfactory alike to Canada and to our citizens; but it is possible that litigation may arise, and that the provincial government of New Brunswick may take steps which will make it necessary that our citizens be protected, and the Secretary of State thought, and our committee thought, that the facts were such that it was proper that our Government should protect our own citizens in the enforcement or protection of these rights if litigation arises. It is hoped that this expenditure will never be required.

Mr. TAWNEY. The explanation of the gentleman is satisfactory. I wanted to know what the provision was for.

Mr. PERKINS. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and agreeing to the conference report.

Mr. WILLIAMS. Mr. Speaker, upon that proposition I will ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 214, nays 7, answered "present" 7, not voting 159, as follows:

## YEAS—214.

Acheson	Draper	Howland	Parker, N. J.
Adair	Driscoll	Hubbard, Iowa	Parker, S. Dak.
Adamson	Durey	Hubbard, W. Va.	Parsons
Aiken	Dwight	Huff	Patterson
Alexander, Mo.	Ellerbe	Hughes, N. J.	Payne
Alexander, N. Y.	Ellis, Mo.	Humphrey, Wash.	Pearre
Andrus	Ellis, Oreg.	James, Addison D.	Perkins
Barclay	Englebright	Jenkins	Pollard
Bartholdt	Esch	Johnson, Ky.	Porter
Bartlett, Nev.	Fairchild	Jones, Va.	Pou
Bates	Favrot	Jones, Wash.	Pray
Beall, Tex.	Ferris	Kahn	Prince
Bele	Finley	Keliber	Pujo
Bell, Ga.	Focht	Kennedy, Iowa	Rauch
Booher	Foster, Ill.	Kimball	Reeder
Bowers	Foster, Ind.	Kinkaid	Richardson
Brodhead	Foster, Vt.	Kitchin, Claude	Robinson
Brownlow	French	Knapp	Rodenberg
Burgess	Fuller	Knowland	Rothermel
Burleigh	Fulton	Lafan	Russell, Mo.
Burleson	Gaines, Tenn.	Landis	Shackleford
Burton, Del.	Gaines, W. Va.	Langley	Sherley
Burton, Ohio	Garner	Lanning	Sims
Calderhead	Gilhams	Lassiter	Slayden
Campbell	Gillett	Lawrence	Slomp
Candler	Godwin	Leake	Small
Capron	Goebel	Legare	Smith, Cal.
Carlin	Gordon	Lindbergh	Smith, Iowa
Carter	Goulden	Lloyd	Smith, Mich.
Cary	Graff	Longworth	Stafford
Caulfield	Granger	Loud	Steenerson
Chapney	Hackney	Lovering	Stephens, Tex.
Clark, Mo.	Hall	Lowden	Sterling
Clayton	Hamill	McGavin	Stevens, Minn.
Cockran	Hamilton, Iowa	McKinley, Ill.	Sturgiss
Cocks, N. Y.	Hamlin	McKinney	Sulloway
Conner	Hardy	McLain	Sulzer
Cook, Pa.	Harrison	McMorran	Tawney
Cooper, Pa.	Haskins	Macon	Taylor, Ohio
Coudrey	Hawley	Mondell	Thistlewood
Cox, Ind.	Hayes	Mon, Tenn.	Tou Velle
Currier	Hefflin	Moore, Tex.	Townsend
Cushman	Henry, Tex.	Morse	Underwood
Dalzell	Higgins	Mouser	Volstead
Darragh	Hill, Conn.	Murdoch	Waldo
Davidson	Hill, Miss.	Needham	Wanger
Davis, Minn.	Hinsbaw	Nelson	Washburn
Dawson	Hitchcock	Nicholls	Watkins
De Armond	Holliday	Norris	Weeks
Denby	Houston	Nye	Williams
Denver	Howell, N. J.	O'Connell	Wilson, Ill.
Dixon	Howell, Utah	Olcott	Wood
		Olmsted	
		Padgett	

## NAYS—7.

Burnett	Hull, Tenn.	Rucker	Saunders
Hay	Johnson, S. C.	Russell, Tex.	
	ANSWERED "PRESENT"—7.		
Gillespie	Knopf	Roberts	Thomas, Ohio
Haggott	Lorimer	Sabath	

## NOT VOTING—159.

Allen	Dunwell	Kennedy, Ohio	Powers
Ames	Edwards, Ga.	Kipp	Pratt
Ansberry	Edwards, Ky.	Kitchin, Wm. W.	Rainey
Anthony	Fassett	Kilstermann	Randell, Tex.
Ashbrook	Fitzgerald	Lamar, Fla.	Randell, La.
Bannon	Flood	Lamar, Mo.	Reid
Barchfeld	Fordney	Lamb	Reynolds
Bartlett, Ga.	Fornes	Law	Rhinoek
Beale, Pa.	Foss	Lee	Riordan
Bennet, N. Y.	Foulkrod	Lenahan	Ryan
Bennett, Ky.	Fowler	Lever	Scott
Bingham	Gardner, Mass.	Lewis	Sheppard
Birdsall	Gardner, Mich.	Lilley	Sherman
Bonyng	Gardner, N. J.	Lindsay	Sherwood
Boutell	Garrett	Littlefield	Smith, Mo.
Boyd	Gill	Livingston	Smith, Tex.
Bradley	Glass	Loudenslager	Snapp
Brantley	Goldfogle	McCall	Southwick
Broussard	Graham	McCreary	Sparkman
Brundidge	Greene	McDermott	Sperry
Burke	Gregg	McGuire	Spight
Butler	Griggs	McHenry	Stanley
Byrd	Gronna	McKinlay, Cal.	Talbot
Calder	Hackett	McLachlan, Cal.	Taylor, Ala.
Caldwell	Hale	McLaughlin, Mich.	Thomas, N. C.
Clark, Fla.	Hamilton, Mich.	McMillan	Tirrell
Cole	Harding	Madden	Vreeland
Cook, Colo.	Hardwick	Madison	Wallace
Cooper, Tex.	Haugen	Malby	Watson
Cooper, Wis.	Helm	Mann	Webb
Cousins	Henry, Conn.	Marshall	Weems
Craig	Hepburn	Maynard	Weise
Cravens	Hobson	Miller	Wheeler
Crawford	Howard	Moon, Pa.	Wiley
Crumpacker	Hughes, W. Va.	Moore, Pa.	Willett
Davenport	Hull, Iowa	Mudd	Wilson, Pa.
Davey, La.	Humphreys, Miss.	Murphy	Wolf
Dawes	Jackson	Overstreet	Woodyard
Diekema	James, Ollie M.	Page	Young
Douglas	Kelfer	Peters	

So the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. ANTHONY with Mr. ANSBERRY.

Mr. BONYNGE with Mr. ASHBROOK.

Mr. BEALE of Pennsylvania with Mr. BRANTLEY.

Mr. COLE with Mr. BRUNDIDGE.

Mr. CRUMPACKER with Mr. COOPER of Texas.

Mr. DIEKEMA with Mr. CRAIG.

Mr. DOUGLAS with Mr. CRAWFORD.

Mr. FORDNEY with Mr. DAVENPORT.

Mr. GARDNER of Michigan with Mr. GOLDFOGLE.

Mr. GARDNER of New Jersey with Mr. FITZGERALD.

Mr. GRAHAM with Mr. GLASS.

Mr. HAMILTON of Michigan with Mr. HELM.

Mr. HENRY of Connecticut with Mr. LAMB.

Mr. HEPBURN with Mr. RAINEY.

Mr. KEIFER with Mr. MAYNARD.

Mr. LAW with Mr. McDERMOTT.

Mr. LOUDENSLAGER with Mr. RYAN.

Mr. McMILLAN with Mr. SHACKLEFORD.

Mr. MANN with Mr. SHERWOOD.

Mr. OVERSTREET with Mr. SPARKMAN.

Mr. SCOTT with Mr. WILEY.

Mr. TIRRELL with Mr. SMITH of Missouri.

Mr. VREELAND with Mr. PAGE.

Mr. WOODYARD with Mr. SPIGHT.

On this vote:

Mr. MCKINLAY of California with Mr. GARRETT.

The result of the vote was announced as above recorded.

## INLAND WATERWAYS COMMISSION.

Mr. STEVENS of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 21899 as amended, providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to continue until the 1st day of July, 1909, the members of the Inland Waterways Commission designated by the President by letter of March 14, 1907, as set forth in Senate Document No. 325, Sixtieth Congress, first session, with the authority, powers, and duties prescribed in this act. In case any vacancy shall occur in the membership thereof the President is authorized to make appointments to fill such vacancies.

SEC. 2. That such Commission shall make to the Congress reports and recommendations in the month of December of the year 1908 and a final report, and shall make reports to the President or to the Congress at such other dates as may be directed, either by order of the President or of Congress. Such reports shall contain a full and complete account of all the acts, recommendations, and transactions of the Commission and of all moneys received and expended.

SEC. 3. That said Commission shall continue the investigation of all questions relating to the development, improvement, and utilization of the waterways of the country, and the conservation of its natural re-

sources with a view to navigation and the promotion of commerce among the States; and shall further investigate the relations between waterways and railways as connected with the effective promotion of commerce, including the facilities and sites for the transfer of traffic; and shall make examination of the work of the respective bureaus and agencies of the Federal Government which now make reports upon inland waters and water supply, or upon the uses and effects of water courses, and shall prepare recommendations with a view to avoiding duplication of duties, authority, or work, and to the organization of an efficient and economical system for the making of such investigation and reports.

SEC. 4. That such Commission may occupy such quarters belonging to the Government as may be available and as may be conveniently utilized for the purposes of the Commission, whether in the District of Columbia or elsewhere, and on failure to obtain such quarters, it may rent other quarters; and it may provide such equipment and facilities as may be necessary for the proper discharge of its duties, and the expenses thereof shall be a proper charge against the fund hereinafter provided.

SEC. 5. That said Commission may expend money for necessary stenographers and clerical assistance and for the traveling expenses of the members and necessary employees while engaged in the performance of their duties, and also for the traveling expenses of such experts as may be requested by a vote of the Commission to appear before them.

SEC. 6. That to carry out the purposes of this act there is hereby authorized to be appropriated, out of the funds of the Treasury not otherwise appropriated, not to exceed the sum of \$20,000, to be expended by said Commission.

Mr. ADAMSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore (Mr. DALZIEL). Under the rules, a second is ordered. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from Georgia to twenty minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, this is the bill known as the "Inland Waterways Commission bill," which establishes a temporary Commission, to expire on the 1st day of July, 1909. It continues the personnel of the present Commission for the reason that the committee thought it better that the former Commission should carry on its work, which, as shown by its reports, has been well under way for a year and has been satisfactory in its results. The powers, duties, and authority of the Commission are defined by this bill.

In section 3 it is shown that four different subjects are defined to the Commission for investigation. First, matters relating to the development and improvement and utilization of the waterways of the country relating to navigation and the promotion of commerce among the States; second, the conservation of the natural resources, with a view to navigation and the promotion of commerce among the States; third, to investigate the relations between waterways and railways as connected with the effective promotion of commerce, including the facilities and sites for the transfer of traffic; fourth, the examination of the work of the respective bureaus and agencies of the Federal Government which now make reports upon inland waters and water supply or upon the uses and effects of water courses, with a view to avoiding duplication of duties, authority, or work, and to the organization of an efficient and economical system of the making of such investigations and reports.

These are the four different classes of investigations that are authorized by the act.

Mr. DAWSON. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. I will yield to the gentleman.

Mr. DAWSON. Under the provisions of this bill does the Commission have any jurisdiction or cognizance of the question of waterways and navigable streams?

Mr. STEVENS of Minnesota. Yes; it has, in connection with the development, improvement, and utilization of the waterways of the country so far as they relate to the navigation and commerce among the States. That matter can be thoroughly investigated and the facts brought to the attention of Congress.

Mr. FINLEY. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will yield to the gentleman from South Carolina.

Mr. FINLEY. Without the passage of this bill, would the President of the United States have any power to perpetuate the Waterways Commission?

Mr. STEVENS of Minnesota. He would only have this authority which he exercised before. He could designate certain officers of the Government to do certain work somewhat outside of their present scope of authority.

Mr. FINLEY. I believe it is a fact that the President has promised that if Congress does not perpetuate the Commission that he will perpetuate it.

Mr. STEVENS of Minnesota. That has not reached us in any official way.

Mr. FITZGERALD. Mr. Speaker, if the gentleman will yield, the President also appointed on this Commission civilians, persons not connected in any way with the Government service, did he not?

Mr. STEVENS of Minnesota. They may have been originally, but as I understand now, all of the nine members to be con-

tinued are in the Government service somewhere, so that no salaries will be paid to members of the Commission, and the law strictly complied with.

Mr. FITZGERALD. The point I had in mind was this: That in the appointment or designation of persons not connected with the Government to-day in the service, unless the President was specifically authorized by law to do it, he has violated the law which prohibits acceptance of voluntary service for any purpose.

Mr. STEVENS of Minnesota. The Committee on Interstate and Foreign Commerce examined the law in the preparation of this bill and report, and we could find no violation of law on the part of the President.

Mr. FITZGERALD. Did the gentleman from Minnesota ever read that act?

Mr. STEVENS of Minnesota. We have. I think the committee examined the act. Mr. Speaker, I wish to state that I think the House should know that the criticism which has been visited upon this House, upon Congress, and upon the committee for not preparing the bill speedily is not justified by the facts, and I think it is best that the facts appear of record as to what has been done with the Inland Waterways Commission bill. It was introduced first into this House by the chairman of that Commission, Mr. BURTON of Ohio, on the 20th of April last. It was referred to the Committee on Interstate and Foreign Commerce. Nothing was brought to the attention of any member of that committee for several days, when the gentleman from Ohio [Mr. BURTON] asked that this bill be referred to the subcommittee of the Committee on Interstate and Foreign Commerce, which had charge of dams and waterways. A few days later than that the Secretary of the Interior visited the Committee on Interstate and Foreign Commerce in connection with another matter and also asked for that reference.

At the very next meeting of the Committee on Interstate and Foreign Commerce, I think it was a week ago, that bill was referred to a subcommittee. That subcommittee had hearings on the very day that the governors met at the White House. The very first time that any application was made for a hearing, within an hour that hearing was granted. The whole Committee on Interstate and Foreign Commerce never delayed this measure for one single moment. The first hearing was asked for and the first hearing was given on last Wednesday afternoon. A new bill was prepared and substituted, which is now laid before the House, and that substitute was adopted by the Committee on Interstate and Foreign Commerce on yesterday at its first meeting after the report of the subcommittee, so that the House can see that there never has been a delay of one single minute in the investigation and examination and report on this measure.

Mr. JOHNSON of South Carolina. Mr. Speaker, I notice that this bill provides an appropriation of \$20,000 to pay the expenses of the Commission. Is not that unnecessary, in view of the fact that the sundry civil appropriation bill carries an appropriation for the Inland Waterways Commission of \$20,000?

Mr. STEVENS of Minnesota. Mr. Speaker, the gentleman is mistaken. There is nothing in the sundry civil appropriation bill for the Inland Waterways Commission. There is an appropriation for the International Waterways Commission, which is an entirely different proposition. I reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, the gentleman from Minnesota [Mr. STEVENS] is eminently correct in his statement as to the history and treatment of this subject by the Committee on Interstate and Foreign Commerce. I am aware of the fact that several times humorous gentlemen have attempted to make that committee the butt of their jokes, by alluding to it as various forms of graveyards and sepulchers; but it was entirely unjustified. That committee works all of the time, and when its attention is called to matters of importance it gives to them immediate consideration. This subject, it seems to me, is important. I do not expect to resist the bill. I am heartily in favor of it. I expect to yield my time to gentlemen who do wish to resist its passage. I say it ought to pass for a great many reasons. First, the inherent and prospective benefits to the country; second, we have been informed that the Commission is going to be perpetuated anyway. That being true, we should provide that it be done by operation of law and not by operation of the Executive.

I now yield to the gentleman from Alabama [Mr. CLAYTON] five minutes.

Mr. CLAYTON. Mr. Speaker, I shall not support this bill, and that is the reason why I shall indulge in a few observations at this time. One of the reasons that I shall not support it is because it would be yielding to the swish of the "big stick" in the White House. During the meeting of the conference or



Congress of governors now being held in this city, the President made a certain remark, and I desire to read an account of it taken from the New York Sun, dated May 14, 1908. Referring to this conference, it says:

About the most striking thing that happened during the opening session this morning was the applause which greeted a characteristic dig which the President made at the Congress of the United States. He had reached that point in his formal address to the governors where he spoke of the work of the Inland Waterways Commission, created by him last year and still existing without any direct authority of law. Here the President departed from the text of his speech, saying with much distinctness:

"And if Congress fails to perpetuate this Commission as a permanent body, I will do it myself anyhow. I will see that it is continued."

I want to call the attention of this House and the attention of this country to the fact that here the President of the United States has forced some Member on that side to introduce this bill, the purposes of which he says he would carry out without regard to the bill or any law authorizing the same.

Now, what Member of Congress, what Senator and what Representative in the whole Republic charged with lawmaking, with legislating, ever conceived the idea of such a Commission? It was purely an invention on the part of the President.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. CLAYTON. I surely will.

Mr. TAWNEY. I will say to the gentleman that on the last night of the session, in the closing hours of the last Congress, unanimous consent was asked for the passage of the resolution authorizing the creation of this Commission, and it was denied.

Mr. CLAYTON. But that came after the President had first suggested the idea.

Mr. WILLIAMS. And it was denied.

Mr. TAWNEY. It was denied.

Mr. WILLIAMS. And the President created this Commission without authority of law—

Mr. TAWNEY. I simply wanted to call attention to that fact.

Mr. CLAYTON. After this House had expressly refused to pass the law, which was originally the idea of the President, even that proposition, as the gentleman from Minnesota must admit, came originally from the President. The idea that I was trying to impress was this, that the idea originated with the President, it is now pursued by him, and he says he will keep it in operation with or without the sanction of the law.

Mr. CAMPBELL. Will the gentleman permit a question?

Mr. CLAYTON. Yes.

Mr. CAMPBELL. Is it not true very much good legislation has been enacted by this Congress at the suggestion of the President of the United States?

Mr. CLAYTON. Some has; perhaps other very good legislation would have been enacted at his suggestion if the majority had cooperated with the minority. [Applause on the Democratic side.]

Mr. CAMPBELL. Is not this good legislation?

Mr. CLAYTON. I doubt whether it is or not, and if the gentleman will possess his soul in peace I will give him some reasons why I do not think it is good legislation.

Mr. CAMPBELL. I will listen.

Mr. CLAYTON. This body and the other body at the other end of the Capitol are charged with the legislation of the country. This idea was expressly repudiated by this House, and after the express repudiation on the part of the House the President takes it up again, without authority of law, and carries his idea of an Inland Waterways Commission into effect by the appointing of one without the authority of law.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. ADAMSON. Mr. Speaker, before yielding to the next gentleman I want to say one thing which I omitted—

Mr. CLAYTON. Will the gentleman give me one minute more?

Mr. ADAMSON. I yield one minute more to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, I was interrupted in the course of my remarks and I did not have time to complete what I wanted to say. I would ask for the time now to complete my remarks, and I ask unanimous consent to extend my remarks in the Record for the purpose of completing my criticism on this bill. Mr. Speaker, I understand the gentleman from South Carolina yields me his two minutes. Mr. Speaker, this bill creates an unnecessary Commission. It is not necessary. We have the Rivers and Harbors Committee here that are as well informed on these questions and can inform themselves just as well as this Inland Waterways Commission. It is an unnecessary burden and expense. Here authority is given to expend money and increase expenses, and if I had the time I would like to read the provisions of the bill, and it will entail a whole

lot of useless expense upon the Government. It is unnecessary to pass it. We have a committee now just for this business, and I assume the gentleman from Ohio [Mr. BURTON] knows just as much about this matter as chairman of the Committee on Rivers and Harbors as he will know as a member of this Inland Waterways Commission, and he has been a member of both. It is an unnecessary burden; it is a useless thing; it is nothing in the world but a knuckling to the man in the White House. You have repudiated this proposition once; you have turned down his recommendation, but now you dare not stand up and vote like you did about twelve months ago. Stand up again and vote as you did before. The recommendation ought not to have any more force of reason behind it now than it had then. You have yielded to the threat that he made the other day at the White House conference—

The SPEAKER pro tempore. The time of the gentleman from Alabama has again expired.

Mr. ADAMSON. I understand, Mr. Speaker, it is true, as stated by the gentleman from Minnesota, that the members of this commission are all officials and therefore will not entail any expense by their salaries. I also understand that was true before, with the single exception of Senator BANKHEAD, who was at that time a private citizen and has never been paid. I hope that this Government will vindicate its supposed character as an honest and upright business institution by providing, at some time, in some way, for the payment of Senator BANKHEAD for his work done at that time.

Mr. CLAYTON. Look in section 2 and in section 3, and you will see that this bill provides for expenses other than salaries. What those expenses are we do not know.

Mr. ADAMSON. Mr. Speaker, I yielded to the gentleman from Alabama [Mr. CLAYTON] more time than I could spare him with due regard to my promises to other Members, and I can not take time myself to look at the sections indicated nor to answer his question. I now yield two minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, about two weeks ago, pending the consideration of the diplomatic and consular appropriation bill, I submitted some observations on a sale of articles of virtue, I believe they call it, that had been sold or were being sold at auction in New York. The advertisements described it as loot, and the history of the articles on sale indicated it was loot. I published as a part of my remarks an editorial from a New York paper reflecting somewhat upon the character of the people who had been in the diplomatic service of the Government and who were the owners of those objects of art and who were selling them at auction. Incidentally there was mentioned in the editorial Lieut. Col. Littleton W. T. Waller, of the United States Marine Corps. He was not the game I was after and I failed totally to observe the mention of his name. I have received a letter from Colonel Waller saying that the article did him injustice and asking me to correct it as to him so far as I could. I therefore ask the permission of the House to have this letter read by the Clerk, so that it may be inserted in the Record, unless Members are willing to have it inserted without being read, which is just as agreeable to me.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

MARINE BARRACKS, NAVY-YARD,  
Norfolk, Va., April 27, 1908.

MY DEAR MR. SLAYDEN: The CONGRESSIONAL RECORD of the 18th instant contains an extract from the Evening Post, New York, introduced by you. This article seriously reflects upon my conduct, both in China, 1900, and Samar, 1902-3.

As to the latter accusation, the record of the court-martial before which I was tried contains the facts, and it does not in any way support the allegations. As to the insinuations or allegations in relation to my conduct in China, I can say that they are entirely false, and this will be verified by the officers serving with me, some of whom have written expressing a desire to answer the article.

I was provost-marshal of the Tartar city of Peking all during my stay and provost-marshal of the Forbidden or Imperial City part of the time. I performed all duties connected with my office to the expressed satisfaction of the commanding general. One, and perhaps the most arduous, duty was to suppress and prevent looting. So well was this duty performed that the Chinese residents came to my quarters the night before I marched from Peking and in speeches thanked me for the great services I had done for them. At this time they presented me with an enormous white silk umbrella inscribed with the services rendered, expressing their thanks and appreciation. Two years later the Chinese Government asked for the names of the officers who had so faithfully guarded the Imperial City, in order that they might be thanked for their services. The paper was sent to me for the names of the officers, as my battalion was the first to guard the sacred doors and I was the provost-marshal.

After six months of heavy work in China, the first month of which we were fighting for existence almost every hour in the day, for my part in the campaign I was brevetted and promoted numbers by our own Government, receiving letters of thanks and commendation from the representatives of England and Japan. I returned to the Philippines and remained there two years longer in active service.

All the officers with me and all the persons knowing me will assert that the charges made are absolutely false. Thinking that you might have, perhaps, failed to notice my name in the article referred to, I write to ask that you will do what you can to remedy the injury.

Very respectfully,

LITTLETON W. T. WALLER,  
Colonel, United States Marine Corps.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, I favor this bill. It is not a party matter, and for my part I do not care where it comes from. It deals with a subject second to none in importance before the American people and its legislative bodies. All of us who are here, and who are seeking to do so, are every day learning many things with reference to the great question of water transportation, and everything that can tend to systematize and forward the matter of water transportation ought to be encouraged. I believe that no money was ever expended for public improvements, if expended within the purview of the Constitution and judiciously expended, but that was a wise expenditure by the Government. The small amount that will be added by this Commission will be one of the wisest expenditures that this Government incurs. Every session of Congress is teaching us that the important issue before the people is the regulation of freight transportation, and the greatest means for regulation of railway freight will be the establishment of canal and water transportation. [Applause.] And if we can but supplement those transportation facilities with proper regulation of the coordinate system of railway transportation, this country will soon find no more need of discussing the question of discriminations between place and place. The water transportation of this country will destroy the capacity or the opportunity for discrimination if it becomes an established fact in this country, as it has in the great countries of Europe. [Applause.] I take it that this Commission will go far toward throwing light upon the means and method of establishing actual water transportation in this country. All over this land the crying want now is that our rivers, our waterways, our inland water transportation, be not a thing of memory or of romance or of fancy or of paper and pretense, but that it become a reality, and this bill will help to accomplish that purpose. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. ADAMSON. I yield them to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I am very much in favor, if things were in such an attitude that I could consider the subject-matter upon its own merits, of the purposes of this bill. Some time ago I said upon the floor of the House that I was in favor of a board of public works and of Congress making a certain appropriation each year—an absolutely nonpartisan board of public works, actuated by no sectional or district interests, able to act without logrolling, and expending that money for the best interests of interstate commerce, navigability, public buildings, national parks, and other Federal purposes. But it is not possible this morning to consider this matter upon its own merits. A breach of the privileges of the House of Representatives has been committed. If an utterance such as that which fell from the President of the United States the other day had fallen from the lips of King Edward VII, or from the lips of Kaiser Wilhelm, there would have been a revolution almost in England or in Germany.

A long, long time ago, after Julius Caesar had crossed the Rubicon, after he had brought the Gallic legions with him and had made senators of some of the Gauls; after he had come from another pursuit of Pompey and Pompey's legions, and had finally had the head of Pompey presented to him in Egypt; after he had given himself up to the soft inducements of the Queen of Egypt for a while, and, satiated, had returned to Rome, he finally said, in substance, to the tribune of the people upon an important occasion, "Oh, it is unnecessary for you to act or to appear unless you feel like it;" and he also said, in substance, to the senate of Rome, "Meet and deliberate if you choose; but if you do not choose to meet and deliberate it is all right; I can accomplish my purpose without you;" and he proceeded to found, if not in name still in fact, the Roman Empire.

Do not understand me as indulging in melodramatics. The President of the United States is not Julius Caesar, because Julius Caesar was one of the greatest men and one of the greatest constructive geniuses that the world ever knew, and the President of the United States is neither. I do not, therefore, mean to say that the President of the United States can

revolutionize American institutions. He can not. One reason why Senators and Representatives and public opinion of the country permit him such latitude of wild and lawless utterance is because Senators and Representatives and the public have measured him up about properly and have concluded that he has no power much except the power of verbal exercise. That power has been illustrated in this House lately—lamely, impotently, and inconclusively, as all of us know.

In a bushel of message chaff he presented five grains of wheat. The minority Members of this House took up those five grains of wheat, after much sifting, and said, "Let us utilize these five grains."

This great power that the President has asserted—to set aside the Congress itself by ukase, or Cæsarean decree, by the formation of commissions without express authority, and to continue them without appropriation—will alarm none, as he has illustrated his inability by being unable to make thirty Republican Members of this House sign an agreement to support him in planting, with the hope of germination, the five grains of wheat that are found in all the immeasurable bushels of chaff that he has presented by message to the American people. With thirty from him, the Democracy had and has yet the balance needful.

Mr. Speaker, I am perhaps excused from voting for the bill upon the ground that it is most meritorious in itself as legislation and ought to be passed, and upon the further ground that the President's ukase or attempted ukase is not really a ukase at all, but is mere verbal exercise. But, upon the other hand, it seems to me that Congress ought to assert itself somehow.

The legislative body ought to make it known to the American people that it has existence and that it has certain duties, and that it does not recognize the right of the President of the United States to legislate. However much the Federal majority may indulge in Federal usurpation, when the Federal usurpation is agreed to by both branches of the political Republican party—executive and legislative—the hope might perhaps be indulged in that the legislative part of the Republican party is not willing to recognize executive usurpation without at least legislative support upon the part of the Republican party.

Mr. Speaker, the President has in several of his great addresses in reference to the military and naval power of the United States said that nothing was more foolish than to make a "bluff" unless "you had a hand behind your bluff." Now, I am a little bit disposed—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. I am a little bit inclined to "call his bluff" and vote "no," and see if he dares to continue this Commission in power and appropriate for it regardless of legislative authority. [Loud applause on the Democratic side.]

Mr. STEVENS of Minnesota. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has twelve minutes remaining.

Mr. STEVENS of Minnesota. I agreed to yield all the rest of my time to the gentleman from Ohio [Mr. BURTON], chairman of the Commission; but I would say to my colleague from Georgia I would like to yield a minute to the gentleman from Texas [Mr. HENRY], with the permission of the gentleman from Ohio [Mr. BURTON] and the gentleman from Georgia.

Mr. ADAMSON. The gentleman from Louisiana [Mr. RANSDELL] also would like to have a minute.

Mr. HENRY of Texas. I will yield the gentleman my time.

Mr. STEVENS of Minnesota. I would like to give it, but I can only yield one minute to the gentleman from Texas [Mr. HENRY].

The SPEAKER pro tempore. The gentleman from Texas is recognized for one minute.

Mr. HENRY of Texas. Mr. Speaker, ordinarily the appointment of commissions is not a good thing; but in this instance, having examined the proposition and believing in the merits of it, I desire to record myself in favor of extending the Waterways Commission. It comes with a unanimous report of the committee. I can not see any possible objection to it. The distinguished chairman of the Rivers and Harbors Committee [Mr. BURTON] of Ohio, who always does his work well on that or any other committee, who is patriotic, looking to the interests of the whole country, believes the Commission is necessary and entirely proper; therefore, no matter from what source it comes, believing it meritorious, I shall cast my vote in favor of this legislation, meaning so much to the people of the whole country. [Applause.]

Mr. STEVENS of Minnesota. I yield the balance of my time to the gentleman from Ohio [Mr. BURTON].



The SPEAKER pro tempore. The gentleman has eleven minutes.

Mr. BURTON of Ohio. Mr. Speaker, it is with some hesitancy that I speak in favor of this measure, because I am a member of the Commission to which it relates. If the passage of this bill depended upon my vote alone, I should probably decline to vote. But I regard it as most salutary in its intent. President Roosevelt's conception in forming this Commission was a splendid one. He saw the necessity for coordination in the different uses of water. He recognized that the great water courses and the water supply of the country are not only useful for navigation, but for power and for irrigation, and that forest preservation is necessary to maintain the water supply. He thought it desirable that the question be treated as an entirety and that the clarification and quality of water should also be considered. Another object which should as well be attained is the prevention of erosion of soils and the great accumulation of silt in navigable and nonnavigable streams.

I want to correct one slight error in a statement which has been made. At the very close of the last Congress a bill was introduced for a commission, but that bill was not so comprehensive as this. After the expiration of the Fifty-ninth Congress the President chose this Commission of nine members, including four who were regarded as having given special attention to the subject of navigation, and with them the Chief of Engineers, a member of the Bureau of Soils, the head of the Irrigation Service, the head of the Forest Service, and the head of the Bureau of Corporations. It will readily be seen that a commission of this kind could do far more effective work than any single committee of the House. The jurisdiction of the Committee on Rivers and Harbors is very much limited, limited in fact to the mere subject of the improvement of rivers and harbors. So I think there is reason for the existence of this Commission.

But it is said that President Roosevelt has said something in regard to his continuing this Commission, and it is maintained that we must oppose a salutary measure because of some remarks of his. Now, I want to say for Theodore Roosevelt—

Mr. CLAYTON. Mr. Speaker, I want to ask the gentleman a question before he leaves the subject that he was on. He talks about the limited jurisdiction of the Committee on Rivers and Harbors. Has not your committee full power to have hearings covering every phase of the question of the improvement or the navigability of our rivers and the improvement of our harbors, and do you not have elaborate hearings, and do you not take testimony, and do you not publish great volumes?

Mr. BURTON of Ohio. I must decline to yield further. I desire to say something more in my brief time. The Committee on Rivers and Harbors has ample authority to grant hearings relating to the navigability of streams; but if the gentleman had listened to what I have said, he would have realized that its work has to do with only a fraction of the subjects contemplated in the work of this Commission.

Now, as regards what the President said, the witty and profligate Buckingham once wrote a mock epitaph upon King Charles II in these words:

Here lies our mutton-eating king,  
Who never said a foolish thing,  
And never did a wise one.

Theodore Roosevelt has not lain awake nights or suffered anxiety in order that the last two lines of this epitaph might be appropriate to him. He has relied upon action rather than upon speech. He has, in fact, said some things impulsively, but he stands by the record of what he has done. [Applause on the Republican side.] I am perfectly willing to have the gentleman from Mississippi compare him with Julius Caesar as regards constructive ability. He found a country in which, along with a whirling era of industry and great growth of wealth, there had developed unfortunate beginnings of dishonesty and fraud, and he set out—

Mr. WILLIAMS. Mr. Speaker—

Mr. BURTON of Ohio. He set out to bring back the old days of honesty in which the proud and strong, as well as the weak, shall be punished for wrongdoing. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker—

Mr. BURTON of Ohio. The people love him because he does express himself sometimes impulsively. They trust him for his honesty; and when you come to analyze—

Mr. WILLIAMS. Mr. Speaker—

Mr. BURTON of Ohio. How much more time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes and a half.

Mr. BURTON of Ohio. Oh, well, that is time enough.

Mr. WILLIAMS. Without any reference to the President's utterances at all and referring now to his deeds, the gentleman, a Representative of a district in the State of Ohio and the American people, gives his approval—

Mr. BURTON of Ohio. Oh, Mr. Speaker, I decline to yield to the gentleman from Mississippi for a speech.

Mr. WILLIAMS. I am not making a speech; I am asking a question—whether the act of the Executive establishing a commission without the authority of Congress—

The SPEAKER pro tempore. The gentleman from Mississippi is out of order. The gentleman from Ohio declines to yield.

Mr. WILLIAMS. The gentleman from Ohio had yielded.

Mr. BURTON of Ohio. I yielded for a question, but not for a four minutes' speech.

Mr. WILLIAMS. I asked a question—

Mr. BURTON of Ohio. I ask that the Speaker enforce the rules.

The gentleman from Mississippi says that the President has only the power of verbal expression. It would appear that the gentleman from Mississippi has only the power of verbal expression, and you are welcome to compare the two in their achievements. [Applause on the Republican side.] And yet, what was there in the President's remark after all? This Commission had been appointed. The members had been performing their work without pay, meeting their own expenses, and it was perfectly proper for the President of the United States to say that if the Congress omitted to make an appropriation, to give a legislative status to this body, then and in that case he would continue their work as it had been carried on before. [Applause on the Republican side.] He had a right to ask information or advice for his own assistance. There is no occasion for any sensitiveness about it.

I should not favor an Executive usurpation; but the President believed that this Commission had work as yet unfinished, believed that this work might properly be finished with benefit to the country through the information that would be obtained, and that its continuance would promote the general welfare. And, as one member of the Commission, I want to say that as we have volunteered our services in the past, we are willing to volunteer those services in the future if the Congress does not see fit to make appropriation for us.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. BURTON of Ohio. Very briefly.

Mr. BARTHOLDT. We of the Mississippi Valley were largely comforted by the act of the President in appointing that Commission, believing, as we did, that it was due to our work in the last session, and we approve heartily of the President's act because we believe it has led to the action of Congress in the matter.

Mr. BURTON of Ohio. I do not want the gentleman from Missouri to claim all the credit for the creation of this Commission, for there are several other localities which desire some credit, and which deserve it. But there is credit enough for you all. It is evident you are all for it and that you all want it. While we may disappoint the gentleman from Mississippi and the gentleman from Missouri; while we may disappoint the Mississippi Valley and other localities, we hope to accomplish a work which shall be of value to the nation and shall bring more of order where now a degree of chaos exists. Mr. Speaker, I yield back the balance of my time.

Mr. STEVENS of Minnesota. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has one minute.

Mr. STEVENS of Minnesota. Mr. Speaker, this bill was carefully re-formed by the Committee on Interstate and Foreign Commerce to bring it within the constitutional power of Congress, because we realized that there are some limits upon our authority. This bill carefully regards these limitations, gives this Commission all the work that is possible within these limits, requires a report to Congress, and then it will be our duty to pass upon that work. This is a Congressional commission as well as an Executive commission. It can give us most valuable information; it can make most valuable suggestions; its work does not go to one committee alone, but to half a dozen or more committees of this House, whenever that report shall come in next December, as we hope it may.

Mr. Speaker, I ask for a vote. [Applause on the Republican side.]

The SPEAKER pro tempore. The motion is to suspend the rules and pass the bill as amended.

Mr. ADAMSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 226, nays 2, answered "present" 9, not voting 150, as follows:

## YEAS—226.

Acheson	De Armond	Hitchcock	Olcott
Adair	Denver	Holliday	Padgett
Adamson	Dickema	Houston	Parker, S. Dak.
Alkon	Dixon	Howell, Utah.	Parsons
Alexander, Mo.	Douglas	Hubbard, Iowa	Patterson
Allen	Draper	Hubbard, W. Va.	Payne
Ansberry	Driscoll	Hughes, N. J.	Pearre
Ashbrook	Durey	Hull, Tenn.	Perkins
Barchfeld	Dwight	Humphrey, Wash.	Pollard
Barclay	Ellerbe	James, Addison D.	Porter
Bartholdt	Ellis, Mo.	Jenkins	Pou
Bartlett, Nev.	Ellis, Oreg.	Johnson, Ky.	Pray
Beall, Tex.	Englebright	Jones, Va.	Pujo
Bede	Esch	Kahn, Wash.	Rainey
Bell, Ga.	Ferris	Kelley	Randall, Tex.
Bonyng	Finley	Kelther	Ransdell, La.
Booher	Floyd	Kennedy, Iowa	Reeder
Boutell	Focht	Kennedy, Ohio	Richardson
Bowers	Foster, Ill.	Kimball	Robinson
Boyd	Foster, Ind.	Kinkaid	Rodenberg
Brantley	French	Kitchin, Claude	Rothermel
Brodhead	Fuller	Knapp	Russell, Mo.
Brownlow	Fulton	Knowland	Russell, Tex.
Brumm	Gaines, W. Va.	Lafean	Sabath
Brundidge	Garner	Lassiter	Saunders
Burleigh	Garrett	Lawrence	Shackelford
Burton, Del.	Gilliams	Leake	Sherley
Burton, Ohio	Gillespie	Lever	Sherwood
Campbell	Gillet	Lindbergh	Slayden
Candler	Godwin	Longworth	Smith, Cal.
Capron	Goebel	Loudenslager	Smith, Mich.
Carlin	Graham	Lovering	Smith, Mo.
Carter	Granger	Lowden	Sperry
Caulfield	Hackney	McCall	Spight
Chaney	Hale	McGuire	Stanley
Chapman	Hall	McKinley, Cal.	Steenerson
Clark, Mo.	Hamilton, Iowa	McKinley, Ill.	Sterling
Cockran	Hamlin	McLain	Stevens, Minn.
Cocks, N. Y.	Hammond	McLaughlin, Mich.	Sullivan
Cole	Hardy	Macon	Sulzer
Cook, Colo.	Harrison	Madison	Taney
Cook, Pa.	Haskins	Maynard	Taylor, Ohio.
Cooper, Pa.	Hawley	Moore, Pa.	Thistlewood
Cooper, Tex.	Hay	Moore, Tex.	Tirrell
Cooper, Wis.	Hayes	Morse	Tou Velle
Coudrey	Helm	Mouser	Waldo
Cox, Ind.	Henry, Conn.	Murdock	Wanger
Craig	Henry, Tex.	Needham	Washburn
Crumpacker	Higgins	Nelson	Watkins
Currier	Hill, Conn.	Nicholls	Weeks
Cushman	Hill, Miss.	Norris	Wheeler
Dalzell	Hinshaw	O'Connell	Wilson, Ill.
Darragh			Wood
Davenport			Woodyard
Davidson			Young
Davis, Minn.			
Dawson			

## NAYS—2.

	Clayton	Stephens, Tex.
Bennet, N. Y.	Goulden	ANSWERED "PRESENT"—9.
Broussard	Haggott	Knopf
Butler		Lorimer

## NOT VOTING—150.

Alexander, N. Y.	Fornes	Langley	Reynolds
Ames	Foss	Lanling	Rhinoek
Andrus	Foulkrod	Law	Riordan
Anthony	Fowler	Lee	Roberts
Bannon	Gaines, Tenn.	Legare	Rucker
Bartlett, Ga.	Gardner, Mass.	Lenahan	Ryan
Bates	Gardner, Mich.	Lewis	Scott
Beale, Pa.	Gardner, N. J.	Lilly	Sheppard
Bennett, Ky.	Gill	Lindsay	Sherman
Bingham	Goldfogle	Littlefield	Sims
Birdsall	Gordon	Livingston	Slemp
Bradley	Greene	Lloyd	Smith, Iowa
Burgess	Gregg	Loud	Smith, Tex.
Burke	Griggs	McCreary	Snapp
Burleson	Gronna	McDermott	Southwick
Burnett	Hackett	McGavin	Sparkman
Byrd	Hamill	McHenry	Stafford
Cald	Harding	McLachlan, Cal.	Sturgiss
Caldhead	Hardwick	McMillan	Talbot
Caldwell	Haugen	Madden	Taylor, Ala.
Cary	Hepburn	Malby	Thomas, N. C.
Clark, Fla.	Hobson	Mann	Thomas, Ohio
Conner	Howard	Marshall	Townsend
Conslis	Howell, N. J.	Miller	Underwood
Cravens	Huff	Mondell	Volstead
Crawford	Hughes, W. Va.	Moore, Pa.	Vreeland
Davey, La.	Hull, Iowa	Moon, Tenn.	Wallace
Dawes	Humphreys, Miss.	Mudd	Watson
Deaby	Jackson	Murphy	Webb
Dunwell	James, Ollie M.	Overstreet	Weems
Edwards, Ga.	Johnson, S. C.	Parker, N. J.	Weisse
Edwards, Ky.	Kipp	Peters	Wiley
Fairchild	Kitchin, Wm. W.	Powers	Willitt
Fassett	Kistermann	Pratt	Williams
Favrot	Lamar, Fla.	Prince	Wilson, Pa.
Fitzgerald	Lamar, Mo.	Rauch	Wolf
Flood	Lamb	Reid	
Fordney	Landis		

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:  
 Mr. ALEXANDER of New York with Mr. BURLESON.  
 Mr. ANDRUS with Mr. BURNETT.  
 Mr. BATES with Mr. FAVROT.  
 Mr. CARY with Mr. GAINES of Tennessee.  
 Mr. CONNER with Mr. GORDON.  
 Mr. FORDNEY with Mr. GREGG.  
 Mr. FOWLER with Mr. GRIGGS.  
 Mr. GARDNER of Massachusetts with Mr. JOHNSON of South Carolina.  
 Mr. HEPBURN with Mr. LAMB.  
 Mr. HUFF with Mr. LEE.  
 Mr. LANGLEY with Mr. LEGARE.  
 Mr. LOUD with Mr. LLOYD.  
 Mr. MADDEN with Mr. MOON of Tennessee.  
 Mr. OLMSTED with Mr. RAUCH.  
 Mr. PRINCE with Mr. RUCKER.  
 Mr. SLEMP with Mr. RYAN.  
 Mr. STURGISS with Mr. WILEY.  
 Mr. SMITH of Iowa with Mr. UNDERWOOD.  
 Mr. TOWNSEND with Mr. WILLIAMS.  
 Mr. MANN with Mr. SIMS.  
 Mr. FAIRCHILD with Mr. SMALL.  
 For the session:  
 Mr. BRADLEY with Mr. GOULDEN.  
 Mr. ANTHONY with Mr. BURGESS.  
 The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. BURKETT, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALDRICH, Mr. ALLISON, and Mr. DANIEL as the conferees on the part of the Senate.

## CREATING IN MINNESOTA A NATIONAL FOREST RESERVE.

Mr. LINDBERGH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4186) with House amendments.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the following Senate bill with House amendment. The Clerk will report the bill as amended.

The Clerk read as follows:

An act (S. 4186) creating in the State of Minnesota a national forest reserve consisting of certain described lands, and for other purposes.

Be it enacted, etc., That there is hereby created in the State of Minnesota a national forest reserve, consisting of lands and territory described as follows, to wit:

Beginning at a point where the north line of section 31 in township 148 north, range 28 west, fifth principal meridian, intersects the low-water mark of the lake formed by the waters of Third River; thence easterly along the north line of sections 31, 32, 33, 34, 35, and 36 in township 148 north, ranges 28 and 27 west, continuing easterly along the north line of section 31 in township 148 north, range 26 west, to a point where said line intersects the low-water mark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low-water mark to a point where it crosses the section line between sections 16 and 17 in township 147 north, range 26 west; thence southerly along the section line on the east side of sections 17, 20, 29, and 32 in township 147 north, range 26 west, and continuing southerly along the east side of sections 5, 8, 17, 20, 29, and 32, township 146 north, range 26 west, continuing southerly along the east line of sections 5, 8, 17, 20, and 29, township 145 north, range 26 west, to a point at the low-water mark on the right bank of the Mississippi River on the section line between sections 28 to 29 in said township; thence southeasterly along the right bank of the Mississippi River at low-water mark to its confluence with Leech Lake River in section 12 in township 144 north, range 26 west; thence southwesterly along the right bank of Leech Lake River along the low-water mark to Mud Lake; thence along the line of low-water mark of Mud Lake on its northern and western shores to the point where Leech Lake River empties into the same on fractional section 32, township 144 north, range 26 west; thence up said river along the low-water mark on the right bank thereof to a point in fractional section 29 where the line intersects the low-water mark of Leech Lake; thence in a northwesterly and southwesterly direction following the contours of said lake at low-water mark to the point at low-water mark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections 5 and 8, township 143 north, range 29 west; thence in a southwesterly



direction following the contours of said lake at low-water mark to the point on said lake at the southwestern extremity of Ottertail Point; thence southwesterly in a direct line to the southern extremity of section 25 in township 143 north, range 31 west; thence in a westerly direction along the contour of said lake to the southwestern extremity of section 26 in said township; thence in a northerly and westerly direction along the contour of said lake at low-water mark to a point where the center line through section 2, running in a north and south direction in township 143 north, range 31 west, intersects the low-water mark of Leech Lake; thence northerly through the middle of said section 2 to the shore of a small lake at low-water mark; thence along the east shore of said lake at low-water line to a point where the section line between sections 35 and 36, township 144 north, range 31 west, intersects low-water mark of said lake on north shore; thence northerly on section line between sections 35, 36, 25, and 26 to the low-water mark at the shore of a small lake; thence northerly along the east side of said lake to a point where the section line between sections 25 and 26 intersects the low-water mark of said lake in said township; thence northerly along the east line of sections 26, 23, and 14 to a point on the east line of section 14, 20 chains north of the southeast corner of section 14; thence west 20 chains; thence north 20 chains; thence west 20 chains; thence northerly along the east side of a small lake to a point where the center line running in a north and south direction through section 14 intersects the north side of said lake at low-water mark; thence northerly along the center line of said section through section 11 to the quarter corner between sections 2 and 11 of said township; thence westerly to a point 20 chains west of the northwest corner of section 11; thence north 40 chains; thence west 20 chains; thence north to a point where the center line running in a north and south direction in section 3 intersects the township line between townships 144 and 145 north, range 31 west; thence westerly to the quarter corner on the township line in the southeast quarter of section 34 in township 145 north, range 31 west; thence north 20 chains; thence west 40 chains; thence north 20 chains; thence west 20 chains to the quarter corner between sections 33 and 34 in said township and range; thence northerly along the east line of sections 33, 28, 21, and 16 in said township to a point where it intersects the right of way of the Great Northern Railway as at present located; thence easterly along said right of way to a point where it intersects the shore of Cass Lake at low-water mark in section 15, township 145 north, range 31 west; thence northerly along the west shore of Cass Lake and the south, west, and north shore of Allens Bay and the northwest shore of Cass Lake to a point along the contour of said lake at low-water mark at the head of the Mississippi River, approximately in section 21, township 146 north, range 30 west; thence easterly along the right bank of said river to a point where the range line between ranges 29 and 30 west intersects said river; thence northerly along the range line to the northwest corner of section 19 in township 147 north, range 29 west; thence easterly along the north line of sections 19, 20, 21, 22, 23, and 24 in said township and along the north side of sections 19 and 20 in township 147 north, range 28 west, to a point where said line intersects the left bank of Third River at low-water mark; thence northerly along the right bank of Third River to the center line at low-water mark of the lake formed by the waters of Third River; thence southeasterly and northerly along the contour line of said lake to the point of beginning; and it is the intent of this act to include in said national forest and make a part thereof all that certain territory and land which has heretofore been selected by the Forester of the Department of Agriculture as the ten sections situated in townships 144, 145, and 146 north, ranges 30 and 31 west of the fifth meridian in Minnesota, and designated as being the ten sections referred to and authorized to be selected by section 2 of the act approved June 27, 1902, being chapter 1157, United States Statutes at Large, volume 32, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January 14, 1889; and also the islands in Cass Lake in the State of Minnesota.

And in addition to the lands and territory above described, the lands described by section 2 of said act of June 27, 1902, as follows: "One hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as 'Pine Point,' on which the new Leech Lake Agency is now located," shall be included in and are hereby made a part of said national forest: *Provided*, That this act shall not in any manner abridge the right of citizens to the use of the west and northwestern shores of Cass Lake.

SEC. 2. The Secretary of the Interior is hereby authorized to proceed with the sale of the merchantable pine timber upon the above-described land outside of said ten sections and said islands and points, in conformity with the provisions of said act above entitled, and reserving 10 per cent of such timber from sale, said 10 per cent to be designated by the Forester of the United States Department of Agriculture; and as to the timber upon said ten sections and said islands and points, the said Forester is authorized, under such rules and regulations as he may prescribe from time to time to sell and dispose of so much of the standing timber thereon as he may deem wise and advisable in the conduct of a national forest: *Provided*, That a commission of three persons shall at once be appointed, consisting of one person to be designated by the President, one by the Secretary of the Interior, and one by a general council of the Indians of the Winibigoshish, Cass Lake, Chippewas of the Mississippi Reservation, and Leech Lake Reservation, to be held under the direction of the agent at Leech Lake Indian Agency; and said commissioners shall proceed forthwith to appraise the value of the 5 per cent of timber heretofore reserved from sale by the provisions of said act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January 14, 1889, and the 10 per cent hereafter reserved under the provisions of this act, and the timber upon said ten sections and upon the unappropriated lands on said islands and points, and shall ascertain the acreage of actual land included under the provisions of this act and to the estimated value of said 5 per cent of timber reserved under the said act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January 14, 1889, and the 10 per cent reserved under this act and the estimated value of timber upon said ten sections and upon the unappropriated lands on said islands and points, to the sum of the values of the timber so estimated shall add an amount equal to \$1.25 for each and every acre of land not otherwise appropriated which they find covered by the provisions of this act, and shall certify the same to the Secretary of the Interior. The Indians designated in this section, acting through a representative who shall serve without compensation, to be named by them at the time of their appointment of the commissioner herein, shall have sixty days in which to appeal to the President of the United States from the findings of said commissioners, as certified to the Secretary of the Interior. At

the end of said sixty days, if no appeal has been taken or if an appeal has been taken then, upon the determination thereof by the President, the Secretary of the Interior shall certify the amount found by said commissioners, or if modified by the President the amount determined by him, to the Secretary of the Treasury, who shall thereupon place such amount to the credit of all the Chippewa Indians in the State of Minnesota as a part of the permanent fund of said "All of the Chippewa Indians in the State of Minnesota" provided for in an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and the acts supplementary thereto, and the amounts so certified to the Secretary of the Treasury shall draw interest at the rate of 5 per cent per annum, pursuant to the terms of said acts.

SEC. 3. That any Indian having an allotment within the limits of the national forest created by this act is hereby authorized to relinquish such allotment and permitted to take another allotment in lieu thereof outside such national forest, under the direction of the Secretary of the Interior; and the allotments of any deceased Indians located within the boundaries of said national forest shall not hereafter be disposed of under section 7 of the act of June 27, 1902 (vol. 32, Stat. L., p. 245); but the heirs of said deceased Indians shall have the right, with the consent of the Secretary of the Interior and under such rules as he may prescribe, to relinquish to the United States the lands covered by such allotments and to select surveyed, unappropriated, unreserved land within the limits of any of the ceded Indian lands in the State of Minnesota and outside of the national forest hereby created in lieu of the land covered by such allotments; and the lands so relinquished by the Indians or their heirs shall thereupon become part of the said national forest. And the Secretary of the Interior is hereby authorized on request of the Forester of the Department of Agriculture to purchase such relinquishments from said Indians or their heirs and to pay for the same from any moneys received, after the appraisal of timber herein provided for, on account of the sale of timber from the national forest hereby created, or from the sale of any other products or the use of any lands or resources thereof.

SEC. 4. That all land in any of said reservations, the Winibigoshish Indian Reservation, Cass Lake Indian Reservation, Chippewas of the Mississippi Reservation, or Leech Lake Indian Reservation, not included in the national forest hereby created as above described, heretofore classified or designated as agricultural lands, is hereby declared to be open to homestead settlement; and any of said land which has been classified as timber land shall be open to homestead settlement as soon and as fast as the timber is removed therefrom, in conformity with the homestead law, except that none of said lands shall be disposed of except on payment of \$1.25 per acre.

SEC. 5. That all moneys received from the sale of timber from any of the lands set aside by this act for a national forest, prior to the appraisal herein provided for, including all moneys received for timber under sales made by the Secretary of the Interior as authorized by existing laws and section 2 of this act, shall be placed to the credit of the Chippewa Indians in the State of Minnesota, as provided for in an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and the acts supplementary thereto, and shall draw interest at the rate of 5 per cent per annum, pursuant to the terms of said acts; and after said appraisal the national forest hereby created, as above described, shall be subject to all general laws and regulations from time to time governing national forests, so far as said laws and regulations may be applicable thereto.

SEC. 6. That the commissioners provided for herein shall receive a compensation of \$10 per day each for each and every day actually spent upon the work herein provided for, which shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and no commissioner shall be paid for more than ten days' service.

SEC. 7. None of the Indian graves now upon any of the islands or points referred to in this act shall be disturbed and the Indians shall continue to have the right to bury their dead at such places as they have heretofore used for that purpose, under the rules and regulations to be prescribed by the Forest Service.

SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any of the land in said reservations excluded from the reserve created by this act, or to dispose of said land, except as provided by the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and an act of June 27, 1902, entitled "An act to amend an act for the relief and civilization of the Chippewa Indians in the State of Minnesota," or the provisions of this act; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of the said lands and the timber thereon, and to dispose of the proceeds thereof, as provided in said acts, only when received from the sale of the timber and the lands, as therein provided.

Amend the title so as to read: "An act amending the act of January 14, 1889, and acts amendatory thereof, and for other purposes."

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. A second is demanded, Mr. Speaker.

The SPEAKER. Under the rules a second is ordered. The gentleman from Minnesota [Mr. LINDBERGH] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. LINDBERGH. Mr. Speaker, in 1889 Congress passed what was known as the "Nelson Act," which authorized the appointment of a commission of three by the President of the United States to confer with the Chippewa Indians in the State of Minnesota for the relinquishment of all their reservations except certain parts of White Earth and Red Lake reservations. The Commission was appointed under that act by the President, and in 1890, after many conferences with the Indians, they ceded all of the lands to the United States, and those lands were thrown open to settlement where they were agricultural lands, and timber lands were subject to the sale of the timber on the land and after the timber should be removed the land should be open to settlement, to be paid for by the homesteaders at the rate of \$1.25 an acre. A part of this land was disposed of under the Nelson Act. In 1902

there was passed by Congress what is known as the "Morris Act." That act provides that there should be a forest reserve amounting to approximately 235,000 acres carved out of the lands remaining at that time.

Under the Nelson Act the village of Cass Lake was established on the shores of Cass Lake. A land office was there established and the village grew to have about 1,500 people. When this Morris Act was passed the Forestry Commission selected the 235,000 acres immediately adjoining the village, so as to cut out the residents of that village from the advantages of the settlement of the country adjacent. There was no provision made in the Morris Act for a settlement with the Indians for the lands which were taken for this forest reserve. The object of the present bill is to reduce that forest reserve by something like 70,000 acres and open those 70,000 acres for settlement—that is, the agricultural lands therein. Whatever timber lands there may be that have pine on them the timber is to be sold off the land at public auction, after it is appraised, at not less than \$5 a thousand. As a matter of fact the timber on other parts of the reservation under the auction sales, I think, have sold as high as \$11 a thousand.

There is to be retained in this reservation 10 per cent of the timber, which, I think, are known as "mother" trees, for re-seeding the ground, and that will conserve the forest. These lands are at the head of the Mississippi River and are suited for that purpose. There are many lakes there that the forest will conserve the waters in. This act of 1902 stopped all progress of the settlement of that country and appropriated this land without making any provision for settlement with the Indians. If this act passes it authorizes a credit to the Indians for these lands at the rate which was established to be paid by the settlers, \$1.25, after they have lived upon the land and proved up under the homestead laws. The Indians have been dissatisfied all the time since the Morris Act was passed on account of the holding up of this land without any provision whatever being made for them. The Government will have to pay for the 10 per cent reserve of timber at the appraised value, and after that, of course, what remains will be a part of the reserve, and as the timber may be disposed of on that, under the Forestry Commission, whatever that brings will be credited to the Forestry Department. This is a plain statement of the facts that are covered in this bill.

Mr. Speaker, in a general way I doubt the early effectiveness of acquiring forest reserves and placing them under the absolute exclusive supervision of the Government to the exclusion of everything and everybody. I believe the policy should be materially changed so as to look forward to a broad policy of general supervision of all forests, public and private, by a regulation of the cutting of the timber and the prevention of destruction by fires, something along the lines established in the Scandinavian, German, and in some of the other progressive countries.

I know the question will be raised as to the right of the General Government to interfere with the individual ownership of private property. The discussion of the legal question is immaterial with this bill; but in passing I can not refrain from saying that it is everywhere conceded that the preservation of the forests is material to the general good, not only for a uniform and permanent supply of timber, but also to attract moisture and thereby in a measure regulate the water fall. If that is admitted, and it seems that it must be, it follows that the preservation of the timber is of such general importance that the regulation of its cutting is within the constitutional control of the Government.

If the private ownership has divested the Government of the immediate right to directly interfere in the regulation of the removal of timber from the forests, it still has the right of eminent domain to accomplish that which is universally required. The Government has the power to do anything essential to the general public. If it can not now fix rules and regulations for the cutting and general care of timber on private lands, it may acquire that right through condemnation proceedings, and as it would not be the policy to appropriate the ownership, but merely to regulate the manner of its use, and that for the purpose of conserving the timber, the measure of damages for such control would not be so great as to seriously threaten the Government Treasury. On the contrary, such a system would be far less expensive than that which is now in contemplation by the Forestry Department.

The Government can not in the present condition of things take the exclusive ownership of sufficient forests to serve the needs of the country with such effectiveness as may be done by regulating the removal of timber from all forests.

It is one thing to conserve timber already growing in the diversity of stages from the first germination of the seed

through to the matured tree, and quite another to plant and cultivate forests or preserve an ample supply by acquiring the exclusive ownership of special forests. Under the latter system there must be carved out selected districts to the detriment of adjacent communities, and these districts of necessity are far removed from the people in general, while under the former system the forests will continue interspersed as nature originally contributed to us.

I do not consider that we are justified in levying a tax upon the general public to conserve forests in ordinary places for park purposes, to cater to the enjoyment of a comparative few who can afford to make long trips to visit these reserves. I do not of course complain of, but prefer, to approve the maintenance by the nation of the great natural, beautiful scenery spots of our country, like the Yellowstone, Yosemite, and several other places, some of much lesser note and magnificence. But I do not believe in creating at general expense park systems, except under exceptional conditions, where they are not practically available to the general public.

I now yield five minutes—

Mr. HAMMOND. Will the gentleman yield for a question?

Mr. LINDBERGH. I will yield to the gentleman.

Mr. HAMMOND. How many acres are there in the forest reserve now?

Mr. LINDBERGH. Two hundred and thirty-five thousand.

Mr. HAMMOND. How many acres are supposed to be opened for settlement under this bill?

Mr. LINDBERGH. Approximately 70,000 acres.

Mr. HAMMOND. The balance will remain in the forest reserve?

Mr. LINDBERGH. The balance will remain in the forest reserve as originally provided.

Mr. HAMMOND. And what is the character of the 70,000 acres of land which is now proposed to be opened for settlement?

Mr. LINDBERGH. That is partly agricultural land and partly timber, pine of the various kinds that grow out there.

Mr. HAMMOND. Do you know what proportion of it is covered with pine?

Mr. LINDBERGH. I do not, but a considerable portion of it.

Mr. HAMMOND. Why is there any pine land included in the land to be opened for settlement? Why is more than agricultural land included?

Mr. LINDBERGH. Because they have selected out one compact body that includes more or less pine land. This compact body is around the village of Cass Lake.

Mr. HAMMOND. Is all the land near Cass Lake?

Mr. LINDBERGH. Cass Lake village. There are ten sections that are already made reserve around Cass Lake.

Mr. HAMMOND. Can the gentleman state the number of acres of the pine land included in the 70,000 acres to be opened for settlement?

Mr. LINDBERGH. I can not.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. LINDBERGH. I will.

Mr. BEALL of Texas. I understand that this land at this time belongs to the Government.

Mr. LINDBERGH. At this time it belongs to the Government under the treaty—

Mr. BEALL of Texas. This land is situated at the headwaters of the Mississippi River?

Mr. LINDBERGH. This land is situated at the headwaters of the Mississippi; yes.

Mr. BEALL of Texas. And under the bill that you have called up you make provision for the cutting of the greater part of the timber upon these 70,000 acres?

Mr. LINDBERGH. That has mostly been cut already.

Mr. BEALL of Texas. Now, how can you reconcile your proposition with the general effort that is being made all through this country to try to conserve or preserve these forests?

Mr. LINDBERGH. The legal rights in this case were fixed by the Morris Act, and we are simply increasing by this act the amount of timber that the forest reserve people can maintain. Under the Morris Act it was 5 per cent, which was established, and in this act it is 10 per cent.

Mr. BEALL of Texas. Yet you are providing for the cutting of the greater part of this timber. The gentleman is aware of the fact that bills are pending here before Congress now asking the United States Government to buy millions of acres of land in order that the forests may be preserved, and looking to the protection of navigable streams?

Mr. TAWNEY. If the gentleman will permit me, I will say that the timber authorized to be cut does not belong to the United States.



Mr. BEALL of Texas. To whom does it belong?

Mr. TAWNEY. To the Indians.

Mr. STEPHENS of Texas. I will state further that it is merchantable timber, as I understand it.

Mr. TAWNEY. It is what the expert foresters call ripe timber.

Mr. LINDBERGH. A large part of this land is in the district of my colleague [Mr. STEENERSON], and I yield five minutes to him.

Mr. STEENERSON. Mr. Speaker, this is a very meritorious bill, and I think the gentlemen who have asked these questions are not familiar with its provisions and with the history of the legislation concerning these lands. In 1889 all of these lands were ceded by the Indians to the United States in trust for the Indians. The act provided that they should be examined and classified into two arbitrary classes, namely, all lands containing any pine trees were classified as pine lands. If there were only one tree on any subdivision of a section, it would be classified as "pine land." The other lands were classified as "agricultural land." The bill provided that all agricultural land should be opened to homestead at \$1.25 an acre, and the Indians should get the \$1.25. As to the pine trees, they were to be appraised and sold at a minimum price, in the original bill, of \$3 per thousand, but in the amended bill of 1902 at the minimum price of \$4 and \$5 a thousand, according to whether it was Norway or white pine.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask a question?

Mr. STEENERSON. Certainly.

Mr. STEPHENS of Texas. With reference to cutting that timber, it was only the matured timber that was to be cut? Am I correct in that?

Mr. STEENERSON. I think so. I will explain further. The timber was originally sold with the land, but in the Morris Act of 1902, these lands not having been disposed of, having been held back for the reason that the Government desired to have them disposed of under another plan, which plan was provided for in the act of 1902, by which the Secretary of the Interior was to sell the pine on a bank scale. That bill was the first law that contemplated a separation of the trees from the land, so that the Secretary of the Interior was to sell the timber at an estimate, and then when the logs were cut they were scaled by Government scalers and paid for according to the number of feet in the bank scale. The Indians got all the proceeds. Then, when the timber was all cut off, the lands were subject to homestead at \$1.25 an acre, and the Indians were to get that.

But the Morris Act provided, in the spirit that now is popular, to conserve the forests by reserving 200,000 acres of the finest pine lands up there as a forest reserve, although, as you have seen from my statement, the Indians owned both the land and the pine, which was simply held in trust for them by the Government, to be disposed of as above indicated. On this forest reserve 5 per cent of the pine trees were to be left for reforestation, and also all the pine on the islands in Cass Lake, which are timbered with beautiful trees, and also on ten sections of land surrounding the lake, also timbered with pine. The boundaries of the reserve were not fixed in the law, but were to be marked out by the Forestry Service. Then all the other pine—that is, 95 per cent of the trees outside of the islands and the ten sections—were to be sold at auction and at bank scale, as I have stated, and that has largely been done and the timber removed, except the ten sections and the islands and another section where the agency is located. On these not a pine tree has been touched.

Now, then, the question arose, Who shall compensate the Indians for their property? Of course after the Indians had ceded these lands to the United States, to be disposed of as indicated and the proceeds placed to their credit, the United States should not, contrary to the treaty, appropriate their property permanently as a forest reserve. The Government could not equitably establish a permanent forest reserve out of somebody else's property. So this bill comes in here and says that the 5 per cent left standing shall belong to the Government and be a part of the permanent forest reserve and the uncut timber shall be preserved for the future and only used under the administration of the Forest Service.

There is a commission appointed by this bill, one representative to be selected by the Indians interested in this property and the other two by the Secretary of the Interior, who are to appraise the value of the remnant of the pine—that is, the uncut portions—and the Indians are to be credited in their trust funds with the amount of that appraisement. Now, the forest reserve, which was originally 220,000 acres, is diminished by this bill, as has been shown, about 60,000 or 70,000

acres. Those 60,000 or 70,000 acres are in the immediate vicinity of Cass Lake. Now, I want to make myself clear on the question asked by the gentleman from Minnesota [Mr. HAMMOND], who is familiar with the whole matter, being a member of the Committee on Public Lands; and I will state to him that the 70,000 acres that are thrown open to settlement by this act—

The SPEAKER. The time of the gentleman has expired.

Mr. LINDBERGH. How much time have I left?

The SPEAKER. The gentleman has five minutes remaining.

Mr. LINDBERGH. I reserve the balance of my time.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS. Do you want a minute or two?

Mr. STEENERSON. I would like to have a minute or two more.

Mr. WILLIAMS. I yield two minutes to the gentleman.

Mr. STEENERSON. I desire to say in the time allotted to me by the gentleman from Mississippi that these 70,000 acres that are open to settlement are perhaps some of them pine lands, but under the original act that pine will be sold, and will be sold at auction, and then will be measured by bank scale, and the Indians will get every dollar that they will bring at a correct measurement. Then the land, after the pine is removed, is subject to homestead at \$1.25 an acre. So that there is no pine to be disposed of on the land under the homestead law. That comes in the other provision, and I think it answers the question of the gentleman from Minnesota [Mr. HAMMOND]. I will say, in conclusion, that this is a very meritorious measure, which will preserve the forest at the headwaters of the Mississippi, and the interests of the Government are very carefully guarded.

Mr. WILLIAMS. I yield five minutes to the gentleman from Missouri [Mr. HACKNEY].

Mr. HACKNEY. Mr. Speaker, being on the subcommittee of the Committee on Indian Affairs which investigated this bill when it came before that committee, I took occasion to familiarize myself somewhat with the situation.

The title of this bill is a little misleading. It is not an act creating a national forest. The national forest was created under the act of June 27, 1902.

In 1889 Congress provided for opening this reservation to settlement after allotment to the Indians. Then before the lands were disposed of under that act the other act was passed, which set apart as a national forest reserve substantially all the lands mentioned in this bill, making in the aggregate about 235,000 acres of land. Provision was made for cutting timber, as has been stated by the gentleman from Minnesota, leaving a sufficient quantity to cover the timber lands. Now, as has been stated, there has been considerable difference of opinion and considerable conflict, you might say, in the matter of adjusting the national forests with the settlements there.

For instance, on the west side of the reservation towns have grown up, and by reason of the existence of the forest reserve they have been shut out entirely from any source of income or trade, and this condition is sought to be remedied by this legislation. There is an ample quantity left after reducing the limits of the forest reserve, and Mr. Pinchot, the Forester, after a thorough examination of the matter, suggested that change. Therefore the bill throws open to settlement about 70,000 acres on the west side. The lines marked in red on this map which I have here indicated the boundaries as they were, but they have been changed somewhat.

Mr. TAWNEY. Almost all of that 70,000 acres is agricultural land, is it not?

Mr. HACKNEY. Yes; that fact was shown to the committee.

Mr. TAWNEY. It is not forest?

Mr. HACKNEY. It is not land proper for a forest reserve. Now, if it were an original proposition to buy land for a forest reserve, there might be a difference of opinion as to the constitutional power of the Government; but here are the Indian lands which were opened to settlement in 1889, and then Congress passed the act of 1902, stopping the settlement and setting apart those lands for forest-reserve purposes. The simple proposition comes up to us now, Shall we pay for what we have got? We have this national forest; it is a forest reserve created by that act; the land is in the possession of the Government, as the act of 1902 provides that from the time of taking over it should thenceforth be a national forest reserve, the same as though created by any other act of Congress or by proclamation. This is a simple process of getting out of a somewhat complicated and unpleasant situation there with respect to the Indian rights, on the one hand, and the rights of settlers on the other, and the question of good faith of the Government as well.

Mr. TAWNEY. It is true, is it not, that the question of the boundary of this reserve has been in dispute between the citizens of that part of the State of Minnesota and the forest-reserve officials ever since the act was passed or the forest reserve selected under it?

Mr. HACKNEY. That statement is correct, and this settles that dispute entirely. This bill establishes the boundary by metes and bounds, so that there will be no further question in the future. Every matter relating to the timber and its growth has been thoroughly safeguarded along lines wholly suggested by the Forester himself, so that the friends of national forests ought not to feel any apprehension about passing this bill.

Mr. STEENERSON. Has this proposition been entirely approved by the Forest Service?

Mr. HACKNEY. Yes.

Mr. STEENERSON. And the boundary fixed by them?

Mr. HACKNEY. Fixed by Mr. Pinchot and Senator CLAPP. That proof was submitted to the Indian Affairs Committee. I believe that the bill is in every respect meritorious and ought to pass, and therefore I favor it.

Mr. SAUNDERS. Mr. Speaker, I think from the character of the questions asked about this bill there is some misapprehension in regard to its provisions on the part of a portion of the Members of this House. The land that will be included in the forest reserve has, in large measure, been selected heretofore, but the formal establishment of the forest reserve is made by this bill. As to different portions of the forest reserve, there are different timber cuts provided for. On the largest proportion of the tract the timber cut is 95 per cent, leaving 5 per cent to be paid for by the Government. On another portion of the tract the timber cut is 90 per cent, leaving 10 per cent to be paid for by the Government. On another portion, a much smaller proportion of the whole, all the timber is reserved by the Government for forest purposes, and all of this timber will be paid for by the Government.

There is, then, carried on the part of this measure two liabilities—the liability of the Government for the land and the liability of the Government for the timber—and the terms under which the timber and the lands are to be paid for are all provided in the bill. So far as the land is concerned, the Government pays for that at the rate of \$1.25 per acre, and so far as the timber is concerned for which the Government assumes liability to the Indians, the value of that is to be fixed by a commission to be appointed according to the terms of this measure.

This reserve lies at the headwaters of the Mississippi River, and if there is any portion of the United States where a forest reserve ought to be established, it is in the land about the sources of this mighty stream.

This is not an original proposition, as has been stated by the gentleman from Missouri, for the purchase of land for a forest reserve, but it is a sequestration of an Indian reservation for this purpose, and as the Government takes the Indian reservation, as a matter of course, the Government will pay the Indians for the land taken.

Now, as to the original designation of the land for a forest reserve, that was under the acts heretofore passed by this House, but the formal establishment of the forest reserve is by the act that we are now considering.

As to that portion of the land on which all of the timber is reserved by the Government, the bill provides that the cutting on this land shall be conducted under the direction of the Forester of the Government, so that the whole purposes of the bill are entirely meritorious, and the rights of the contracting parties—that is, of the Indians and of the United States—are amply conserved, and as to the remainder of the lands thrown open for settlement, the Government acts as trustee for the Indians for the purpose of making a sale, but in no sense will it assume any liability to purchase any of the land directed to be sold.

It seems to me, Mr. Speaker, upon the statement of the facts of the case, that the misapprehensions indicated by some of the questions propounded should be removed, and that this bill, which in all respects perfectly safeguards the rights of both the Indians and of the United States, and which merely carries out a contract heretofore made between the Government and these Indians, ought to be passed by this House. [Applause.]

Mr. WILLIAMS. Mr. Speaker, the other day the Chair ruled that under the peculiar special rule under which we are operating a motion to suspend the rules "suspended all rules." But for that ruling I should not have presumed that a motion to suspend the rules suspended the rules of courtesy and decency prevailing between Members of Congress and gentlemen on the floor.

There is a rule of the House which in substance is:

When a gentleman desires to interrupt another who is speaking, he shall rise and respectfully address the Chair and announce that he desires to interrupt, and the Chair shall say, "Does the gentleman from — yield to the gentleman from —?"

A moment ago, upon page 335 of the reporter's notes, as sent from the House stenographer's room to me, the gentleman from Mississippi [Mr. WILLIAMS] rose and turning himself to the gentleman in the chair, temporarily taking the Speaker's place, Mr. DALZELL, of Pennsylvania, said, "Mr. Speaker." The gentleman from Ohio [Mr. BURTON] continued to speak, and the Speaker in the chair paid no attention to the gentleman from Mississippi. Whereupon the gentleman from Mississippi, further along after more remarks from the gentleman from Ohio, said, for the second time, obeying the rule, "Mr. Speaker." The gentleman in the chair still ignored the gentleman from Mississippi and disobeyed the rule of the House, which made it his duty to ask whether the gentleman from Ohio consented to the interruption of the gentleman from Mississippi, whereupon the gentleman from Mississippi for the third time addressed the Chair, respectfully claiming attention, and said: "Mr. Speaker."

The Speaker pro tempore, the gentleman from Pennsylvania [Mr. DALZELL], paid no attention to that, whereupon the gentleman from Ohio said:

How much more time have I, Mr. Speaker?

This was after the third respectful attempt to get the attention of the Speaker pro tempore, without any notice by the Chair, although the Speaker pro tempore had each time heard. The Speaker pro tempore replied:

The gentleman has four minutes and a half.

Whereupon the gentleman from Ohio replied:

Oh, well, that is time enough.

Time enough for what? I presume, if he meant anything, to hear and answer the question which the gentleman from Mississippi [Mr. WILLIAMS] desired to propound. Whereupon the gentleman from Mississippi, according to the RECORD, said:

Without any reference to the President's utterances at all and referring now to his deeds, does the gentleman, a Representative of the people of a district in the State of Ohio—the American people—give his approval—

And there he was interrupted by the gentleman from Ohio, who said:

Oh, Mr. Speaker, I decline to yield to the gentleman from Mississippi for a speech.

Whereupon the gentleman from Mississippi said:

I am not making a speech. I am asking a question—whether the act of the Executive establishing a commission without the authority of Congress—

And there he was again interrupted by the Speaker pro tempore, not by the gentleman from Ohio, the gentleman from Ohio having consented to an interruption publicly. The Speaker pro tempore says:

The gentleman from Mississippi is out of order. The gentleman from Ohio declines to yield.

The gentleman from Mississippi replied, as was the truth, proven by the RECORD read:

The gentleman from Ohio has yielded.

Whereupon the gentleman from Ohio replied:

I yielded for a question, but not for a four-minute speech.

Now, Mr. Speaker, this statement of the gentleman from Ohio [Mr. BURTON] conveyed in it two absolutely—I want to be altogether parliamentary and not use language which, though true, might be insulting—incorrect statements. The first was that I was trying to make a speech, when I was not, but was making a brief and simply inquiry, as the RECORD discloses; and the second incorrect statement was that I was four minutes in doing so.

I have since read over aloud to myself, timing myself by my watch, all of my remarks made, including the last one, saying that "the gentleman from Ohio had yielded," which took more time than the obviously plain language necessary to couple my question, and it was one-eighth of a minute less than one minute. In other words, the gentleman, after yielding for a question, when the question was sufficiently completed to be made known to him, shut me off so that he could evade a reply under the pretense that I was taking four minutes when I was taking seven-eighths of one minute, and under the pretense that I was trying to interpret a speech, which was obviously not a fact. Now, if there is a Member of this House who believes that the President of the United States, as the Executive, has the right to establish a commission without any authority—independently of his utterances in subsequently saying he would continue it in existence whether Congress consented or not—or who denies that he did thus illegally establish a commission, I



challenge that gentleman to arise upon his feet at this or any time and go to the people of his district in indorsement of that piece of Executive usurpation or in denial of the fact.

I am not, however, now so much dwelling upon the fact that the gentleman from Ohio evaded a reply and, after yielding, refused to answer, nor upon the action of the gentleman temporarily in the chair, who took the bit into his own mouth and decided that the gentleman had not yielded, after he had yielded, as I am upon a grave and important question of courtesy between Members upon this floor. Mr. Speaker, I never refused to yield upon the floor except by replying courteously and politely to the request that I either did not have time or did not desire to yield; but after I have yielded I have always yielded in good faith and have answered, or attempted to answer, the question. The statement that I was either taking "four minutes" or "making a speech" is absolutely incorrect, as the record shows, and was incorrect, as the gentleman from Ohio [Mr. BURTON] knew, and was incorrect as the gentleman occupying the Speaker's seat at the time also did know, or else would have known if he had been watching the proceedings of the House.

Mr. Speaker, I submit that however partisan we may be upon this floor, we do not by any special rule suspend the rules of courtesy and decency between Members in connection with interruptions. If the gentleman from Ohio [Mr. BURTON] had desired not to submit to an interruption, his method of procedure was plain. He could have said, "On account of the brevity of time allotted me," or on account of anything or nothing—he need not have given any reason—"I decline to be interrupted." But in way of bravado and insolent challenge he asked, "How much time have I left?" and, the Speaker pro tempore having replied "Four minutes and a half," he replied contemptuously, "Oh, well, that is time enough." Whereupon the gentleman from Mississippi, being informed that it was time enough, made his interrogatory, or proceeded to try to make it, and was substantially at the end of it when the gentleman from Ohio said that he declined to yield "for a speech."

Mr. Speaker, upon the merits of this particular bill, for fear my position in demanding a second may be misunderstood, I understand from the gentleman from Texas [Mr. STEPHENS], who has had long service upon the Indian Affairs Committee, who is thoroughly honest and absolutely careful and very industrious in the investigation of all bills before the committee, that the bill ought to pass, and I shall vote for it. I have merely taken this much of my time for the purpose of dwelling upon the incident which happened and calling the attention of the House to it. Mr. Speaker, I will not be accused by any Member upon the Republican side of this House even, no matter how bitter partisan feeling may have become, of ever having been discourteous. I have read the RECORD. Those are the reporter's notes. Subsequently the gentleman from Ohio [Mr. BURTON] made a few remarks about my "lack of achievement," and in that reference, I suppose, intended an arrogation of very much achievement, or at least of superior achievement, upon his own part, because he is not the sort of a man, as I take it, who would indulge in violating the old axiom that "the pot ought not to call the kettle black."

I am willing to stand before the country in some degree of comparison with the gentleman from Ohio [Mr. BURTON] as regards "achievements." Neither one of us has ever achieved much that I know of, but I, at any rate, never achieved defeat in a candidacy for mayor of my own village with the Federal Administration behind me as he did. [Groans on the Republican side]. And if I had ever run for the place of mayor of the town in which I live, I believe the people of my town might possibly have elected me to that office.

[Here the hammer fell.]

Mr. WILLIAMS. Did the Speaker strike for the purpose of permitting some gentleman to interrupt me or because my time had expired?

The SPEAKER. The Chair was in error. The gentleman has one minute remaining.

Mr. WILLIAMS. Mr. Speaker, I heard several remarks, either intelligent or groans, I am not certain which, upon the other side of the aisle about the time the hammer fell. Is there one over there who has a bona fide interrogatory or courteous request to make of me?

Mr. DOUGLAS. Mr. Speaker, I will make one inquiry of the gentleman. He quoted one well-known metaphor. Does not he know another one that is equally as well known and usually quoted in Latin, "de gustibus non est disputandum?"

Mr. WILLIAMS. Yes; and I know the English, free dog-Latin translation of it, given by a man who knew no classics, "concerning disgusting and discourteous things there need be

necessarily no dispute." [Applause on the Democratic side.] That is dog translation, but it is, for this case, tolerably good.

Mr. LINDBERGH. Mr. Speaker, there being no opposition to the bill, I shall now yield the rest of my time to the gentleman from Minnesota [Mr. TAWNEY].

Mr. BURTON of Ohio. Will the gentleman yield two or three minutes to me?

Mr. TAWNEY. How much time does the gentleman desire?

Mr. BURTON of Ohio. Two or three minutes.

Mr. TAWNEY. I yield three minutes to the gentleman from Ohio.

Mr. BURTON of Ohio. Mr. Speaker, I regret that the gentleman from Mississippi should be suffering from so discontented a spirit to-day. I trust he will regain his equanimity and his temper, and then we shall proceed with the orderly and rational transaction of business. When I had four minutes remaining, and desired to explain a bill before the House, of importance to the country, I yielded to the gentleman from Mississippi for a question. According to his own admission he had proceeded for one minute, lacking one-eighth, and the indications were that, like the brook, he would go on forever. [Applause and laughter on the Republican side.]

Mr. WILLIAMS. There was no indication of that sort.

Mr. BURTON of Ohio. On those indications it seemed to me I was not under any obligation to yield any longer time. What may have happened at the beginning with reference to the failure of the Speaker pro tempore to recognize him for a question I do not recall, or did not notice, but, as regards the latter part of the interruption, I take the full responsibility myself [applause on the Republican side], because I declined to yield further.

I am unwilling to enter into any discussion with the gentleman from Mississippi about our achievements. Whatever we may have done, whatever modest results may have come from our work, are for the House and the country to determine. We are all equals here, and I must suggest to the gentleman from Mississippi that it is not in accordance with orderly and fair proceeding, when a colleague of his in this House has but four minutes remaining, to exhaust one-fourth of that time in a question and then to go on with no sign that there would ever be any termination of what he has to state. In conclusion, I want to say that I trust the gentleman from Mississippi will consider this incident dispassionately. I assure him that it shall cause no ill will on my part toward him, but I am convinced that I was justified in insisting upon my right not to be further interrupted.

Mr. WILLIAMS. Will the gentleman submit to an interruption now?

The SPEAKER. Does the gentleman yield?

Mr. BURTON of Ohio. I do, but I want to make the reservation again that it must be a question.

Mr. WILLIAMS. It is a question, but do not take it for granted it is not beforehand. Does not the gentleman remember that less than two minutes ago that with one minute at my disposal I yielded to the gentleman from Ohio [Mr. DOUGLAS] for a question which involved three-fourths of that one minute?

Mr. BURTON of Ohio. The gentleman from Mississippi may have had nothing to say, or nothing of importance, so that he could yield. [Laughter and applause on the Republican side.]

Mr. TAWNEY. Mr. Speaker, the personal incident between the gentleman from Mississippi and the gentleman from Ohio having been now closed, I simply want to recall to the minds of the Members of the House the fact that there is a bill before us, upon which we are about to vote, for the permanent establishment of the boundaries of a forest reserve in the State of Minnesota. This reserve was created under the act of 1902, which boundaries at that time were indefinite and left largely to the discretion of the Department. The bill has been unanimously reported from the Committee on Indian Affairs. It opens to settlement about 70,000 acres of agricultural lands heretofore claimed by the Forestry Bureau, and the present boundary is fixed in this bill as a result of an agreement between the citizens residing in the vicinity of this forest reserve and the Forestry Bureau of the Agricultural Department. I trust there will be no opposition to the passage of the bill, as there was no opposition against the report of the bill from the Committee on Indian Affairs.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House and encourage the House to further legislation, I demand the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 234, nays 2, answered "present" 6, not voting 145, as follows:

## YEAS—234.

Acheson	Dixon	Hitchcock	Norris
Adair	Douglas	Holliday	Nye
Aiken	Draper	Houston	O'Connell
Alexander, Mo.	Iriscoill	Howell, N. J.	Olcott
Alexander, N. Y.	Durey	Howell, Utah	Olmsted
Allen	Dwight	Howland	Overstreet
Ansberry	Ellerbe	Huff	Padgett
Ashbrook	Ellis, Mo.	Hughes, N. J.	Page
Barchfield	Ellis, Oreg.	Hull, Tenn.	Parker, N. J.
Bartholdt	Englebright	Humphrey, Wash.	Parsons
Bartlett, Nev.	Esch	James, Addison D.	Patterson
Bates	Fairchild	Jenkins	Payne
Beall, Tex.	Ferris	Johnson, Ky.	Perkins
Bede	Finley	Johnson, S. C.	Pou
Bennett, Ky.	Fitzgerald	Jones, Va.	Pray
Bonyng	Floyd	Jones, Wash.	Prince
Booher	Focht	Kahn	Pujo
Bowers	Foster, Ill.	Keifer	Rainey
Boyd	Foster, Ind.	Kellher	Randall, Tex.
Brantley	Foster, Vt.	Kennedy, Iowa	Rauch
Brodhead	French	Kennedy, Ohio	Reeder
Brownlow	Fuller	Kimball	Robinson
Brumm	Fulton	Kitchin, Claude	Rodenberg
Brundidge	Gaines, Tenn.	Knapp	Rothermel
Burleigh	Gaines, W. Va.	Küstermann	Russell, Mo.
Burton, Del.	Gardner, N. J.	Lafean	Russell, Tex.
Burton, Ohio	Garner	Landis	Sabath
Campbell	Garrett	Langley	Shackleford
Candler	Gilhams	Lanling	Sherwood
Capron	Gillespie	Lee	Slayden
Carlin	Gillett	Legare	Smith, Cal.
Carter	Godwin	Lever	Smith, Mo.
Cary	Goebel	Lindbergh	Snapp
Caulfield	Gordon	Lloyd	Southwick
Chaney	Goulden	Longworth	Sperry
Chapman	Graff	Loud	Spight
Clark, Mo.	Graham	Loudenslager	Stanley
Cocks, N. Y.	Granger	Lovering	Steenerson
Cole	Hackett	Lowden	Stephens, Tex.
Conner	Hackney	McCall	Sterling
Cooper, Pa.	Hale	McHenry	Sulloway
Cooper, Tex.	Hall	McKinlay, Cal.	Sulzer
Cooper, Wis.	Hamilton, Iowa	McKinley, Ill.	Taylor, Ohio
Coudrey	Hamilton, Mich.	McKinney	Thistlewood
Cox, Ind.	Hammond	McLain	Tirrell
Craig	Harrison	McMorran	Tou Velle
Crumpacker	Haskins	Macon	Townsend
Currier	Haugen	Madison	Underwood
Cushman	Hawley	Maynard	Volstead
Dalzell	Hay	Miller	Waldo
Darragh	Hayes	Moon, Tenn.	Washburn
Davenport	Hedlin	Moore, Pa.	Watkins
Davis, Minn.	Helm	Moore, Tex.	Weeks
Dawes	Henry, Conn.	Morse	Williams
Dawson	Henry, Tex.	Mouser	Wilson, Ill.
De Armond	Higgins	Murdock	Wood
Denby	Hill, Conn.	Needham	Young
Denver	Hill, Miss.	Nelson	
Diekema	Hinshaw	Nicholls	

## NAYS—2.

Hamlin Hardy

## ANSWERED "PRESENT"—6.

Bennet, N. Y.	Knopf	Roberts	Small
Butler	Lorimer		

## NOT VOTING—145.

Adamson	Flood	Law	Rucker
Ames	Fordney	Lawrence	Ryan
Andrus	Fornes	Leake	Saunders
Anthony	Foss	Lenahan	Scott
Bannon	Foulkrod	Lewis	Sheppard
Barclay	Fowler	Lilley	Sherley
Bartlett, Ga.	Gardner, Mass.	Lindsay	Sherman
Beale, Pa.	Gardner, Mich.	Littlefield	Sims
Bell, Ga.	Gill	Livingston	Siemp
Bingham	Glass	McCreary	Smith, Iowa
Birdsall	Goldfogle	McDermott	Smith, Mich.
Boutell	Greene	McGavin	Smith, Tex.
Bradley	Gregg	McGuire	Sparkman
Broussard	Griggs	McLachlan, Cal.	Stafford
Burgess	Gronna	McLaughlin, Mich.	Stevens, Minn.
Burke	Haggott	McMillan	Sturgiss
Burleson	Hamill	Madden	Talbott
Burnett	Harding	Malby	Tawney
Byrd	Hardwick	Mann	Taylor, Ala.
Calder	Hepburn	Marshall	Thomas, N. C.
Calderhead	Hobson	Mondell	Thomas, Ohio
Caldwell	Howard	Moon, Pa.	Vreeland
Clark, Fla.	Hubbard, Iowa	Mudd	Wallace
Clayton	Hubbard, W. Va.	Murphy	Wanger
Cockran	Hughes, W. Va.	Parker, S. Dak.	Watson
Cook, Colo.	Hull, Iowa	Pearre	Webb
Cook, Pa.	Humphreys, Miss.	Peters	Weems
Cousins	Jackson	Pollard	Weisse
Cravens	James, Ollie M.	Porter	Wheeler
Crawford	Kinkaid	Powers	Wiley
Davey, La.	Kipp	Prati	Willett
Davidson	Kitchin, Wm. W.	Ransdell, La.	Wilson, Pa.
Dunwell	Knowland	Reid	Wolf
Edwards, Ga.	Lamar, Fla.	Reynolds	Woodyard
Edwards, Ky.	Lamar, Mo.	Rhinock	
Fassett	Lamb	Richardson	
Favrot	Lassiter	Riordan	

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

For this session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. AMES with Mr. BELL of Georgia.  
 Mr. KINKAID with Mr. WILSON of Pennsylvania.  
 Mr. WOODYARD with Mr. WEBB.  
 Mr. WHEELER with Mr. WALLACE.  
 Mr. WEEMS with Mr. TAYLOR of Alabama.  
 Mr. VREELAND with Mr. SPARKMAN.  
 Mr. SMITH of Michigan with Mr. SHERLEY.  
 Mr. PEARRE with Mr. SAUNDERS.  
 Mr. MCGAVIN with Mr. RUCKER.  
 Mr. LAWRENCE with Mr. RICHARDSON.  
 Mr. HULL of Iowa with Mr. RANDELL of Louisiana.  
 Mr. HUBBARD of West Virginia with Mr. LASSITER.  
 Mr. FOWLER with Mr. FAVROT.  
 Mr. DAVIDSON with Mr. CRAWFORD.  
 Mr. COOK of Pennsylvania with Mr. COCKRAN.  
 Mr. COOK of Colorado with Mr. CLAYTON.  
 Mr. BOUTELL with Mr. GRIGGS.  
 Mr. SMITH of Iowa with Mr. CALDWELL.  
 Mr. ADLUS with Mr. BURLESON.

The result of the vote was announced as above recorded.

## COMMITTEE CHANGES.

The SPEAKER. The Chair lays before the House the following letter, which the Clerk will read:

The Clerk read as follows:

COMMITTEE ON WAYS AND MEANS,  
 HOUSE OF REPRESENTATIVES,  
 Washington, D. C., May 16, 1908.

Hon. JOSEPH G. CANNON,  
 Speaker House of Representatives, Washington, D. C.

MR. SPEAKER: I hereby resign as a member of the Ways and Means Committee, and request that my successor be appointed at once.

Very respectfully,

JAMES E. WATSON.

The SPEAKER. Without objection, the request of the gentleman from Indiana [Mr. Watson]—

Mr. WILLIAMS. Mr. Speaker, I think that this is one of the mere routine matters of procedure, to which no objection should be made.

The SPEAKER. The Chair hears no objection. The Chair announces the following committee appointment: Mr. CRUMPACKER, to the Committee on Ways and Means.

## BROWNSVILLE AND GULF RAILWAY COMPANY.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 90, on the Speaker's table.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent to take Senate joint resolution No. 90 from the Speaker's table and pass the same. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. R. 90) to amend an act authorizing the construction of bridges across navigable waters, etc.

Resolved, etc., That the bill (S. 4809) entitled "An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters," be, and the same is hereby, corrected so that the name St. Louis, Brownsville and Mexico Railway Company, as used therein, be changed to the Brownsville and Gulf Railway Company.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I wish to ask the gentleman from Texas [Mr. GARNER] a question. I understand that this is a case where a mere clerical error was made in the name of the railroad?

Mr. GARNER. That is it.

Mr. WILLIAMS. I, of course, shall not object to that.

The joint resolution was agreed to.

## TARIFF HEARINGS.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules, discharge the Committee on Rules from the further consideration of House resolution 392, and pass the same.

The SPEAKER. The gentleman moves to suspend the rules and discharge the Committee on Rules from the further consideration of the following resolution and agree to the same. The Clerk will report the resolution.

The Clerk read as follows:

## Resolution 392.

Resolved, That the Committee on Ways and Means is authorized to sit during the recess of Congress and to gather such information, through Government agents or otherwise, as to it may seem fit looking toward the preparation of a bill for the revision of the tariff; and said committee is authorized to purchase such books and to have such printing and binding done as it shall require, and in addition to requiring the attendance of the committee stenographers is authorized to employ an additional stenographer, and to incur such other expenses as may be deemed necessary by said committee; and all the expenses of said committee shall be paid out of the contingent fund of the House on the usual vouchers approved as now provided by law.



The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

The SPEAKER. The gentleman from New York [Mr. PAYNE] is entitled to twenty minutes, and the gentleman from Missouri [Mr. CLARK] is entitled to twenty minutes.

Mr. PAYNE. Mr. Speaker, this resolution explains itself. In last December I introduced a resolution authorizing the committee to have such printing and binding done as was necessary in the transaction of its business, and also authorizing the committee to sit not only during sessions of the House, but during the recess of Congress. I had in mind then, in offering that resolution, that we might be engaged, and probably would be engaged, in preparation for the revision of the tariff during the recess of Congress. I only introduced this resolution to supplement the one that was passed last December and to give the committee an opportunity to employ more aid in prosecuting this particular work. The main object in passing the resolution at this time is to gather such information from the different Departments of the Government as will be useful in the revision of the tariff. I can not speak for the committee, but as for myself, I do not propose to go into a general inquiry or investigation this summer involving the rates in the schedules. I think the industries of the country and the labor of the country are entitled to peace, or to all the peace they can get, from now until after the Presidential election. After that is over I hope the committee will go into the subject of rates in regard to the revision of the tariff, but that is something for the committee to decide. My own intention is, so far as I can speak for the committee, and I believe that I can safely speak for the majority, that this will be the purpose of the committee and its proceedings under this resolution. I do not care to say anything more at the present time, and will reserve the balance of my time.

Mr. UNDERWOOD. Before the gentleman takes his seat, I would like to ask him a question. The question now coming before the House is new to me, and I think new to the minority members of the committee. I would like to ask the chairman of the Committee on Ways and Means if it is his purpose, if this resolution passes, to call that committee together during the summer and go into general hearings upon the tariff?

Mr. PAYNE. It is not. The gentleman evidently did not hear what I said. I said I did not propose to do anything to aid or create disquiet among the industrial interests of the country or agitate the laborers of the country during the progress of the Presidential campaign. After that is over, the committee will be very apt to hear all people who desire to be heard and have any information to give in respect to a revision of the tariff. In the meantime, we hope to gather up from official sources such information as will be useful, coming from those sources, in regard to the revision of the tariff. I do not care to enumerate them now. I do not know that I would if I had plenty of time.

I think I ought to say one word further. The House will see that this seems to be a "direct cut"—I think my friend from New Jersey would denominate it that way—at the Committee on Rules, who have failed heretofore to report this resolution. I want to say in extenuation of that committee that one member has been obliged to be out of town on account of sickness in his family, and it was impossible to get a meeting of the committee at which this resolution could probably be reported, and I wished to have it passed this afternoon, so that when the committee meets Monday morning the preliminary arrangements can be undertaken in regard to this investigation. I reserve the balance of my time.

Mr. CLARK of Missouri. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD], who is upon the committee.

Mr. UNDERWOOD. Mr. Speaker, the resolution that the gentleman has just offered comes as a surprise to this side of the House and to the minority members of the Ways and Means Committee.

The country has demanded a revision of the tariff for years. The minority members of the Ways and Means Committee and the minority Members of this House have been earnest for a number of years in demanding a revision of the tariff laws; but the resolution that is presented by the chairman of the committee this evening shows the usual tactics of the Republican party. They bring it here undoubtedly as a mere subterfuge, to promise the country with one hand that they are going to do something, and yet holding it back with the other hand to withdraw it when they get ready. The announcement of the chairman of the committee just made proves the statement. If you were earnestly in favor of a revision of the tariff, why did you leave the resolution pending here for months? Why are you preparing to adjourn next week and not consider the

question? If you are really and honestly in favor of a revision of the tariff, why are you going to wait all summer before you consider the question, before you take the testimony and the facts that are necessary for the committee to have before they write another tariff bill? Why, Mr. Speaker, it seems to me as plain as the noonday sun that you are merely passing this resolution to try and hold out to those portions of the country that are demanding a tariff revision, to those members of your own party who are demanding a tariff revision, that you are going to do something in the future. How often before have you told this tale? Why, there has been hardly a time when it was necessary for you to face an election that you have not held out to the country promises of a revision of the tariff, that you have never kept and never will keep.

It is very clear to my mind what you intend by this resolution. If you believed that you were going to win the next election you would put it off, beyond any doubt, until the next Congress and then find excuses for not passing it. Or, if you wanted to revise the tariff, you would not revise it by an old Congress that was elected two years ago and put it through by whip and spur in the short session. You would do as you did when you enacted the Dingley bill. You would take your testimony next winter and turn that testimony over to the new Congress to enact a tariff bill after the next President of the United States is inaugurated.

But it is evident, Mr. Speaker, that you fear the results of another election. You merely want to say that you are going to revise the tariff. You want to be prepared, if the election goes against you next fall, to call the committee together at once, take evidence, and drive an ill-considered and ill-prepared tariff bill through this House, and then say to the country that it is not necessary for the Democratic party to revise the tariff, that you have already done it. That is all this resolution can accomplish and all that can be carried out by it. If you are honestly in favor of the revision of the tariff that the country is demanding, authorize the Ways and Means Committee to go to work to-day to take its testimony, stay here, pass your bill and write it on the statute books before the next election, and let the people of the United States pass on it. [Applause on the Democratic side.]

Mr. CLARK of Missouri. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the gentleman from New York [Mr. PAYNE], the Chairman of the Committee on Ways and Means, said that this bill "explains itself." The gentleman was exactly right. The fool who runs can read what this bill means. A child under 14 years of age who knew the attitude of parties in the country could understand fully what the *arrière pensée* of this bill is.

Now, Mr. Chairman, we have been told for a long time by the gentleman from New York and others that they did not want to interfere with the tariff before an election, because they did not want to "disquiet the business interests." They did not want "to disturb American industries" prior to an election. Now, Mr. Speaker, if hearings upon a tariff and propositions to revise a tariff will disquiet American business interests and will disturb American industries, they will disquiet them and disturb them just as much after an election as before an election. The real object is not to "disturb" Republican campaign-fund contributors. As long as they do not know just what is going to happen to them they will contribute, for fear if they do not it may happen.

This bill ought to be entitled "A bill to enable the Republican party to 'save its face' and pretend that it wants a revision of the tariff and still run no risk by any specific bill of the disapproval of the people who desire a real revision of the tariff." [Applause on the Democratic side.]

Mr. Speaker, next November there is going to be a new House elected, either Republican or Democratic. If a Republican House shall be elected the Republican members of the Ways and Means Committee will proceed in their usual way. They will call themselves together—not the full Committee on Ways and Means, except for nominal hearings—and they will proceed to revise the tariff upward wherever it satisfies the special interests and reduce it downward wherever, by the free admission of raw material here and there, and leaving the finished product with the duty which it now bears for some special interests, those interests may be benefited.

If, on the other hand, the country shall go Democratic, or at any rate, the Members elected to the House shall be in majority Democratic, this being the body in which tariff legislation must originate, then, speaking for the minority, we do not want any moribund, derelict committee of a hold-over political party to present partisan hearings at a short session for the consideration of the House prior to the action of the real

representatives of the people elected by the Democratic people in the United States in November. [Applause on the Democratic side.]

Mr. Speaker, all this pretense of not "disturbing the public mind" in connection with the slightest interference with the sacred schedules of the tariff is buncombe. The gentleman does not mean that it will disturb the public mind at all in any industrial or business sense; he means that it might disturb the public mind in a political sense.

He dares not, the majority of this House dare not, bring out prior to election a proposition for the revision of the tariff, because the people of the United States are desiring a revision downward in the direction of untaxing the consumer as far as possible, and the Republican party will revise the tariff, if at all, as it always has done, in the interest of the robber barons, for protection. It may now and then find a robber baron who will say "I do not need protection any longer," and it may go through the form of revising downward upon his particular product. But wherever these men, whose counsel has hitherto been heeded nearly altogether by the Republican Committees on Ways and Means, shall come before it and say, "We need for our greater profit a higher duty," it will be given to them, and wherever they say, "We need for our profit a continuance of the present duty," it will be given to them. Those few who can say, "The duty has become obsolete and inoperative, and can no longer do good to us, because it puts no shekels in our pocket," for them the Committee on Ways and Means will agree that the duty shall be reduced.

Why, Mr. Speaker, I am sorry that a Speaker pro tempore is in the chair instead of the real Speaker, because I have another objection to the passage of this resolution. It is an expression of distrust on the part of the Committee on Ways and Means of the great Committee on Rules, of which I am a humble and inefficient member. The motion by inuendo charges that this resolution which has been before the Committee on Rules, subject to the judgment of the Speaker of this House, the great leader of the Republican party—although under the law he is supposed to be a nonpartisan Speaker of the House—the great leader of the Republican party as chairman of the Committee on Rules, on which sits the gentleman from Pennsylvania [Mr. DALZELL], with a fine Italian hand that can write rules that nobody can understand except himself until after he has explained them and then only by construction his way, in the interest of their partisan operation in the House, upon which committee also sits the gentleman from New York [Mr. SHERMAN], the gentleman from Missouri [Mr. DE ARMOND], and upon which I sit also, is by this motion to discharge it to be discredited before the country; an inuendo is going to the country involved in the very motion to discharge that the Committee on Rules has not done its duty. This proposition has been pending before them I do not know how long, and they have not reported it out.

The Republican Speaker of this House does not want to indulge in any hypocritical pretense of reforming the tariff; he is a true stand-patter, a Sadducee of the Sadducees, and stands on his own two feet, and would not report the resolution out of the Rules Committee, as is proven by the fact that he did not report it out; and the chairman of the Committee on Ways and Means has to come in here and attempt to discredit the Speaker of the House.

I told you, a week ago, that there were motions—symptoms—premonitions of weakening on the part of the Republican floor leader [Mr. PAYNE]; and here he is in revolt, flagrant revolt, led by him against the Committee on Rules. He, by this motion, expresses a lack of confidence in that great Committee on Rules, of which the Speaker is chairman and Deus ex machina. I prefer the Speaker's courage, even when wrong-headed, to Ways and Means pretense, even when seemingly compliant.

You are going, if you pass this motion, to treat the Speaker and the Committee on Rules with the same contempt that you treated your own Committee on Banking and Currency the other day, and I daresay that when you appoint conferees you will appoint them from the Ways and Means Committee and not from the Committee on Rules. I plead with you, gentlemen upon that side, to remember the honored years of long service, to remember the gray hairs, to remember the sincerity as a stand-patter of the Speaker of this House, and let us, us Democrats, revise the tariff in our time; but do not let the gentleman from New York [Mr. PAYNE], as a mere "stray and loose knight errant" of protection revision, attack the Speaker of this House and express the opinion of the House to the effect that the Speaker and the Committee on Rules have lost the confidence of the Republican majority. [Applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Speaker, I hope the gentleman from New York will use part of his time now.

Mr. PAYNE. Mr. Speaker, I have had no requests for time, and I do not know as there will be any more than one speech upon this side.

Mr. CLARK of Missouri. Well, I know, but I do not want a fifteen-minute speech to close this matter.

Mr. PAYNE. You would not have the speech cut in two in the middle for the purpose of getting into it, would you?

Mr. CLARK of Missouri. Certainly, I would.

Mr. PAYNE. Well, I would not.

Mr. CLARK of Missouri. Is the gentleman going to have more than one speech?

Mr. PAYNE. No; and I do not think it will take any fifteen minutes; it will not take more than five minutes.

Mr. CLARK of Missouri. Mr. Speaker, then I yield three minutes to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Speaker, it is not necessary for me to say anything on this resolution, and I would not address myself to the proposition were it not that I wish to enter my protest against it as a Member of this House and as a member of the Committee on Ways and Means. It does not mean anything good for the people. The hypocrisy of this political trick is apparent to all who are acquainted with the situation. If the desire of the chairman of the committee and those in power was to reorganize the tariff legislation of the country, and in furtherance of such intention they expected to have hearings to gain information on which to revise the tariff, no resolution like this would be offered authorizing the Committee on Ways and Means to sit during the summer recess of Congress, with the declaration made by the chairman of that committee here on this floor that "no meeting of the committee would be had until after the election." Mr. Speaker, why pass the resolution when it is admitted by the gentleman from New York [Mr. PAYNE] that no hearings will be had until after the election? This would leave only three weeks until the next regular session of Congress.

Does anyone think for a moment that his purpose is to use those three weeks in looking up the facts, in getting figures, in acquiring the information necessary to draw a tariff bill? Why has all the time been wasted during this term—during the last Congress? Why has it been that the Committee on Ways and Means has not investigated these facts heretofore? Why get authority now which will not be used until after the election? I will tell you what this resolution is for. It is a frying pan to fry the fat out of "the interests" for your campaign fund. [Applause on the Democratic side.] You know that this action means that the Republican managers can trade with the interests, can hold the power to have tariff "hearings" as a club over the heads of those corporations now plundering the people. The committee can sit during the summer if it will. The purpose, however, as announced by the chairman of the committee, is not to sit during the summer.

But if any "interest" does not come to time, does not support the present Administration, does not contribute to the campaign fund of the Republican party, this committee can be called together at any time during the recess, and facts can be elicited that would not be very favorable, perhaps, to the party not contributing the funds required. It would be a great persuader and is evidently intended for that purpose. I do not mean to unjustly charge any man or set of men, but I do say that the intention to deceive the people and to force the moneyed powers to obedience is clearly apparent.

Mr. LOVERING. May I ask the gentleman a question?

Mr. RANDELL of Texas. I have only three minutes, and if the gentleman from New York will give me some time I will answer the question.

Mr. PAYNE. I will yield the gentleman one minute in which to answer the question.

Mr. LOVERING. I should like to ask the gentleman from Texas or the gentleman from Mississippi [Mr. WILLIAMS] whether he thinks it would be wise for the committee at this time to enter upon the work of revising the schedules, whether he thinks the industries of this country in their present depressed state can stand any agitation of that sort? I for one do not. I would say also that I am in favor of a revision of the tariff.

Mr. RANDELL of Texas. I will try to answer the gentleman's question with perfect candor. I do not believe that the business interests of the country would be injured now any more than they would be later on by gathering information to revise the tariff, but I do believe that the "business interests" of the Republican party could not stand the test. [Applause on the Democratic side.]



The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RANDELL of Texas. The four minutes?

The SPEAKER pro tempore. The three minutes granted by the gentleman from Missouri [Mr. CLARK] and the one minute yielded by the gentleman from New York [Mr. PAYNE].

Mr. CLARK of Missouri. Mr. Speaker, I yield the remaining time, five minutes, to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, this action on the part of the gentleman from New York [Mr. PAYNE] marks the complete demoralization of the Republican machine. It has been going by successive stages. It commenced when the Speaker introduced a resolution to appoint a special committee to investigate a matter that was clearly within the jurisdiction of the Committee on Ways and Means. He introduced a resolution to appoint a special committee to investigate whether the tariff should be removed from wood pulp and print paper, and when that resolution was adopted he did not appoint a single member of the Committee on Ways and Means upon the special committee.

I have heard that committee referred to in a facetious manner as the "committee on subterfuge." I am surprised that the gentleman from New York did not consider it proper to send this investigation to that committee. The next step in this movement, or this demoralization, of the Republican machine in the House was marked when several Members on the Republican side were permitted to move to suspend the rules and adopt special orders instead of having the Committee on Rules perform that function. The next step was recently witnessed when a Republican caucus took from the Committee on Banking and Currency the responsibility of preparing a financial bill and referred it to a special committee, which was selected in advance, with the knowledge that the result of its work would be satisfactory to the Speaker and to the men about him who control this House and control legislation.

And now the gentleman from New York, awaiting long and patiently an opportunity to revenge himself upon the Speaker and upon the gentleman from Pennsylvania [Mr. DALZELL], has moved to discharge the Committee on Rules from the consideration of this resolution and to pass it under a suspension of the rules. This resolution was referred to the Committee on Rules on the 30th of April. It slumbered there for sixteen days. I hold in my hand a copy of the resolution introduced by the gentleman from New York [Mr. PAYNE], and reported by him from the Committee on Ways and Means and referred to the Committee of the Whole House on the state of the Union on the 1st of April. This resolution purports to distribute among the various committees of the House the various portions of the message transmitted March 31 to the Congress by the President of the United States. Even if the Republican majority did not intend to adopt the President's suggestions, a decent respect for the opinions of the President of the United States should have impelled the gentleman from New York at least to have buried the message among the various committees instead of permitting it to slumber in the Committee of the Whole House on the state of the Union. But, alas, they have been so busy attending to the needs of the people that they have overlooked this resolution sending to the proper committees the message of the President. Is my colleague afraid that some of those committees might break from the control of the Speaker and his associates and report some legislation recommended by the President? If not, why has he not, as has been from the beginning of the Government until this Congress, treated in a respectful and decent manner the messages of the President of the United States? This, I say, Mr. Speaker, marks the complete demoralization of the machine in this House, and it is but a forerunner of the complete demoralization and rout of the Republican party. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I promised there would be only one speech on this side, but the gentleman from Illinois [Mr. BOUTELL] came in later and wanted to submit the Illinois platform. If he desires to do so I will be pleased to offer it in my remarks on behalf of the gentleman.

Mr. BOUTELL. It will only take a few minutes.

Mr. PAYNE. I will ask the Clerk to read it.

Mr. BOUTELL. I am very grateful, indeed, to the gentleman from New York, as this is so in harmony with the spirit of this resolution. As I had the honor to draft it, I am very glad to have it appear in this manner.

The Clerk read as follows:

TARIFF PLANK IN THE PLATFORM OF THE ILLINOIS REPUBLICAN STATE CONVENTION—ADOPTED AT SPRINGFIELD, ILL., MARCH 26, 1908.  
The present tariff law, which was passed at the special session of the Fifty-fifth Congress convened by President McKinley, and which was

signed July 24, 1897, by that illustrious protectionist, has amply justified all the promises and hopes of its advocates and supporters. It has proven the most scientifically adjusted, and, therefore, the best tariff that was ever placed on the statute books. Under its beneficent influence, abundant revenues have flowed into the National Treasury; our domestic commerce has expanded beyond all expectations; the volume of our export trade has constantly increased until within the past six months it has reached high-water mark; the ratio of our manufactured exports has steadily advanced; our farmers have received the highest prices and our mechanics and other workmen the highest wages that have ever been paid, and our citizens of all classes have enjoyed a greater degree of prosperity than has ever prevailed during a like period in any other country.

The broadening of the home market and the increased foreign demand for our products have stimulated competition, and this competition has brought out manifold new discoveries and inventions which have materially altered the cost of production, both at home and abroad, of almost every article of commerce. The long continuance of the benefits conferred by the present tariff has produced an industrial situation that suggests the possibility of securing by the revision of the tariff additional benefits for the people of the United States through a wise continuance of the policy of protection. It is now apparent that in order to maintain the scientific accuracy of the tariff, remove inequalities, and prevent injustice some new schedules must be added to the law, some of the present rates must be lowered, while some must be repealed altogether. The very success of the present tariff demonstrates the wisdom of revising it to conform to the improved conditions which it has produced.

We believe that the people of the United States will profit by a new tariff, but it must be a Republican tariff, a protective tariff, a tariff which recognizes in all its parts the difference between American and foreign wages, the difference between the high scale of living of American wage-earners and the scale imposed by insufficient wages upon foreign workmen.

We therefore recommend to our delegates to the Republican national convention that they urge upon that convention the wisdom of declaring for a revision of the tariff to be made at the next session of Congress or at a special session of the Sixty-first Congress to be convened immediately after the inauguration of the next President, March 4, 1909.

We believe that our tariff should contain a provision for minimum and maximum rates, the minimum rates giving full protection, the maximum rates to be invoked for retaliating upon foreign countries that discriminate against American products.

We believe that two main ideas should pervade all the provisions of the tariff:

First. That the protective principle shall so prevail in all the schedules that American farmers, workmen, and producers shall be given the first call on the home market; and

Secondly. That no illegal or unjust combination, trust, or monopoly shall find encouragement or shelter in any of its provisions.

To the end that the revision of the tariff may be accomplished with the greatest possible gain and the least possible loss, we suggest to our Senators and Representatives in Congress that they seek to secure at once the passage in their respective Houses of resolutions directing the proper committees to proceed immediately to collect the preliminary information necessary for a revision of the tariff, so that when the work is entered upon all parties in interest may be heard and the law framed, discussed, and passed without delay and without any disturbance of the financial and industrial interests of the country.

Mr. PAYNE. Mr. Speaker, I do not mind stating confidentially to the other side the Republican programme, as I understand it. Just now the country is recovering from a panic and business is more or less demoralized. It needs rest and quiet. It will have the agitation of a campaign for the Presidency and the next House during the few months that are to come. We do not deem it the part of wisdom to add anything to that excitement or disquiet by considering during that time the schedules of the tariff. We propose first to elect a Republican House. [Applause on the Republican side.] We propose to call the whole committee together immediately after the election, both the Republican and the Democratic end of it, and invite people to come in here who have knowledge upon the subject to impart such information as they are able to give to the whole committee, Republicans and Democrats.

After those hearings are closed we propose to do just what has been done by every Ways and Means Committee since I commenced this business with the McKinley committee—call together the majority members of the committee, as was done with the Wilson bill, and to ask our Democratic friends, or rather to excuse them from attendance upon the sessions of the majority of the committee while we are framing a tariff bill. When we have framed it we will call them in again and submit our work to them, and, finally, we will submit our work to the Congress. It will be a revision of the tariff, Mr. Speaker. It will be a protective tariff; it will be a maximum and minimum tariff, I believe, putting us on an equality with France, Germany, and Russia in that respect, and we will go out with that tariff, as we did with the Dingley tariff, in the firm belief that we will bring renewed prosperity to the people of the United States; that we will not only continue to broaden our markets with the nations of the earth but we will bring blessings to all the people. That is the Republican programme. [Great applause on the Republican side.]

The SPEAKER pro tempore. The question is on suspending the rules and agreeing to the resolution.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 154, nays 92, answered "present" 8, not voting 133, as follows:

## YEAS—154.

Adair	Diekema	Howland	Nelson
Alexander, N. Y.	Douglas	Hubbard, Iowa	Norris
Allen	Draper	Hubbard, W. Va.	Nye
Barchfeld	Driscoll	Huff	Olcott
Barclay	Durey	Humphrey, Wash.	Olmsted
Bartholdt	Dwight	James, Addison D.	Overstreet
Bates	Ellis, Mo.	Jenkins	Parker, N. J.
Bede	Ellis, Oreg.	Jones, Wash.	Parker, S. Dak.
Bennett, Ky.	Englebright	Kahn	Parsons
Bonyngo	Esch	Kelser	Payne
Boutell	Focht	Kennedy, Iowa	Pearre
Boyd	Fordney	Kinkaid	Perkins
Brownlow	Foster, Ind.	Knapp	Pollard
Brumm	Foster, Vt.	Küstermann	Porter
Burleigh	French	Lafean	Pray
Burton, Del.	Fuller	Landis	Reeder
Burton, Ohio	Gaines, W. Va.	Langley	Rodenberg
Calderhead	Gardner, Mich.	Laning	Slemp
Campbell	Gardner, N. J.	Lawrence	Smith, Cal.
Capron	Garner	Legare	Smith, Iowa
Cary	Gillett	Lindbergh	Snapp
Chaney	Goebel	Longworth	Southwick
Chapman	Graff	Loud	Sperry
Cocks, N. Y.	Graham	Loudenslager	Stafford
Cole	Hale	Lovering	Sterling
Conner	Hall	Lowden	Sulloway
Cook, Colo.	Hamilton, Iowa	McCall	Thistlewood
Cooper, Pa.	Hamilton, Mich.	McKinley, Ill.	Threll
Cooper, Tex.	Hammond	McKinney	Townsend
Cooper, Wis.	Haskins	McLaughlin, Mich.	Volstead
Coudrey	Hawley	Madden	Waldo
Crumpacker	Hayes	Madison	Washburn
Currier	Henry, Conn.	Miller	Wheeler
Cushman	Higgins	Mondell	Wilson, Ill.
Dalzell	Hill, Conn.	Moore, Pa.	Wood
Davidson	Hinchaw	Morse	Woodyard
Davis, Minn.	Holliday	Mouser	Young
Dawson	Howell, N. J.	Murdock	
Denby	Howell, Utah	Needham	

## NAYS—92.

Alken	Finley	Hughes, N. J.	Randell, Tex.
Alexander, Mo.	Fitzgerald	Hull, Tenn.	Richardson
Ansherry	Floyd	Johnson, Ky.	Robinson
Benli, Tex.	Foster, Ill.	Johnson, S. C.	Rothermel
Bell, Ga.	Fulton	Jones, Va.	Rucker
Booher	Gaines, Tenn.	Kelher	Russell, Mo.
Bowers	Gill	Kimball	Russell, Tex.
Brantley	Gillespie	Kitchin, Claude	Sabath
Brodhead	Godwin	Lamb	Shackelford
Burleson	Gordon	Lassiter	Sherley
Burnett	Granger	Lloyd	Sherwood
Candler	Hackett	McHenry	Slaydon
Clark, Mo.	Hackney	McLain	Smith, Mo.
Clayton	Hamlin	Macon	Sparkman
Cockran	Hardy	Moon, Tenn.	Spight
Cox, Ind.	Harrison	Moore, Tex.	Stanley
Craig	Hay	Nicholls	Stephens, Tex.
Davenport	Hedin	O'Connell	Sulzer
De Armond	Helm	Padgett	Taylor, Ala.
Denver	Henry, Tex.	Page	Tou Velle
Dixon	Hill, Miss.	Patterson	Underwood
Ellerbe	Hitchcock	Pou	Watkins
Ferris	Houston	Rainey	Williams

## ANSWERED "PRESENT"—8.

Adamson	Goulden	Lorimer	Sims
Flood	Haggott	Pujo	Small

## NOT VOTING—133.

Acheson	Edwards, Ky.	Lamar, Fla.	Reynolds
Ames	Fairchild	Lamar, Mo.	Rhinoek
Andrus	Fassett	Law	Riordan
Anthony	Favrot	Leake	Roberts
Ashbrook	Fornes	Lee	Ryan
Bannon	Foss	Lenahan	Saunders
Bartlett, Ga.	Foulkrod	Lever	Scott
Bartlett, Nev.	Fowler	Lewis	Sheppard
Beale, Pa.	Gardner, Mass.	Lilley	Sherman
Bennet, N. Y.	Garrett	Lindsay	Smith, Mich.
Bingham	Gilham	Littlefield	Smith, Tex.
Birdsall	Glass	Livingston	Steenerson
Bradley	Goldfogle	McCreary	Stevens, Minn.
Broussard	Greene	McDermott	Sturgiss
Brundidge	Gregg	McGavin	Talbot
Burgess	Griggs	McGuire	Tawney
Burke	Gronna	McKinlay, Cal.	Taylor, Ohio
Butler	Hamill	McLachlan, Cal.	Thomas, N. C.
Byrd	Harding	McMillan	Thomas, Ohio
Calder	Hardwick	McMorran	Vreeland
Caldwell	Haugen	Malby	Wallace
Carlin	Hepburn	Mann	Wanger
Carter	Hobson	Marshall	Watson
Caulfield	Howard	Maynard	Webb
Clark, Pa.	Hughes, W. Va.	Moon, Pa.	Weeks
Cook, Pa.	Hull, Iowa	Mudd	Weems
Cousins	Humphreys, Miss.	Murphy	Welsse
Cravens	Jackson	Peters	Willey
Crawford	James, Ollie M.	Powers	Willett
Darragh	Kennedy, Ohio	Pratt	Wilson, Pa.
Davey, La.	Kipp	Prince	Wolf
Dawes	Kitchin, Wm. W.	Ransdell, La.	
Dunwell	Kuopf	Rauch	
Edwards, Ga.	Knowland	Reid	

So the resolution was agreed to.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. TAWNEY with Mr. RAUCH.

Mr. STEENERSON with Mr. GOLDFOGLE.

Mr. SMITH of Michigan with Mr. GLASS.

Mr. LITTLEFIELD with Mr. CRAWFORD.

Mr. KNOFF with Mr. CARTER.

Mr. KENNEDY of Ohio with Mr. CARLIN.

Mr. HAUGEN with Mr. BRUNDIDGE.

Mr. MCKINLAY of California with Mr. GARRETT.

Mr. DARRAGH with Mr. BARTLETT of Nevada.

Mr. CAULFIELD with Mr. ASHBROOK.

Mr. ACHESON with Mr. MAYNARD.

For the balance of the day:

Mr. GILHAMS with Mr. LEVER.

For session:

Mr. McMOORAN with Mr. PUJO.

Mr. SIMS. Mr. Speaker, has the gentleman from Illinois [Mr. MANN] voted?

The SPEAKER pro tempore. He has not.

Mr. SIMS. I voted "nay." I wish to withdraw that vote and vote "present."

The name of Mr. Sims was called, and he answered "present," as above recorded.

Mr. PUJO. Did the gentleman from Michigan [Mr. McMOORAN] vote on this question?

The SPEAKER pro tempore. He did not vote.

Mr. PUJO. I am paired with him. I voted "nay," and I ask that my name be called.

The name of Mr. PUJO was called and he answered "present," as above recorded.

The result of the vote was announced as above recorded.

## CHANGE OF REFERENCE.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent for change of reference of the bill H. R. 7603, and similar Senate bill S. 890, from the Committee on Claims to the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection?

Mr. SHACKLEFORD. Mr. Speaker, I object.

Mr. UNDERWOOD rose.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. SHACKLEFORD] and the gentleman from Alabama [Mr. UNDERWOOD] object.

Mr. UNDERWOOD. Mr. Speaker, I did not object. I wanted to inquire what the resolution was.

Mr. BOUTELL. Will the gentleman from Missouri [Mr. SHACKLEFORD] reserve his objection for a minute?

Mr. WILLIAMS. I think I know what the resolution is.

Mr. SHACKLEFORD. I would rather not do that, Mr. Speaker. I object.

Mr. WILLIAMS. I think I know what the resolution is, and, if the gentleman from Missouri [Mr. SHACKLEFORD] had withdrawn his objection, I would have objected, anyhow.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6529. An act for the relief of Mary S. Fergusson—to the Committee on Claims.

S. 6523. An act granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania—to the Committee on Indian Affairs.

S. 6506. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia"—to the Committee on the District of Columbia.

S. 6373. An act waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same—to the Committee on Claims.

S. 6246. An act authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes—to the Committee on Indian Affairs.

S. 3940. An act for the proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France—to the Committee on Foreign Affairs.

S. 6775. An act construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, relating to Indian allotments, and for other purposes—to the Committee on Indian Affairs.



S. 6764. An act authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri—to the Committee on War Claims.

S. 6682. An act to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance—to the Committee on Claims.

S. 6665. An act for the relief of Charles H. Dickson—to the Committee on Claims.

S. 6641. An act to incorporate the American National Institute (Prix de Paris) at Paris, France—to the Committee on the Library.

S. 7110. An act to aid in building a memorial to Abraham Lincoln on the site of the Lincoln birthplace in Kentucky—to the Committee on the Library.

S. 6783. An act to establish a fish-cultural station in the State of Nevada—to the Committee on the Merchant Marine and Fisheries.

S. 890. An act for the relief of William Boldenweck, assistant treasurer of the United States at Chicago—to the Committee on Claims.

S. 1577. An act for the relief of Sergt. James W. King—to the Committee on Military Affairs.

S. 6161. An act for the relief of Rufus Neal—to the Committee on War Claims.

S. 5252. An act to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia—to the Committee on Claims.

S. 157. An act providing for the erection of a public building in the city of Hinton, W. Va.—to the Committee on Public Buildings and Grounds.

S. 1933. An act to provide for the erection of a public building at the city of Plattsmouth, Nebr.—to the Committee on Public Buildings and Grounds.

S. 2487. An act to amend section 5278 of the Revised Statutes—to the Committee on the Judiciary.

S. 5788. An act for the relief of the estate of Julius Jacobs—to the Committee on Claims.

S. 6242. An act for the establishment of a probation and parole system for the District of Columbia—to the Committee on the Judiciary.

S. 5905. An act for the relief of the executors of the estate of Harold Brown, deceased—to the Committee on Claims.

S. 5907. An act for the relief of Paul Butler—to the Committee on Claims.

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898—to the Committee on Claims.

S. 142. An act providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State of the United States in the capitol building of said State—to the Committee on Naval Affairs.

S. 5648. An act to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes—to the Committee on the Public Lands.

S. 2963. An act for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment—to the Committee on Indian Affairs.

S. 3764. An act to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof—to the Committee on Mines and Mining.

S. 6640. An act authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width—to the Committee on Rivers and Harbors.

S. 4726. An act for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, State of Wisconsin—to the Committee on Private Land Claims.

S. 6102. An act to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

S. 6101. An act to promote the efficiency of the Public Health and Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

S. 7023. An act to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide safeguards to life on boats and scows—to the Committee on the Merchant Marine and Fisheries.

S. 6788. An act to amend sections 2586 and 2587 of the Revised Statutes of the United States as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon—to the Committee on Ways and Means.

S. 608. An act relating to proof of signatures and handwriting—to the Committee on the Judiciary.

S. 4288. An act to empower the Court of Claims to hear and determine the claims of Robert V. Belt and Joseph P. Mullen for services and expenses for the Choctaw and Chickasaw freedmen—to the Committee on Indian Affairs.

S. 5163. An act to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes—to the Committee on Indian Affairs.

S. R. 67. Joint resolution empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes—to the Committee on Indian Affairs.

S. 5944. An act for the relief of John F. Wingfield—to the Committee on War Claims.

S. 6923. An act for the relief of John M. Kelly—to the Committee on Claims.

S. 4691. An act to provide for the purchase of a site and the erection of a public building thereon at Marshall, in the State of Missouri—to the Committee on Public Buildings and Grounds.

S. 6544. An act to remove the charge of desertion from the record of William H. Atkins—to the Committee on Naval Affairs.

S. 1750. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies—to the Committee on Claims.

S. 1526. An act to correct the military record of Edward T. Lewis—to the Committee on Military Affairs.

S. 3723. An act for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.—to the Committee on Claims.

S. R. 87. Joint resolution to amend an act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," approved March 28, 1908—to the Committee on Indian Affairs.

#### ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 11560. An act relating to unpaid Hawaiian Savings Bank deposits;

H. R. 17005. An act authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho;

H. R. 5297. An act to complete the naval record of John Shaughnessy; and

H. J. Res. 178. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 17296. An act providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States;

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota;

H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry;

H. R. 16770. An act granting land to Anna Johnson;

H. R. 13577. An act providing for resurvey of certain lands in the State of Nebraska;

H. R. 17005. An act authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho;

H. R. 5297. An act to complete the naval record of John Shaughnessy;

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank; and

H. J. Res. 178. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### GRANTING ADDITIONAL LANDS TO IDAHO UNDER THE CAREY ACT.

Mr. FRENCH. Mr. Speaker, I make the motion which I send to the Clerk's desk.

The Clerk read as follows:

I move to suspend the rules of the House, discharge the Committee of the Whole House on the State of the Union from further consideration of S. R. 51, and pass the same with the following amendment:

Amend by striking out all after the enacting clause and inserting: "That an additional 1,000,000 acres of arid lands within the State of Idaho be made available and subject to the terms of section 4 of an act of Congress entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes,' approved August 18, 1894, and by amendments thereto, and that the State of Idaho be allowed, under the provisions of said acts, said additional area, or so much thereof as may be necessary for the purposes and under the provisions of said acts."

The SPEAKER pro tempore (Mr. CAPRON). Is a second demanded?

Mr. REEDER. I demand a second.

The SPEAKER pro tempore. Under the rules, a second is considered as ordered.

Mr. REEDER. I want to ask the gentleman a question. There is considerable wording about an appropriation. Does that change the law, or is it simply a grant of this million acres under this Carey bill?

Mr. FRENCH. That is all in the bill.

Mr. REEDER. I do not understand why that wording is given in there.

Mr. FRENCH. Because the original Carey Act is section 4 of that bill.

Mr. REEDER. Oh, yes; I remember that, now.

The SPEAKER pro tempore. The gentleman from Idaho is entitled to twenty minutes and the gentleman from Kansas is entitled to twenty minutes.

Mr. FRENCH. Mr. Speaker, I believe it would be well for me to say that the substitute that I have offered for Senate joint resolution 51 is embodied in House joint resolution 150 verbatim. The report upon the House resolution 150 covers the ground so far as pertains to the pending motion I have made.

The proposition is simply this: To pass this resolution will grant to the State of Idaho an additional 1,000,000 acres to be reclaimed under the terms of the Carey Act, which was passed in 1894. The reason for offering this resolution is this: The State of Idaho has practically exhausted the million acres granted under that act. Some of this land has already passed to patent; some of it has been settled and patents are pending in the Department. Something like half a million acres or more—

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him a question?

Mr. FRENCH. Certainly.

Mr. GAINES of Tennessee. I understood you to say that your State has practically used up the million acres heretofore given?

Mr. FRENCH. That is my statement.

Mr. GAINES of Tennessee. The State, then, has about done its part in so doing?

Mr. FRENCH. Yes.

Mr. GAINES of Tennessee. How much is still hanging fire in the Department here?

Mr. FRENCH. The Department has approved, according to their last statement upon this question, for segregation to the State for reclamation over 700,000 of the million acres. Besides that, the State land board has approved applications covering practically all of the other fraction of the 1,000,000 acres of land.

Mr. GAINES of Tennessee. Now you want another million acres?

Mr. FRENCH. We want to have the State authorized to continue the reclamation of land to the extent of another million acres. I would state that there is pending before the State land board applications for 700,000 acres of land in excess of the original grant. If this resolution can pass and become effective this year it would probably enable the State to go ahead with the reclamation of 700,000 acres more of land prior to the convening of Congress next winter.

Mr. GAINES of Tennessee. How is this reclamation actually done?

Mr. FRENCH. The reclamation under the Carey Act is done in this manner: The whole body of the million acres is not given en bloc to the State, but rather when individuals or when a company makes application to the State for the purpose of developing an irrigation project—the location of the irrigation canal, reservoir sites, or dams—they submit to the State a proposition with their bid, setting forth the number of acres that they propose to reclaim, the total amount of money that they will ask for putting in the irrigation work, and the amount per acre which they will charge to the individual settlers.

The State land board then passes upon this application. If the State land board grants it, it indorses the application and applies to the Department of the Interior. The Department

of the Interior then passes upon the question, the feasibility of it, the reliability of the company, the character of the work, and the land that will come under the irrigation canal. If the Department approves the project, it so notifies the State, and the State is authorized to enter into a contract with the individuals or company for the reclamation of the land by the building of the approved system of irrigation works.

Mr. WILLIAMS. I would like to ask the gentleman a question.

Mr. FRENCH. Allow me first to finish this statement, and then I will yield. When the works have been completed by the individuals or company they report to the State; the State then, through its land department, examines the works to see whether or not they come up to the stipulations of the contract—and by the way I will say this, that a sufficient bond is exacted of the parties building the irrigation work to cover all the liabilities assumed.

Admitting, then, that the work shall be approved by the State, the matter is taken up again with the Interior Department, and if the Department is satisfied that a sufficient irrigation system has been put in, the Department authorizes the State to issue patents to the settlers, or rather issues patent to the State to be issued to the settlers. The settlers pay for the water right in ten annual payments. At the end of the ten years they have paid for the water, for the irrigation works, and they assume control, under the irrigation laws of the State, managing the whole system by means of the irrigation districts which are organized under the laws of the State, levying assessments, and so forth, for the purpose of maintaining and keeping up the irrigation system. They pay 50 cents per acre for the land and acquire title to the same in not to exceed three years' time after filing and after cultivating not less than one-eighth of the land acquired.

Mr. WILLIAMS. Will the gentleman yield for a question?

Mr. FRENCH. I will yield.

Mr. WILLIAMS. I desire to ask the gentleman what is the difference between this bill and the bill which we voted down the other day?

Mr. FRENCH. The difference between this bill and the bill that was voted down on Monday is this: That resolution gave to both the States, Idaho and Wyoming, 2,000,000 acres of land each. This limits the grant to Idaho alone and cuts the grant in two, making it a grant of 1,000,000 acres.

Mr. WILLIAMS. One question more. In the sundry civil bill as it comes from the Senate, 3,000,000 acres are provided, or a certain number of acres, at any rate, to go to Idaho, Wyoming, and Colorado. Now, I have heard it intimated that if we will agree to pass this bill, that provision will be stricken out of the sundry civil bill. What information can you give me upon that?

Mr. FRENCH. Of course I can not give definite information upon a question that is to be taken up in conference. I do not really think I ought.

Mr. WILLIAMS. Have you any assurances from the conferees or anybody that that will be done?

Mr. PAYNE. Let me answer that question. I will say that the gentleman from Minnesota [Mr. TAWNEY] told me this afternoon that he was getting information from the Department on that subject, and expected to eliminate those items from the sundry civil bill.

Mr. WILLIAMS. I understood as much. Now, as far as I am concerned, I am willing to vote for this bill if there is assurance that this 3,000,000-acre project will be stricken from the sundry civil bill. I am not willing to do it if this million acres might possibly be added to another 3,000,000 acres contained in that bill. I understand, of course, that the gentleman from Minnesota [Mr. TAWNEY] would like to strike it out, because I believe he voted with us in opposition to your original bill the other day. But have you any reason to believe, confidentially (you need not communicate its source), that if we pass your bill that provision will be stricken from the sundry civil bill?

Mr. FRENCH. I have heard the same statement from the gentleman from Minnesota [Mr. TAWNEY] that the gentleman from New York [Mr. PAYNE] has repeated.

Mr. WILLIAMS. Simply that the gentleman from Minnesota [Mr. TAWNEY] will do his best to have it stricken out.

Mr. FRENCH. I presume so, and I will say I will concede that it may be done, so far as Idaho is concerned.

Mr. WILLIAMS. You do not know that the conferees will strike it out?

Mr. FRENCH. No; but I say, so far as I am concerned, I will concede that Idaho shall go out.

Mr. WILLIAMS. Now, I should like to submit this proposition to the gentleman: I should like to ask him if he will not



agree to hold up his bill until we find out what they do concerning that; and if they do strike it out, I do not think the gentleman will have any trouble whatsoever in passing his bill. He certainly will have none so far as I am concerned; but I do not desire to run the risk of voting the 3,000,000 acres to these three States and an additional 1,000,000 acres to Idaho.

Mr. PAYNE. I do not think the gentleman from Mississippi heard the statement of the gentleman from Idaho that he would consent and ask to have the item go out of the sundry civil bill.

Mr. WILLIAMS. Yes, I understand; but would the item concerning Colorado and Wyoming go out, too?

Mr. PAYNE. I certainly hope so.

Mr. WILLIAMS. Will the gentleman help to get them out?

Mr. PAYNE. I will.

Mr. FRENCH. Mr. Speaker, I will reserve the balance of my time until the opposition have used some of theirs.

Mr. PAYNE. Mr. Speaker, I do not want to mislead the gentleman from Mississippi. I want to say that of course the conference report on the sundry civil may be called up under a motion to suspend the rules.

Mr. REEDER. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Idaho a question. Can we have any assurance that if this bill is passed that it will not come out of the conference as the original proposition that was presented in the House the other day?

Mr. FRENCH. Why, Mr. Speaker, I can not give any such assurance. I personally do not believe so. I do not believe there is any danger of that at all.

Mr. MANN. This is a House resolution, as I understand?

Mr. FRENCH. This is House resolution 150, and I offer it as a substitute resolution for the Senate resolution.

Mr. MANN. I yield back to the gentleman from Kansas the balance of my time.

Mr. REEDER. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, there is this marked difference in favor of this bill. I voted against the Wyoming-Idaho proposition which we had up here a few days ago, but there is this to be said in favor of this Idaho bill. The State of Wyoming has practically reclaimed little or none of her million acres of land. She has had a right to a million of acres, and has had an opportunity of reclaiming it, but has done but very little of that work. In this case the State of Idaho has done a great deal of work toward reclamation. The State, so far as it is concerned, has practically reclaimed, as we are informed, or will have done her part in reclaiming her million, and there are a large number of claims now to be passed upon by the Secretary of the Interior approving or disapproving what is being done.

Hence I myself feel very much like voting for this bill because the State as a State and her people as a people have come well-nigh up to every requirement of the law, while Wyoming, upon the showing made here a few days ago, has not, and I think that is the criticism I made of the proposition at the time.

Now, if the gentleman from Idaho will permit me to ask him a question, I am done. This report states that in Idaho the system has worked remarkably well, that the Secretary of the Interior, with the approval of the President, has approved for segregation 643,452 acres, and the State has selected 909,104 acres of the million acres.

Now, then, will the gentleman from Idaho tell the committee, so that we can have the whole facts, why the Secretary of the Interior has not approved all of the work that the State has asked the Secretary to approve?

Mr. FRENCH. The reason is this: We have a national reclamation law under which lands are being reclaimed; we have the Indian reservation law; we have lands that have passed into private ownership under the desert-land act and other laws. Sometimes it happens that an application for segregation under the Carey Act overlaps one or more of these propositions or tracts of land. The Department sometimes finds it necessary to spend several months inquiring of the engineers in the field or the local land-office officials to ascertain whether or not the segregation overlaps.

Mr. GAINES of Tennessee. To the extent of 909,104 acres the State has done her part?

Mr. FRENCH. Yes; and more, because others are not included in this report.

Mr. REEDER. Mr. Speaker, I think that I know the situation as to this bill, and yet I am not quite sure of it. Resolution No. 51 appropriated, as I understood, 1,000,000 acres for the State of Idaho and nothing else. Is that right?

Mr. FRENCH. Yes.

Mr. REEDER. That was amended by the Committee on the Public Lands so as to make it two million for Idaho and two million for Wyoming. Now, this has been stricken out so that we can depend upon it that this bill does nothing more than grant 1,000,000 acres to the State of Idaho. Is that all?

Mr. FRENCH. That is the purpose of the resolution.

Mr. REEDER. Now, I wish to talk to you, gentlemen, a few moments in regard to this matter, because I took quite an active part in trying to prevent this bill passing before.

Mr. GAINES of Tennessee. This bill?

Mr. REEDER. This same resolution, as amended to carry 4,000,000 acres. I wish to say, however, before going further, that I am not intending to oppose this bill, because I have it from the gentleman from Minnesota [Mr. TAWNEY], with the understanding that I can depend upon it, that the conferees have agreed that if this resolution pass, the 3,000,000 acres will be stricken out of the sundry civil bill. I understand that I am permitted to say as much to this House, that it is agreed in the conference that if we pass this bill, the 3,000,000 acres will be stricken out, and it is upon that agreement that I am basing my lack of objection to this resolution.

Mr. TAWNEY. If the gentleman from Kansas will pardon me, I will state that the gentleman has not quite correctly stated what I said. There has been no conference as yet on the sundry civil bill, and therefore there could be no agreement. I said to the gentleman from Kansas that if this bill in relation to Idaho were passed, there would be no question about the attitude of the conferees in regard to the entire provision—that the whole provision would go out if the House conferees had the power to put it out.

Mr. REEDER. I am perfectly free to say that if I thought there was any chance of its staying in, I would oppose this bill.

Mr. TAWNEY. Well, I do not think it will stay in there.

Mr. REEDER. I wish to talk a little further on this proposition—

Mr. TAWNEY. I will say further to the gentleman from Kansas that it is a legislative provision, and the uniform rule in conference is that the House proposing new legislation must yield if the other House insists.

Mr. REEDER. Then I feel that I am still safe in saying that we can depend upon it that this provision of 3,000,000 acres that has been hidden away in the sundry civil bill will not become a law. I wish now to say something about the reason that has caused me to be against this bill. I do not think any man in the House is more in favor of irrigation than I am, and I do not think there is any man in the House more in favor of the Carey law than I am. I have seen quite a lot of its work; and if I had the time I would like to describe to you some of the successful work that has been done under this law.

But the fact that I knew so well what could be done made me dislike very much to permit any amount of land, especially 4,000,000 acres, to go out of the Government's possession into the possession of anyone if there is danger that instead of being put under irrigation it will go into the hands of speculators. There was some question, and there is some question on this subject, but I think there is little doubt in regard to the law being complied with in the State of Idaho, and I have seen some of their projects. But I wish to say further that the resolution which I spoke of when this resolution was up before for consideration, that I had introduced and that was turned down by the Committee on Public Lands, and the inquiry that it has brought about, considerable inquiry has already been made and more is to be undertaken as to the disposition of these lands. Some things have been discovered that are not very favorable to passing large amounts of land into the hands of the States under this law. But this investigation will be conducted further during the summer, and the chances are that the investigation will have the effect of discovering any place where the law is being violated, and it will also have a further effect of making the people a good deal more careful to see that the law is fulfilled as to these lands.

I desired to make something of a talk on the land question, but I do not believe I will at this time of the day on a Saturday evening. I would also like to occupy some time describing some of the irrigation projects. I shall take some time as soon as I can secure time and discuss these matters more fully. But I shall refrain now because of the hour. I know I can appeal to anyone in this House who has not been here for ten years to attest to the fact that I do not often talk, and I will not permit myself to talk now, when I know you would rather be voting.

Mr. DRISCOLL. If it is a good thing to give a million acres to Idaho, why is it not a good thing also to give a million acres to Wyoming and to Colorado?

Mr. REEDER. I will tell the gentleman. They do not need it now. I do not know but that Wyoming is doing just as well

by her projects as Idaho is. I do not know anything to the contrary, but they have not gone so far as to need this until further investigation is made. Then I shall favor giving Wyoming a million acres more and also Colorado a million acres more. Colorado has only used about 70,000 acres out of her million. There are more than 930,000 acres left, and the result is they do not need it.

Mr. COOPER of Pennsylvania. I will ask the gentleman if it is not true that all the Government money that is available for reclamation work is practically set aside—appropriated for their projects now in course of construction? If that is not the case, and if Idaho wants to carry on this work of reclamation, it will be necessary for her to get this additional land through the means of the Carey Act, as we now propose.

Mr. REEDER. The question the gentleman has asked I would answer affirmatively. I wish to say one thing further: There is great danger that these works are not being put in sufficiently substantial. I see that they are selling these lands so cheap that I believe it is well worth inquiring to know if these great companies that are building these works should not spend about, say, \$2, or even more, per acre, or on a project of 250,000 acres spend \$500,000 more, and charge the settlers \$2 more an acre, and not subject this Western country to the liability of a Johnstown flood in the future. But this investigation will now be made on account of this agitation. Now I am ready for any questions that any may desire to ask.

Mr. JOHNSON of South Carolina. What does the Government of the United States get out of this?

Mr. REEDER. The Government does not get anything out of these lands, except it gets a class of settlers who make the very best citizens in the world, where nobody could settle or live but for this irrigation.

Mr. COOPER of Pennsylvania. I would suggest to the gentleman that the Government gets the same out of this that it gets out of any other lands which are reclaimed. There is no difference.

Mr. GAINES of Tennessee. They will reclaim a lot of waste lands.

Mr. REEDER. Yes; the land is not worth anything as it is. I give this as a reason why I am not opposing the bill. My judgment is that this land will be used for the purpose of making settlement, and I would like, if I had the time, to describe some of these settlements. I will now yield to Mr. MANN two or three minutes. How much time does the gentleman desire?

Mr. MANN. Two minutes.

Mr. REEDER. I yield two minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I do not propose to detain the House. It is very evident that the bill will be passed in the House, and yet I doubt very much the propriety of the measure. The Government has instituted this system of irrigating plants. It constructs its irrigation works at cost and the people who occupy the land subsequently are taxed practically only, or will be in the future, upon the actual cost of the plants. We have no means of knowing, or at least we do not know, what supervision is had by a State over these plants constructed by private contractors; we do not know how long these plants will continue in existence; we do not know how much profit the contractor obtains for himself; we do not know how much profit the cultivator of the soil may be compelled to pay to a private contractor; we do not know how far these grants will interfere with the Government's irrigation scheme; in short we have no knowledge whatever upon the subject before us to-day except that the Carey Act, passed some years ago, before the Government entered upon the scheme of irrigation, has been considered desirable, and because then considered desirable certain contractors now in the business of constructing these irrigation plants still consider it desirable, desirable not from the point of view of the public or the cultivator of the soil, but desirable from the point of view of the contractor who makes a profit out of it; and it seems to me that without knowledge upon the subject, without investigation by the Government officials, without a report from the Interior Department, we might well await such an investigation and report before action upon the bill.

Mr. REEDER. Mr. Speaker, I just want to say a word in regard to the matter brought to our attention by Mr. MANN. I have looked into this matter and I find that these lands are sold fully as cheaply as those under the irrigation projects of the Government. This fact brought the question to my mind as to the quality of work being done on the Carey Act lands. The price charged is the only reason I have to question the quality of the work done, and I believe that the matter should be looked into. It is a clear case, proving that private capital can do work cheaper than the Government can do it.

Mr. MANN. And that they can do cheaper work, you mean.

Mr. REEDER. I must say that is true; and I do believe, from what I have seen and learned of their prices for furnishing water to these lands, that we had better let this 1,000,000 acres go to Idaho, but the matter of the class of work done ought to be investigated, and I am going to assure you that the Interior Department intends to investigate the matter fully. [Applause.]

Mr. FRENCH. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Kansas [Mr. REEDER] has four minutes remaining and the gentleman from Idaho [Mr. FRENCH] has ten minutes remaining.

Mr. FRENCH. Mr. Speaker, I believe I am ready for a vote, unless somebody wants to ask a question.

The SPEAKER pro tempore. The question is on suspending the rules and passing the resolution as amended.

Mr. WILLIAMS. Mr. Speaker, in order to encourage legislation upon other subjects I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, pending that I move that the House now take a recess until Monday at 11.30 a. m.

Mr. WILLIAMS. Mr. Speaker, upon that proposition I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 131, nays 71, answered "present" 6, not voting 179, as follows:

## YEAS—131.

Acheson	Cushman	Hill, Conn.	Needham
Adair	Daizell	Hinschaw	Nye
Alexander, Mo.	Davenport	Holliday	Olcott
Alexander, N. Y.	Dawes	Howard	Olmsted
Allen	Dawson	Howell, Utah	Parker, N. J.
Andrus	Denby	Howland	Parsons
Barchfeld	Douglas	Hubbard, W. Va.	Payne
Bartholdt	Driscoll	Huff	Perkins
Bonyunge	Dwight	Humphrey, Wash.	Pray
Boyd	Ellis, Mo.	James, Addison D.	Reeder
Brownlow	Ellis, Oreg.	Jones, Wash.	Smith, Cal.
Brumm	Englebright	Kahn	Smith, Iowa
Burleigh	Esch	Kennedy, Iowa	Smith, Mich.
Burton, Ohio	Floyd	Kinkaid	Snapp
Calderhead	Focht	Kuftermann	Southwick
Campbell	Fordney	Lafan	Sperry
Capron	Foster, Ind.	Lamb	Stafford
Cary	French	Landis	Steenerson
Caufield	Fuller	Langley	Sterling
Chaney	Gaines, W. Va.	Lawrence	Sulloway
Chapman	Gardner, N. J.	Lindbergh	Tawney
Cole	Goulden	Longworth	Taylor, Ohio
Conner	Graft	Lorimer	Tirrell
Cook, Colo.	Graham	Lowden	Townsend
Cooper, Pa.	Hale	McKinney	Volstead
Cooper, Tex.	Hall	Madden	Vreeland
Cooper, Wis.	Hamilton, Mich.	Madison	Waldo
Coudrey	Hammond	Mann	Washburn
Cox, Ind.	Haskins	Miller	Wheeler
Crawford	Hawley	Mondell	Wilson, Ill.
Crumpacker	Hayes	Morse	Wood
Currier	Henry, Conn.	Mouser	Woodyard
	Higgins	Murdock	

## NAYS—71.

Alken	Fitzgerald	Hughes, N. J.	Rainey
Ansberry	Foster, Ill.	Hull, Tenn.	Randell, Tex.
Ashbrook	Fulton	Johnson, Ky.	Robinson
Beall, Tex.	Gaines, Tenn.	Johnson, S. C.	Rothermel
Bell, Ga.	Garner	Keliber	Russell, Mo.
Booher	Gillespie	Kimball	Russell, Tex.
Bowers	Gordon	Kitchin, Claude	Ryan
Brodhead	Granger	Lloyd	Sabath
Burleson	Gregg	McHenry	Saunders
Burnett	Hackett	Macon	Sherwood
Candler	Hackney	Moore, Tenn.	Smith, Mo.
Clark, Mo.	Hamlin	Moore, Tex.	Sparkman
Craig	Hardy	Nicholls	Spight
Denver	Hay	O'Connell	Stanley
Dixon	Helm	Padgett	Tou Velle
Ellerbe	Henry, Tex.	Page	Watkins
Ferris	Hill, Miss.	Patterson	Williams
Finley	Houston	Pou	

## ANSWERED "PRESENT"—6.

Bede	Broussard	De Armond	Flood
Bennet, N. Y.	Carlin		

## NOT VOTING—179.

Adamson	Carter	Foulrod	Hepburn
Ames	Clark, Fla.	Fowler	Hitchcock
Anthony	Clayton	Gardner, Mass.	Hobson
Bannon	Cockran	Gardner, Mich.	Howell, N. J.
Barclay	Cook, Pa.	Garrett	Hubbard, Iowa
Bartlett, Ga.	Cousins	Gilhams	Hughes, W. Va.
Bartlett, Nev.	Cravens	Gill	Hull, Iowa
Bates	Darragh	Gillet	Humphreys, Miss.
Beale, Pa.	Davey, La.	Glass	Jackson
Bennett, Ky.	Davidson	Godwin	James, Ollie M.
Bingham	Davis, Minn.	Goebel	Jenkins
Birdsall	Diekema	Goldfogle	Jones, Va.
Boutell	Draper	Greene	Keifer
Bradley	Dunwell	Griggs	Kennedy, Ohio
Brantley	Durey	Gronna	Kipp
Brundidge	Edwards, Ga.	Haggott	Kitchin, Wm. W.
Burgess	Edwards, Ky.	Hamill	Knapp
Burke	Fairchild	Hamilton, Iowa	Knopf
Burton, Del.	Fassett	Harding	Knowland
Butler	Favrot	Hardwick	Lamar, Fla.
Byrd	Fornes	Harrison	Lamar, Mo.
Calder	Foss	Haugen	Laning
Caldwell	Foster, Vt.	Hedlin	Lassiter



Law	McLain	Pujo	Stevens, Minn.
Leake	McLaughlin, Mich.	Ransdell, La.	Sturgis
Lee	McMillan	Rauch	Sulzer
Legare	McMorran	Reld	Talbot
Lennahan	Malby	Reynolds	Taylor, Ala.
Lever	Marshall	Rhinock	Thistlewood
Lewis	Maynard	Richardson	Thomas, N. C.
Lilley	Moon, Pa.	Riordan	Thomas, Ohio
Lindsay	Moore, Pa.	Roberts	Underwood
Littlefield	Mudd	Rodenberg	Wallace
Livingston	Murphy	Rucker	Wanger
Loud	Nelson	Scott	Watson
Loudenslager	Norris	Shackelford	Webb
Lovering	Overstreet	Sheppard	Weeks
McCall	Parker, S. Dak.	Sherley	Weems
McCreary	Peters	Sherman	Weisse
McDermott	Pollard	Sims	Wiley
McGavin	Porter	Slayden	Willett
McGuire	Porter	Slomp	Wilson, Pa.
McKinley, Cal.	Powers	Small	Wolf
McKinley, Ill.	Pratt	Smith, Tex.	Young
McLachlan, Cal.	Prince	Stephens, Tex.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LOUD with Mr. LEE.

Mr. MCCALL with Mr. McLAIN.

Mr. HULL of Iowa with Mr. RANDELL of Louisiana.

Mr. MCKINLEY of Illinois with Mr. RUCKER.

Mr. MORRIS with Mr. SHACKLEFORD.

Mr. SLEMP with Mr. SMITH of Texas.

Mr. YOUNG with Mr. UNDERWOOD.

Mr. KNOWLAND with Mr. LASSITER.

Mr. KEIFER with Mr. COCKRAN.

Mr. HUBBARD of Iowa with Mr. JONES of Virginia.

For balance of this day:

Mr. LOUDENSLAGER with Mr. HEFLIN.

Mr. BEDE with Mr. RICHARDSON.

Mr. JENKINS with Mr. CLAYTON.

For this vote:

Mr. WEEKS with Mr. HARDWICK.

Mr. DRAPER with Mr. HUMPHREYS of Mississippi.

Mr. DAVIS of Minnesota with Mr. SLAYDEN.

Mr. NELSON with Mr. LEGARE.

Mr. RODENBERG with Mr. HAMILTON of Iowa.

Mr. GARDNER of Michigan with Mr. SULZER.

Mr. HOWELL of New Jersey with Mr. STEPHENS of TEXAS.

Mr. LONGWORTH with Mr. SHERLEY.

Mr. KNAPP with Mr. LEAKE.

Mr. BARCLAY with Mr. BRANTLEY.

Mr. DIEKEMA with Mr. GILL.

Mr. DUREY with Mr. GODWIN.

Mr. FOSTER of Vermont with Mr. HARRISON.

Mr. GILLET with Mr. HITCHCOCK.

The result of the vote was announced as above recorded.

Mr. HACKETT. Mr. Speaker, I ask if there is a quorum?

The SPEAKER pro tempore. Does the gentleman ask if

there is a quorum?

Mr. HACKETT. Yes.

The SPEAKER pro tempore. The Chair will announce that

there is a splendid quorum.

Accordingly (at 6 o'clock and 11 minutes p. m.) the House

took a recess until Monday, May 18, 1908, at 11.30 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Grand Marais Harbor, Minnesota (H. R. Doc. 939)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of the Treasury, transmitting copies of letters from the Auditor for the Navy Department submitting an estimate of appropriation for additional employees (H. R. Doc. 938)—to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21807) to authorize the Secretary of the Interior to certify certain lands to the State of Kansas, and for other purposes, reported the same with amendments, accompanied by a report (No. 1679), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the Senate (S. R. 66) providing for additional lands for Wyoming under the provisions of the Carey Act, reported the same without amendment, accompanied by a report (No. 1680), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAWNEY, from the Committee on Appropriations, to which was referred the bill of the Senate (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park, reported the same without amendment, accompanied by a report (No. 1681), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, reported the same with amendments, accompanied by a report (No. 1682), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 17870) providing for the payment of salaries or wages to all Government employees who may be injured in the line of duty or may be required to absent themselves from duty as the result of quarantine measures, reported the same with amendments, accompanied by a report (No. 1683), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SPIGHT, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 19607) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law, reported the same with amendments, accompanied by a report (No. 1685), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 443) granting certain lands belonging to the United States and situated in the State of Alabama to the State of Alabama for the use and benefit of the common schools of that State, reported the same without amendment, accompanied by a report (No. 1686), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21884) granting an annuity to Jennie Carroll and to Mabel H. Lazear, reported the same without amendment, accompanied by a report (No. 1676), which said bill and report were referred to the Private Calendar.

Mr. TAWNEY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 21927) to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes, reported the same with amendments, accompanied by a report (No. 1677), which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the resolution of the House (H. J. Res. 167) to prevent settlement upon and speculation in certain lands affected by contemplated suits on behalf of the United States, reported the same adversely accompanied by a report (No. 1678), which said resolution and report were laid on the table.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes—to the Union Calendar.

By Mr. CURRIER: A bill (H. R. 21947) providing for the holding of a term of the United States circuit and district courts annually at Keene, N. H.—to the Committee on the Judiciary.

By Mr. BROWNLOW: A bill (H. R. 21948) to provide for the erection of a public building at Newport, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21949) to provide for the erection of a public building at Elizabethton, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21950) to provide for the erection of a public building at Rogersville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Missouri: A bill (H. R. 21951) to amend the laws of the United States relating to patents in the interest of the originators of horticultural products—to the Committee on Patents.

By Mr. COCKS of New York (by request): A bill (H. R. 21952) to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. FOCHT: A bill (H. R. 21953) to provide for the purchase of a site for a public building at Lewistown, Pa.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21954) to provide for site and public building at Lewistown, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. SLEMP: A bill (H. R. 21955) to provide for enlarging and improving the United States building at Abingdon, Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21956) to provide for the erection of a public building at Pulaski, Va.—to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of Michigan: A bill (H. R. 21957) relating to affairs in the Territories—to the Committee on the Territories.

By Mr. CARY: A bill (H. R. 21958) to fix the requirements governing the receipt and preservation of messages of interstate telegraph and telephone companies—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Joint resolution (H. J. Res. 184) to allow the city and county of San Francisco to exchange land in the Yosemite National Park and adjacent national forest for portions of the Hetch Hetchy and Lake Eleanor reservoir sites, in said Yosemite National Park, for the purposes of a municipal water supply—to the Committee on the Public Lands.

By Mr. MANN: Joint resolution (H. J. Res. 185) concerning the granting of space for the International Congress on Tuberculosis—to the Committee on Public Buildings and Grounds.

By Mr. NORRIS: Resolution (H. Res. 417) amending the rules of the House of Representatives—to the Committee on Rules.

By Mr. McCALL: Resolution (H. Res. 418) providing extra compensation for the resolution and petition clerk of the House—to the Committee on Accounts.

Also, resolution (H. Res. 419) providing for the rearrangement of the seating capacity of the House of Representatives—to the Committee on the Library.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BYRD: A bill (H. R. 21959) granting an increase of pension to John C. Lee—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 21960) for the relief of B. D. Hutchinson—to the Committee on War Claims.

Also, a bill (H. R. 21961) granting a pension to Martha Dalrymple—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 21962) granting a pension to James H. Arwood—to the Committee on Pensions.

By Mr. DIXON: A bill (H. R. 21963) to correct the military record of John Chapin—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 21964) granting an increase of pension to Benjamin P. Bussom—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21965) granting an increase of pension to K. Shannon Taylor—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 21966) granting a pension to Adalaide L. Curry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21967) granting an increase of pension to John C. Brady—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 21968) granting an increase of pension to Thomas J. Bennett—to the Committee on Invalid Pensions.

By Mr. LAFEAN (by request): A bill (H. R. 21969) to provide for increase of pensions in certain cases—to the Committee on Pensions.

Also, a bill (H. R. 21970) to correct the military record of T. Abram Hetrick—to the Committee on Military Affairs.

Also, a bill (H. R. 21971) granting a pension to Rosana Wavell—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21972) for the relief of the heirs at law of George Boone, deceased—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 21973) for the relief of the University of South Carolina—to the Committee on War Claims.

By Mr. MCKINLEY of Illinois: A bill (H. R. 21974) granting an increase of pension to C. W. Brown—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 21975) for the relief of the legal representatives of W. B. Long, deceased—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 21976) granting an increase of pension to George R. Belcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21977) granting an increase of pension to George M. Smith—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 21978) granting an increase of pension to Frank Chase—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of M. B. Steczynski, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of citizens of Brownsville, Pa., for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of C. C. Strange, delegate of Division No. 464, Brotherhood of Locomotive Engineers, favoring the Rodenberg-Hemenway-Graff ash-pan bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, favoring legislation to secure proper regulation for length of tows and length of hawsers between towing vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE: Petition of International Brotherhood of Stationary Firemen, of Pittsburg, favoring H. R. 16366, to regulate wages of stationary firemen in public buildings—to the Committee on Expenditures on Public Buildings.

Also, petition of Amalgamated Sheet Metal Workers' Union, of Pittsburg, for amendment to the Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Master Builders' Exchange of Philadelphia, against H. R. 15651, the Hepburn amendment to the Sherman antitrust bill—to the Committee on the Judiciary.

Also, petition of George W. Eberhardt & Co., favoring Senate bill 6367 and H. R. 20311—to the Committee on Ways and Means.

Also, petition of Wilmer Atkinson, for a postal savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Craft & Allen Company, of Philadelphia, and Wilson Snyder Manufacturing Company, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of I. Ollendorff Company, favoring financial legislation that will create more confidence in our financial institutions—to the Committee on Banking and Currency.

Also, petition of Pennsylvania Association of Retail Hardware Merchants, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Thomas Carlin's Sons Company, of Allegheny, Pa., against the Sterling bill (H. R. 21358) and the Payne bill (H. R. 21359)—to the Committee on the Judiciary.

Also, petition of American Bison Society, favoring Senator Dixon's bill for a national bison range and herd on the Flat-head Reservation—to the Committee on Agriculture.

By Mr. BUTLER: Petition of citizens of the Seventh Pennsylvania District, for concurrent resolution 28, against atrocities of the Russian Government—to the Committee on Foreign Affairs.



By Mr. CALDERHEAD: Petition of Goldsmith Silver Company, favoring the Tawney anticoupon bill—to the Committee on Ways and Means.

Also, petition of the United Bohemian Building and Loan Association, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

Also, petition of Galena Commercial Club, of Galena, Kans., favoring the Huff bill establishing a Bureau of Mines—to the Committee on Mines and Mining.

Also, petition of Pleasant View quarterly meeting of Friends' Church, against bill before Congress providing for rifle practice and against extension of the Navy—to the Committee on Naval Affairs.

Also, petition of General Federation of Women's Clubs of Enterprise, Kans., favoring bill to investigate and develop method of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: Petitions of Local Union No. 90, Brotherhood of Painters, Decorators, and Paper Hangers of America, and Local Union No. 693, United Mine Workers of America, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOPER of Texas: Petitions of J. W. Lee, of Port Arthur; citizens of Laredo; H. A. Muedeking, of Beaumont; Gust Berting and other citizens of Port Arthur; citizens of San Antonio; W. S. Tyner and citizens of Port Arthur; citizens of Marshall, and Robert Ramey and others, of Beaumont, all in the State of Texas, favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. COX of Indiana: Petition of Union Grange, of Valley City, Ind., favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. CURRIER: Petitions of members of the bar of Windham County, Vt., and Cheshire County, N. H., for enactment of a law providing for holding of United States circuit and district courts at Keene, N. H.—to the Committee on the Judiciary.

By Mr. DAWES: Petition of citizens of Cambridge, Ohio, favoring eight-hour law, employers' liability bill, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of citizens of Fifteenth Ohio District, for concurrent resolution 28, against Russian atrocities—to the Committee on Foreign Affairs.

By Mr. DIXON: Petition of City Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Cincinnati Clearing House, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Thomas S. Wolfe and others, of Madison; C. P. Myers, of North Vernon, and Richard Geilker and others, of Columbus, all in the State of Indiana, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Madison (Ind.) Knights of Columbus, for legislation making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of Collar and Shirt Manufacturers' Association, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petition of Painters' Union and Local No. 143, United Garment Workers, of Syracuse, N. Y., for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. FERRIS: Memorial of Oklahoma legislature, for constitutional amendment (H. J. Res. 177)—to the Committee on the Judiciary.

Also, petitions of citizens of Woodland County and Shawnee, Okla., and Norman, Kans., for amendments to the Constitution—to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: Petition of United Mine Workers of America, favoring H. R. 20584 amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. FULLER: Petition of citizens of Genoa, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Rockford, Ill., for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Illinois Audubon Society, for legislation conserving national resources—to the Committee on Agriculture.

Also, petition of Dr. T. F. Henry, of Streator, Ill., for S. 4432, for betterment of the Dental Corps of the Army—to the Committee on Military Affairs.

Also, petition of Utica (Ill.) Hydraulic Cement Company, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of City Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: Petition of working people of Manchester, Mass., favoring eight-hour law, employers' liability law, anti-injunction bill, and amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Civic League of Salem, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GRAFF: Petitions of laboring men and Local No. 707, United Mine Workers of America, of Peoria, Ill., for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. GRAHAM: Petitions of many citizens of Pittsburg; John Rieger, of Brackenridge; Henry Kunkel, of Sharpsburg, and Gebhart Sahner, of Pittsburg, all in the State of Pennsylvania, for amendment to Sherman antitrust law and for the Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of American Bison Society, favoring Senator Dixon's bill for a national bison range and herd on the Flat-head Reservation—to the Committee on Agriculture.

Also, petition of Pennsylvania retail hardware merchants, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wilmer Atkinson, favoring postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Croft & Allen, of Philadelphia, against any anti-injunction law—to the Committee on the Judiciary.

Also, petitions of O'Connell & Cashman and F. C. Morrill, of New York, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Master Builders' Exchange of Philadelphia, against H. R. 15651 (Hepburn amendment to the Sherman antitrust act)—to the Committee on the Judiciary.

Also, petition of Thomas Carlin's Sons' Company, against H. R. 21358 (Sterling bill) and H. R. 21359 (Payne bill), anti-injunction bills—to the Committee on the Judiciary.

By Mr. HALL: Petition of A. M. Urquhart, of Huron, S. Dak., for the Rodenburg anti-injunction bill and Graff ash-pan bill (H. R. 17137 and H. R. 19795)—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petitions of citizens of Hartford and Bristol, Conn., for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition for S. 5117 and H. R. 18445, relative to methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of New Jersey: Petition of citizens of New Brunswick, N. J., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petitions of many citizens and labor unions of Seattle and other cities and towns of Washington, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. KELIHER: Petitions of Union No. 119, United Garment Workers of America, and employees of New York, New Haven and Hartford Railway, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability

act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LANING: Petitions of John Fulmer and others, of Mansfield, Ohio, and T. H. Nash and others, of Norwalk, Ohio, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Ira F. France and others and J. E. Brown and others, of Mansfield, Ohio, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petitions of Emil Alderman and Arthur Baylau, of Mansfield, Ohio, against any amendment or treaty provision to extend right of naturalization, and for a more stringent immigration law, etc.—to the Committee on Immigration and Naturalization.

By Mr. LINDBERGH: Petitions of William Baumgarten, Val Faust, Henry Anderson, William Baumgarten, and F. E. Kinsmiller, of Brainerd, Minn., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LORIMER: Petitions of W. E. Stockton, delegate, Division No. 294, of Chicago; William Arnold, Division No. 60, of Rock Island; C. M. Smith, delegate, Division No. 241, and W. H. Mulock, representative of Division No. 253, of Chicago, Brotherhood of Locomotive Engineers, favoring the Rodenberg-Hemenway-Graff safety ash-pan bill (H. R. 17137 and 17995)—to the Committee on the Judiciary.

By Mr. LOUD: Petition of Local Union No. 25, International Longshoremen's Association, of Bay City, for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. LOVERING: Petition of M. E. Wiles and others, of Brewster, Mass., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. MANN: Petition of Trades League of Philadelphia, favoring the Fowler currency-commission bill—to the Committee on Banking and Currency.

Also, petitions of citizens of La Salle and Chicago, Ill., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NICHOLLS: Petition of citizens of Scranton, Pa., for amendment to the Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. PETERS: Petitions of E. A. Maddacks and others and Charles V. Cullen and others, of Boston, Mass., for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. SMITH of Iowa: Petitions of labor organizations of Council Bluffs and Missouri Valley, Iowa, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: Petitions of Carpenters' Union, sundry citizens, and Iron Molders' Union, all of Columbus, Ohio, for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of J. W. McGuire, vice-master Brotherhood of Railway Trainmen, for the Rodenberg anti-injunction bill and Hemenway-Graff safety-appliance bill—to the Committee on the Judiciary.

By Mr. VOLSTEAD: Petition of Twin City Foundrymen's Association, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petition of Boston Branch, No. 2, National League of Navy-Yards and Naval Stations, Arsenal and Gun Factories, for S. 5555 and H. R. 16734, relating to compensation of civilian Government employees for injury in line of service—to the Committee on Naval Affairs.

Also, petition of Lumber City Lodge, No. 524, Brotherhood of Railway Trainmen, of Galeton, Pa., for amendment to Sherman antitrust law and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

## SENATE.

MONDAY, May 18, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## ESTIMATES OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Navy submitting a supplemental estimate of deficiency in the appropriation for pay of the Navy for the fiscal year ended June 30, 1908, to meet certain increases in the pay of officers and enlisted men of the Navy, etc., \$457,363.50, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from assistant treasurer of the United States at St. Louis, relative to the urgent need in his office of one additional day watchman and coin counter at \$900 and one night watchman at \$720, and recommending that the provision be included in the general deficiency appropriation bill, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for prizes for economy in the expenditure for coal, to be awarded by the Secretary of the Navy, \$2,500, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Surgeon-General, Public Health and Marine-Hospital Service, submitting the claim of the Southern Pacific Company for damages amounting to \$1,517.08 inflicted upon the ferry steamer *Encinal*, at San Francisco, Cal., by the quarantine steamer *Argonaut*, in collision September 10, 1907, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, presenting certain estimates of appropriations and requesting that they be included in an appropriation bill and that the money provided therein may be available during the coming fiscal year, contingent expenses, Treasury Department, rent of buildings, 1909, \$13,000; shelving and transferring records, etc., \$10,500, etc., which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, requesting that an increase be made in the estimate of appropriations for the coming fiscal year for the purchase of horses and wagons for office and mail service, Treasury Department, to be used only for official purposes, etc., from \$3,500 to \$5,000, which was referred to the Committee on Appropriations and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 90) to amend an act authorizing the construction of bridges across navigable waters, etc.

The message also announced that the House had passed the bill (S. 4186) creating in the State of Minnesota a national forest consisting of certain described lands, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 21844. An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; and

H. R. 21899. An act providing for the appointment of an Inland Waterways Commission with the view to the improvement of the inland waterways of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to



the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909.

#### PROPOSED FINANCIAL LEGISLATION.

Mr. TAYLOR. Mr. President, I give notice that I shall address the Senate to-morrow after the close of the morning business on the resolution submitted by the Senator from Nevada [Mr. NEWLANDS] instructing the Finance Committee to report certain amendments to House bill No. 21871, the finance bill.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

#### House concurrent resolution 39.

Be it resolved by the house of representatives (the senate concurring therein) That the proposed amendments to the Constitution of the United States, as proposed and proclaimed by the Hon. C. N. Haskell as chairman of the senatorial direct-election committee, be, and the same are hereby, heartily indorsed.

Resolved further, That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure the submission of the proposed amendments to the legislatures of the several States of the Union for their ratification.

WILLIAM H. MURRAY,  
Speaker of the House of Representatives.  
GEO. W. BELLAMY,  
President of the Senate.

#### "IN UNITY THERE IS STRENGTH."

#### State of Oklahoma—Executive proclamation:

Government is the source from which must spring protection to life, liberty, and the acquisition and enjoyment of property.

Government must be made and executed by man.

Government that does not protect honest capital and enterprise and honest toil alike fails of its proper purpose.

Our form of Government, with its distinct legislative, executive, and judicial branches, should owe the tenure of office direct to the people.

Official position should never be found on the bargain counter, where selfish interest, greedy for riches at the expense of the comfort of the toiling masses, or the morals and happiness of humanity, can buy power with the gold unjustly wrung from honest hands and needy homes.

Government is neither spontaneous nor automatic. It will not create nor operate itself.

The honest people or the special interest will rule.

Which shall it be?

Shall the creatures of God or the creatures of the legislature rule the country?

The past and the present warn us—the General Government must be brought nearer the people.

Bring the United States Senate nearer the people, that just laws may be given us.

Such as to define the duties and render wholesome the administration of the executive and judiciary.

#### PARTY PLATFORMS AND POLITICAL SPEECH.

All pledges of future action are stale with age and the path of the past is strewn with wrecks of the people's fondest hopes.

Loud acclaim and fierce denunciation still leave the people with empty hands.

The people must act!

When? Now!

Amend the Federal Constitution.

How?

(a) Elect United States Senators by direct vote.

(b) Legalize an income tax.

(c) Make constitutional an employers' liability law.

(d) Cense to interrupt the States in regulation of carrying charges within the State and the prohibition of merging of competing common carriers.

(e) Leave to every State the right of its own people to enforce morality and protection to honest labor, without Federal aid being given the enemy of both.

The preamble and resolutions below tell the story in detail.

The party pledge of legislation along any of these lines is an uncertain subterfuge.

Write them all in the Constitution and you then have certainty, but not otherwise.

Senator — of Oklahoma, in the Senate, and Representative — in the House, introduced these five proposed amendments on —, 1908. Congress will soon adjourn.

The people are all powerful in action, but graft, greed, and monopoly rule when the people are silent.

By virtue of the power vested in me, I, C. N. Haskell, governor of the State of Oklahoma, and in the interest of government rendering equal and exact justice to both the rich and the poor, do proclaim Thursday, May 7, 1908, a legal holiday throughout our State.

That with the suspension of all legal business our people may assemble and confer together I urge that all advocates of good government—

The farmers in their lodge rooms.

The commercial clubs in their halls.

The laborers in their unions.

All societies for the promotion of morals and intelligence.

All you who believe that the laborer is worthy of his hire, that the home is sacred, and domestic happiness should be promoted—

May so assemble and adopt resolutions demanding your Congressmen and Senators' support of these five amendments to the Constitution, and before you rest mail your resolution to Washington.

Go after reforms in a practical manner—all promise and no results discredit your sincerity.

Your duty done, let us pray that beyond our own small State (weak alone in this fight for good government) that our sister States throughout the Union may add their power.

Let us hope that from ocean to ocean the voice of such people assembled in every community, in every State, may add its command.

#### DO IT NOW! ACTION DEFERRED IS OPPORTUNITY LOST.

Done at the city of Guthrie this 29th day of April, in the year of Our Lord 1908, and of the Independence of the United States the one hundred and thirty-second.

C. N. HASKELL, Governor.

Attest:

BILL CROSS, Secretary of State.

#### To the Sixtieth Congress of the United States:

Whereas in the Constitution of the United States it was contemplated that lapse of time and changing conditions would necessitate amendments of and additions to the original document, and therefore the making of amendments and additions thereto were provided for.

Time has demonstrated that government by the people, of the people, and for the people can not be obtained by the present method of electing the upper house of the legislative branch of the Federal Government, therefore an overwhelming majority of the people of the entire United States have in various conclusive ways given evidence of their desire that the Constitution should be amended, to the end that United States Senators may be elected by direct vote of the people of the respective States, to the end that our Government in practice, as well as in theory, may justify the motto:

"LET THE PEOPLE RULE."

Whereas government devised for the protection of life, liberty, and the right of property necessarily incurs the burden of taxation, direct and indirect; and

Whereas indirect taxation is far too often made an excuse for special privileges to a favored class and a burden upon the toiling masses of the United States; and

Whereas great estates and accumulations of property necessitate a greater share of supervision and expense to government, therefore it is fair and just that an income tax be authorized by the Constitution of the United States, affording a source from which a portion of the expense of Government may be obtained, and to this end the Constitution of the United States should be so amended as to make the assessment and collection of an income tax constitutional.

Whereas it should be the policy of our Government to protect the toiling masses to the fullest degree of justice in case of disability or death while in the service of interstate carriers and free from responsibility on account of the negligence of his fellow-servant or co-employee, it is therefore essential that the laws of Congress upon this subject should not be hampered or their validity endangered by the narrow provisions of the Constitution as at present. Distinct power should be given Congress to legislate as in its wisdom may fully protect the employee.

Whereas the conditions and necessities of the different States render it indispensable that each State have unrestricted the right to regulate the charges of common carriers and the conduct of transportation business and the right to prohibit the consolidation or combination or merger of competing carriers to the end that reasonable competition shall not be destroyed; and

Whereas time has demonstrated that Federal control of this vast subject is inadequate to the needs of the States, and it being within the power and province of the State to regulate its internal affairs, this subject should have the emphasis of a direct provision of the Federal Constitution—not that the States have ever surrendered this right, but that judicial legislation may not further encroach upon the just rights and powers of the State.

Whereas it has always been the policy of free government to permit the people of the States by their own voice (the majority controlling) to formulate and execute the laws for their local regulation, and where a State, by its people, have elected to prohibit the importation or use of any products affecting the morals and health of the community or the protection of its honest labor, by the exclusion of convict-made goods, the Federal Government should never aid or connive at the violation of such as has been declared to be the expressed will of the people of such State, to the end that doubt on this subject may be cleared away and a definite limit put upon legislation by our Federal judiciary, an amendment of the Constitution is essential.

#### AMEND THE CONSTITUTION.

There are two methods of securing the submission of amendments to the Constitution of the United States:

(a) The Congress of the United States may formulate and submit amendments on its own motion to the several States for their ratification; but as to this method the people of our country have waited long, weary years in vain, but with a last appeal to that method the five articles proposed herewith are submitted for the voluntary action of our Congress.

(b) Wise, indeed, were those who framed the Constitution of our country in the provision of another method for its amendment. In Article V it is provided that the several States, the source of all Federal power, may, by resolution of the legislative body, two-thirds of the States joining therein and addressing such request to the Congress, make it mandatory upon the Congress of the United States to convene a convention of the States of the Union for the purpose of formulating any and all such amendments to the Federal Constitution as said convention, when assembled, may deem wise and proper, and the Congress shall also provide that all amendments proposed by such convention shall be submitted to the several States for ratification. It is to be hoped that Congress will not, by their failure to act, make necessary the delay and expense incident to such convention by refusing to submit the attached five articles and such additional articles as the people may demand by a reasonable representation of the people.

The action of twenty-seven States of the Union, in requesting a convention of the States, must impress the Congress that patience has almost ceased to be a virtue and that Congress has not listened with even diligence and justice to the source of all power—the people of our country.

Can there be any better evidence of the demand for a constitutional convention of the States than that expressed in the resolutions filed herewith, adopted by the twenty-seven of our grand and glorious States following:

Pennsylvania, Indiana, Texas, California, Nevada, Missouri, Nebraska, Arkansas, Wyoming, North Carolina, Illinois, Colorado, Louisiana, Kansas, Montana, Wisconsin, Oregon, Michigan, Tennessee, Idaho, South Dakota, Washington, Utah, Kentucky, Minnesota, Iowa, and Oklahoma.

Of the nineteen remaining States, more than two-thirds of them stand ready to join with their sister States in this demand, awaiting only the convening of their legislative bodies.

Shall Congress defer longer the submission of these needed amendments to the Constitution, when, by the States above named, substantially two-thirds of the population of the United States have united in a call for such convention?

Shall the people have the opportunity to pass upon these questions without further hindrance or delay, or must a campaign be waged to remind Congress that it is the servant of a free and independent people? The State of Oklahoma has created its commission and directed the presentation to Congress of the matters and things herewith, and humbly prays that the justice of these demands may appeal to the honorable Congress of the United States.

Respectfully,

C. N. HASKELL,  
Governor of the State of Oklahoma.

#### PROPOSED AMENDMENTS.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following articles be proposed to the legislatures of the several States as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the State legislatures, to be valid to all intents and purposes as part of the said Constitution, viz.:*

ART. 16. The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof for six years; and each Senator shall have one vote, and the electors in each State shall have the qualifications requisite for election of Members of the House of Representatives. They shall be divided as equally as may be into three classes, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not when elected be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers, and also a President pro tempore, in the absence of the Vice-President or when he shall exercise the office of the President of the United States.

ART. 17. The Congress shall have power to provide for the collection of a uniform tax upon the gains, profits, and income received by every citizen or person of the United States, including every corporation, association, or company doing business for profit in the United States, subject to such exemptions as it may deem proper.

ART. 18. The Congress shall have power to define and regulate the liability of common carriers engaged in interstate or foreign commerce to their servants or employees for injuries resulting from the negligence of fellow-servants or coemployees.

ART. 19. No State shall be denied the right to regulate the charges of common carriers for the carriage of freight or passengers wholly within the State, or to regulate or prohibit the consolidation or combination of competing carriers.

ART. 20. No State shall be denied the right to regulate or prohibit the shipment into the State of any article or articles of commerce injurious to public health or morals, or the product in whole or in part of convict labor.

Senatorial direct election commission of the State of Oklahoma:

Hon. C. N. HASKELL,

Governor, *Ex-Officio*, Guthrie.

Hon. WM. H. MURRAY,

Speaker House of Representatives, Tahamingo.

Hon. CLARENCE B. DOUGLAS,

Muskogee.

Hon. THOS. H. DOYLE,

*Ex-Member of Sixth Legislative Assembly* of Oklahoma Territory, Perry.

Hon. JOHN TREADGILL,

*Ex-Member of Seventh and Eighth Legislative Assemblies* of Oklahoma Territory, Oklahoma City.

Hon. GEO. H. EVANS,

Chickasha.

Hon. T. B. FERGUSON,

*Ex-Governor of Oklahoma Territory*, Watonga.

Hon. JESSE J. DUNN,

Associate Justice of the Supreme Court, Guthrie.

Hon. D. L. SLEEPER,

*Ex-Speaker of Ohio House of Representatives*, Tulsa.

The VICE-PRESIDENT presented a petition of sundry citizens of Madison, Me., and a petition of sundry citizens of Berlin, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the National Society, Daughters of the American Revolution, praying that an appropriation of \$50,000 be made to mark the Oregon trail, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the South Carolina Bankers' Association, adopted at a meeting held in Spartansburg, S. C., praying for the appointment of a currency commission, which was referred to the Committee on Finance.

Mr. NELSON presented a memorial of the Association of Builders' Exchange of the State of Minnesota, remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

Mr. McLAURIN presented a petition of the Mississippi River Mound Association, of Greenville, Miss., praying for the enactment of legislation for the relief of Henry L. Blake and others, which was referred to the Committee on Claims.

Mr. FRYE presented petitions of sundry citizens of Madison and Lewiston, in the State of Maine, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of Norwich, Hartford, and Bristol, all in the State of Connecticut, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association of Hartford, Conn., praying for the enactment of legislation to increase the efficiency of the Patent Office, which was referred to the Committee on Patents.

Mr. CULLOM presented petitions of sundry citizens of Galesburg, Peoria, Glenanee, Kewanee, Edwardsville, Springfield, Taylorville, and Chicago Heights, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Local Union No. 632, United Brotherhood of Carpenters and Joiners, of Providence, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of Woman's Home Missionary Society of the Methodist Episcopal Church, of Woonsocket, R. I., praying for the enactment of legislation to prohibit polygamy in the United States or in any territory subject to its jurisdiction, which was referred to the Committee on the Judiciary.

Mr. NIXON presented petitions of sundry citizens of Tonopah, Goldfield, and Ely, in the State of Nevada, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens and labor organizations of Baltimore, Md., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Hanna, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented petitions of sundry citizens and labor organizations of Berlin, Franklin, Lebanon, Manchester, and Cascade, all in the State of New Hampshire, and of Kittery, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the New Hampshire Retail Grocers and General Merchants' Association of Laconia, N. H., praying for the enactment of legislation providing for a reduction of the postage on first-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Improvement Association of Wilton, N. H., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented the petition of E. Dwight Sanderson, director of the New Hampshire Agricultural Experiment Station of Durham, N. H., praying for the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris greens, etc., and for regulating traffic therein, which was referred to the Committee on Manufactures.

He also presented a memorial of Local Union No. 31, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Franklin, N. H., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Contoocook Valley Methodist Episcopal Social Union, of Hillsboro, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union, American Federation of Labor, of Nashua, N. H., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. ANKENY presented sundry petitions of citizens of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Mountain Valley Grange, No. 79, Patrons of Husbandry, of Amboy, Wash., praying for the enactment of legislation to establish postal savings banks, which was ordered to lie on the table.

He also presented a petition of the Lumbermen's Freight Committee of Seattle, Wash., praying for the adoption of a certain amendment to the present interstate-commerce law pro-



viding for an investigation of advances in freight rates by railroads before they become effective, which was referred to the Committee on Interstate Commerce.

Mr. SCOTT presented petitions of sundry citizens of Clarksburg and Charleston, in the State of West Virginia, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. KNOX presented a petition of the Society of Survivors of the Mississippi River Ram Fleet and Marine Brigade, of Allegheny, Pa., praying for the enactment of legislation applying the provisions of the act of June 27, 1890, to the men of the Mississippi River Ram Fleet and Marine Brigade and to their widows and minor children, which was referred to the Committee on Pensions.

He also presented a petition of Union No. 947, United Brotherhood of Carpenters and Joiners of America, of Ridgway; sundry citizens of St. Marys; Oscar Van Cookenberger, of Dunlo; Theodore Elchhorn, of Erie; George A. Cook, of Erie; Union No. 280, United Mine Workers of America, of New Castle; sundry citizens of Philadelphia; C. W. Swanson, of Warren; John Rieger, of Brackenridge; sundry citizens of McCance; sundry citizens of Allentown; William Wakefield, of Rochester; 63 citizens of Pittsburg; 13 citizens of New Castle; Nail Mill Lodge, No. 65, Amalgamated Association of Iron, Steel, and Tin Workers, of Danville; Iron Molders' Union No. 77, of Allegheny City; Iron Molders' Union No. 150, of New Castle; Sheet Metal Workers' Union No. 166, of New Castle; International Molders' Union No. 327, of Monaca; Branch No. 102, Glass Bottle Blowers' Association, of Parkers Landing; Tin City Lodge, No. 2, International Protective Association, of New Castle; Union No. 35, Brotherhood of Carpenters and Joiners, of Allentown; Local No. 58, Wood, Wire, and Metal Lathers' International Union, of Philadelphia; Central Trades Council of Pittsburg; Philadelphia Board of Trade, of Philadelphia; Division No. 477, Amalgamated Association of Street and Electric Railway Employees of America, of Philadelphia; Retail Clerks' International Protective Association of Lebanon; Cigar Makers' Union No. 232, of Sellersville; Central Labor Union of Erie; Branch No. 108, Glass Bottle Blowers' Association, of St. Marys; Central Labor Union of Lebanon; Central Trades Council of Connellsville; Cigar Makers' Union of Easton; Carpenters' Union No. 206, of New Castle; sundry citizens of Allentown; Spring City and Royersford Trades Council; Branch No. 115, Glass Bottle Blowers' Association, of Port Marion; Branch No. 76, Glass Bottle Blowers' Association, of Sharpsburg; Branch No. 112, Glass Bottle Blowers' Association of Hazelhurst; Branch No. 72, Glass Bottle Blowers' Association, of Smithport; Central Labor Union of Honesdale; Central Labor Union of Carbondale; sundry citizens of New Castle; sundry citizens of Hamburg; sundry citizens of Lancaster; William A. Paterson, of Tarentum; Local Union No. 1339, United Mine Workers, of Castle Shannon; J. V. Long, of Royersford; Irwin Shelly, of Royersford; sundry citizens of Spring City and vicinity, and 28 citizens of Smithport, all in the State of Pennsylvania, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented memorials of the Standard Underground Cable Company, of Pittsburg; W. O. Hickok Manufacturing Company, of Harrisburg; Hughes & Muller, of Philadelphia; Merchant Tailors' Local Protective Association of Philadelphia; the Master Builders' Association of Allegheny County; the Builders' Exchange League of Allegheny County; United Engine and Foundry Company, of Pittsburg; Monongahela Tube Company, of Pittsburg, and Lockhart Iron and Steel Company, of Pittsburg, all in the State of Pennsylvania, remonstrating against the passage of an anti-injunction measure and also against the passage of certain amendments to the Sherman antitrust law relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of the Trades League of Philadelphia and the Scranton Board of Trade, in the State of Pennsylvania, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were ordered to lie on the table.

He also presented petitions of H. I. Rice and sundry citizens of Mansfield, H. S. Burt and sundry other citizens of Ulysses, Albert Deming and sundry other citizens of Lawrenceville, F. E. Tyler and sundry other citizens of Conneautville, W. H. Devaux and sundry other citizens of Wilcox, M. A. Setzer and sundry other citizens of Cressona, E. E. Johnson and sundry other citizens of Hop Bottom, John G. Foster and sundry other citizens of Cherry Ridge, A. B. Wheeler and sundry other citizens of Wellsboro, A. L. Brant and sundry other citizens of Great

Bend, J. A. Drake and sundry other citizens of Centerville, S. F. Moyer and sundry other citizens of Alexandria, B. T. Hills and sundry other citizens of Edinboro, all in the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interest of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Council No. 425, Knights of Columbus, of Corry; Council No. 875, Knights of Columbus, of Crafton; Council No. 385, Knights of Columbus, of Oil City; Council No. 911, Knights of Columbus, of Braddock; Council No. 972, Knights of Columbus, of Sharpsburg; Council No. 491, Knights of Columbus, of Pittsburg; Council No. 956, Knights of Columbus, of Charleroi; Council No. 285, Knights of Columbus, of Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation providing that October 12 be declared a national holiday in honor of the anniversary of the discovery of America by Columbus, which were referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of Master Lodge No. 101, Brotherhood of Railroad Trainmen, of Norfolk, Nebr., praying for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of South Omaha, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Gothenburg, Cortland, Lincoln, Hartington, College View, and Hastings, all in the State of Nebraska; of the faculty and students of Walla Walla College, of Walla Walla, Wash., and of the Religious Liberty Bureau, of Washington, D. C., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PILES presented a petition of the Lumbermen's freight-rate committee of Seattle, Wash., praying for the adoption of a certain amendment to the interstate-commerce law, which was referred to the Committee on Interstate Commerce.

#### REPORTS OF A COMMITTEE.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States, reported it without amendment, and submitted a report (No. 669) thereon.

He also, from the same committee, reported an amendment proposing to appropriate \$10,000 for salaries of district attorneys and marshals for Oklahoma, from November 16, 1907, to June 30, 1908, at the rate of \$4,000 per annum each, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment, reported it without amendment and submitted a report (No. 670) thereon.

Mr. FULTON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit, reported it without amendment and submitted a report (No. 672) thereon.

#### CALVIN P. LYNN.

Mr. CURTIS. I report back favorably from the Committee on Pensions, without amendment, the bill (S. 4341) granting an increase of pension to Calvin P. Lynn, and I submit a report (No. 667) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin P. Lynn, late of Company G, One hundred and fourth Regiment Illinois Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BYRON C. MITCHELL.

Mr. CURTIS. I report back from the Committee on Pensions favorably with an amendment the bill (S. 5412) granting an increase of pension to Byron C. Mitchell, and I submit a report (No. 666) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron C. Mitchell, late of Company F, One hundred and thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FLINT on the 16th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved,* That the Committee on Irrigation be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and that such stenographer be paid out of the contingent fund of the Senate.

HARRY S. LEE.

Mr. SMITH of Michigan. I report back favorably from the Committee on Pensions with an amendment the bill (S. 7123) granting an increase of pension to Harry S. Lee, and I submit a report (No. 668) thereon. I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, in line 6, after the name "Harry S. Lee," to insert "formerly Albert Lee Alleman," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry S. Lee, formerly Albert Lee Alleman, late of Company E, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harry S. Lee, formerly Albert Lee Alleman."

CHARLES C. WEAVER.

Mr. BURNHAM. I am directed by the Committee on Pensions, to whom was referred the amendment of the House of Representatives to the amendments of the Senate to the bill (H. R. 1062) granting an increase of pension to Charles C. Weaver, to move that the Senate concur in the amendment of the House to the amendments of the Senate.

The motion was agreed to.

JERRY MURPHY.

Mr. BURNHAM. I am directed by the Committee on Pensions, to whom was referred the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, to move that the Senate disagree to the amendment of the House of Representatives to the amendment of the Senate and request a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. BURNHAM, Mr. SMOOT, and Mr. TELLER as the conferees on the part of the Senate.

Mr. BURNHAM. I ask that both bills be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### EXTENSION OF STREET RAILWAYS TO UNION STATION.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) "authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company in the District of Columbia, and for other purposes," hav-

ing met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the language proposed by the House insert the following:

"That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and directed to construct a double-track connection with its tracks on E street south, thence northwardly along First street east to East Capitol street, there to connect with the tracks of the Washington Railway and Electric Company; also a double-track extension from Delaware avenue and C street northeastwardly along Delaware avenue to the plaza in front of the Union Station, together with a double-track loop located as near as may be to the exterior circumference of said plaza and passing in front of and near to the Union Station; also a double-track connection with existing tracks on G street near New Jersey avenue NW. and thence eastwardly to and along Massachusetts avenue, with such northerly deviations as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, to junctions with an existing track at Third and D streets NE. and at the northwest corner of Stanton square.

"Sec. 2. That the City and Suburban Railway of Washington be, and it is hereby, authorized and directed to extend its double tracks on North Capitol street southwardly from the intersection of G street to Massachusetts avenue, there to connect with the tracks hereinbefore authorized on Massachusetts avenue.

"Sec. 3. That the Capital Traction Company of the District of Columbia be, and it is hereby, authorized and directed to construct and extend, by double tracks, the lines of its underground electric railroad from Florida avenue and Seventh street NW. southeastwardly along Florida avenue to its intersection with Eighth street east, thence southwardly along Eighth street to Pennsylvania avenue, there to connect with existing tracks of the Capital Traction Company; also a double-track extension from the tracks hereinbefore authorized on Florida avenue southeastwardly along New Jersey avenue to its intersection with Massachusetts avenue and First street west, thence along said Massachusetts avenue southeastwardly to the said plaza, and with such northerly deviations as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, thence by such route as may be determined by the Commissioners of the District of Columbia to the corner of Second and F streets NE., thence east on F street north to Eighth street east, to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from Seventh and T streets NW. eastwardly along T street to Florida avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from C street and Delaware avenue NE. along Delaware avenue to the plaza in front of the Union Station, together with a double-track loop passing in front of the station on said plaza; also a double-track connection from First and B streets SE. northwardly along First street east to B street north.

"Sec. 4. That the companies hereinbefore named be, and they are hereby, permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines to be approved by the Commissioners of the District of Columbia, and the cost thereof and all the other costs and expenses of construction, removal of tracks, repairs, and restoration in this act mentioned shall be borne and paid solely by said street railway companies, and they shall be solely liable for all damages to persons and property occasioned by any construction or work authorized by this act.

"Sec. 5. That the said street railway companies mentioned in this act be, and they are hereby, authorized and required, within eighteen months from the date of the passage of this act, and it shall be the duty of each of them, to remove their respective railway tracks and appurtenances from the following streets, and at the time of their removal to repair, restore, and make good in all respects the space now occupied by said railway tracks and appurtenances to the satisfaction and written approval of the Commissioners of the District of Columbia, namely, G street NW., from North Capitol street to New Jersey avenue; C street north, from First street east to Fourth street east; D street north, from First street east to Massachusetts avenue; First street west, from C street north to G street north; Sixth street west, from Louisiana avenue to B street north, and Louisiana avenue, from Fifth street west to Sixth street west; and upon neglect or refusal of said companies to remove their respective tracks and to repave, repair, restore,



and make good said space to the satisfaction of the said Commissioners within the time above limited, any said street railway company so neglecting or refusing shall be deemed guilty of a misdemeanor and shall be subject to the penalty provided in section 710 of the Code of Laws for the District of Columbia regarding the removal of abandoned tracks, and said Commissioners are authorized without notice to remove said tracks and to repave the space occupied by same and charge the cost thereof to such railroad company, whatever may be the manner or cost of doing said work, and to collect the cost thereof in the manner provided in section 5 of an act of Congress entitled 'An act to provide a permanent form of government for the District of Columbia,' approved June 11, 1878.

"SEC. 6. That the construction of the underground electric street railway lines in this act hereinbefore mentioned shall be commenced within thirty days and completed on or before May 1, 1909; and in default of such commencement or completion within said time or within the extension of time by this section specified, all corporate rights, franchises, and privileges of any street railway company so in default shall immediately cease and determine; *Provided*, That the Commissioners of the District of Columbia may, for good cause shown in writing, extend the time for completion; but the said Commissioners shall in no case grant such extension for a longer period than six months.

"SEC. 7. That where the route or routes provided for in this act coincide with each other or with the route or routes of existing street railways or street railways hereafter authorized to be operated or constructed, one set of double tracks only shall be constructed and shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give notice and hearings to the interested parties and to fix and finally determine the terms of the joint trackage; *Provided*, That there shall be two sets of double tracks immediately in front of the main entrance to the Union Station, facing Massachusetts avenue, the most northerly rail being not less than 70 feet from the axis of the south portion of said station.

"SEC. 8. That authority is hereby given the Commissioners of the District of Columbia to use such portions of reservation No. 77 as may in their judgment be necessary for sidewalks and roadways and for street railway use. And authority is hereby given said Commissioners to acquire by purchase or to condemn, in accordance with existing law, for street purposes, so much of square No. 626, lying north of the north building line of square No. 567, extended, as they may deem necessary, and the cost of acquiring said property as above shall be paid by the Anacostia and Potomac River Railroad Company; *Provided*, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square No. 567, extended, to become the property of said Anacostia and Potomac River Railroad Company as soon as the entire cost of acquisition as above specified shall be paid by it.

"SEC. 9. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which said track or tracks are to be laid, such widening shall be done by said Commissioners, the cost and expense of such widening, including the laying of new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the railway company constructing such tracks, and the said railway company shall deposit with the collector of taxes of the District of Columbia in advance the estimated cost of changing or widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized, said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of 2 feet exterior to such track or tracks is collectible, under the provisions of section 5 of an act entitled 'An act to provide a permanent form of government for the District of Columbia,' approved June 11, 1878.

"SEC. 10. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners of the District of Columbia, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost

thereof to be borne by the said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

"SEC. 11. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of construction and extension herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia and under a permit or permits from said Commissioners.

"SEC. 12. That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, a corporation of the District of Columbia, shall not be terminated, except by authority of Congress; and unless said Metropolitan Coach Company shall, within one year after the passage of this act, substitute motor vehicles to be approved by the Commissioners of the District of Columbia, for the heretics now used by it, its right to operate its line shall cease and determine; *Provided further*, That all transfers issued by the Metropolitan Coach Company shall be properly dated and punched as to time limit as provided by rules and regulations to be made, altered, and amended from time to time by the Interstate Commerce Commission, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them.

"SEC. 13. That the Anacostia and Potomac River Railroad Company and the Capital Traction Company be, and they are hereby, authorized and required, jointly to construct, maintain, and operate, by overhead trolley, temporary railway tracks for passenger service from the Union Station to the intersection of Delaware avenue and C street north, said tracks to be constructed within sixty days from the date of the approval of this act, in accordance with plans approved by the Commissioners of the District of Columbia, said tracks to be maintained by said companies to the satisfaction of said Commissioners, and to be removed by said companies after the construction of the permanent street railway tracks herein provided for within thirty days after notice from said Commissioners so to do; *Provided*, That the companies herein named may, at their option, substitute permanent underground for temporary overhead construction on Delaware avenue from C street to the southern edge of the plaza, and thence by temporary underground construction to the north line of Massachusetts avenue; such temporary construction to be removed within thirty days from the date of operation of cars over the permanent construction provided for in section 1 of this act.

"SEC. 14. That the railway companies affected by this act shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges as they respectively have or hereafter may have by law over and respecting their other routes, and shall be subject in respect thereto to all the other provisions of their charters and of law.

"SEC. 15. That no transfer ticket or written or printed instrument giving or purporting to give the right of transfer to any person or persons from a public conveyance operated upon one line or route of a street railroad, or from one car to another car upon the line of any street railroad, shall be issued, sold, or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell, or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage shall be punished by a fine not exceeding twenty-five dollars.

"SEC. 16. That every street railroad company or corporation owning, controlling, leasing, or operating one or more street railroads within the District of Columbia shall on each and all of its railroads supply and operate a sufficient number of cars, clean, sanitary, in good repair, with proper and safe power, equipment, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious passage, not to exceed fifteen miles per hour within the city limits or twenty miles per hour in the suburbs, to all persons desirous of the use of said cars, without crowding said cars. The Interstate Commerce Commission is hereby given power to require and compel obedience to all of the provisions of this section, and to make, alter, amend, and enforce all needful rules and regulations to secure said obedience; and said Commission is given power to make all such orders and regulations necessary to the exercise of the powers herein granted to it as may be reasonable and proper; and such railroad companies or cor-

porations, their officers and employees, are hereby required to obey all the provisions of this section, and such regulations and orders as may be made by said Commission. Any such company or corporation, or its officers or employees, violating any provision of this section, or any of the said orders or regulations made by said Commission, or permitting such violation, shall be punished by a fine of not more than one thousand dollars. And each day of failure or neglect on the part of such company or corporation, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commission made thereunder, shall be regarded as a separate offense.

"SEC. 17. That prosecutions for violations of any of the provisions of this act shall be on information of the Interstate Commerce Commission filed in the police court by or on behalf of the Commission.

"SEC. 18. That Congress reserves the right to alter, amend, or repeal this act."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

JACOB H. GALLINGER,  
CHESTER I. LONG,  
THOS. S. MARTIN,

*Managers on the part of the Senate,*

S. W. SMITH,  
P. P. CAMPBELL,

*Managers on the part of the House.*

Mr. GALLINGER. The bill as reported is substantially the bill that was before the Senate and passed the Senate, except that one section has been added from the House. I think it would be scarcely necessary to read the long bill, and I ask unanimous consent that action be taken upon the report without reading the bill.

Mr. BURKETT. There is one section that I should like to have read. I should like to have the part that is new read.

Mr. GALLINGER. I will call the attention of the Secretary to it. It is section 16.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read section 16.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

#### BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 7150) to authorize a patent to be issued to Hannah Ulvestad, for certain lands therein described, which was read twice by its title and referred to the Committee on Public Lands.

Mr. FRYE introduced a bill (S. 7151) granting an increase of pension to George Russell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 7152) ratifying bonds of road district No. 1, Maricopa County, Ariz., which was read twice by its title and referred to the Committee on Territories.

He also introduced a bill (S. 7153) for the relief of the widow and family of Marcus P. Norton and the heirs at law of others, which was read twice by its title and referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 7154) granting an increase of pension to Caleb A. Barton, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 7155) granting an increase of pension to Charles H. Bartlett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CRANE (for Mr. LODGE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7156) for the relief of Parsey O. Burrough (with an accompanying paper); and

A bill (S. 7157) for the relief of Hilaire Raymond (with an accompanying paper).

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7158) granting an increase of pension to Melzar E. Beard;

A bill (S. 7159) granting an increase of pension to Charles E. Doying;

A bill (S. 7160) granting an increase of pension to John Giles;

A bill (S. 7161) granting an increase of pension to Sedley A. Lowd;

A bill (S. 7162) granting an increase of pension to Charles W. Perley;

A bill (S. 7163) granting an increase of pension to Benjamin F. Pettengill;

A bill (S. 7164) granting an increase of pension to Horace E. Russell;

A bill (S. 7165) granting an increase of pension to Edward A. Wyman; and

A bill (S. 7166) granting an increase of pension to Lyman Wyman.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7167) for the relief of the trustees of the Methodist Episcopal Church South, of Pungoteague, Va.; and

A bill (S. 7168) for the relief of the trustees of the Baptist Church of Hartwood, Va.

Mr. BEVERIDGE introduced a bill (S. 7169) granting a pension to Martha A. Harvey, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 7170) for the relief of the Tennessee School for the Blind, at Nashville, Tenn., which was read twice by its title and referred to the Committee on Claims.

#### AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. CRANE (for Mr. LODGE) submitted an amendment proposing to appropriate \$5,999.22, heretofore appropriated to be paid to H. Hollis Hunnewell, administrator of Samuel Welles, etc., be now paid to Walter Hunnewell as administrator of Samuel Welles, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate \$930 to be paid to James H. Owen, of Los Angeles, Cal., being the balance due him under contract for the erection of buildings and construction of irrigation works for the Truxton Canyon Indian School, Arizona, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARNER submitted an amendment proposing to appropriate \$250 to pay William B. Turner for preparing the index to the final report of the Board of Lady Managers to the St. Louis Exposition, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. TELLER submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds.

Mr. CARTER submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds.

Mr. GUGGENHEIM submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds.

Mr. PENROSE submitted four amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds.

Mr. LONG submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on the Census.

He also, subsequently, from the Committee on the Census, to whom was referred the foregoing amendment submitted by himself on this day, intended to be proposed to the omnibus public buildings bill, reported it without amendment, and moved that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

Mr. MARTIN submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.



## DISBURSEMENT OF INDIAN FUNDS.

Mr. OWEN submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a statement showing the amounts in the Treasury of the United States to the credit of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of Indians on June 28, 1898, and what amounts, if any, have been added to and disbursed from the said funds severally since said date.

## LISTS OF CLAIMS, JUDGMENTS, AND AWARDS.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following schedule and lists of claims, judgments, and awards requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Fifth. List of awards made by the Spanish Treaty Claims Commission under the act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898, approved March 2, 1901.

## INDIAN DEPREDAATION CLAIMS.

Mr. BAILEY submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress not heretofore reported.

## THE HAGUE CONFERENCE.

Mr. CULLOM. I ask that Senate document No. 444, Sixty-fourth Congress, first session, being the report of the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, be reprinted.

The VICE-PRESIDENT. Without objection, it is so ordered.

## NATIONAL FOREST IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4186) creating in the State of Minnesota a national forest consisting of certain described lands, and for other purposes.

The amendments were, on page 5, line 7, after "quarter," to insert "quarter;" page 8, line 2, after "the," to insert "said;" page 8, line 6, after "commission," to insert "of three persons;" page 9, line 12, strike out "an agent" and insert "a representative who shall serve without compensation;" page 10, line 16, to strike out "May" and insert "June;" page 12, line 1, after "sales," to insert "made by the Secretary of the Interior as;" page 12, line 19, after "appropriated," to insert "and no commissioner shall be paid for more than ten days' service;" to strike out all of section 8 and insert:

Sec. 8. That nothing in this act contained shall in any manner bind the United States to purchase any of the land in said reservations excluded from the reserve created by this act, or to dispose of said land, except as provided by the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and an act of June 27, 1902, entitled "An act to amend an act for the relief and civilization of the Chippewa Indians in the State of Minnesota," or the provisions of this act; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of the said lands and the timber thereon, and to dispose of the proceeds thereof, as provided in said acts, only when received from the sale of the timber and the lands, as herein provided.

And to amend the title so as to read: "An act amending the act of January 14, 1889, and acts amendatory thereof, and for other purposes."

Mr. CLAPP. I move that the Senate concur in the House amendments.

The motion was agreed to.

## FINANCIAL COMMISSION.

Mr. du PONT. Mr. President, I give notice that on Thursday morning next, after the conclusion of the routine morning business, I will address the Senate on Senate bill 6463, to create a financial commission.

## HOUSE BILLS REFERRED.

H. R. 21844. An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment, which

was read twice by its title and, on motion of Mr. DEPEW, was referred to the Committee on the Judiciary.

H. R. 21890. An act providing for the appointment of an Inland Waterways Commission, with the view to the improvement and development of the inland waterways of the United States, which was read twice by its title and referred to the Committee on Commerce.

## COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. BULKELEY. Mr. President, several days ago I gave notice that at the close of the morning business to-day I would ask the Senate to take up for consideration Senate bill 6206, and if it is proper to do so, I will ask that it be laid before the Senate.

The VICE-PRESIDENT. The Chair lays the bill before the Senate. It will be read by title.

The SECRETARY. Under Rule IX, a bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Connecticut?

Mr. WARREN. I have no objection to file at this time. I reserve the privilege.

Mr. McLAURIN. What is the request?

The VICE-PRESIDENT. The request is that the bill may be now considered.

Mr. BULKELEY. I will say to the Senator from Mississippi that I am not expecting to have any particular consideration of the bill to-day. I want to make some remarks in explanation of the notice I gave that I would call it up to-day for consideration.

Mr. McLAURIN. So it is called up for the purpose of enabling the Senator to make some remarks on it?

Mr. BULKELEY. That is the purpose.

The VICE-PRESIDENT. Without objection, the bill is before the Senate.

Mr. BULKELEY. Mr. President, on the 13th of May I gave notice that I would this morning, after the conclusion of the morning business, ask the Senate to give consideration to this bill, which was reported from the Committee on Military Affairs adversely, there being another bill in regard to the same subject reported adversely from the committee. Senators will recall that a few days since by a very large vote the consideration of one of these bills was postponed until December next. I am embarrassed somewhat this morning by the fact that the Senator on whose motion one of the bills was postponed, the senior Senator from Ohio [Mr. FORAKER], is still absent from the Chamber through indisposition, and the Senator from Massachusetts [Mr. LODGE], who I understand desires to speak on this question, is still detained from the Chamber by reasons well known to almost every Senator.

I contented myself the other day by simply voting against the postponement of the bill then under consideration, Senate bill 5729. It seemed to me that the course suggested and taken was one that would not commend itself to the people of the country, and the more I have given it consideration and seen it commented upon in the press of the country the more I have become convinced, in view of all the circumstances and the investigations that have gone on for the past twelve or eighteen months in regard to this matter, that, without criticising the action of the Senate, the proper course for this body to pursue was to take some action at the present session.

I would call to the attention of the Senate one or two facts. The Committee on Military Affairs of this body have had this subject under investigation for about eighteen months. They have given the matter most careful consideration, and on some things in making their report they entirely agree. The entire committee agree on at least one point, which I will call to the attention of the Senate. On page 24 of the report nine members of the committee found as follows:

That the testimony fails to identify the particular soldier or soldiers who participated in the shooting affray at Brownsville, Tex., on the night of August 13-14, 1906.

And on page 29 of the report the other four members of the committee found the same condition, as follows:

1. The testimony wholly fails to identify the particular individuals, or any of them, who participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13-14, 1906.

So on this fact of an absolute inability to identify any individual connected with the affray the entire Committee on Military Affairs are agreed, as found in this report.

Eight members of the committee agree on another finding, which I will also read. The finding by four members of the committee is found on page 26, as follows:

In the present case, however, it would seem but justice to restore to all the innocent men of these companies the rights and privileges which

had accrued to them by reason of their previous service in the Army, and of which they will be permanently deprived unless their former status shall be restored by legislation, for the reason that under existing statutes the time has already expired in which they could have re-enlisted and secured the benefits of their prior service had they been honorably discharged because of the expiration of their several terms of enlistment.

And on page 29 four other members of the committee found the same condition, in the following language:

Whereas the testimony shows beyond a reasonable doubt that whatever may be the fact as to who did the shooting, many of the men so discharged were innocent of any offense in connection therewith; therefore it is, in our opinion, the duty of Congress to provide by appropriate legislation for the correction of their record and for their re-enlistment and reinstatement in the Army, and for the restoration to them of all the rights of which they have been deprived, and we so recommend.

The President, who issued the original order discharging the troops, or by whose order the troops were discharged by their commanding officer, states in his message to Congress under date of March 11:

The Senate committee intrusted with the work has now completed its investigation, and finds that the facts upon which my order of discharge of November 9, 1906, was based are substantiated by the evidence. The testimony secured by the committee is therefore now available, and I desire to revive the order of December 12, 1906, and to have it carried out in whatever shape may be necessary to achieve the purpose therein set forth; any additional evidence being taken which may be of aid in the ascertainment of the truth. The time limit during which it was possible to reinstate any individual soldier in accordance with the terms of this order has, however, expired. I therefore recommend the passage of a law extending this time limit, so far as the soldiers concerned are affected, until a year after the passage of the law.

So Senators will see that even the President, who issued the original order of discharge, has perhaps become convinced that there are men in the battalion who were dismissed by his order who are entitled to some consideration, for I can see no other reason why the President in his message to Congress should recommend the extension for a year of the consideration of the restoration of any of the men.

Eight members of the committee, after hearing all the evidence produced in this matter, have practically joined with the President in recommending legislation of the character indicated, and, if I am correctly informed, the other members of the Committee on Military Affairs were not in favor of any legislation whatever. If I am incorrect in that, I should like to be corrected, but that is my understanding.

Mr. President, it seems to me there is every reason why Congress at this session ought to have taken up and disposed of this matter. Justice delayed unnecessarily long loses all its efficiency and vindication postponed loses all its charms. After all the investigations, which have been thorough and have probed the matter to the deepest extent, it seems to me that the Senate is as well prepared to-day as it ever will be to pass upon this matter and to finally dispose of it. I can see myself no question even of expediency, or whatever you may call it, that stands in the way of justice to many innocent men being rendered without further delay.

I do not like to ask at this time, and I shall not this morning ask that the bill be taken up for consideration. If the session should be prolonged to another week and the Senator from Ohio, on whose motion the matter was put over, should return to the Senate, and if the Senator from Massachusetts should be here in time to discuss the measure as he proposes, I shall take the liberty at a later day to ask the Senate to give the matter further consideration.

#### CONSIDERATION OF THE CALENDAR.

Mr. NELSON. I move that the Senate proceed to the consideration of the Calendar under Rule VIII.

Mr. PAYNTER. Mr. President—

Mr. NELSON. I think the Senator from Kentucky can bring up his motion after we go to the Calendar, and I suggest that he will defer it until that time.

Mr. PAYNTER. The Senator suggests that I wait until the Calendar is called before moving to take up the bill from the Judiciary Committee?

Mr. NELSON. When we are on the Calendar the Senator can make the motion then. I suggest to him that he postpone it until the bill is reached on the Calendar.

Mr. PAYNTER. I would prefer to make the motion now, but I will wait.

The VICE-PRESIDENT. Without objection, the Secretary will announce the first bill on the Calendar under Rule VIII.

Mr. MCCREARY. I did not hear the motion of the Senator from Minnesota. Was it that we should proceed to the consideration of bills under Rule VIII?

The VICE-PRESIDENT. Yes; under Rule VIII.

Mr. MCCREARY. That embraces bills not objected to?

The VICE-PRESIDENT. It embraces bills not objected to.

#### BILLS PASSED OVER.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman and Tucker acts," was announced as first in order on the Calendar.

Mr. NELSON. Let the bill go over. It would lead to discussion.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Minnesota.

The joint resolution (S. R. 93) relating to the reorganization of the Northern Pacific Railroad Company was announced as next in order.

Mr. KEAN. Let the joint resolution go over.

The VICE-PRESIDENT. It will go over at the request of the Senator from New Jersey.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government was announced as next in order.

Mr. NELSON. Let the bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Minnesota.

#### COURTS IN KENTUCKY.

The bill (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky, was announced as next in order.

Mr. MCCREARY. I object to the consideration of the bill. I ask that it may go over.

The VICE-PRESIDENT. The senior Senator from Kentucky objects to the present consideration of the bill.

Mr. PAYNTER. The bill has been called on the Calendar regularly, and I desire to have it considered. I ask that it be considered notwithstanding the objection.

Mr. NELSON. Will the Senator from Kentucky allow me to suggest that he can move to take it up?

Mr. PAYNTER. I move to take up the bill for consideration.

The VICE-PRESIDENT. The junior Senator from Kentucky moves that the Senate proceed to the consideration of the bill.

Mr. MCCREARY. Mr. President, this is an important bill. I ask the junior Senator from Kentucky to please state to the Senate what he relies on to justify the passage of the bill. I am opposed to action upon it now, and I have been requested by the United States circuit judge and the United States district attorney to say that there is no necessity for another court in the eastern district of Kentucky. Perhaps the junior Senator can enlighten us on this point. I would be glad to have him state to the Senate what he relies upon to justify the passage of the bill.

Mr. PAYNTER. I understand the motion to take up the bill for consideration is not debatable.

The VICE-PRESIDENT. It is not debatable.

Mr. PAYNTER. I will take pleasure in giving the Senate the reasons why the bill ought to become a law when it reaches the stage where it can be debated.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky [Mr. PAYNTER].

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

Mr. BURKETT. Mr. President, I could not exactly catch the meaning of the bill by hearing it read, and I should very much like to have the Senator from Kentucky [Mr. PAYNTER], who has moved its consideration, explain the bill.

Mr. PAYNTER. It is a bill proposing to establish a United States court at Jackson, Ky.

Mr. MCCREARY. Mr. President, I should like to have the Senator from Kentucky give his reasons for wanting to establish another United States circuit court in Kentucky. We have nine places now where United States courts are held. The United States circuit judge for the eastern district of Kentucky has written me that he does not think another United States court is necessary in the eastern district of that State, and the United States district attorney for the same district has also written me that he does not think another court is necessary in that district. I should like, therefore, to have the junior Senator from Kentucky show that the establishment of such a court is necessary. I should like to hear from him on that point. I desire to do what is right regarding these courts in Kentucky, and that is the reason I desire to hear from my colleague on that subject.

Mr. PAYNTER. Mr. President, I am very glad, indeed, to have the opportunity to give the senior Senator from Kentucky [Mr. MCCREARY] and also the Senate the reasons why this bill should become a law. Jackson is the county seat of Breathitt



County. It is situated 86 miles from the city of Richmond, the city in which my colleague resides, at which place there is a Federal court. It is situated 185 miles from the city of Covington, where a Federal court is held; it is situated about 200 miles from the city of Catlettsburg, in which a Federal court is held, and it is situated by rail about 125 miles from London, where the Federal court is held in the eastern district of Kentucky.

My colleague says that there are nine courts in the State of Kentucky. That may be true, but there are five courts in the eastern district, in which the town of Jackson is situated. Jackson is situated in the mountains of Kentucky. It is reached by two railroads; it is a point at which a great deal of business is transacted; it is a growing town; it has an electric-light plant; it has waterworks in the course of construction, and it is building fine streets. In fact, the town is growing as much or more than any other town in the mountains of Kentucky.

There are people living in that section of the country who own small farms. Unfortunately, owing to the system of land titles in Kentucky, their titles are clouded by the old Virginia grants and by grants from the State of Kentucky. Those lands are becoming valuable. They are bought by people who live outside the State of Kentucky, who go to the Federal court and seek to recover from those people their little homes. Although the people there may be successful in the litigation, it exhausts their means to successfully oppose such actions. I say, Mr. President, it is not right to compel those people to travel long distances with their attorneys and witnesses in order to have their causes tried. That is true, notwithstanding the geographical situation of Richmond.

It has been suggested that it would take business away from Richmond to establish this court at Jackson. If it does—and that is given as a reason for the opposition to this bill—it is the greatest reason I could give why this bill should become a law, because if Jackson is situated so that a court there would serve twelve or fifteen counties, then it is a proper location for a Federal court.

Although a court at Jackson might reduce the business of the court at Richmond or at other courts that is not a good reason for forcing the people of that section of the State who have business in a Federal court to travel, at great expense, to distant points to have their cases tried. Courts should be as convenient as possible for the trial of causes. Litigants should be afforded an opportunity to get their cases disposed of promptly and at a reasonable cost.

Mr. CLAPP. Mr. President, will the Senator from Kentucky pardon an interruption?

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Minnesota?

Mr. PAYNTER. Certainly.

Mr. CLAPP. As I understand, this bill does not create a new district, but simply changes the place of holding court?

Mr. PAYNTER. It does not change the place of holding court, but creates an additional court. That is all.

Mr. CLAPP. An additional court? There was some apprehension here that possibly it created an additional district.

Mr. PAYNTER. No; that is not true. In that section of Kentucky there are many prosecutions for violations of the internal-revenue laws. I hold in my hand a statement, for the correctness of which I do not vouch, but it is made by a Member of Congress from Kentucky who has given the matter some attention. He says the bill will be a benefit to the Government, viewing it from the point of expense. I quote from his letter as follows:

One of the chief classes of Federal business that would be done at this court would be the trial of persons for violation of the internal-revenue laws. The counties of Magoffin, Knott, Letcher, Perry, and Breathitt would average at least 500 prisoners and witnesses annually in cases of this character, who now travel from 150 to 200 miles to the other courts. This would involve an average traveling expense of about \$12 for each person, or something like \$30,000 per annum for this item alone. The remaining counties named above would average from 200 to 300 prisoners and witnesses a year, who would travel an average of about 100 miles, making from \$12,000 to \$14,000 for traveling expenses from these counties, or a total from the territory that will be accommodated of about \$44,000 per annum for traveling expenses.

Mr. BURKETT. I want to say to the Senator from Kentucky, inasmuch as I asked him to explain the bill, that his explanation has gone far enough to entirely satisfy me in regard to it, and so far as I am concerned he does not need to occupy more of the time of the Senate. I want to say to the Senator also that I think the plan, as I learn it now to be, is a good one. Several of us had the impression, not being able to hear the reading of the bill, that it created an additional district.

Mr. PAYNTER. No.

Mr. BURKETT. I will say to the Senator that when we took up the matter of an additional judge for the State in which I live—the State of Nebraska—we created several additional places for holding court. I am with him on the proposition that he makes that the closer one can get the Federal court to the people, within proper limits of course, the better it is. Understanding his bill from his explanation, which I could not from the reading of it, because of the noise that was in the Chamber, I am in hearty accord with his idea.

Mr. PAYNTER. Mr. President, if I thought I had been so fortunate as to convince other Senators as I have the Senator from Nebraska [Mr. BURKETT], I would stop at this point, but my colleague [Mr. McCREARY] has stated that the judge in this district is opposed to the bill. I do not know whether his mind has undergone a change or not, but I take it for granted that the judge, like all of us, prefers ease and comfort, and that he would very much prefer to hold court at the other places now prescribed by law and transact business there, if possible, without this journey. But that is not the purpose of this bill. Its purpose is to afford easy access to those people who, unfortunately, are brought into court, whether under criminal process of the Federal Government or brought there by reason of civil action. I know Judge Cochran is not only an able, but an industrious judge, and he will cheerfully hold the court at Jackson.

Judge Cochran, in a letter to Mr. LANGLEY, the Representative in the other House from that district, says:

MAYSVILLE, KY., December 24, 1907.

HON. JOHN W. LANGLEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of yours of the 16th instant, inclosing the draft of a bill providing for the establishment of a United States court at Jackson, in my district. I have no objections to its passage nor any changes in its provisions to suggest.

Very truly, yours,

A. M. J. COCHRAN.

I should like in this connection, and then I shall conclude my remarks, to read part of a statement made by a circuit judge in that district—not the Federal judge, but the State judge, one of his predecessors—and of a number of other citizens who live at Jackson. The statement is as follows:

This is the terminus of the Lexington and Eastern Railroad and the distributing point for the counties of Breathitt, Perry, Knott, and a portion of Leslie and a portion of Letcher. It is also the junction of the Lexington and Eastern and the Ohio and Kentucky Railway Company. It is situated just below the confluence of the north fork of the Kentucky River and Quicksand Creek and South Quicksand Creek. All the coal and timber on these creeks and other tributaries, including Troublesome Creek and Lost Creek and embracing several hundred thousand acres of the very finest coal and timber lands in Kentucky.

We have also an electric-light plant, built and in operation, and also waterworks now in course of preparation, together with an ice plant. We have good macadamized streets in a large portion of the town, costing in the neighborhood of \$10,000, and stone and concrete sidewalks in a large part of the town and the remaining portion of the town will be required to put down this kind of sidewalks in the near future. It is a live, energetic town, and real estate is increasing rapidly in prices and within the last five years has more than doubled in prices. It is also the county seat of Breathitt County, which is one of the largest counties in area and contains perhaps more undeveloped wealth than any county in Kentucky, and is situated in the heart of the coal and timber region in Kentucky.

We know that large numbers of people from this county and the counties surrounding it and immediately adjoining it go to attend the Federal courts at Richmond and at Frankfort and at Covington and at even Catlettsburg and at London almost every term. We believe that at least 90 per cent of the criminal business at Richmond comes from this immediate section of the country, and at least 60 per cent of the civil business at Richmond and a large per cent of the other cases come from this immediate section of the country, and the nearest one of these courts to us by rail is a distance of 88 miles—

I think I ought to correct that; it is only 86 miles—

being that of Richmond. Frankfort is a distance of 133 miles, Covington 185 miles, Catlettsburg 165 miles, and London, by rail, about 125 miles. We notice that your report stated that it is only 52 miles to Richmond. This is a mistake. We do not believe you can reach Richmond in that distance by an air course. All the business above mentioned as coming from this section would be accommodated by a court at Jackson and would, in our judgment, save the litigants and the Government annually almost enough to erect a Government building here at this point. The defendants in most of these cases from this part of the country are poor people and mountaineers who in a large number of instances are unable to attend court and travel the distance and pay the necessary expense to make their legitimate defense, while this would be obviated with a court at Jackson and would enable our people to meet the foreign corporations and nonresidents on an equal footing. We verily believe that there is more business for the Federal court coming from Breathitt and the counties adjacent thereto than in any one court within the eastern district of Kentucky, and believe there would be at least twice the business here in court as at London or at Richmond.

Mr. President, I think I have given sufficient reasons why this bill should become a law. It passed the House of Representatives unanimously and was unanimously reported by the Committee on the Judiciary of the Senate. I believe that it is a meritorious measure and that the Senate should pass it.

Mr. McCREARY. Mr. President, when the bill to establish a United States court at Jackson, in Breathitt County, Ky., was

introduced in the House of Representatives, I wrote to the United States circuit judge of the eastern district of Kentucky and to the United States district attorney, and asked them if another court was necessary in that district. I have the reply of both those gentlemen. The junior Senator from Kentucky [Mr. PAYNTER] read a statement from the United States circuit judge dated December 24, 1907. I have here his statement, dated Maysville, Ky., February 30, 1908, which is as follows:

UNITED STATES COURTS FOR THE  
EASTERN DISTRICT OF KENTUCKY,  
Maysville, Ky., February 13, 1908.

Hon. JAMES B. MCCREARY.

MY DEAR SENATOR: Your telegram just received. You ask whether I think another place to hold court in my district is necessary. To answer you candidly I must say that I do not think that it is. I should, however, mention that Mr. LANGLEY, before he introduced his bill providing for Jackson as an additional place, inquired of me whether I would oppose it, and I told him that I would not, and in response to a letter inclosed a copy of his bill I wrote him that I had no objection and no suggestions to make in regard thereto. As I view it I do not think I should inject my personality into the matter, but leave it for Congress to determine without reference to my particular wishes. I feel, however, that when inquired of by Congress or any Member thereof as to any particular facts affecting the question or my opinion in regard thereto I should give a candid answer. Hence I respond to your query as I do.

Respectfully,

A. M. J. COCHRAN.

I have here also a telegram from the United States district attorney on the same subject, in which he says:

COVINGTON, KY., February 17, 1908.

Senator J. B. MCCREARY,  
Washington, D. C.:

With five places to hold court in this district, no necessity for court at Jackson.

TINSLEY, United States Attorney.

Now, Mr. President, it does seem that the United States district judge and the United States district attorney should know whether another court is necessary in that district, and both of them say that they do not think it is needed.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Michigan?

Mr. MCCREARY. Yes, sir.

Mr. SMITH of Michigan. Does the judge or the district attorney say anything about the expense that will be saved to the Government?

Mr. MCCREARY. I am coming to that.

Mr. SMITH of Michigan. I understood from the junior Senator from Kentucky [Mr. PAYNTER] that the expense saved to the Government would be about \$50,000 a year. If so, that is very important.

Mr. MCCREARY. There will be but little expense saved and if this bill is passed an appropriation of \$100,000 to erect a public building at Jackson will be asked. Here is also a letter from the United States district attorney:

DEPARTMENT OF JUSTICE,  
OFFICE OF UNITED STATES ATTORNEY,  
EASTERN DISTRICT OF KENTUCKY,  
Covington, February 17, 1908.

Hon. J. B. MCCREARY,  
Washington, D. C.:

DEAR SIR: Following my telegram of to-day and in answer to yours of February 15, will say that we already have as many terms and places for holding court in the eastern district of Kentucky as are necessary to transact the public business. There is no public necessity for a term of court to be held at Jackson, Ky., or anywhere else in the district. We now have five places for holding court, and there is no public demand for another in my opinion.

With highest personal regards,  
Respectfully,

J. H. TINSLEY,  
United States Attorney.

The Attorney-General was called upon for a statement, and in his answer he said that "the opinion of the United States district judge should have much weight," and that opinion is against the court being established at Jackson.

Mr. President, the junior Senator from Kentucky has not presented to you a solitary petition asking for this court. This matter has been under consideration nearly three months, and I have never received a letter or a petition asking for the establishment of this court at Jackson, in Breathitt County, Ky. No lawyer and no citizen has ever asked me to support this measure. At the bottom of this measure is simply a desire to get \$100,000 to erect a United States public building at Jackson. That is the secret of the introduction of this bill.

Mr. PAYNTER. Mr. President, I should like to ask my colleague a question.

The VICE-PRESIDENT. Does the senior Senator from Kentucky yield to the junior Senator from Kentucky?

Mr. MCCREARY. Certainly.

Mr. PAYNTER. The Senator has stated the position of the judge and the United States district attorney as to this matter,

and the Senator says that no petitions have been presented. I will ask the Senator to speak about the people who do favor it. Has he any doubt that people of the counties of Perry, Knott, Letcher, Leslie, Owsley, Wolfe, Johnson, Magoffin, Menifee, Morgan, and perhaps of some other counties, would like to have this court?

Mr. MCCREARY. This bill has been pending for three months; it has been discussed a good deal, and I have had a number of letters and two petitions protesting against the establishment of the court, but I have never received a letter or petition outside of the county of Breathitt or outside of the town of Jackson saying that this court was needed.

Now, Mr. President, it is proper, in order that we may understand exactly the situation, that I should state how long the eastern district of Kentucky has been established. For one hundred years we only had one district in Kentucky, but in 1901 the State was divided into two districts, known as the "eastern" and "western" districts. I live in the eastern district. I live almost in the center of it. I live within 50 miles of Jackson, where it is proposed now to establish this court.

Mr. PAYNTER. I should like to ask my colleague a question.

The VICE-PRESIDENT. Does the senior Senator from Kentucky yield to the junior Senator from Kentucky?

Mr. MCCREARY. Certainly.

Mr. PAYNTER. Does the Senator mean by rail, when he says he lives within 50 miles of Jackson?

Mr. MCCREARY. I have here the report that was used in the House of Representatives, which says it is 52 miles from Jackson to Richmond.

Mr. PAYNTER. But has not the Senator an accurate knowledge himself with reference to that matter? Is it not 63 miles from Richmond to Beattyville and 23 miles from that point to Jackson, making 86 miles from Richmond to Jackson?

Mr. MCCREARY. It is only 50 miles from Richmond to Beattyville. That is not the route, however.

Mr. PAYNTER. How would you go?

Mr. MCCREARY. The Senator has the wrong route. The proper route is not from Jackson to Beattyville and thence to Richmond, but is from Jackson to Winchester, thence to Richmond.

Mr. PAYNTER. I will ask the Senator if it is not 86 miles from Jackson to Winchester Junction, and the distance from there to Richmond should be added to ascertain distance from Jackson to Richmond via Winchester.

Mr. MCCREARY. What junction?

Mr. PAYNTER. The junction with the railroad that runs from Winchester?

Mr. MCCREARY. Not nearly that. If you will examine the report filed with the bill in the House of Representatives, you will see that the distance from Jackson to Richmond is fixed at 52 miles.

Mr. PAYNTER. I will ask the Senator if it is not nearer from Jackson to Richmond by way of Beattyville than it is by way of Winchester?

Mr. MCCREARY. There is not much difference in the distance in the routes named. What I was about to say was, that for one hundred years in Kentucky we had just one district. The whole State formed one district, and we had five courts. In 1901 the State was divided into two districts. I helped prepare the bill which passed and became a law in 1901 and gave to each of the districts four courts. In the western district courts were established at Louisville, Paducah, Owensboro, and Bowling Green. In the eastern districts courts were established at Covington, Frankfort, Richmond, and London—four courts. They were deemed sufficient. London is in the mountains, less than 40 miles on a direct line from Jackson, where the Senator now proposes to establish a court.

Mr. PAYNTER. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from Kentucky yield to the junior Senator from Kentucky?

Mr. MCCREARY. Certainly.

Mr. PAYNTER. I will say it is about 125 miles by rail.

Mr. MCCREARY. I have here the report that was filed in the House of Representatives, showing that the distance from Jackson to Richmond is only 52 miles. At present there is a court at Frankfort. My colleague lives at Frankfort. He lives 100 miles or more from Jackson. I live within 48 miles of Jackson. It is not difficult for men at Jackson, Breathitt County, to go to court at Richmond. If we are to have a court in every county and then appropriate \$100,000 to construct a public building in each county, this bill might be proper; but I am not in favor of that.



I am trying here to represent those who have written to me and telegraphed me and protested against the establishment of this court. I do not believe it is necessary to establish a United States court at Jackson. There is a court already 38 miles from there at London, and another at Richmond, which, as I have said, is 50 miles away. In my opinion, the subject of this bill is to prepare the way to ask for \$100,000 to construct a public building at Jackson.

Mr. President, there is not only a court at Richmond, where I live, in eastern Kentucky, and 30 miles from Richmond a court at London, but the public buildings bill that just passed the House of Representatives contains an item of \$40,000 to construct a public building there. There is a court also provided for in the eastern district of Kentucky at Catlettsburg, and the public buildings bill, now before the Senate Committee on Public Buildings and Grounds, contains an item of \$100,000 providing for the erection of a public building at that point. I am not opposed to these appropriations, but I refer to them to show that an appropriation will be asked if a court is established at Jackson. Civil and criminal business do not require the establishment of a court at Jackson.

The Representative that drafted the bill we are now considering only made provision in the bill for one week of court in March and one week in September at Jackson—two weeks in the whole year. He knew there would be but little business at Jackson, for he only provided for one week in the spring and one week in the fall. I have here a telegram from London, stating court is never held over four days in London. Court is only held four or five days in Catlettsburg, where there is already a court established. Court is only held one week at Richmond each term.

I have here the statement of the Attorney-General as to the business in the eastern district of Kentucky, and I hope Senators will listen to it. I wrote to the Attorney-General to furnish me with a statement showing the business. He says in the eastern district of Kentucky there are 16 criminal and 3 civil cases pending at Catlettsburg; 26 criminal and 13 civil at Covington; 66 criminal and 1 civil at Frankfort; 25 criminal and 18 civil at Richmond, and 113 criminal and 2 civil at London.

Mr. President, does that statement of the Attorney-General show that another place for holding court is needed? Here is a telegram I received from the clerk of the court at London:

Answering your telegram of this date, there are only thirty-three criminal cases in the United States court at London and one civil action.

There is another matter in this bill to which I wish to call attention. In my opinion there has never been a bill drafted, although many have been drafted to establish courts at certain places, that contains such a provision as this bill contains in section 2. I will read that section:

SEC. 2. That suitable rooms and accommodations are to be furnished for holding the courts at Jackson, free of expense to the Government of the United States, until such time as a Federal building shall be erected there.

I have examined a number of bills establishing courts, but I have never found in any bill a provision of that kind. The man who drafted this bill had in his mind so strong the erection of a public building that it found its way into the bill, and he provided:

That suitable rooms and accommodation are to be furnished for holding the courts at Jackson, free of expense to the Government of the United States, until such time as a Federal building should be erected there.

I know the people of Jackson, Breathitt County. They are good people, worthy people, and if a court is established there, they ought not to be required to pay the expense of it. The United States Government should pay the expense.

I think the pending bill should be amended by striking that section out. I have examined the first bill establishing a United States court in the State of Kentucky. There is no such provision in that bill. I have examined the bill passed in 1901—I have it before me—dividing Kentucky into two districts. There is no such provision in that bill. I have examined the bill establishing the court at Catlettsburg two years ago, and there is no such provision in that, and I have never seen it in any other bill.

Mr. President, I do not think my colleague, the junior Senator from Kentucky, who lives more than 100 miles from Jackson, can possibly know as much about the necessity for courts in the eastern district as the United States judge, the United States district attorney, and myself and other lawyers who have petitioned me to resist and oppose the establishment of a court at Jackson. He says that this bill was reported by the Judiciary Committee.

I was before the Judiciary Committee when the bill first came over from the House, and I presented the facts I have here presented, and I did not believe the bill would be favorably reported. The Senator from Kentucky [Mr. PAYNTER] and the Representative from that district [Mr. LANGLEY] then went before the committee without notifying me, and the bill was reported.

Mr. President, I have occupied more time than I intended. I trust I have shown that the bill should not pass.

Mr. PAYNTER. Mr. President, just one word. I hold in my hand a letter from lawyers of Jackson, which shows that ten or fifteen cases brought in the Breathitt circuit court have been removed to the Federal courts. As to London, I never heard the Senator object to the establishment of a court there.

Mr. McCREARY. I never did.

Mr. PAYNTER. I take it for granted Congress is able to take care of the interests of the people, and never will undertake to erect a public building unless it is necessary.

Mr. McCREARY. If my colleague will allow me to correct him, he speaks of London. I helped to prepare the bill which established a court at London. London is less than 40 miles from Jackson, and the people in that section ride on horseback or in vehicles, mostly on horseback. I am in favor of a public building at London, where a court has been established, and am going to vote for it, but I do not believe we ought to erect another public building less than 40 miles from there.

Mr. PAYNTER. We will cross that river when we come to it at some subsequent session of Congress.

The Senator says he has received letters and telegrams from certain persons, but I venture to assert that he has never received a single letter or telegram from any of the people of the counties, ten to fifteen, which will be served by the establishment of a court at Jackson, protesting against the passage of the bill.

Mr. McCREARY. I move to strike out section 2 of the bill. I have never seen such a provision in any other bill. It was not in the bill that established the court at Catlettsburg. It was not in the bill that divided the State into two parts. I move to strike out section 2 of the bill.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment, which will be stated.

The SECRETARY. On page 2, commencing in line 24, it is proposed to strike out section 2.

Mr. GALLINGER. Let the language proposed to be stricken out be read.

The Secretary read as follows:

SEC. 2. That suitable rooms and accommodations are to be furnished for holding the courts at Jackson, free of expense to the Government of the United States, until such time as a Federal building shall be erected there.

Mr. NELSON. If the Senator will allow me, I desire to say that to attempt to amend the bill now at this stage of the session and send it back to the House with the conditions prevailing there would work the defeat of the bill. Therefore I can see no reason why the amendment should be agreed to.

Mr. PAYNTER. I want to ask the Senator from Kentucky if there can be any possible objection, because it provides that people other than the Government shall pay the expense of holding the court. I have been informed since the Senator's statement that he never saw such a provision in any bill before, that bills have passed the House containing such provisions, and one passed before this bill did; and this was required by the Judiciary Committee of the House. My attention has been called to the fact by another Senator that bills have contained such provisions. I have not—

Mr. McCREARY. I have the act establishing a court at Catlettsburg, passed three years ago, and it contains no such provision, and I have here also the act dividing the State into two judicial districts and naming four places where courts shall be held in each district, and there is no such provision in either one of them.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. McCREARY].

The amendment was rejected.

Mr. McCREARY. I move that the further consideration of this bill be postponed until the fourth day of the session in December. I shall not make any objection to it at that time, if it appears upon investigation to be necessary. I have not had time to investigate it, and I have received a telegram showing that the sessions of the court as provided in this bill interfere with our circuit courts in some places.

The VICE-PRESIDENT. Will the Senator from Kentucky restate his motion?

Mr. McCREARY. I move that the further consideration of this bill be postponed until the fourth day of the next session. That will be Thursday after the first Monday in December.

The VICE-PRESIDENT. The Senator from Kentucky moves that the further consideration of this bill be postponed until the fourth day of the next session of Congress, the 10th day of December.

The motion was rejected.

The bill was reported to the Senate without amendment.

The VICE-PRESIDENT. The question is, Shall the bill be ordered to a third reading?

Mr. McCREARY. I make the point that no quorum is present.

The VICE-PRESIDENT. The Senator from Kentucky suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Curtis	Heyburn	Piles
Bailey	Daniel	Hopkins	Richardson
Bankhead	Depew	Johnston	Scott
Borah	Dick	Kean	Smith, Mich.
Brandagee	Dillingham	Long	Smoot
Briggs	Flint	McCreary	Stephenson
Brown	Foster	McLaurin	Stewart
Bulkeley	Frazier	Money	Sutherland
Burkett	Frye	Nelson	Taylor
Burnham	Fulton	Nixon	Teller
Burrows	Gallinger	Owen	Warner
Clapp	Gamble	Overman	Warren
Clark, Wyo.	Gary	Paynter	
Crane	Guggenheim	Penrose	
Cullom	Hemenway	Perkins	

The VICE-PRESIDENT. Fifty-seven Senators have answered to their names. A quorum is present.

The bill was ordered to a third reading, read the third time, and passed.

#### LILLA MAY PAVY.

Mr. TELLER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6231) restoring to the pension roll the name of Lilla Stone Pavy to report it favorably with an amendment, and I submit a report (No. 671) thereon. As we have only a limited time remaining, I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lilla May Pavy, widow of Octave P. Pavy, late acting assistant surgeon, U. S. Army, and pay her a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lilla May Pavy."

#### ENLARGED HOMESTEADS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to House amendments numbered 1, 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert:

"Sec. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof

the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this act."

And that the House agree to the same.

REED SMOOT,

C. D. CLARK,

A. J. McLAURIN,

*Managers on the part of the Senate.*

F. W. MONDELL,

A. J. VOLSTEAD,

JNO. W. GAINES,

*Managers on the part of the House.*

Mr. HEYBURN. I ask that the report be printed and lie over.

The VICE-PRESIDENT. The Senator from Idaho asks that the report be printed and lie over. Rule XXVII provides:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. HEYBURN. I raise it by the motion.

The VICE-PRESIDENT. The question is, Shall the Senate proceed to the consideration of the report?

The motion was agreed to.

Mr. HEYBURN. Then the report is the order before the Senate?

The VICE-PRESIDENT. It is before the Senate.

Mr. HEYBURN. I merely serve notice that, so far as resistance will prevent it, this conference report will not be adopted, because it undertakes to take possession of a State against its will and apply to it a law that should not be applied to it; and I may say on behalf of Idaho, and I think I may say on behalf of California also, because the Senator from California joins me in this matter, that if the Senate has any business it desires to attend to the consideration of this report may be deferred.

Mr. CULLOM. Will the Senator allow the report to go over?

Mr. HEYBURN. I am perfectly willing that it shall go over indefinitely.

Mr. FULTON. I should be glad to know—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I should be glad to know what change has been made in this bill by the conferees. I understand that it now provides for a homestead of 320 acres, regardless of the character of the land; that is, as to whether or not it is arid, semiarid, or otherwise.

Mr. HEYBURN. They have struck out "arid and semiarid."

Mr. FULTON. If that be true—

Mr. CLARK of Wyoming. Mr. President, that is not true. I was on the conference committee.

Mr. FULTON. The Senator from Wyoming says it is not true. I was going to say that if it were true I should certainly be opposed to the utmost of my ability to adopting this report. But the Senator from Wyoming says it is not true.

Mr. CULLOM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. CULLOM. I should like at this time to submit a conference report, if this discussion is to be protracted.

Mr. HEYBURN. I do not object. The pending report will be debated.

Mr. CLARK of Wyoming. If it is a conference report on an appropriation bill, I shall not object.

Mr. CULLOM. It is.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 38, 39, 41, 42, 46, 49, 60, 62, 63, 65, 68, 71, 74, 75, 76, 79, 80, 85, 88, 89, 93, 94, 97, 98, 99, 100, 102, 105, 109, 110, 111, 112, 113, 115, 125, 126, 127, 128, 130, 131, 132, 133, 134, 138, 139, 141, 148, 151, 157, 158, 159, 167, 168, 169, 172, 173, 176, 177, 196, 205, 206, 208, 210, 216,



224, 225, 226, 232, 233, 234, 237, 238, 246, 247, 260, 261, 268, 275, 298, 299, 308, 314, 315, 316, 317, 322, 323, 325, 326, 327, 343, 344, 347, 349, 355, 356, 357, 361, and 362.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 43, 44, 45, 51, 52, 53, 54, 55, 56, 57, 58, 59, 64, 67, 72, 77, 78, 81, 82, 87, 91, 92, 96, 106, 108, 116, 119, 120, 121, 122, 123, 124, 129, 135, 136, 137, 140, 142, 143, 144, 145, 147, 149, 150, 153, 154, 155, 156, 160, 161, 163, 164, 166, 170, 174, 175, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 199, 200, 201, 202, 203, 204, 207, 211, 212, 213, 214, 215, 217, 219, 220, 222, 227, 228, 229, 230, 231, 236, 239, 240, 242, 243, 244, 248, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 262, 265, 266, 267, 269, 270, 271, 272, 274, 277, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 290, 295, 300, 301, 302, 303, 304, 305, 306, 307, 309, 311, 312, 313, 319, 320, 321, 324, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 345, 346, 350, 351, 352, 358, 359, 360, 363, 364, and 365; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 32 of the bill, in lines 20 and 21, omit the words "two telephone operators, at six hundred dollars each," and insert in lieu thereof the following: "one telephone switchboard operator; one assistant telephone switchboard operator;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-six thousand nine hundred and five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-three thousand five hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-six thousand nine hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 39 of the bill, in line 25, strike out the word "three;" and on page 40 of the bill, in lines 1 and 2, strike out the words "assistant secretaries of the Treasury, at four thousand five hundred dollars each," and insert in lieu thereof the following: "three assistant secretaries of the Treasury, at five thousand dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-five thousand nine hundred and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and ninety-five thousand eight hundred and ninety dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-six thousand three hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and seventy thousand three hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 52 of the bill, in line 14, strike out the word "ten" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and fifty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three thousand eight hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight thousand nine hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and twenty-eight thousand two hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two clerks, at nine hundred dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-eight thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and on page 82 of the bill, in lines 4 and 5, strike out the words "chief clerk, three thousand dollars," and insert in lieu thereof the words "assistant and chief clerk, four thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-six thousand nine hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty," and on page 85 of the bill, in line 13, after the word "each," insert "fourteen clerks, at nine hundred dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and seventy-four thousand three hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-four thousand three hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-six thousand one hundred and sixty-eight dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

"forty-three thousand two hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-six thousand three hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred thousand eight hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and eighty-six thousand five hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "division," insert the words "of surveys;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For continuing the work authorized by the act approved March third, eighteen hundred and ninety-one, and for the protection of the lives of miners in the Territories and in the district of Alaska, and for conducting investigations as to the causes of mine explosions with a view to increasing safety in mining, to be immediately available, one hundred and fifty thousand dollars, of which sum not more than fifty thousand dollars may be used for salaries."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 119 of the bill, in line 7, strike out the words "chief clerk, two thousand five hundred dollars," and insert in lieu thereof the following: "Chief clerk, who shall be qualified to act as a principal examiner, three thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million one hundred and eighty-five thousand six hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For rent of rooms in the Union Building for Patent Office model exhibit during so much of the fiscal year nineteen hundred and nine as may be necessary, and for necessary expenses of removal and storage of said exhibit, nineteen thousand five hundred dollars: *Provided*, That a commission, which is hereby created, to consist of the Secretary of the Interior, the Commissioner of Patents, and the Secretary of the Smithsonian Institution, shall determine which of the models of the Patent Office may be of possible benefit to patentees or of historical value, such models thus selected to be cared for in the new National Museum building; the remainder of said models shall, before January first, nineteen hundred and nine, be disposed of by sale, gift, or otherwise, as the Commissioner of Patents, with the approval of the Secretary of the Interior, shall determine."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 278, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand nine hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and seventy-one thousand seven hundred and ninety dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-six thousand four hundred and ninety dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 328, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-seven thousand eight hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 342, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-two thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 353, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 354, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and forty-two;" and on page 152 of the bill, in line 8, strike out the word "six" and insert in lieu thereof the word "four;" and the Senate agree to the same.

S. M. CULLOM,

F. E. WARREN,

H. M. TELLER,

*Managers on the part of the Senate.*

F. H. GILLET,

J. A. TAWNEY,

A. S. BURLESON,

*Managers on the part of the House.*

The report was agreed to.

ENLARGED HOMESTEADS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead.



Mr. HEYBURN. There has been some controversy as to whether or not the words "arid and semiarid" have been stricken out of the bill as reported. I have not had access to the report, permission having been denied to print it. I will either have to use the original—

Mr. CLARK of Wyoming. Whether or not the words "arid and semiarid" have been stricken out, the description in the bill is such that it would fit no land except arid and semiarid land.

Mr. HEYBURN. I stated that the provision that this bill should apply to arid and semiarid lands was stricken out. I have now before me the bill as it comes from the committee.

Mr. President, I with great reluctance enter again upon the consideration of public-land matters in this body, and I had hoped that I would not be interested in the provisions of this bill when it came back from the House, we having omitted Idaho from its provisions. I shall not shirk my duty because of the time it will take to consider this matter. It is, if I may use a term that would seem, perhaps, a little harsh, a land-grabbing proposition. It is an attempt to double the area of homesteads. I say that without any reflection upon the motives or intent of the Members of the House or the members of this body who may differ with me.

I am giving my judgment in the matter. I had perhaps more accurately expressed it if I had said it was in the interest of land grabbing. The wisdom of a half century has limited homesteads to 160 acres. This is an attempt to double them.

When the bill was before the Senate and as it passed the Senate it provided that it should apply only to arid and semiarid lands, in effect, and it exempted the State of Idaho from its provisions, because in that State we have no need of this class of legislation; and while it may be, and I am willing to concede that it will be, true of Wyoming and of Colorado and some such States that this bill would not have the effect that it would have in the State of Idaho, I shall not, so far as I can prevent it, permit it to apply to the State of Idaho.

I supported a dry-farming bill in committee and in the Senate. We passed it and sent it to the House. It has not passed that body. I am not open to the charge that I am not in favor of appropriate legislation in the interest of dry farming. This is not a bill in the interest of dry farming. Under its provisions the lands upon great mountains, the lands upon the high plains of Nez Perces and Idaho counties, that yield 30 or 40 or 50 bushels of wheat to the acre, could be taken up in tracts of 320 acres. Nonirrigable land! That is the limitation that they have attempted to apply. Nonirrigable land may be land that can not be irrigated. That would be true of that kind. But there is an additional condition that it does not need irrigation.

The natural rainfall is sufficient throughout that country to raise perfect crops without irrigation. That is nonirrigable land. If it is not, why did they strike out the words that would have made it sure—the words "arid and semiarid?" Dry farming is supposed to be a method for the taking advantage of conditions where lands are arid or semiarid in order that, by cultivation of the soil, the scarcity of rainfall may be overcome.

I suspected when this bill first came up for consideration that the words "arid and semiarid" would be objectionable. The first time I proposed them I was told, with a show of candor and earnestness, that they were not necessary. They are necessary to quiet my objections to this measure. The very fact that they are objected to gives away this bill. Dry farming is supposed to be carried on only upon that class of land. This is said to be a bill in the interest of dry farming. Then, if it is, confine it to the class of land on which dry farming can be carried on. Refuse to so confine it, and I suspect the bill.

Other Senators are the best judges of conditions in their States. I am told that in Wyoming the conditions are entirely different. Then apply the bill to Wyoming. But I know of no reason why the State that is so magnificently supplied with water for the purposes of irrigation as Idaho is should be subjected to such a bill, however wise it may be in its provisions as applied to Wyoming.

Are we to have nothing left of the heritage of lands that belong to our State? Is every fad and fancy that reaches out for them to take a part of them? No, Mr. President, it is a most unfortunate attempt on the part of those outside the State to dictate the policy of the Government in our State. They either know nothing of the conditions, or they care nothing for them—one or the other. They either know nothing of what is best for the State of Idaho, or they care nothing for it; and those who represent Idaho on this floor are not disposed to stand it.

Nature has provided in that State to an unusual degree for overcoming the conditions that this bill professes to overcome. We need no such legislation, and to sit here and allow it would be a crime upon the part of anyone charged with the representation of the interests of that State. It means doubling the area of a homestead. That means cutting in two the number of citizens to be represented by settlement upon those lands. They have withdrawn a third of the State from settlement. A third of it is settled. Now they would cut the other third in two, so that it would mean that that area should comprise only one-sixth of the population of the State.

As I said, I had hoped that the discussion of public-land questions had ended for this session of Congress, and I have no doubt that that wish on my part met a hearty response in the breast of every member of this body. But I am not going to shirk a duty, however much the surfeit of the consideration of this kind of questions. I can not understand how Senators can sit here and vote for the destruction of the best interests of the State of Idaho at the request of a Senator from some other State. I have adopted and pursued the policy since I have been in this body of deferring to the judgment of the Senators from the States where the questions were applicable, and I believe that is the proper policy.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I should like to ask the Senator from Idaho whether the representation of Idaho in the Senate is not divided upon this question?

Mr. HEYBURN. No; they were not when they voted on this question, and I have no reason to suspect that they are now.

Mr. NEWLANDS. My understanding is that the junior Senator from Idaho [Mr. BORAH] favors this bill.

Mr. HEYBURN. I ask the Senator from Nevada where he got his understanding? My colleague voted as I did on the bill before, and I have not heard of any change on his part.

Mr. NEWLANDS. I stand corrected, then. I also understand that the delegation in the House favor it.

Mr. HEYBURN. I will say, with all deference to the Senator from Nevada, that that is not a proper suggestion in this body.

Mr. NEWLANDS. I understand the Senator was protesting against the Senate forcing a measure upon the State of Idaho against the judgment of the Idaho delegation.

Mr. HEYBURN. Mr. President, that is not a proper suggestion in this body.

Mr. NEWLANDS. So it seemed to me that that made it a matter of proper information to give the Senate, as to whether the delegation from Idaho is unanimous on this proposition or not.

Mr. HEYBURN. I object to the suggestion in the Senate, under the rules.

Mr. NEWLANDS. I will not press the suggestion. I simply asked for information as to whether there was any division of opinion amongst the Senators, and also as to what was the sentiment of the entire delegation of Idaho, understanding—

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nevada?

Mr. HEYBURN. I decline to yield to the Senator for further consideration of such questions.

The VICE-PRESIDENT. The Senator from Idaho declines to yield further.

Mr. HEYBURN. Mr. President, I think that we may safely leave it to the Senators representing States upon this floor to determine not only their own policy, but the policy of the States they represent, where the application of the policy does not extend beyond the borders of the State. It seems to me highly improper that Senators from some other States should come in as though they had either superior wisdom or superior experience or superior rights in this body to criticize and attempt to correct the representatives of any State in matters purely economical belonging to the State. I think I know whereof I speak when I say that a bill of this kind would be destructive of the best interests of the State. Senators are going to vote upon this question. I will submit a few queries to them on some phases of this case. The bill under consideration provides—

That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres or less nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber located in a reasonably compact body and not over 1½ miles in length.

Mr. President, there is no occasion for enlarging the present unit of the homestead except under exceptional circumstances, in States where some provision may be necessary in order to promote and encourage dry farming. Dry farming is a new process, only partially exploited, whereby the farmer uses the land only every other year for the production of crops. He plows it once or twice this year and next year he plows it again and sows his crop. Then, if he raises a crop, he reaps it, and he allows the land to lie idle for another year. The pretext upon which the dry-farming legislation is being urged is based upon the supposition that in farming other than dry farming a man plows all of his land every year and raises a crop on all of it. Of course that is not true, but it does as well as anything else for a pretext for this class of legislation. No farmer ever does, except in the rarest instances, put all of his land in crop in one year.

It is said that we must give them more than 160 acres, because 160 acres have been accepted as a proper unit for farming other than dry farming, and that therefore, based upon the supposition that a man can crop only half of his land one year, he must have twice as much land as he has under other conditions. Those conditions are said to exist in Wyoming, Utah, Colorado, and in some other sections. They do not exist in Idaho except in the rarest cases, and not to a sufficient extent to either justify or authorize or require any legislation whatever on the subject.

Idaho has large rivers rising high in the mountains. The elevations in that State rise from about 400 feet above sea level to nine or ten thousand feet above sea level. All the farming lands in that State, I may safely say, lie under 6,000 feet above sea level. There is not any of this land in Idaho that can not be conveniently covered by water for irrigation purposes. It is a question of distance, and that question has become one of slight importance.

Mr. President, the purpose of statehood and of Government is to bring together the individual units that the life which flows from a community will build up a prosperous State.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. The Senator from West Virginia [Mr. ELKINS] is very anxious to have a vote on the joint resolution, but he is unavoidably detained from the Chamber to-day.

Mr. DICK. My colleague [Mr. FORAKER] has a substitute before the Senate for the unfinished business. He is unavoidably detained by illness and makes the request that the unfinished business be laid aside until he may be present.

Mr. KEAN. If the Senator from Ohio asks that it be laid aside, I think the Senator from West Virginia would consent if he were here, and I therefore ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, it is with great reluctance that I feel constrained to continue the consideration of this question, and I ask the Senator in charge of the measure if he will not consent to have it go over?

Mr. SMOOT. Mr. President, the Members of the House are very anxious, indeed, that this conference report shall get to the House as soon as possible, and I do feel that it ought to be voted upon to-day, because the session is drawing to a close. I should like very much to have the conference report passed upon as soon as possible.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I desire to ask the Senator from Utah a question. I ask him whether he would be willing to have the conference report rejected by the Senate and make an effort to have California and Idaho eliminated from the provisions of the bill as it originally passed the Senate? All the Senator from Idaho and myself are contending for is that our States should be omitted from the bill. So far as I am concerned, I am not objecting to the terms for any other States, but as far as my State is concerned (and the Senator from Idaho feels the same with regard to his State) I think it is a great injustice to have the homestead entry increased to 320 acres.

Mr. SMOOT. In answer to the Senator from California, I will state that the question was discussed in conference as to whether the Senate should agree to the amendment of the House

as to Idaho and California, and the conferees understood that as far as Idaho was concerned the Members of the House were very anxious that Idaho be included in the bill.

Mr. HEYBURN. Mr. President, I will not yield a moment further if the Senator insists on violating the rule. It is not proper in this body to discuss or to refer to the attitude of Members of the other House.

Mr. SMOOT. I was answering the question of the Senator from California, but I do not particularly care to proceed.

Mr. HEYBURN. If the Senator is answering a question—

Mr. SMOOT. I may say that I understood also in the conference that there is a division of opinion between the Senators from Idaho. Now, if the Senator from Idaho does not wish me to go any further in explanation, I certainly will not do so, but will withhold any other remark that I was going to make.

Mr. HEYBURN. I certainly do not intend to submit to a violation of the rules with reference to a discussion of the attitude and vote of the Members in the other body.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. As the bill was originally reported to this Chamber I should have been glad to have seen Idaho included in the bill, but as the words "arid and semiarid" have been stricken from the bill I should not disagree with my colleague as to the measure.

Mr. HEYBURN. Mr. President, I thought I knew the position of my colleague when I answered the Senator from Nevada [Mr. NEWLANDS]. We have conferred in regard to this matter. So far as the question is under consideration in this body, those who here are entitled to be heard, directly or indirectly, upon this matter are in accord. If Members of Congress desire that they shall have the benefit of this legislation for their States, let them agree to eliminate the States of Idaho and California from the bill, because the Senator from California, I think, is as firmly of the opinion that it would be an injury to his State as we are that it would be injurious to Idaho.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I think it is proper for me to say in justice to the statement which was made by the Senator from Utah that he undoubtedly understood I was in favor of the bill, but I did not know at that time that the words "arid and semiarid" had been stricken from the bill. I am compelled to agree with my colleague on the proposition for the reason that we have a vast amount of territory in the northern part of the State, which, in my judgment, would be subject to entry, notwithstanding the fact that it is not arid nor semiarid. For that reason, as I said, I agree with my colleague, although I think this statement should be made in justice to the Senator from Utah.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. This question was discussed very thoroughly by the conferees before an agreement was reached striking out the words "arid and semiarid" from the bill. The conferees thought, and so decided, that the words "arid and semiarid" were absolutely unnecessary when the word "nonirrigable" was used, and that that covered it absolutely. So thought every member of the conference on the part of the Senate and House, and it was not done for any other purpose than to make the bill as perfect as possible. The conferees do feel that the words "arid and semiarid" are absolutely unnecessary when taken in connection with the requirements of the bill—that the land must be nonirrigable.

Mr. HEYBURN. Mr. President, it was never claimed on behalf of the dry-farming adherents that any lands other than arid or semiarid were within the contemplation of that scheme of farming. When we passed a dry-farming bill some months ago in this body we felt that we had made every possible concession to the experiment of dry farming. Dry farming is an experiment. I think it will be successful. I have seen instances of its application to the arid lands where it was successful. I am willing to concede to it the benefit of the doubt and concede that it will be successful. But this is not a dry-farming bill, because it is made applicable to other than arid and semiarid lands.

Nonirrigable has but one meaning, and that is that the land can not be irrigated or is not irrigated. Had you submitted



that question to the Geological Bureau of the Government or to all the experts you could bring together five or ten years ago, they would have said that the millions of acres now under irrigation were nonirrigable, and the lands would have been taken up in areas of 320 acres instead of within the limitation of the homestead. That is the situation. Every acre of the Twin Falls reclamation scheme would have been liable to location under the provisions of this bill as nonirrigable land. The water was brought 80 miles to irrigate those lands. It is being carried far beyond that distance to irrigate other lands. Those lands would be held nonirrigable and subject to location in 320-acre tracts under the provisions of this act.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. The bill also provides that before title can be passed to the entryman there must be one-quarter of it under cultivation. If the lands are nonirrigable it would be impossible to cultivate them until, through some engineering feat, water is brought upon the land. Therefore the land the Senator speaks of could not be settled under the bill.

Mr. HEYBURN. Mr. President, the provision that at least one-quarter or any other proportion of the lands should be under cultivation at a given time would be much more easily applied to our lands within the humid region than to those within the arid region. So there is nothing in that point that appeals to me as an answer to the suggestion which I have made. I have the bill before me. They have cut out the words "arid and semiarid," and the only word of limitation is "nonirrigable." What would be meant by nonirrigable? Lands that were not subject to irrigation because of the conditions that surrounded them. I think that would perhaps be a correct answer to that. While we have learned very much in the way of irrigation of arid lands and the reclamation of arid lands within the last two years, the probabilities are that within the next five years we will have learned much more than we have learned within all of the past.

Four years ago next August and September I was over lands that are now amongst the most beautiful and fertile and productive in Idaho, and they were a sagebrush plain upon which nothing grew except sagebrush and the meager grass that grows with sagebrush. Yet that whole country to-day is under water through a system of irrigation that was not contemplated five years ago—not thought possible or practical at all. It was not dreamed that those lands, lying so high above the river—say 1,000 feet above the gorge within which the river flows—could possibly be irrigated. Yet, through the genius and generosity of some inhabitants of the State of Pennsylvania, those lands have been brought under cultivation within that period, and on that particular tract of land, that contributed not one dollar of taxation at that time to the expense of government, not one citizen to the citizenship account of the country, the last assessment—that of this year—was over \$3,000,000 on real estate, with a corresponding assessment of values of personal property and with a citizenship that will be represented on the next election day by about 5,000 voters. That is all new, and it could not have been anticipated under any known rule for estimating the future of the country. They now come in with a provision of this kind that would allow that land to be taken up in tracts of 320 acres, which would enable ten men to take up 3,200 acres in front of some irrigation scheme, and thus defeat it.

I heard some eloquent words here in regard to the preservation of the natural resources of the country, and I heard eloquent words about the forests that were to hold the waters and irrigate the lands. What becomes of that eloquence and the reasoning that was within it if you are going to give the lands to the land grabber? What is the use in conserving the waters of the country to irrigate the lands under those conditions?

What are more correctly speaking the natural resources of the country than the lands themselves? What more accurately constitute natural resources than the public lands of the United States? Yet you would cast them to the winds on a theory that in some arid section of the country some one might want to engage in the experiment of dry farming; and you would compel a great State to discount its resources, to anticipate its future, by doubling the area of the homesteads. Why, if such a law had been in effect, it is safe to say that there is not one of the great water projects out there which could have been carried to successful completion. Men knowing, as they always know months ahead—they know it through the records—that it was contemplated to bring water upon that land, would go in and take it up under this act. They would have said it is nonirrigable because there is no irrigation in sight for it. They

would have said, the water 220 miles up at the head of the Snake River could not possibly be brought upon this land. They would have said that the waters of the Snake River could not have been taken upon the Twin Falls tract; and they would get in there in a little body and locate two or three or four or five thousand acres.

Mr. President, these rights, if they are ever given, will be used for just the purposes that I have pictured. They will be used to either defeat or hold up irrigation enterprises in that section of the country upon which the entire future of south Idaho rests. Are we to sit idly by and see that kind of legislation merely because somebody wants that kind of legislation in some other State? Are you going to strangle Idaho here against the protest of both Senators in this body from that State? Is your wisdom, is your wish based upon the experience that would justify you in that action when we are not trying to regulate the matter in your States?

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER (Mr. Knox in the chair). Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. I do.

Mr. CLAPP. I have been out of the Chamber for a short time, and I would inquire the status of this conference report. Did the bill contain an amendment in either House excepting Idaho?

Mr. HEYBURN. Yes. We sent it out of this body excepting Idaho.

Mr. CLAPP. And did it come back including Idaho?

Mr. HEYBURN. Yes. We sent it out excepting Idaho and California, and we sent it out with the words of limitation "arid and semiarid lands" in it, and it has gone somewhere, and a spirit of recklessness—

Mr. CLAPP. Will the Senator pardon another question as to the words "arid and semiarid lands?" Are they applicable only to Idaho, or generally?

Mr. HEYBURN. Oh, they make it applicable generally; but I would say to the Senator from Minnesota that lands that might be classified under somebody's judgment as arid or semiarid in one State could have no counterpart in another.

Mr. CLAPP. I appreciate that; but I was inquiring more with reference to how far they had interfered in legislation with particular States against the wishes of the delegations from such States.

Mr. HEYBURN. No, Mr. President; the test of the faith was in those words "arid and semiarid." I was not the only Senator who discovered that fact. The dry-farming bill, which we sent out of this body early in the session, provided that the parties need not live upon this land if it were arid or semiarid land and had no water for domestic purposes upon it. If they could raise crops by this double and treble plowing and cultivating, they would be excused from living upon it, provided they lived in the State. That was as far as Congress should go in regard to dry-farming legislation; but it did not meet the approval of those who want the door opened so that they can reach out and get a double quantity of the public domain.

We have counties in our State to which this law would be applicable that have large areas of magnificent land that would be subject to location and homesteading under it. It is proposed to throw open the door. What is the purpose of those who advocate the bill? Do they not believe the statement, or are they willing to believe it and disregard it? I should like to know, and I should like to hear from them. Are they willing to do an injustice to that State merely to carry out a fad? The idea of standing up here and boasting their zeal to preserve the public land against the spoiler; the idea of standing up here and boasting their zeal to preserve the natural resources of the country, and then giving their support to a land-grabbing measure of this kind, is beyond my comprehension.

Mr. DIXON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. DIXON. I should like to know of the Senator from Idaho if he would still oppose the bill if the word "semiarid" was put back into it?

Mr. HEYBURN. I will not oppose the bill if Idaho is exempted from its provisions. It has no proper application to Idaho whatever, under any circumstances. If you want it for Montana or if you want it for Colorado, take it, and God bless you until the day that you find out the mistake you have made.

I think I know something of those conditions. There are very few men who have lived longer under public-land conditions or on the frontier than I have, and I have not lived there with my eyes shut. I have seen this kind of thing going on under just such lax legislation, and I am determined that in

this hour I shall take advantage of the opportunity, not only to express my views against it, but, if I can, to defeat this measure if my strength will hold out. I should like to know upon what grounds Senators would vote to compel Idaho to submit to this outrage, when both Idaho Senators stand here opposing it?

Mr. CLARK of Wyoming. Mr. President—

Mr. HEYBURN. Are we to be made the plaything of other States?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes; I yield.

Mr. CLARK of Wyoming. I have asked the Senator from Idaho to yield in order that the conference committee may not be misunderstood, and to put upon record the fact that all Idaho is not unanimous on this proposition, but that the House—I will not say the "House," but in another body is the Representative of Idaho who insists upon Idaho being included. I make that statement simply to make the record straight so far as the conference committee is concerned.

Mr. HEYBURN. Mr. President, is it the rule of conferees or the rule of this body that conferees or any others who are to settle a controversy of this kind will go outside of the Senate and go past the Senators representing a State in order to find out what is best for that State? In that case the State had better withdraw its representatives here and select those elegant gentlemen who have been consulted in this matter.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. My view of a conference committee and their duties has always been to secure, if possible, in legislation the views of the particular body which the conferees represent; but my further view of the duty of a conference committee is not arbitrarily to defeat needed legislation because the entire views of the body can not be met. But the very idea of a conference committee is to confer and agree upon those things that seem reasonable to both Houses.

Mr. FULTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I have not been in the Chamber during the entire course of the discussion, and the point I have in mind may have been covered and an explanation given regarding it; but I would be glad to know on what grounds and for what reason the words "arid" and "semiarid" have been eliminated from the bill? Has that been explained? I would ask the Senator from Idaho to explain it.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. I do.

Mr. BORAH. That is the precise question which I rose to ask the Senator from Wyoming [Mr. CLARK], or the Senator from Utah [Mr. SMOOT]. I wish to ask why the words "arid" and "semiarid" were stricken out, because, in my judgment, that is a very important matter, notwithstanding the views of some others.

Mr. FULTON. Mr. President, it seems to me a very important matter, and it seems to me those are essential words in the bill. It may be that an explanation can be offered which will satisfy me; but I am frank to say that unless one shall be offered, I shall oppose the adoption of this measure. I had rather see it defeated than to see it fail to meet what to my mind was the purpose of the bill originally, if it does not apply and is not intended to apply to arid and semiarid lands.

Then I shall be opposed to another feature of the bill that does not commend itself to me, and that is, that it does not require actual residence on the land.

Mr. HEYBURN. Mr. President, that question will remain unanswered, I presume, as to why they eliminated the words "arid" and "semiarid." Let me call your attention—and I ask the Senator from Oregon to give attention to this, for it will be interesting to that Senator—

Mr. CLARK of Wyoming. Mr. President—

Mr. HEYBURN. I read from the conference report, section 6, which the conferees have substituted for section 6 in the original bill as it went to the other House. It reads as follows—

Mr. FULTON. That is, you are about reading the section as it went to the House of Representatives?

Mr. HEYBURN. No; I am going to read it as it comes back from the conference committee.

Sec. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land—

It does not say what he shall designate them as, but just "designate them"—

and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this act.

Now, that is, or is intended to be, a complete substitute for section 6 of the bill as it left the Senate.

Mr. FULTON. I call attention to the fact that that establishes no rule, no standard, whereby this character of land is to be taken in quantities of 320 acres. It simply leaves it at the discretion of the Secretary of the Interior to designate lands of this character whenever he sees fit, to be subject to entry of 320 acres. If you retain the words "arid or semiarid," you would have a standard, some rule by which it might be determined. Here it is left absolutely open to the ipse dixit of the Secretary of the Interior, wholly in his discretion, without any standard or rule by which he is to be governed.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I simply want to call the attention of the Senator to the fact that it provides that the lands must not have upon them a sufficient supply of water to use for domestic purposes—that is, they must be devoid of water sufficient for domestic purposes, such as drinking water for the family and for the stock.

Mr. FULTON. Why, then, strike out the words "arid and semiarid?"

Mr. SMOOT. Mr. President, I heretofore made an explanation in the Senate about that and will do so again if necessary.

Mr. FULTON. We know what that means.

Mr. CLARK of Wyoming. I will inquire of the Senator from Oregon what it means as a legal proposition?

Mr. FULTON. It means land upon which there is not a certain amount of precipitation or moisture.

Mr. CLARK of Wyoming. How much?

Mr. FULTON. I do not remember just what it is, but I think it is 9 inches.

Mr. CLARK of Wyoming. I will say to the Senator that one reason why the conference committee agreed to the House proposition to cut out these words was that they are entirely uncertain. There is no legal determination as to what is arid land and as to what is semiarid land.

Mr. FULTON. Does the Senator think that he has fixed the certainty now?

Mr. CLARK of Wyoming. I think we have eliminated an uncertainty.

Mr. FULTON. Yes, and jumped from one uncertainty into a far greater one.

Mr. HEYBURN. Mr. President, the condition of arid or semiarid land is a question of fact, and it varies with varying and changing seasons. There is no man who is familiar with the West who does not know that sometimes for several years the country will have a sufficient rainfall to render any irrigation unnecessary, and there is also no one acquainted with it who does not know that there will come periods of one, two, or three years, sometimes successively, when the land must be irrigated to raise a crop. That was the condition upon this coast in the early days. I remember, and I presume that many other Senators remember, when the remnants of the old irrigation ditches were still in this country. I have seen in Chester, Delaware County, Pa., irrigation ditches that were constructed by our ancestors in order to be prepared to meet the emergency of a dry season; but for some reason in more recent times they have taken chances, and sometimes they have paid for taking chances.

The arid and semiarid lands can not be classified. Last year I saw as good a corn crop growing within a close distance of Burley, in Cassia County, Idaho—which is considered to be the arid of arid lands—as you would see anywhere in this country, and during the last season I have seen wheat fields in that section of the country that yielded 32 or 33 bushels of wheat to the acre, and yet other years will come when they will produce nothing without irrigation. Is that irrigable or non-irrigable land? Is that arid or semiarid land?



But the joker in this section—if I may use such a term—is to be found here, and I want the attention of the Senator from Utah to this consideration of the amendment—

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. I would suggest to the Senator from Utah [Mr. Smoot] that the conference report be withdrawn, in order that he and the Senator from Idaho may confer about this matter, if that is satisfactory.

Mr. HEYBURN. I do not care what becomes of it, so that it is not adopted.

Mr. NELSON. It may be that the State of Idaho could be eliminated, and I presume if that is the case—

Mr. HEYBURN. That will terminate the discussion so far as I am concerned.

Mr. NELSON. I suggest that proposition to the Senator from Idaho.

Mr. SMOOT. I move that the report be withdrawn temporarily.

Mr. KEAN. The report can only be withdrawn by unanimous consent.

Mr. HEYBURN. It takes unanimous consent.

Mr. SMOOT. Well, I ask unanimous consent, Mr. President, that the report be withdrawn temporarily.

The VICE-PRESIDENT. The Senator from Utah asks unanimous consent that the conference report be temporarily withdrawn.

Mr. HEYBURN. With the understanding that it will not be called up again to-day.

Mr. SMOOT. With the understanding that it will not be called up again to-day, unless that course is satisfactory to the Senator.

The VICE-PRESIDENT. The report is temporarily withdrawn.

#### COAL LANDS IN ALASKA.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. NELSON. I should like to have the Senator withhold that motion for a moment in order that I may ask for the consideration of a bill which will not occasion debate.

Mr. ALDRICH. The Senator from Minnesota says he has a bill he desires to have considered which will not give rise to any debate, and I therefore withdraw the motion to adjourn.

Mr. KEAN. It will not be objected to?

Mr. NELSON. I do not think so. It is a bill relating to the coal deposits in Alaska.

Mr. KEAN. Very well.

The VICE-PRESIDENT. The Senator from Rhode Island withdraws his motion.

Mr. ALDRICH. I withdraw the motion for that purpose.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska. I wish to say that that bill has been prepared by the Department of the Interior and meets with the approval of the Secretary of the Interior.

Mr. KEAN. I want to say, Mr. President, that I think the third section of that bill should have no place in any law enacted by Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The pending question is on the amendment reported by the Committee on Public Lands in the nature of a substitute, which has heretofore been read.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. TELLER. I will inquire if that is the bill which passed the other day and was reconsidered?

The VICE-PRESIDENT. This bill was passed and reconsidered on a previous occasion.

Mr. TELLER. I want to know whether the bill is satisfactory to the Senator from California [Mr. Flint], who moved that the vote by which it passed be reconsidered?

Mr. NELSON. The bill is as reported by the Senator without any amendment.

Mr. TELLER. Then it is all right.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

#### LANDS AT CORDOVA BAY, ALASKA.

Mr. NELSON. I ask for the present consideration of another bill relating to Alaska, being the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes.

Mr. KEAN. I shall have to object to that bill.

The VICE-PRESIDENT. Objection is made.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had appointed Mr. Sims of Tennessee a conferee on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, in place of Mr. Murphy, relieved.

The message also announced that the House had passed the bill (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sherman, Mr. Knapp, and Mr. Stephens of Texas managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 21884. An act granting an annuity to Jennie Carroll and to Mabel H. Lazear;

H. R. 21927. An act to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes; and

H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle.

#### HOUSE BILLS REFERRED.

H. R. 21884. An act granting an annuity to Jennie Carroll and to Mabel H. Lazear was read twice by its title and referred to the Committee on Pensions.

H. R. 21927. An act to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes, was read twice by its title.

Mr. KEAN. Mr. President, the Senator from Massachusetts [Mr. Crane] is very much interested in that bill, and I should like to have it referred to the Committee on Appropriations.

The VICE-PRESIDENT. The bill will be referred to the Committee on Appropriations.

H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle was read twice by its title and referred to the Committee on Printing.

#### LANDS OF THE FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and Mr. Owen, Mr. Clapp, and Mr. Curtis were appointed as the conferees on the part of the Senate.

#### POWER OF CONGRESS OVER TREATIES.

Mr. TELLER. Mr. President, the question has been raised as to the power of Congress to abrogate treaties by an act inconsistent with the treaty. I would like to submit a brief containing some extracts of decisions on that subject, and ask to have it printed as a document, and also that it be printed in the Record.

The VICE-PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

That Congress can repeal a treaty with a foreign power by an act can not be questioned, considering the many decisions of cases to that effect. Such proceedings on the part of the courts can also be defended upon the theory that a treaty is the supreme law of the land no more than that of a statute.

In case of a conflict between the treaty and the statute the same rule of interpretation is adopted that would be between statutes apparently in conflict. The courts have no discretion and will not consider whether the statute ought to have been enacted or not. The question simply for the court is, Does a fair construction of the statute conflict with the treaty?

A court will not inquire what Congress intended by the act if the words plainly import a conflict between the statute and the treaty.

Of course it is the duty of the court to reconcile a difference between the statute and the treaty if that is consistent with the plain words of the statute and treaty.

Repeals of statutes and abrogation of treaties are not favored by implication, but where the language of the statute needs no explanation or interpretation the court must enforce its meaning.

In the case of *Chew Heong v. United States*, 112 United States, page 549, speaking of a repeal by statute, the court says:

"There must be a positive repugnancy between the provisions of the new laws and those of the old, and even then the old law is repealed by implication only pro tanto, to the extent of the repugnancy."

Again the court says:

"It must appear that the later provision is certainly and clearly in hostility to the former."

In this case there was no controversy in the court as to the power of Congress to repeal the treaty, but the question was whether Congress had by its act repealed certain features of the treaty.

In the case of *Ropes et al. v. Clinch* (8th Blatchford, 304), the syllabus reads:

"Congress may pass any law, otherwise constitutional, notwithstanding it conflicts with an existing treaty with a foreign nation."

"If an act of Congress is plainly in such conflict, a court can not inquire whether, in passing such act, Congress had or had not an intention to pass a law inconsistent with the provisions of the treaty."

"Modes specified in which Congress may destroy the operative effect of a treaty," etc.

In the case of *United States v. Lee Yen Tai* (185 U. S., 221), the court quotes from *Whitney v. Robertson* (124 U. S., 190, 194), as follows:

"By the Constitution a treaty is placed on the same footing and made of the like obligation with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other."

In the case of *Ward v. Race Horse* (163 U. S., 511), Mr. Justice White, in delivering the opinion of the court, says:

"That 'a treaty may supersede a prior act of Congress and an act of Congress supersede a prior treaty,' is elementary." (*Fong Yue Ting v. United States*, 149 U. S., 698; *The Cherokee Tobacco*, 11 Wall., 616.)

In the cases of *Thomas v. Gay* and *Gay v. Thomas* (169 U. S., p. 271) Mr. Justice Shiras, delivering the opinion of the court, says:

"It is well settled that an act of Congress may supersede a prior treaty and that any questions that may arise are beyond the sphere of judicial cognizance and must be met by the political department of the Government."

"It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress when in conflict is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty." (*Foster v. Neilson*, 2 Pet., 253, 314; *Taylor v. Morton*, 2 Curtis, 454.)

"In the cases referred to these principles were applied to treaties with foreign nations. Treaties within Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, can not be more obligatory."

"In the case under consideration the act of Congress must prevail as if the treaty were not an element to be considered." (*The Cherokee Tobacco*, 11 Wall., 616.)

"The President and two-thirds of the Senate assenting may make a valid treaty, and it becomes the supreme law of the land, always provided that it is within the limit of the Constitution, but, although the supreme law of the land, it is subject to be abrogated by an act of Congress directly or by the enactment of a statute utterly inconsistent with the treaty. (Note from Story.)"

"Although a treaty is the supreme law of the land, it is as much subject to repeal as any legislative act, and a subsequent act of Congress conflicting with it has the effect to repeal it pro tanto." (*Taylor v. Morton*, 2 Curtis, C. C., 454; *Ropes v. Clinch*, 8 Blatchford, 304; *Gray v. Clinton Bridge Co.*, 1 Woolworth, 150; *United States v. Tobacco Factory*, 11 Wall., 264.)

"A treaty expires with the death of the king who made it. (Vattel, pp. 203 to 216.)"

In the *Chinese Exclusion* case (130 U. S., 589) Justice Field, delivering the opinion of the court, says:

"The validity of the act is assailed as being in effect an expulsion from the country of Chinese laborers, in violation of existing treaties between the United States and the Government of China, and of rights vested in them under the laws of Congress."

On page 600 the court says:

"Here the objection made is that the act of 1888 impairs a right vested under the treaty of 1880, as a law of the United States and the statutes of 1882 and of 1884 passed in execution of it. It must be conceded that the act of 1888 is in contravention of express stipulations of the treaty of 1880 and of the supplemental treaty of 1880, but it is not on that account invalid or to be restricted in its enforcement. The treaties were of no greater obligation than the act of Congress. By the Constitution, laws made in pursuance thereof and treaties made under the authority of the United States are both declared to be the supreme law of the land, and no paramount authority is given to one over the other. A treaty, it is true, is in its nature a contract between nations and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. Such legislation will be open to future repeal or amendment. If the treaty operates by its own force and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative act, to be repealed or modified at the pleasure of Congress. In either case the last expression of the sovereign will must control."

In the case of *J. Ribas y Hijo v. United States* (vol. 194, p. 324) the court (by Justice Harlan) says:

"We may add that even if the act of March, 1887, standing alone, could be construed as authorizing a suit of this kind, the plaintiff must fail; for, it is well settled that in case of a conflict between an act

of Congress and a treaty—each being equally the supreme law of the land—the one last in date must prevail in the courts." (*The Cherokee Tobacco*, 11 Wall., 616, 621; *Whitney v. Robertson*, 124 U. S., 190, 194; *United States v. Lee Yen Tai*, 185 U. S., 213, 221.)

In the case of *Grin v. Shine* (vol. 187, p. 191) Justice Brown, delivering the opinion of the court, says:

"But there is another consideration in this connection which should not be overlooked. While the treaty contemplates the production of a copy of a warrant of arrest or other equivalent document, issued by a magistrate of the Russian Empire, it is within the power of Congress to dispense with this requirement, and we think it has done so by Revised Statutes, section 5270, hereinbefore cited. The treaty is undoubtedly obligatory upon both powers, and, if Congress should prescribe additional formalities than those required by the treaty, it might become the subject of complaint by the Russian Government and of further negotiations. But, notwithstanding such treaty, Congress has a perfect right to provide for the extradition of criminals in its own way, with or without a treaty to that effect, and to declare that foreign criminals shall be surrendered upon such proofs of criminality as it may judge sufficient." (*Castro v. De Uriarte*, 10 Fed. Rep., 93.)

(Quotations from court's opinion in *Castro v. De Uriarte* cited above, 10 Fed. Rep., 97.)

"Treaties duly ratified under the Constitution (Article VI) are doubtless a part of the supreme law of the land, and their stipulations and obligations will not be deemed annulled by acts of mere general legislation which can be reasonably construed otherwise." (*The Cherokee Tobacco*, 11 Wall., 616, 623; *Taylor v. Morton*, 2 Curtis, 454; *Ropes v. Clinch*, 8 Blatchf., 304, 309.)

"But the mere fact that a treaty provides a mode of carrying out its provisions in the absence of legislation can not make it incompetent for Congress to pass laws in aid of the treaty, and, in order to facilitate the extradition of criminals, to dispense with a part of those preliminaries which otherwise it might be necessary for the foreign government to resort to."

In the case of *The Cherokee Tobacco* (11 Wallace, 616) Mr. Justice Swaine, delivering the opinion of the court, said:

"But conceding these views to be correct, it is insisted that the section can not apply to the Cherokee Nation because it is in conflict with the treaty. Undoubtedly one or the other must yield. The repugnancy is clear and they can not stand together."

"The second section of the fourth article of the Constitution of the United States declares that 'this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties which shall be made under the authority of the United States, shall be the supreme law of the land.'"

"It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress (Foster & Elam v. Neilson, 2 Peters, 314) and an act of Congress may supersede a prior treaty (Taylor v. Morton, 2 Curtis, 454; The Clinton Bridge, 1 Woolworth, 155). In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, can not be more obligatory, etc."

United States Statutes at Large, volume 1, page 578. Chapter LXVII. An act to declare the treaties heretofore concluded with France, no longer obligatory on the United States.

Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government; and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and

Whereas, under authority of the French Government, there is yet pursued against the United States a system of predatory violence, infracting the said treaties and hostile to the rights of a free and independent nation:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

Approved, July 7, 1798.

In the case of *Taylor v. Morton*, reported in Curtis's Circuit Court Reports, volume 2, pages 454 to 464, Mr. Justice Curtis, delivering the opinion of the court, said:

"Several questions involved in this position require examination. One of them, when stated abstractly, is this: If an act of Congress should levy a duty upon imports, which an existing commercial treaty declares shall not be levied, so that the treaty is in conflict with the act, does the former or the latter give the rule of decision in a judicial tribunal of the United States in a case to which one rule or the other must be applied."

"The second section of the Fourth Article of the Constitution is, 'This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land.' There is nothing in the language of this clause which enables us to say that in the case supposed the treaty and not the act of Congress is to afford the rule. Ordinarily treaties are not rules prescribed by sovereigns for the conduct of their subjects, but contracts by which they agree to regulate their own conduct. This provision of our Constitution has made treaties part of our municipal law. But it has not assigned to them any particular degree of authority in our municipal law, nor declared whether laws so enacted shall or shall not be paramount to laws otherwise enacted. No such declaration is made, even in respect to the Constitution itself. It is named in conjunction with treaties and acts of Congress as one of the supreme laws, but no supremacy is in terms assigned to one over the other. And when it became necessary to determine whether an act of Congress repugnant to the Constitution could be deemed by the judicial power an operative law the solution of the question was found by considering the nature and objects of each species of law, the authority from which emanated and the consequences of allowing or denying the paramount effect of the Constitution. It is only by a similar course of inquiry that we can determine the question now under consideration."



"In commencing this inquiry I think it material to observe that it is solely a question of municipal as distinguished from public law. The foreign sovereign between whom and the United States a treaty has been made has a right to expect and require its stipulations to be kept with scrupulous good faith; but through what internal arrangements this shall be done is, exclusively, for the consideration of the United States. Whether the treaty shall itself be the rule of action of the people as well as the Government, whether the power to enforce and apply it shall reside in one department or another, neither the treaty itself nor any implication drawn from it gives him any right to inquire. If the people of the United States were to repeal so much of their Constitution as makes treaties part of their municipal law, no foreign sovereign with whom a treaty exists could justly complain, for it is not a matter with which he has any concern."

"That the act now in question is within the legislative power of Congress, unless that power is controlled by the treaty, is not doubted. It must be admitted, also, that in general power to legislate on a particular subject includes power to modify and repeal existing laws on that subject, and either substitute new laws in their place or leave the subject without regulation in those particulars to which the repealed laws applied. There is therefore nothing in the mere fact that a treaty is a law which would prevent Congress from repealing it. Unless it is for some reason distinguishable from other laws, the rule which it gives may be displaced by the legislative power at its pleasure. The first and most obvious distinction between a treaty and an act of Congress is that the former is made by the President and ratified by two-thirds of the Senators present; the latter by majorities of both Houses of Congress and the President, or by the Houses only, by constitutional majorities, if the President refuses his assent. Ordinarily it is certainly true that the powers of enacting and repealing laws reside in the same persons. But there is no reason, in the nature of things, why it may not be otherwise. In the country from which we have derived many political principles, the King, by force of his prerogative, makes laws for the colonies, which Parliament repeals or modifies at its discretion." (Campbell v. Cowp., 204.)

"I think it is impossible to maintain that, under our Constitution, the President and Senate exclusively possess the power to modify or repeal a law found in a treaty. If this were so, inasmuch as they can change and abrogate one treaty only by making another inconsistent with the first, the Government of the United States could not act at all to that effect without the consent of some foreign government; for no new treaty, affecting in any manner one already in existence, can be made without the concurrence of two parties, one of whom must be a foreign sovereign. That the Constitution was designed to place our country in this helpless condition is a supposition wholly inadmissible. It is not only inconsistent with the necessities of a nation, but negated by the express words of the Constitution that gives to Congress, in so many words, power to declare war, an act which ipso jure repeals all provisions of all existing treaties with the hostile nation inconsistent with a state of war."

"It is true this particular power to repeal laws found in treaties is expressly given, and is applicable only to a case of war; but, in the first place, it is sufficient to prove the position stated above, that there is nothing in the nature of things which requires that the same persons who make the law by a treaty should alone have power to repeal it. In the next place, it is also true that the powers to regulate commerce and to levy duties are as expressly given as the power to declare war, and the former are as absolute and unrestrained as the latter."

"It may be said that a declaration of war, being necessarily inconsistent with existing treaties with the hostile nation, the power to declare it is necessarily a power to repeal such treaties; but that power to regulate commerce and impose duties might be and was expected to be exercised in conformity with existing treaties. To a certain extent this may be admitted. But it can not be admitted that these powers can be or were expected to be exerted under all circumstances which might possibly occur in the life of a nation in subordination to an existing treaty, nor that the only modes of escape from the effect of an existing treaty were the consent of the other party to it or a declaration of war."

"To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of the nation is a matter of the utmost gravity and delicacy, but the power to do so is prerogative of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their Government of this power in any case I do not believe. That it must reside somewhere and be applicable to all cases I am convinced. I feel no doubt that it belongs to Congress. That inasmuch as treaties must continue to operate as part of our municipal law and be obeyed by the people, applied by the judiciary and executed by the President while they continue unrepelled, and inasmuch as the power of repealing these municipal laws must reside somewhere, and nobody other than Congress possesses it, then legislative power is applicable to such laws whenever they relate to subjects which the Constitution has placed under that legislative power. In conformity with these views was the action of Congress in passing the act of July 7, 1798 (1 Stat. L., 578), declaring the treaties with France no longer obligatory on the United States."

"Is it a judicial question whether a treaty with a foreign sovereign has been violated by him; whether the consideration of a particular stipulation in a treaty has been voluntarily withdrawn by one party so that it is no longer obligatory on the other; whether the views and acts of a foreign sovereign manifested through his representative have given just occasion to the political departments of our Government to withhold the execution of a promise contained in a treaty or to the act in direct contravention of such promise? I apprehend not. These powers have not been conceded by the people to the judiciary, which has no suitable means to exercise them, but to the executive and the legislative departments of our Government. They belong to diplomacy and legislation and not to the administration of existing laws. And it necessarily follows that if they are denied to Congress and the Executive in the exercise of their legislative power, they can be found nowhere in our system of government. On the other hand, if it be admitted that Congress has these powers, it is wholly immaterial to inquire whether they have, by the act in question, departed from the treaty or not, or if they have, whether such departure were accidental or designed, and if the latter, whether the reasons therefor were good or bad. If by the act in question they have not departed from the treaty, the plaintiff has no case. If they have, their act is the municipal law of the country, and any complaint, either by the citizen or the foreigner, must be made to those who alone are empowered by the Constitution to judge of its grounds and act as may be suitable and just."

On page 463, the court, continuing, said:

"Mr. Chief Justice Marshall, delivering the opinion of the court, said (Foster v. Neilson, 2 Pet., 314):

"Our Constitution declares a treaty to be a law of the land. It is consequently to be regarded in courts of justice as equivalent to an act of the legislature, whenever it operates of itself, without the aid of any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department, and the legislature must execute the contract before it can become a rule for the court."

"After commenting on the language of the article, he proceeds:

"This seems to be the language of contracts; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such act shall be passed, the court is not at liberty to disregard the existing laws on the subject."

"I desire to add, what perhaps is not necessary, that the various suppositions of violation or departure from treaties by foreign sovereigns, or by our country, which are put by way of argument in the course of this opinion, have no reference whatever to the treaty now in question, or to any actual case; that I have not formed, or intended to intimate, any opinion upon the question whether the duty levied upon hemp, the product of Russia, is or is not higher than a just interpretation and application of the treaty with the sovereign of that country would allow; as, in my judgment, it belongs to the political department of the Government of the United States to determine this question."

#### NEW YORK CASE.

In the case of *State of New York v. Dibble*, reported in 21 Howard, 366-371, in which Justice Grier delivered the opinion of the court, the syllabus is as follows:

"A statute of the State of New York, making it unlawful for any persons other than Indians to settle or reside upon any lands belonging to or occupied by any nation or tribe of Indians within that State, and providing for the summary ejectment of such persons, is not in conflict with the Constitution of the United States, or any treaty, or act of Congress, and the proceedings under it did not deprive the persons thus removed of property or rights secured to them by any treaty or act of Congress."

In the opinion of the court, delivered by Justice Grier, page 370, the court said:

"The only question which this court can be called on to decide is, whether this law is in conflict with the Constitution of the United States, or any treaty or act of Congress, and whether this proceeding under it has deprived the relators of property or rights secured to them by any treaty or act of Congress."

"The statute in question is a police regulation for the protection of the Indians from intrusion of the white people and to preserve the peace. It is the dictate of a prudent and just policy. Notwithstanding the peculiar relation which these Indian nations hold to the Government of the United States, the State of New York had the power of a sovereign over their persons and property, so far as it was necessary to preserve the peace of the Commonwealth and protect these feeble and helpless bands from imposition and intrusion. The power of a State to make such regulations to preserve the peace of the community is absolute and has never been surrendered. The act is, therefore, not contrary to the Constitution of the United States."

"Nor is this statute in conflict with any act of Congress, as no law of Congress can be found which authorizes white men to intrude on the possessions of Indians."

#### EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 19, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 18, 1908.*

##### PENSION AGENT.

Andrew T. Wood, of Kentucky, to be pension agent at Louisville, Ky., his term having expired February 10, 1908. (Reappointment.)

##### PROMOTIONS IN THE ARMY.

##### Medical Corps.

Maj. Henry P. Birmingham, Medical Corps, to be lieutenant-colonel from May 1, 1908, vice Powell, retired from active service.

Capt. Albert E. Truby, Medical Corps, to be major from May 1, 1908, vice Birmingham, promoted.

Maj. W. Fitzhugh Carter, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law, to fill an original vacancy.

Maj. Rudolph G. Ebert, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law, to fill an original vacancy.

Maj. Robert J. Gibson, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law, to fill an original vacancy.

Maj. William H. Arthur, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law, vice Torney, promoted.

Maj. George E. Bushnell, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law, vice Crampton, promoted.

Capt. Henry Page, Medical Corps, to be major from April 23, 1908, subject to the examination required by law, to fill an original vacancy.

Capt. Bailey K. Ashford, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Henry A. Webber, Medical Corps, to be major from April 23, 1908, subject to the examination required by law, to fill an original vacancy.

Capt. Jere B. Clayton, Medical Corps, to be major from April 23, 1908, subject to the examination required by law, to fill an original vacancy.

Capt. Weston P. Chamberlain, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Edward R. Shreiner, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Ira A. Shimer, Medical Corps, to be major from April 23, 1908, vice Carter, promoted.

Capt. Frederick M. Hartsock, Medical Corps, to be major from April 23, 1908, subject to the examination required by law, vice Ebert, promoted.

Capt. Douglas F. Duval, Medical Corps, to be major from April 23, 1908, subject to the examination required by law, vice Gibson, promoted.

Capt. Clarence J. Manly, Medical Corps, to be major from April 23, 1908, subject to the examination required by law, vice Arthur, promoted.

Capt. David Baker, Medical Corps, to be major from April 23, 1908, subject to the examination required by law, vice Bushnell, promoted.

To be captains after three years' service:

First Lieut. William A. Duncan, Medical Corps.

First Lieut. Earl H. Bruns, Medical Corps.

First Lieut. Herbert C. Gibner, Medical Corps.

First Lieut. Clarence Le R. Cole, Medical Corps.

#### Corps of Engineers.

Capt. George P. Howell, Corps of Engineers, to be major from May 8, 1908, vice Zinn, promoted.

First Lieut. Ernest D. Peek, Corps of Engineers, to be captain from May 8, 1908, vice Howell, promoted.

#### PROMOTIONS IN THE NAVY.

Maj. Asst. Q. M. Charles L. McCawley to be assistant quartermaster in the United States Marine Corps with the rank of lieutenant-colonel from the 13th day of May, 1908, to fill a vacancy existing in that grade on that date.

The following-named gunners to be chief gunners in the Navy, to rank with, but after, ensign, from the 11th day of March, 1908, upon the completion of six years' service in their present grade:

Charles F. Ulrich,  
David B. Vassie, and  
William H. Walker.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 18, 1908.*

##### UNITED STATES ATTORNEY.

James J. Crossley, of Iowa, to be United States attorney for the third division of the district of Alaska.

##### DISTRICT JUDGE.

Edward T. Sanford, of Tennessee, to be United States district judge for the eastern and middle districts of Tennessee.

##### SOLICITOR OF INTERNAL REVENUE.

Fletcher Maddox, of Montana, to be solicitor of internal revenue.

##### POSTMASTERS.

###### NEW YORK.

Seth Allen to be postmaster at Dannemora, Clinton County, N. Y.

William C. Collins to be postmaster at Homer, Cortland County, N. Y.

###### OHIO.

Samuel Bailey to be postmaster at Beverly, Washington County, Ohio.

Clayton H. Bishop to be postmaster at Centerburg, Knox County, Ohio.

Chandler W. Carroll to be postmaster at St. Clairsville, Belmont County, Ohio.

William McC. Crozier to be postmaster at Cumberland, Guernsey County, Ohio.

John C. Douglass to be postmaster at College Corner, Butler County, Ohio.

William W. Dowdell to be postmaster at Quaker City, Guernsey County, Ohio.

George E. Flora to be postmaster at Mount Healthy, Hamilton County, Ohio.

William P. Gillam to be postmaster at Nevada, Wyandot County, Ohio.

Elmer L. Godwin to be postmaster at West Mansfield, in the county of Logan and State of Ohio.

Pearl W. Hickman to be postmaster at Nelsonville, Athens County, Ohio.

Charles H. Huffman to be postmaster at Richwood, in the county of Union and State of Ohio.

William C. Hughes to be postmaster at New Straitsville, Perry County, Ohio.

Charles A. McKim to be postmaster at Celina, Mercer County, Ohio.

Thomas G. Moore to be postmaster at Barnesville, Belmont County, Ohio.

Lewis Nikolaus to be postmaster at New Matamoras, Washington County, Ohio.

Clifford N. Quirk to be postmaster at Chardon, in the county of Geauga and State of Ohio.

Robert H. Wiley to be postmaster at Flushing, Belmont County, Ohio.

Henry B. Wisner to be postmaster at Berea, Cuyahoga County, Ohio.

##### WISCONSIN.

George E. Bogrand to be postmaster at Wausaukee, Marinette County, Wis.

#### HOUSE OF REPRESENTATIVES.

MONDAY, May 18, 1908.

*[Continuation of the legislative day of Tuesday, May 12, 1908.]*

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

##### QUESTION OF PRIVILEGE.

Mr. LITTLEFIELD. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. LITTLEFIELD. On Saturday evening last I had occasion to make an address before the Young Men's Republican Club at the Union League Club House in Brooklyn. When I returned to the city my attention was called to a report in the newspapers in which I am charged with making what seemed to me a very uncalled for and unjustifiable criticism upon the Members of the House. I do not go so far as to say that the gentleman making the report deliberately misrepresented the address which I made, because I discussed the subject, and he may have received an impression that I did not intend to give, but the language, in my opinion, as reported, was and is a misrepresentation of the address, and under the circumstances I feel that I ought to at least put my understanding of the matter on record, and in order to do that I will read what I have prepared as a statement to be used by the newspapers in relation thereto:

"My attention has just been called to the report of the address that I delivered at Brooklyn last Saturday evening, in which I am reported as having made an unjustifiable assault upon Congress. The speech was entirely extemporaneous, and I am unable to see how it could have been so misunderstood.

"In alluding to some references which had been made to political corruption, I said that during an experience of nine years as a Member I had seen no sign or indication of political corruption on the part of any Member; that, in my judgment, the membership represented the flower of the communities from which they came. I referred to the fact that a Member hardly began to serve in the term for which he was elected before he was practically involved in a contest for his reelection, and that the action of Members was necessarily largely affected by considerations involved in their reelection. I used this situation for the purpose of emphasizing the necessity for standing by Representatives and protecting them from the attacks of those who were demanding with threats improper legislation. It was an incident and by no means the main topic of the address.

"In illustrating the point I did use the remark said to have been made by Mr. CANNON. It was received, as I understood it, in the spirit in which it was originally made, and as I intended it—as a piece of jocose hyperbole—and it was not intended by me, nor was anything else that I said intended, as a reflection upon the Members of either branch, and until I saw the report it never entered my mind that anyone would so understand or construe it.



"I have had frequent occasion, but have seldom taken occasion, to correct newspaper reports. I feel justified in doing so in this instance because of the high regard that I entertain for the membership of both branches and the uniformly kind, considerate, and appreciative treatment that I have received at their hands." [Loud applause.]

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4825. An act for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

## SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4825. An act for acquiring national forests in the Southern Appalachian Mountains and White Mountains—to the Committee on Agriculture.

## JENNIE CARROLL AND MABEL H. LAZEAR.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 21884) granting an annuity to Jennie Carroll and to Mabel H. Lazear.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department—The name of Jennie Carroll, widow of James Carroll, major and surgeon, United States Army, and pay her for and during the time of her natural life, in lieu of all pensions, the sum of \$125 per month, in special recognition of the eminent services of said James Carroll in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever, and demonstrating on his own person the truth of the theory of the transmission and propagation of yellow fever infection by mosquitoes, and

The name of Mabel H. Lazear, widow of Dr. Jesse W. Lazear, late acting assistant contract surgeon, United States Army, and pay her for and during the time of her natural life, in lieu of all pensions, the sum of \$125 per month, in special recognition of the eminent services of said Jesse W. Lazear in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever, and demonstrating on his own person the truth of the theory of the transmission and propagation of yellow fever infection by mosquitoes, and the sacrifice of his life in proving the same.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, is this a motion to suspend the rules?

Mr. DALZELL. I ask unanimous consent for the consideration of the bill, and I will ask the gentleman to withhold—

Mr. CLARK of Missouri. I want to ask you a question; I am not going to object. What was the rank of those men?

Mr. DALZELL. Carroll was a major and Lazear was a contract surgeon. Let me say, Carroll was of the same rank as Major Reed, for whose widow we have already provided. At the beginning of the Cuban war a commission was appointed, composed of three members, Major Reed, Major Carroll, and Dr. Lazear, to seek discovery of the causes of yellow fever. They did discover the cause of yellow fever, but they all perished in consequence of the exposure they submitted themselves to in making the discovery. Major Reed died some time after the experiment, and Congress passed a bill giving his widow \$125 a month pension. Major Carroll survived the experiment. They all submitted themselves to be bitten by mosquitoes. Major Carroll lived for some considerable time after, but finally died of the poison in his system as a consequence of the experiment. Doctor Lazear died at the time the experiment was made.

Mr. KEIFER. Died of yellow fever.

Mr. DALZELL. He died of yellow fever. Every medical society of the United States and every chamber of commerce has come down here appealing that we put these two widows upon the same basis that we put Mrs. Reed, upon the ground, as far as the medical societies are concerned, of the great contribution to science that these men rendered, and upon the ground, so far as commercial bodies are concerned, of the immense amounts of money saved in our Southern cities and elsewhere by the removal of the yellow-fever scourge—

Mr. CLARK of Missouri. I am not objecting, and I am not going to call the roll on it, either. [Loud applause.]

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading, and, being engrossed, it was accordingly read the third time and passed.

## GRANTING ADDITIONAL LANDS TO IDAHO UNDER THE CAREY ACT.

The SPEAKER. The question is on suspending the rules, agreeing to the amendment, and passing the joint resolution of which the Clerk will report the title.

The Clerk read as follows:

Senate joint resolution No. 51, providing for additional lands for Idaho under the provisions of the Carey Act.

The yeas and nays were ordered.

The question was taken, and there were—yeas 197, nays 26, answered "present" 16, not voting 148, as follows:

## YEAS—197.

Acheson	Dickema	Hinshaw	Olmsted
Adair	Dixon	Houston	Padgett
Alker	Douglas	Howell, N. J.	Parker, N. J.
Alexander, Mo.	Draper	Howland	Parsons
Alexander, N. Y.	Driscoll	Hubbard, W. Va.	Patterson
Allen	Durey	Hull, Iowa	Payne
Ames	Dwight	Humphrey, Wash.	Perkins
Ashbrook	Ellerbe	James, Addison D.	Porter
Barchfeld	Ellis, Oreg.	Jenkins	Pray
Barclay	Englebright	Johnson, S. C.	Prince
Barttholdt	Esch	Jones, Wash.	Rainey
Bartlett, Nev.	Fairchild	Kahn	Rauch
Bates	Fassett	Kelfer	Reeder
Beale, Pa.	Favrot	Kellher	Richardson
Bede	Ferris	Kennedy, Iowa	Robinson
Bell, Ga.	Finley	Kennedy, Ohio	Rodenberg
Bennet, N. Y.	Floyd	Kimball	Rothermel
Bennett, Ky.	Focht	Knapp	Russell, Mo.
Bonyne	Foster, Ill.	Knopf	Russell, Tex.
Boyd	Foster, Ind.	Lafean	Ryan
Brantley	Foster, Vt.	Landis	Sabath
Brownhead	French	Langley	Shackelford
Brownlow	Fuller	Laning	Sherley
Brundidge	Fulton	Law	Sherwood
Burgess	Gaines, Tenn.	Lawrence	Slemp
Burke	Gardner, N. J.	Legare	Smith, Cal.
Burleigh	Garner	Lindbergh	Smith, Mo.
Burnett	Gilham	Littlefield	Sparkman
Burton, Del.	Gillespie	Lloyd	Sperry
Campbell	Gillett	Longworth	Steenerson
Capron	Godwin	Loudenslager	Stephens, Tex.
Carter	Gordon	Lovering	Sterling
Cary	Goulden	McBermott	Stevens, Minn.
Caulfield	Graff	McGavin	Sulloway
Chaney	Granger	McGuire	Sulzer
Chapman	Greene	McKinlay, Cal.	Taylor, Ohio
Clark, Mo.	Hackney	McKinney	Tirrell
Cockran	Hale	Macon	Tou Velle
Cooper, Pa.	Hall	Madison	Townsend
Cox, Ind.	Hamilton, Iowa	Moore, Pa.	Underwood
Craig	Hamilton, Mich.	Moore, Tex.	Volstead
Crumpacker	Hamlin	Morse	Waldo
Currier	Hardwick	Murdock	Washburn
Cushman	Hawley	Murphy	Webb
Dalzell	Hay	Needham	Weeks
Darragh	Hayes	Nelson	Wood
Davenport	Hellin	Nicholls	Woodyard
Davis, Minn.	Henry, Conn.	Norris	
Dawson	Henry, Tex.	O'Connell	
Denver	Higgins	Olcott	

## NAYS—26.

Beall, Tex.	Hepburn	Kitchin, Claude	Randell, Tex.
Booher	Hill, Miss.	Leake	Rhinock
Bowers	Hughes, N. J.	Lee	Rucker
Candler	Hull, Tenn.	McLain	Splight
Garrett	James, Ollie M.	Moon, Tenn.	Taylor, Ala.
Harrison	Johnson, Ky.	Overstreet	
Helm	Jones, Va.	Page	

## ANSWERED "PRESENT"—16.

Adamson	Flood	McMorran	Slayden
Boutell	Goldfogle	Roberts	Small
Butler	Hardy	Sherman	Talbot
Cooper, Wis.	Lassiter	Sims	Watkins

## NOT VOTING—148.

Andrus	Ellis, Mo.	Kitchin, Wm. W.	Pou
Ansherry	Fitzgerald	Knowland	Powers
Anthony	Fordney	Küstermann	Pratt
Bannon	Fornes	Lamar, Fla.	Pujo
Bartlett, Ga.	Foss	Lamar, Mo.	Ransdell, La.
Bingham	Foukrod	Lamb	Reid
Birdsall	Fowler	Lenahan	Reynolds
Bradley	Gaines, W. Va.	Lever	Riordan
Broussard	Gardner, Mass.	Lewis	Saunders
Brumm	Gardner, Mich.	Lilley	Scott
Burleson	Gill	Lindsay	Sheppard
Burton, Ohio	Glass	Livingston	Smith, Iowa
Byrd	Goebel	Lorimer	Smith, Mich.
Calder	Graham	Loud	Smith, Tex.
Calderhead	Gregg	Lowden	Snapp
Carlin	Griggs	McCall	Southwick
Clark, Fla.	Gronna	McCreary	Stafford
Clayton	Hackett	McHenry	Stanley
Cocks, N. Y.	Haggott	McKinley, Ill.	Sturgiss
Cole	Hamill	McLachlan, Cal.	Tawney
Conner	Hammond	McLaughlin, Mich.	Thistlewood
Cook, Colo.	Harding	McMillan	Thomas, N. C.
Cook, Pa.	Haskins	Madden	Thomas, Ohio
Cooper, Tex.	Haugen	Malby	Vreeland
Coudrey	Hill, Conn.	Mann	Wallace
Cousins	Hitchcock	Marshall	Wanger
Cravens	Hobson	Maynard	Watson
Crawford	Holliday	Miller	Weems
Davey, La.	Howard	Mondell	Welss
Davidson	Howell, Utah	Moon, Pa.	Wheeler
Dawes	Hubbard, Iowa	Mouser	Wiley
De Armond	Huff	Mudd	Willett
Denby	Hughes, W. Va.	Nye	Williams
Dunwell	Humphreys, Miss.	Parker, S. Dak.	Wilson, Ill.
Edwards, Ga.	Jackson	Pearre	Wilson, Pa.
Edwards, Ky.	Kinkaid	Peters	Wolf
	Kipp	Pollard	Young

So the rules were suspended and the bill passed.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. COUSINS with Mr. FLOOD.

Mr. WATSON with Mr. SHEPPARD.

Mr. WANGER with Mr. ADAMSON.

Mr. McMORRAN with Mr. PUJO.

Until further notice:

Mr. SCOTT with Mr. WALLACE.

Mr. SMITH of Iowa with Mr. WILLIAMS.

Mr. PEARRE with Mr. THOMAS of North Carolina.

Mr. MOON of Pennsylvania with Mr. STANLEY.

Mr. MILLER with Mr. SMITH of Texas.

Mr. MARSHALL with Mr. SMALL.

Mr. MALBY with Mr. SAUNDERS.

Mr. MADDEN with Mr. REID.

Mr. McMILLAN with Mr. RANDELL of Louisiana.

Mr. McLAUGHLIN of Michigan with Mr. POE.

Mr. McLACHLAN of California with Mr. MAYNARD.

Mr. McKINLEY of Illinois with Mr. McHENRY.

Mr. LOWDEN with Mr. LINDSAY.

Mr. LOUD with Mr. LEWIS.

Mr. HUGHES of West Virginia with Mr. LEVER.

Mr. HUFF with Mr. LENAHEAN.

Mr. HUBBARD of Iowa with Mr. LASSITER.

Mr. HOLLIDAY with Mr. LAMB.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. HILL of Connecticut with Mr. LAMAR of Florida.

Mr. HAUGEN with Mr. HOWARD.

Mr. HASKINS with Mr. HITCHCOCK.

Mr. GRAHAM with Mr. HENRY of Texas.

Mr. GOEBEL with Mr. HARDY.

Mr. GARDNER of Michigan with Mr. HAMMOND.

Mr. FOULKROD with Mr. HAMILL.

Mr. FOSS with Mr. HACKETT.

Mr. FORDNEY with Mr. GREGG.

Mr. ELLIS of Missouri with Mr. GOLDFOGLE.

Mr. DUNWELL with Mr. GLASS.

Mr. DENBY with Mr. GILL.

Mr. DAVIDSON with Mr. FITZGERALD.

Mr. COUDREY with Mr. DE ARMOND.

Mr. COOK of Pennsylvania with Mr. DAVEY of Louisiana.

Mr. COOK of Colorado with Mr. CRAWFORD.

Mr. MCCALL with Mr. CRAVENS.

Mr. COCKS of New York with Mr. COOPER of Texas.

Mr. CALDERHEAD with Mr. CARTER.

Mr. BURTON of Ohio with Mr. CARLIN.

Mr. BRUMM with Mr. CALDWELL.

Mr. ANTHONY with Mr. BURLESON.

Mr. ANDRUS with Mr. ANSEBERRY.

Mr. YOUNG with Mr. WOLF.

Mr. VREELAND with Mr. WILSON of Pennsylvania.

Mr. TAWNEY with Mr. CLAYTON.

Mr. SOUTHWICK with Mr. WILLETT.

Mr. SNAPP with Mr. WILEY.

Mr. SMITH of Michigan with Mr. WEISSE.

Mr. CALDER with Mr. CLARK of Florida.

Mr. MANN with Mr. SIMS.

Mr. REYNOLDS with Mr. WATKINS.

Mr. BRADLEY with Mr. FURNES.

Mr. GRONNA with Mr. KIPP.

Mr. SHERMAN with Mr. RIORDAN.

Mr. MUDD with Mr. TALBOTT.

Mr. POWERS with Mr. PRATT.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. HARDING with Mr. PETERS.

Mr. THOMAS of Ohio with Mr. HOBSON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. MCCREARY with Mr. EDWARDS of Georgia.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. BANNON with Mr. BYRD.

Mr. McMORRAN. Mr. Speaker, I voted "aye," but I am paired with the gentleman from Louisiana [Mr. PUJO], and I therefore withdraw my vote.

The Clerk called the name of Mr. McMORRAN, and he answered "present," as above recorded.

Mr. HASKINS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HASKINS. I wish to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. HASKINS. No, sir; I just came into the Chamber.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. HASKINS. I thought it was a call of the House.

Mr. McHENRY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. McHENRY. I wish to be recorded.

The SPEAKER. Was the gentleman present and in his seat when his name should have been called and failed to hear it?

Mr. McHENRY. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was then announced as above recorded.

#### RELIEF ON ACCOUNT OF FIRE IN CHELSEA, MASS.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the present consideration and passage of the bill (H. R. 21927) to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes.

The Clerk read the bill, as follows.

*Be it enacted, etc.,* That the accounting officers of the Treasury are hereby authorized and directed to allow in the accounts of the pay director at the naval station at Boston, Mass., all expenditures made by him on account of the recent fire at Chelsea, Mass., in the aggregate sum not exceeding \$600. And that the accounting officers of the Treasury are also authorized and directed to allow in the accounts of the Marine-Hospital Service located at Chelsea, Mass., the sum of not exceeding \$150, expended in taking care of accident, emergency, and maternity cases caused by the recent fire at said Chelsea. And the said hospital authorities are hereby authorized to expend in future cases of like character, out of their appropriation, an additional sum of not exceeding \$3,000; such authority to be in force until such patients can be cared for in local hospitals, and not for a longer period than until the close of the fiscal year 1909.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, I reserve a point of order or demand a second, whichever is necessary.

The SPEAKER. The request is for unanimous consent for consideration and for passing the bill.

Mr. GAINES of Tennessee. If the gentleman asked unanimous consent for the consideration of the bill, I want to reserve the right to object until the bill is explained. I want to know something about it before I agree to it.

The SPEAKER. By unanimous consent for a short time the gentleman can explain the bill. The Chair hears no objection.

Mr. ROBERTS. Mr. Speaker, recently a bill appropriating \$250,000 for the relief of the sufferers by the great calamity in the Southern States passed through the House without objection from any quarter. Here is a little bill calling for less than \$5,000 to relieve the sufferers by the fire at Chelsea, Mass., where from 15,000 to 17,000 people were rendered homeless inside of six hours, and the gentleman from Tennessee wants an explanation. I will give it to him.

Immediately following the fire, acting under Executive order, the authorities at the navy-yard at Boston furnished the sufferers from that fire mattresses, blankets, drugs, and so forth, to the amount of about \$600, and the Marine Hospital located in Chelsea, the city hospital being destroyed by the fire, was thrown open under Executive order to women about to be confined, and to accident and emergency cases, and they expended about \$150 for subsistence and drugs for those patients. It is desired to reimburse the accounting officers of the Marine Hospital and the navy-yard, and it is desired to make it possible for the citizens of Chelsea to have the use of the Marine Hospital for accident and emergency cases during the next fiscal year, or until that stricken city can reestablish a hospital. Does that explain to the gentleman the cause and reason for this bill?

Mr. GAINES of Tennessee. That explains it very thoroughly, and I have no objection. As to the relief of the Martinique sufferers, I went down into my own pocket and sent them \$50 and voted against the Congressional appropriation to relieve them. I have no objection to this bill, although I had a right to ask the gentleman for an explanation of it.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

#### SPECIAL REPORT ON THE DISEASES OF CATTLE.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration and passage of House joint resolution 176, providing for the printing of the Special Report on the Diseases of Cattle.

The Clerk read the joint resolution, as follows:

*Resolved, etc.,* That there be printed and bound 100,000 copies of the Special Report on the Diseases of Cattle, the same to be first revised and brought to date under the supervision of the Secretary of Agriculture; 30,000 copies for the use of the Senate, 60,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Department of Agriculture.

The SPEAKER. Is there objection?



There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

#### ACCEPTANCE AND CARE OF GIFTS PRESENTED TO VESSELS OF THE NAVY.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration and passage of the bill (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized to accept and care for such gifts in the form of silver, colors, books, or other articles of equipment or furniture as, in accordance with custom, may be presented to vessels of the Navy by States, municipalities, or otherwise. The necessary expense incident to the care and preservation of gifts of this character which have been or may hereafter be accepted shall be defrayed from the appropriation "Equipment of vessels."

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

#### REMOVAL OF RESTRICTIONS, FIVE CIVILIZED TRIBES.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules, disagree to the Senate amendments to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, and ask for a conference thereon with the Senate.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER pro tempore. The question is on suspending the rules, disagreeing to the Senate amendments, and asking for a conference.

Mr. CLARK of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 258, answered "present" 9, not voting 120, as follows:

#### YEAS—258.

Acheson	Darragh	Harrison	McHenry
Adair	Davenport	Haskins	McKinley, Cal.
Aiken	Davis, Minn.	Hay	McKinley, Ill.
Alexander, Mo.	Dawson	Hayes	McKinney
Alexander, N. Y.	De Armond	Heflin	McLain
Allen	Denby	Helm	McMillan
Ames	Denver	Henry, Conn.	Macon
Ansberry	Dickema	Henry, Tex.	Miller
Anthony	Dixon	Hepburn	Moon, Tenn.
Ashbrook	Douglas	Higgins	Moore, Pa.
Barefield	Draper	Hill, Conn.	Moore, Tex.
Barclay	Durcy	Hill, Miss.	Morse
Bartholdt	Dwight	Hinsaw	Mouser
Bartlett, Nev.	Ellerbe	Hitchcock	Murdoch
Bates	Ellis, Oreg.	Houston	Murphy
Beale, Pa.	Englebright	Howard	Needham
Beall, Tex.	Esch	Howell, N. J.	Nelson
Bede	Fairchild	Howland	Nicholls
Bell, Ga.	Fassett	Hubbard, Iowa	Norris
Bonyne	Favrot	Hubbard, W. Va.	Nye
Booher	Ferris	Hughes, N. J.	O'Connell
Bowers	Finley	Hull, Iowa	Olcott
Boyd	Fitzgerald	Hull, Tenn.	Overstreet
Bradley	Floyd	Humphrey, Wash.	Padgett
Brodhead	Focht	James, Addison D.	Page
Brownlow	Fordney	James, Ollie M.	Parker, N. J.
Brundidge	Foster, Ill.	Johnson, Ky.	Parsons
Burgess	Foster, Ind.	Johnson, S. C.	Patterson
Burke	Foster, Vt.	Jones, Va.	Payne
Burleigh	French	Jones, Wash.	Perkins
Burleson	Fuller	Kahn	Pollard
Burnett	Fulton	Kelley	Pou
Burton, Del.	Gaines, Tenn.	Kellher	Pray
Burton, Ohio	Gaines, W. Va.	Kennedy, Iowa	Prince
Calderhead	Gardner, Mich.	Kimball	Pujo
Campbell	Gardner, N. J.	Kinkaid	Raney
Candler	Garner	Kitchin, Claude	Rauch
Capron	Garrett	Knapp	Reeder
Carter	Gilhams	Knopt	Rhinock
Cary	Gillespie	Knowland	Richardson
Caulfield	Gillet	Kustermann	Robinson
Chaney	Glass	Lafean	Rodenberg
Chapman	Godwin	Lamb	Rothermel
Clark, Mo.	Goebel	Landis	Rucker
Clayton	Goldfogle	Langley	Russell, Mo.
Cockran	Goulden	Lassiter	Russell, Tex.
Conner	Graft	Law	Ryan
Cook, Colo.	Granger	Lawrence	Sabath
Cooper, Pa.	Greene	Lee	Shackleford
Cooper, Tex.	Gregg	Legare	Sherley
Cooper, Wis.	Hackney	Lindbergh	Sherwood
Coudrey	Hale	Lloyd	Slayden
Cox, Ind.	Hall	Longworth	Slomp
Craig	Hamilton, Iowa	Loud	Smith, Cal.
Crawford	Hamilton, Mich.	Loudenslager	Smith, Mo.
Crumpacker	Hamlin	Loving	Snapp
Currier	Hammond	McCall	Sperry
Cushman	Hardwick	McDermott	Spight
Dalzell	Hardy	McGuire	Stephens, Tex.

Sterling  
Sturgis  
Sulloway  
Sulzer  
Tawney  
Taylor, Ala.

Taylor, Ohio  
Tirrell  
Tou Velle  
Townsend  
Underwood  
Volstead

Waldo  
Washburn  
Watkins  
Webb  
Weeks  
Wheeler

Wilson, Pa.  
Wood  
Woodyard  
Young

Adamson  
Bennet, N. Y.  
Butler

Flood  
McMorran

ANSWERED "PRESENT"—9.

Small  
Talbot

#### NOT VOTING—120.

Andrus  
Bannon  
Bartlett, Ga.  
Bennett, Ky.  
Bingham  
Birdsall  
Boutell  
Brantley  
Broussard  
Brumm  
Byrd  
Calder  
Caldwell  
Carlin  
Clark, Fla.  
Cocks, N. Y.  
Cole  
Cook, Pa.  
Cousins  
Cravens  
Davey, La.  
Davidson  
Daves  
Driscoll  
Dunwell  
Edwards, Ga.  
Edwards, Ky.  
Ellis, Mo.  
Fornes  
Foss

Foulkrod  
Fowler  
Gardner, Mass.  
Gill  
Gordon  
Graham  
Griggs  
Gronna  
Hackett  
Haggott  
Hamill  
Harding  
Haugen  
Hawley  
Hobson  
Holliday  
Howell, Utah  
Huff  
Hughes, W. Va.  
Humphreys, Miss.  
Jackson  
Jenkins  
Kennedy, Ohio  
Kipp  
Kitchin, Wm. W.  
Lamar, Fla.  
Lamar, Mo.  
Laning  
Leake  
Lenahan

Lever  
Lewis  
Lilley  
Lindsay  
Littlefield  
Livingston  
Lorimer  
Lowden  
McCreary  
McGavin  
McLachlan, Cal.  
McLaughlin, Mich.  
Madden  
Madison  
Malby  
Mann  
Marshall  
Maynard  
Mondell  
Moon, Pa.  
Mudd  
Olmsted  
Parker, S. Dak.  
Pearce  
Peters  
Porter  
Powers  
Pratt  
Randell, Tex.  
Ransdell, La.

Reld  
Reynolds  
Riordan  
Roberts  
Saunders  
Scott  
Sheppard  
Smith, Iowa  
Smith, Mich.  
Smith, Tex.  
Southwick  
Sparkman  
Stafford  
Stanley  
Steenerson  
Stevens, Minn.  
Thistlewood  
Thomas, N. C.  
Thomas, Ohio  
Vreeland  
Wallace  
Wanger  
Watson  
Weems  
Weisse  
Wiley  
Willett  
Williams  
Wilson, Ill.  
Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. STURGISS with Mr. RANDELL of Texas.

Mr. VREELAND with Mr. WOLF.

Mr. McLAUGHLIN of Michigan with Mr. WILEY.

Mr. HOLLIDAY with Mr. RANDELL of Louisiana.

Mr. GRAHAM with Mr. SMITH of Texas.

Mr. ELLIS of Missouri with Mr. LEWIS.

Mr. DUNWELL with Mr. LAMAR of Florida.

Mr. ANDRUS with Mr. GILL.

Mr. REYNOLDS with Mr. CARLIN.

Mr. STEVENS of Minnesota with Mr. SPARKMAN.

Mr. OLMSTED with Mr. LEAKE.

Mr. KENNEDY of Ohio with Mr. GORDON.

Mr. BENNET of New York with Mr. FORNES.

Mr. JENKINS with Mr. BRANTLEY.

The result of the vote was announced as above recorded.

The Chair announced the following conferees on the part of the House: Mr. SHERMAN, Mr. KNAPP, Mr. STEPHENS of Texas.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and pass the following order:

That immediately on the adoption of this order the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21946, the general deficiency appropriation bill; that general debate thereon be closed; and that the first reading of the bill in the Committee of the Whole House on the state of the Union be dispensed with.

I will say, Mr. Speaker, that is the same order—

Mr. DALZELL. To close general debate when?

Mr. TAWNEY. To close general debate immediately on going into Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair was busy at the time; but as the Chair gathers the motion of the gentleman from Minnesota, it is to suspend the rules, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency bill, and that there be no general debate thereon, and the first reading of the bill be dispensed with.

Mr. TAWNEY. That is the motion.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Well, the Chair will first put the motion. The gentleman from Minnesota moves to suspend the rules; that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency bill; that there shall be no general debate thereon, and that the first reading of the bill be dispensed with. The gentleman from New York will state his parliamentary inquiry.

Mr. SULZER. Mr. Speaker, my parliamentary inquiry is, If this motion be adopted, will it cut off discussion under the five-minute rule?

The SPEAKER. Oh, not at all.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second, and I also desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. And that is, if this order reported by the gentleman from Minnesota is not susceptible of being divided into three substantive propositions?

The SPEAKER. Not under the motion to suspend the rules.

Mr. CLARK of Missouri. I know; but you have not got the rules suspended.

The SPEAKER. Oh, but it is a motion to suspend the rules.

Mr. CLARK of Missouri. But the motion to suspend the rules has three substantive propositions in it.

The SPEAKER. But the motion to suspend the rules, the Chair will state to the gentleman from Missouri, is to suspend all rules, and this motion gives the House the liberty, under existing orders of the House, by a majority vote to do exactly what the motion proposes. If the majority does not sustain the motion, the motion fails. There is no trouble about it. [Laughter.] The rulings of the Chair have been uniform under Mr. Blaine, under Mr. Colfax, during the last Congress, during this Congress; there is no precedent to the contrary, because a division of the question only comes under the rules which it is proposed to suspend.

Mr. FITZGERALD. Mr. Speaker, there has never been a motion like this made upon which the question has arisen.

The SPEAKER. Why, the books are full of precedents.

Mr. FITZGERALD. Not like this.

The SPEAKER. Oh, well; like unto this and analogous to it. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. A second, under the rule, is ordered. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from Missouri is entitled to twenty minutes.

Mr. TAWNEY. Mr. Speaker, I reserve my time. I will explain the bill when we go into the Committee of the Whole House.

Mr. CLARK of Missouri. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER said:

Mr. RUCKER. Mr. Speaker, I regret the necessity which compels me to indulge in the remarks I am about to make. On April the 20th last the Committee on Election of President, Vice-President, and Representatives in Congress, through one of its members, the gentleman from Nebraska [Mr. NORRIS], unanimously reported to the House with favorable recommendation the bill (H. R. 20112) known as the campaign contribution publicity bill. There is no politics in the bill. It was introduced by the gentleman from Massachusetts [Mr. MCCALL], one of the most distinguished Republican Members of the House and one of the very best men in his party. The sole and only aim and purpose of this measure is to purify elections, the wisdom and necessity of which is conceded by all fair men in both the great political parties.

The demand by the people and the press of the United States for this legislation, regardless of party affiliation, is so universal that, if given consideration, the bill referred to would, in my judgment, receive unanimous support, or nearly so. This meritorious and most desirable measure would have passed the House long ago but for the persistent and arbitrary refusal of the Speaker to recognize the gentleman from Nebraska [Mr. NORRIS] to call up the bill and move its passage. The necessity for a chief officer to preside over our deliberations—theoretical deliberations only, though they be—and the necessity for clothing that officer with great power we all admit. But, Mr. Speaker, I deny the parliamentary or constitutional right of any man intrusted with official power to wantonly and arbitrarily exercise the power of his office to thwart, trample upon, and defeat the will of the people of the United States. [Applause on the Democratic side.]

That you, Mr. Speaker, have been appealed to and pleaded with by Members of Congress, and by distinguished citizens who are not Members, to graciously grant recognition for the purpose of putting the pending publicity bill on its passage I have been informed and believe to be true. Why have you refused? Is it because you doubt the intelligence or soundness of judgment of the gentlemen who constitute the committee which reported this bill? That committee is composed of eight Republicans and five Democrats. Many of these gentlemen have more than once presented to the Speaker of this House commissions from their constituents attesting their personal worth and their integrity of character. You, yourself, Mr. Speaker, have given each of them your own official approval and indorsement at least twice, and many of them thrice, during this session of Congress. The chairman of that committee, by the action of

the Speaker of this House, has been promoted to a place on the Ways and Means Committee, the most important committee of the House. Another member, by the act of the Speaker, holds a place on the great law committee of the House—the Committee on the Judiciary. Another is a member of the Committee on Public Buildings and Grounds, and another a member of the Committee on Banking and Currency, all great committees. You have given to each and every one of these gentlemen your solemn, official indorsement; and yet, when in the performance of official duty, after due and careful consideration, they report a bill demanded by every fair-minded man in this country who desires to restore and preserve inviolate the sanctity and purity of the ballot box and to stay corrupting influences which degrade and debauch the American citizen, you ruthlessly repudiate and spurn them. I demand to know, Mr. Speaker, why this is so?

Mr. Speaker, if the principle or any provision contained in the campaign publicity bill is unwise, unpatriotic, dangerous, or vicious, can you not rely, with implicit confidence in the result, upon your partisan followers to defeat it? Have you lost faith in the wisdom and patriotism of the Republican party as represented on this floor? Have you lost the mighty power of your own persuasive eloquence, and the magic of your vehement gesture?

Mr. Speaker, I shall do no violence to your great intelligence. The fact is, you refuse to permit consideration of the bill which requires publicity of campaign contributions, because you prefer to keep the people of the United States in darkness rather than give them light; because you know this bill would prevent, or at least check, the accumulation of stupendous sums which have been used to corrupt the voter and control elections; because you defiantly set your individual will against the will of 80,000,000 people; because you fear the Republican party can not survive the storms of opposition now gathering thick and fast about it without the use of a corrupt boodle fund; because you know this bill would pass, and you fear its passage would sound the death knell of a party already too long endured. [Applause on the Democratic side.]

I concede the right of the Speaker to refuse recognition to ask for unanimous consent for the consideration of a bill to which he is opposed. I emphatically deny his right to refuse recognition to move the passage of a bill like this—a bill general in its character.

He has no such legitimate power. When he exercises such power he is a usurper, and nothing less. The House has a constitutional right to vote on the passage of a bill requiring publicity of campaign contributions, and no one man, not even the Speaker, has either the moral or legal right to prevent it, though the Speaker has done so, and is doing so. The framers of our Constitution sought to establish for us a free, representative form of government in which the voice of the American people, through their chosen representatives, might be heard. [Applause on the Democratic side.] We have here in practice a one-man government. Were our forefathers wrong? Should they have written into the Constitution that the lower branch of the legislative department of Government should consist of but one man—a Speaker—with plenary power to do or not to do whatever his fancy or prejudice might suggest? No, Mr. Speaker; the framers of the American Constitution were right and not wrong; and I rejoice in an unflinching hope and belief that we will yet have opportunity to enact into law the principle of this bill, which means so much to the American people, and which will aid in restoring to them a Government of the people, by the people, and for the people. [Applause on the Democratic side.]

The poet inspires us with hope in the lines:

Time at last sets all things even,  
And if we do but watch the hour.  
There never yet was human power  
Which could evade, if unforgiven,  
The patient search and vigil long  
Of him who treasures up a wrong.

[Applause.]

I do not harbor any maudlin sentimentality which induces me to condone or palliate insufferable arrogance, flagrant usurpation, or reckless despotism in office, merely because of the genial personality of one who daily crucifies the vital principles of free, representative government upon the altar of party, for partisan purposes. [Applause on the Democratic side.] A familiar quotation from Shakespeare, slightly paraphrased, accurately expresses my convictions:

My tables, meet it is,  
I set it down  
That one may smile, and smile,  
And be a "tyrant" still.

[Applause on the Democratic side.]



## CHANGE OF CONFEREES.

The SPEAKER pro tempore laid before the House the following:

HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., May 18, 1908.

Mr. MURPHY, of Wisconsin, respectfully requests to be relieved from service as conferee on Senate amendments to House bill 20120.

J. W. MURPHY.

Hon. J. G. CANNON,  
Speaker House of Representatives.

The SPEAKER pro tempore. If there be no objection, this request will be granted and the Chair will appoint the gentleman from Tennessee [Mr. SIMS] in the place of Mr. MURPHY.

## GENERAL DEFICIENCY APPROPRIATION BILL.

The House resumed consideration of the motion of Mr. TAWNEY.

Mr. RUCKER. I yield back to the gentleman from Missouri the balance of my time.

Mr. CLARK of Missouri. Will the gentleman from Minnesota [Mr. TAWNEY] use some of his time?

Mr. TAWNEY. I will yield ten minutes to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, I find in the RECORD of May 15 that the gentleman from New Jersey [Mr. FOWLER], chairman of the Banking and Currency Committee of the House, during my absence from the House made some remarks about a minute and a half speech which I delivered in this body May 14 last, in which I think the gentleman from New Jersey [Mr. FOWLER] sought to leave the impression with the House that the statements I had made were not strictly true.

Mr. SULZER. Mr. Speaker, the gentleman from New Jersey [Mr. FOWLER] is not present now.

Mr. VREELAND. I thank the gentleman from New York for the information.

Mr. Speaker, I do not attach any great importance to this incident. I do not desire to reply to the gentleman from New Jersey in any spirit of resentment or bitterness. I appreciate the overwrought and excited state of mind of the gentleman from New Jersey for the past few days. And yet I think it is due to the House and to myself to make clear in the minds of my colleagues what the facts are.

I only spoke for a moment. I spoke without expecting to speak at that time. The gentleman from Mississippi [Mr. WILLIAMS] read to the House some telegrams from several small banks in Pennsylvania opposing the currency bill before the House. I said to the House that I happened to have in my pocket a letter from a banker in Atlanta, Ga. My eyesight is not quite as good as it used to be, and in glancing hastily at the letter the name looked to me like First National Bank. If I had put on my glasses I would have discovered that it was the Third National Bank. I looked at the top of the letter and saw the figures "\$1,000,000," which I assumed to be the capital of the bank.

I find upon examining the letter that the \$1,000,000 included the capital and surplus. The gentleman from New Jersey thereupon informs the House that there is no First National Bank in Atlanta, Ga.; that there is no bank in Atlanta, Ga., with a capital of over \$500,000; therefore I must be quoting a letter from a bank which has no existence. The gentleman from New Jersey says he is intimately acquainted with Mr. McCord, of the Third National Bank of Atlanta. He must, therefore, have known that there was such a bank; that it is the largest bank in Georgia; that Mr. McCord, one of its executive officers, is a member of the American Bankers' legislative committee of fifteen. The letter did state that he had written to every member of the delegation from the State of Georgia to support the House bill. These were the main facts. Why should the gentleman bring up these petty details and seek to convey to this House the impression that I misstated the facts about them? I want to say further to the gentleman that not only Mr. McCord, but eight out of the fifteen members of the legislative committee of the American Bankers' Association have written to me or to others on the special committee appointed by the conference that they favor the legislation in this bill. Now, I want to be exactly accurate in stating their position. I will print the letter from Mr. McCord as a part of my remarks, because his statement of his position represents exactly the statements of the other members of the legislative committee of the American Bankers' Association as to their position. All of these gentlemen favor the bill known as the "bankers' bill," introduced by Mr. McKINNEY, of Illinois. All of them would prefer to see that enacted into law.

But as individuals, speaking for their individual banks, desiring as practical men of affairs to get such legislation as can be had at this time, they favor the passage of this bill, including as it does provision for a currency commission to take up and report upon the whole subject of banking and currency at the next session of Congress. I will print also as a part of my remarks some other telegrams that may interest the gentleman. It may interest him to know that the Kansas Bankers' Association, in their State convention, 600 in number, indorsed the principles of this bill within the past few days. It may interest him to know that the Alabama State Bankers' Association, in their State convention, held at Montgomery, Ala., on Saturday last, unanimously adopted resolutions indorsing the principles of this bill and asking their Representatives in Congress to support it.

I did state to the House that no "round robins" have been used in behalf of this bill. I did state to the House that I have not sent out letters to bankers and associations asking them to support this bill. Perhaps I ought to qualify that statement by saying that I have written to no banker in the United States in relation to this bill who has not first written to me or who has not personally asked me to send to him a copy of the bill and keep him informed as to its progress. It will be remembered that a few weeks ago a large number of bankers from the West and South were in this city for the purpose of opposing the Aldrich bill before the Banking and Currency Committee. I spent many hours in talking with those gentlemen about currency legislation. I talked with them about the currency bill which I at that time introduced. Quite a number of them asked me to send them copies of the bill and write them regarding prospects for legislation. I have sent out, I suppose, fifteen or twenty letters, entirely in response to letters received from bankers or in carrying out the agreement I made with these bankers when they were in the city.

I did not say that this letter from Mr. McCord came by mere chance. It could not come by chance. It must have been intentionally written and addressed to me and deposited in the post-office. What I said was that I had it in my pocket by mere chance, it having come in that morning.

Enough for that. I want to make another statement, and that is that the letter which I sent out was true in fact when I wrote it and it is true in fact to-day. The letter which the gentleman from New Jersey sent out to 6,500 banks of the United States was not true in fact when it was written and is not true in fact to-day. The gentleman from New Jersey sent out a letter denouncing a bill which was not then in existence. His letter was dated May 9, and the Republican conference committee had not decided on the bill. The committee appointed by that conference had not reported a bill when he sent out this letter to 6,500 banks. Hence it was impossible for him to know what would be the contents of the bill that would be brought in. He denounced a bill and asked bankers to telegraph their Members and Senators against a bill without knowing what its provisions would be.

Mr. Speaker, the gentleman from New Jersey seeks to cast a slur upon my district and upon myself by referring to it as "a hayfield and hopyard district." The gentleman's shaft is pointed with malice, but it leaves no sting in my bosom. I do not feel that I need to defend the district which I have the honor to represent. It is a typical American district, filled with intelligent and patriotic American citizens, as are the great majority of the Congressional districts of the United States. [Applause.]

We have no great metropolis like Elizabeth, N. J., where the gentleman from New Jersey lives. Yet it is full of cities and towns and villages and broad meadows stretching out around them, where hay is made in summer. It is the largest Republican district in the State of New York, and that speaks volumes for the intelligence of its people. [Laughter and applause on the Republican side.] It is the largest dairying district in the State of New York, and that means that we have hayfields in plenty. It is a large manufacturing district, its products running from locomotives to toothpicks. It has plenty of colleges and schools and libraries and newspapers and books, so that knowledge is as accessible to us as to a resident of New Jersey. In addition to that, I send many copies of the CONGRESSIONAL RECORD every day into my district, and I hope that our people read the financial speeches of the gentleman from New Jersey and thus obtain financial knowledge at its very fountain head. [Laughter.]

Within the borders of my district is the great original Chautauqua, to which many thousands of students go every summer

and whose educational influence has extended to every part of the United States. From the bosom of this great Chautauqua dozens of other lesser Chautauqs have sprung, making new centers from which radiate good influences in different parts of the country. Our people are intelligent and patriotic, but we claim no monopoly of these virtues.

Mr. Speaker, the gentleman from New Jersey is pleased to refer to me as "a hayfield financier." I think very likely the gentleman is right. I at least have not arrived at that unfortunate stage where I assume to have in my own person a monopoly of all the financial knowledge that exists in this country. [Laughter.] "Hayfield" is not a term of reproach in this country. The millions of our people who work in those hayfields are the great conservative influence of our country. They own the soil and have given hostages to fortune.

The sons of those men who work in hayfields have ruled this country since its birth. George Washington left the hayfield over there on his estate at Mount Vernon and became President of the United States. Why, Mr. Speaker, the country districts are the great reservoirs from which the exhausted intellectual life of the cities is recuperated. [Applause.] Go into the great cities of the country and you will find nine-tenths of the great merchants, nine-tenths of the great bankers, the great lawyers, the great preachers and captains of industry are men who came from these hayfields to which the gentleman refers as a term of reproach. [Applause.]

Mr. Speaker, I have been a Member of this body for nearly ten years. I have been closely associated with my colleagues in this House during all that time, and whatever of reputation I may have for truth and accuracy of statement will rest upon the personal intercourse and relations I have had with Members of this House, and not what I may say about it, or what the gentleman from New Jersey may say about it. [Loud applause.]

THE THIRD NATIONAL BANK OF ATLANTA,  
Atlanta, Ga., May 12, 1908.

HON. EDWARD VREELAND, M. C.,  
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of April 30, inclosing a copy of your bill, also a copy of your letter of May 4 addressed to Mr. Lewis E. Pierson, chairman, Lakewood, N. J., on which last-named letter there was a footnote addressed to me, were duly received during my absence. I have been out of the city during the last ten or twelve days and have just returned from holding a group meeting of group No. 3 of the Georgia Bankers' Association at Rome, Ga., and at this meeting I took occasion to explain your bill as I understood it from our conversation, which I find has been fully confirmed upon reading the bill since my return. Then again at the meeting of the Atlanta Clearing House Association this afternoon I read the bill and explained its provisions, and it has met with favor at both of these meetings.

I am preparing a letter which I intend to send to-morrow to our Representatives in Congress, asking them, after they have given their complimentary vote to their own measure, to do us the kindness to sustain your measure. I will be perfectly frank with you and say that I do not agree as to clearing-house issues; that I am unqualifiedly for asset or credit currency; but I fully agree with you that it is impossible to obtain that legislation at the present time, and in the meantime, while we are waiting for that, your bill gives us an excellent provision to meet emergencies, and as a member of the Georgia association and a member of our local clearing house I am willing to do what I can to bring our people to the support of the bill; but of course you understand my position on the currency commission of the American Bankers' Association—that in that capacity we will have to consult before we can act as members. I believe the measure that you have proposed will grant us a relief in times of emergency that will satisfy the people and be safe to the banks and safe to the Government.

If you will pardon me for one suggestion, in looking over the list of banks in our sister States I find that the State of South Carolina could not qualify under your bill as to the amount of capital and surplus of national banks. Could it not be arranged that a provision may be placed in the bill where the total of national banks by capitalization in any of the States does not come to the requirement of \$5,000,000 of capital and surplus, that they could take in banks on the border of their State in order to arrive at their full quota, or, better still, that if all of the national banks in the State do not show a capital and surplus of \$5,000,000, but a capital and surplus of \$4,000,000, then when all of the national banks in that State join the clearing house, the same may be organized. This, I think, would relieve the situation that will be embarrassing to the national banks located in States where they have not the full amount of capital and surplus.

My letter to the Georgia members will go forward to-morrow. Wishing you much success in this measure, and hoping that the conference of your party will bring us a satisfactory bill along the lines suggested by you, I beg leave to remain,

Yours, very truly,

JOS. A. MCCORD,  
Vice-President.

LOUISVILLE, KY., May 16, 1908.

HON. MR. VREELAND,  
Washington, D. C.:

If you care to have effort made to have your bill before Congress indorsed by clearing house, board of trade, and commercial club, forward me copy to-day.

S. B. LYND,  
Cashier Citizens' National Bank.

PELL CITY, ALA., May 18, 1908.

HON. J. H. BANKHEAD,  
United States Senate, Washington, D. C.:

Alabama Bankers' Association, by resolution, unanimously approves Vreeland bill as being step in right direction and requests Alabama Senators and Representatives to support the same.

McLANE TILTON, Secretary.

MONTGOMERY, ALA., May 16, 1908.

HON. E. B. VREELAND,  
House of Representatives, Washington, D. C.:

Alabama State Bankers' Association, after I explained your bill, unanimously adopted resolution indorsing its principle and asked their delegates to support it.

WM. B. RIDGELY.

KANSAS CITY, MO., May 14, 1908.

HON. E. B. VREELAND,  
House of Representatives, Washington, D. C.:

Kansas bankers' convention almost unanimously passed resolution approving principles of your bill and asking Kansas delegation to support it.

WM. BARRET RIDGELY.

Mr. TAWNEY. Mr. Speaker, I ask the gentleman from Missouri to use some of his time.

Mr. CLARK of Missouri. I yield the balance of my time to the gentleman from New York [Mr. SULZER].

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. SULZER. Mr. Speaker, it is fitting, I believe, for me to say that I concur substantially in the timely remarks of the gentleman from Missouri [Mr. RUCKER] regarding the failure of the Republicans in this House to call up and pass the campaign contribution publicity bill, which is now on the Calendar and can be called up and passed and made a law before this session adjourns. If we do not pass it now, it will be too late to make it effective for the campaign of 1908.

In my opinion this publicity campaign contribution bill is one of the most important measures before this House. It is a bill for more honest elections, to more effectually safeguard the elective franchise, and it affects the entire people of this country. It concerns the honor of the country. The honest people of the land want it passed. All parties should favor it. Recent investigations conclusively demonstrate how important to all the people of the country is the speedy enactment of this bill for the publication before elections of campaign contributions.

I have been for years a consistent advocate of this legislation. I have done all in my power to get a favorable report from the committee, and I shall do all I can to enact it into law. Many people believe that if a law were on the statute books similar to the provisions of this bill, the Republicans would not have been successful in the election of 1896. The Republicans succeeded that year because they raised the largest corruption fund in all our history. [Applause on the Democratic side.]

In every national contest of recent years the campaign has been a disgraceful scramble to see which party could raise the most money, not for legitimate expenses, but to carry on a system of political iniquity that will not and can not bear the light of publicity. Political corruption dreads the sun of publicity and works in secret and in darkness. Pass a publicity law along the lines of this bill and I predict that in future national campaigns there will be no criminations and recriminations such as disgraced the closing days of the last Presidential contest. [Applause.] Napoleon said victory was on the side of the heaviest guns. There are many thoughtful people in this country who have been saying ever since 1896 that political victory in our Presidential contests is on the side of the campaign committee which can raise the largest boodle fund.

Mr. Speaker, in connection with this national publicity bill it is interesting to consider the amounts of money contributed and expended in Presidential campaigns in the past by the campaign committees of the two great parties. Prior to 1860, so far as I have been able to ascertain—and I have given the matter very careful investigation—no national committee in any Presidential contest expended much more than \$25,000, except, perhaps, in the campaign of 1832, when Jackson triumphed over the corruption fund of the Bank of the United States. But that is now ancient history, and has very little to do with the present-day practices of national committees, and I will not spend further time in discussing it.

However, I want to read to the House a statement which has been carefully compiled by very competent and experienced men, showing the expenditures of the Republican and Democratic national committees in every Presidential contest from 1860 to 1904. Of course I do not declare that the statement of expenditures which I am about to read is absolutely accurate,



but I do say—and a careful investigation, in my opinion, will substantiate it—that these expenditures are approximately correct.

*Expenditures by the Republican and Democratic national committees in the Presidential contests from 1860 to 1904.*

Year.	Republican candidate.	Democratic candidate.	Expended by Republican national committee.	Expended by Democratic national committee.
1860	Abraham Lincoln.....	Stephen A. Douglas.....	\$100,000	\$50,000
1864	do.....	Geo. B. McClellan.....	125,000	50,000
1868	U. S. Grant.....	Horatio Seymour.....	150,000	75,000
1872	do.....	Horace Greeley.....	250,000	50,000
1876	Rutherford B. Hayes.....	Samuel J. Tilden.....	950,000	900,000
1880	James A. Garfield.....	W. S. Hancock.....	1,100,000	355,000
1884	James G. Blaine.....	Grover Cleveland.....	1,300,000	1,400,000
1888	Benjamin Harrison.....	do.....	1,350,000	855,000
1892	do.....	do.....	1,850,000	2,350,000
1896	William McKinley.....	William J. Bryan.....	16,500,000	675,000
1900	do.....	do.....	9,500,000	425,000
1904	Theodore Roosevelt.....	Alton B. Parker.....	3,500,000	1,250,000

Now, Mr. Speaker, as I said, perhaps these figures may not be absolutely accurate, and perhaps there is no way now by which they can be substantiated by legal proof, but they have been carefully compiled from the best obtainable sources, and I doubt not they will be extremely interesting to students of political events who desire to make careful investigation and comparison of campaign contributions.

These national campaign funds reveal a condition of affairs concerning our recent Presidential elections which, to every right-thinking citizen, should be sufficient reason for the enactment into law of the bill I am discussing; and this measure especially appeals to those patriotic people of our country who see grave dangers to the Republic in the growing evils incident to these large campaign funds, and who believe that they are contributed in most instances by the criminal trusts and protected industries solely for the purpose of debauching the electorate and defeating the will of the honest people of the country.

This important bill for publicity of campaign contributions is a nonpartisan measure. There should be no politics in it. We should all advocate it from patriotic motives; but some of the gentlemen on the other side are now playing politics with it, are injecting party politics into it, and are doing everything in their power to prevent the Members of this House who sincerely favor the bill from having an opportunity to vote for it. I do not hesitate to say that if this bill were presented to the membership of this House on its merits it would pass by an overwhelming majority. I would like to hear from the gentleman from Massachusetts [Mr. McCall], who introduced the bill. I wish to hear his honest opinion of the thimble-rigging which has been resorted to regarding the bill ever since this session began.

It is a shame the way this bill is being strangled to death. We Democrats favor it. We will vote for it if you Republicans will give us a chance. We challenge the Republican leaders in this House to do so. I want some Republican to give us a reason why this bill is not called up, considered, and passed. Is the Speaker against it? If the Speaker is the man against it, let us know it and we will hold the Speaker responsible. Is the chairman of the Committee on Ways and Means opposed to it? Let us know, and we will hold him responsible. Is the Committee on Rules responsible for holding up this very important bill? If so, let us know and we will hold that committee responsible. Let us fix the responsibility.

Mr. GAINES of Tennessee. Will the gentleman from New York yield?

Mr. SULZER. Yes; for a question.

Mr. GAINES of Tennessee. This same committee last year did not report the bill, and they did not report it this year. Could not the Speaker appoint a committee that would report it, if he wanted to?

Mr. SULZER. Oh, yes. I am trying to find out who is responsible for the defeat of this desirable legislation. I want to fix the responsibility, so that the people will be able to take action concerning it in the coming campaign. The Republicans here can pass it. They are in the majority. We Democrats favor the bill. We will vote for it. If the bill is not acted upon, the Republicans of this House must bear the responsibility and take the consequences.

Mr. Speaker, in my opinion this Congress will be recreant to its duty and false to the people of this country if it does not take action in regard to this matter before we adjourn. The passage of this publicity bill regarding contributions to national campaign committees will be a great victory for the plain people

of the land, and will go as far, in my judgment, as anything that can be devised at the present time by the ingenuity of the human mind to effectually put a stop to political iniquity in Congressional and Presidential campaigns. These great political contributions made to the national committees of both parties by the criminal trusts, and the sordid syndicates, and the gigantic corporations, and the national banks, and the vested interests, and the plutocracy, and last, but not least, the protected industries of the country, are not voluntary contributions, but are levied like taxes, and are generally made with the understanding, express or implied, that the contributors shall be protected against the rights of the people, and shall be secure in robbing the many for the benefit of the few, and shall have meted out to them by the party in power certain special privileges which are repugnant to our free institutions and contrary to the fundamental principles of the Democratic party. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from New York has expired.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 14382. An act to establish a United States court at Jackson, in the eastern district of Kentucky.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate to the bill (H. R. 1062) granting an increase of pension to Charles C. Weaver.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4186) creating in the State of Minnesota a national forest consisting of certain described lands, and for other purposes.

The message also announced that the Senate had agreed to the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. SMOOT, and Mr. TELLER as the conferees on the part of the Senate.

#### ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14382. An act to establish a United States court at Jackson, in the eastern district of Kentucky; and

H. R. 20345. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Speaker, I have been very deeply interested in the comments made by my two friends on the other side, the gentleman from Missouri [Mr. RUCKER] and the gentleman from New York [Mr. SULZER], with reference to this publicity bill, and the question has arisen in my mind, as a result of their comments, as to whether or not their speeches were made in behalf of their candidate for the Presidency, Mr. Bryan. That question arose and has a double force with me, because Mr. Bryan was the chief advocate of the Democratic party who appeared before our committee demanding a publicity bill.

Mr. SULZER. Mr. Speaker, I shall be glad to enlighten the gentleman if he is seeking information.

Mr. BURKE. I have not the time to yield, Mr. Speaker. My time is too short. I have only two minutes.

Mr. SULZER. Then the gentleman ought not to ask for information.

Mr. BURKE. Mr. Speaker, there is no question in my mind. If there ever was, it has already been answered by Mr. Bryan himself. The question which arose at the beginning of the hearings of that committee was whether or not the Democratic party was sincere in its demand for the passage of a publicity bill. In pursuance of their plan Mr. Bryan appeared before the committee and demanded the passage of a bill that would enable the people of this country to learn by whom, when, and

where contributions were made for political purposes in this country. Within a few days after he appeared before that committee, avowing with all the sincerity that usually characterizes Mr. Bryan and his followers what his wishes were, the following interview was given out with reference to the use of money in the Denver convention, and it was given out by Mr. Bryan himself:

In an interview in New York on the subject of the efforts of his opponents to prevent his nomination at Denver Mr. Bryan said:

"The Commoner has stated that money is now being used to secure uninstructed delegations with a view to securing one-third of the delegates to the national convention with the purpose of using the one-third to control the nominations. I am the editor of the Commoner and I know whereof I speak."

"Will you give the names of those who are using the money against you?"

"I will not give the names," replied Colonel Bryan, "of those using the money, and neither will I tell where it is being used. I do not care to go further than what I have said."

Mr. BURKE. Mr. Speaker, Mr. Bryan said, "I do not care to go further than what I have said." That being the case, with every lecture platform in the country open to him, with the columns of every newspaper in the United States open to him, and the columns of the Commoner itself at his command, this gentleman, who poses as the chief advocate of a publicity bill, with personal knowledge of corruption money being used for his defeat as a candidate for the Presidency of the United States, has sealed his lips as closely as they will be when he lies in the silence of his grave. [Applause on the Republican side.] Consistency, thou art indeed a Jewel!

Mr. TAWNEY. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, on Saturday, when the liability bill was under debate, I made the statement that the reason it could not receive more consideration, debate, and amendment was because of the filibuster that had been going on on the other side. The retort was made by the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Alabama [Mr. CLAYTON] that that was not the reason, that we had plenty of time to amend it, and said the Democrats would grant unanimous consent that we should take up that bill then and amend it, the gentleman from Mississippi suggesting thirty-five minutes and the gentleman from Alabama five hours. That seemed on the face of it a fair retort to my criticism. It may have deceived some persons. Inasmuch as a Republican objected, it may have looked to the country as if the Democrats were willing to amend the bill and as if the Republicans were unwilling, but it is very obvious, I am sure, to Members of this House that that is not the fact. The gentleman from Mississippi said my remarks were buncombe. I think the suggestion of amendment, made on the other side, is more deserving of that epithet. Why is it that we can not take up measures like that and discuss them and amend them at length?

It is because we have not the time; it is because for weeks now half of our time has been taken by useless roll calls, and the gentlemen can not fairly say that we and not they are to blame for the little time given to any individual bill. The gentleman from Georgia said he wanted five hours to properly consider that bill, and certainly that would not have been too much. We had not the five hours we could spare in these last days of the session because of the waste of time by filibustering. But there is a deeper reason than that. The conditions under which we are now legislating, and which the filibuster on that side has inevitably occasioned, prevent deliberate legislation. The Democratic party is attempting to say that they shall decide what legislation shall be enacted. The Republican party, which is responsible for legislation, denies the Democratic claim. We can not allow that side of the House to say, "Here is a bill to which we do not object; we will allow that to be amended," and then on other bills, just as deserving, that this side desires to amend, allow them to object. We do not propose to abrogate our function of deciding what shall be done. The fact is that the filibuster which has been originated has engendered, and necessarily, on both sides of the House a partisan spirit which largely prevents bills being considered on their merit. Gentlemen on both sides of the House under these conditions vote "aye" and vote "no," or do not vote at all, not on the particular merits of the bill but with their party. That is inevitable under the conditions which have arisen, and this side of the House is obliged, because of the consumption of time by roll calls, to adopt rules which carry all bills under suspension. That allows no chance of amendment. It is a vicious practice, Mr. Speaker. I believe it is a most unfortunate condition, but it is forced on us. We have to pass the bills and this is the only way we can do it as long as half the day is spent in roll calls, and we can not allow the other side to say, "This bill

which we wish to amend shall be subject to amendment, and the other bills, which Republicans are just as desirous of amending, and which just as much need it, shall not be amended." We have either to suspend the rules on all or suspend the rules on none. We can not play favorites, and particularly we can not show favoritism to that side which is causing the trouble. If we allowed that a minority would always filibuster.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. GILLETT. When I get through; I have not the time now. Therefore for gentlemen on that side to pretend that it is our fault that this one bill to which they are willing to give five hours is not amended is unfair. They know they leave us so little time that it is necessary to put all these bills through under suspension of the rules, and that we can not let them pick out any one for extra time. It involves a very unfortunate condition and it puts more power in the hands of the Speaker than I have ever known since I have been in Congress. I do not believe the Speaker wants it. I should suppose the Speaker would be very unwilling to have this great burden of deciding what bills should come up imposed upon him, and yet you have necessitated this.

Mr. CLARK of Missouri. Mr. Speaker—

Mr. GILLETT. Mr. Speaker, if I have time when I have finished this line of thought I will yield. This legislation under suspension of the rules compels the majority of the House to pass very moderate bills. It does not allow us to go as far in many instances as the House would, because we are obliged to hold our majority fast. We are obliged to present bills which we are sure the majority will approve of. I think Members on both sides of the House often vote against their own inclination, for I know many Members on that side are voting to sustain their leader against their own desire and own judgment, and I have no doubt many Members on that side of the House vote sometimes against their own judgment. That is inevitable under this practice and the result follows—

Mr. HEFLIN. Will the gentleman yield—

Mr. GILLETT. I decline to yield; I have not the time—and the result follows as was illustrated in the bill of Saturday. With that bill, which as I said then would be very much improved if left open to amendment, it was necessary for the committee which reported it to bring in a bill which they were sure would be supported; not a radical bill, but a bill which the most conservative would approve, a very moderate step in the direction which we ought to have taken, for fear we could not pass the bill at all, and this is going to apply, I am sure, to a large part of the legislation here. It is going to be hampered by this condition which the gentlemen on that side of the House have imposed upon us of trying to say that the minority shall rule. Another result is that we are obliged to combine a great many bills in one omnibus bill in order to save time and the result of that is that many bills which would go through by unanimous consent are combined together and very likely there will creep in two or three bills which ordinarily would be objected to, but which under these conditions we can not vote down without voting down the whole omnibus bill, and therefore, in that way also, this Democratic filibuster is inevitably leading to vicious legislation.

So the Republican party is responsible, and must be responsible; but it seems to me it is obviously unfair, and, as I stated before, buncombe, for the Democratic party to claim that any one bill which they offer to give time for is put through in its present phase, not because of their filibuster, but because of our choice, and we can not take up one bill without taking up other bills.

Mr. GAINES of Tennessee. Does the filibuster on the floor of this House control the majority in the committee? Did it control the Committee on the Judiciary that reported that bill the other day?

Mr. GILLETT. The majority of the committee knew that bill was to come in under a motion of suspension. They knew because of the filibuster it would not have the day's time which it ought to have, and therefore they had to frame the bill to meet the conditions.

Mr. GAINES of Tennessee. Why did they not fix the bill in the Republican way, fix it up to suit the Republicans by the Republican committee?

The SPEAKER pro tempore. All time has expired.

Mr. KIMBALL. I would like to ask the gentleman—

Mr. TAWNEY. I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The question is on suspending the rules and passing the motion.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.



The question was taken, and there were—yeas 140, nays 86, answered "present" 7, not voting 154, as follows:

## YEAS—140.

Acheson	Dawson	Howell, Utah	Norris
Alexander, Mo.	Denby	Hubbard, Iowa	Nye
Alexander, N. Y.	Douglas	Hubbard, W. Va.	Olcott
Allen	Draper	Huff	Overstreet
Barchfeld	Driscoll	Humphrey, Wash.	Parker, N. J.
Bartholdt	Durey	James, Addison D.	Parker, S. Dak.
Bates	Dwight	Jenkins	Parsons
Beale, Pa.	Ellis, Oreg.	Jones, Wash.	Payne
Bennet, N. Y.	Englebright	Kahn	Perkins
Bonyuge	Falchlid	Kennedy, Iowa	Pollard
Boyd	Fassett	Kennedy, Ohio	Porter
Brownlow	Focht	Kinkaid	Pray
Burke	Foster, Vt.	Knapp	Reeder
Burlingh	French	Knowland	Rodenberg
Burton, Del.	Fuller	Kuftermann	Scott
Burton, Ohio	Gaines, Tenn.	Lafean	Slomp
Calderhead	Gaines, W. Va.	Landis	Smith, Cal.
Campbell	Gilham	Langley	Smith, Iowa
Capron	Gillett	Law	Smith, Mo.
Cary	Goebel	Lawrence	Snapp
Chaney	Graft	Lindbergh	Sperry
Chapman	Greene	Longworth	Stafford
Cole	Hale	McCall	Sterling
Conner	Hall	McGuire	Suloway
Cook, Colo.	Hamilton, Mich.	McKinley, Ill.	Tawney
Cooper, Pa.	Hammond	McKinney	Taylor, Ohio
Cooper, Wis.	Haskins	McLaughlin, Mich.	Tirrell
Coudrey	Haugen	McMillan	Volstead
Crumpacker	Hawley	Mann	Waldo
Currier	Hayes	Miller	Washburn
Cushman	Higgins	Mondell	Weeks
Dalzell	Hill, Conn.	Moore, Pa.	Wheeler
Darragh	Hinshaw	Morse	Wilson, Ill.
Davis, Minn.	Holliday	Needham	Wood
Dawes	Howell, N. J.	Nelson	Woodyard

## NAYS—86.

Adair	Fulton	Hull, Tenn.	Rhinock
Alken	Garner	James, Ollie M.	Richardson
Ansberry	Garrett	Johnson, Ky.	Robinson
Bartlett, Nev.	Gillespie	Johnson, S. C.	Rothermel
Beall, Tex.	Glass	Jones, Va.	Rucker
Bell, Ga.	Godwin	Kellher	Russell, Mo.
Boelter	Goulden	Kimball	Russell, Tex.
Bowers	Granger	Kitchin, Claude	Sabath
Brodhead	Hackett	Lassiter	Shackelford
Brundidge	Hackney	Legare	Sherley
Burgess	Hamilton, Iowa	Lever	Sherwood
Burnett	Hamlin	Lloyd	Sims
Candler	Hardy	Macon	Slayden
Clark, Mo.	Harrison	Moon, Tenn.	Spight
Cox, Ind.	Hay	Moore, Tex.	Stephens, Tex.
De Armond	Heilin	Murphy	Sulzer
Denver	Helm	O'Connell	Tou Velle
Dixon	Henry, Tex.	Patterson	Underwood
Finley	Hill, Miss.	Pou	Webb
Fitzgerald	Hitchcock	Rainey	Wilson, Pa.
Floyd	Houston	Randell, Tex.	
Foster, Ill.	Hughes, N. J.	Rauch	

## ANSWERED "PRESENT"—7.

Adamson	McMorran	Sherman	Talbott
Butler	Padgett	Small	

## NOT VOTING—154.

Ames	Edwards, Ky.	Knopf	Powers
Andrus	Ellerbe	Lamar, Fla.	Pratt
Anthony	Ellis, Mo.	Lamar, Mo.	Prince
Ashbrook	Esch	Lamb	Pujo
Bannon	Favrot	Laning	Ransdell, La.
Barclay	Ferris	Leake	Reld
Bartlett, Ga.	Flood	Lee	Reynolds
Bede	Fordney	Lenahan	Riordan
Bennett, Ky.	Fornes	Lewis	Roberts
Bingham	Foss	Lilley	Ryan
Birdsall	Foster, Ind.	Lindsay	Saunders
Boutell	Foulkrod	Littlefield	Sheppard
Bradley	Fowler	Livingston	Smith, Mich.
Brantley	Gardner, Mass.	Lorimer	Smith, Tex.
Broussard	Gardner, Mich.	Loud	Southwick
Brumm	Gardner, N. J.	Loudenslager	Sparkman
Burleson	Gill	Lovering	Stanley
Byrd	Goldfogle	Lowden	Steenerson
Calder	Gordon	McCreary	Stevens, Minn.
Caldwell	Graham	McDermott	Sturgiss
Carlin	Gregg	McGavin	Taylor, Ala.
Carter	Griggs	McHenry	Thistlewood
Caulfield	Gronna	McKinley, Cal.	Thomas, N. C.
Clark, Fla.	Haggott	McLachlan, Cal.	Thomas, Ohio
Clayton	Hamill	McLain	Townsend
Cockran	Harding	Madden	Vreeland
Cocks, N. Y.	Hardwick	Maddison	Wallace
Cook, Pa.	Henry, Conn.	Malby	Wanger
Cooper, Tex.	Hepburn	Marshall	Watkins
Cousins	Hobson	Maynard	Watson
Craig	Howard	Moon, Pa.	Weems
Cravens	Howland	Mouser	Welss
Crawford	Hughes, W. Va.	Mudd	Wiley
Davenport	Hull, Iowa	Murdock	Willett
Davey, La.	Humphreys, Miss.	Nicholls	Williams
Davidson	Jackson	Olmosted	Wolf
Diekema	Keifer	Page	Young
Dunwell	Kipp	Pearre	
Edwards, Ga.	Kitchin, Wm. W.	Peters	

So the rules were suspended and the motion was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. LOUDENSLAGER with Mr. McHENRY.

Mr. KNOFF with Mr. LEE.

Mr. KEIFER with Mr. McDERMOTT.  
 Mr. HULL of Iowa with Mr. LAMB.  
 Mr. HOWLAND with Mr. HARDWICK.  
 Mr. HEPBURN with Mr. GORDON.  
 Mr. HENRY of Connecticut with Mr. FERRIS.  
 Mr. GARDNER of Michigan with Mr. FAVROT.  
 Mr. FOWLER with Mr. ELLERBE.  
 Mr. FOSTER of Indiana with Mr. DAVENPORT.  
 Mr. FORDNEY with Mr. CRAWFORD.  
 Mr. ESCH with Mr. CRAIG.  
 Mr. DIEKEMA with Mr. COOPER of Texas.  
 Mr. DAVIDSON with Mr. COCKRAN.  
 Mr. BEDE with Mr. BURLESON.  
 Mr. AMES with Mr. ASHBROOK.  
 Mr. FOSS with Mr. PADGETT.  
 Mr. WEEMS with Mr. WALLACE.  
 Mr. THISTLEWOOD with Mr. SMITH of Texas.  
 Mr. TOWNSEND with Mr. TAYLOR of Alabama.  
 Mr. STURGISS with Mr. RYAN.  
 Mr. STEENERSON with Mr. PAGE.  
 Mr. PRINCE with Mr. NICHOLLS.  
 Mr. LOVERING with Mr. McLAIN.  
 For the balance of the day:

Mr. CAULFIELD with Mr. CLAYTON.

The result of the vote was then announced as above recorded. So the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21946, the general deficiency appropriation bill, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the general deficiency appropriation bill. By order of the House, general debate has been closed; also by order of the House the first reading of the bill has been dispensed with, and the Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1908, and for prior years, and for other objects hereinafter stated, namely:

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word for the purpose of making a brief statement to the committee regarding the provisions of this bill. The amount recommended in the bill is \$17,342,572.89. Gentlemen will see from the report how this aggregate is distributed. You will find in the bill no illegal deficiency. The aggregate is large, but it is made up principally of four items, namely, \$10,000,000 for pensions, made necessary by the passage of the widows' pension act at this session of Congress, and also because of the Bureau receiving and disposing of more pension claims under the act of February 6, 1907, than the Department estimated a year ago could be disposed of, and therefore the appropriation to meet and pay these claims is deficient.

The naval establishment has \$3,156,000. Almost all of it is attributable to two causes. One is the pay of the Navy, or a deficiency in the annual appropriations for the pay of the Navy, aggregating \$2,250,000; and the other is about \$700,000 for the purchase and transportation of coal for the use of the fleet in its trip from San Francisco around the world to Hampton Roads.

I will say in this connection that the Chief of Bureau informed the committee that the aggregate cost of the coal consumed by the fleet on this trip from Hampton Roads until its return, including transportation, will aggregate about \$5,000,000.

Mr. SLAYDEN. Is that simply the cost of the coal?

Mr. TAWNEY. The cost of the coal, including its transportation.

Mr. SLAYDEN. That transportation is properly chargeable to the cost of the fuel?

Mr. TAWNEY. Yes; certainly.

The next item is for the military establishment, \$1,310,000. A large part of that, in fact practically all of it, is due to the deficiency in the annual appropriation for pay of the Army—enlisted men of the Army and officers—and then a part of it is due to the deficiency occasioned by the act passed only a short time ago at this session, increasing the pay of enlisted men and officers, and this appropriation will provide for the increase during the remainder of this fiscal year.

Mr. DRISCOLL. Speaking of the coal, I am reminded to ask the gentleman from Minnesota how much are the Suez Canal tolls?

Mr. TAWNEY. That question was gone into in the early part of the session on the urgent deficiency appropriation bill, and you will find it in the hearings on the first urgent deficiency appropriation bill. I could not state it exactly, but my

best recollection is that it is something like \$8,000 a vessel. That is the amount of the toll.

Now, the only other item of any consequence is the item of printing and binding, \$732,000, and that is a legal deficiency, for the appropriation for printing and binding does not come within the antideficiency act. This deficiency arises out of the fact that a mistake was made in the estimates a year ago, and a less amount was estimated than was absolutely necessary to do the printing for the Departments and the printing for Congress, and it will require \$732,000, of which \$175,000, however, is a deficiency from the fiscal year 1907.

Then there are judgments of the Court of Claims, \$894,000; judgments in Indian depredation cases, \$114,000; judgments of the United States courts, \$1,045, and audited accounts, which are certified in pursuance of law for appropriation, aggregating \$299,151.93.

So that there is very little in the bill that involves deficiencies in annual appropriations made for the departmental service or for the service of the Government outside of the military and naval establishments, pensions, and the amounts necessary to pay judgments properly certified to Congress for payment. The fact is, Mr. Chairman, the bill might be termed a "supplemental appropriation bill," made necessary by the enactment of legislation at the present session of Congress. That is all I desire to say unless some gentleman desires to ask me some question.

Mr. SIMS. Mr. Chairman, I rise to submit a request. I desire to read to the House an address by the secretary of the Farmers' Union of Tennessee on cotton exchanges.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to read and have printed in the RECORD certain statements which he has described. Is there objection?

Mr. TAWNEY. What is the gentleman's request?

Mr. SIMS. To read an address by the secretary of the Farmers' Union of Tennessee on cotton exchanges. There is nothing political in it.

Mr. TAWNEY. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS read the address, as follows:

#### THE FARMER AND THE EXCHANGE.

To the honorable Members of the Senate and House of Representatives in Congress assembled, we beg leave to submit the following for your consideration:

#### HOW THE EXCHANGE OPERATES.

For the making of future contracts a most elaborate and complete machine exists in what is known as the "clearing house" of the Cotton (dealing) Association. Through this clearing house or cotton exchange A sells to B a thousand bales of cotton which he may neither possess nor expect to possess. B may or may not want spot cotton at the time specified for delivery. The man who buys futures does not, as a rule, want the cotton. The man who sells futures does not, as a rule, expect or desire to deliver the cotton.

Once a week a committee adjusts what are called "settlement prices" of the different positions on the board. Supposing values have gone up during the week since contracts were made, say, one-fourth cent per pound, the seller is indebted to the buyer for that difference of a quarter cent; but if values have gone down the buyer is indebted to the seller, and the balance must be paid by the loser into the clearing house on the following Tuesday or the defaulter is posted.

To be "long" is to have bought; to be "short" is to have sold.

A deal may be "called" at any time by selling if you have bought, or buying if you have sold, an equal amount for same date of delivery, the difference being adjusted between date of first transaction and time of "call." The real value of cotton is not counted in the transaction unless the spot cotton is actually delivered.

Suppose I am an importer; I buy 1,000 bales of cotton through my agent and am notified by him; I find a customer; the cotton is shipped, and I proceed to sell futures to cover gross cost of cotton landed at place of delivery. I sell these futures of a "position" on time when actual cotton would be due to arrive and can be tendered against sale of futures and fulfill the future contract if necessary. If the price advances, I deliver on my contract sale and fail to get the rise in value—so it is of no consequence to me as an importer whether the price goes up or down. The difference between my contract sale and the gross cost is my profit.

If I sell a cargo on arrival at a depreciation in price, I would, simultaneously, buy the future hedge in the open market and play even.

Who sustains these losses?

The victims of the future market who take chances in hope of gain, who are in most cases those who do not handle cotton at all and can not, as a consequence, play even, as they have no spot cotton to balance against a future deal.

Suppose 1,000 bales are shipped and sold in small lots of 100 bales at different times, then 100 futures are bought at the same time that the hedge expires, and so on.

For carrying out these transactions the broker on exchange charges a commission of \$15 per 100 bales, provided you are not a member of the exchange. If you are a member, you will have to pay only \$7.50 per 100 bales. But this commission must be paid, no matter who wins or who loses. So the members of the exchange get their pay either way the market goes.

In the beginning of every new crop year prominent cotton factors, like the McFaddens, Inmans, or Farnsworth, who own in the South a large number of cotton gins and many cotton warehouses and compresses—so many of each as to nearly approach a trust—send out to their agents, located in all the principal cotton markets, orders to buy cotton. The price is usually based on Liverpool, New Orleans, Galveston, or some

port market, less the freight to that point, or as much less as it can be bought for in the smaller markets. These agents receive so much per bale as a commission for buying. The custom is that as soon as an agent has made a purchase of any volume he will sell it to some exchange. At the same time he notifies McFadden, Inman, or Farnsworth of the contract. They, too, then sell to protect themselves and notify their Liverpool customers of the purchase of so many bales for their account, as the McFaddens, Inmans, and Farnsworth undertake to supply the spinners cotton on contract for any month in the year. These spinners in turn sell for their protection, claiming they want only a manufacturer's profit. This is what is termed "hedging." Here we have a sale of three or more bales of cotton on the speculative markets of the country to one of spot bought, and that, too, long before that one of spot is taken out of the visible supply. If the conditions seem favorable and the Government reports, due about this time, indicate a large crop, these natural bears on the market may sell ten to one bales of spot cotton bought. So the grower, instead of getting relief looking to better prices by the sale of his cotton to actual demand, has stimulated the future selling of it to enormous proportions.

The professionals in the market, the exchange manipulators who have purchased this cotton proceed to unload it on "the country"—so called. In this way we have this wire system as an auxiliary in the speculative trade.

You buy a paper contract, but do not pay full value for the cotton. You are required to put up anywhere from one to five dollars a bale, and on a hundred-bale contract with a few hundred dollars you can affect the price of \$6,000 worth of cotton. So the buyer does not have to invest much money, nor pay interest, insurance, warehouse charges, etc. Many spinners have seats on the exchange either personally or by representatives. The exchange limits its membership and excludes anyone whom they wish. The brokers on the exchange charge a commission of \$15 on the hundred bales to those not members of the exchange and \$7.50 to the members. A seat on the New York Cotton Exchange costs \$12,500 and is limited to 450 men. This cabal of financial pirates gather round the "pit" and hold high carnival as they gamble on values and send out to the world "quotations" which a blind public has been hypnotized to believe were real.

#### ESCROW.

If a corporation wishes to prevent unscrupulous brokers from underquoting its stock in the market there is a law provided for it by which the stockholders can escrow their shares and they are protected. The shareholders all sign an agreement that they will not sell for a given length of time, and for anyone to quote this escrowed stock lays him liable to prosecution.

Suppose the cotton farmer were to escrow his cotton at an agreed price and then prosecute every broker or cotton exchange that quoted cotton for sale which they did not have; they would be pursuing the tactics of corporation promoters.

Every business that does not add to the wealth and happiness of the world is a useless waste, therefore base, and should be suppressed. For me to buy 500 bales of cotton for May delivery through a cotton exchange, and the market to go against the seller, and I pocket the money put up on margin, is illegitimate for the simple reason that neither of us had performed a useful function. For one's gain to be another's loss is a speculation in fluctuations of value and in no wise legitimate speculation. The brokers on the exchange take the margin money and turn it over to the winner, less the commission charged for holding the stake and advertising the game.

With eighteen grades deliverable on the cotton exchange of New York, I can tender unspinnable cotton and depress the market. This fact being known very naturally places the future contract at a discount, and futures lead spots in the market. More cotton is reported as left over at the end of the cotton season at certain ports than the receipts amounted to during the entire year. Take New York for the cotton year of 1906-7, which had only 23,108 bales of receipts and had at the end of the year 109,975 bales left over. This unsalable stuff is carried over year after year to use on the exchange. When sales or purchases are made on the exchange, no specific grade is specified. It is simply so many bales. This feature alone places the transaction in the category of the purely speculative. If the gambling feature were eliminated, the so-called "legitimate feature" would not last thirty days.

To illustrate: If I am an exporter and sell 1,000 bales in March for October delivery, I turn around and purchase 1,000 bales on the exchange to be delivered at the same time. When the contract falls due I have bought my cotton and shipped to my foreign customer and I sell out my hedge. And who buys the hedge?

There is the rub.

Had I no one but genuine exporters and spinners to deal with I would find no market for my hedge. So I find it in the purely speculative operations on the exchange.

Futures are quoted in New York from 10 till 3 by wire, and in the afternoon at 2, after the great bulk of the future business is done for the day, they quote the price of spots. There may or may not have been an actual delivery of cotton, and yet the spot price be "marked down" because of a decline in futures. This is often the case. How can you quote the spot price of a thing that was not sold? It is done by "offers." The offer determines the spot value and they follow futures and futures follow the weather vane of speculation.

#### DIFFERENCE BETWEEN BUCKET SHOPS AND EXCHANGE.

The difference between a cotton exchange and a bucket shop is this: The bucket-shop keeper is a gambler at both ends of the line and holds the stake of the man who speculates with him and does not put up anything against it, while if you deal through the exchange they make you put up your money with a responsible party, and the one with whom you put up your wager places his with a responsible party, and when the time is called the winner banks the account.

#### DOES IT PREVENT FLUCTUATIONS?

Does the process of handling futures have a tendency to prevent fluctuations? Let's see. In February, 1904, the July option in New York sold as high as 17.55 cents. Before the month was out the July option sold as low as 13.02 cents. Over \$20 fluctuation in that month—one hundred and fifty days ahead. How is that for a "protection" to the "legitimate" hedger? Now, did the spots tally with these futures when July finally arrived? The July futures opened by selling as low as 10.18 cents. From 17.15 cents in February there was a decline to 10.18 the first week in July. How is that for holding prices stable and putting a balance wheel on prices by the exchange?

The bucket shop could not exist twenty-four hours without the exchange as a basis of quotations, nor could the Liverpool exchange do business in this way if the American exchanges were abolished. Ac-



According to the best estimates the bucket shops took from the South \$30,000,000 annually before they were outlawed. The local wire houses have been shut up in every cotton State save two, and these are certain to do the same. Since this source of revenue has been cut off the game has lost some of its sensational activity of bygone days. The tremendous efforts now being put forth to stem the tide of revolt against exchange methods is only additional evidence of the graft that it supports. Its defenders can not prove legitimate need for its existence, and it must needs go down, as did the lottery game and faro dealing of days gone by.

On the sworn testimony of exporters, cotton merchants, and manufacturers before the legislative committees of the general assemblies in some of the States the local cotton exchanges were not necessary adjuncts to the legitimate cotton trade, but were used only for convenience by the larger exchanges. The bucket shop has been likened to a crap shooter and the exchange to the stud-poker player with a fixed hand.

There is no exchange on wool or hay, and hay leads cotton in value. One of the most diabolical and insidious developments of the cotton trade is the tacit understanding among cotton speculators not to interfere with each other in certain territory. This unwritten law renders the producer helpless in trying to find a competitive market. Competition is eliminated and prices held down by concert of action that operates in restraint of trade beyond the reach of all the antitrust laws that can be enacted.

The exchange furnishes the means of guaranty to the speculator, and the victims of the exchange furnish the reservoir where margins are ever on tap for the exporter and speculator. If exporters and spot dealers could hedge only with each other, it would narrow the market till it would go out of use for want of customers.

The exchange, by furnishing this means of insurance for the speculator, stands as a wall between the cotton raisers and the spinners. Contracts are made with spinners and the hedge resorted to as an insurance against losses, and the farmer is blocked from making direct deals. The spinner does not bother to hunt for his supplies, as he is depending on his contracts. Thus we find "closer trade relationship" is impossible so long as the exchange holds sway.

It can be proven that cotton factors like the McFaddens, Inmans, and Farnsworth make more money dealing in futures than their commissions in legitimate orders from the manufacturers and millers would be were they debarred from hedging.

Suppose a man "saves" himself by "hedging" on futures. Somebody had to lose to keep him even. Nothing is gained to society. No wealth is added to the country. One might as well swap dollars from one pocket to another as for one man's gain to be another's loss, so far as society at large is concerned.

To argue that legitimate business to-day is dependent upon a species of gambling is a travesty on reason, a stigma on business integrity, a burlesque on enterprise, and, if a fact, would be a monstrosity in civilization.

The opponents of this measure for the abolition of the exchange argue from the standpoint that the producer is dependent upon the street buyer for a market, which is no longer true, if it ever was. Does anyone think for a moment that to stop dealing in futures would stop demand for such things as are speculated on by the future-dealing process? If it would not, then it must be admitted that some other method would be found whereby the exchange would be arranged between the producer and consumer. And the other method is what the opponents of this measure object to.

Suppose some one will have to change his occupation; that will be nothing new under the sun. Coal oil put the candle-mold maker out of business. The locomotive put the stagecoach manufacturer out of business. The self-binder put the reap hook and cradle into the junk heap. The makers of shrines and gods were put out of business by the missionaries of the Christian religion, although the defenders of the old worship hired mobs to go up and down the streets of Ephesus crying: "Great is Diana of the Ephesians."

The farmers have decided to be their own salesmen and regulate supply to demand throughout the year, and they do not want the disturbing element of speculation to come in and make this adjustment the more difficult. Fictitious prices on fictitious commodities have no place in legitimate business.

No antitrust legislation had been enacted in any of the Southern States prior to January, 1905, and still we had more severe fluctuations in the price than we have recently had. Take the history of the cotton market for the past twenty-five years and you will find that it is the rule and not the exception for the price of cotton to decline violently between September 1 and December 1 of each year. You can not deceive the cotton farmers by telling them that the enactment of law to suppress gambling in cotton is responsible for the decline in the price of cotton. They have many times before any of the said laws were enacted seen the price of cotton decline violently with no more cause than has lately prevailed.

Abolishing the cotton exchange will not lessen the demand for cotton goods. If the demand for cotton goods is not affected by the abolition of the exchanges, the demand for raw cotton will in no way be lessened. The demand for cotton remaining the same the price should not be affected, unless there should be a difference in the cost of getting cotton from the producer to the spinner after the abolition of the cotton exchanges.

The farmers are organized and are in a position to furnish at established grades and prices all the cotton raised in the United States by simply filling the orders sent in by the spinners. The producers are in a position to guarantee their shipments to be as represented and furnish as good security as any of the present shippers can possibly do.

There can be no cheaper or more economical way of handling cotton from the producer to the spinner. The organized producers do this through central sales offices incorporated and capitalized for this special purpose.

Should cotton rise in price after the abolition of the exchange, the producer will be the beneficiary instead of the speculators. If the price goes down, the consumers of cotton goods will not object, and the loss will not be sustained by victims of the "future" market when caught on the losing side of the game.

Cotton exchanges feed on speculation. All kinds of speculation feed on fluctuation in price.

There can be no speculation where there is absolute stability of values. The direct result of speculation is fluctuation.

So we have it that speculation produces fluctuations, and fluctuations furnish the inducements for speculations. Each feeds the other.

#### WILL INTERFERE WITH BUSINESS.

The cry that to abolish the exchange would demoralize the business is the same that was raised against the President for exposing the operations of predatory manipulators of finance.

The business that it will interfere with needs to be interfered with. Other channels are ready to take care of the trade, with which we deal further on.

The press of the country has been filled with articles defending speculation on general principles, and the exchange in particular. The whole tendency of these articles is to confuse and confound all kinds of speculation with legitimate investments that carry with them an element of risk. We are accused of confusing speculations with gambling, which we deny, and turn the accusation back to them. Bucket-shop investment is betting on the rise and fall of quotations. Future hedging is the same when no delivery is made. And when these transactions are confused with ordinary investments that are in any sense a risk is to deliberately defend gambling as entirely legitimate and in no sense reprehensible. In this kind of so-called "business" the information, foresight, and private knowledge necessary to be successful can never belong to but a few of the elect, who have nothing else to do but study and operate the tricks of trade. Theodore Price has 3,450 special correspondents and 5,000 general correspondents from whom he gets information. The enormous expense necessary to conduct this system must be met by inside advantages enjoyed by the trade.

What does it cost to market a crop of cotton by present methods? Let the ledgers of the brokers, commission men, speculators, exporters, bucket shops, and exchanges tell the tale. When 12,000,000 bales are sold before made, is it not evident that each buyer will be a bear?

The farmer who sold cotton last fall during the panic had to pay a privilege tax of from 2½ to 5 per cent for marketing his crop. Banks had suspended payment, and cotton buyers had to buy their money and pay brokerage charges of usually 3 per cent, and of course they deducted it from the price. Latham, Alexander & Co., of New York, sold money for this purpose. Latham, Alexander & Co. are heavy bankers. Latham, Alexander & Co. are supposed to be heavy dealers in cotton. One need not read between the lines unless one wants to.

#### AS A MORAL ISSUE.

If all the wealth absorbed by exploiters, if all the money lost by those who have staked it on futures was restored to the original owners, the magic of the change would startle the world. The system has blighted homes, destroyed business, wrecked banks, sent men raving to the madhouse, and others reeling into a suicide's grave. Those who win on the exchange are usually rendered unfit for the slow and common ways of earning a livelihood. Their success excites the cupidity of others who rush in and stake their chances and lose. The ones who win attract attention, but those who lose suffer in silence, ashamed of themselves, and are soon forgotten. Its victims are numbered in every county in the South. Take an innocent soul, uninitiated in the ways of high-fung finance as run by the buccaners of commercial graft and let him view the scenes enacted on the floors of the exchanges at the height of their gala days of frenzied speculation, and his blood will run cold at the scenes there presented. Men in tailored suits, with canes, patent leathers, silk hats, and diamond studs pace the floor in nervous suspense as they watch the chalk marks on the board come and go. Excitement pervades the arena. Look! A plug hat is slammed against the floor and stamped, the man tears open his collar, clutches his hair, pulls out handkerchiefs and strews it on the floor, and reels into the street in the agony of despair. He is a ruined man—the chalk marks went against him—he lost all.

#### VIEWS OF PROMINENT MEN.

At the Atlanta meeting, in October, 1907, a member of the New York Exchange said that they bought and sold in spot cotton during a season about 70,000 bales and bought and sold in "futures" over a hundred million bales.

In July, 1904, Mr. Macara, of Manchester, the president of the International Manufacturers' Association, said that the manufacturers paid for the crop of 1903 enough more than the farmer got to duplicate all the factories in Great Britain.

Mr. Coats, of Manchester, England, president of the Cooperative Manufacturers' Association, representing 6,000,000 spindles, said in an address before the convention of the spinners of the world and the cotton producers of the United States in Atlanta, Ga., October 7-9, 1907, that 90 per cent of the business of the cotton exchange was evil, and unless the evil could be eliminated and the good retained, that it had better be abolished.

C. W. Smith, of England, says:

"We demand that the prices of the world's commodities shall in the future be governed by the economic laws of the world's supply and demand, and not as at present and in the past, by bull and bear gambling operations in nonexistent products and by the manipulators thereof, for the sole benefit of the gamblers, through options and future contracts. Surely all governments will see there is nothing but absolute justice in these propositions. The course of prices for agricultural products should be fixed in the future, so far as possible, through the medium of the producer."

"Further, it is by such deadly 'bull and bear' international gambling weapons that these men have also cunningly and secretly obtained the key to the financial, agricultural, and commercial conquest of the world. I maintain I have ample justification in denouncing international financial and commercial gambling in 'options and futures' as standing out as the greatest of all perils which the world has to contend with in the future, in the connection with preserving the rights of the property, as well as upholding the liberty and privileges of the people."

Congressman W. P. HEPBURN, of Iowa, recently said: "Is it at all probable that business men would pay \$75,000 or \$100,000 for a seat on the New York Exchange if there was not a prospect of great returns? Would dozens of brokers, who own these priceless seats, maintain thousands of miles of private wires at a cost of thousands of dollars per month if there was not the sure-thing gamblers' profit in sight? Would they buy these seats of gold and wires of unknown cost if they were only buying and selling stocks in a legitimate manner?"

"All the race-track gambling in the world; all the games of cards in the 'tenderloins' and the 'red-light districts' of the cities; all the games of chance at Monte Carlo and the other famous gambling resorts of the world are as drops in the bucket compared with the enormous transactions of the stock exchanges of the United States. During the year of 1906 the banks of New York made 4,000,000,000 separate loans on account of stocks."

"I will venture to say that not 5 per cent of these transactions on the New York Stock Exchange are legitimate transfers of stock."

Mr. HEPBURN had reference to stock exchanges in general, but the cotton exchange is as reprehensible a branch of the business as there is connected with the whole system.

The Saturday Evening Post, in a recent editorial, said:

"First and last, a lot of money is made out of this gambling. Otherwise it would not continue. Whether the bull finally gets this money,

or the bear, or simply the broker, does not matter. Whoever gets it does not earn a penny of it. He does not produce or transport or distribute a bushel of grain or a pound of cotton. He contributes absolutely nothing to industry itself. He merely sits aside and bets on it. So that the money is made in speculation; whatever the amount and whoever receives it, it is just so much scooped out of the wealth that the country produces, with no return on the scooper's part."

Doctor Johnson defines a stockjobber as a "low wretch who gets the money by buying and selling shares in the funds."

Washington said speculation was the cause of decay of public virtue, and expressed huge contempt for stockjobbers.

Macaulay speaks of the ill fame of the stockjobber in his day. Napoleon said that anyone that sold national securities short was a traitor to the state.

President Roosevelt has asked Congress to do something to prevent the grosser forms of gambling—such as making large sales of what men do not possess.

William Jennings Bryan said in a speech in New York, in March, 1908, "measured by the number of suicides caused by the New York exchanges, Monte Carlo is an innocent pleasure resort by comparison, and the men who operated the Louisiana Lottery never did a tithe of the harm that grain gamblers, cotton gamblers, and stock gamblers of New York do every day."

Speculation as carried on through the stock exchanges debauches manhood, robs society, performs no useful function, destroys stability of values, and stands as a perpetual menace to the producer.

#### A SUBSTITUTE FOR THE EXCHANGE.

We do not propose to overthrow a system so extended in its operations without inaugurating a better one. Our object is to economize the handling and marketing of cotton, eliminate the evils of speculation, and avoid the instability of values incident thereto without jeopardizing the interest of the producer and consumer.

The argument is made that to abolish the exchange would seriously hamper the cotton trade and leave the farmer at sea on prices. That cotton would sell at widely different prices the same time at different places. That it would leave the farmer and spinner without a medium or transfer, as it requires expert knowledge to distribute cotton properly to suit the peculiar requirements of the thousands of mills.

This might have been the condition in the past, but it is no longer so. The farmer has organized—2,000,000 strong.

The cotton raiser has prepared for the change before he asked for relief from the system he is laying aside.

The farmers have built 2,000 warehouses for storing their cotton. They have established and incorporated central sales offices where any cotton in the United States can be bought on grades and guaranteed, and sold at prices governed by demand. These warehouses and central sales offices are owned and controlled exclusively by the farmers. The managers are hired by the year on salary and placed under surety bonds. Samples are sent from the warehouses to these central offices and guaranteed to correctly represent the bales from which they were drawn. These samples are classified and a record made of same. The prices are made to be uniform throughout the cotton belt by agreement, and these offices are in constant communication with each other. Spot cotton is sold from these offices for future delivery, but no cotton is sold before it is made.

The organization that has brought about this system is the Farmers' Educational and Cooperative Union of America, and by its authority this address is respectfully submitted for your consideration.

The exchanges, brokers, commission men, and speculators are jealous of the rising power of the farmer, and that is the secret of their tender solicitation for his welfare. The only legitimate exchange is the kind the farmers have established. They do not hedge nor create a condition that requires it. They deal in spots and have the goods.

T. J. BROOKS, Secretary.

Mr. JOHNSON of South Carolina. I want to ask the gentleman a question.

Mr. TAWNEY. I yield to the gentleman.

Mr. JOHNSON of South Carolina. I have glanced at the deficiency bill this morning. Is it composed exclusively of items that have been audited by the Department?

Mr. TAWNEY. No. There is an item of audited accounts, \$290,151.93. These are audited accounts that are certified by authority of law to Congress every year from the Departments. They are accounts that have passed through the hands of the Auditor and have been audited, but there is no appropriation with which to pay them. The other items in the bill are not audited accounts, except where deficiencies have been ascertained for particular years. If there is a deficiency, for instance, for 1905, in an annual appropriation, that is an ascertained deficiency and the amount chargeable to that appropriation has been audited, but because of the lapse of time the appropriation has passed into the Treasury and there is no money with which to meet the deficiency.

Mr. JOHNSON of South Carolina. I understand that. Now, deficiency appropriations made for the current fiscal year are anticipated?

Mr. TAWNEY. Some of them.

Mr. JOHNSON of South Carolina. And deficiencies will occur if they keep the present force, and, therefore, some are anticipated?

Mr. TAWNEY. Yes; some are anticipated, and in other cases there is a deficiency now.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROBERTS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CHOCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16882) making ap-

propriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OWEN, Mr. CLAPP, and Mr. CURTIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4341. An act granting an increase of pension to Calvin P. Lynn;

S. 5412. An act granting an increase of pension to Byron C. Mitchell; and

S. 7123. An act granting an increase of pension to Harry S. Lee, formerly Albert Lee Alleman.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. BRUNDIDGE. Mr. Chairman, I move to strike out the last word. I simply want to say a word in corroboration of what the gentleman from Minnesota, chairman of the committee, has said. I think a close inspection of this bill will show every Member of the House that the committee has been diligent to see that nothing but items in the nature of a general deficiency has gone into the bill. More than \$15,000,000 of the bill, as the chairman says, are made necessary by legislation enacted at this session of Congress, leaving a little over \$2,000,000 for general deficiencies proper, and this is largely accounted for by accounts that have been audited by heads of the different Departments, and therefore stand in the same position practically as the judgment of a court.

The committee has been most diligent in seeing that deficiencies that were not properly deficiencies were eliminated from the bill, and have only reported to the House what they felt had to be provided for under existing law. It is the most economical bill, in my judgment, that has been reported to Congress, and if other appropriation bills had adhered as rigidly to economical lines as have been used in the appropriations reported in this bill, the total appropriations at this session of Congress would have been largely decreased from the enormous totals we find them to-day.

Mr. RHINOCK. Mr. Chairman and Gentlemen of the House, I ask your indulgence while I discuss a question of most vital importance, and especially so to the tobacco growers of Kentucky and other States whose farmers are engaged in the production of this article and to the consumers of tobacco all over the country. During the present session of Congress I introduced a bill which reads as follows:

A bill for the relief of tobacco growers.

Be it enacted, etc., That unstemmed tobacco in the natural leaf, or stemmed tobacco in the natural leaf, or natural-leaf tobacco in the hand twist, which tobacco is not adulterated in any way, shall not be subject to any internal-revenue tax or charge of any kind whatsoever; and it shall be lawful for any person to buy and sell such unstemmed tobacco in the natural leaf, or natural-leaf tobacco in the hand twist, which said tobacco is not adulterated, without the payment of any tax whatever. That all laws and parts of laws in conflict herewith are hereby repealed.

This measure will, in my opinion, if enacted into law, settle the strife now being bitterly waged between the tobacco growers and the tobacco trusts. The sum and substance of this measure is to put the grower of tobacco on the same footing as the grower of cotton, corn, wheat, oats, and all other products that come out of the ground. Is there anything wrong in this proposition? Why should the Government say to the producers of cotton, corn, wheat, oats, and all the other products that come out of the ground, "Go seek the markets of the world, unhampered and unrestricted," but the tobacco grower must pay the Government 6 cents a pound for the poor privilege of preparing the product of his labor and the sweat of his brow into a convenient, merchantable shape to reach the consumer. Is not that discrimination? It ill becomes this Government, Mr. Chairman, to make war on others for discrimination until it ceases to engage in the same business. [Applause.]

That the effect of the revenue laws relating to tobacco has been to bring to the verge of ruin one of the richest countries God has made, destructively damaging to landlords and farmers, distressingly impoverishing to tenants and laborers, by placing it within the power of buyers and corporations to fix the price and combine to control it; that no other country in the United States has been so oppressed, having its natural fertility and wealth-producing powers rendered nil; that no other product of



the soil is thus taxed and singled out for trusts to prey upon; that no other people are ground to poverty between the upper and nether millstone of government and monopoly.

That the effect of the law is to destroy competition among buyers and limit the growers' market; that if the grower were permitted to stem and twist his product and sell it in any quantity anywhere, in any quantity to anybody, he could thus reach the consumer, and there would result a wider market, competitive demand, and living prices.

That under the prevailing system the grower can only sell a small quantity in the hand; that all the people about him to whom he might sell are growers like himself, or nearly all, and therefore he has no one to whom he might sell; that the small quantity he might sell would not justify him going into nontobacco regions to find customers; that he therefore has no one else to sell his crop to except the combined agents; that there is no longer competition in buying, the leading tobacco markets of the world have been abandoned by the army of buyers and agents from abroad, from all the principal countries of Europe, who sat daily around the tobacco boards and bid against each other; that the auction rooms are dismantled and abandoned, and where activity and prosperity once surged is now desolation and emptiness; that a few buyers for corporations, all in combination, alone remain to fix the price and take as much or as little as they wish; that there is no one else to whom they may sell—no exemption, no rivalry—and the result is that prices rule barely above the starvation point.

That the revenue law is directly responsible for this by depriving the grower of the right to sell his product to consumers stemmed and twisted into a shape that can be handled and used and in amount that would be any considerable part of the country's product; that to take off the handcuffs and allow him to stem and twist and sell it without limitation will create competition and bring tobacco to its worth.

That it is demonstrable, at least in the tobacco regions that we represent, that this suggestion will not decrease the revenues; but even if it does, even if it cost millions, is the Government warranted in punishing its people for revenue? Is it fair and just to select us from among all other tillers of the soil for unmerited punishment through unjust taxation?

I am asked why, if this tax is such a hardship, relief has not been asked for before this time. I will tell you. In the first place, the tobacco-tax question has been agitated more or less for the last twenty years, but that you may understand the deplorable condition under which the grower of tobacco now labors and the combination of circumstances, or I might say, the artificial means used, by which every grower of tobacco is reduced to a condition of serfdom which is becoming unbearable and which ought not to be allowed to exist in any government, and which will continue indefinitely unless relief by the passage of a measure which will take Government restrictions, regulations, and tax off of the product in its raw or unadulterated state in any form—in other words, give tobacco the same rights and privileges that corn, wheat, cotton, and other products of the earth now enjoy—it would be necessary for me to refer you to the conditions existing before the organization of the tobacco trust and a brief summary of the history of that organization and its present method of doing business.

A few years ago the manufacture of tobacco in all of its forms and the sale of the manufactured article was in the hands of many thousand different individuals and corporations, each competing with the other in the purchase of the raw material and the sale of the manufactured article. Prices then were controlled alone by the law of supply and demand, and the growers received a fair price for their labor and a reasonable income on the capital invested, and the consumer only paid a fair price for the manufactured article.

In 1890 the American Tobacco Company was organized under the laws of New Jersey, with an immense capital, for the ostensible purpose of manufacturing tobacco in all of its forms, but with the real design of crushing out all competition in buying tobacco in its raw condition and in selling the manufactured article. How well it succeeded the present condition of the tobacco business and the general uprising of the people in opposition to the methods of the trust clearly indicate. Immediately after its organization it began to purchase competing tobacco factories in this and foreign countries, and paying for them in stock in the new concern at fabulous prices, many times more than these factories were worth. It engaged in the manufacture of tobacco in competition with other factories, and as it progressed in business whenever a formidable competitor was encountered it would be offered the alternative of favorable inducements to join the trusts or forced into bankruptcy by ruinous competition.

In December, 1898, a similar concern was organized under the laws of New Jersey, known as the "Continental Tobacco Company," with a capital equally as great as the American Tobacco Company, which engaged in the business of absorbing minor factories in the same way as the American had done. While the Continental was apparently a competitor of the American, yet it was known that the promoters of the Continental were the same as the organizers of the American.

These two concerns continued as separate organizations until June, 1901, when another corporation, known as the "Consolidated Tobacco Company," was organized by the same persons and for the same purposes that its predecessors had been formed, with a capital representing more millions than was ever conceived of by the Count of Monte Cristo in his wildest hallucinations.

A short time after the organization of the Consolidated Tobacco Company it acquired 88 and 90 per cent of the common stock of the American and Continental companies, respectively, which gave it control of these concerns, with all the factories engaged in the manufacture of plug, smoking tobacco, snuff, and cigars, and the wholesale and retail establishments engaged in selling tobacco, cigars, snuff, and so forth, which they had acquired. After this gigantic combination was formed the Consolidated Tobacco Company began a war of extermination against all independent factories which had not been absorbed by the American and Continental companies, and which were liable to compete with it in business.

In a short time a great majority of these independent concerns were either driven out of business or were forced to sell their plants to the trust, the result of which was that at the close of the year 1901 the Consolidated Tobacco Company owned and had control of 90 per cent of all the tobacco factories engaged in the manufacture of tobacco in any form in the United States and in many foreign countries.

The capital stock of this colossal combination, including stock of minor corporations owned and controlled by it, amounted to one-half billion of dollars. How much of this was watered stock no one other than the promoters will ever know, and they will never tell. Notwithstanding this unheard-of capitalization, this gigantic concern, in December, 1901, less than seven months after its organization, declared and paid a dividend of 20 per cent on its entire capital stock, and this, it will be remembered, was shortly after the close of the Spanish-American war, when the tax on manufactured tobacco was 12 cents per pound, and since the reduction of the tax from 12 to 6 cents per pound the trust has made no change in the price it pays for the raw tobacco or the price at which it sells the manufactured article.

To enable this corporation to make an annual dividend equal to one-fifth of its entire capitalization, real and fictitious, the trust forces the growers to sell their tobacco to it at less than the cost of production, with labor at from 50 to 75 cents per day, and sells the manufactured article to the consumer at from six to ten times more than it allows the growers for it. When it is understood that in the manufacture of tobacco a large amount of cheap, low-grade sugar, molasses, and licorice, worth only a few cents per pound, is worked into the raw material to make the manufactured article, some idea of the immense profits realized by the trust may be understood.

Mr. Chairman and gentlemen of the committee, that you may have some conception of the character of the men and the methods they employ in incubating this hydra-headed monster that has so ruthlessly, willfully, and maliciously robbed, pillaged, and plundered the public producers and consumers and driven the tobacco growers to a state of almost revolution [applause on the Democratic side], I quote to you a history of this organization, by Charles Edward Russell, in *Everybody's Magazine*.

This institution dates back to 1890 and really owes its existence to the growth of the cigarette habit that infested this country after the Centennial Exposition of 1876, when the cigarette was obligingly exhibited to us by some of our admired foreign visitors. By 1885 many houses were engaged in supplying the rapidly growing demand. These houses competed, and, in the end extravagantly, so that none of them could make money. Five of the leading cigarette-making firms, to wit, W. Duke Sons & Co., of Durham, N. C.; Allen & Ginter, of Richmond; Goodwin & Co. and the Kinney Tobacco Company, of New York; W. S. Kimball & Co., of Rochester, N. Y., and Oxford, N. C., met in New York in January, 1890, to consider ways of limiting competition. With no intention to speak unfairly or disparagingly, I suppose it was as commonplace a lot of men as ever got together. Some of them had been in business a very long time and had nothing to show but mortgages and harassing debts, and at least one of them was hard upon the shoal of practical bankruptcy.

But they met and stumbled upon a plan of organization, modeled baldly upon a hundred other such combinations then and now in existence. This American Tobacco Company was launched (congenially) in New Jersey, where it put to sea January 31, 1890. Capital, \$25,000,000; assets, chiefly speculative and paper; investment, nothing—literally nothing—for the men that formed the company did not contribute one cent of money to it. They put in their respective and unprofitable businesses, but these, while important to the total cigarette product of the country, were trifling compared with the total tobacco manufacture. Of the capital stock, \$2,000,000 was set aside for what were called the "live assets" of the five combining firms. Nobody ever knew what "live assets" meant, for the total real estate, free and mortgaged, of all the firms—if you will believe me—amounted to less than \$400,000, and none of them being financially prosperous, there was, strictly speaking, little to base solid securities upon. The remaining \$23,000,000 of stock was distributed among the firms. As an illustration of the ability, energy, and foresight that characterized these proceedings, I may mention that the apportionment of stock was effected by the gentlemen present writing figures on slips of paper that were deposited in a hat, shaken, and drawn out; and, lest it be doubted that such a performance be possible in high finance, I add that it has been solemnly sworn to by men that took part in it.

Upon the slips being drawn from the hat, the Duke firm and Allen & Ginter received the largest allotments, the Kinney Company less, and the remaining concerns secured only \$2,499,000 each.

The firms then put part of their holdings on the market, which they could easily do without impairing their control of the enterprise. They found that the public could be induced to buy the stock at 117. In a day, therefore, without effort, without investment, without expenditure or risk, they had been presented with millions and had still their business exactly as before, only better, because now competition among them was eliminated.

From the first the new trust was blessed with a singular and certain instrument of prosperity that lay in a fixed habit of the American cigarette smoker. No cigarette consumer ever went into a shop and asked merely for a package of cigarettes, but invariably he demanded a certain brand. As a rule he would not be content with anything but this brand; hence, every dealer was compelled to maintain stocks of all the brands most called for.

This one little fact made treasures for the American Tobacco trust, and would have made them if the managers of the trust had been wholly incompetent. The trust controlled the supplies of many of the most popular brands—"Sweet Caporal," "Old Judge," "Richmond Straight Cut," and the like. Dealers must have these or cease from business. Here was a power incalculable. The trust was engaged in suppressing its competitors. Any dealer that would not help its cause it could practically ruin by refusing to sell him the goods he must have.

Another powerful factor making for its prosperity lay in the opportunities to affect its securities in the stock market, of which it may be well to cite here one illustration from the records. In December, 1895, after a meeting of the directors of the American Tobacco Company, it was announced to the public that, owing to the unsatisfactory condition of the business, the usual semiannual dividend must needs be passed. Instantly, down crashed the stock, the price declining in a few days from 117 to 63, assisted in its downward course by the gloomy statements of the men on the inside of the company's affairs.

When the stock would decline no more, the men on the inside loaded up with all of the stock they could get at bottom prices.

Soon after the directors met and declared a cash dividend of 20 per cent, and a scrip (watered stock) dividend of another 20 per cent.

At this astounding news the stock rose with a bound. Up and up it went among the stars, flying higher day by day. When it hovered at 180 or thereabouts the men on the inside unloaded the stock they had bought at 63 and reaped large profits.

The scrip they had issued as a dividend bore 6 per cent interest guaranteed. Its only purpose was that the men in charge of the property should make to themselves a present of millions out of the enforced contributions of tobacco consumers and retailers.

Repeated financiering of this kind gave to the stock a bad name among conservative brokers and bankers, who looked upon it with unensiveness and rejected it as collateral except upon great margins. But the operation drew additional strength for the American Tobacco Company as one competitor after another was allured by these fabulous profits.

There were still left many strong competitors that would not surrender to either force or allurements, and most prominent among them was the great Liggett & Myers firm, of St. Louis. Against these opponents the trust waged a long, bitter, and costly war. The scope of its operations had been greatly enlarged by the firms that had joined it; smoking and chewing tobacco had been added, and later it absorbed the snuff and cigar industries. But the hot center of its fight with Liggett & Myers continued to be over plug tobacco.

Liggett & Myers had a brand of plug tobacco called "Star," which was very popular. To oppose this, the trust put forth a brand called "Battle Axe," and to push "Battle Axe" into favor and out the "Star" the trust lost \$1,000,000 a year.

The president of the American Tobacco Company and the originator of the brilliant "Battle Axe" idea was J. B. Duke. The treasurer was George Arents, of the brokerage firm of Arents & Young, Wall street. Early in 1898 James R. Keene gathered certain facts in regard to the company's business and politics and concluded that the losses had been great and unnecessary, and that if the \$1,000,000 a year "Battle Axe" drain were eliminated and the enterprise put upon a straight business basis the company could water its stock to the extent of doubling its capitalization and could still make 10 per cent dividends.

As to Liggett & Myers, Keene learned that the warfare was wholly needless, because Liggett & Myers would consent to a union of plug manufacturers, providing the officers of the American Tobacco Company had nothing to do with it. Keene determined to secure a majority of the \$17,900,000 of the common stock of the American Tobacco Company, with enough of the preferred to give control of the property, then to depose Duke and Arents, organize a new concern, to be called the Continental Tobacco Company, so as to take in Liggett & Myers, P. J. Sorg, the Drummond Tobacco Company, and other producers of plug, and thus gain peacefully and inexpensively the ends that the blundering trust was trying to secure with war and money.

Mr. Keene brought in to help him Oliver H. Payne, of the Standard Oil crowd, who was William C. Whitney's brother-in-law; Herbert C. Terrell, afterwards confidential attorney for the president of the sugar trust, and Moore & Schley. It was just before the Spanish-American war, and the whole market was depressed. Mr. Keene and his associates went quietly at work and so adroitly gathered in the stock that the men on the inside of the company's affairs never suspected what was happening. When the books closed and the happy gentlemen suddenly awoke to find themselves defeated and menaced with the imminent loss of their ship the price of the common stock roamed as high as \$800 for 100 shares overnight—that is, for the leasing of stock for election purposes.

The Keene associates got the bulk of their stock at about 90. Their purpose was to put it up to 200 and then issue the water. It rose rapidly to well above par and all looked favorable for plan and planners. Keene's first determination, upon which he was wholly fixed, was to remove Duke and Arents. He was in daily conference at Moore & Schley's office with members of that firm, with Colonel Payne, and with Mr. Terrell. When they were ready one day they called in Captain Duke and told him that he was deposed.

Mr. Duke is a person of some temper, and, in violation of the accepted rules of the game, he let his feelings get the better of him, which was probably well for him on this occasion. He made one leap into the center of the group and denounced the whole scheme. They had him in their grip so far as the captivity was concerned; he knew that. But he could make a lot of trouble for that ship and probably scuttle her, and he vehemently swore he would do it. He said that he would not only throw overboard all the American Tobacco stock that he held (which would be exceedingly bad for those trying to put the price up to 200), but he would get a new ship of his own and compete in the cigarette business.

Perhaps his violence frightened somebody; perhaps there were more plottings involved than those of Keene. Anyway, Moore & Schley and Terrell & Payne cast in their lot with Captain Duke. At this unexpected turn of affairs Keene surrendered the part of his scheme that contemplated the marooning of Duke and Arents and a new bargain was struck that dealt only with the manipulating of the stock.

To this work Keene now turned his attention, intending to put the stock up to 200, and telling his friends that this was the opportunity of a lifetime, which it certainly seemed to be. But somehow the stock did not go up. Mr. Keene chafed and fumed daily to Moore & Schley, and daily he was regaled with reasons. When his patience had been exhausted he announced that he would put the stock up on his own account without anybody's



assistance. Whereupon \$3,100,000 of the common stock that was in the treasury of the American Tobacco Company was issued to Moore & Schley at 108½, which was than the market price, and immediately and rapidly the stock was advanced until it reached 150.

But here another row broke out among the new associates. Keene declared that some one in the Moore & Schley end of the compact was secretly selling his stock at 150 instead of holding it until it should reach 200, which was the agreement. Of course, so long as insiders let their stock go at 150, it was useless to talk of putting the thing above that figure. Keene accused Moore & Schley, and was in turn charged with treachery. In the end Keene threw over the whole venture. Within two days he sold all his tobacco stock for what he could get, from 147½ down to 132½, clearing about \$1,250,000, but missing the monstrous harvests that he had expected from the stock-watering. He was out, but Payne and the Standard Oil crowd were in, and stayed in, and that is where Standard Oil influence in the Tobacco Trust began. Payne had snapped up most of Keene's stock.

But now the new crowd that surrounded Captain Duke turned back joyously to the original scheme of watering the stock. The capitalization of American Tobacco was doubled. Pretty soon it was still further increased. The Continental Tobacco Company was organized and took in all the plug tobacco manufacturers except Liggett & Myers, who absolutely refused to ship under Captain Duke. Various devices were adopted to swell still further the enormous capitalization without seeming to increase it, devices like the subsidiary company and the holding company. The American Snuff Company was formed to establish a monopoly in the snuff business, and the American Cigar Company to monopolize cigar making. Every time the capital was increased, a heavier tribute was imposed upon retailer and consumer. After some years it occurred to the gentleman in actual charge of the trust that one source of profit had been overlooked, and thereafter the tobacco producer began to feel a steady contraction of the market and a decline of the prices that he obtained.

Meantime, Mr. Ryan and his friends had noted well the progress of the tobacco trust, and at the beginning of 1899 they seem to have thought that the time had come for them to participate in this good thing. Accordingly, they organized the Union Tobacco Company of New Jersey. Old friends of ours appear in the list of incorporators—Thomas F. Ryan, P. A. B. Widener, W. L. Elkins, Thomas Dolan, and R. A. C. Smith, and with gratification we may observe that the new enterprise had the sage advice and directing counsel of Elihu Root, now Secretary of State of this nation, then confidential adviser of Thomas F. Ryan.

The capital stock of the Union Tobacco Company was \$10,000,000 of which, kindly note, only \$1,350,000 was ever paid for. The news of its forming occasioned many painful moments on board Captain Duke's ship. The navigators there easily foresaw trouble. Mr. Ryan and his friends quickly found the talent necessary to embark on a large scale in the cigarette and tobacco business. Among the experienced men that they secured was William H. Butler, who had been vice-president of the American Tobacco Company and the originator of the "Sweet Caporal" cigarette. It was evident, therefore, that the Union Tobacco Company was equipped for formidable rivalry. Besides, the making and selling of tobacco was only a part of the business of the American Tobacco Company. Manufacturing was a good cover to the issuing and manipulating of securities from which the bulk of the great profits were derived, and the men in the Duke party knew very well that in the issuing and manipulating of securities the Ryan-Widener-Elkins-Root syndicate had no equals in the world; also that to such experts \$10,000,000 of capital was as good a foundation as \$100,000,000. A still greater danger lay in the proved and unequal power of the Ryan party to influence legislation and manipulate Government—a matter of the first importance to the trust's welfare.

The first moves by the Union Tobacco Company were very disconcerting. It began by operating on a bold and big scale the institution known as the "subsidiary company," and showed the Duke party how much had been overlooked concerning that device.

The exact method by which the subsidiary company device is worked I can show best by relating a particular instance. One of the firms that had remained outside of the trust and continued to fight it was W. T. Blackwell & Co., of Durham, N. C., makers of smoking tobacco. The Ryan-Widener-Root syndicate bought out W. T. Blackwell & Co. for \$2,300,000. They then formed the Blackwell Tobacco Company as a subsidiary concern of the Union Tobacco Company and capitalized it at \$9,000,000. They then sold to the public at par \$6,800,000 of this stock, re-

taining the rest for their own purposes. The net result of this transaction was that they had secured a profit of \$4,500,000 in cash and yet had \$2,200,000 in stock.

These operations caused additional misery to Captain Duke and his friends. In making of something out of nothing they had been enormously successful, and yet, it must be admitted, in a crude and blundering way. Opposed to them were men that had been all their lives engaged in making something from nothing and had shown in the process both finesse and industry. From the Duke ship the outlook seemed stormy indeed. Meanwhile the Ryan-Root syndicate proclaimed that it proposed to press resolutely ahead and to compete vigorously in every department of the tobacco trade. With hand upon heart, so to speak, it declared to the public that its one dear object was to combat monopoly. Before the agonized gaze of the retail trader, groaning and sweating under the screws of the trust, the coming of the new company was a joy unspeakable. To the prosecuted consumer, who for some years had been noticing a decline in the quality of his tobacco, there showed at last a promise of relief and fair treatment. To break the monopoly—that was the thing. Mr. Ryan, Mr. Widener, and Mr. Root—whose sympathies against monopoly in all its forms can be readily understood—bent themselves assiduously to this congenial task. And this is how they did it. For six months or less the gentlemen on Captain Duke's quarter-deck looked into the muzzle of the pistol held by the syndicate. Then they offered to surrender. What did the syndicate want? Well, it wanted to be bought. For how much? For \$10,000,000 and the control of the trust ship. That was all.

The terms were hard, but there was no other way out of the situation. A battle with the syndicate would have sunk the ship and all on board. There were too many and too big guns involved. So the Duke party agreed to the terms. They issued \$35,000,000 of additional American Tobacco stock, paid \$10,000,000 for the paper-fed Union Tobacco Company, bought the subsidiary companies that the Union gentlemen had organized; and while Captain Duke still stood at the wheel and issued orders, the new crowd studied the charts below and laid the course, and that new crowd was composed of Mr. Ryan and his friends.

Probably their most remarkable achievement was their performance with Liggett & Myers. The attempted Keene mutiny had revealed the fact that Liggett & Myers would join a combination or sell to one opposed to the American. The Ryan-Root-Widener syndicate, acting on this hint, made up a pool of \$200,000 and with it secured an option for sixty days to purchase the Liggett & Myers business at \$18,000,000, thereby netting a profit of \$6,800,000 on an expenditure of \$200,000.

The profits of the syndicate in its Union Tobacco deal were stupendous. It put into the venture \$1,350,000. Besides securing control of one of the greatest profit makers in the world, the syndicate cleared:

On the Blackwell deal.....	\$4,500,000
On the Liggett & Myers deal.....	6,800,000
On the sale of Union Tobacco Company.....	8,650,000
Total.....	19,950,000

This in less than six months, without making anything, selling anything, or developing anything; and also without effort, risk, or expenditure, except for options and the issuing of fictitious stock.

Of the \$35,000,000 of additional American stock, \$21,000,000 went as another scrip dividend to the holders of American Tobacco, who were thus again presented with riches that represented nothing but the enforced contributions of the public.

No sooner was this pleasant affair concluded than the new directors of the ship began some dizzy evolutions on a broader sea.

You may recall that the subsidiary company organized to control the plug trade and fight Liggett & Myers had been called the "Continental Tobacco Concern." It was floated in New Jersey, December 9, 1898, with \$75,000,000 capital stock, half common and half preferred, of which there was issued \$31,145,000 of preferred and \$31,146,500 of common. Its business was unsatisfactory because of the cost of fighting the firms still outside the trust and because it was monstrously overcapitalized to start with, so that its net earnings for 1899 were only \$2,032,756, and it paid only 3 per cent on the preferred and nothing on the common.

It was with this branch of the business that the new control elected to work. The war with Spain had brought about greatly increased revenue duties on tobacco. After the war closed the tobacco interests desired to have these duties reduced to a peace basis, but, on the plea that the Government needed the money, Congress had refused to make any reduction.

Knowledge of these impending changes was kept a profound secret, except from the men that controlled the trust.

Immediately these men went into the market and bought all the Continental stock they could find. When they began to buy it was quoted at 12 and was inert. Unluckily the time was short and they had no chance to work the device by which a man buys while he pretends to sell and thus keeps the price from rising. The gentlemen were compelled for once to buy outright, and after a time the stock began to feel the effects. The price rose to 17, 18, 20, 22, but not before, at bottom prices, the gentlemen had secured vast loads of it.

They then prepared a new issue of Continental Tobacco Company bonds bearing 5 per cent interest. These bonds, they arranged, should be exchangeable for Continental stock.

When all this was ready, out came the news from Washington that the revenue duties were to be reduced, and up bounded the prices of all tobacco stocks.

But the gentlemen that managed the trust had secured theirs beforehand, and they now proceeded to exchange the stock they had secured at 12 and thereabouts for bonds at 70, an operation in which they cleared about \$15,000,000.

Meantime the capital stock of the American Tobacco Company, which had been \$25,000,000 in 1890, was nominally \$68,500,000 in 1900, and with the subsidiary and other companies amounted to \$200,000,000 and more.

With every desire to be temperate and fair, I am obliged to say that, so far as I can discover, the creating of this colossal something from nothing had involved no risk, no effort, little or no investment, no development of any industry, no economic equivalent, and no higher type of mentality than controls the simplest operation of the smallest country store.

Nor have we, by any means, seen the last of this easy fortune making. In June, 1901, the gentlemen in control, under the pretense of extending to foreign and less-favored lands the blessings of the trust principle, formed a new concern, the Consolidated Tobacco Company, and, of course, out came a new flood of water. The capital stock of the Consolidated Tobacco Company was \$40,000,000, and it issued \$157,378,200 of 4 per cent bonds, making its total capitalization nearly \$200,000,000. With these fresh tokens of something from nothing it took over the American and the Continental, giving \$100 in 4 per cent bonds for every \$50 of American and \$100 in 4 per cent bonds for every \$100 of Continental. The public tolerance being not yet exhausted, the same old game was worked again on these issues, and again the insiders, having knowledge of what was toward, picked up Continental stock in advance and added further millions to their vast hoards.

How the trust now sailed for British waters, how Captain Duke made a sad mess of his voyage, how the ship was rescued from an attacking party of Englishmen that threatened to sink her, and how she now sails unmolested and taking toll on those busy seas are things not unfamiliar and not part of my story. What I desire to point out is that the Consolidated Tobacco Company is by no means the last illustration of high finance that these records afford. If I may be believed by the uninitiated, the device that had been worked so often to the injury of the public and the ruin of the retailer was employed again. On September 9, 1904, there appeared a new American Tobacco Company, which, with another flood of water, took over the Consolidated, the Continental, the old American, and all the rest of the outfit, and again multiplied the capitalization on which the country must furnish the profits.

For instance, the new company retired the \$157,378,000 of the Consolidated Company's 4 per cent bonds by giving one-half 6 per cent preferred stock in the new company and one-half 4 per cent bonds. Six per cent bonds were given for old American Tobacco preferred at 116½. Besides all these securities the new company had \$100,000,000 of common stock of its own, and in the year of grace 1906 on this stock, thus made of nothing, it paid 22½ per cent in dividends.

At the present time, the total capitalization of the whole enterprise, including the dummy, subsidiary, fraudulent, decoy, alias stool-pigeon, and other companies is about \$500,000,000, all created from \$25,000,000 of speculative and paper assets put together by Captain Duke and his friends in 1890.

As an indication of how the thing has grown, I quote figures from the American Tobacco Company alone, showing nine years' expansion:

## BALANCE-SHEET LIABILITIES.

	December 31, 1897.	December 31, 1906.
Preferred stock.....	\$11,985,000	\$78,689,100
Common stock.....	17,900,000	40,242,400
Scrap.....	8,762,340	
6 per cent bonds.....		55,208,350
4 per cent bonds.....		61,052,100
Profit-and-loss surplus.....	7,447,849	30,353,888
All balance-sheet liabilities.....	45,295,236	278,628,564

## BALANCE-SHEET ASSETS.

Real estate, etc.....	\$4,000,143	
Patents and good will.....	24,867,263	\$123,331,000
Lent tobacco and manufacturing goods.....	8,591,777	31,187,814
Stock of foreign companies.....	1,264,655	21,495,083
Stock of other companies.....		70,451,549
Cash.....	1,538,751	5,169,965
Bills receivable.....	2,017,645	26,998,351

So stands this colossal and astounding structure erected upon the good-natured tolerance of the American people. The like successful exploitation has never been known in any land at any time. One of the men that have drawn golden fortunes from it, a man that in 1890 was penniless and harassed with debts, now counts more than \$40,000,000 made without labor, without effort, without investment, without risk, without the vestige of any return to society.

On the increasing mass of stocks and bonds, the issuing of which has occasioned this man's fortune, there have been paid, and are now being paid, colossal sums in dividends and interest charges.

Where do these dividends and interest charges come from and who pays them?

And now we reach the heart of the whole matter.

I offer here for consideration two isolated facts:

1. At 1 o'clock on the morning of December 1, 1906, 300 armed men rode into Princeton, Ky., seized the night watch, locked up the town's fire apparatus, and proceeded to burn two tobacco warehouses owned by the tobacco trust. While the fires were under way the armed men were drawn up in lines of defense about them and prevented any attempt to extinguish the flames. As soon as the warehouses were destroyed the men released the watch and the fire apparatus and rode away. Three hundred thousand pounds of tobacco had been burned.

The men engaged in this outbreak of violence were not bandits nor ruffians; they were peaceful farmers. They did not desire wantonly to destroy property; they had been goaded by extortions and fraud, against which they had no protection, to revenge themselves in the only way in their power upon the men that had oppressed them.

2. In April, 1907, Hermann Beck, a well-known retail tobaccoist of Portland, Oreg., having lost his once flourishing business, committed suicide. He had lost his business because he had been driven out of it by the tobacco trust.

The first of these incidents illustrates what the trust has done for the producer; the second, what it has done for the retailer. The two being multiplied and extended, indicate where the money has come from that paid the dividends and interest on the watered American Tobacco securities.

The United Cigar Stores Company, a branch of the trust, has more than 500 retail stores in the country (183 of them in New York City), and, speaking roughly, each of these represents a former retailer that has been deprived of his business. The method by which he has been deprived of it is one of the few operations of the trust that have been visible to the eyes of the layman. It is a process that most observant persons must have seen or known of—the little independent dealer overpowered and crushed by the big trust store next door—but few are aware, I suppose, of the tragedies that are sometimes involved in the crushing.

Some of the crushed dealers have been old men, whose one source of livelihood lay in their little shops. Some have been civil war veterans, some have been for many years in the one place and the one trade, some have been cripples and invalids. All have gone the one way when the trust started to capture their business. Sometimes the trust has resorted to extreme measures to pull them down. It has induced their landlords to raise their rent to unendurable figures; it has bought the property they rented; very often it has pushed them to ruin by giving tobacco away or selling at prices that made competition impossible. A certain Broadway dealer that had for years bravely resisted the trust has been fought from two cigar stores adjoining him. For one of these the rental is \$20,000 a year, which is more than the year's total sales in that store. On the morning that this particular place opened, the man it was designed to crush walked into it and saw behind the counter four salesmen that had formerly been independent cigar dealers and had been driven out of business by the trust. It was now using them to drive out others. Such as are young and active among the ruined tradesmen can usually find for a time employment with the trust, employment at small salaries and under humiliating conditions. The older men shift for themselves or go to the poorhouse.

I do not know how many suicides like that of Hermann Beck resulted from these operations. The remaining retailers say there have been very many. Certainly Beck's is not the only



case. The whole history of the development has been a story of cruel hardship. I will give one example from many:

Joseph Liebman kept for many years a cigar store at No. 264 West One hundred and twenty-fifth street, New York City. Agents of the trust came to him about four years ago and told him that he had better retire from that neighborhood, as the trust was about to open a store there. Liebman declined to move. The agent said that he would be crushed as other small dealers had been crushed before him. He replied that he had a good trade and plenty of strong friends and was not afraid of competition. The trust opened a store next door. Liebman did not budge. The trust store began to give away cigars and tobacco. Liebman held on. Then the trust leased the ground on which Liebman's store stood and bought the building. As soon as his term expired the trust put him into the street with his stock and fixtures, which he was obliged to put into storage until he could find quarters at No. 201 West One hundred and twenty-fifth street. Now he has to operate a barber's shop to make a living.

This is a typical case; wherever the trust has appeared it has achieved similar triumphs; its pathway to success and profits has been over ruined tradesmen. On a certain stretch of Broadway where ten years ago were thirty-six independent cigar stores are now but six; and the former proprietors of the other thirty are either salesmen for the trust, servitors, dependent for their bread upon whim, fancy, and caprice, subject to espionage and suspicion, or they have sought other work, or they have died. And so the trust has wrought everywhere.

As for the producer, that is a still more melancholy story. From time immemorial tobacco leaf had been sold in the tobacco-raising regions at the free competition of buyers. There was never any quoted price for tobacco as there is for wheat or cotton, but the farmers brought their tobacco to market and the buyers were wont to bid for it. The trust has changed all this, for now in a great part of the tobacco region there is but one buyer. The trust makes the price what it pleases, and the farmer must accept this price or take his tobacco home again.

Under the operation of this system such tobacco as for years had brought in a free and open market 6 to 20 cents a pound sells for 3 to 10 cents a pound or less. The land that had formerly produced \$75 to \$200 an acre now yields less than half of its former returns, and a distinguished Kentuckian has calculated that in his State, because of the operation of the trust, the returns to the tobacco farmer are less than 20 cents a day for his labor.

In four of the countries of Europe—France, Italy, Austria, and Spain—tobacco is a Government business, and these four governments buy in the United States every year about 1,000,000 pounds of tobacco. The trust arranged with the buyers for these Governments that they should have a certain fixed territory in the South in which they might buy without opposition, provided they should buy nothing outside of that territory.

When this arrangement was made, it destroyed the last chance of competition and gave over the producer, bound, to his despoiler.

*Against these conditions the farmers of the South have protested to Congress, to the Department of Commerce and Labor, and to the courts, for every step in the trust's proceedings has been wholly illegal and specifically prohibited. Yet the law has never been enforced upon this trust, nor has the Government until lately given it any greater heed than is involved in some feeble, perfunctory, and quickly abandoned inquiries.*

Meantime, there is the consumer, of whom nobody seems to think much. What does it mean for him that competition has been eliminated; that the profits of the American Tobacco Company have been swollen to these colossal figures; that the owners of the trust are becoming the richest men in the world?

This is what it means for him:

The trust has secured the ownership of almost every well-known brand of Habana, Key West, and domestic cigars, brands that have been familiar for years upon years to all smokers, and that for years upon years have maintained an even degree of excellence. Many good judges of tobacco claim that under the names of these brands the trust puts forth steadily a worse quality of goods, until at last the brand dies. Their theory is that before its death the trust has sold great quantities of the brand, these goods have been produced at perhaps one-third of the original cost, and the profits have been enormous.

So far has this work been carried that some of the brands of cigarettes and smoking tobaccos formerly best known have disappeared entirely from the market. Why should the trust not do as it pleases in these matters? Every day the consumer finds greater difficulty in discovering a cigar store outside of the trust; every day a greater proportion of the retail business

is seized by the trust. Many stores that pretend to be independent and do not fly the trust flag are really owned by the trust; you can hardly tell when you are buying of the trust and when you are not. Great, glittering, brilliantly lighted stores, cleverly worded advertisements, specious promises of low prices, attract and delude the consumer; it does not seem possible that bad goods can come from such imposing places. With much cunning the trust has brought into the business the influence of women. Imitating the trading-stamp device, it holds forth bribes in the shape of coupons that are exchangeable for articles of household use, and thus it induces women to urge their husbands to buy at trust stores. As the trust, by the use of inferior tobacco, by making large purchases, and by robbing the producer, has an abnormal margin of profit, it can of course well afford these bribes.

So that herein at last is displayed in the clearest colors the exact meaning and results of the formula for wealth making when that formula has done its perfect work. The bonds are issued, the stock is floated, the syndicate is enriched, the palace arises; and every cent thus represented we furnish—we that consume the tobacco, ship the freight, grow the crops, eat the beef, hang to the straps of the Subway; we upon whose backs is piled the whole vast mass of watered stocks, fictitious bonds, fraudulent scrip, gambling securities! And the only profit obtained by society in all these operations is the spectacle of five or six men accumulating vast fortunes, fortunes beyond computation, fortunes for a few comprising the sum of available wealth that should be for all.

Such are the facts. *Sorry and stained and wretched in the light of them looks this particular palace among the golden houses of the fortunate. Built out of the enforced contributions of the public, the steady violation of the law, the sweat of the defrauded farmer, the blood of the small dealer, what interest has mankind in the mounting millions that it represents, or wherein have we gained from its existence, we whose unexampled patience renders all these things possible?*

Mr. Chairman, you ask what about the Night Riders in Kentucky? I do not know any more about the Night Riders than the information I get from the public press. Therefore you have as much knowledge on this subject as I have. But I am perfectly familiar with the character and reputation of the tobacco growers of my State, and I assure you that no better people inhabit any section of this great round globe. They are the best type of American citizenship, who hold the esteem of their fellow-countrymen, law-abiding men, made of that stuff which is the country's bulwark both in time of peace and national peril. I know the consensus of opinion is that the tobacco growers are the Night Riders that are burning barns and destroying property. I am loath to believe it. But, gentlemen, if it be a fact that these hitherto law-abiding citizens, the defenders of the law, have suddenly become a mob and spurn that which they once defended, seeking by the torch what they formerly sought in the courts, it is a potential arraignment of our laws that men be driven to this desperation. I assume that such men are not apt to rub out the good score of a lifetime and become lawless unless the provocation is great; yet we all admit no provocation, not even the provocation of hungry families, ragged children, or blighted lives, justify lawlessness—we must all say of this Government, of the State, and of our country, "We will love it, though it slay us." [Applause on the Democratic side.]

Mr. Chairman, for years the tobacco trust has ruthlessly robbed the growers of this country. This avaricious, greedy monopoly has wrung from them colossal fortunes beside which the famed wealth of Lydia's ancient kings would be a beggar's patrimony.

Mr. Chairman, I am of the firm belief that if Congress had given the tobacco grower relief by repealing the iniquitous revenue tax and oppressive Government restrictions preventing him from properly and conveniently preparing the product of his toil for market, the bitter and dramatic warfare that is now being waged in Kentucky between the trust and the growers would have never been thought of. The tobacco grower is fighting for bread, a battle of defense. The trust is fighting for gold, one of offense. The purpose of one is to preserve that which he hath; the purpose of the other is to reap where he has not sown. One is trying to lift the yoke of a master; the other is trying to rivet its shackles upon the galled ankles of its slave.

I do not believe that violence is the proper method to employ in the quarrel between the tobacco trusts and tobacco grower. I do not believe that arson is the cure for any evil. He has for years appealed to the Government he is taxed to maintain to unhand him that he might shield his home from hunger, rags, and wretchedness, and that Government heeded not. He saw his wife, daughters, and little children driven to the field to

work like beasts of burden by the insatiate lust of this remorseless, pitiless, greedy monopoly, that it might add more millions to its already overflowing coffers. They felt the tyranny of the oppression and struck out blindly, violently, and lawlessly, but the provocation was grievous and the exasperation great.

Under the internal-revenue laws of the United States, which we are attempting to modify, if a grower takes the stem out of the tobacco grown by him, so that it may be twisted and put into a convenient form and sold direct to the consumer, all the laws applicable to the manufacturers of tobacco become applicable to him, and he is required to pay a Government tax of 6 cents per pound thereon.

Under the laws the grower is denied the right to make advantageous disposition of his crop, and is thereby placed at the mercy of the trust. The situation is simply this: The trust owns and controls 90 per cent of all the tobacco factories of the world, consuming 90 per cent of all the tobacco produced in the United States, and it therefore, with the assistance of the laws of the Government, forces every producer to sell to it, as I have shown, thus destroying every vestige of competition of the purchase of tobacco in its raw state as well as the sale of the manufactured article. The consequence is that the trust under present conditions has the power to arbitrarily fix the price of every pound of tobacco that it purchases or sells, without regard to its real value.

The growers of tobacco do not ask the aid of the law to destroy the trust, nor do they ask the aid of the law to force the trust to deal with them fairly and on business principles; but they do ask that the law be so modified that they may be allowed to prepare their tobacco in its pure, raw, or unadulterated state in any form they deem most convenient to reach the consumer; and after being so prepared, all persons shall have the right to buy and sell the same without Government tax, restrictions, or regulations. Under these conditions they can compete with the trust and sustain themselves without the aid of the Government.

Why should a grower of tobacco be required to pay a heavy tax for the privilege of preparing the product of his land so that it may be sold to the consumer? The argument in favor of such a law is no more plausible than to say a farmer should not shuck his corn, thrash his wheat, gin his cotton, or make bacon out of his hogs without paying such a tax.

I am aware the trust will oppose the passage of a measure of this character and will use the argument which at first blush seems plausible and contend that the passage of the law would deprive the Government of a large amount of revenue. In answer to this argument we insist that the amount of revenue which the Government would be deprived of by the passage of this bill would be inconsiderable, for the reason that if a grower were allowed a market for his tobacco other than the trust affords, the trust would be forced to meet competition and pay a fair price. And no grower of tobacco when he could sell at a fair price in the "hand" could ever afford to take the time and trouble to twist and stem it so as to sell it to the consumer. Under ordinary circumstances they would always prefer to sell direct to the manufacturer; but if the trust should undertake to unjustly oppress the grower, as it is now doing, by fixing the price of tobacco in the hands of the growers in its unstemmed condition at less than it is worth or out of proportion to what it charges for the manufactured article, the grower could, as a matter of self-defense, seek another market by selling to the consumer independent of the trust.

For the sake of argument, suppose the claim of the trust is true that by the passage of the measure the Government will lose a considerable amount of money in the way of taxes. We contend that no government is justified in impoverishing a certain class of her people for the sake of collecting taxes on any commodity of agriculture or should so frame its laws that in order to collect such taxes a gigantic trust would be fostered and given a monopoly of the purchase of the raw material and sale of the manufactured articles of such an important product as tobacco.

I want you to listen to the admonition of that martyred statesman and patriot, Abraham Lincoln, the greatest of all Republicans, when he warns you "not to put the dollar above the man."

When you take the position that you can not give relief to these suffering people because it will reduce the revenue, you do "put the dollar above the man." You weigh human misery in the balance and deliberately put a price upon human happiness.

We contend that but for the laws as they now exist the tobacco trust could not maintain this monopoly of the tobacco business in all of its branches in the United States, as it is doing to-day, by means of which it is unjustly oppressing hun-

dreds of thousands of the best and most loyal citizens of the Government and depriving them of the means of providing the necessities and comforts of life for themselves and families.

These people ask no exclusive privilege. They contend that the trust has taken advantage of the revenue laws and by means thereof have destroyed all competition among the purchasers of tobacco, and by reason of these conditions the trust arbitrarily fixes any price it sees proper at which the grower shall sell his tobacco, whether it be one-half or one-fourth of its value, and thereby unjustly converts to its own use innumerable millions of dollars in the way of profits, more than the Government can ever hope to realize in the way of taxes.

It is claimed that tobacco is a luxury and therefore ought to be taxed. Upon this question there is a difference of opinion. If it is a luxury, it is about the only one the poor man can enjoy. In my opinion it is one of the necessities of life to the world at large. You may go where you will, you may circle this great, round globe, and wherever you find the poor laboring man at work you will find him with his pipe and tobacco. It is his solace; it is as necessary almost to his comfort and happiness as the food that goes into his mouth.

Mr. Chairman, for the sake of argument, let us admit that tobacco is a luxury. No one who ever toiled in or knows anything about its cultivation will for a moment say that it is a luxury to produce. It requires more ceaseless toil to produce it than any other crop that grows out of the earth. It requires from twelve to sixteen months to grow and market a crop of tobacco. The plant beds are sown in February and March. The crop is transplanted in May and June. It is cut and put in the barn in August and September, and after going through a drying and curing process for from four to six months is stripped and prepared for market. Therefore if tobacco be a luxury, it is in its consumption and not in its production.

Mr. Chairman, the tobacco planters and the people who are depending upon them for a living are appealing to you for relief.

They appeal to you to relieve them of this onerous, iniquitous, and unjust tax. They do not want your sympathy; they spurn your charity; they ask only even-handed justice; that they may have an opportunity to earn their bread by the sweat of their face; that the fruits of their own labor may go into their pockets and not into the coffers of a heartless, greedy trust.

Gentlemen, you are the guardians of the people and ought not ignore the rights of the toilers that Dives may add to his fortune.

Mr. Chairman, three times a bill has passed the House of Representatives to take the tax off tobacco. It passed the Fifty-eighth Congress unanimously; it passed the Fifty-ninth Congress in the same manner, and, sir, it passed this, the Sixtieth Congress, without one voice of the 391 Members of this House being raised in opposition to it. Hope beat high in the hearts of the struggling farmers of the tobacco world; they said three times, "Through that highest body of legislative power which is elected directly by the people, our bill has passed without opposition," but Mr. Chairman, where was the bill buried? Twice it has found its last resting place in the Senate. Now a bill is before this same body, passed unanimously by the House. What shall be its fate? In the name of God and humanity, I pray it may be passed. [Loud applause on the Democratic side.]

The Clerk read as follows:

To pay to the Government of Norway the moiety of the United States of an award under the convention between the United States, Great Britain, and Germany for the settlement of Samoan claims, which was signed at Washington on November 7, 1899, \$200.

The Clerk read as follows:

To pay to the Government of Sweden the moiety of the United States of an award under the convention between the United States, Great Britain, and Germany for the settlement of Samoan claims, which was signed at Washington on November 7, 1899, \$375.

Mr. MANN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by inserting a new paragraph after line 9, page 2, as follows: "That the President be, and he is hereby, empowered and requested to direct the Secretary of the Smithsonian Institution, the Commissioners of the District of Columbia, and the Secretary of Agriculture to place at the disposition of the International Tuberculosis Congress, under such terms and conditions as the President may authorize or prescribe, such space, not now occupied, in the new National Museum, Municipal, and Agricultural buildings, respectively, as may be needed to properly provide for the meeting of such International Tuberculosis Congress, including exhibits, to be held in September and October of the present year, and the use of said buildings for such purposes is hereby authorized; and permanent occupancy of such buildings, respectively, shall be postponed in so far as may be necessary to carry out the foregoing provisions."

Mr. MANN. Mr. Chairman, Members of the House will understand that a request has been made by the persons having in charge the interests of the International Tuberculosis Con-



gress for some space in the city of Washington where their congress and exhibition may be held. The first request which came to the Members of the House and to the Congress came with a request for the use of the House Office Building. Subsequently I introduced a resolution proposing to give to the congress in place of the House Office Building a portion of the Capitol building, including the Hall of the House, and the Senate Chamber, and the adjoining and connecting corridors. After that the officials of the congress insisted that they would need space that would cover both Capitol building and House Office Building.

We all understand that it is quite a dangerous precedent to establish to give the use of the House Office Building, and also a dangerous precedent to give the use of the Capitol building for any outside organization. Since the request of the International Tuberculosis Congress for the use of these buildings has been made, other requests by other bodies have been presented. The matter was referred to a special committee on the distribution of rooms.

We have given hearings to the officials of the tuberculosis congress and others connected with the matter several times, and the members of that committee have unanimously agreed it would be desirable to add the amendment now offered to the general deficiency bill, which proposes to give to the President the right to direct the various officials having buildings in charge to turn over the use of the new National Museum building, the Municipal building, and the unoccupied portions of the Agricultural building. It is possible that after this becomes a law, if it does become a law, it will be necessary to make some appropriations to put the National Museum building, so far as its floors and stairways are concerned, in proper shape; but I think that the general sentiment of the Congress would be that if necessary it would be far better to spend a few thousand dollars in putting in false flooring and stairways in the new National Museum building than it would be to turn over the use of the Capitol building or the House Office Building. But the present amendment does not cover that. All that is sought now is to confer the authority for the use of these buildings for the International Tuberculosis Congress.

Mr. SULZER. Mr. Chairman, this is a most important matter in which a great many people all over the country take a deep interest, and I hope the amendment just offered by the gentleman from Illinois [Mr. MANN] will be adopted. I take an abiding interest in this tuberculosis congress. It will probably be one of the most important conventions, so far as material benefits are concerned, which has ever assembled in this or any other country. It seems to me, therefore, that we ought to provide in some way, somehow, suitable accommodations for the assembling of these distinguished experts who are doing so much for science, and giving so much of their valuable time to this appalling subject, the great white plague, which is decimating humanity every year to a much greater extent than all the wars in all the world. I hope the amendment will be agreed to. It is in a good cause and should be adopted unanimously. Anything that will check the progress of this frightful plague will be a boon to humanity most devoutly to be wished.

Mr. GAINES of Tennessee. Mr. Chairman, when the gentleman from Illinois [Mr. MANN] brought this matter up before, there was a large House present, and it was generally discussed. In the course of that discussion I made a few suggestions. As is well known, Nashville, my home city, is a city of great learning.

Mr. MANN. That is evidenced by its Representative.

Mr. GAINES of Tennessee. I thank the gentleman. We have there the Vanderbilt University, the Normal School, the Fisk University, medical colleges, church colleges, and the bishops of all the churches of the South meet there, and so forth. We discussed the question of letting the tuberculosis congress use the empty Capitol, and I was willing to agree to that and am now. I put it upon the ground that this is an "international" matter, and that it would not meet in the United States possibly within the next twenty or twenty-five years, and certainly after twenty-five years go by we can then again throw open the portals of this great Chamber, where the greatest law-making power in the world assembles. So much for that. I want to ask the gentleman from Illinois how much space these buildings will give these people?

Mr. MANN. The officials of the tuberculosis congress can not say exactly how much space they will require, but they estimate they may require 100,000 square feet of space. The buildings which we have covered in the amendment will provide them all of that and more if necessary.

Mr. GAINES of Tennessee. I have received a number of suggestions from these physicians down at home that they want offices, they want consultation rooms. I do not know why. Pos-

sibly they will have patients or exhibits or something to show each other how they are treating tuberculosis. Are we going to have that?

Mr. ADAMSON. Mr. Chairman, if the gentleman from Tennessee will permit the interruption, I could not hear whether the gentleman from Illinois stated it or not, but I desire to state that the officials of that congress at the last hearing before our committee concluded their statement with the statement that this Capitol building would not answer their purpose at all.

Mr. GAINES of Tennessee. Then that is all right.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

#### TREASURY DEPARTMENT.

Office of Treasurer of the United States (national currency to be reimbursed by national banks): For reimbursement of the Bureau of Engraving and Printing for the services of employees detailed to the office of the Treasurer of the United States to assort notes in the national bank redemption agency from April 6 to June 30, 1908, \$3,619.59.

Mr. GILLESPIE. Mr. Chairman, I would like to have some explanation of the extra force sent over to assist the Treasury Department in assorting national-bank notes.

Mr. TAWNEY. Well, the counters and printers in the Bureau of Engraving and Printing are experts, and since the beginning of this year, since the 1st of March at least, there has been a great demand on account of the increased number of bank notes presented for redemption, all of which must be counted and sorted before the work of redemption is complete. They transfer these experts from the Bureau of Printing and Engraving over to the Treasury Department for that purpose, and when the work is completed in the Treasury Department, they are returned again.

Mr. GILLESPIE. I notice, Mr. Chairman, that these national-bank notes have accumulated in the Treasury from seven millions last December to fifty-seven millions now, and in about the same amount the gold of the general fund has decreased. We had at that time something like one hundred millions in the general fund of gold and gold certificates. I hold in my hands a tabulated daily statement of the gold and gold certificates and national-bank notes in the general fund of the Treasury from December 2 last to the 13th of this month. This statement shows that we had in the general fund on December 2 last, ninety-six millions gold and certificates and seven millions national-bank notes; December 13, one hundred and four millions gold and nine millions of bank notes; January 2, ninety-nine millions gold and eleven millions notes; January 11, ninety-three millions gold and sixteen millions notes; February 1, sixty-seven millions gold and thirty millions notes; March 16, sixty-two millions gold and thirty-five millions notes; April 1, fifty-eight millions gold and forty millions notes; April 20, forty-one millions gold and forty-four millions notes; May 8, thirty-nine millions gold and fifty-four millions notes; May 13, forty-five millions gold and fifty-seven millions notes.

As the bank notes have gone up in the general fund the gold has gone down, and I see this extra force has been working since the 6th of April, and the bank notes have been accumulating. The fact of the matter is the Secretary of the Treasury has made a call upon the banks to pay back certain of their deposits. The debt of the banks to the Government has just been changed from a deposit liability to a note liability. The banks owe the Government about as much now as they did before these calls were made, and I just wondered what this extra force could do in this situation where the bank notes are constantly accumulating and the gold in the general fund is constantly disappearing, with the apparent disposition of the Treasury not to collect from the banks.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word, that I may be enabled for two or three minutes to speak upon a subject that is not appropriate, nor has it anything whatever to do with any of the provisions of this bill. I do not wish to be declared disorderly, and therefore without asking formal permission, I hope that no one will take me to task. Last Saturday there appeared in the CONGRESSIONAL RECORD a letter, which the gentleman from Texas [Mr. SLAYDEN] very generously and very kindly printed that he might do justice to a man whose name had heretofore appeared in public print in a light unfavorable to him. Therefore I appeal to the House to permit me for the space of two or three minutes to testify to the integrity of a splendid soldier and a good man. Colonel Waller is not a thief. He never took from anyone dishonestly that he might enrich himself. Perhaps his good name, for which I propose to stand, makes my testimony unnecessary, but inasmuch as the gentleman from Texas, not

knowing him at all well, did no more than print the letter and disclaim any intention of attack, I find myself performing a pleasant duty when I speak of Colonel Waller as a friend. My knowledge of him and his performances, covering a period of many years, justifies me in speaking of him as one who knows him well. He did not loot China, neither did he permit anyone else to rob the Chinese during their unfortunate rout from Tientsin and Peking in the summer of 1900.

The evidence is ample and convincing that he stood against those entertaining a design upon the rich stores of the Chinese while they were in flight. The authorities of China credit him with fidelity to his obligations as a soldier and a caretaker of their property. Since his return I have seen him often and have visited him and his family; talked with him of his campaign and his official life during his service in China, and have had the chance of observation which enables me to deny the statement that he brought property with him which belonged to the Chinese. While men are slow to confess their sins, even to friends upon whom they can rely with safety, I know, as others know whose acquaintanceship affords them the opportunity of knowing the affairs of friends, that this soldier whose deeds have been so often applauded, and deservedly so, never broke nor stimulated others to break the commandment, "Thou shalt not steal."

It seems to me that I have been but just to this man to have borne my testimony, that it might appear on record with the letter which the gentleman from Texas had read here and printed last Saturday. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Contingent expenses, Treasury Department: For freight, expressage, telegraph and telephone service, \$3,500.

Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, \$10,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, fractional silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. GAINES of Tennessee. Mr. Chairman, just a moment. I desire to call the attention of the committee to another deficiency in the appropriation for the transportation of silver coins. They have had a deficiency as far back as I recollect in my service here in the House. They have here a \$10,000 deficiency and possibly in the next paragraph a deficiency there of \$130.65. Now, I would like to ask the gentleman in charge of the bill if the Senate retained the amendment that we put in some one of the bills here a few days ago covering silver coin and, I think, minor coin, one or the other or both, to be carried by registered mail and otherwise. I have not seen the bill as it came from the Senate. I have not had the opportunity.

Mr. TAWNEY. I do not think the Senate changed the provision of the House bill in regard to the method of transportation.

Mr. GAINES of Tennessee. You remember the amendment?

Mr. TAWNEY. I remember the amendment distinctly, but I have no recollection now of seeing it changed, although I would not state positively.

Mr. GAINES of Tennessee. I hope, if it is stricken out over there, the gentleman will insist on its retention.

Mr. TAWNEY. The bill has been in conference; I do not think there has been any change in that matter.

Mr. GAINES of Tennessee. I hope it will not be changed, so that in future we can have silver coins sent by registered mail, and the Secretary of the Treasury can do it. I have been to the Treasury Office and inquired, and they have little bags, etc., in which they can send it, and if they send part of it by registered mail and part by express, then there will be competition in the rate, just as we have competition when we make a Government ship in a Government yard and one in a private yard.

The Clerk read as follows:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of silver coin" for the fiscal year 1907, \$130.65.

Mr. KIMBALL. Mr. Chairman, I desire to submit a few observations upon the general subject of the tariff, suggested by the very general discussion, both in and out of Congress, on the subject of putting wood pulp and white print paper on the free list. I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to be permitted the same privilege upon postal savings banks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of wire fence and wood pulp.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, some time ago I introduced H. R. 16755, having for its object the taking off of duties on all plain and galvanized iron or steel wire, woven or welded into fencing or manufactured into barbed wire.

In offering this amendment to the present tariff laws the importance and value of a protective tariff to American industries, capital and labor were not overlooked. After carefully considering the value and importance of our tariff system, as well as the importance of the measure and the present conditions, I believe that, as a protectionist and a Republican, I am fully justified in presenting this bill. I yield to nobody in admiration, loyalty, and appreciation of the principles of Republicanism and protection, and I trust that that party may forever cling to that sound and logical doctrine which I believe is so conducive to the welfare, advancement, and happiness of the American people, and which has contributed so much to our nation's growth and greatness.

I believe in, and have always advocated, a tariff to protect our wage-earners, capital, and industries—a tariff that will result in the common good of all our people. But the fact that I stand committed to a great principle governing the construction of all tariff schedules does not imply that I am wedded, hidebound, or committed to any set of tariff schedules nor that I believe or contend that there is anything so sacred in any set of tariff schedules that they can not be changed, or that all of the schedules in the Dingley bill were or are perfect. That act was undoubtedly a wise, scientific, and judicious measure, and one that has brought about marvelous results, and was undoubtedly the very best that could be enacted into law at that time, considering the large number of interests involved; but conditions have changed, which, it seems to me, makes it advisable to change some of the schedules or, possibly, frame a new law which will better meet present conditions. As to this, of course there are many opinions.

I know that our Democratic friends take consolation in the fact that there are differences of opinion in our own ranks as to tariff revision; but this is nothing new, as there always was and always will be differences of opinion in the details of a question of such vast importance. But, Mr. Chairman, there never was, nor is there now, so far as I know, any difference of opinion in the Republican party as to the principle involved, namely, as to a protective tariff system. All Republicans stand united and believe in that great, grand, and cardinal principle, a principle which the Republican party has fought and battled for from its inception to this day.

We stand united for a protective tariff and denounce free trade as advocated by our Democratic friends. We believe in the upbuilding, encouragement, and advancement of American industries and a tariff that will benefit labor and result in the common good of all our people. But, as before stated, that does not imply that there is anything sacred in any set of schedules and that they should not be changed or that the present law is perfect in all its details. There is a question, however, as to when a change should be made. Answering for myself, will say, as I have said for years, that I believe it can safely be undertaken at any time, not that I believe that a perfect bill can be drawn or agreed upon, for I fully appreciate that the many varied interests will have to be harmonized, and the best we may look for is a compromise bill. The policy would of course be in this legislation, as in all previous legislation, to give and take and to make the best bill possible. But even then I believe that the present law can be improved.

This, of course, would require much time, and more time than we now have to give, in view of the many other important questions to be considered, and I have no exception to take to the statement of the distinguished gentleman from Pennsylvania [Mr. DALZELL] and others that tariff revision should go over until after the Presidential election, and that it can then be taken up at an extra session and given the most careful consideration. I trust and believe that it will then be done, and that it will be done by a Republican Congress, in order that the principles of protection may be adhered to in every instance. So in the few minutes I have I shall not undertake to discuss tariff schedules in general. I will content myself by offering a few observations on one or two schedules, and will first give a



few reasons why I believe all plain and galvanized iron or steel wire, woven or welded into fencing or manufactured into barbed wire, should be admitted free of duty into the United States on and after July 1, 1908.

For years the Agriculture Department has carried on a careful and extensive investigation with a view of ascertaining the quality of wire fencing manufactured and sold. Anyone who will take the trouble to look up the reports and investigate will, I believe, reach the conclusion that the wire manufactured and sold at the present time in the United States is much inferior to that manufactured and sold years ago. He will find that wire made under the present process, the Bessemer and open-hearth process, is much inferior to the wire made years ago by the puddling method. Wire manufactured and sold to-day has probably equally as much, if not more, tensile strength, but it cracks and breaks off under vibration, expansion, and contraction, and is less resistant to rust, corrosion, and deterioration. The trouble is it contains too high a percentage of manganese and other impurities. The excess quantity and unequal distribution of manganese and other impurities of course makes the wire less durable, and it lasts only about one-quarter or one-fifth as long as the wire made twenty years ago. The old wire, or the more durable wire, was made of wrought iron by the old process, the puddling method, where the impurities were oxidized or burnt off and the impurities more evenly distributed. The puddling method required more labor, and it is claimed that with the present high-priced labor it can not be expected that hand-worked metal can compete in price with that produced by modern methods. As a result the steel wire, generally made from fairly high carbon hard steel, has been substituted for the old and more durable wire made out of wrought iron by the old process—the pulling method—especially the woven wire. Therefore a much inferior quality of wire is being sold the farmers and consumers of wire, not because of the inability of the manufacturers to furnish the quality desired, but from avarice and greed for profits.

The same is true as to steel sheets used for roofing, smoke flues, locomotive flues, gas pipes, and so forth. Take, for example, roofs and sides which were covered with corrugated iron sheets of heavy gauge twenty years ago, where extensions have later been erected at periods of from five to fifteen years, and where steel sheets of the same gauge were used and subjected to the same conditions and treated the same. The roof sheets laid on the first part have been found in good order after twenty years, while the steel sheets laid later have lasted only four or five years. Those who have had experience with both kinds say that the present sheets last only one-fourth or one-fifth as long as the old ones.

Besides the investigation and information furnished by the Department, I have received a large number of letters on the subject. I will not take up the time of the House to read all of them, but will read one. Here is a letter written by a gentleman I have known for thirty years. He is a practical, intelligent, and successful farmer, and what he says can be relied upon:

Hon. G. N. HAUGEN.

MANLY, IOWA, February 21, 1908.

DEAR SIR: Allow me to thank you for the splendid work you are doing, and especially for your bill putting fence wire on the free list.

I have some fence on my place that has been doing service for twenty years, and the wire is now in better condition than some that I erected five years ago. It is utterly impossible to obtain good wire now at any price. I know I am voicing the sentiment of the entire farming community when I urge the passage of your bill.

Sincerely, yours,

M. PARKER.

Besides this I have had some experiences myself. I have bought and used fence wire for thirty years, and know that the fence wire manufactured and sold in recent years is much inferior to and shorter lived than that sold years ago.

I will also ask to have printed in the Record some of the correspondence with manufacturers of wire, and newspaper clippings, which give much light on the subject. I will also invite your attention to Farmers' Bulletin No. 239, by Allerton S. Cushman, who has carried on an extensive investigation for the Department of Agriculture:

THE DENNING WIRE AND FENCE COMPANY,  
Cedar Rapids, Iowa, March 12, 1908.

Mr. G. N. HAUGEN, M. C.,  
Washington, D. C.

DEAR SIR: I am in receipt of your favor of the 26th ultimo, and also copy of your bill introduced in the House to have the duty removed from plain and galvanized wire and wire fencing. This matter has brought out some correspondence in the American Artisan, a hardware journal published in Chicago. I have cut from the same this correspondence and am inclosing it herewith. In this correspondence I wish to call your particular attention to the article from the Indiana Steel and Wire Company, of Muncie, Ind., as I consider this article explains fully the position of the independent wire and wire fence manufacturers as regards their relation to the American Steel and Wire Company, which is a part of the steel trust.

There are about forty independent manufacturers of wire fence, about ten or fifteen of which make their own wire. The majority of the wire-fence manufacturers not making their own wire are dependent upon the trust for their wire to make their fence. The trust is in a position to charge them almost any price they desire for their wire, and at the price they are charging them they hardly leave the independent manufacturers a living profit. The fence manufacturers who are making their own wire are nearly all dependent upon the trust for their rods from which to draw their wire. There are possibly four or five independent wire mills that make their own rods, but, going back of this for the raw material, they are dependent almost entirely upon the trust for their billets. (There are but a few independent manufacturers outside of the trust making steel, and as they are evidently in the pool with the trust, they have put the price on billets up to an abnormally high price, and are charging \$28 a ton for them, which is the pool price on steel rails. It used to be customary with steel manufacturers to sell billets at about \$4 per ton less than steel rails on account of the extra expense in rolling rails. The billet is the initial article in the steel product above the pig iron. They are usually made in chunks 4 inches square by 4 feet long.) There are two classes of these—Bessemer billets and open-hearth billets. The Bessemer billet is made from Bessemer pig iron. The open-hearth and tougher than Bessemer, is made from about 50 to 60 per cent Bessemer pig iron and 40 to 50 per cent steel scrap iron. These two ingredients being melted together and poured out into molds are called being melted together and poured into molds are called "blooms," "blooms," which is a chunk of iron about 18 inches square and about 4 feet long. These are taken while hot and passed back and forth between two rollers until they are rolled down 4 inches square and then chopped off into lengths of 4 feet each, and these in turn are reheated and run through rollers again and rolled down to what are called "wire rods," between three-sixteenths inch and one-fourth inch in thickness, and sold to wire mills, and they in turn, after taking the scale off from them, draw them cold down to various sizes of wire.

Now, it is my opinion that the tariff should be removed from billets and rods as well as from wire, as I do not think the removing of the duty from wire alone will change the price much, if any; possibly it may a little along the Atlantic seacoast, but not very far inland; but if the \$8 per ton duty were taken off from billets, it would reduce the price just about an equal amount on billets and rods. This would give the independent manufacturers a chance to operate, instead, as the Indiana Steel and Wire Company writes, of destroying the business of the so-called "independent" wire manufacturers. The price of billets and rods is now held at about the import price, or possibly a dollar or two per ton over the import price, as the independent manufacturers of rods and wire will pay \$1 or \$2 per ton more to purchase their material in this country rather than to order it from Germany or any other foreign country, on account of the number of months it takes to make deliveries on imported material. I think every independent wire and fence manufacturer in the United States would hail with pleasure the removal of the duty on billets and rods, and with the numerous independent manufacturers in this country the competition would be such as to reduce the price on the manufactured article, make a better product, and at the same time allow them to make a reasonable profit, which they are not now getting.

The iron industry in the United States does not need any protection, as the manufacturers in this country export large amounts of steel annually, and import nothing of consequence except special steels and iron not produced in this country. I was advised about a year ago by the president of one of our largest independent wire mills, who are purchasers of wire rods, that he is interested in a contracting firm of New York City who purchased a quantity of steel rails for a railroad in the Philippine Islands from the United States Steel Corporation. The mill price on those, after deducting the transportation charges, figured \$18 per ton, while their pool price and the price they are getting for domestic purposes is \$28 per ton. About three years ago there was a break in the billet pool and prices went off to \$19.25 per ton, f. o. b. Pittsburg. It seems to me that \$20 would be a good fair price for billets and about \$24 per ton for rails, rather than \$28 for both. I am inclosing herewith an article recently cut from the New York Commercial relative to this billet pool. You will notice by this that in order to save a break in the pool the steel corporation began buying up billets in the open market to stimulate prices. They have done the same thing from time to time with pig iron. The price is also abnormally high on this commodity. It is now controlled by agreements, but if there happens a break in the market, they will go to buying it to keep the price up. I was reliably informed two or three years ago that the steel corporation made a large five-year contract with one of our largest independent rod and wire manufacturers in the country to furnish them their billets. The contract is based on the market price of pig iron, and the corporation's price to this concern is based on a sliding scale and goes up and down with the market on pig iron; therefore, in order to keep up the contract price on billets to this independent concern, they evidently do all they can to keep up the price on pig iron. I believe the contract price to the independent concern was made on a basis of \$19.25 per ton, but as pig iron has advanced considerably since that contract was made they are no doubt paying \$21 to \$22 for their billets, but it is stated that the steel corporation shoved up the price of pig iron immediately following this contract for the purpose of shoving up the contract price with this independent wire concern.

In case Senator LA FOLLETTE is not successful in putting through his bill to have a tariff commission, I would recommend that you amend your bill to include the removal of the duty on billets and rods as well as on wire. The removal of the duty on billets would be equally as beneficial to the independent sheet manufacturers, of which there are quite a large number. You would then get the support from those independent manufacturers, but with your present bill, I do not see where you would get any support except possibly from the consumers. I trust that you will give this matter due consideration and do for the independent manufacturers what you are trying to do for the consumers and thereby help both.

Yours, very truly,

J. M. DENNING.

[The American Artisan and Hardware Record, March 7, 1908.]

#### A FENCE-WIRE COMPLAINT.

Advices from Washington, D. C., to the American Artisan state that a bill seeking the removal of the duty of 45 per cent upon barbed or woven wire has been introduced in Congress by Representative HAUGEN, of Iowa. Mr. HAUGEN, it is stated, claims to have the support of the

Secretary of Agriculture in an effort to bring the fence-wire trust to terms and insure a better quality of wire for the farmers of the United States. He is said to have stated that the farmers complain of the quality of wire rather than its price, and asserts that fence wire now used on American farms is brittle and short lived, and that as a result the maverick population is growing on the Western plains and stock are straying from one ranch to another.

The abolition of the duty, he believes, will result in a better class of wire being turned out in this country in order to meet foreign competition.

The foregoing item was published in the American Artisan under the date of February 22, since which time there have come to us numerous letters from wire and fencing concerns that seem to have a distinct bearing upon the subject, and are therefore interesting in this connection. We take pleasure in submitting herewith extracts from them:

An Eastern wire company writes:  
"We do not manufacture barb wire or fence wire. We are under the impression, though, that if parties will pay for first quality of wire they will get it. The general tendency, however, is to look for something cheap, and apparently when manufacturers furnish the grade of material they sell they are condemned because the material is not of a higher order. We do not care to have this used in your publication in connection with our name."

The Indiana Steel and Wire Company writes:  
"In our opinion it would be an injustice to take the duty off of wire and allow it to remain on the raw or partly finished material, as this would enable our great trust to rid itself of competition in a very short time. While we have a great many wire mills in this country, yet we have but few who produce their own ore and billets. For same they have to depend on those producing their own ore and billets. If barbed and plain wire were put on the free list and raw and partly finished material allowed to remain where it now is, every so-called independent mill would have to close at once. It is generally supposed that the price of finished products governs the price of raw material, but since the days of trusts and combines conditions which used to govern have no significance. In regard to quality of galvanized wire, will say it is poorly protected, but is made as good as the price will permit. They say competition is the life of trade, but it is also the death of quality, in many cases. It's an easy matter to make wire better, but it would be next to impossible to sell it in competition with the cheaper grades at the price one would have to ask for it. In changing the duty on any of the great commodities of our country, a thorough consideration should first be given and all parties affected taken into consideration. We approve any steps taken to better the quality of American goods."

"Yours, truly, INDIANA STEEL AND WIRE COMPANY."

"MUNCIE, IND., February 24, 1908."

The Frost Wire Fence Company writes:

"Regarding the quality of wire now produced in the United States for fencing purposes, will say that in our opinion it does not compare with the wire produced eight to fifteen years ago."

"Hundreds of our agents have reported that the galvanizing is not satisfactory. We know this to be a fact from personal observation. Possibly the removing of the duty on plain annealed as well as galvanized wire will remedy matters more than anything else, as it will enable the smaller manufacturers to buy better goods at satisfactory prices from foreign manufacturers."

"Yours, very truly, M. H. FROST."

"CLEVELAND, OHIO, February 24, 1908."

Adams Steel and Wire Company writes:

"We would say that while it is unquestionably true that the quality of woven and barbed-wire fencing is not as good as it should be, the main reason, we take it, is that the parties using the fencing, as a rule, are not willing to pay for the better class of goods and insist on buying the cheapest to be had, so that where one manufacturer puts up goods first class in every respect and consequently has to charge a higher price for the same, the consumer will almost invariably go to the next dealer and buy the cheapest class of goods. This, of course, makes the quality poorer, and until the consumer is willing to pay for first-class material there is no remedy that we can see. It is simply a case of supply and demand. The consumer demands something cheap and the manufacturer furnishes it."

"Very respectfully, ADAMS STEEL AND WIRE WORKS,  
"W. J. ADAMS, President."

"JOLIET, ILL., February 24, 1908."

The Crawfordville Wire and Nail Company writes:

"While galvanizing wire will not stand for galvanizing as it did several years ago, the consumers, or users, are to a large extent to blame for the present condition. They were 'eternally harping' for cheap wire, and in order to cheapen the wire we had to cheapen the galvanizing."

"When galvanized wire was first made it was drawn through a sand wipe and would get a very heavy coat of spelter, while at the present time an asbestos wipe is used, and also a lever wipe. The lever wipe takes off the greater amount of spelter that the wire takes on going through the spelter pan, while with the asbestos wipe the galvanizing is some heavier."

"We think that you will also find that the small manufacturers who do not care for a large tonnage are turning out a better grade of wire than the big mills. We have had no complaint on our product, and owing to the fact that our mill runs twenty-three hours out of twenty-four the year round is surely proof that the material is all right."

"We can not see that the 45 per cent duty off wire fence would help out in any way, as the foreign make of wire is not any better than the wire made in this country, and the removal of the duty would only tend to lower the wages of the laboring man, as we think the manufacturers would try to secure as much out of their products as they are at the present time."

"Yours, truly, CRAWFORDVILLE WIRE AND NAIL CO.,  
"C. D. VOIS, General Manager."

"CRAWFORDVILLE, IND., February 24, 1908."

The Up-To-Date Manufacturing Company writes:

"In our opinion the removal of duty on wire in the United States is about the only thing that will ever get us back to a good grade of galvanized wire. We do not make wire, but we use a great deal of it, and we have tried everything in our power to get a good grade. We even offer to pay a premium on extra galvanizing if we can get it, and in cases where we have paid it we find when we get the wire that there is not much difference between it and the other wire."

"We only wish that the Congressmen of our country would get in line with Mr. HAUGEN and support this bill. The time was that you

could get good galvanized wire, that the galvanizing would last for years, but it seems now impossible to get any kind of wire that the galvanizing will last over four or five years and some not that. Wire manufacturers claim it is on account of the price they have to make on it that they have to galvanize it so thin that it does not last longer, but the writer has been connected with the fence business for over twenty years and has bought wire for less price than Agriculture to take this matter in hand and see what they can do with it. We are paying to-day and got a great deal better quality. There is not much question in my mind but what they make better wire abroad than in the United States, but the duty makes it impossible to import it. We think it is high time for the American Representatives and Secretary of Agriculture to take this matter in hand and see what they can do with it."

"It is true that competition is very strong, but it is also true that the wire trust will sell their wire fence ready made for practically the same price that they will sell manufacturers the wire to make it with. To make a long story short, we would be in favor of taking the duty off of everything that enters into the manufacture of wire fences, and then after you have done that, take the duty off the fence itself—in fact give the American farmer his fence at the very lowest possible price."

"There are not many who stop to think about it, but the fencing in the United States costs several hundred millions of dollars, or more than all the live stock in it is worth, and when you think that the farmer has to replace this fence about every ten years it is easy to see what a hardship it works on him."

"Yours, truly, UP-TO-DATE MANUFACTURING CO.,  
"J. H. SNOVE, President and Manager."

"TERRE HAUTE, IND., February 24, 1908."

A Middle West fence manufacturing Company writes:

"We do not think that the galvanizing is done as well as it was fifteen or twenty years ago, and we have some complaints on account of the wire rusting. We hope the mills will turn out a better quality, although at the low prices at which wire is now sold we do not suppose they can afford to make it much better."

BOLT FROM BILLET POOL WORRIES LARGE MAKERS—POOL ABSORBING PRODUCTS DUMPED BELOW \$28 A TON—PIG-IRON MARKET PROCEEDING INDEPENDENTLY OF CLEVELAND MEETING—RAIL MILLS TO START 8008—BELIEVED CAR PLANTS WILL CLOSE—STEEL'S EARNINGS \$5,800,000.

PITTSBURG, February 23, 1908.

A bolt by the smaller makers of steel billets, which may, or may not, mean total disruption of the billet pool was a move of interest within the week past, while inclination by all pig-iron dealers to disregard official prices and dispose of their metal at what they would get for it formed a rather strong second item of comment. There is scurrying by the corporation and some large independent interests to check the pronounced cut in steel billet rates inaugurated by smaller producers. Unless something can be done and quickly by the big fellows, the good accomplished by the so-called "billet pool" in past years will be nil.

It had been many years since billets sold below \$28 a ton, but last week there was a break and one most pronounced. The smaller makers declare they no longer can withstand pressure. They had to have money and they had steel billets to sell, also purchasers to take them. But the purchasers would not pay \$28 a ton, which was the price decided on by the billet pool. The little fellows could get \$26.75, perhaps \$27 for their billets, not \$28, so they decided to unload and they did so.

The corporation is now trying to get all the loose billets at the lower prices and it is understood an effort is to be made to check further disastrous price-cutting and efforts will be made to establish another pool.

WHY POOL WAS CREATED.

It has been only a few months since all the steel-billet interests were represented in a secret meeting in Pittsburgh when the old billet pool was reorganized and all makers of steel promised to stand for the \$28 rate. The meeting was occasioned by the fact that some of the smaller makers were thought to be slipping backward. The old billet pool or "gentlemen's agreement" had not been active in years. There was no need for activity since billets were wonderfully strong and so long as prices remained at or above \$28 there was no cause for alarm. The fact that small dealers have broken away and are selling at rates much lower than \$28 causes no end of worry among the big fellows.

Mr. HAUGEN. These letters and clippings raise a very important question—that is, Should not the billets and rods be included and be put on the free list? The contention is, if not, we will drive the independent manufacturers—those who do not manufacture the partly finished article—out of business; that the trust dictates prices and controls the output, and that the independent manufacturers are now at its mercy. Nobody wishes to cripple or drive out of business any worthy or legitimate enterprise. I certainly have no such desire. To the contrary, I want to protect them.

Let us see if this objection is well grounded. If we admit that the trust controls the output and prices of billets and rods, and if the independent manufacturers are its customers, the trust will, of course, put the price up to the very highest point, but not so high but that the manufacturers will be able to compete with foreign manufacturers. If it did the manufacturer would have to go out of business, and the foreign manufacturers would sell the wire, and the trust would be without customers for its billets and rods. Therefore, if the price on wire controls the price on the partly finished article, and if we remove the duty on wire and thereby reduce its price, or improve its quality by importing wire, we would then compel the trust to furnish billets or rods that will make wire equally as good as that imported, and also to make a living price to the home manufacturers, such as would enable them to meet foreign competition. It goes without saying that the trust is compelled to protect its customers, or the independent manufacturer, in order to sell its product, and it is not clear to me that placing the wire on the free list will work a hardship to the independent manufacturer.

It is claimed they are now at the mercy of the trust, and in



all probability always will be; but if the duty on the partly finished articles, such as billets and rods, is not needed as protection to labor and worthy and legitimate American industries, but is fostering trusts and monopolies and enabling them to pay large dividends on watered stock, then by all means remove the duty. But before discussing trusts I want to dispose of my first proposition.

The letter and clippings are of high authority, and I take it nobody will dispute the fact that the wire manufactured and sold to-day is much inferior to that manufactured and sold twenty or thirty years ago. Gentlemen, if this is true, and there is no doubt about it; and if by removing the duty, a better quality of wire will be furnished by our domestic manufacturers, or can be imported and sold for the price the inferior

domestic wire is now being sold for, then why not remove the duty? But you say that the duty is necessary to protect our home manufactures—that iron and wire is now being imported notwithstanding the high duty. That is true, but that is a special grade of wire, such as is not and can not be manufactured here. Barbed wire and wire fencing are not separately enumerated in the returns of imports rendered to the Department of Commerce and Labor by the collectors of customs, being included with other articles under general heads.

If you will turn to pages 41 and 42 of the report of the Department of Commerce and Labor, Bureau of Statistics, on imported merchandise entered for consumption in the United States and duties collected thereon in 1907, you will find the total as follows:

Imports entered for consumption, year ending June 30, 1907.

Articles.	Rates of duty.	Quantities.	Values.	Duties.	Average.	
					Value per unit of quantity.	Ad valorem rate of duty.
Iron and steel, and manufactures of:						
Wire rods—						
Manufactures of—						
Tempered or treated or partly manufactured—						
Valued over 4 cents per pound (pounds).....	1½ cents plus 1½ cents per pound.	1,317.30	Dollars. 297.00	Dollars. 32.93	Dollars. 0.236	Per cent. 11.09
Wire: Round iron or steel—						
Valued 4 cents or less per pound—						
Not smaller than No. 13 wire gauge (pounds).....	1½ cents per pound.	1,629,295.00	62,172.00	26,365.82	.032	39.04
Smaller than No. 13 and not smaller than No. 16 wire gauge (lbs.).....	1½ cents per pound.	2,245,962.00	76,607.50	33,689.90	.034	43.98
Smaller than No. 16 wire gauge (pounds).....	2 cents per pound.	2,200,511.00	70,783.00	44,010.22	.036	55.16
All valued more than 4 cents per pound (pounds).....	40 per cent.	9,968,652.00	562,962.00	225,180.30	.056	40.00
Total wire: Round iron or steel.....		16,064,420.00	771,514.50	323,246.74	.048	41.90
Manufactures of—						
Not smaller than No. 13 wire gauge (pounds).....	1½ cents plus 1½ cents per pound.	55,942.25	9,385.00	1,396.55	.168	14.90
Smaller than No. 13 and not smaller than No. 16 wire gauge (lbs.).....	1½ cents plus 1½ cents per pound.	78,730.55	16,571.46	2,165.16	.211	13.07
Smaller than No. 16 wire gauge (pounds).....	2 cents plus 1½ cents per pound.	36,102.25	6,800.02	1,173.34	.189	17.23
All valued more than 4 cents per pound (pounds).....	40 per cent plus 1½ cents per pound.	398,475.90	158,368.70	65,338.44	.306	43.14
Total manufactures of.....	Dutiable.	509,250.95	191,109.14	73,075.49	.336	33.23
Cold rolled, etc., blued, brightened, tempered, etc.—						
Manufactures of—						
Smaller than No. 13 and not smaller than No. 16 wire gauge (lbs.).....	2½ cents plus 1½ cents per pound.	83.00	27.00	5.12	.325	11.56
Wire of iron or steel coated with zinc or tin or any other metal—						
Not smaller than No. 13 wire gauge (pounds).....	1½ cents per pound.	12,960.00	321.00	187.78	.025	53.50
Smaller than No. 16 wire gauge (pounds).....	2½ cents per pound.	15,117.00	2,581.90	332.57	.171	12.89
All valued more than 4 cents per pound (pounds).....	1½ cent per pound and 40 per cent.	121,065.00	6,312.00	2,766.93	.058	43.84
Total wire, etc., coated with zinc, etc.....		149,132.00	9,214.00	3,287.28	.062	25.08
Wire rods—						
Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, square, or in any other shape, and nail rods in coils or otherwise, not smaller than No. 6 wire gauge—						
Untempered or untreated—						
Valued 4 cents or less per pound (pounds).....	½ cent per pound.	39,140,061.00	852,060.00	156,560.34	.022	18.37
Valued over 4 cents per pound (pounds).....	½ cent per pound.	405,409.00	33,341.00	3,400.50	.072	10.47
Tempered or treated or partly manufactured—						
Valued 4 cents or less per pound (pounds).....	½ cent per pound.	141.00	6.00	1.27	.04	21.17
Total wire rods.....		39,605,631.00	885,427.00	160,052.20	.022	18.08
Wood, and manufactures of, not elsewhere specified:						
Unmanufactured—						
Cabinet woods—						
Box.....	Free		67,630.00			
Cedar.....	Free		1,303,779.00			
Ebony.....	Free		79,222.00			
Granadilla.....	Free		2,665.00			
Lancewood.....	Free		1,616.00			
Lignum-vitæ.....	Free		175,296.00			
Mahogany (M feet).....	Free	51,923.72	3,263,739.62		62.80	
Rose.....	Free		84,531.00			
Satin.....	Free		5,710.00			
All other.....	Free		352,361.53			
Total cabinet woods.....	Free		5,336,540.15			
Pulp woods (cords).....	Free	644,167.25	2,806,653.98		4.36	
Unmanufactured, not specially provided for.....	20 per cent.		13,591.50	2,718.30		20.00
Unmanufactured, not specially provided for (reciprocity treaty with Cuba).....	20 per cent less 20 per cent.		11.00	1.76		16.00
Brier root or brier wood, and similar wood, unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted.	Free		346,370.00			
Christmas trees.....	10 per cent.		3,351.00	335.10		10.00
Timber—						
Logs and round unmanufactured timber (M feet).....	Free	165,470.43	945,024.28		5.70	
Round, used for spars and in building wharves (cubic feet).....	1 cent per cubic foot.	130,549.00	25,902.86	1,305.49	.198	5.04
Hewn, squared, or sided, not less than 8 inches square (cubic feet).....	1 cent per cubic foot.	253,123.83	49,811.78	2,531.24	.197	5.08
Ship timber.....	Free		164,578.50			

Imports entered for consumption, year ending June 30, 1907—Continued.

Articles.	Rates of duty.	Quantities.	Values.	Duties.	Average.	
					Value per unit of quantity.	Ad valorem rate of duty.
Wood, and manufactures of, not elsewhere specified—Continued.						
Unmanufactured—Continued.						
Lumber—						
Boards, planks, deals and other sawed lumber—			<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Per cent.</i>
Of whitewood, sycamore, and basswood—						
Not planed or finished (M feet).....	\$1 per M feet.....	11,777.60	211,967.74	11,777.68	18.00	5.56
Planed or finished on two sides (M feet).....	\$2 per M feet.....	1,047.29	12,802.00	2,094.58	11.71	17.03
Sawed lumber, not specially provided for—						
Not planed or finished (M feet).....	\$2 per M feet.....	850,339.61	14,623,256.02	1,718,679.33	17.02	11.73
Not planed or finished (M feet) (from Philippine Islands).....	75 per cent of \$2 per M feet.....	25.00	2,155.00	37.50	80.39	1.74
Planed or finished on one side (M feet).....	\$2.50 per M feet.....	10,176.90	239,649.28	47,942.38	12.50	20.01
Planed or finished on two sides (M feet).....	\$3 per M feet.....	2,777.80	48,348.91	8,333.43	17.40	17.24
Planed or finished on three sides (M feet).....	\$3.50 per M feet.....	1.36	34.00	4.78	25.00	14.06
Planed or finished on four sides (M feet).....	\$1 per M feet.....	64.65	1,224.00	258.61	18.93	21.13
Planed on one side and tongued and grooved (M feet).....	\$3 per M feet.....	5,309.32	83,415.75	15,927.97	15.71	19.10
Planed on two sides and tongued and grooved (M feet).....	\$3.50 per M feet.....	897.45	15,482.78	3,141.13	17.26	20.29
Sawed boards, planks, deals, and other forms of sawed cedar, lignum-vita, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods not further manufactured than sawed (M feet).....	15 per cent.....	977.73	33,698.44	5,054.77	34.46	15.00
Sawed boards, planks, etc. (from Philippine Islands).....	75 per cent of 15 per cent.....	25.62	2,110.00	237.38	82.36	11.25
Sawed board, planks, etc. (reciprocity treaty with Cuba).....	15 per cent less 20 per cent.....	8,117.51	390,573.00	30,668.76	40.72	12.00
Ship planking.....	Free.....		14,655.00			
Total lumber.....	(Free).....		14,655.00			
	(Dutiable).....	900,537.84	15,004,216.92	1,853,168.30	17.16	11.88
Clapboards—						
Pine (thousands).....	\$1.50 per M.....	294.88	7,391.20	442.38	25.06	5.00
Spruce (thousands).....	\$1.50 per M.....	5,727.76	149,009.30	8,591.70	26.12	5.74
Fence posts (number).....	10 per cent.....	208,240.00	16,620.34	1,662.02	.08	10.00
Firewood (cords).....	Free.....	26,088.00	60,911.50		2.33	
Gun blocks for gunstocks, roughhewn or sawed, or planed on one side.....	Free.....		29,333.00			
Handle bolts and shingle bolts.....	Free.....		42,435.00			
Hop poles.....	Free.....		4,955.75			
Hubs for wheels, posts, heading bolts, stave bolts, last, wagon, ear, and heading blocks, and all like blocks or sticks, roughhewn, sawed, or bored.....	20 per cent.....		18,701.09	3,740.21		20.00
Laths (thousands).....	25 cents per M.....	668,035.89	1,736,525.17	167,150.05	2.60	9.63
Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles (number).....	20 per cent.....		670,323.41	114,064.04		20.00
Pickets and palings (thousands).....	10 per cent.....	24,409.79	126,909.23	12,690.93	5.19	10.00
Rattans and reeds, unmanufactured.....	Free.....		1,241,316.00			
Shingles—						
White pine (thousands).....	30 cents per M.....	16,727.00	36,445.00	5,018.12	2.18	13.77
All other (thousands).....	30 cents per M.....	867,040.83	1,004,347.77	260,112.33	2.20	13.06
Shooks, sugar box, and packing boxes, empty, and packing-box shoeks, not specially provided for.....	30 per cent.....		11,912.31	3,573.69		20.00
Shooks, sugar boxes, etc. (reciprocity treaty with Cuba).....	30 per ct. less 20 per ct.....		1,653.00	296.72		24.00
Staves.....	10 per cent.....		145,147.57	14,514.76		10.00
Sticks, joints, and reeds: Bamboo, unmanufactured, India malacca joints, and sticks of partridge, half wood, pimento, orange, myrtle, and other woods not specially provided for, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.....	Free.....		381,352.20			
Sticks for walking canes.....	40 per cent.....		13,941.00	5,576.04		40.00
Sticks for walking canes (from Philippine Islands).....	75 per cent of 40 per cent.....		57.00	17.10		20.00
Sticks for walking canes (reciprocity treaty with Cuba).....	40 per ct. less 20 per ct.....		13.50	4.32		22.00
Total wood, unmanufactured.....	(Free).....		11,374,025.36			
	(Dutiable).....		20,436,482.55	2,457,614.80		12.03
Manufactures—						
Barrels or boxes containing oranges, lemons, or limes, grape fruit, shadocks, or pomeios, exclusive of contents—						
Of foreign growth or manufacture.....	30 per cent.....		203,802.98	61,167.88		30.00
Of foreign growth or manufacture (reciprocity treaty with Cuba).....	30 per ct. less 20 per ct.....		267.40	64.17		24.00
Of growth and manufacture of the United States.....	15 per cent.....		109,088.00	16,393.20		15.00
Barrels, casks, and hogsheads, empty.....	30 per cent.....		1,144.05	343.22		30.00
Chair cane or reed, wrought or manufactured from rattans or reeds.....	10 per cent.....		567,632.75	56,763.28		10.00
Fiber ware, indurated, and other manufactures composed of wood or other pulp.....	35 per cent.....		1,003.12	561.09		35.00
Furniture, cabinet or house, wholly or partly finished.....	35 per cent.....		1,136,613.78	397,814.84		35.00
Furniture, cabinet or house, wholly or partly finished (from Philippine Islands).....	75 per cent of 35 per cent.....		176.00	46.20		26.25
Furniture, cabinet or house, wholly or partly finished (reciprocity treaty with Cuba).....	35 per cent less 20 per cent.....		705.00	197.40		25.00
Osier or willow—						
Prepared for basket makers' use.....	20 per cent.....		89,236.00	7,847.20		20.00
Manufactures of.....	40 per cent.....		195,968.30	78,387.32		40.00
Manufactures of (reciprocity with Cuba).....	40 per ct. less 20 per ct.....		6.00	1.92		32.00
Pulp of wood—						
Mechanically ground (pounds).....	½ cents per pound.....	235,418,306.00	1,628,975.04	4,792.80	.006	13.14
Chemical, unbleached (pounds).....	½ cent per pound.....	167,977,266.00	2,776,748.65	3,589.71	.018	9.61
Chemical, bleached (pounds).....	½ cent per pound.....	84,122,283.00	2,073,408.00	210,305.74	.025	10.14
Skewers, butchers' and packers' (thousands).....	40 cents per M.....	6.28	10.00	2.51	1.59	25.19
Toothpicks (thousands).....	2 cents per M and 15 per cent.....	378,439.95	25,901.00	11,453.95	.068	44.22
Veneers of wood.....	20 per cent.....		4,587.75	917.55		20.00
All other manufactures of wood, or of which wood is the component material of chief value, not specially provided for.....	35 per cent.....		1,755,811.27	614,534.19		35.00
All other manufactures of wood, etc., (from Philippine Islands).....	75 per cent of 35 per cent.....		480.25	123.10		26.25
All other manufactures of wood, etc., (reciprocity treaty with Cuba).....	35 per ct. less 20 per ct.....		9,373.92	2,624.69		25.00
Total manufactures.....	(Dutiable).....		10,431,620.26	1,927,423.79		18.44
Total wood, and manufactures of.....	(Free).....		11,374,025.36			
	(Dutiable).....		30,868,111.81	4,385,038.59		14.21

\* Countervailing duty.



Mr. HAUGEN. You will see by the table on page 42, that of the 569,250.95 pounds of wire not smaller than No. 13 gauge, 398,475.90 pounds was valued at more than 4 cents per pound, and paid a duty of 40 per cent plus 1½ cents per pound. Of the 149,132 pounds of wire coated with zinc, and so forth, 121,065 pounds was valued at more than 4 cents per pound, and paid 40 per cent duty, and 15,117 pounds of it was smaller than No. 13 wire gauge, and paid a duty of 2.2 cents per pound, while only 12,950 pounds was not smaller than No. 13 wire gauge, and paid 1.9 cents duty per pound. It will be seen, then, that the wire imported is of a very high grade, and does not come in competition with the fence wire manufactured and sold here.

If our manufacturers can and will not furnish the better quality of wire, why deprive the consumer of the privilege of buying it elsewhere? Will anybody contend that the manufacturers are entitled to this protection, or will anybody contend that our manufacturers or laborers need any protective tariff on this article against foreign manufacturers and labor, even with our high-priced labor? Certainly not.

I call your attention to page 7399 of the CONGRESSIONAL RECORD of May 24, 1906:

Mr. UNDERWOOD. Can the gentleman from Pennsylvania name me any steel mill in the world that can make steel rails cheaper than they are made at Pittsburgh? Can the gentleman from Pennsylvania name me any iron furnace in the world that can make pig iron cheaper than Birmingham?

Mr. DALELL. I think not.

Nobody will question this authority. Both are experts and represent districts where the largest manufacturers of these articles are located. If pig iron and steel rails can be made as cheaply here as any place in the world, of course wire can. A large amount of iron is being exported every year and sold in competition with the world, which also goes to show that it can be made as cheaply here as elsewhere. With our advantages in transportation, with our skilled labor, with our improved machinery, with our abundance of ore and fuel, our manufacturers of wire can and would produce wire equally as good and as cheaply as any other country without a protective tariff. They would make less money, as it costs more to manufacture the better quality, but they can make, and will have to make it, if the duty is removed, and that without any hardship to labor or anyone. Even if the trust has to squeeze a little water out of its stock, what of it? The trust has robbed the consumer by imposing on him high prices and furnishing a poor quality of wire, and the consumer is now entitled to some consideration.

More than 400,000 tons of this wire is manufactured and sold every year. The average price at the mills is estimated at about \$52.21 per ton, the total value being \$22,511,149.43. Add to this the cost of transportation and the charges and profits to the merchants and jobbers, and you will easily have thirty millions of dollars. This means that if a superior quality of wire can be made here or imported and sold for the same price that the inferior wire is bought and sold for now the farmers are taxed more than \$20,000,000 every five years by reason of the fact that an inferior quality of wire is being sold them.

If our manufacturers can and will furnish us with a good quality of wire, I would not object to a duty on wire in order to protect them against foreign cheap labor, if such protection is needed; but if the manufacturers of wire have, and I understand many of them have, combined and formed a trust, watered their stock, and entered into a conspiracy to defraud the consumers by manufacturing and selling an inferior wire at a price equal to that which a good quality can be furnished for, then that is a different thing, and there can be no justification for it. Manufacturers have and can make as cheap and as good wire as manufacturers in other countries, and as good as was made here twenty years ago; and the purchaser is entitled to just as good wire as is made in other countries, especially if it can be made as good here as elsewhere. If the manufacturers insist on making and selling, at present prices, an inferior wire when a better quality can be made and sold as cheaply as imported wire can be made and sold, then they are not entitled to protection.

It has been the policy of the Republican party to encourage manufacturers by giving them a protective tariff, even if they were making an inferior quality and charging higher prices, but that was with a view of stimulating competition and encouraging industries and with the expectation that in time the articles might be perfected. This is entirely a different proposition. We know that the manufacturers know how to make a durable, serviceable, and economical article, but do refrain from doing so because the inferior article can be made cheaper, and because outside competition has been cut off by reason of a protective tariff, and because the farmers and consumers have to buy their make. This is of course unjust and indefensible. The same holds true to a large extent as to steel sheets, railroad irons, billets, rods, and various other irons.

Gentlemen, the iron and steel trusts and the iron and steel schedules need attention. What is true as to the quality of wire manufactured and sold is probably true as to all kinds of steel—sheets, wire and iron nails, construction and bridge iron, railroad iron, and other iron. This is undoubtedly the cause of so many accidents on railroads, and a loss of so many lives. I have confined my amendment to wire fencing, as the investigation of the Department was confined to wire fencing, and I did not feel justified in including items of which I had no special information.

The principle of protection, as before stated, is to protect American industries and American labor, but not to foster and protect fraud and deception, nor is it to build up or to foster an industry that is not or can not be made a success in this country, or one that has ceased to exist. As an illustration, take coffee. We produce no coffee, and it can not be produced here, hence it is admitted free of duty. On the other hand, sugar is a necessity, and of equal importance, but sugar can be and is produced in this country, but not as cheaply as in other countries. We manufacture sugar from sugar beet. Cuba, on the other hand, makes sugar out of cane. The cost of seed to plant an acre of sugar beet is about \$3, besides the ground must be prepared for seeding; it requires more cultivation; the expense of topping and harvesting is greater, which makes the cost of growing it much greater than that of sugar cane. In Cuba the cane is planted once in nine or ten years; it requires but little cultivation; an acre of ground in Cuba will yield from one-third to one-half more sugar than an acre of sugar beet in the United States. The cost of labor in Cuba is from 30 to 50 cents per day; here from \$1.50 to \$2.50; and in order to protect our sugar producers in this country, the Republican party placed a tariff on sugar of \$1.65 per hundred.

Again, years ago, when our supply of logs was believed to be inexhaustible, in order to protect the labor and manufacturers, a tariff was placed on lumber. Logs were and are admitted free. Now conditions have changed. Our supply of logs is practically exhausted; and when the raw material is exhausted, and no raw material is or can be imported, that industry must necessarily cease. Therefore, according to Republican doctrine, there is no need of duty on lumber when that industry ceases to exist; and according to the reports and statements made by our Forester, Mr. Pinchot, our supply of logs, especially white pine, is practically exhausted. And I take it that if the tariff is to be revised, the lumber schedule will receive consideration and undoubtedly should be put on the free list.

The same is true as to wood pulp and paper. This is a matter that is receiving much attention, and a matter that is worthy of the most careful consideration. I listened with much pleasure to the eloquent and very able speech made by the distinguished gentleman from Massachusetts [Mr. TIRRELL], who is a trustee of an estate and a director in a large pulp company. He is therefore in a position to know and is an authority. His speech gives much valuable information and throws much light on the subject. And with the permission of the House, I will read from the CONGRESSIONAL RECORD of February 15, 1908, pages 2107, 2108, 2109, 2112, and 2113, a part of what he had to say as to the tariff on pulp and the need of such tariff, how paper is made, as to the supply of wood, and the cost of manufacturing paper:

We have up to this time failed, as far as I can learn by reading the comments in the newspapers or by the addresses on this floor, to ascertain one single reason why it should be done. No facts, no data, have been given. It seems to have been assumed as a self-evident proposition. Therefore, inasmuch as I myself, as trustee of an estate and a director in one of the large pulp companies of this country, have a certain personal interest in the matter, it seems to me my duty to exploit the subject.

Now, in order that this may properly be understood, it is necessary that I should in a sort of academic way state how paper is made. This may seem to be a matter of supererogation, and yet you can not understand the paper business and the pulp business unless you know how paper and pulp are made. Pulp is made out of the fiber of wood. There is nothing in paper, except coloring matter, but wood. There is nothing but wood in the paper which I hold before you. This wood, reduced to fiber by a mechanical process, is placed in an immense tank of water, and then the fiber is taken off by a paper machine, on a cloth which revolves about rollers until it comes out a sheet, and to come out a sheet, which is absolutely indispensable, it is necessary that the fiber should be matted together, should hold together. The only wood thus far found, even under the inventive genius of the American people, whose fiber is sufficiently long and strong and of the proper color to mat together and make news paper is spruce. You can make paper out of cottonwood and hemlock and pine. You can make it out of cornstalks, but you can not make it so that it will sell, because under the present machinery and processes by which paper is made you have got to have a long, strong, tenacious fiber, and the only wood that is known which produces that fiber is spruce wood. Now, in making news paper that sap is not taken out of the fiber. Therefore, when that fiber is matted together it has all the moisture in it.

Mr. TIRRELL. I was speaking about the subject of spruce in New York. More than one-half of the news paper of this country is made in the State of New York, and I will say to the gentleman, in addi-

tion, that the increase in the manufacture of paper has been so wonderful, indeed marvelous, in this country since 1870 that the United States is now making more paper—almost as much paper as the rest of the civilized world.

Mr. DRISCOLL. Print paper?

Mr. TIRRELL. Yes. In New York the State has prohibited the cutting of timber of any kind for twenty years over a territory covering 4,000 square miles. There are 3,588,803 acres of available spruce timber lands in New York. But the Adirondack Park reservation contains 2,807,760 acres of this, leaving 781,760 acres only for pulp supplies. Now, when we get to Michigan, Wisconsin, and Minnesota, we find there that spruce wood has become very largely denuded, and they are absolutely obliged to run their paper mills in those States by receiving their supply of paper from the Province of Quebec. They have been very wasteful, apparently, in the natural supply in their own country, but whether wasteful or not, those great mills are now dependent upon a foreign country to keep the mills going. I speak of these things in order to come to the most important, and really the only important, consideration in connection with the tariff on wood pulp. There were 2,800,000 cords of spruce wood from the United States used last year in making pulp.

There was obtained from Canada 736,000 cords, according to the official returns, but according to the estimates made in Canada, from 800,000 to 1,000,000 cords of pulp logs were exported to this country, necessary to keep our mills going; and the importance of maintaining our hold in order to secure wood to manufacture paper from was so great that paper manufacturers, than whom there are no more alert, far-sighted, and prophetic business men in the country, early saw that in order to conserve the spruce supply of the United States, not destroying small timber, but only cutting it out as it ought to be done so that the forest would replace itself, they must have supplies from the other side of the border on which to draw, not wholly, but only partly, so that they could properly cut down the spruce on the timber lands which they own, located in the United States, to supply the necessary deficiencies from the timber exports from the Province of Quebec. The importance of the tariff, therefore, in regard to the maintenance of this great industry in our country—and there are 108 paper and pulp mills in the State of New York alone, and New York is dependent to run these mills upon the spruce which they receive from the Dominion of Canada, and will become more and more so as the years pass by—in order to maintain those mills, to keep those mills going, it was not necessary to have a little playmate tariff of 15 per cent. That does not amount to anything; that is only one-third of the average tariff rates of the Dingley bill. There is not a paper mill in the United States but what could successfully maintain its competition with the Canadian mills if that little tariff of 15 per cent was the only consideration. Our paper sells higher and is better than any paper made on the other side of the line. We get better prices for it in England and on the Continent than they can get for Canadian paper, because it is better made and of higher quality, and the paper manufacturers of the United States, if that was the only thing connected with the tariff, would come in here and request with all celerity and, as the eloquent gentleman from Missouri said, let any of these bills engineered by the "big five" go into immediate enactment.

The little joker, as the gentleman from Wisconsin said the other day about the Standard Oil tariff, the little joker to the tariff of 15 per cent, is what is needed and what has preserved this industry in our country.

But they attached this provision to that tariff so that in case Canada should impose an export duty upon logs by what is known as a "countervailing duty" our Government could impose an equal duty upon any pulp or paper if they attempted to import or sell it in this country. That, gentlemen, as I now shall endeavor to show, has been the sole salvation of the paper mills of New York, and, if continued, will be the salvation of the paper mills of the country in the years to come. In Canada, if anywhere in the world, is the inexhaustible supply. In Ontario alone the pulp area is 80,000 square miles, or approximately 51,000,000 acres, to say nothing of greater areas still in Quebec, Labrador, and the great Northwest.

Mr. BONYNGE. Is there any tariff on the spruce wood?

Mr. TIRRELL. No.

Mr. GAINES of Tennessee. How would the export tax affect the value of the log on this side?

Mr. TIRRELL. Logs are admitted free. There is no export duty. I will now proceed and inform the gentlemen and the House what the condition is that is confronting us in regard to this great industry. And, gentlemen, right upon that point I want to give you a few figures as to the extent of it. The gentleman from Maine [Mr. LITTLEFIELD] told me a few minutes ago that one-third of all the capital in that great State which was invested in manufacturing enterprises was invested in the paper and pulp industry. The product of the pulp and paper mills of this country amounts to over \$200,000,000. There are \$300,000,000 of invested capital, and \$32,000,000 yearly paid in wages.

Mr. GAINES of Tennessee. Will the gentleman tell us how many companies are in this International Paper Company?

Mr. TIRRELL. Twenty-four.

Mr. GLASS. Will the gentleman tell me whether a newspaper publisher can not get a rate from any of these so-called "independent" companies of the country?

Mr. TIRRELL. That statement has been absolutely denied time and time again.

Mr. GLASS. Now, I am a newspaper publisher and I assert here you can not get a rate from an independent company.

Mr. TIRRELL. I know the gentleman is entirely mistaken in his position; I do not care whether he publishes a paper or not.

Mr. GLASS. I publish two, and I avow here I can not get a quotation from a so-called "independent" mill in this country.

Mr. TIRRELL. I decline any further to yield to discuss the question. I want you to bear these things in mind. There is an increase in labor cost between 30 and 40 per cent, which is one-third of all that is paid out in the mill itself, and two-thirds, if you reckon all the labor that goes into paper, going back to the forest where the timber is cut.

Mr. HAUGEN. While I do not intend at this time to go into an extensive discussion of the wood-pulp or paper question, I wish to say, if it is true, as stated by the gentleman from Massachusetts [Mr. TIRRELL]—and there is no question about that, as it comes from high authority—that labor has only advanced from 30 to 40 per cent, and if material (wood pulp) has only

advanced from 30 to 40 per cent, then the average increased cost is only about 25 per cent. If, as contended by some, there is a trust, and there is no doubt about that, and if quotations can not be had by independent mills, as stated by the gentleman from Virginia [Mr. GLASS], and if it is true, as stated by the gentleman from Massachusetts [Mr. TIRRELL], that the product of the pulp and paper mills of this country amounts to over \$200,000,000 annually, with only \$300,000,000 invested capital and only \$32,000,000 annually paid in wages, which is claimed is one-third of all that is paid out, or one-third of the cost, then the total cost is only ninety-six million and the net profits are more than one hundred and four million. If our supply of pulp logs is exhausted, and if 736,000 cords of pulp wood has to be imported annually, and if our paper mills are dependent upon foreign countries to keep our mills going, and if the 15 per cent duty is not needed, then there can be no question but that the 15 per cent duty, or \$6 per ton, on paper and \$1.63 on wood pulp should be removed, certainly to the extent recommended by the President in his message, a part of which I will read:

#### WOOD PULP AND PAPER FREE.

I am of the opinion, however, that one change in the tariff could with advantage be made forthwith. Our forests need every protection, and one method of protecting them would be to put upon the free list wood pulp, with a corresponding reduction upon paper made from wood pulp, when they come from any country that does not put an export duty upon them.

And I would add "or on logs or pulp wood."

In conclusion let me say that I believe and contend that inasmuch as American wage-earners and American capital help to maintain and contribute to our national prosperity, growth, and greatness, they should be given protection against foreign manufacturers and producers who pay no taxes here, who pay less for labor, and who can afford to sell for a less price by reason of cheap labor. But that does not imply that there should be a tariff on all products, certainly not on those which do not need protection, or such as will foster and protect fraud, deception, trusts, monopolies, and combinations. Every Republican tariff act has contained a large list of articles on the free list. If you will turn to pages 194 to 203, volume 30, United States Statutes at Large, you will find that the Dingley Act contains a free list of more than 200 articles and classes of articles.

As before stated, I am a protectionist, but in view of the existing trusts, monopolies, combinations, high prices, and the conditions of our forests, I believe that the tariff schedules, such as billets, wire rods, steel sheets, lumber, wood pulp, and paper, should receive immediate attention and the duties modified if not totally removed. And until the trusts manufacture a fence wire and furnish the American consumer with a better quality, a more rust-resisting wire, a quality equally as good as that furnished by other countries, or as good as that manufactured here years ago, greater in efficiency and economy than that which it is now manufacturing and selling, I favor the admittance, free of duty, wire suitable for this purpose.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent to extend remarks in the Record upon the subject of American passports.

Mr. PAYNE. I demand the regular order.

The CHAIRMAN. The regular order is demanded by the gentleman from New York.

The Clerk read as follows:

#### REVENUE-CUTTER SERVICE.

For amount required to be added to appropriation expenses, Revenue-Cutter Service, 1908, to carry out the provisions of acts of April 16 and May 11, 1908, for the remainder of the current fiscal year, \$54,227.55.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, after line 21, insert: "Hereafter the salary of each assistant appraiser of merchandise at the port of New York shall be at the rate of \$4,000 per annum."

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from New York if this is the same rate—

Mr. SHERLEY. I reserve the point of order.

Mr. TAWNEY. I will ask the gentleman if this is the same rate carried in the bill which has been reported from the Committee on Ways and Means to the House?

Mr. BENNET of New York. It is the same rate the salaries have always borne to the appraisers' salary, reported from time to time. Last year it was \$3,500. The appraisers' salaries were raised on this bill last year from six to eight thousand, and this is to give the assistant appraisers the same rate, preserving the proportion between the salaries that they have always had.

Mr. BUTLER. Is this in favor of New York alone?

Mr. BENNET of New York. The assistant appraisers at the port of New York have always had a salary of 50 per cent of that which was given to the appraisers. Last year the salary of



the appraisers was raised from \$6,000 to \$8,000, and by this amendment the assistant appraisers would get the same proportion.

Mr. GAINES of West Virginia. The point of order has been reserved. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Document No. 880, of this session, \$20,848.90, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information. On page 23 there is an appropriation of \$20,000 for the purpose of paying judgments against the District of Columbia. Why should the money be appropriated out of the Treasury to pay judgments against the District of Columbia, and not the usual provision that one-half of it at least should be paid out of the revenues of the District?

Mr. TAWNEY. I will say to the gentleman that if he will turn over to page 24 he will find that all of these items are paid one-half out of the revenues of the District and one-half out of the Federal Treasury.

Mr. JOHNSON of South Carolina. That is all right; I did not see that provision.

Mr. TAWNEY. This is a series of provisions relating to the District of Columbia, and the last paragraph states the proportion that is to come out of the funds of the District and of the Government.

Mr. JOHNSON of South Carolina. I withdraw the pro forma amendment.

The Clerk read as follows:

For increased pay of officers and enlisted men of the Army, under the provisions of the Army appropriation act approved May 11, 1908, \$1,250,000.

Mr. HAY. I move to strike out the last word. I would like to ask the gentleman from Minnesota if this paragraph just read provides for the additional pay for the Army?

Mr. TAWNEY. No; I do not know what paragraph the gentleman is referring to. Is it the first paragraph under "military establishment?"

Mr. HAY. It is the first paragraph on page 25, "increased pay of officers and enlisted men."

Mr. TAWNEY. That is the amount made necessary by the increase of pay of officers and men authorized at this session.

Mr. HAY. The sum appropriated is \$1,250,000, and it is for the fiscal year from the 11th of May until the 1st of July.

Mr. TAWNEY. From the 11th of May until the 1st of July the increased pay authorized by the last military appropriation act is \$1,250,000.

Mr. HAY. So that for the whole year it will be \$10,000,000?

Mr. TAWNEY. Yes.

Mr. HAY. And the \$7,000,000 carried in the Army appropriation bill will not be sufficient by \$3,000,000 to meet the increase made by that bill, and there will be a deficiency next year of \$3,000,000 on that item alone.

Mr. TAWNEY. I think the gentleman is entirely correct, for the reason that this estimate for the remainder of this fiscal year is made by the Department under the law which we passed at this session of Congress as they construe it. Now, that amount will meet the requirements of that law for about forty-five days. And if it takes \$1,250,000 to meet the requirements for forty-five days, the gentleman can easily estimate the amount required for the year.

Mr. HAY. I have figured it up, and there will be a deficiency of \$3,000,000 at the end of the next fiscal year.

The CHAIRMAN. Without objection, the formal amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

#### BUREAU OF SUPPLIES AND ACCOUNTS.

For expressage, fuel, books and blanks, stationery, advertising, furniture and interior fittings for general storehouses and pay offices in navy-yards; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferrages, yeoman's stores, safes, newspapers, ice, and other incidental expenses, \$10,000.

Mr. BURLESON. Mr. Chairman, on April 2 I addressed the House in connection with my amendment to the agricultural appropriation bill intended to abolish gambling in cotton on the exchanges, and in my remarks I made specific reference to the standing of New York as a cotton market. Numerous comments have appeared in the public press on my remarks, criticising them in certain particulars. I now wish to refer to some of these comments and to prove by statistics such of my former statements as have been criticised.

I will first read an editorial from the New York Journal of Commerce and Commercial Bulletin of April 18, as follows:

#### SYSTEMATIZING THE COTTON TRADE.

Among the many subjects before the annual convention of the National Association of Cotton Manufacturers in Boston, as well as before gatherings of cotton growers in the past, that of systematizing the trade in cotton on a more satisfactory basis takes a prominent place. The prevailing dissatisfaction with the methods of the exchanges at New York and New Orleans, which tend to excess in speculation, is causing an agitation which is likely to lead to some radical change. If the exchanges do not take the lead in the needed reforms they are liable to be superseded altogether as a leading agency of the business of cotton trading. They have not only been under criticism and subject to indiscriminating denunciation in recent years, but have been undergoing an official investigation of which the report is still somewhat anxiously awaited, while Congress has been importuned to take action which would practically put them out of business. The New York Cotton Exchange has been particularly under fire of the growers and has few defenders among manufacturers, on account of the manner of its dealing in options and futures, which is often characterized as sheer gambling on the fluctuation of prices which is largely manipulated by the traders.

Conditions in the cotton trade have changed a great deal in recent times, and the methods of handling it have not kept pace with requirements. Planters do not as in former times depend upon marketing the crop promptly in the picking and ginning season in order to raise money to pay debts, and are not so much at the mercy of middlemen. They are establishing warehouses quite extensively for storing the product and distributing their sales more generally over the months following the harvest season. The through bill of lading from centers of production in the cotton region to destination in manufacturing districts or abroad has greatly lessened accumulation at distributing points. Cotton for export goes largely from southern ports and that for New England factories goes on through bills to the purchasers, and there is little "spot" cotton disposed of in New York by the traders. Mr. BURLESON, in supporting his bill, intended to put a stop to speculating in futures, which he has offered as a "rider" on the agricultural appropriation bill in the hope of thus getting it through, quoted figures the other day purporting to show that while 205,859 bales of cotton were received in New York in 1900-1901, the number has decreased gradually and was only 23,108 in 1906-7. Nevertheless, over 100,000,000 bales were sold on the exchange last year, and the Texas Congressman charged that the cost of these speculative operations in commissions, interest on margins, and other expenses amounted to many millions which must indirectly come out of producers or consumers or both.

Mr. MacColl, in his address before the convention in Boston advocating the establishment of an exchange there, was severe in his criticism of prevailing methods and favored a plan like that at Bremen, where the exchange membership is made up of merchant dealers and manufacturers and there is no trading in futures. The claim is made that the prices are successfully established through the relation of supply and demand and kept from undue fluctuation without the fever of speculation that prevails where there is so much dealing in fictitious transactions and so little interest on the part of the traders in actual cotton for use in manufacturing. The most serious complaint against the New York Exchange has been due to the multiplicity of grades, allowing deliveries on contracts of cotton that is of no use to manufacturers and failing to supply what they want, with a settlement of differences which are fixed for an entire year. In the great bulk of cases selling for future delivery means no delivery at all, and much practically worthless cotton passes for nominal delivery like counters in a gambling game.

The New York Exchange has been recognizing the need of reform in cotton trading and especially in the rules of exchange dealing and has somewhat modified its range of grades for delivery which formerly numbered about thirty. Its committee has been advocating a system of certification of cotton in warehouses in the South, guaranteeing grades and quality, and dealing in certificates or warrants on the exchange, which shall call for the grades required, with a display of samples here according to which deliveries shall be made to purchasers. There seems to be in this suggestion the germ of an improved system and Mr. MacColl appeared to approve of it but claimed that the place for working it out was not New York but a city in New England, "where two-thirds of the spindles of the country are located and 2,500,000 bales of cotton are annually consumed." "It is in New England," he said, "that most of the finer class of goods are made, and especially as regards staple cotton a central market would be of great advantage." This is plausible, but with a properly developed warehouse and certificate system the chief exchange might be more advantageously located at the financial and banking center than at a city about which the manufacturing interests center. The trader, as the intermediary between the producer and the consumer, the medium for bringing demand and supply together and adjusting their relation in the fixing of price, can hardly be eliminated. The mechanism of exchange is necessary, and properly managed is an economy in business. In the cotton trade it has got out of order and in bad adjustment and needs to be better adapted to its purpose, but it can not be safely cast aside.

This editorial was followed on the 21st by a letter addressed to the editor of the New York Journal of Commerce and Commercial Bulletin from Mr. Alfred B. Shepperson, which reads as follows:

#### COTTON AT NEW YORK.

#### THE IMPORTANCE OF THE METROPOLITAN MARKET IN ACTUAL DEALINGS.

Editor of The Journal of Commerce and Commercial Bulletin.

SIR: An editorial in the issue of 18th instant of your valuable journal does such injustice to New York as a cotton market that I beg that you will give space to a brief statement showing the annual receipts, exports, and sales of cotton of New York since 1900 and the number of bales delivered on "futures" contracts each season during the same period.

It is true that of what statisticians call "net receipts" only 23,000 bales were received in New York during the year ending August 31, 1907. To avoid counting the same cotton more than once in the statistics of receipts it is the unvarying custom to count the cotton as "net receipts" at the port it first reaches. On its arrival at other ports it is counted in what is known as "gross receipts." From its geographical position it is evident that all cotton reaching New York by water must have previously arrived at some other port and been counted in its net receipts. If a lot of cotton should be shipped from an interior town of

South Carolina to Boston by way of steamer from Charleston to New York and thence to Boston it would be counted in the "net receipts" of Charleston and in the "gross receipts" of New York and Boston. Any other course would result in the same cotton being counted three times in the commercial crop.

Some recent speeches in Congress and the editorial in your paper of 18th instant would create the very erroneous impression that New York received and handled only 23,000 bales of cotton in the year ending August 31, 1907. The files of the Journal of Commerce and Commercial Bulletin show that 480,000 bales of cotton were actually exported from New York to Europe and the East during that season, and, of course, it must have been received first. The receipts at the southern ports are almost entirely "net receipts," so that the figures of net receipts fairly represent the quantity of cotton received at these ports; but New York gets cotton from all southern ports. According to the official records of the New York Cotton Exchange the receipts, exports, and sales of "spot cotton" at this port for each year ending August 31 were as follows:

	Gross receipts.	Exports.	Sales.
	Bales.	Bales.	Bales.
1900-1901	1,251,000	633,000	92,000
1901-2	1,207,000	687,000	114,000
1902-3	1,213,000	492,000	123,000
1903-4	1,171,000	494,000	245,000
1904-5	1,439,000	660,000	104,000
1905-6	1,263,000	514,000	226,000
1906-7	1,413,000	480,000	118,000

During the above seven seasons 773,000 bales were sold for spinners and 248,000 for export. The quantity of cotton actually delivered on "futures" contracts during each season since 1900 was as follows:

	Bales.
1900-1901	375,000
1901-2	397,000
1902-3	600,000
1903-4	283,000
1904-5	446,000
1905-6	478,000
1906-7	460,000

The figures for the number of bales of cotton delivered upon "futures" contracts, as well as all other statistics in this communication, are from the records of the New York Cotton Exchange.

As a matter of fact the New York receipts and exports and sales of spot cotton have for many years been much larger than those of any other American ports except Galveston, New Orleans, and Savannah in the order named.

I am confident that your sense of justice will induce you to give prominence to this letter in view of the erroneous impression which would naturally be conveyed by the editorial of 18th instant.

Yours, very truly,

ALFRED B. SHEPPERSON.

In compliance with the request contained in this letter of Mr. Shepperson's, the New York Journal of Commerce and Commercial Bulletin, in its issue of April 22, had the following editorial:

#### NEW YORK AS A COTTON MARKET.

In discussing the subject of marketing cotton the other day we cited from a speech of Mr. BURLINSON of Texas, in the House of Representatives, a statement regarding the receipts of cotton at New York, which gave an altogether unfair impression of the importance of the cotton market of this city, without making the qualification or explanation necessary to correct that impression. This was done in a letter from Mr. Alfred B. Shepperson, which was printed in connection with our cotton-market reports yesterday, but lest it escape the attention of some who received the erroneous impression it is only fair to present the main point as conspicuously as the statement of the Texas Congressman was cited.

Mr. BURLINSON, in criticizing the methods of the cotton exchange, sought to belittle New York as a market for cotton, and in order to show, he said, "exactly how much cotton has been received" here in recent years, he gave figures from "a book prepared by one of the numerous defenders of the New York Exchange and its practices," representing that the receipts in 1906-7 amounted to only 23,108 bales. From this he concluded that "this exchange could not render much aid in marketing cotton if the cotton did not go there." Mr. Shepperson explains that this figure represents only what are called "net receipts," or receipts at the port which the cotton first reaches. It is only what came from the fields directly to New York and does not include that which comes by water from southern ports after being counted as "net receipts" there.

Mr. Shepperson gives figures compiled from the official records of the cotton exchange, which show that the gross receipts at New York in 1906-7 were 1,413,000 bales, which was considerably more than the average for the six preceding years, in which Mr. BURLINSON sought to show a heavy decline, being exceeded only in 1904-5. The quantity exported from here was 480,000 bales and the sales of "spot cotton" amounted to 118,000 bales. The quantity actually delivered on future contracts was 460,000 bales. These figures are undoubtedly authentic and show that those of Mr. BURLINSON were wittingly or unwittingly quite false in the impression they were intended to convey. New York has for many years ranked next to Galveston, New Orleans, and Savannah in receipts, exports, and "spot sales" of cotton.

Further criticism of my statement and a boast of the standing of New York as a cotton market appeared in an open letter by Henry Hentz, a member of the New York Cotton Exchange, which was published in the New York Journal of Commerce and Commercial Bulletin on April 23. It is as follows:

#### NEW YORK AS TO COTTON RANKS THIRD AS A SPOT MARKET.

Editor The Journal of Commerce and Commercial Bulletin.

Sir: My partners and I felt very sorry to read in your issue of 18th, on the editorial page, an article headed "Systematizing the Cotton Trade," which wrongfully attacks the New York Cotton Exchange, as shown in Mr. A. B. Shepperson's admirable letter printed in your issue of this date.

The article will be seized upon by men who are ignorant of the cotton trade here as justifying their opinion of the exchange. Our contract is practically the same as those of the New Orleans and Liverpool exchanges. In doing away with the quarter grades the number of grades deliverable here on contracts has been reduced.

Our system is all right. The clamor for delivery of only the grades the splendor of fine yarns wants is nonsense. The buyers in the southern markets have, as a rule, to take round lots, and then select such cotton as will suit their orders for export or for American mills. Our contracts, as you know, permits delivery of any grade between and including good ordinary (white and blue) and fair, also tinged cotton from strict good middling to low middling, and in stained cotton not below middling. The amount of poor staple cotton in the certificated stock is practically nil. During the past season low-grade cotton was in poor demand, because no cotton mill, in selling goods ahead, would risk having them rejected as not coming up to the quality sold, and even now we hear that the same precaution is being taken to avoid the goods being rejected. New York, as shown by Mr. Shepperson, ranks next to Savannah as a spot cotton market.

I wish to call your attention to the fact that all the interior towns in the South ship cotton on through bills of lading to our eastern mills and to Europe, consequently, as cotton markets, the ports have lost their importance. I much doubt if, with the exception of New Orleans, 10 per cent of the receipts at the other ports is cotton to be sold there. The residue is shipped to the eastern mills and Europe from the railway stations to the ocean steamers; therefore, Mr. Shepperson is right from the statistics he gave in his letter, in saying that New York comes next to Savannah as a cotton market.

When the New York contract in 1872-73 did not permit the delivery of cotton below low middling, the complaints from the South that our contract was a gambling one were loud, that it shut out useful cotton below that grade, the change was made. Now the clamor is raised that low grades are deliverable, which, as stated above, is permitted by the New Orleans and Liverpool exchanges.

As one of the few charter members of our exchange (only seven now survive the 100 in 1870) I take pride in being still connected with it. Very few outside of the cotton trade realize the usefulness of the exchanges, that if they were abolished we should return to the chaotic conditions that existed prior to 1870, when the changes in prices were violent, and failures were plentiful. The cotton exchanges prevent prices from going too high or too low. In 1868 and 1869 cotton in Liverpool ranged from 7½d. to 13½d. No one wants a return to such conditions. The planters then sold before the advance was had.

Very truly, yours,

HENRY HENTZ, of Henry Hentz & Co.

Mr. Chairman, I will first address myself to the claim made by Messrs. Hentz and Shepperson that the gross movements of cotton to New York proves that that market is holding its own in contradistinction to my claim, viz, that the net receipts have been steadily dwindling and showed the decline of New York as a market. I submit a tabulation on the subject which (I think) conclusively bears out my contention and further confirms my position that as a spot market it has fallen into a state of decadence.

It is a well-established commercial fact that merchandise or commodities (of any kind) seek the best markets—those offering the best inducements for profit—and as a logical sequence, stocks tend to converge to such marts.

Inasmuch as strenuous (though, as I think, untenable) objection is urged to using the net receipts, taken from their own statistical tables, as a measure of New York's standing as a cotton market, I will adopt another.

The tabulation I now offer shows the stock of cotton held in New York and New Orleans in the last week in December for the past thirty years and also the percentage said stock was of the entire crop for each year. In order to make more plain the real condition I also submit a table showing same by decades.

Stocks of cotton in New York and New Orleans in last week of December and the per cent of the total commercial crop.

Years.	Stocks in New York.		Stocks in New Orleans.		Crop.
	Bales.	Per cent.	Bales.	Per cent.	Bales.
1907	139,000		274,000		13,540,000
1906	153,000	1.13	404,000		11,234,000
1905	221,000	1.97	844,000		13,654,000
1904	304,000	.76	450,000		10,092,000
1903	68,000	.69	383,000		10,674,000
1902	159,000	1.49	411,000		10,768,000
1901	119,000	1.11	341,000		10,339,000
1900	90,000	.87	375,000		9,422,000
1899	116,000	1.23	407,000		11,256,000
1898	84,000	.76	476,000		11,216,000
1897	124,000	1.11	445,000		8,706,000
1896	288,000	3.31	470,000		7,147,000
1895	196,000	2.77	420,000		9,887,000
1894	130,000	1.32	425,000		7,682,000
1893	226,000	3.00	379,000		6,664,000
1892	301,000	4.52	332,000		9,018,000
1891	328,000	3.54	480,000		8,674,000
1890	98,000	1.07	329,000		7,397,000
1889	130,000	1.73	396,000		6,089,000
1888	176,000	2.72	363,000		7,047,000
1887	176,000	2.50	403,000		6,409,000
1886	215,000	3.31	435,000		6,675,000
1885	206,000	3.13	359,000		5,706,000
1884	192,000	3.36	425,000		5,713,000
1883	274,000	4.80	459,000		6,900,000
1882	112,000	1.61	325,000		5,436,000
1881	258,000	4.73	306,000		6,006,000
1880	155,000	2.35	291,000		5,701,000
1879	157,000	2.73	316,000		5,074,000
1878	98,000	1.83	220,000		4,774,000
1877	113,000	2.37	(*)		

\* Official data not accessible.



Stocks of cotton in New York and New Orleans in last week of December and the per cent to the total commercial crop, by decades.

	New York.		New Orleans.	
	Bales.	Per cent.	Bales.	Per cent.
1877-1886 (yearly average).....	154,000	3.1	358,000	6.1
1887-1896 (yearly average).....	210,000	2.6	400,000	5.1
1897-1906 (yearly average).....	124,000	1.1	403,000	3.6

Analyzing these figures what do you find? Take them by decades. In the second decade, 1887 to 1896, a gain over the first is made in New York and New Orleans of about 11 per cent; but the crux comes in the third decade (1897-1906), the latest one, where New Orleans shows a slight gain and New York loses 40 per cent. And this, too, in face of the size of the crop, which jumps from an average of about 7,836,000 to 11,210,000 bales, an increase of over 40 per cent.

Again—or worse still—while the stock of the last decade at New Orleans is larger than that of the first decade by about 11 per cent, that of New York for the corresponding period is 32 per cent less, although the size of the crop rose from an average of 5,911,000 bales to 11,210,000 bales, a gain of 90 per cent.

As stated in slightly different form, the relative position of the average stocks of New York and New Orleans in the three decades has changed 43 per cent against New York during which time the volume of the crop increased 90 per cent.

Can Messrs. Hentz and Shepperson contradict or controvert what is here stated? And do these figures sustain the claim made by them and the New York Journal of Commerce that New York is holding her own as a spot market?

Is it possible that there are no reasons for this? A few years ago cotton firms were bringing cotton to New York to stay

there, and against which they banked. Several of these firms retired from business at the end of 1896, when the arbitrary rule of fixing differences in values between grades was adopted; but others were left to continue said operations notwithstanding this uneconomical legislation on the part of the New York Exchange. Just here arises the point. Those pernicious regulations—uncommercial, unjust, and selfish—of the exchange began in 1896, and it is well known that some of those cotton brokers who then retired saw that a blow had been given the exchange and felt that the end was in sight. A mere glance at the stocks in New York after 1896 will serve to show how rapidly and permanently the amount carried there dwindled.

Mr. Chairman, I again insist that the gross movement of cotton to New York does not fairly indicate or measure its standing as a cotton market. Thousands of bales of cotton may pass through there on through bills of lading to mills in the East or for export to Europe; but what bearing does this have on its importance as a cotton market? One might as well claim that Sabine Pass or Port Arthur in Texas are markets for cotton of growing importance because statistics show that the volume of cotton passing through these ports is steadily increasing—this deduction is as logical as the claim put forward by the defenders of the New York Exchange. But, Mr. Chairman, I want to be absolutely fair.

Let me present New York as a cotton market as shown by sales of cotton and exports from that city and New Orleans covering a period of a quarter of a century from 1881-82 to 1906-07. I have compiled a table showing averages of five-year periods and the percentage the sales and exports form of the total crop. The conditions revealed by this table will prove quite interesting, if not enlightening, to the defenders of these exchanges, both of which, by this table, are shown to be falling into a decadent state, and are rapidly ceasing to be of benefit or importance to the cotton trade.

Sales and exports of cotton at New York and New Orleans, total crop and percentage sales and exports at these points form of total crop: 1881 to 1907.\*

Year.	Crop.	Exports.		Sales.		Total exports and sales.		Percentage sales and exports form of total crop.	
		New York.	New Orleans.	New York.	New Orleans.	New York.	New Orleans.	New York.	New Orleans.
1906-7.....	13,305,265	480,000	2,072,000	118,000	915,000	598,000	2,987,000	4.5	22.4
1905-6.....	10,725,602	514,000	1,570,000	226,000	700,000	740,000	2,270,000	6.9	21.2
1904-5.....	13,697,310	659,000	2,549,000	94,000	953,000	753,000	3,502,000	5.5	25.6
1903-4.....	10,015,721	494,000	1,762,000	183,000	976,000	677,000	2,738,000	6.8	27.3
1902-3.....	10,784,478	492,000	2,112,000	123,000	924,000	615,000	3,036,000	5.7	28.2
5-year average.....	11,705,674	527,800	2,013,000	148,800	893,600	676,600	2,906,600	5.8	24.8
1901-2.....	9,748,646	687,000	1,954,000	114,000	1,023,000	801,000	2,977,000	8.2	30.5
1900-1901.....	10,245,602	633,000	2,037,000	92,000	1,001,000	725,000	3,038,000	7.1	29.7
1899-1900.....	9,507,786	877,000	1,653,000	149,000	1,002,000	726,000	2,655,000	7.6	27.9
1898-9.....	11,274,840	643,000	1,914,000	97,000	1,008,000	740,000	2,917,000	6.6	25.9
1897-8.....	11,199,994	764,000	2,384,000	162,000	1,148,000	926,000	3,532,000	8.3	31.5
5-year average.....	10,395,374	660,800	1,988,400	122,800	1,065,400	783,600	3,023,800	7.5	29.1
1896-7.....	8,757,964	687,000	1,984,000	270,000	1,054,000	957,000	3,038,000	10.9	34.7
1895-6.....	7,157,346	698,000	1,619,000	168,000	864,000	866,000	2,483,000	12.1	34.7
1894-5.....	9,901,251	811,000	2,064,000	112,000	1,129,000	923,000	3,183,000	9.3	32.2
1893-4.....	7,549,817	793,000	1,637,000	204,000	927,000	997,000	2,564,000	13.2	34.0
1892-3.....	6,700,365	715,000	1,839,000	159,000	866,000	804,000	2,205,000	13.5	32.9
5-year average.....	8,013,349	740,800	1,726,600	188,600	968,000	929,400	2,694,600	11.6	33.6
1891-2.....	9,035,379	792,000	2,163,000	180,000	1,228,000	972,000	3,391,000	10.8	37.5
1890-1.....	8,652,597	784,000	1,956,000	147,000	1,155,000	931,000	3,111,000	10.8	36.0
1889-90.....	7,472,511	761,000	1,841,000	459,000	1,034,000	1,220,000	2,875,000	16.3	38.5
1888-9.....	6,938,290	1,073,000	1,489,000	594,000	864,000	1,657,000	2,353,000	24.0	33.9
1887-8.....	7,046,833	905,000	1,523,000	448,000	955,000	1,353,000	2,478,000	19.2	35.2
5-year average.....	7,829,122	863,000	1,794,400	365,600	1,047,200	1,228,600	2,841,600	15.7	36.3
1886-7.....	6,505,087	841,000	1,475,000	314,000	836,000	1,155,000	2,311,000	17.8	35.5
1885-6.....	6,575,691	819,000	1,557,000	489,000	1,069,000	1,338,000	2,626,000	20.3	39.9
1884-5.....	6,708,165	775,000	1,385,000	684,000	960,000	1,303,000	2,315,000	22.9	40.6
1883-4.....	6,713,200	644,000	1,451,000	422,000	1,162,000	1,066,000	2,613,000	18.7	45.7
1882-3.....	6,949,756	774,000	1,604,000	506,000	1,385,000	1,280,000	2,989,000	18.4	43.0
5-year average.....	6,289,980	776,600	1,484,400	453,000	1,086,400	1,229,600	2,570,800	19.5	40.9
1881-2.....	5,456,048	628,000	1,170,000	514,000	1,233,000	1,142,000	2,403,000	20.9	44.0

\*The crop figures are as published by the Bureau of the Census and those of sales and exports as published in Cotton Facts by Alfred B. Shepperson.

Mr. Chairman, to the average layman statistical figures are always confusing, and when handled by an adept can be made quite mystifying, but when they are juggled by experts whose interests are endangered they can become, and are frequently used, so as to be grossly misleading.

I am not an adept, neither am I an expert, statistician, but I

submit that this table and these figures bearing on the status of New York as a cotton market should be and will prove clear and convincing to all but those willfully blind.

Mr. Chairman, the averages of the actual sales of cotton in New York for the five-year period ending with the year 1887 was 453,000 bales, compared with 148,000 for the five-year

period ending with the year 1907, a loss of 67 per cent. The exports from New York during the earlier period mentioned amounted to 776,600 bales, compared with 527,800 for the last period, a loss of 20 per cent.

The fact should also be kept in mind that the size of the crop increased from an average during the first period of 6,289,980 to 11,705,674 bales for the latter period. This table also shows that the sales and exports of cotton in New York in 1881-82 constituted 20.9 per cent of the entire crop and that since then, reckoning by the five-year period, she has evidenced her decadence by a diminishing of this percentage as follows:

	Per cent.
For the period ending 1886-87	19.5
For the period ending 1891-92	15.7
For the period ending 1896-97	11.6
For the period ending 1901-2	7.5
For the period ending 1906-7	5.8

And for the year 1907 only 4.5 per cent of the entire crop was sold and exported through that great market port.

In all fairness I ask if these figures do not conclusively show that New York as a cotton market is on the decline?

Mr. Chairman, on the 25th day of April, on page 1006, the New York Financial and Commercial Chronicle published editorially the following:

It has become so much the fashion of late to attack the New York Cotton Exchange that little or no care is used in making statements. For example, in an attempt to show that little spot business is done here, Mr. BURLINSON, in supporting his antioption bill before Congress, recently made the statement that receipts of cotton at New York have been gradually decreasing of late years until in 1906-7 they reached only 23,108. As a matter of fact the arrivals at this port in that year were 1,413,277, of which 493,000 were sent abroad and approximately 850,000 forwarded to spinners. Spot sales aggregated 118,265 and there were 459,600 actually delivered on future contracts. But the misstatement referred to is of a piece with those that have preceded it, and is evidently intended to keep alive the feeling of animosity toward the local body.

Mr. Chairman, it is claimed for this journal that it is the greatest financial paper published in America, if not in the world. Especial claims have always been put forward as to its accuracy and fairness. If these claims be well founded then undoubtedly this great journal has been woefully imposed upon. I am prepared to believe that this editorial was inspired by some member of the selfish and unscrupulous clique said to be in control of the New York Exchange, and whose members, because of their official positions, are the principal beneficiaries of the uncommercial practices which are carried on therein. The statements contained in this editorial are not only grossly misleading, but some of them are absolutely false. Everyone who heard me when I spoke on April 2, and everyone who has honored me by reading that speech, knows that I made no effort to arouse any animosity toward the members of this exchange, but, on the contrary, I declared my belief that they would abandon their uncommercial rules and regulations if it was possible for them to do so and continue to exist. If an honest, helpful cotton exchange could be maintained at New York no one would rejoice at its prosperity and maintenance more than I would, because it is to the interest of the producer to have as many markets for his cotton as possible.

But, Mr. Chairman, my contention is that New York has ceased to be a cotton market. I think I have shown that the stock of cotton carried in New York has for a number of years been gradually decreasing, until it has reached the point where many believe future trading on the exchange is actually endangered, because there is not sufficient reserves in New York upon which to do this business.

Now, am I mistaken about this? Let's see. It is a well-known fact that the board of managers of this cotton exchange have appointed a special committee to devise and elaborate a plan by which, if possible, stocks of cotton, carried at various points in the cotton section, can, by being stored in properly licensed warehouses and officially classified, inspected, and certificated, become a proper, recognized and legal delivery against a future contract made on the exchange.

I submit, Mr. Chairman, that this action by the exchange is a tacit admission of what I claim and what I think I have clearly established. The truth is, the New York Exchange members, recognizing the decadence of New York as a spot market, are trying to offset the fact by enlarging its available stocks by going to the South and there establishing certificated warehouses. This they may deny as vehemently and often as they please, but it is true. I fear that conditions are now such that the exchange can not in this way bring about a broadening or increasing of its stocks so as to conduct an honest, fair business. To continue under existing conditions is both unjust and dishonest. In the first place the character of cotton carried—the New York stocks—is, to use the language of a member of the board

of managers of the exchange, Mr. Arthur R. Marsh, "Such as the spinners are not buying freely." It is unfair to the producer of cotton that this low-grade stuff be used for purposes of tender, thus hammering down prices; and it is dishonest to the consumer of cotton because the narrowness of the New York spot market is such that its transactions can not be honestly used as a basis for fixing contract differences. Because of this they are driven to an arbitrary fixing of these differences practically once a season, to stand, regardless of the change which may be brought about by supply and demand. Thus their contract is debauched and degraded.

Leon Say, the great French political economist, second if not equal to Adam Smith, taught that of all the evils and nightmares that could befall a nation, none compared to a debased circulating medium. The New York Cotton Exchange has debased and debauched its contract so that it has become a false, a spurious measure, complained of at different times from different sections, some understanding fully the causes of the trouble, most feeling it without comprehending the causes, the injustice finally culminating, as it has within recent times, in drastic legislation by almost all the cotton States, and an investigation by the National Government, just concluded. The only noncomplainant against the operations of the exchange are the European traders. They know a good thing when they see it, or, more properly, when they have it.

And the saddest part of the picture is that, as usual, it is the "small" man who bears the brunt; the planter, the storekeeper, or the trader of the interior, who does not understand the workings of this debased, uncommercial contract. The rich always benefit by such methods. A Rockefeller and a Rogers get their heads together; amalgamate a few copper properties—some good, some bad—multiply their real value by 20, 30, perhaps 40; tickle the public into biting, only to be bitten a little later. They are smart financiers—la haute finance. A Morgan, a Ryan, or a Harriman pick up some railroad; inject 50, 60, perhaps 70 per cent of water into its stocks and bonds, land it on the dear public, and grow richer. But how about the "common people?" How are their interests affected? Are they not at last the real victims? But to return to the criticisms of my former speech.

The Financial Chronicle editorial boasts of "the arrivals at this (New York) port" in the year 1906-7, as does also the New York Chronicle, claiming an increase.

How cute these defenders of the New York Exchange are in manipulating figures! Why of course the figures given for receipts for 1906-7 were larger than the average of the previous six years. Strange if they were not, for the crop of that year, 13,540,000 bales, was the next largest on record, compared with an average yield for the previous six years of a little above 11,000,000 bales. Again, in support of their contention that New York had not declined as a cotton market, the Financial Chronicle brings forward the astonishing statement that "there were 459,600 bales actually delivered there on future contract." They must think the people are easily bamboozled—they must think we are grossly ignorant of any knowledge or familiarity with the so-called business carried on in this exchange.

What do such figures amount to? Nothing, absolutely nothing! Each 100 bales may have been delivered once every month, which means twelve times during the season—in fact, it might have been delivered two, three, or four times each month. So such figures mean nothing, show nothing.

Mr. Chairman, twisted and distorted figures and false inferences can not change the fact that New York as a cotton market is decadent. I still insist that its net receipts are a fair measure of the standing of New York as a spot market. Her net receipts have steadily declined, and this fact correctly measures her position in the cotton trade—for while the gross receipts may be expected to show up larger and larger, progressively, owing to increased size of crop and increased consumption by Eastern mills whose stocks pass through there, the net receipts, which to a considerable extent used to go to New York for cotton brokers to "bank on" up to the year 1897, have become almost nil in recent years. There are two reasons for this: First, because it costs \$1.50 "for every bale shipped to New York and carried in warehouses, which is not incurred if the same cotton is shipped direct from the South to the spinner;" and, second, because of the arbitrary, uncommercial manipulations of a few men in the New York Cotton Exchange. They serve their selfish interests first, at the cost of fairness of trade to all, and try to make us and the rest of the world believe that they believe themselves to be doing the right and just thing.

On April 2, I read from Latham Alexander's Cotton Fluctuations the net receipts of New York for only a few years. I now





"The committee shall on the day of meeting consider the report of the committee on spot quotations and the suggestions and opinions presented by members, whether in writing or verbally, and establish the differences in value of all grades, on or off, as related to middling cotton, which shall constitute the rates at which grades other than middling may be delivered upon contract."

Consider for a moment what this rule means. It is a deliberate attempt to nullify the operation of the law of supply and demand. It is an assumption of right on the part of this exchange to fix for a period of ten months the differences in value between the several grades of cotton.

There is a demand for low-grade cotton, as we know, and after differences have been fixed by this revision committee the commercial demand may materially diminish the difference in value between this cotton and cotton of the higher grades, and yet under this rule the difference fixed by this committee must stand for the full period of time. What a fruitful field for manipulation! After these differences have been fixed a storm may sweep over the entire cotton region—it frequently does—and higher grades of cotton as a result of commercial demand may advance materially over the market price of the low grades, and yet this exchange, day by day, solemnly announces that no change in differences can be made until the September to come. Regardless of how wide these differences may actually become because of the demands of the trade the New York exchange remains a law unto itself and maintains differences fixed months before. Because of this it is a safe selling market; but all wise buyers avoid it.

The question now arises from whence comes the buyer? I'll tell you, he is the nonprofessional speculator, the small trader, the unwary multitude found here, there, and everywhere in our country—especially in the South, where we are always optimistic about cotton—who, finding the New York exchange quotations below all others elsewhere, and not knowing the cause, and perhaps not understanding it if told, rushes in as buyer at New York, and in the end, of course, is left to hold the bag.

Yet the New York exchange pretends to be outraged when criticism is directed against such rules and practices, and insolently demands that it remain unmolested.

Mr. Chairman, it has been charged that the revision committee has purposely established differences far out of line with the commercial difference in value between the grades. I make no such charge. Enormous injury to the producer and consumer will inevitably come as a result of honest mistakes or poor judgment on their part, and this suffices as a reason for me to condemn this arbitrary rule without venturing into the field of speculation as to the infamies and wrongs which could be perpetrated if the men who made up this committee were corrupt enough to attempt to use their power for their own selfish purposes. A careful study of the situation discloses that three factors have contributed to the abnormal depression of the price of futures on the New York exchange below the level of spot prices in the South.

I charged then that the failure of the revision committee to fix differences commensurate with the real value of the several grades, as shown by quotations in the South and at Liverpool, contributed to the abnormal depression of the price of futures on the New York Exchange below the level of spot prices in the South.

Mr. Chairman, I now submit the letter of submittal by Commissioner Smith, the italics being mine:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF CORPORATIONS,  
Washington, May 4, 1908.

SIR: I have the honor to submit herewith Part I of the report on the operations of cotton exchanges, made in accordance with House resolution No. 795, of February 4, 1907.

This part deals with cotton-exchange methods of determining differences in price between various grades of cotton in connection with future contracts. Subsequent parts will take up the matter of classification of cotton, the range of grades, and effects of exchange rules and other conditions upon the price.

"Future" transactions in cotton provide for delivery at a distant date instead of for immediate delivery, as in the case of so-called "spot" transactions.

There are two great cotton exchanges in this country, New York and New Orleans, where organized future dealings are conducted. All future trading on both these exchanges is in so-called "basis" contracts—that is, contracts which permit the delivery of a number of "grades" of cotton on one contract. The seller of this contract may deliver thereon any grade he chooses within the range prescribed by the exchange. The buyer has no option. The proper theory of a basis contract, however, is that all grades shall be deliverable at prices which will make them commercial equivalents of each other. Cotton is graded substantially on its color and on the amount of leaf and other foreign matter, all materially affecting its market value. At the time that this investigation started, thirty grades were deliverable on contracts of the New York Cotton Exchange, later reduced to eighteen grades, chiefly by cutting out intermediate grades, with little reduction in the extreme range. The range of grades deliverable at New Orleans is nominally about the same. "Middling" cotton is always the basis grade, the grade for which the price is fixed by the parties to the contract. The prices at which other grades are deliverable are determined by the so-called "differences" above and below—or, in trade parlance, "on" and "off"—middling.

There are two ways of establishing these differences. For the last eleven years the New York Cotton Exchange has had a so-called "fixed-difference" system. A committee of the exchange, commonly known as the revision committee, meets twice a year, in September and in November, and establishes the respective price differences on or off which shall apply to the grades other than middling. These differences, once established, can not be changed until the next regular meeting, and govern all contracts in futures.

The New Orleans Cotton Exchange, on the other hand, has what is known as the "commercial-difference" system. A committee of the exchange meets daily, and, upon information of actual "spot" transactions, quotes the prices of the various grades, which quotations virtually establish the differences which apply on future contracts. That is to say, the New York system arbitrarily fixes what the differences for all grades shall be for two months or for ten months, while New Orleans follows the actual market differences for these grades as established by daily spot transactions. This part compares these two methods.

The buyer of a future contract can not specify the grades to be delivered thereon. Obviously, therefore, he is greatly concerned as to the "differences" at which he may have to accept the various grades. He knows exactly the price for one grade—that is, middling cotton. That price was stipulated in his contract, the so-called basis price. But as to the prices which he must pay for other grades he is dependent upon the exchange differences. The underlying principle of a basis contract undoubtedly is that if the seller does not deliver middling cotton he shall substitute other grades only at their true value relative to that of middling in the spot market at the time of delivery—that is, at the actual commercial differences. This clearly is the only equitable basis. Under these conditions, as far as price is concerned, a basis future contract is substantially the equivalent of a contract for middling cotton. Consequently the market price of basis future contracts for immediate delivery should be practically the same as the price of middling cotton in the spot market. There is, however, properly a small regular margin between the two, because some expense is involved in sorting out and disposing of the mixed assortment of grades likely to be received on contract.

For all interests legitimately using the exchange, it is highly desirable that this margin should be comparatively constant in amount—that is, that there should be a substantial "parity" maintained between the spot price of middling cotton and the price of middling cotton on contracts for immediate delivery. A future contract is supposed to represent actual cotton, and from the very nature of things such a parity should be preserved. The respective merits of "fixed" and "commercial" differences are, therefore, roughly indicated by their effect on this parity. In general, it may be said that the commercial-difference system maintains this parity far better than the fixed-difference system. This is because the commercial-difference system is based on actual daily transactions in cotton, so that the same influences that affect the differences in spot transactions also affect the future contract differences and thus maintains the parity between the price of future contracts and the price of spot middling cotton. Under a proper application of the commercial-difference system the operator in future contracts can base his calculations on the course of middling cotton, and is able largely to disregard differences for other grades, since he relies on the exchange to keep these constantly correct.

Under the fixed-difference system, on the other hand, the operator, besides considering the probable course of the middling price, must also consider the course of the prices of all other grades. Fixed differences are an attempt to establish arbitrarily, and months in advance, the relative values of grades. These differences are bound to become at times erroneous, because the relations of values inevitably vary under the natural laws of supply and demand. Consequently, if the operator believes that the "fixed" differences are wrong, or may become wrong by the time the contract matures, he will, because he is bound by them, endeavor to offset this error by modifying the basis price which he offers for the contract; and this, as a matter of fact, constantly occurs during such variance. Further, inasmuch as the seller has the option of delivering any one or all the grades, he will, of course, deliver those grades which are most overvalued by the existing differences, so that the basis future price will be affected, not by the average error in the differences, but by the maximum error therein. The result is that the price of future contracts, thus affected by the fixed differences, will at times vary widely from the actual price of middling cotton in spot transactions. The extent of these variations will depend chiefly upon the extent of the errors in differences. In other words, these errors will disturb the normal parity above described. These disturbances have a very far-reaching effect, especially on the distribution of speculative risks.

Dealings in cotton must always be accompanied by risk, either to the producer, the merchant middleman, the speculator, or the spinner. Natural conditions greatly affect the supply, and other conditions the demand, and both consequently affect the price. What is the equitable distribution of these risks? It is a general principle that much of the risk should properly be borne by the speculative class; that is, by those who neither produce nor spin cotton, but who are interested simply in making a profit out of the rise or fall of its price. Whatever justification there may be for the speculator lies in the fact that he stands ready to take a large share of this risk. His function is to forecast future natural conditions affecting supply and demand, to obtain as accurate information thereon as possible, to make the price for future deliveries based on such information, and thus to discount in advance, as far as possible, for the benefit of the trade in general, the effect of such future conditions and thereby keep prices free from violent fluctuations which otherwise would occur from unforeseen natural causes.

One especial and necessary function of the speculator in assuming risk is to facilitate so-called "hedging" operations. The manufacturer of cotton, for instance, usually makes many months in advance his contract to deliver cloth to the dealer. His price for that cloth must be based largely on what he has to pay for raw cotton. This he can not foretell. Suppose he has agreed to deliver cloth which will consume a thousand bales of cotton, and at a price which will be profitable if he can buy that cotton at 10 cents a pound. Immediately upon making that agreement he buys a thousand bales on future contract. This contract should insure him against loss by fluctuation in the price of raw cotton. For instance, if when he buys his actual cotton for spinning the price of middling cotton has advanced to 12 cents, he loses that much from his profit on the cloth. On the other hand, if the price of future contracts has made a corresponding advance of 2 cents, thus maintaining a proper parity between the future price and the spot price, he makes 2 cents on his future contract. His loss on actual cotton is thus offset by his gain on the futures. His hedging operation, therefore, far from being speculative, eliminates the speculative element from his business. The manufacturer assumes sufficient risk in the risk of manufacture and distribution.

Similarly other interests, and particularly cotton merchants, thus try to hedge against speculative risks.

Now, the value of hedging depends entirely upon the maintenance of this parity between the spot price of middling cotton and the price of future contracts. Should this parity be disturbed after the contract is made, some class of these hedging interests will lose. In the case above cited, should the price of raw cotton go up 2 cents before the maturity of the contract, while the price of future contracts went up only 1 cent, the manufacturer would lose 2 cents a pound on his spot-cotton purchases, and gain only 1 cent on his futures, a net loss of 1 cent a pound.

It is, of course, possible that the parity might so vary that the hedge would give a net profit instead of a loss. But such profit is a speculative one, and is in conflict with the fundamental theory of hedging, which is intended to eliminate the speculative factor. The man who



hedgers does so to remove himself from the speculative class. If he secures protection against speculative losses he has no right to speculative profits.

Fixed differences are an attempt substantially to render future transactions a "sure thing" for a limited class of speculative experts. The system amounts to an attempt absolutely to fix prices—an economic absurdity. The relative values of different grades are as much subject to the natural laws of supply and demand as the value of middling cotton itself, and it is as unreasonable to attempt to fix one by the fiat of a committee as it is the other.

The result of this attempt, as above shown, is to affect the basis price that is paid for future contracts. The law of supply and demand, unable to work directly on these fixed differences, works itself out indirectly on the basis price of the contract; but this indirect action results in great loss to a vast body of persons who are not experts and who do not understand this artificial machinery or its results. By compelling operators in futures to consider probable conflicts between the two acts of differences, as well as possible variations in the price of middling cotton itself, an unnecessary increase in trading risks is introduced. This is clearly an evil. The system results in shifting the burden of risk from a limited class of experts to a non-speculative class, or to those ignorant of the working of the system. A premium is thus put on intelligence applied to artificial conditions, which of course is of no service to the public, rather than on intelligence applied solely to forecasting the actual conditions of supply and demand. In the same way the system tends to shift the burden of risk from sellers upon buyers. Clearly a great advantage is given the seller from the fact that he can offer on contract any grade he chooses. He should not have both this privilege and the privilege of arbitrarily fixed differences, which almost invariably overvalue certain grades. The result of the combination of the two is to give the seller an extremely unfair advantage over the buyer.

The foregoing criticisms were strikingly illustrated in November, 1906, as the result of the failure of the New York revision committee to establish correct differences. Owing to abnormal weather conditions the commercial values of the lower grades of cotton fell very sharply from the price of middling. The revision committee failed to adjust its "fixed" differences to the actual situation and established differences for low grades which very heavily overvalued them. As a result the future contract price at New York dropped abruptly from the price of spot middling to the tremendous loss of a vast number of holders of future contracts for cotton and the profit of the few experts who understood and anticipated the effect of the system. Hundreds of men also, who had hedged cotton by buying contracts in New York, were injured by this striking disturbance in the parity. A number of failures in the South were charged to this one cause alone. One result has been to reduce hedging in New York, as the possibilities of its artificial system were thus disclosed.

As pointed out above, such a disastrous disturbance in the parity is exactly what is brought about by the errors in the fixed differences in New York.

The reply of certain interests in the New York Exchange is that "a contract is a contract;" that men who deal there come of their own will and are supposed to understand the game. This position can not commend itself as sound business ethics. Practically, also, it is not true that cotton interests are wholly at liberty to stay out of the exchange. As shown above, certain interests must have a hedging place. Furthermore, financial connections with New York are so close that New York must be that place for many of them. Still further, the New York Cotton Exchange practically owes its existence to the volume of business made possible by the participation of outside interests. Both the duty of a private business man to his customers and the duty of a concern which is to a certain extent a public utility demand fair dealing.

The injury from such errors in differences as are inevitable under the fixed-difference system is not, however, the limit of possible harm under that system. There is danger that improper differences may be intentionally established.

As stated above, differences are fixed in New York by the revision committee but twice a year. The New York Exchange does not, as does New Orleans, provide any standard by which the committee shall act. It is not obliged to follow the spot-market quotations, or even any general principle. This leaves it an extreme degree of arbitrary power. This committee is usually made up of men who are large operators on the exchange, and who are constantly interested in the future market. It is within their power so to fix these differences as to affect enormously the value of their own future contracts. In this same revision of November, 1906, when the differences fixed by the committee were radically wrong, several members of this committee have admitted that they were at the time heavily interested in future contracts, and that they profited by the action of the committee. There is no conclusive proof that they intended this. It is sufficient to point out that this fixed-difference system, applied thus arbitrarily by a small body of men, furnished in this case a condition where (1) these men had the power thus to reap enormous profits at the expense of others; (2) they admit that they did reap profits; and (3) the motive for doing so was extremely strong. Comment upon this situation is hardly necessary.

The foregoing does not mean that the New Orleans "commercial-difference" system in its actual working has been at all times free from criticism. Disturbances of the parity have also occurred there, but have been by no means as great or as long continued as in New York. The trouble is not in the New Orleans system itself, but in occasional careless or improper application of it—an erroneous quotation of actual prices. There is, however, need of more care in the conduct of the system.

Since the beginning of this investigation there has been, both at New York and New Orleans, a considerable increase of discussion of the rules affecting future contracts and the possibility of improvement.

There is at present a fundamental difference in conditions between the New York and the New Orleans market, which doubtless is one reason for the difference in system, though by no means an excuse therefor. Under modern conditions of transportation, with the through bill of lading available, New York is no longer a natural spot-cotton market. Cotton usually takes the cheapest route to the mills, and this route does not include a stop-over at New York. As a result transactions in spot cotton in New York are quite small, and thus there is not in New York such a market in actual cotton as will furnish reliable quotations to be used in fixing contract differences.

This, however, does not prevent the application of the commercial-difference principle in substance to future contracts in New York. The commercial differences existing in the leading Southern spot markets can be used as a basis for contract differences. It would not be strictly necessary to revise the contract differences as often as

changes in such commercial differences occur. If the contract differences were revised weekly, or even monthly, the substantial advantages of the commercial-difference system could be secured.

It is contended by many that such a return to the commercial-difference system would, because of the disadvantages of New York's location, destroy the business of the New York Cotton Exchange. There is little reason to believe that any such result would occur. However this may be, the New York Cotton Exchange, if it can not exist under a just and equitable system, has no excuse for existence at all. The present New York system of fixed differences is uneconomic, in defiance of natural law, unfair, and, like all other attempts to defy natural law, results in such complex and devious effects that the benefit of its transactions accrues only to a skilled few.

Very respectfully,

HERBERT KNOX SMITH,  
Commissioner of Corporations.

The President.

Mr. Chairman, so it seems I am not alone in my belief that the rules and practices of this exchange are indefensible. I again assert that this Bureau report sustains me on every proposition I made in so far as this part of the report attempts to treat the question discussed by me. And, Mr. Chairman, there are others who are of the opinion that the by-laws of the exchange providing for fixed differences in value between grades of cotton practically once a year should be changed. Permit me to read from the semi-official organ of the exchange.

I read from the New York Journal of Commerce and Commercial Bulletin of date January 25, 1907:

COTTON EXCHANGE TO HAVE NO ADDITIONAL REVISION—BUT VOTES TO CUT OFF LOW GRADES FROM ITS CONTRACT—QUARTER GRADES ALSO ABOLISHED—ONE OF THE MOST IMPORTANT BALLOTS TAKEN BY THE EXCHANGE—SPOT AND WALL STREET HOUSES OPPOSE FEBRUARY REVISION—CONTRACT EXPLAINED.

The New York Cotton Exchange yesterday adopted by ballot the amendment proposed by the managers to its by-laws, which makes strict low middling stained the lowest grade of cotton deliverable under exchange contracts. The change will take effect in January, 1908. An amendment was also adopted eliminating all the quarter grades.

The proposed amendment changing the dates of meetings of the revision committee from the second Wednesday in September and the third Wednesday in November to the third Wednesday in September, November, and February was not carried, considerable opposition having developed to this feature by Wall street and spot houses, as shown by the following circular, which all members found in their mails yesterday morning:

"We, the undersigned, are of the opinion, after giving the subject consideration, that it would not be advisable to have another revision of differences between grades of cotton commencing February, 1908, as it would have an unsettling effect on the market by restricting transactions during December and January. Operators would do very little during that period, pending the uncertainty of February revision, particularly Europeans, who at times do a large business. The importers and jobbers in coffee have no fear of further revision, as the coffee exchange abolished the rule for fixing differences after it adopted the present differences between grades.

"A vote by ballot will be taken at our exchange to-morrow, Wednesday, January 23, between 11 a. m. and 2 p. m.

"We hope you will be present. If you can not, a proxy can be used, which will be furnished by Henry Hentz & Co. or some of the signers of this.

"Henry Hentz & Co.; Stephen M. Weld & Co.; Fernie Wilson & Co.; T. M. Robinson & Co.; Wm. Ray & Co.; Hopkins, Dwight & Co.; Shearson, Hammill & Co.; Henry Clews & Co.; F. B. Guest & Co.; W. R. Craig & Co.; C. E. Rich & Co.; Latham, Alexander & Co.; Siegf. Gruner & Co."

The vote on the first two amendments was overwhelmingly in favor, but the figures on the revision amendment were 163 in favor and 123 against, it being lost because it failed to receive a two-thirds vote in favor.

Mr. Chairman, I do not know it, but I suspect that among these signers are the chief beneficiaries of the present system, or, as it should be called, "the sure thing." I doubt not among them could be found the chiefs of the small coterie who profited by that historic revision of November, 1906, referred to by Commissioner Smith in his report. And I am confident I would not be far amiss if I also said that among these names could be found the firm which led the December squeeze of 1907, to which I will direct your attention in a moment.

So it seems, Mr. Chairman, a majority of the members of the exchange voting expressed themselves in favor of a change of this indefensible system of fixing differences, but no change was made, for the reason stated. This article, clipped from the Bulletin, concludes with a defense of the exchange contract by Mr. Henry Hentz, who ends his defense with this significant statement:

A few years ago there were loud complaints that grades delivered on contract were too good at the exchange-fixed differences.

Europeans who understand the cotton business think our system of delivery is very superior.

These exchange people seem to be quite solicitous about the welfare of the European trader, but not one word about the Southern producer or the American consumer. The European trade must be protected, even if unjust, uncommercial, uneconomical, and illogical rules and regulations must be continued. These rules inure to the benefit of a few, very few concerns, but they are a detriment to thousands, yes, millions, who are helpless to protect themselves.

Now, Mr. Chairman, I desire to direct attention to one of the most unique communications it has ever been my fortune

to encounter. It is an appeal addressed by Mr. Atwood Violet to the members of the exchange, and, in effect, begs them to be good just for a little while. I clipped it from the May 2 issue of the New York Journal of Commerce. Read it and marvel at the open, brazen discussion of such wrongs and outrages as are tacitly confessed therein.

**COTTON TRADE INTEREST IN THE SMITH REPORT—FEARS THAT IT WILL CRITICISE EXCHANGE METHODS—ATWOOD VIOLETT SUGGESTS CAUTION AT THE PRESENT TIME IN BRINGING ABOUT ABNORMAL CONDITIONS BETWEEN NOW AND JULY 1, SUCH AS AN EXCESSIVE JULY PREMIUM WOULD CREATE.**

Much interest is being taken in cotton trade circles in the report of Commissioner Smith on his investigation into cotton-exchange methods. In a circular addressed to members of the New York Exchange Atwood Violet yesterday urged caution in deals that might attract criticism at this particular time, saying in part:

"The impression is that the Department of Commerce and Labor has information as to manipulation of this market that took place last autumn, when December contracts were advanced \$4 per bale, or 80 points over January, and this premium maintained until the very last day of December, thus bringing about a squeeze, or practically a corner, in the latter month, and movements of which character have done so much in the past two years to bring forth criticisms that have been so generously extended to this exchange, as unfortunately we all have reason to know.

"In order to refresh the memories of those who may have forgotten, will say that notices were issued on the 28th or 29th of December last for delivery on the 2d of January, notwithstanding the discount under January referred to above. In other words, had those who delivered on January delivered the same cotton on December 31, they would have received, according to the premium over January, it will be seen, a premium of \$4 per bale in excess of the basis on which they issued their tenders on the 28th or 29th of December for delivery three or four days later.

"It was said, however, that many of those issuing notices on January were those responsible for maintaining the December premium and thus by holding the long interest in that month they made the unfortunate short 'step up and settle,' where cotton was not forthcoming in order to liquidate December short contracts.

"Should it be found, when the report of the Department of Commerce and Labor is made public, that these manipulative features or squeezes have been gone into very thoroughly by them, in which event they would doubtless recommend very stringent measures to prevent such tactics in the future, in what a predicament the New York Cotton Exchange would be if it should be seen within the next thirty days or so that those responsible for the December movement of 1907 (or any others of our membership) were attempting in the same way to establish a greater premium on July over October than now exists.

"Such a situation would be entirely artificial, because of the absence of a premium on a subsequent month sufficient to pay all or part of the costs of 10 points, or 50 cents per bale per month. Therefore, to bring about abnormal conditions between now and July 1, such as an excessive July premium would create, would certainly bring the New York Cotton Exchange into a great deal of unfavorable prominence, which, pending the publication of the report referred to, should certainly be avoided. While the exchange itself would be criticised, so far as general sentiment is concerned, the responsibility would lie with those who might attempt a July manipulation. Therefore, if any such idea is in the minds of one or more members of our exchange they should carefully consider, individually and collectively, the position they would be placed in, with a possible investigation thereafter, through Congressional action. In that case, it might be that Congress would simultaneously take up the December situation as well, but we can hardly imagine in view of the possibilities referred to that a July movement of the character we have outlined will materialize.

"To avoid further burdening our exchange in the way of adverse legislation, State and national, is something that must appeal to all, and, therefore, it would seem to be well to take under consideration by the members generally the suggestions we herein offer, so that discussion of the same may be had."

Mr. Chairman, permit me to make a liberal translation of what is meant by this appeal to the members of the exchange. I want to be fair, and yet I feel that I am just when I say that this article may be summed up in a few words. In effect it says:

Please, fellows, don't do any robbing while the policeman is looking! Don't do it, for if you do, some step might be taken to break up our sure-thing game.

And yet, Mr. Chairman, these people express surprise, or pretend it, when the producers and consumers of cotton insist that such practices of exploitation and plunder be abandoned.

Now, permit me to read again from the semi-official organ of the New York Exchange. I read from Cotton Causeurle in the issue of May 8 of this year:

The people who believe in reforming the New York contract have the votes," said one prominent member, "but the old machine has the organization. There has been a great awakening among the members, but at the same time the people with business to give out to other members usually get what they want, and the machine may win again, although it is to be remembered that the last annual election was not a victory for the revision of November, 1906.

So it seems that this great (?) exchange is in the grasp of a clique or ring, and that it can not cleanse itself, though a majority of its members, seeing the danger menacing it, desire to adopt wholesome measures of reform. It seems also that the "machine" responsible for the malodorous revision of November, 1906, referred to in Commissioner Knox Smith's report, is not only in control now, but will continue to dominate the exchange.

But permit me to read again:

There is a clever, fast game being played between big people just now, and the little fellow on the outside seems to be inclined to look on.

This would indicate that the fellows are not going to give heed to the importunities of Mr. Atwood Violet, but intend to play the game even if the policeman (the Chief of the Bureau of Corporations) is looking on.

I read again from the same paper:

The old crowd says: "Did you ever see an outsider get away with the money?"

There you have it, Mr. Chairman, in all its baldness, and this from the organ of the exchange. Could one take a better text for an advocacy of the legislation which I propose than the paragraph which I have just read?

The old crowd says: "Did you ever see an outsider get away with the money?"

This aptly expresses and exemplifies the attitude and policy of the "ring" at present in control of the New York Cotton Exchange. They attempt so to direct its legislation and its methods that the public will be induced to operate there, and then skillfully separate it from its money. If an outsider engages in the game with them, and it becomes necessary to engage in litigation with them to make them accountable to the law of the land, they promptly respond that "they have no obligations to anyone not a member of the exchange." This was their defense in the suit brought by a former member of the New York Exchange against the cotton exchange last year, and, as I now recollect, a New York court held there was no privity of contract between an outsider and the exchange, and its rules could not be interfered with by any other than members of the exchange.

View the situation as it is to-day. Throughout the South the producer is holding on to about a million bales of spot cotton for an advance in price, an advance in price which would readily be paid and could readily be afforded by the spinning interests of this country.

Incidentally and supplementing this effort on the part of the South to realize a price for their cotton that is fully justified, speculators on the New York Cotton Exchange, who are described in the paragraph which I have read as "outsiders," have bought a considerable quantity of July contracts. A reading of this paper in the last few weeks shows that arrayed against them are practically all the influential members of the New York Cotton Exchange, who have apparently made an agreement to simply smother the bull movement by selling more July contracts than the other side can possibly buy.

An examination of the daily bulletin issued by the exchange shows that in New York to-day there are only about 68,000 bales of cotton deliverable on contract. Speculators identified with the cotton-exchange "ring" have probably sold for July delivery three or four times this quantity of cotton. Now, what will the ring do if the advance shall go further? They will call for original margins, and in this way break the credit of those who are buying cotton and force a decline. What will be the result? New York future quotations exert a marked influence upon the value of spot cotton in the South. If successful in this effort to force a decline, these manipulators in fact will depreciate the value of the million bales of cotton remaining in the South, and, further, they will as well sympathetically depreciate the value of cotton goods, check the demand for the product of the mills, and force, if possible, a condition of prostration in the cotton-manufacturing business more complete than that which now exists, and all this simply that they may "take an outsider's money away from him." If this be commerce, then it is a new evolution of it, and if it be not commerce, but simply speculative chicanery and robbery, then I again assert it ought to be suppressed.

I now direct attention to a clipping from the Financial Chronicle, published during the first week of this month, urging that something be promptly done to comply with the recommendations made by Commissioner Smith and asserting that no valid reason can be given why such action should not be taken—in fact, that it should be done in order to silence complaint with the exchange itself. I read it:

[Financial Chronicle.]

**COTTON-EXCHANGE "DIFFERENCES"—A TRADE EXPERT ON COMMISSIONER SMITH'S REPORT ON REVISION OF GRADES.**

Mr. Smith suggests that a radical change in the present system should be made by providing for revision at least once a month, using the average official quotations of several representative Southern markets as a basis, making allowance, of course, for the relative importance of the markets (as well as for discrepancies in standards of classification).

We note a disposition on the part of prominent interests connected with the New York exchange to take strong exception to the commissioner's findings and recommendations on this point, but we are unable to discern any valid reason why some change should not be made. The impossibility of arriving at any correct basis in November on which grades other than middling shall be delivered during the remainder of the season must be admitted. Weather conditions play an important part in determining grade, and all danger of storm damage, etc., has not passed by November 10. It would seem that something should be



done and that promptly to meet the Commissioner's recommendations and silence complaint from within the exchange itself. There is a disposition in some quarters to construe as a veiled threat the commissioner's concluding remark that "if the New York Cotton Exchange can not exist under such rules as are equitable and commercial, then it has no right to exist at all." We are more inclined to look upon it as a remark used to point out the extreme importance of the matter.

I now make the prediction that any such effort will fail, just as it did in January, 1907. Those who believe in reforming the exchange may have the votes, but the old machine has the organization. Nothing will be done.

Mr. Chairman, I recognize the value to the cotton trade of exchanges which perform the legitimate and proper functions of an exchange, but I have no compromise to make, no concessions to give to an institution calling itself an exchange which by uncommercial rules and regulations has been perverted into a sure-thing gambling den. Such, I regret to say, the New York Cotton Exchange has become. It is too bad that an institution designed for and originally intended to serve the cotton trade should have been so abused by fictitious dealings and so perverted as to make it simply a gamble on the rise or fall in the price of cotton. The cotton crop is bought and sold a hundred times during a given year, a speculative feature which cancels the effect of supply and demand in fixing the price of this great common necessity. Is trading in futures essential to the welfare of the cotton trade? I do not believe it is. Bearing on this point I will read from a speech delivered before the April (1908) convention of the National Association of Cotton Manufacturers by Hon. J. R. McColl, former president of the association:

Why should it be so, if the wool crop of the world, amounting in value to \$500,000,000 annually, as well as the silk and linen crops, are marketed successfully without trading in futures? This system does not influence or move the crop, and it certainly affords great opportunity for speculation, which is injurious to legitimate industry. The speculator claims to "foresee" coming conditions. Unfortunately this is not his chief business. It is to create temporary artificial conditions by selling quantities of cotton that he does not own, or buying cotton that he does not intend to accept delivery of. In the long run it must, of course, be admitted that supply and demand regulate price, but in the intermediate artificial fluctuations the speculator makes his money and the grower and manufacturer are apt to suffer disaster.

Mr. Chairman, why should this great American product—because cotton is essentially a product of our country; we produce now and will for decades to come fully 70 per cent of all grown—in producing which 5,000,000 of our people are engaged, be made a football for gamblers? Few people realize what this great crop, from an economical standpoint, means, not to the South, but to the commerce of all America. I submit a table showing the value of this American product as compared with the world's production of the two most valuable of the precious metals.

Value of cotton crop against gold and silver production.  
COTTON, INCLUDING SEED.

Fiscal year—	
1900-1901	\$534,000,000
1901-2	512,000,000
1902-3	552,000,000
1903-4	673,000,000
1904-5	683,000,000
1905-6	715,000,000
Total, 6 years	3,669,000,000

WORLD'S GOLD AND SILVER PRODUCTION.

Calendar year.	Gold.	Silver, bullion value.
1901	\$260,992,900	\$100,000,000
1902	296,048,800	99,000,000
1903	225,527,200	96,000,000
1904	346,892,000	99,000,000
1905	278,225,500	93,000,000
1906	400,000,000	115,000,000
Total, 6 years	2,007,686,400	500,000,000

Total value world's gold and silver output for 6 years	\$2,606,686,400
Total value cotton crop, including seed, for 6 years	3,669,000,000

Excess of cotton value over gold and silver production, 6 years	1,062,313,600
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The American cotton crop is the one crop which every year brings millions of dollars from abroad to replenish our supply of gold. Whenever the price ranges above 9 cents a pound at least \$600,000,000 of new national wealth will be created in every year when the present growth of acreage is maintained. With wheat and iron, cotton constitutes the trinity of universal staples. Its produce and sale affect the negro cabin in Mississippi, the mill in Kensington, and the Japanese girl who needs a new kimono alike. The Texas cotton bale is the chief foundation for the present-day wealth of both old England and New England.

This I clip from an editorial recently appearing in the North

American, one of the ablest edited papers in this country. Speaking of the report made by Commissioner Smith and the effect of the transactions of the New York Cotton Exchange on the cotton trade, it says:

Yet the price of this great national product is fixed by a handful of speculators in a city that handles many times as many million bales of fictitious cotton as the whole world produces of the real, but which every year receives proportionately less and less of the actual product. Every development of transportation such as the "through bill of lading," every growth of an Atlantic port, every establishment of a new steamship line, means economic progress that narrows New York's receipts of actual cotton.

But New York continues to buy and sell millions upon millions of things called cotton bales, but in reality chalk marks and gamblers' checks, at quotations that fix the year's profits or losses for the cotton-picker and the manufacturer alike.

The Commissioner of Corporations gives some valuable information. Best of all is a comparison that shows the right and the wrong conduct of an exchange. New York and New Orleans are both speculative markets. But New Orleans also is a real market. The comparison is instructive.

The worth of cotton depends upon its color, its cleanliness, and the quality of its fiber—in the trade parlance, its "staple" and its "grade." There are eighteen grades recognized in the various markets, ranking up and down from "middling," a term applied to "white" cotton fit not for the finest, but for ordinary manufacturing purposes.

The differences in actual value between the grades above and below "middling" are fixed daily by the New Orleans exchange according to the commercial demand. The committee there meets daily. In New York the committee meets twice a year and fixes ratios not governed by crop conditions, but solely to enable cliques of gamblers to manipulate their game so as to mulct producers in the fall and mills in later months.

The conclusion of the Government report is that—

"The present New York system of fixed differences is uneconomic, in defiance of natural law, unfair, and, like all other attempts to defy natural law, results in such complex and devious effects that the benefit of its transactions accrues only to a skilled few."

But what the Government report does not set forth plainly is that the New Orleans future contract provides that the holder can call for a delivery of cotton of quality that manufacturers will buy, whereas the New York "tenderable" cotton is mainly of the kind that may be used to stuff mattresses, but can not be spun into cotton goods.

In other words, the New Orleans exchange is a commercial one, which justifies its existence, whereas the New York exchange is one in which the actual product is merely a symbol for gambling transactions. Yet the spinners of America, England, and continental Europe base their bids for their raw material upon the fictitious New York future boards.

What the Government investigator should have made plain, but did not, is the fact about what should be called the "check-rack" of New York's cotton gambling house. This is a mass of baled and warehoused stuff, unfit for any manufacturer's use, but "tenderable" under any New York contract.

In other words, on a recent date, when the stock of New York cotton was 84,784 bales, exactly 81,477 bales were of such quality as to be worthless, except for the use of gambling coteries to use in raising or depressing the price at will.

Mr. Chairman, few people realize the influence exerted upon the price of spot cotton by the manipulations practiced on the New York exchange. The States of the cotton section have within the past few years become aroused to the magnitude of the injury being done to the cotton trade, and have by legislation attempted as far as they could to protect the cotton trade, the producer and spinner, from the great hurt that is being done them. But, Mr. Chairman, I do not believe that even we in the South fully realize the extent to which these evil practices have gone.

In this connection notice which within the last few days appeared in the public press relative to the failure of the firm of T. A. McIntyre & Co., of New York City, is interesting and instructive. According to the newspaper account this firm had the reputation of doing one of the largest businesses in cotton futures of any house on Wall street. Mr. Moler, office manager, in an interview following the suspension, said that the firm suffered greatly from the effect of the anti-option laws of the Southern States. Before these laws went into effect Mr. Moler said the firm's monthly trading in cotton options aggregated 800,000 bales, but recently their monthly business has not exceeded 50,000 bales. According to this statement the yearly cotton business of this one firm represented more than 9,600,000 bales, an amount equal to 85 per cent of the entire quantity grown in this country in 1907 and 100,000 bales more than the crop of eight years ago.

And, bearing on the same subject, I desire to direct attention to a statement by the general attorney for the Western Union Telegraph Company, made in a hearing before the House Committee on Interstate and Foreign Commerce, in which he said that there were 74,805,000 telegrams transmitted annually, and that "60 per cent of the telegraph business of the country was transmission of information for exchanges, boards of trade, and commercial bodies."

Because of the legislation in the South against this outrageous gambling in the principal product of her people, there has doubtless been and will continue to be quite a falling off of the tolls which those engaged in the traffic have been gathering for the unwary ones of that section. Of course those injuriously affected by this legislation will resent it and do all

that can be done to escape the consequences thereof. Some will fail, as McIntyre did. Others will endeavor to bring about a repeal of these laws and all kinds of specious arguments will be made, all kinds of means adopted to bring about that end. I will again read from the organ of the exchange a line showing the means to be resorted to. It says:

The cotton exchange has decided not to allow its members to send and post quotations in States where trading in futures is not permitted.

This, Mr. Chairman, is intended as a punishment to the Southern people for the effort they are making to protect themselves. It will not succeed. The laws the Southern States have passed to prevent gambling in cotton are on the statute books to stay. Instead of repealing them they will be elaborated and strengthened. The South is determined that no longer will she permit her people to be victimized and despoiled as they have been by these unconscionable gamblers.

Mr. Chairman, in conclusion I desire again to clearly define my position with reference to the cotton exchanges—the one at New York and also the one at New Orleans. I am unalterably opposed to every feature of their business which involves a gamble on the price of this great product. As I have repeatedly said, I doubt whether future trading of any kind for any purpose is ultimately to the interest of the producer, the farmer who grows cotton, or to the consumer, the manufacturer who spins cotton.

I have no sympathy with indiscriminate clamor blindly voiced for the destruction or hampering of legitimate speculation in cotton, but I do insist that such transactions should be based on actual cotton, and must not be mere frenzied gambling on the fluctuation in the price of phantom cotton, inevitably resulting to the serious hurt of millions of people who are unable to protect themselves from the injurious effects thereof. Again I say if the geographical handicap under which New York labors will not prevent her having again an important spot market (but I hear it will) I hope the New York Cotton Exchange may speedily change its uncommercial and uneconomical rules, abandon its unjust and unfair contract which makes to the great advantage of the seller, and once more render substantial aid to the cotton trade. Otherwise, as I said on April 2, if it is impossible for the New York Cotton Exchange to operate its so-called "business" without injury to the legitimate cotton trade then it should go out of business.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I desire to occupy five minutes on a matter not germane to the bill. During this session there have been several speeches delivered in the House upon various phases of the cotton question. Some of them have been in severe denunciation of the New York Cotton Exchange and of gentlemen who transact business thereon and of the methods of their procedure. It had been my intention before the expiration of this Congress to have taken the time to have replied to the speeches made by the gentleman from Alabama [Mr. HEFLIN], the gentleman from Tennessee [Mr. SIMS], and the gentleman from Texas [Mr. BURLESON].

A careful examination of these speeches, Mr. Chairman, discloses that none of these gentlemen have advanced any arguments different from those advanced more than sixteen years ago when the so-called "Hatch antioption bill" was under consideration. Indeed, without reflecting upon the gentlemen, it seems to me that a careful study of the debates of sixteen years ago on the question of the antioption bill would have made possible an even more formidable opposition to the exchange than has been presented at this time.

Mr. BURLESON. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. BURLESON. Is it not a fact that the principal objection urged by me against the practice of the New York Cotton Exchange was directed against the rule admitting fixed differences between grades, and that rule has been adopted since the speech made by Mr. Hatch and Senator George?

Mr. FITZGERALD. The gentleman from Texas contends that his chief objection to the practice now in vogue on the New York Cotton Exchange is to the rule whereby what is known as "fixed differences" are made by members of the exchange. It is a well-known rule that lawyers—and the gentleman from Texas is a lawyer—

Mr. BURLESON. And a farmer.

Mr. FITZGERALD (continuing). Make their strongest points first in any argument that they advance. In a pamphlet copy of the speech made by the gentleman from Texas on the question he first makes this objection on page 39, in a speech of forty-six pages. I submit that the gentleman did not appreciate that this rule was the most vital objection that could be

made to the exchange until a report, made by the Commissioner of Corporations, after the speech delivered by the gentleman from Texas was published condemning the practice regulated by the rule to which the gentleman from Texas referred.

Mr. BURLESON. Will the gentleman from New York submit one minute? I will read the beginning of my declaration upon that subject:

I now submit for your consideration a rule of the exchange which, in my opinion, operates to do the purchaser and consumer more damage, more serious hurt, than all other things combined.

I read it from their bills, and then I read the rule authorizing fixed differences. My declaration then states what I thought of the fixed differences.

Mr. FITZGERALD. What page is that?

Mr. BURLESON. Page 37.

Mr. FITZGERALD. I submit that if the gentleman believes that that is the most vital objection, he would not have delivered thirty-seven pages of his speech upon other matters before he reached this objection.

Mr. BURLESON. Oh, that is merely preliminary.

Mr. FITZGERALD. Aside from that, for instance, the gentleman called attention to the fact that October futures on the day he delivered the speech were selling at 9½ cents and spot cotton was selling at 11 cents. Of course, in view of the statement of the commissioner of agriculture of Texas about that time that there would be 1,000,000 bales of cotton in October in excess of the demand for cotton, it is easy to realize why, with a surplus lot of cotton available or likely to be available, October futures would sell for less than spots would command at present.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I merely desired to say that since the speeches mentioned by me have been delivered, and which I believe I am able to answer, even to the satisfaction of the gentleman from Texas [Mr. BURLESON], the Commissioner of Corporations has submitted what is known as part 1 of a report in response to a resolution adopted by the House on the 4th of February, 1907. This report deals with cotton-exchange methods of determining differences in price between various grades of cotton in connection with future contracts. The Commissioner of Corporations condemns what is known as the fixed-difference system and commends what is known as the commercial-difference system. It would be easy to discuss and to give legitimate commercial reasons for the adoption of the fixed-difference system.

It might suffice to say for the present that it is the only system known in the coffee trade and the only system known in the grain trade. The report states further, however, that the Commissioner of Corporations will submit subsequent reports which will take up the classification of cotton, the range of grades, and the effect of the exchange rules and other conditions upon the price. Since the Commissioner of Corporations intends to submit three supplements to the report already published, all affecting the same question, it seems to me more appropriate to defer the discussion of the speeches already made and the partial report of the Commissioner until the next session of Congress, when the Commissioner of Corporations will have completed his report.

Mr. BURLESON. Oh, I think the gentleman had better take the full recess in order to do it.

Mr. FITZGERALD. Then, Mr. Chairman, we can discuss this question. My friend from Texas says it is advisable to take the complete recess in order to consider this. Mr. Chairman, there were two speeches published in the RECORD fifteen years ago. If I merely reprinted them in the RECORD at this time, even the gentleman from Texas [Mr. BURLESON] would regret having made the speeches that he has made upon this question, because every argument that he has advanced either as novel or as old brushed up as new are completely refuted in the speeches of which I speak. The men engaged in business on the cotton exchange in New York are engaged in a legitimate business. They are entitled to the presumption that their business is legitimate. Proof of impropriety is necessary; illegality will not be presumed. These men enable my friends from the South—the men represented by the gentleman from Texas [Mr. BURLESON]—to market their cotton at a profit. If the exchange were abolished or if it were impossible for those whom he represents to take advantage of the exchange, there is no doubt that his people would suffer much more than anyone else. I did not wish this session to end without giving notice that at an



appropriate time when the investigation now being made is complete, when all of the evidence is before the Congress, those who are interested from another standpoint in this question will be perfectly ready and willing to debate every phase of it.

I have here a summary of a report by the Commissioner of Corporations; the complete report is not available to Members. It so happens that this report condemns one of the things that the gentleman from Texas discussed as an afterthought in his speech. He now proclaims that the Commissioner of Corporations has adopted his views. I know that the gentleman from Texas desires to discuss this question fairly and fully. It is apparent that neither he nor anybody else is justified in drawing conclusions from the report and testimony submitted to Congress by the Commissioner of Corporations, since the complete report and the evidence upon which it is made is not available for analysis. I hope my friend from Texas will contain his soul in patience. When there is ample time those who differ with him on this question will be willing to take all the time necessary to thoroughly and fully debate it.

The Clerk read as follows:

For payment to the post exchange, Fort Moultrie, S. C., of an amount pertaining thereto, which was erroneously deposited in the Treasury to the credit of "Miscellaneous receipts," \$40.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Insert as a separate paragraph, after page 26, line 25:

"To provide for the payment by the Secretary of War of the sum of \$125 per month to Jennie Carroll, widow of James Carroll, major and surgeon, United States Army, and the like sum per month to Mabel H. Lazear, widow of Isaac Lazear, late acting assistant contract surgeon, United States Army, as provided by law, \$3,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken and the amendment was agreed to.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

The Clerk read as follows:

For ordnance and ordnance stores, Bureau of Ordnance, 1905, \$76.78.

Mr. SULZER. Mr. Chairman, I rise to discuss a matter of much moment to the people of this country. I am now, always have been, and always expect to be, a friend of the American Navy, of its growth, of its success, of its welfare, and of its glory. I believe that this Government should have one of the best navies in all the world—not for offense, but for defense, not to provoke war, but for our protection, and as a guaranty of peace. A strong navy is national peace insurance. To-day, however, we are having much difficulty in getting the right kind of men to enlist in the Navy to man our magnificent ships. The quota is far from being filled. The personnel is not up to the standard of the ships. The Government needs now more men and better men, and the best way to get good men and better men in the Navy is to have a great merchant marine as a training school, and in case of war as an auxiliary navy. A navy without an auxiliary merchant marine is badly handicapped. This Government to-day has a poorer merchant marine than any third-class power in the world, and the reason for it is because we do not enact honest legislation to build up our merchant marine as it should be built up along constitutional lines and in accordance with well-settled deep-sea navigation principles. We have not as good a merchant marine to-day as we had one hundred years ago. We have not the tonnage on the high seas to-day that we had one hundred years ago, and the fault is all our own.

Mr. Chairman, it is a fact, and a most deplorable fact, and every man who has investigated the subject knows it, that we have less registered tonnage for ocean-carrying trade to-day than we had one hundred years ago. In 1808 the United States, with a population of less than 3,000,000 inhabitants, owned more registered tonnage for ocean-carrying trade than the United States in 1908, with a population of nearly 90,000,000. The American tonnage in 1808 was over 900,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1808 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world. More than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations through our ports and monopolize more than nine-tenths of all our import and export commerce.

In 1808 over 92 per cent of our export and import trade was

carried in American bottoms; in 1908 less than 8 per cent of our imports and exports are carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freights and passengers over \$200,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant cruiser lists of European governments, manned by naval reserve officers and sailors, and available for immediate service against us in case of war.

It is a matter of much regret that the few Republicans in Congress who control and dictate legislation seek to remedy the situation by ship subsidies, and hence earnestly favor and eloquently advocate a ship-subsidy bill, which is no remedy at all, but a mere temporary makeshift to rob the many for the benefit of the few by taking money out of the pockets of the taxpayers generally and giving it to a few favored individuals. I am opposed to this subsidy policy. The taxpayers, when they understand it, will never consent to it. A subsidy bill at the very best is only a temporary expedient, and no one who understands this subject believes for a single moment that it will ever accomplish what its advocates so vociferously claim.

A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if a subsidy bill should pass it would not restore our American merchant marine or aid materially our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is absolutely opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat, or a barrel of potatoes, or a bale of cotton, or who makes a wagon, or builds a locomotive, as to pay a subsidy to a man who builds a ship or sails a vessel.

The taxpayers of our country, burdened now almost beyond endurance, are opposed to ship subsidies. They are opposed to any gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling or any business on land or sea at the expense of the taxpayers of our country.

Mr. Chairman, I have always been, and always expect to be, a sincere friend of our shipping industries and an enthusiastic advocate of just and proper and honest legislation that will build up and restore our merchant marine. I believe every true American desires the supremacy of American ships in our overseas carrying trade, but I believe they prefer it along the lines of tonnage taxes, and not by subsidies. They see no necessity of taking money out of the Treasury and paying it to the present trust owners of ships for doing what they are already doing; and those most conversant with the subject even go so far as to declare that this subsidy scheme, if enacted into law, will not lay a new keel in any American shipyard or secure an additional ton of freight of over-seas commerce. Practically every dollar granted will go to the ships now afloat owned by the shipping trust.

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible—it is un-republican, undemocratic, and un-American, and no man who understands the question can justify the steal in the face of the facts. If the Congress should pass a ship-subsidy bill, I believe the people will demand its repeal in less than five years, but I hope the wisdom of this House will never permit such an iniquitous bill to pass.

Now, Mr. Chairman, if we want to restore our merchant marine, and gain our lost prestige on the high seas, we must go back to first principles, and return to the policies of the early statesmen of our country, whose wise and far-seeing legislation in those days made us the mistress of the seas. I have earnestly sought to do this ever since I have been in Congress, but thus far without success. I have a bill now pending and which has been pending for years, which seeks to accomplish in this matter what the people desire. It is a simple yet comprehensive measure for a discriminatory graduated tonnage tax in favor of American bottoms. If it were adopted it would restore our merchant marine and not take one dollar out of the pockets of the taxpayers of our country. I send this bill of mine to the Clerk's desk and ask to have it read in my time,

The Clerk read as follows:

A bill (H. R. 18977) to regulate commerce with foreign nations, so as to equalize the footing of American vessels with foreign, to make preference for the use of American ships in our own trade, to extend the postal service by American steamships, and to promote commercial independence.

*Be it enacted, etc.*, That the law relating to vessels, to the duties laid upon tonnage, and to the ocean mail service in force when this act shall be approved, be, and the same is hereby, supplemented and amended as follows:

#### PART I.—TONNAGE DUTIES.

SECTION 1. That all vessels not of the United States arriving at any port under the jurisdiction of the United States, after this act shall take effect, shall be liable for and shall pay additional, or extra, tonnage duties, except as provided in section 2, for the purpose of equalizing the footing of American ships with those of other countries, whose vessels, as a rule, cost much less to build and especially to navigate, that there may be fair and equitable commerce with all countries, proper competition between our own vessels and those of the nations with whom we trade, and a chance for the survival of the marine of the United States.

#### DIRECT TRADE.

SEC. 2. That no vessel coming direct from her own country, its colony or possession, not stopping at a port of another country, laden with the productions of its own country, or with passengers, in excess of one-third of her burden or capacity for freight or for passengers, to be landed in the United States, shall be charged with additional or extra tonnage duty, except in cases where the country to which she belongs and whence she sailed direct, charges additional or extra tonnage duty, or an equivalent thereof, to vessels of the United States; and in such cases, if any there be, the extra duty of the vessel's country so chargeable shall be added to the extra duty of the United States under this act, and the sum so found shall be the full charge per ton for additional or extra duty to be collected; but if the country to which the vessel belongs, so laden and coming, shall hold out to its vessels by law the payment of bounty, subsidy, or subvention of some sort, in consideration of making voyages like the one in question, then, and in that case, three-fourths of the amount of the gratuity payable as aforesaid, shall be charged and collected as countervailing duty in addition to the regular and the extra duty otherwise chargeable and to be collected: *Provided, however*, That a steamer under postal contract, carrying the mails regularly, shall pay no extra tonnage taxes, unless her country charges such taxes to the mail steamers of the United States, or unless she comes indirect, in which case an equivalent of such tax shall be charged up and collected from her, as additional or countervailing duty.

Clause 1. Every vessel not of the United States that shall arrive direct from her own country, its colony or possession, in ballast, or with merchandise produced there, or with passengers, in a less proportion than one-third of her burden or capacity for freight or passengers, as aforesaid, shall pay a duty on the gross admeasurement, in addition to the regular duty imposed by law, as follows: On all vessels not exceeding 4,000 tons, 25 cents per ton; on all vessels between the sizes of 4,000 and 8,000 tons, 50 cents per ton; on all vessels between the sizes of 8,000 and 12,000 tons, 75 cents per ton; on all vessels between the sizes of 12,000 and 16,000 tons, \$1 per ton; on all vessels between 16,000 and 20,000 tons, \$1.25 per ton; on all vessels exceeding the size of 20,000 tons, \$1.50 per ton.

Clause 2. But if a vessel not of the United States shall arrive direct from her own country, its colony or possession, in ballast, or with merchandise of its production, or with passengers, in a less proportion than one-third of her burden or capacity for freight or passengers, as aforesaid, and the country of said vessel holds out to its shipowners by law the payment of bounty, subsidy, or subvention of some sort, in consideration of making voyages like the one in question, then, in addition to the regular and the additional duties found as provided in clause 2, there shall be added a countervailing duty, which shall amount to one-half the additional duty provided in clause 2.

Clause 3. Surveyors of tonnage shall ascertain and certify to the collector the proportion of carrying ability or capacity occupied by passengers, by freight, and by ballast of any kind, respectively, and no vessel so laden and coming shall be discharged of cargo, except upon acceptance of the report of the surveyor by the master or agent of the vessel.

Clause 4. Every vessel coming from her own country, but bringing cargo the whole or a portion of which has been produced in another or foreign country, shall be considered as engaged in indirect trade, unless seven-eighths of her cargo shall be of home production, and she shall be liable to payment of duties under the provisions of section 3, according to size.

#### INDIRECT TRADE.

SEC. 3. That a discriminating tonnage duty, based upon the gross admeasurement in all cases, in addition to the regular duty imposed on vessels tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive with merchandise, passengers or mails to be landed in the United States from countries, colonies, or possessions where the said cargo, in whole or in part, was laden, but to which country, colony, or possession said vessel or vessels do not belong, as follows:

Clause 1. On all vessels exceeding 4,000 tons, the additional duty shall be \$1.25 per ton until the 1st day of January, 1910, after which date it shall be \$1.50 per ton until the 1st of January, 1912, after which date it shall be \$1.75 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be \$1.50 per ton until the 1st day of January, 1910, after which date it shall be \$1.75 per ton until the 1st day of January, 1912, after which date it shall be \$3.25 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be \$1.75 until the 1st day of January, 1910, after which date it shall be \$2 per ton until the 1st day of January, 1912, after which date it shall be \$2.50 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be \$2.25 per ton until the 1st day of January, 1910, after which date it shall be \$2.75 per ton until the 1st day of January, 1912, after which date it shall be \$3.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be \$3.50 per ton until the 1st day of January, 1910, after which date it shall be \$4 per ton until the 1st day of January, 1912, after which date it shall be \$5 per ton. Any vessel violating this section or refusing to pay duties under its provisions as aforesaid shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 4. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive in ballast without merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions to which said vessel or vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 4,000 tons, the additional duty shall be 75 cents per ton until the 1st day of January, 1910, after which date it shall be \$1 per ton until the 1st day of January, 1912, after which date it shall be \$1.25 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be \$1 per ton until the 1st day of January, 1910, after which date it shall be \$1.25 per ton until the 1st day of January, 1912, after which date it shall be \$1.50 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be \$1.25 per ton until the 1st day of January, 1910, after which date it shall be \$1.50 per ton until the 1st day of January, 1912, after which date it shall be \$1.75 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be \$1.50 per ton until the 1st day of January, 1910, after which date it shall be \$1.75 per ton until the 1st day of January, 1912, after which date it shall be \$2 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be \$2.50 per ton until the 1st day of January, 1910, after which date it shall be \$3 per ton until the 1st day of January, 1912, after which date it shall be \$4 per ton. Any vessel violating this section or refusing to pay duties under its provisions as aforesaid shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 5. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States, but of a country that holds out to its vessels by law the payment of bounty, subsidy, or subvention of some sort, in consideration of making voyages like the one in question, that shall arrive in ballast without merchandise, passengers, or mails to be landed in the United States, from countries, colonies, or possessions to which said vessel or vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 4,000 tons, the additional duty shall be \$1 per ton until the 1st day of January, 1910, after which date it shall be \$1.25 per ton until the 1st day of January, 1912, after which date it shall be \$1.50 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be \$1.25 per ton until the 1st day of January, 1910, after which date it shall be \$1.50 per ton until the 1st day of January, 1912, after which date it shall be \$1.75 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be \$1.50 per ton until the 1st day of January, 1910, after which date it shall be \$1.75 per ton until the 1st day of January, 1912, after which date it shall be \$2 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be \$1.75 per ton until the 1st day of January, 1910, after which date it shall be \$2 per ton until the 1st day of January, 1912, after which date it shall be \$2.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be \$2.25 per ton until the 1st day of January, 1910, after which date it shall be \$3.50 per ton until the 1st day of January, 1912, after which date it shall be \$5 per ton. Any vessels violating this section, or refusing to pay duties under its provisions as aforesaid, shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 6. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive from a country to which it does not belong, whether with or without cargo, passengers, or mails, but under engagement to load cargo, passengers, or mails for another country than its own, or that shall effect such engagement after arrival at a time and while there shall be one or more vessels of American registry in port listed at the custom-house as ready and offering to engage for the same or a similar voyage, as follows:

Clause 1. On all vessels not exceeding 4,000 tons, the additional duty shall be \$2 per ton until the 1st day of January, 1910, after which date it shall be \$2.25 per ton until the 1st day of January, 1912, after which date it shall be \$2.50 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be \$2.75 per ton until the 1st day of January, 1910, after which date it shall be \$3 per ton until the 1st day of January, 1912, after which date it shall be \$3.25 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be \$3 per ton until the 1st day of January, 1910, after which date it shall be \$3.50 per ton until the 1st day of January, 1912, after which date it shall be \$4 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be \$3.25 per ton until the 1st day of January, 1910, after which date it shall be \$3.75 per ton until the 1st day of January, 1912, after which date it shall be \$4.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be \$3.50 per ton until the 1st day of January, 1910, after which date it shall be \$4 per ton until the 1st day of January, 1912, after which date it shall be \$5 per ton.

Clause 6. But if, in addition to coming, as aforesaid, under engagement or making it after arrival, as above, a foreign vessel shall have held out to her by law the payment of bounty, subsidy, or subvention of some sort, in consideration of making voyages like the one in question, then, and in such case, a duty of 25 per cent over and above the rate per ton stated in clauses 1, 2, 3, 4, and 5 of this section shall be levied and collected: *Provided, however*, That if there be no vessels of American registry listed at the custom-house at the time of arrival, or of engagement afterwards, as ready and willing to engage for the same or a similar voyage, then tonnage duty shall be payable under section 2, or 3, or 4, according to the circumstances described therein. Any vessel violating this section or refusing to pay duties under its provisions, as aforesaid, shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 7. That all vessels not of the United States, running under bounty, subsidy, or subvention of some sort, arriving at the Gulf ports of the United States from the Atlantic ports, or vice versa; or arriving at the Pacific ports of the United States from the Atlantic or Gulf ports, or vice versa; or arriving at any port of the insular possessions of the United States, or vice versa, in ballast and without freight or passengers, seeking cargo, shall pay additional tonnage duties for the



privilege thus enjoyed, as follows: On arrival from Atlantic to Gulf ports, or vice versa, 30 cents per ton; on arrival from Atlantic or Gulf ports to Pacific ports, or vice versa, 71 per ton; on arrival from any port of the mainland to any port of the insular possessions of the United States, or vice versa, \$2 per ton, gross measurement in all cases. No vessel, not of the United States, shall discharge or take in cargo or passengers without a permit from the collector in each and every case. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted or allowed by the collector to load cargo or passengers in a port of the United States.

Sec. 8. That a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from every vessel that shall enter a port of the United States from a port of her own country, either with or without cargo, passengers, or mails, if she has not come direct, but has called or stopped on the way at a port of a country not her own and there, either in or off the port, has received merchandise, passengers, or mails, and the same shall be landed in the United States, unless said vessel has been built in the United States, or is owned by citizens of the United States to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

Sec. 9. That a tonnage duty, to be termed light tax, of 3 cents per ton on the gross admeasurement of every merchant vessel, not of the United States, that shall enter a port of the United States, shall be levied and collected, in addition to duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast, or may have made port in distress, or was built in the United States.

Sec. 10. That a tonnage duty, to be termed race tax, of 4 cents per ton on the gross admeasurement of every merchant vessel not of the United States, that shall enter a port of the United States and therein discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if such vessel shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to a different race of men from the owners of such vessel.

Sec. 11. That the regular tonnage tax referred to in preceding sections shall be paid by all vessels in the foreign trade, whether American or foreign, and be hereafter collected on every entry at the custom-house and computed on the gross admeasurement. The present rates shall be increased from 6 cents to 10 cents per ton, and from 3 cents to 5 cents per ton, respectively. American steamers carrying mails shall pay tonnage tax but once a year.

#### PART 2.—EXPORT PREMIUMS.

Sec. 12. That all collections of tonnage duties and charges of every sort against vessels of every kind, whether regular, or additional, or countervailing duties, light, race, and immigrant tax, entrance and clearance fees, and permits provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalties, and forfeitures paid into the courts from violations of the navigation and revenue laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for American seamen, and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves. No part of this fund shall be covered into the general Treasury, but the unpaid portion of it shall be carried over from year to year.

Sec. 13. That on and after fifteen months from the passage of this act there shall be paid, out of the special fund in the Treasury provided for by section 12 of this act, to the bona fide owners and exporters of merchandise the growth, production, and manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States registered pursuant to law and not owned in fact by themselves, as follows: A premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port not less than 65 miles from the tidal or national boundary of the mainland of the United States; and a premium of one-half of 1 per cent on the cash valuation of each shipment direct to a port not less than 400 miles from the port of departure in the United States; and a premium of three-fourths of 1 per cent on the cash valuation of each shipment direct to a port not less than 1,000 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port not less than 2,000 miles from the port of departure in the United States; and a premium of 1 1/2 per cent on the cash valuation of each shipment direct to a port not less than 3,000 miles from the port of departure in the United States; and a premium of 1 3/4 per cent on the cash valuation of each shipment direct to a port not less than 4,000 miles from the port of departure in the United States; and a premium of 1 1/2 per cent on the cash valuation of each shipment direct to a port not less than 5,000 miles from the port of departure in the United States; and a premium of 2 per cent on the cash valuation of each shipment direct to a port not less than 6,000 miles and upward from the port of departure in the United States. These premiums to an exporter shall be payable to his order upon report of the clearance of the vessel, with a statement of the collector of the port fixing the value of the shipment, which must be sworn to by an appraiser for the United States, within ten days, according to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

#### PART 3.—MAIL CARRIAGE.

Sec. 14. That the postal act approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause 1. That the Postmaster-General shall as often as once in each year advertise for informal proposals for the carriage of mails by sea in American vessels between such ports of our own and other countries as to exporters may seem advantageous. The advertisements shall be inserted four times weekly in a paper printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promote the postal, commercial, and naval interests of the United States and to subserve those of their owners as well. Proposers will state the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

Clause 2. That within one month after receipt of informal proposals, the Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the Navy and the needs of the postal service, and fix upon a schedule of requirements that will satisfy both interests. The Secretary of the Navy will control the plans for the vessels, and the Postmaster-General will decide upon the postal

programme, and the two together shall advertise formally to let contracts for the running of the vessels required. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly, describing the route, the character of the vessels, the size and speed, the number of trips yearly, the times of sailing, and the time when the service shall begin. These requirements shall not be such that bidders can not be found. The Navy Department shall pay the cost of formal advertising. The letting of such contracts shall be the same as prescribed by law for the letting of inland mail contracts, so far as shall be applicable to vessels. Every contract must have the approval of the President, and none shall exceed the limit of thirty years; but the President may require improved service every ten years.

Clause 3. That the vessels employed under any contract made under this act shall constitute a line, which shall have a sailing day or days, at most, as often as three times a week, but no line shall monopolize the carriage of mails to any foreign port.

Clause 4. That the owners of lines contracting for mail carriage may be persons or corporations, but if the latter, the contract must be with the individuals of the board of directors, who must be citizens of the United States and at all times prepared to swear that not more than 40 per cent of the capital stock of the corporation is held by aliens, and that a citizen manages the line, under penalty of forfeiture of the contract, which, in such case, the President of the United States is hereby authorized to declare. No line shall combine or consolidate with another, under the same penalty.

Clause 5. That the vessels employed under this act shall be commanded by citizens, and at least two officers and two engineers of each vessel shall also be citizens of the United States, and on each departure a portion of the crew, inclusive of firemen, shall owe allegiance to the United States, to wit: During the first year, one-eighth thereof; during the next two years, one-fifth; during the fourth and fifth years, one-fourth; during the sixth and seventh, three-tenths; during the remainder of contract time, one-third thereof. But no mail carrier shall be delayed in sailing to obtain a crew in above proportion until ten years after the passage of this act. It may be stipulated that mails may be brought from abroad, the foreign country paying for the service; also that passengers and baggage and freight may be carried both ways. After July 1, 1910, the mails shall be sent foreign by vessels of the United States and no others, without express consent of Congress; and in cases of need, when private enterprise fails to undertake or carry on the mail service at reasonable or lawful rates of remuneration, the Secretary of the Navy shall have authority, and it shall be his duty, to furnish suitable vessels of the Navy in which to send mails foreign or bring them home, until the further order of Congress.

Clause 6. That all vessels in the postal service and hereafter built for it, shall be prepared to receive arms for immediate use as cruisers, scouts, or transports in time of war; and in future their plans and specifications shall be agreed upon by and between the owners and the Secretary of the Navy, the strength and stability to be sufficient to carry armament required in naval service, and the materials of hull and machinery to be such as will command the highest classification given by American inspection of vessels. And all such vessels hereafter built shall be constructed under the inspection of a naval officer detailed by the Secretary of the Navy, to whom he will report in writing the progress made monthly, whether or not the contract is being well performed, and when the trial trip may be made; and no vessel not approved by the Secretary as fulfilling the contract, as to hull and machinery, shall be accepted for the service.

Clause 7. That the compensation to be agreed upon and paid for such service as may be contracted for under this act shall be reasonable and as low as responsible bidders will perform the same, having regard to the encouragement to vessels provided by this act, to the commercial circumstances in each case, and to the rate of compensation for similar service paid by other countries. Where a bid may be deemed too high, the programme may be modified or the route readvertised, payment for services to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months, the President may declare it forfeited, and thereupon the route shall be readvertised and let to another bidder, but on no account shall the service be abandoned to other countries. Readvertising shall be done in a paper printed in Washington, D. C.

Clause 8. That upon each mail vessel the United States shall have transported, free of charge, one messenger, whose duty shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for himself and for the mails.

Clause 9. That officers of the Navy may volunteer for service on mail vessels, and when accepted by the contractors be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without harm to the service, and while in said employment they shall receive furlough pay from the Government and such other compensation from the contractors as may be agreed upon: *Provided*, That they shall be required to perform only such duties as pertain to the service.

Clause 10. That said vessels shall carry as cadets one American boy under 21 years of age for each 2,000 tons gross measurement, who shall be taught the duties of the service as seamen or engineers, rank as petty officers, and receive reasonable remuneration from the contractors.

Clause 11. That said vessels may be taken and used by the Government as cruisers, scouts, or transports at any time, on payment to the owners of their fair, actual value at the time of the taking, either for service by the voyage, by the month, or year, or may be purchased outright, and if there shall be a disagreement as to the rental or value, then the same shall be settled by two appraisers, one appointed by each party, they selecting a third, who shall act in case the two disagree. In the event of breaking up a line by taking its vessels, the Government shall give the contractors the time necessary to provide other vessels for carrying out their contract when opportunity offers, or the contract may be terminated by mutual consent.

Clause 12. That all vessels, not of the United States, coming with passengers from a country to which said vessels do not belong, shall pay to the collector of the port where landed an immigrant tax of 10 cents for each nautical mile of distance from port to port, for each and every passenger brought from such country, who shall be landed with his or her effects.

#### PART 4.—GENERAL PROVISIONS.

Sec. 15. That marine underwriters or insurance companies of all countries, in person or through agencies in the ports of the United States, may issue policies on hulls or cargoes in conformity with State regulations, where such have been made, on voyages outward or inward, but any discrimination made by them or their agents, either in the clauses of policies, in the premium rates, or effected through inspec-

tion or classification of hulls or otherwise, which shall tend to favor the employment of foreign vessels or tend to disfavor, embarrass, or inhibit the engagement of vessels of the United States, shall be deemed a misdemeanor, punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed \$5,000 nor be less than \$3,000; for a second offense said fine shall not be less than \$10,000, and for the third offense and each one afterwards said fine shall be not less than \$15,000 nor more than \$25,000, and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation of this section that may be brought to his notice. In any such suit it shall be no defense that the orders or directions of any person, or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, whether citizens or aliens, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint, and which is not to be justified on any grounds. A refusal to insure goods, wares, and merchandise under this act to be carried by American vessels shall forfeit the privilege of doing business in American ports, or make the parties finable as above, to be decided by the court, in a suit brought for the forfeiture of said privilege, which is to be enjoyed under this act only.

SEC. 16. That in a time of peace it shall not be lawful for any officer of the Government to receive tenders of service or to make contracts to be performed by vessels not of the United States, and in all contracts for the performance of public work it must be provided that water transportation shall be performed by vessels of the United States. And the transportation of passengers, mails, goods, wares, and merchandise between the United States, its Territories and possessions, and the ports and places of the Panama Canal Zone is hereby declared to be reserved for vessels of the United States under the coastwise laws.

SEC. 17. That in a time of war it shall not be lawful for vessels not of the United States to import or land anywhere in the United States, its Territories or possessions, any goods, wares, or merchandise, the growth, production, or manufacture of a country not at peace with the United States. And all goods, wares, and merchandise imported by a vessel not of the United States admitted to storage in bonded warehouse is hereby limited to a period of ten days, within which time the lawful duties and charges must be paid, whether entered for consumption or reexportation. In cases where minimum or reciprocity duties are imposed by law on goods, wares, and merchandise imported there shall be levied, collected, and paid full rates of duty, notwithstanding any convention, if the same shall have been brought in by a vessel not of the United States or not of the reciprocating country from which such goods, wares, or merchandise were exported; or if the same, not being the growth, production, or manufacture of a country contiguous to the United States, shall have been brought across the line from such country.

SEC. 18. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, citizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the United States, to import and enter at the custom-house, stating the foregoing facts under oath, for his or their own use, and that of no other person or persons in said trade, and not to be held for sale or sold to other citizens, and not to be employed in the domestic trade more than two months in the year, any vessel or vessels suitable therefor, of size not less than 2,000 tons gross, and of age not more than five years, and have the same duly registered as a vessel of the United States but upon the following conditions, nevertheless, to wit, that all vessels imported in the first six months of the term of thirty months, as aforesaid, shall pay a duty of \$4 per ton gross measurement; those imported in the second six months shall pay a duty of \$5 per gross ton; those imported in the third six months shall pay a duty of \$6 per ton; those imported in the fourth six months shall pay a duty of \$7 per ton; those imported in the fifth six months shall pay a duty of \$8 per ton gross measurement, on all vessels less than one year old. A deduction of duty may be made on all vessels according to age beyond one year, to wit, of 5 per cent on those between one and two years; of 10 per cent on those between two and three years; of 15 per cent on those between three and four years; and of 20 per cent on those between four and five years of age. The Treasury Department may allow credit on duties for imported tonnage to the extent of six and twelve months' time on secured notes of owners with interest at 2 per cent per annum. And it shall be unlawful upon penalty, as for a misdemeanor, punishable by fine of not exceeding \$1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting vessel or yacht not duly registered, enrolled, or licensed to fly the flag of the Union from or abaft of the aftermost mast, spar, or pole, except as a signal of distress.

SEC. 19. That the making or offering to make a contract for the exclusive carriage of goods, wares, or merchandise, either to or from foreign countries, conditioned partly on the shipment of same in the future by no other vessel or line of vessels, and promising or making of payment of rebates of freightage thereon, in consideration of making such contract, by an owner or agent of any vessel or line of vessels, is hereby declared a misdemeanor, punishable by fine in a district court of the United States of not less than \$3,000 or more than \$10,000 on each conviction of such owner or agent of any such offending vessel or line of vessels, and if under foreign registry such vessel or line of vessels shall not thereafter be permitted either to land or to load cargo in the United States. Where it may become known to, or suspected by, the collector of any port that rebates of freightage are offered, promised, or paid in an endeavor to engross the carriage of export or import goods, wares, or merchandise, he shall forthwith place the facts, or his information and belief, before the district attorney, who shall take proper steps to ascertain the truth and to break up the practice. And for the prevention of frauds that might be attempted under this act in indirect carrying, foreign vessels not built in the country of registry shall undergo a probation of three years before being adjudged by the collector as belonging in good faith to the country of registration, unless built in the United States.

SEC. 20. That nothing in the act to regulate commerce, approved February 4, 1887, or in the act to protect commerce against unlawful restraints and monopolies, approved July 2, 1890, or in any act amendatory of either of said acts, shall hereafter apply to the establishment of railroad rates or to the changing or publication of the same with respect to foreign commerce, if carried in vessels of the United States; or shall prohibit any agreement or reasonable act with respect to interstate transportation that is not in restraint of commerce with foreign nations or among the several States; or shall hereafter authorize fines for any violation of such acts.

SEC. 21. That, after the 1st day of January, 1900, it shall be unlawful to transport foreign commerce that has been imported, or that is

designed for export, at a less rate than is charged between the same points for the transportation of domestic interstate commerce of like character, unless carried in vessels of the United States to and from the same.

SEC. 22. That after the passage of this act it shall not be lawful for any officer of the Government to issue a register, enrollment, or license for any vessel built abroad, except such as have been captured in war and condemned as prize, such as have been forfeited for a violation of the laws and bought at marshal's sale, or may have belonged to a country that has come under the Government of the United States, or become entitled to registry in compliance with this act.

SEC. 23. That the regular duties of tonnage, computed on the gross admeasurement in all cases, and the usual passenger tax shall be paid alike by vessels of the United States and foreign vessels on each and every arrival, in foreign trade, when entry of vessel is made. Immigrant tax shall be paid when permit is given for the landing of passengers from vessels not of the United States brought from countries to which said vessels do not belong. All additional tonnage duties and the light and race tax shall be paid before landing permit is issued, but if landing be delayed, then, at latest, at the end of two months from date of entrance. American vessels carrying crews of which one-eighth the number are citizens or owe allegiance to the United States shall have rebate of tonnage tax to the extent of 20 per cent; if one-fourth of the crew be citizens, the rebate shall be 30 per cent; if three-eighths of the crew be citizens, the rebate shall be 40 per cent; if one-half the crew be citizens, the rebate shall be 50 per cent; if five-eighths of the crew be citizens, the rebate shall be 75 per cent; and if three-fourths of the crew be citizens, the rebate shall be 100 per cent. The United States shipping commissioner shall ascertain and certify to the collector the proportion of citizens in each crew where rebate of tax may be demanded. Regular apprentices, as seamen or engineers, if citizens, shall count as men in computing rebate of tax. In trade to and from tropical countries where it may not be practicable to find any but natives of such regions to fill vacancies in the crews of vessels permits may be issued, on applications under oath of the owner or agent, by the Secretary of Commerce and Labor for one year or while necessary to carry a crew partly such as it may be practicable to engage in any given place. In all cases where vessels may be fined for infractions of law, in accordance with the Statutes, it shall be unlawful for the Secretary of any Department to remit any portion thereof without an order of court duly recorded; and it shall also be unlawful for the Commissioner of Navigation to order refunds of tonnage taxes that have been paid to a collector without trial and judgment of the case.

SEC. 24. That for twelve years from the passage of this act it shall be lawful for the judge of any district court of the United States to grant final papers of naturalization to any seaman of a foreign country who can speak and read the English language on his taking the oath prescribed by law, and swearing also that he has sailed one or more years in vessels of the United States, naming them, and that he intends so to do in the future, naming the vessel that he will sail in next.

SEC. 25. That sections 12, 14, 15, 16, 18, 19, 20, 22, 24, and 25 of this act shall take effect upon its passage, and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 17, 21, and 23 in one year and thirty days thereafter; and all acts or provisions of law in conflict herewith are hereby repealed; also any and all articles or clauses in existing maritime reciprocity conventions or in treaties, whose time fixed has expired, that are in contravention herewith, are hereby annulled and abrogated, in conformity with the stipulations and equities of said agreements and the rights of the United States; and the formal notice of the Congress of the United States is hereby given to all countries concerned that, in one year from the approval of this act by the President, all diplomatic agreements for the suspension of commercial regulations, or for the forbearance to enact them, so far as the aforesaid agreements are terminable by notice, are receded from on the part of the United States, and all enactments to carry out said agreements are by this act repealed. Any agreement, as above, not yet terminable by notice, may be observed until its term expires, but not longer.

Mr. SULZER. Now, Mr. Chairman, this bill of mine speaks for itself, and I have had it read at the Clerk's desk for the purpose of getting it in the Record, so that the people who are interested in this great shipping question can read the bill and judge accordingly. I place this tonnage-tax bill by the side of the ship-subsidy bill and submit the merits of the two measures to the impartial judgment of the taxpayers of the country, confident that the general principles of my bill will be accepted by them in preference to those of the ship-subsidy bill. My bill is a practicable, honest, businesslike measure, and, in the opinion of those most competent to testify regarding this matter, its enactment into law will go far to solve the shipping problem, restore our merchant marine, place our flag on the high seas, and give us ere long at least nine-tenths of our ocean-going commerce.

My bill is a tonnage-tax bill, and the foreigner pays the tax. In other words, all goods brought to this country in foreign bottoms would have to pay a tonnage tax on the ship's gross admeasurement. This being the case, foreign shipowners would have to charge higher freight rates than American shipowners, with the consequence that the American shipowners would get all our ocean-carrying trade. This would create a demand for American-built ships, and the demand would revive our languishing shipbuilding industries, and the revival of those industries would give employment to thousands and thousands of workmen on both the Atlantic and Pacific coasts. Of course no foreign shipowner will commend my bill. No subsidy grabber advocates it. No shipowners' trust favors it. No marine monopoly likes it. Naturally every foreign shipowner is absolutely opposed to it, because every foreign shipowner knows that if a bill like this should become a law in this country in less than ten years the United States would be the mistress of the seas and do the major part of the deep-sea carrying trade of the world.



Sir, I do not expect foreign shipowners to favor my bill, but I know when the question is understood by the taxpayers of our country every patriotic American will be in favor of it in preference to a subsidy bill, which takes money out of the pockets of the people of this country and pays it over in the nature of a gratuity to a special business interest. There is no graft in my bill; no private gain at public expense. It is just a plain, simple, practical, business, maritime measure for a tax on the tonnage of the gross admeasurement of foreign ships.

This bill of mine has met with much favor from people opposed to subsidies and who want to see Congress do something to revive our merchant marine. My measure is a tonnage-tax bill and nothing more. It is not a subsidy bill nor a free-ship bill nor a discriminating-duty bill, and under its provisions it would not take one dollar out of the Treasury of the Government or out of the pockets of the taxpayers of the country. It makes the foreigner pay the tax, and this ought not to be objectionable to the Republicans, because up to very recently they claimed that under the protective tariff the foreigner paid the tax, but I understand they have abandoned that absurd claim and now admit that the consumer pays the tax.

This tonnage tax on the gross admeasurement of foreign ships in favor of American ships is, I believe, substantially in line with the policy of the men who molded our legislative marine history in the early days of the Republic. The bill is endorsed by the American Shipping Society of the United States, of which Hon. W. W. Bates, of Denver, Colo.—formerly United States shipping commissioner—is president, and has been approved by some of the ablest writers and thinkers and political economists in our land. It is a comprehensive bill, but when studied its provisions are very simple, and those who know most about the subject affirm that if this bill were enacted into law it would solve our maritime problem, restore our merchant marine, build up our shipyard industries, place our flag on ships on every sea, and give us a great auxiliary navy in case of foreign complications; and it would accomplish all of this without doing violence to any of the principles of our Government or taking one dollar out of the Treasury or the pockets of the people.

The bill may not be perfect, and if it is not, I shall be glad to do my share to perfect it; but I believe, from a careful study of all bills that have been offered on this subject in Congress for the past ten years, that my bill presents the most speedy and effective remedy. I know it is said by the friends of the shipping trust and the advocates of subsidies that the bill discriminates in favor of American ships against foreign ships; but I reply that we never can build up our shipping industries and restore our merchant marine unless we adopt the policy of free ships, or a policy that will discriminate in some way in favor of our own ships and against foreign ships. The fact is that we discriminate now against our own ships in favor of foreign ships. My bill simply reverses the situation. I sincerely believe that if this bill, or one similar to it, containing substantially its provisions, should be enacted into law, that the United States in a few years would become mistress of the seas, and American ships, built in our own shipyards, would do all of our own ocean commerce besides a great part of the deep-sea carrying trade of the other countries of the world.

Now, Mr. Chairman, this bill of mine has been pending in the Committee on Merchant Marine all winter. I have had it pending in every Congress for the past ten years. Why is it not passed? Because there is no graft in it for any special interest. I have done everything in my power this year to get the committee to favorably report it, but thus far my appeals have been in vain. I indulged the hope at the beginning of this Congress that something would be done ere we adjourned for the American merchant marine along the lines of a graduated system of tonnage taxes in favor of American bottoms and against foreign-built ships. That was the policy of the early days of the Republic, and under it our shipping industries thrived, and American-built ships, carrying the American flag, were seen in every port and on every ocean of the world. If we will repeal the laws against our merchant marine now on the statute books and put in their place the navigation laws of the early days of the Republic, the problems of our shipping industries and deep-sea carrying trade will be solved, and in less than ten years we will have a merchant fleet second to none in the world and through it aid our magnificent Navy and save to the taxpayers of our country millions and millions of dollars every year.

Sir, for many years the leading Republicans favored the policy that I am now advocating. They wrote it in their national platform in 1896, and I hope they will put a plank this year in their national platform in favor of a graduated system

of tonnage taxes to restore the American merchant marine. I shall go to Denver, and I will do my best to have such a plank written in the national Democratic platform. If I can have my way, the plank will be about as follows:

We favor immediate action by Congress for the resumption of the shipping policy which prevailed under the first five Presidents and which brought forth and maintained the best merchant marine on the ocean without the cost of a cent to the American people.

We denounce the Republican party in Congress for its willful neglect of our shipping in the foreign trade, Congress having done nothing whatever for its revival since the civil war, except to connive at the passage of unconstitutional and vicious bounty and subsidy bills, utterly useless for the object in view and only a corrupt expenditure of public revenue, really in the interest of foreign nations.

Mr. Chairman, that is the kind of a plank I want to see in the next national Democratic platform, and I will do my best to get it in our platform, because I am now, always have been, and always will be a friend of the American merchant marine. I long for the coming of the day when American ships will be on every sea and our flag gloriously floating on the breeze in every port. I am willing to go as far as any man in this country to legislate for the restoration of the American merchant marine to all its former glory and to secure for the American people their just share of the over-seas carrying trade of the world. As I have said, I do not agree with the reasons advanced by the advocates of a subsidy bill as to the cause of the decline of our merchant marine and the loss to the United States of our over-seas carrying trade. I know, and every man who has investigated this subject knows, that our loss of deep-sea commerce is due entirely to our own iniquitous legislation and shortsighted policies.

If the American Congress would legislate intelligently regarding this subject, we could restore our merchant marine and secure nine-tenths of all our commerce on the high seas, exports and imports, without a ship subsidy or without taking a single dollar from the pockets of the taxpayers to give subsidies to favored shipowners and shipbuilders. This whole subject is a very simple matter when reduced to an intelligent business proposition. We do not need to take a dollar out of the pocket of the taxpayers or out of the Treasury of the United States to revive our shipbuilding industries or restore our merchant marine. All we need to do is to legislate intelligently, repeal the iniquitous laws against our deep-sea shipping now on our statute books, put in their place laws similar to the navigation laws that were enacted by the early statesmen of the country—laws that built up our merchant marine in those historic days—laws that placed our flag on the high seas and gave us nine-tenths of our entire over-seas carrying trade.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to inquire of the gentleman from New York what he means practically in speaking about foreign bottoms. I have my own views about it and most everyone else understands it. Now, what does the gentleman mean by that?

Mr. SULZER. I mean by foreign bottoms foreign ships.

Mr. GAINES of Tennessee. Owned by foreigners?

Mr. SULZER. Carrying a foreign flag.

Mr. GAINES of Tennessee. Suppose they are owned by American citizens and carry a foreign flag.

Mr. SULZER. They are foreign bottoms, the flag determines the character of the ship.

Mr. GAINES of Tennessee. If we owned all of the ships in the world and they carried the Cuban flag—

Mr. SULZER. They would be Cuban bottoms.

Mr. GAINES of Tennessee. Well, all right; I understand you. My opinion on this subsidy subject is this: We had a low tariff from 1846 to 1860, when our ships carried from 75 to 85 per cent of the tonnage—

Mr. SULZER. Of our own exports and imports.

Mr. GAINES of Tennessee. Seventy-five to 85 per cent of our exports and imports. Then we had a low tariff, the lowest we ever had since 1812 or 1815—Mr. Blaine said. The tariff of 1846, the Walker tariff, was about 20 per cent, and the people on land and sea prospered as never before—so much so that all political parties in 1857 agreed on the tariff of that year; they wiped out and quit protection. The rates of the act of 1857 were thus reduced to shut off the revenues from an overflowing Treasury. Everybody agreed to the prosperity that these Democratic tariffs brought about.

We never had anybody else clamoring for protection even when we made the civil-war tariffs, but as an incident to and

necessarily in pursuance of those high tariffs we raised the rates to get war revenue to run the civil war. The rates were so high that protection came in inevitably, and under that protective tariff certain classes got a taste of high protection, special interests so profited by it, and yet the great body of the people never prospered as they had prospered under the Democratic tariff of 1846.

Now, then, if you want to build up the ships on the sea, reduce the tariff so that the foreign ships can come here with a foreign load that we want to buy. These ships won't come empty. Let them come loaded, and then they will take away an American load that the English people want to buy and we wish to sell. That is the only way we can ever rebuild and restore our ships to the sea without subsidies.

In addition to that the unnecessary, and I may say the hotbed or unnatural, inducements that a high tariff gives to the people on the land, induces these people to take their money out of the ships on the sea, and invest in mining and in making steel and iron, which, by the way, all began thriving under a Democratic tariff from 1846 to 1860. [Applause.]

Mr. Chairman, I ask unanimous consent to place some letters in the Record touching the tobacco question.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the Record by printing some letters in reference to the tobacco question. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, I began the investigation of this tobacco tax in the fall of 1901. On March 22, 1902, I introduced a bill (1) to *untax* leaf tobacco, and (2) to allow the grower to *hand stem* and *hand twist* his own growth of tobacco. The hand-twist provision would interfere some with the revenues, and we dropped that, and the House in 1903 passed a compromise bill to simply *untax* the leaf. This Tax Commissioner Yerkes said (to the House committee) produced no revenue. The Senate killed this bill, and May 10, 1904, I appealed for my people to Attorney-General P. C. Knox to proceed against the tobacco trust, which lurked behind that tax—but I appealed in vain. Here is the correspondence we had on the subject:

Hon. PHILANDER C. KNOX,  
Attorney-General of the United States.

MAY 10, 1904.

SIR: During the recent session of Congress my attention was sharply drawn to the existence and operations of a tobacco trust which I found was exercising absolute control of the markets and of the prices for tobacco raised in my district and in the adjacent country, and elsewhere. It is commonly known as the British-American Tobacco Trust, but technically "The British-American Tobacco Company (Limited)." I have every reason to be most positively convinced that it is now engaged in prosecuting its business in a manner directly in defiance of the statute, restraining commerce between the States and with foreign countries, to the great injury and loss of the tobacco growers and the tobacco business of this country.

This company, it can be definitely shown, is in agreement with the Regie agents in this country, whereby they refrain from competing with each other in buying tobacco, fix the prices that all shall pay, parcel the territory between them, and rigidly abstain from encroaching upon each other's domain; and having absorbed all other concerns into its organization and found means effectively to stifle and destroy all competitors, it has founded for itself an absolute monopoly. The fact of this is abundantly apparent. The proof of it may be found. The fact itself affords most positive presumptive evidence.

In view of the great injuries inflicted upon the people I represent in Congress through the unlawful operations of this trust and its coalition with foreign tobacco buyers, I feel it my duty to call your especial attention to the hearing before the subcommittee on Internal Revenue of the House at the session of Congress just adjourned, a copy of which is inclosed, and also to a copy of an article that appeared in the Cincinnati Enquirer of September 28, 1902, which together make plain the existence of the several companies and the agreement by which they became a trust and monopoly. I would refer you also to the several speeches made during the session by Messrs. STANLEY, Trimble, HOPKINS, FLOOD, SIMS, and myself, in which all the facts are discussed and which may aid you in discovering the sources of proof.

It is abundantly manifest that all the evils and injuries that the statute meant to prevent are being inflicted by this combination, that it is operating in direct restraint of interstate commerce and foreign trade, and that it is a monopoly in the exact sense contemplated and forbidden by the statute, and in view of the vast injury being inflicted upon our people and the incalculable losses they are being forced to sustain, I desire respectfully to suggest that you cause proper action brought in the courts, civil and criminal, to dissolve the trust, to enjoin its operations, and to punish the individuals who are so flagrantly and contemptuously defying the law.

Very respectfully,

JNO. W. GAINES.

OFFICE OF THE ATTORNEY-GENERAL,  
Washington, D. C., May 13, 1904.

Hon. JOHN W. GAINES,  
House of Representatives, Washington, D. C.

SIR: Replying to your letter of May 10, relative to the British-American Tobacco Company (Limited), I have referred it with its inclosures to Mr. Abraham M. Tillman, United States attorney for the middle district of Tennessee, with direction to receive any evidence you possess, or that may be submitted by you or others, tending to show a violation of the Federal law relative to restraints on interstate or foreign commerce, and with further direction to report such evidence to me, with his opinion as to its sufficiency to establish a violation of the law.

Yours, respectfully,

P. C. KNOX,  
Attorney-General.

DEPARTMENT OF JUSTICE,  
OFFICE OF UNITED STATES ATTORNEY,  
MIDDLE DISTRICT OF TENNESSEE,  
Nashville, Tenn., May 23, 1904.

Hon. JOHN W. GAINES,  
Nashville, Tenn.

SIR: I would be glad to receive any evidence that you and others may submit bearing upon an alleged combination in restraint on interstate commerce in relation to the tobacco business.

I am instructed by the Attorney-General of the United States to receive and transmit to him such evidence, with an expression of my opinion as to whether it establishes a violation of the Sherman Act, etc., and would, therefore, be pleased to receive said aid from you or others.

Respectfully,

A. M. TILLMAN,  
United States Attorney.

JUNE 27, 1904.

Hon. PHILANDER C. KNOX,  
Attorney-General of the United States.

SIR: Yours of the 18th of May was duly received, and I am now corresponding to it earlier than the developments in the case justify because of your early retirement from the office you now hold, in order that you may have time to take such further action in the premises as you may be inclined. The matter is left in most unfortunate plight if your successor shall feel disinclined, out of courtesy to you or otherwise, to change the procedure.

Your letter informs me that you had "referred" my letter and its inclosures to Mr. A. M. Tillman, United States district attorney, Nashville, "with direction to receive any evidence you possess or that may be submitted by you or others tending to show a violation of the Federal law relative to restraints on interstate or foreign commerce, and with further direction to report such evidence to me, with his opinion as to its sufficiency to establish a violation of the law."

Ten days later, I received a letter from Mr. Tillman saying: "I would be glad to receive any evidence that you and others may submit bearing upon an alleged combination in restraint of interstate commerce in relation to the tobacco business."

It thus appears that you have abdicated one of your prime functions and thrust it upon me "and others."

I do not fail to note that Mr. Tillman confines his invitation to me to evidence relating to interstate commerce, and to "an alleged combination," whereas the most grievous complaint relates to foreign commerce, and there are indications of more than one combination. This may have been thus limited by Mr. Tillman inadvertently, but as he was obeying your written instructions, I take it he had your letter before him as he wrote, and you yourself must have thus narrowed the scope of the inquiry and shut out evidence of any combination restraining foreign trade. It seems improbable that you would purposely do that, but as your action otherwise is even more remarkably incredible, I hesitate to lay the blame or the carelessness upon Mr. Tillman, whom I hold incapable of deceit or sharp practice.

Ordinarily, in any court anywhere it is held sufficient to justify official inquest to be apprised of a *probable* violation of law—"good reason to believe" being one of the accepted forms of expression. In view of the fact therefore that I had already furnished you with facts and allegations and citations from reliable sources and persons and had given you sources of information where you might gather the evidence that you demand me to gather for you, I must be permitted to express the most decided opinion that it ought to have given you that "good reason to believe" an offense was being committed which would justify you in setting the machinery of your office in operation to ferret it out.

In my original letter to you I lodged a most serious complaint, in the name and interest of the tobacco growers of Tennessee and Kentucky, particularly against the British-American Tobacco Company, the amalgamated successor of the Imperial Tobacco Company and the American Tobacco Company, and the Regie concerns, and I recommended that proper action, civil and criminal, be brought to restrain and punish them. The evidence which I inclosed and to which I cited you is in part official, consisting of the hearings before the subcommittee of the Ways and Means Committee of the House when considering several bills "for the relief of the tobacco growers" at the recent session. The witnesses were intelligent tobacco growers and dealers, mainly of Tennessee and Kentucky, including also several Members of Congress familiar with the facts demonstrating unlawful combination. I also referred you to various speeches of Members, wherein a great multiplicity of facts were disclosed conclusively establishing the fact that a combination exists.

In addition I sent you a copy of what purported to be an authorized statement, by cable, of the agreement to combine, which was effected at London September 27, 1902. It was well known that these two great trusts were long at swords' points, and that their fighting ceased and their local agents everywhere in this country ceased to compete. The testimony I furnished you shows, amply and conclusively, the result of that combination and furnishes such indisputable corroboration of the cable I furnished as to render its correctness reasonably certain.

And yet you seem to set this all aside, or at least deem it insufficient to warrant an official inquiry, and would have me and such other citizens as you may feel inclined to do the work devolving upon your Department under the law and for which Congress equipped you with four new officials and a half-million dollars.

Congress has equipped you richly for this work in men and money. You have the power to compel the attendance of witnesses and to extract testimony, and you are not hampered for means to do it with, which I "and others," upon whom you seek to thrust this burden and great responsibility have no kind of powers in the matter and no public money to pay the expense of it. The "evidence" which you invite us to lay before the district attorney to be by him sifted can not, for these very patent reasons, be nearly as complete and full as you could secure through your instrumentalities.

I have already furnished you with evidence taken before a committee of the House by the very people whom you invite to testify again, and if we should make the attempt, it would probably not be as full and complete as the evidence before that committee, for the reason that I am without your power to summon them and without your means to bear the expense of it. Besides that, if we should present it again, what reasons have we to hope that you will hold it sufficient, else why not proceed upon it?

In your speech at Pittsburg, October 14, 1902, speaking of a similar case, you used the language which shows that you are aware how difficult it would be for me to get the witnesses together and secure such evidence as will satisfy you. You said:

"As the result of information secured with much difficulty respect-



ing this forbidden practice, a number of indictments were obtained against the offending roads and their principal traffic officers."

That evidence was secured through the effective compelling powers of your great office, and yet you say it was got with difficulty. You must know, then, how immeasurably more difficult it will be for me to succeed, and it is apparent that you do not know it as to cast a doubt upon your sincerity now.

On the 5th of January, 1903, you asked Congress to give you additional force and more money, that you might vigorously enforce the antitrust laws, and it promptly responded by giving you two assistants at salaries of \$7,000 and \$5,000, and two clerks at \$1,800 each, and an extra appropriation of \$500,000 was given you for this identical purpose—"for the enforcement of the provisions of the antitrust laws, to be expended under the direction of the Attorney-General in the employment of special counsel and agents of the Department of Justice, to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States." Your report of January 13, 1904, shows that you had expended only about \$26,000 of this half million, and yet, with all that vast fund at your disposal and with those additional assistants and helps, when evidence of most flagrant wrongs upon the people are brought to your attention you fold your official hands and graciously invite the people to take the matter in their own hands, well knowing from your own experience how difficult it will be.

Considering your evident disinclination to enter upon this investigation and your knowledge of the insuperable difficulties in the way of securing voluntary evidence, and your rejection of the evidence with which I have already furnished you, the conclusion is not unwarranted that you do not want to establish a violation of the law and then send his opinion on "its" sufficiency, with "such evidence," to you, and you were to pass upon his opinion and the sufficiency of that evidence to make out a case under the law.

I thought, and still think, that the law required more than this of you, and so I wrote you at length, giving my reasons and seeking to convince you.

In February, 1903, Congress empowered you to employ special counsel and agents to aid you, as the law said "to conduct proceedings, suits, and prosecutions under said acts" (commerce and antitrust acts).

This law directs you "to conduct proceedings"—that is, secure testimony, pertinent, in investigating complaints lodged with your Department under the law. But, instead of this you left "others" and myself "to conduct proceedings for this purpose."

This line of procedure was too narrow to do justice to this complaint, and I wanted it extended, and I had some apprehension that your successor might, out of consideration for you, or otherwise, leave the inquiry in that plight, and that the trust might thus escape because of my and "others" inability to hunt out evidence that would satisfy you, and I therefore insisted that you enlarge the instructions to the district attorney here before you went out of office, so that we might effectively proceed.

Judge of my surprise now to find you enlarging those instructions nunc pro tunc, exactly to meet my complaint set forth in my letter of June 27, and then turning to argue the matter with me as if you had done that at first.

You replied to this letter on June 30 as complacently as if it were true that "I sent your letter and the accompanying papers to the United States Attorney at Nashville, with instructions to investigate the subject and report to me with his recommendation, agreeably to the contemplation of the statute as in such cases and in conformity with sound and well-established practice. As part of that investigation I directed Mr. Tillman to receive and consider any evidence which might voluntarily be submitted, etc."

This is directly in variance, with men of candor and "intelligent judgment," with everything you had previously written me.

On May 18 you had written me, "Replying to your letter of May 10, relative to the British-American Tobacco Company (Limited) I have referred it, with its inclosures, to Mr. Abraham Tillman, United States attorney for the middle district of Tennessee, with directions to receive any evidence you possess, or that may be submitted by you to others, tending to show a violation of the Federal law relative to restraints of interstate or foreign commerce, and with further direction to report such evidence to me, with his opinion as to its sufficiency to establish a violation of the law."

If you had written me on May 18 what you wrote me on June 30, as shown above, I would not have rebelled against your line of procedure. In your first letter you make the distinct statement that the district attorney here was to receive and report up "such evidence" as "others" and myself might furnish him, and on June 27 I took you to task about this line of procedure, and on June 30 you say that you had given the district attorney here "instructions to investigate the subject," and that our contribution of evidence would be considered with and as "a part of that investigation." Did you give Mr. Tillman two instructions at the eleventh hour to meet my complaints?

Surely any intelligent letter writer, surely any one of the two "confidential clerks" Congress recently gave you could have written to me, by your permission, that you had instructed the district attorney here to join the tobacco growers and the people generally in securing this testimony. It did not require such an intelligent lawyer to write such a letter, nor do I believe one did.

I confess a lack of sufficient intelligence of that kind to cope with arguments like this. You labor hard in finding fault with my motives and intelligence for demanding that you do this very thing, which the law requires of you, and then you turn and tell me that you had already done it, in the face of your own statement to the contrary.

If you did do it, as you say you did, and if the district attorney here is now investigating the subject, of which I am not advised, and will make what I and "others" furnish him "a part of that investigation," then you have acknowledged everything that I demanded of you as right and legal.

But did you do it? I trust that you did, but I will not undertake to judge you upon your own accusation of yourself, and if the district attorney here is not investigating the subject, I leave you to escape your own discrepancy.

If you did direct the district attorney, as you say you did, why did you not so inform me in your first letter? Why keep your actions secret? Why withhold from the tobacco growers such important information? Were you not then, as you appear to be now, their friend? Were you afraid of the trusts? Were you afraid the president of the tobacco trust, elected a delegate to the Republican convention, which recently met in Chicago, would turn his guns on the Administration, and if not defeat the renomination of the President, secure his defeat in November?

Your first letter to me was published throughout the country, and led the people, including the tobacco journals, to believe that I, and not you or your Department, was to secure this testimony. Why did you not correct this? Does not your Administration believe in publicity, and have you not permitted the free publication of what you were doing in investigating trusts? Why so much secrecy about this instruction?

Surely, sir, it was not inadvertence that led you into two statements, which I have here shown from the very words of your letters. A man who vaunts his superior wisdom by setting himself up censor of others' intelligence, and proceeds to crush lesser mortals under the weight of his caustic denunciation, ought first to get himself above the possibility of committing slovenly errors himself before pointing out the errors of others.

I must not omit to say, for my own justification, that I entered upon this quest with an ardent, sincere purpose to run the tobacco trust to cover, and make it quit robbing the people, and I had the right to expect the Attorney-General to join me in it, as the law requires of him, instead of fencing with me as if it were politics, especially after the vaunting manner in which the Administration had proclaimed its purpose to do mighty things and set you hotfooted on the merger trail.

But you seem to have lost the scent. My only hope now is that your successor may be less of a politician and more of a lawyer, which my long service with him in the House fairly leads me to believe is true.

I beg to plead guilty to the charge that I would have spent more than you did of the half million dollars given you by Congress "to conduct proceedings, suits, and prosecutions" against trusts. I would have spent more than \$127.73 in the beef-trust case. I would not only have enjoined, but indicted it. I suggested to the district attorney in charge of this case, in Nashville, that if he indicted the defendants that he would break up this trust. He said, "If the injunction is disobeyed, we will have them up for contempt." But we see it is still in existence, and not only depressing the price of cattle and raising the price of beef, but is now visiting its heavy hand upon the people of Chicago in other terrible ways, all of which evils might have been avoided if my advice had been followed or you had done your duty in the first instance.

Spend this half million dollars? Yes. For what else was it given? To save and cover back into the Treasury and let the trusts escape? The law gave you all the power and Congress gave you ample funds and explicit directions to act, and now you come felicitating yourself that you have saved the money that you were ordered to spend to conduct proceedings, suits, and prosecutions against the trusts, while the trusts go on ravaging the country and exacting more than Congress gave you every day from an outraged people.

It will be hard to convince the people at this day and time that a Republican Administration saved this money just to save the money and not the trusts.

It may pain you to know that I am accumulating evidences of an unlawful combination described in my complaint of May 10, and that "others" and myself will do our full part in this respect at our expense. The tobacco people are in bankrupt condition, victims of the trust, and are unable to spend much money or time in so doing. They will not "give up the ship," even to please a Republican Administration.

Now, finally, permit me to congratulate you that, even though at the behest of your old enemies, the trust and cross-tie magnates of your trust-ridden State, you have been appointed a member of the United States Senate. Yet I am pained to anticipate you may succeed in placing upon the statute books some of the wise suggestions of your incomparable ideas in amending our antitrust laws.

I am grieved to learn that in vacating the office of Attorney-General the President has been deprived of a charming companion in his political family, but, as the public press states, you "will greatly aid and recompense the President by aiding him in trust legislation in Congress next winter."

And, to be sure, you have cause for congratulations and should not be discouraged in the patriotic suggestions that you so ably set forth in your speech of November 14, 1902, at Pittsburg, wherein you suggested that the antitrust act of July 2, 1890, the so-called "misnamed Sherman act," might be so amended that thereafter it should apply to only "unreasonable" restraints instead of "all restraints" as at present; and that the "courts," which you pronounce the safest arbiters of the people's rights, should be empowered to decide in each case whether or not the restraint complained of is "reasonable or unreasonable."

As a result of this—your patriotic effort—a bill was introduced in the Senate at the present Congress by a leading Republican Senator to despoil this law along the lines of your wise suggestion.

It is true that you may not have been serious in making this suggestion, but a man of your then high position and of "intelligent judgment" and love of the people, which you admit yourself, is supposed to be always serious when he advises the public. According to my code of morals he should be.

Indeed, there may be some who are willing to excuse you for suggesting this amendment to this useful and popular law by saying that you were then bidding for trust influence, for votes, in the November elections of 1902 in Pittsburg and elsewhere, and the trusts' magnates of Pittsburg did not forget you, for in 1904 they came to your aid and comfort you—if the public press of your State is correct—by placing in your hands your Senatorial commission, taking you to the Senate, where it is possible they hoped that your wise suggestions, favorable to them, may not only become the law of the trusts, but the law of the land, as result of a devotion to at least your public utterances in their midst.

But I hope you may exercise you better judgment and incomparable wisdom before it is too late, and insist that this law remain unchanged, for it has stood the test of the courts, was placed on the statute books as the result of patriotic effort and the wisdom and votes of Republicans and Democrats and passed both Houses without a dissenting vote.

And while it has been feebly enforced, the people receiving but little protection from it, yet may they not hope that in the future it may be vigorously enforced, and that these giant combinations, robbing the people throughout our Republic by stifling Federal commerce, fostered under legislation you dare not uphold, may be brought to understand that God-made man has certain inalienable rights, amongst which is an open chance to make an honest living by the sweat of his face, and that it is against good morals and the law for him to be denied the right to exercise this, nature's gift, stifled by these lawless combinations.

JNO. W. GAINES.

DEPARTMENT OF JUSTICE,  
Washington, D. C., June 30, 1908.

Hon. JOHN W. GAINES,  
House of Representatives.

SIR: I have received your letter of June 27, in which you set forth freely and at length your criticisms of my course respecting your letter of May 18 relative to the British-American Tobacco Company. That letter transmitted to me a newspaper article and a report of a committee of the House of Representatives on the subject of illegal combinations believed to exist in foreign and interstate trade in tobacco.

No man of intelligent judgment could think that the matter as thus presented was ripe for determination by me and for proceedings by way of bill or prosecution, and of this you seem to be aware by your statement that you are writing me again earlier than the developments in the case "justify" because of my retirement from office.

I sent your letter and the accompanying papers to the United States district attorney at Nashville, with instructions to investigate the subject and report to me with his recommendation, agreeably to the contemplation of the statute as to such cases, and in conformity with sound and well-established practice. As part of that investigation, I directed Mr. Tillman to receive and consider any evidence which might voluntarily be submitted, judging that you and other parties interested would welcome an opportunity to aid in making the investigation as searching and complete as possible.

As to the precise form of my instructions, upon which you dwell with somewhat minute scrutiny and a suggestion of suspicion, the scope of the inquiry embraced foreign as well as interstate commerce, and you will find, if it is your intention to give the Government the benefit of what you claim to know about the case, that the district attorney will look into the foreign-commerce aspects of the case with the same care that he will devote to its relations to interstate commerce. Of this you were fully informed in my letter to you which you quote upon the first page of your letter of June 27.

I sincerely hope you will not allow any opinions you may hold as to the sincerity of my motives and the efficiency of my services in endeavoring to enforce the antitrust law to interfere with your giving the district attorney all the information you possess in relation to the tobacco trust. I do not mind in the least your criticisms, as I entertain the common opinion of both your motives and your intelligence.

I do mind, however, your attempt to run away from the responsibility you have assumed in calling upon the Government for aid in making a further investigation of the facts. Of course there is no prospect of successfully evading your obligations to give the Government the benefit of all you know upon the ground that the Attorney-General has power to summon witnesses, as you put it. For surely some one in your district will ask an intelligent lawyer if your statement in this respect is correct, and will be told that it is not. I think the people of the South are entitled to have your charges run to the ground, in doing which, as in the past with respect to vital interests, they will have the willing help of the Department of Justice. So please do not anticipate that the district attorney will draw any line upon his instructions by refusing to accept any testimony that you have, or that the Government will refuse him all assistance in its power at the proper time.

The Sherman Act provides that the district attorney shall prosecute violations of the law under the direction of the Attorney-General. I have referred your complaint to the district attorney of your district, with instructions to investigate it and report results to me with his opinion for my direction. In doing so, I have done my duty under the law as I understand it, and in so doing I have evidently disappointed you.

I now request that you submit your evidence to the district attorney or indicate to him the lines upon which evidence can be obtained. You have made your complaint, and you have had all the assistance the Government can give. It is not my purpose to allow you to get out from under this matter by writing insulting letters to the head of the Department.

I will not undertake the hopeless task of explaining to you why, with \$500,000 of the Government's money at my disposal, I had not expended up to the time of my report to Congress to exceed \$30,000. It had never occurred to me that the mere power of expending Government funds was in itself a justification for their expenditure. I am satisfied, however, that if you had been in my place you would not be subject to the criticism that you put upon my discretion.

P. C. KNOX, Attorney-General.

NASHVILLE, TENN., August 10, 1904.

Hon. P. C. KNOX, Pittsburg, Pa.

SIR: On my return here, I received in due course yours of June 30, replying to mine of June 27, touching upon an issue which rose between us while you were Attorney-General of the United States.

Your letter occasioned no little surprise to find you wrought to unseemly petulance seeking to extricate yourself as Attorney-General from the labyrinth of inconsistencies into which you had fallen, and in which I exposed you, as such officer, and I would not further excite your irascibility were it not that your last letter distorts the issues between us and my silence might be construed into acquiescence.

When I first wrote you, I indulged in the presumption, hypertechneal, it is true, that you would do your full duty, investigate my complaint against the tobacco trust by yourself, as Attorney-General, securing testimony, and with that testimony and such evidence as I had filed with you make a thorough investigation of the tobacco trust. But you replied, and in effect informed me that you would dispose of the matter upon "such evidence" as "others" and myself would file with your Department; that "its sufficiency to establish a violation of the law" would determine your judgment.

Taking you at your word, our tobacco growers met June 6 and appointed an "evidence committee" to collect all the testimony possible, with "others" and myself to assist them, to be filed with your Department. This committee soon announced that it was meeting with great difficulties, being without equipment to act. But not so with me in collecting the testimony I sought, but in view of the fact that you had unexpectedly determined to resign your office July 1 and the difficulty with which the committee was being confronted my second letter was written with an urgent purpose to persuade you before you vacated your office to institute preliminary inquiry yourself and utilize the inquisitorial powers at your command in ferreting out evidence upon which to proceed against this trust instead of expecting "others" and myself to do it for you, as suggested in your reply to me of May 18 last.

I sought to show that, in my opinion, it was your province and duty under the law; that you alone could do it effectively, and your full cooperation was imperative, having at your command all the instrumentalities and having furnished you certain evidence and citations

in the CONGRESSIONAL RECORDS in your library and other pertinent data, which clearly and unmistakably pointed to the existence of an unlawful combination. I had a right to expect that you, as Attorney-General, after your much-vaunted exploits in the merger case, would seize the opportunity to put this gigantic monster in chains.

The Administration had drawn a flaming sword and seemed eager to have the enemy pointed out that it might smite him hip and thigh, but it seems now that it was not even out after windmills, but was the windmill itself.

In my first letter, May 10, after describing the lawless existence and manner of illegal operations of this trust, I, in part, said:

"It has founded for itself an absolute monopoly. The fact of this is abundantly apparent. The proof may be found. The fact itself affords most positive evidence," italicizing the words "fact" and "proof."

And yet you, in effect, say that I did not expect you to find the proof in the face of such plain language as this. This shows you were totally devoid of candor and fatally bent on mischief.

In my second letter I, in part, said: "In view of the fact, therefore that I had already furnished you with facts and allegations and citations from reliable sources and persons and had given you sources of information where you might gather the evidence that you demanded me to gather for you, I must be permitted to express the most decided opinion that it ought to have given you that 'good reason to believe an offense was being committed which would justify you in setting the machinery of your office in operation to ferret it out,'" concluding my letter with this request:

"Trusting that you may yet have the time before your retirement from office to give this matter your attention and reconsider your determination to escape any action against the tobacco trust by seeking to thrust upon others the duty the law imposes upon you, I have the honor to be, very respectfully, etc."

Whether I wanted you to proceed in court on the testimony I lodged with you or not does not excuse you for not procuring the necessary testimony yourself to show that this complaint is or is not meritorious.

Your unwarrantable assumption of what I wanted done does not excuse you for confining the investigation of this complaint to "such evidence" as "others" and myself should collect and file with your Department; nor does your unwarrantable construction of my language excuse you for mapping out and following a line of procedure whereby this complaint could be dismissed as without merit, because of the insufficiency of the testimony "others" and myself procured and thus filed.

The merits of this and all other similar complaints should be determined upon all the necessary testimony that you, as Attorney-General, could procure to show the absence of merit in the complaint.

I can not bring myself to believe that you indited the second paragraph of your reply seriously. Surely you did not expect to deceive anyone else into believing that I expected you to go to trial on the evidence that I had furnished you. The merest tyro would know that I gave you that in order to show you the sources of proof and to demonstrate to you that strong reason existed to believe that the law is being violated, in order that you might use it as a basis of investigation. You do violence to your own incomparable intelligence when you thus seek to befuddle others.

And that it was extremely unkind of you to thus place me in such ludicrous plight and then proceed to convince yourself that my motives and intelligence are diseased.

It pains me beyond expression to think that my motives and intelligence no longer excite your admiration, but I console myself with the thought that you discovered my shortcomings while under frenzy and that you may think better of me if the tobacco trust succeeds in escaping.

I trust that you will forgive me if I decline to permit you to obscure the issue you have made, either by personal aspersion or evasion or by changing your original statements.

You informed me in your first note that you had "referred it"—my letter of May 10—with its inclosures, to Mr. Abram M. Tillman, United States district attorney for the middle district of Tennessee, with directions to receive any evidence you possess, or that may be submitted by you or others, tending to show a violation of the Federal law relative to restraints on interstate or foreign commerce, and with further directions to report such evidence to me, with his opinion as to its sufficiency to establish a violation of the law.

It is clear from these, your own words, that you had no idea when you wrote this letter of making any investigation yourself, but that the matter was to turn upon what "others" and myself might furnish the district attorney here.

Mr. Tillman was to first determine "its" sufficiency—the evidence—and that however strong and conclusive it may be, it will be held sufficient to justify you in entering upon the inquiry yourself.

The people in the dark-tobacco regions of Tennessee and Kentucky have been rendered almost bankrupt by the oppressions of the trusts in destroying all competition, buying and fixing prices below the cost of production, and they appealed to Congress for relief, coming to Washington in numbers to testify, and such a strong case did they make that the committee favorably reported a bill and the House passed it without opposition. It was this very evidence that convinced the committee and the House which you reject now as insufficient, and it is these people who have been brought to the verge of financial ruin which you invite to assume a function of your own, to perform a duty which the law devolves upon you, and to do it at their own expense when Congress gave you the money and directed you to do this identical thing.

Your action in advancing the merger case on the docket and prevailing in the suits met universal approbation. Your action in failing to advance the beef-trust cases deserves an equal mood of condemnation. Why should not this trust be brought to account? The exorbitant prices exacted for beef to-day can not fall to be known to you. And now your action in refusing to investigate the evidence offered you against the tobacco trust, after your announcement of renunciation to all the trusts that you did not intend to run "amuck," throws suspicion on your only seemingly meritorious action and makes it seem like the railroads entering into the merger were, like a sop to Cerberus, sacrifices to temporarily appease the people on the eve of election.

Your own report of January 13, 1904, of expenditures is interesting, principally as affording a panoramic view of your waning efforts and diminishing enthusiasm against the trusts. You spent \$25,985.06 of the half million voted you, \$15,011.08 of which went to salaries for your new aids, \$10,823.40 expended in the merger theatricals and \$127.73 "investigating the beef trust." That \$127.73, I dare assert, will not repay the extortions of the beef trust for any one day within the past two weeks in the block in which you reside in Washington. But your much-applauded and exploited enthusiasm has dwindled even be-



yond that and gone into total and final eclipse, as you celebrate your retirement by a refusal to expend a cent looking after the tobacco trust.

Trusting that you may have the time before your retirement from office to give this matter your attention and reconsider your determination to escape any action against the tobacco trust by seeking to thrust upon others a duty the law imposes upon you, I have the honor to be,

Very respectfully,

JOHN W. GAINES.

Mr. GAINES of Tennessee. Appealing in vain to Attorney-General Knox, I wrote the following letter appealing to the people to aid me:

OFFICE OF JOHN W. GAINES, M. C.,  
Nashville, Tenn., July 29, 1904.

DEAR SIR: The Attorney-General of the United States, responding to my complaint made to him May 10, last, that the "tobacco trust" had conspired unlawfully to restrain and monopolize interstate and foreign trade and commerce in tobacco and control prices, to the great injury of tobacco growers, and suggesting that he "cause proper action to be instituted in the courts, civil and criminal, to dissolve the trust, to enjoin its operations, and to punish the individuals who are so flagrantly and contemptuously defying the law," invited me "and others" to lay such facts and circumstances as would tend to substantiate the charges, which come within my knowledge or the knowledge of any of our people, before the district attorney at Nashville, that it may be determined whether or not the powers of the courts could be invoked as suggested.

Thereupon a mass meeting of tobacco growers was called and assembled at Springfield, Tenn., early in June, where the matter was considered, resulting in the creation of an "evidence committee," the chairman of which is Mr. Felix G. Ewing, Glenraven, Robertson County, Tenn., with instructions to investigate and ascertain as nearly as practicable what proof exists and can be adduced in court tending to show that a combination or agreement exists between any of the several tobacco companies that buy tobacco in this country, how far and in what respect it attempts to restrain such trade and commerce in tobacco, monopolize buying, and control prices.

The committee must know the facts and circumstances exactly as they can be sworn to, in order that the persons knowing the same may be called to testify to them in court. It is not assumed that any of our people know of their own knowledge that such agreements were made. None of us were present or parties to it, and of course we can not swear to it, but all of us may know facts and circumstances clearly pointing to and indicating such an agreement and which will constitute circumstantial evidence of its existence. The fact that such an agreement was made is predicated on evidence we are trying to secure, in addition to other data tending to show, or actually showing, that the tobacco buyers are acting under such agreement and not in competition.

Conspiracies are rarely established by direct proof of the agreement, but the very strongest evidence is always found in the subsequent actions of the parties.

The Attorney-General having thrown upon me the burden of discovering the proof and the persons who know the circumstantial facts that go to prove an unlawful combination, and invited me "and others" (meaning you) to furnish the same to the district attorney at Nashville, I have decided to comply with that invitation in conjunction with the evidence committee by asking you to furnish its chairman (Mr. Ewing) with such facts as you may know, by responding to the following questions as far as you can, stating only such things as you would be willing, if called upon, to swear to in court:

1. Name the tobacco companies, firms, agents, or persons who were the principal buyers of tobacco raised in your vicinity previous to 1902.
2. Name the companies, etc., now buying that tobacco.
3. Is there now competition in buying; and if not, when did it cease?
4. Did competitive buyers visit your neighborhood or your county towns previous to 1902, and do they do so now?
5. Has the change affected prices, and how?
6. What restrictions or restraints are now placed by buyers upon trade and commerce in tobacco?
7. For what market is your tobacco bought?
8. Were there competitive buyers from that market previous to 1902, and is there competition now? State fully in detail.
9. State specifically who and how many companies, firms, agents, or persons used to buy your tobacco, who and how many of them are now buying, and when any of them quit buying.
10. Have you ever heard any agent of buyers or companies make any statement about an agreement between tobacco companies? If so, state who, and when, and what he said.
11. State several different circumstances coming within your knowledge relating to your own sales, or to sales by your neighbors or others, in which it appeared that competition had been eliminated. Give several incidents of this kind.
12. State any fact of any nature coming within your knowledge tending to show that an agreement exists between buyers, that competition has been done away with, or that any restraint has been placed upon the sale of tobacco for shipment to another State or abroad.
13. State fully the manner of selling previous to 1902, and the manner of selling now, and what effect it has had upon prices and an open market, and how and in what respect it has limited or placed restraint upon trade and commerce in tobacco.

Please respond categorically, numbering your responses to conform to the questions. Be concise and clear, giving facts, writing plainly, and attach it to this and mail it to Mr. Ewing as early as practicable. Please reply to every question. They may seem to be repetitions, but each has its separate purpose and importance. It is very much hoped and desired that you take a lively interest in this matter and that you will not fail to respond because others are doing so. We want to make a convincing and a convicting case.

Very truly, yours,

JNO. W. GAINES.

The Clerk read as follows:

#### BUREAU OF SUPPLIES AND ACCOUNTS.

For expressage, fuel, books and blanks, stationery, advertising, furniture and interior fittings for general storehouses and pay offices in navy-yards; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores, safes, newspapers, ice, and other incidental expenses, \$10,000.

Mr. WEEKS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert the following after line 2, page 36:

"The Auditor for the Navy Department is hereby authorized and directed to credit in the settlement of accounts of Paymaster Herbert E. Stevens the sum of \$2,760.88, being the value of clothing and small stores stolen from him by Chief Yeoman Oscar S. Kelly, United States Navy, and which had been charged against his account on the books of the Treasury Department."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

#### MISCELLANEOUS.

The Secretary of the Navy is authorized to employ and pay, during the fiscal year 1909, out of the lump appropriations of the several bureaus of the Navy Department, such classified civil-service employees as may be necessary to properly perform the clerical, drafting, inspection, messenger, and other classified work at the several navy-yards and stations: *Provided*, That the Secretary of the Navy shall submit to Congress detailed estimates for all such classified civil-service employees that may be required to be employed during the fiscal year 1910, and annually thereafter, and no such classified civil-service employees shall be employed during the fiscal year 1910, or in any subsequent fiscal year, and paid from such lump appropriations except under specific authorization granted by law from year to year based upon estimates as herein required.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Minnesota a question. I see that you provide that hereafter there shall be specific estimates submitted for the ensuing fiscal year. Has it been the practice heretofore to appropriate lump sums and permit it to be allotted and expended?

Mr. TAWNEY. At the present time there are between twenty-five and twenty-eight hundred classified naval employees in the various navy yards, all of whom are paid out of lump-sum appropriations. A similar provision to this was carried in the general deficiency bill at the last session.

Mr. SLAYDEN. Was it done?

Mr. TAWNEY. It was done. They are paid out of lump sums during this year, but the Department was required to submit a detailed statement of the number of people and the salaries paid to each out of these lump sums, with the hope that the Committee on Naval Affairs would take the matter up and provide specifically for these people as we provide specifically for the employees in the classified service of the various Departments at Washington. This was not done. At that time it was supposed that this was a permanent law, but the Naval Committee were not certain, so they repeated the same provision in their bill this year for the next fiscal year, but a point of order being made in the House, it went out and was not inserted in the Senate.

Now, the Department is somewhat at sea to know whether they can, during the next fiscal year, pay the classified employees out of these lump-sum appropriations. They asked us to insert that authority again, and we coupled with it the proviso that they should submit detailed estimates for these people, and then the Committee on Naval Affairs can recommend specific appropriation in the next naval appropriation bill.

Mr. SLAYDEN. I sincerely hope that the provision will become permanent law, and that they will be compelled to estimate for them in detail.

The Clerk read as follows:

#### CAPITOL BUILDING AND REPAIRS.

The unexpended balances of the appropriations of the fiscal years 1907, and 1907 and 1908, is hereby reappropriated and made available for the fiscal year 1908, for payment of the items disallowed and suspended by the Auditor for the Interior Department against the appropriation Capitol building and repairs, 1907 and 1908, amounting to \$2,005.91, and for work at Capitol, and for general repairs thereof, including flags for the east and west fronts of the center of the Capitol, flagstaves, balyards and tackle, wages of mechanics and laborers, purchase, maintenance, and driving of office vehicle, and not exceeding \$100 for the purchase of technical and necessary reference books.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the chairman of the committee a question. On page 40, line 12, I find the following language:

Unexpended balances of the appropriations of the fiscal years 1907, and 1907 and 1908, is hereby reappropriated and made available for the fiscal year 1908.

How much does that amount to?

Mr. TAWNEY. I can not state to the gentleman the exact amount of this balance. It is something between \$7,500 and \$8,000.

Mr. CLARK of Missouri. That is practically an appropriation in addition to the appropriation made in the lines just above.

Mr. TAWNEY. Yes. But there are two appropriations made in the year 1907, and there is a balance in each appropriation, and that is the reason that the words "nineteen hundred and seven" are repeated.

Mr. CLARK of Missouri. It is the only instance of any of the Departments having any money left over?

Mr. TAWNEY. Well, that would be pretty hard to answer. The matter of having money left over may be rare, nevertheless it sometimes occurs, and I would not want to say whether it is the only instance or not.

Mr. CLARK of Missouri. I think they ought to have a medal. The Clerk read as follows:

To pay the Potomac Electric and Power Company for furnishing electric current for House Office Building for the months of January, February, March, and April, and for estimated sum required for electric current for the months of May and June, 1908, \$15,130.

Mr. CLARK of Missouri. Mr. Chairman, I want to ask another question. I want to know if we did not have a bill offered here not long ago to authorize some one company to light all of the public buildings in the city of Washington?

Mr. TAWNEY. I would say that we proceeded as far as we could. We reported a provision in the sundry civil appropriation bill authorizing the Secretary of the Treasury to enter into a contract for that purpose, but it was not in accord with the rules of the House, and it went out on a point of order.

Mr. SLAYDEN. Would it have effected a saving for the Government?

Mr. TAWNEY. Unquestionably it would have.

Mr. SLAYDEN. An important one?

Mr. TAWNEY. Yes.

The Clerk read as follows:

Legislative.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 16, page 51, insert the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House, borne on the annual and session rolls, on the 1st day of May, 1908, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the first session of the Sixtyeth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay L. W. Busbey for services as clerk of the Committee on Rules, \$1,000.

Mr. GRANGER. Mr. Chairman, I raise the point of order to this paragraph which has just been read. The paragraph is to pay L. W. Busbey for services as clerk of the Committee on Rules \$1,000. Mr. Chairman, it is undoubtedly true that Mr. Busbey is a very efficient secretary to the Speaker. He adds to that office, an office which is the second perhaps in the United States, a dignity which has always been considered to accompany it, and if it is ever lacking it is supplied on those occasions by the Speaker's secretary, but the Speaker's secretary is paid \$4,000 a year for his services. If his services are not sufficiently paid by \$4,000, then I should be perfectly willing to consider favorably a proposition to increase them, but I do object to increasing salaries indirectly in this manner. Everybody knows that the clerk—

Mr. TAWNEY. If the gentleman will pardon me, I would state that this is not an increase of salary by indirection. The gentleman referred to serves in two capacities, as clerk or secretary of the Speaker, and also as clerk to the Committee on Rules, and for twenty years at least the Congress has appropriated this amount to pay the services of the clerk of the Committee on Rules, and there has never been any question about it being for the purpose of increasing his salary as secretary of the Speaker. It is to compensate him for his services which he has actually rendered to the committee.

Mr. GRANGER. Will the gentleman say that he considers the services rendered by Mr. Busbey as clerk to the Committee on Rules are worth \$1,000 a year?

Mr. TAWNEY. I am not passing judgment on the value of his services, but I will answer the gentleman by saying that, in my judgment, as clerk of the Committee on Rules Mr. Busbey's services are worth more than are the services of half of the clerks to the committees in this House.

Mr. GRANGER. That is not the point here.

Mr. SHERMAN. Will the gentleman yield to me?

Mr. GRANGER. I can not yield to the gentleman. I asked the gentleman from Minnesota if he considered Mr. Busbey's services were worth \$1,000 a year. The gentleman from Minnesota is the chairman of the Committee on Appropriations. Does he mean to say that he is coming here and recommending the salary of a clerk when he is not willing to stand up and say that the services of the clerk are worth that salary? I should like to have the gentleman tell us how many times the Committee on Rules has met during the year, whether it has met

ten times, whether the clerk's services are worth \$100 each time, whether they have had hearings which have required the services of a clerk. I should like to have him tell us what the services are which Mr. Busbey has performed.

If \$4,000 is not enough for Mr. Busbey, I am perfectly willing to vote for \$5,000 if the gentleman from Minnesota will say that is the proper sum he should receive. But the Committee on Rules, Mr. Chairman, it is to be remembered, have been relieved from a large portion of their work at the present session of Congress by the action of the majority in suspending all rules, so it is not necessary for the Committee on Rules to even meet to bring in a rule here. I should be glad, Mr. Chairman, to have the gentleman tell us why he considers Mr. Busbey is deserving of this money.

Mr. TAWNEY. I beg the gentleman's pardon; did he address a question to me?

Mr. GRANGER. I simply asked the question, Mr. Chairman, in fact, I asked several questions of the gentleman—why he brought in a recommendation for a salary here which he, as chairman of the Committee on Appropriations, did not consider proper?

Mr. TAWNEY. I have not. The Committee on Appropriations have recommended this not only because they think the service was worth the amount provided, but also because for twenty years the House, or the Committee on Appropriations, has made a similar recommendation.

The CHAIRMAN. The Chair would like to have the gentleman from Minnesota say whether or not there is any law or resolution fixing this amount.

Mr. TAWNEY. I will say to the Chair that the Committee on Rules is authorized by the rules of the House, the same as every other committee is, and one of the incidental services to a committee is that of the clerks to every committee of the House. There is no specific law authorizing the appointment of clerks to any committee of the House. There may be a resolution brought in here authorizing the appointment of clerks to some committee during the session, but the clerks are provided for and are a necessary part of a committee in order to enable the committee to perform properly its work.

The CHAIRMAN. The Chair thinks, in the absence of any law or in the absence of any resolution—

Mr. SHERMAN. Mr. Chairman, if I may be permitted just a moment, I want to ask my friend from Rhode Island to withdraw his point of order and not subject the Chair to the possible embarrassment of ruling upon it. And if I am permitted one moment to say to him as a member of the Committee on Rules that Mr. Busbey does render material and valuable services to the committee; that we have had more than ten meetings during this Congress, and that we have had hearings; that Mr. Busbey does prepare the reports of that committee, and that I think, as a member of that committee, \$1,000 is not at all excessive compensation for the services he renders to the committee, and I hope, Mr. Chairman, that the gentleman from Rhode Island, in view of these facts, will withdraw his point of order.

Mr. SLAYDEN. Will the gentleman from New York permit a question?

Mr. SHERMAN. I certainly will.

Mr. SLAYDEN. Disregarding the personality of Mr. Busbey, who is an exceptionally capable man, does the gentleman believe that the labors comprehended in that position justify the appropriation of a thousand dollars a year?

Mr. SHERMAN. I believe that the services of a man capable of filling the position at all times are fully worth \$1,000.

Mr. SLAYDEN. To the committee?

Mr. SHERMAN. To the committee; I do. There are times in certain periods of certain Congresses when the incumbent of the position does not of necessity devote a considerable portion of his time to this work. There are other times when he must devote a very considerable portion of his time, and I think when you consider that and consider the ability that a man must possess to properly fill that position, that this compensation is very moderate. Will the gentleman from Rhode Island listen to my appeal; will he give answer to my appeal? I appeal to the gentleman to withdraw his point of order.

Mr. GRANGER. Well, Mr. Chairman, so long as the gentleman from New York, a member of the Committee on Rules, has stated that in his opinion Mr. Busbey earns the salary which is paid to him here, I am willing to withdraw the point of order. I could not do so as long as the chairman of the committee could not answer me. [Applause.]

The Clerk read as follows:

To pay William Tyler Page for compiling, indexing, and preparing for publication all labor legislation by Congress, Executive orders, decisions, and all matter pertinent thereto, \$2,500, and of said work 6,000 copies shall be printed, 2,000 for the use of the Senate and 4,000 for the use of the House of Representatives.



Mr. GRANGER. Mr. Chairman, I wish to reserve the point of order on this paragraph. There can be no question but what this is new legislation. Mr. Chairman, the gentleman, as I understand it, to whom this money is to be paid, and I ask the chairman of the Committee on Appropriations to correct me if I am wrong, is already a clerk to a committee in this House, is clerk to the Committee, I am informed, on Accounts. Am I right?

Mr. TAWNEY. That is right.

Mr. GRANGER. I am also informed, Mr. Chairman, that he is clerk to a Member of this House. I know that he has sufficient time, Mr. Chairman, to join the ranks of the Republican spellbinders and to go far from his home in Maryland, which I have no doubt is a very delightful one, and come up to the cold and rocky State in which I live, and there, Mr. Chairman—I will not say with what success, that speaks for itself for I am still a Member of this House—to carry on the work of a spellbinder. I do not speak with any feeling against the gentleman on that account, Mr. Chairman, because I am glad to say that the year in which Mr. Page, clerk of the Committee on Accounts of this House, saw fit, as an employee of this House, to go out of his district and into another State while he was in the employment of this House, receiving pay which the Members of this House voted him, to go on the stump in opposition to the reelection of a Member of this House—

Mr. TAWNEY. Does the gentleman make the point of order?

Mr. GRANGER. That is not the reason I made the point of order.

Mr. TAWNEY. I make the point of order that the gentleman is not discussing the point of order.

Mr. GRANGER. Will you not allow me to finish my sentence?

Mr. TAWNEY. No.

Mr. GRANGER. Well, I will make the point of order; and there is no question about the paragraph being subject to the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. GRANGER. It is for compiling, indexing, and preparing for publication certain legislation by Congress, Executive orders and decisions, and so forth.

It does not say decisions of what. It is most loosely drawn.

Does the Chair desire any further argument on the point of order?

The CHAIRMAN. The Chair is ready to rule, and sustains the point of order.

The Clerk read as follows:

For the fiscal year 1908, including a sufficient sum to pay the Acting Public Printer the difference between his salary and the salary of the Public Printer from the date of suspension of the Public Printer to the date of the qualification of his successor, and to reimburse him the amount he paid for his bond as Acting Public Printer, \$500,000.

Mr. FINLEY. I move to strike out of line 15 on page 66 the words "five hundred thousand dollars." I will ask if that is not a misprint or error. I do not understand why \$500,000 should be necessary for the purposes mentioned in this section.

Mr. TAWNEY. That is for a deficiency of \$500,000 in the appropriations for public printing and binding; and out of that the Acting Public Printer, who is the Deputy Public Printer, and who has for several months been and will have to continue for several months to serve as Acting Public Printer, to receive the same rate of compensation as the Public Printer, which is \$5,000 a year.

Mr. FINLEY. But it says \$500,000. I understand now that it was necessary for all the preceding items.

Mr. TAWNEY. It is for all the preceding items of deficiency for public printing.

Mr. FINLEY. I withdraw the pro forma amendment.

Mr. PERKINS. I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations whether he can give the House any information as to why there has to be a deficiency of over \$500,000 for the Printing Office.

Mr. TAWNEY. I stated in the beginning of the reading of the bill that the deficiency arises out of the fact that the estimates for expenditures of the Printing Office during this fiscal year were much less than they ought to have been.

Mr. PERKINS. Were they less than they ought to have been, or were they less than the amount that was spent by the Public Printer?

Mr. TAWNEY. The estimates were less than they should have been.

Mr. PERKINS. Why does the gentleman think that?

Mr. TAWNEY. Because the amount of work that has been done during the year and the cost of that work has been in excess of what they estimated it would be, both as to the amount and as to the cost.

Mr. PERKINS. Do you know whether it is not in large part due to the fact that the purchase of material of several sorts ran up several hundred thousand dollars?

Mr. TAWNEY. There has been an increase in the price of all materials used by the Public Printer.

Mr. PERKINS. But the purchases made were very much larger than anyone supposed would be made.

Mr. TAWNEY. The gentleman's committee has made an investigation of that matter, and he knows more about it than I do. Our information, given by the present Acting Public Printer, is to the effect that the deficiency is not due to any excess of price over the best market price for these various articles covered in this item.

Mr. PERKINS. All I desire to say to the chairman of the committee is that we shall certainly endeavor at the next session to obtain legislation which will very largely increase the control of the Committee on Printing over the Printing Office, and I believe that if such legislation—I hope the gentleman will not oppose it—is passed, there will not be a necessity for a deficiency of \$700,000 in the Printing Office.

Mr. LANDIS. I move to strike out the last two words. I would say, referring to the statement just made by the chairman of the Committee on Appropriations, that I do not think that the fact that this deficiency is called for is due to the fact that the appropriations made for this fiscal year were less than the estimates submitted for the last fiscal year.

Mr. TAWNEY. I did not say that the appropriations were less. I stated that the estimates were not what was required. They submitted estimates too low. We appropriated all they estimated.

Mr. LANDIS. Yes. And it seems to me, Mr. Chairman, that this would be a good time to call the attention of the committee to the excess of expenditures over the estimates made by the Public Printer. For instance, in 1907 the estimates submitted by the Public Printer for presses, composing and other machinery, was \$90,000. The total expenditures, including miscellaneous plant items, were \$388,000. The estimates submitted by the Public Printer for the year 1908 for machinery, type, tools, and implements was \$90,000—for the year.

But the first six months he spent for presses, composing and other machinery, and miscellaneous plant items \$498,373.64. In other words, the total estimates for three fiscal years were \$370,000 and the total expenditures, aside from miscellaneous plant items for the two and a half years, were \$998,349.82, and including miscellaneous plant items \$1,234,189. It strikes me that the time is about ripe for the Government Printing Office to be held to its estimates and not permitted to run in excess, as they have been running during past years. Congress should appropriate for these expenditures in the same manner that it appropriates for other Government expenditures, and not permit expenditures for machinery from appropriations based on estimates for other purposes.

Mr. TAWNEY. Is the gentleman referring now to the Printing Office or is he referring to the estimates submitted for printing by the various Departments?

Mr. LANDIS. I am referring to the estimates submitted by the Public Printer.

Mr. TAWNEY. He does not estimate for the Departments, and in nearly all the Department appropriations for printing this year there is a deficiency, owing to the increased cost of printing, as they say.

Mr. PERKINS. The Public Printer estimates for machinery; the gentleman from Indiana is right.

Mr. LANDIS. These estimates are for presses, composing and other machinery, and miscellaneous plant items. This does not include the item to which the gentleman from Minnesota refers at all. This includes the machinery, the miscellaneous plant items installed in the Government Printing Office, and shows an excess of actual expenditures over the estimates submitted that is simply riotous in the aggregate.

I would say that as the law now stands there is no check whatever on the Public Printer in the matter of expenditures along this line. He is under the supervision of the Joint Committee on Printing in the matter of purchasing paper, for which annual bids are submitted and contracts awarded. But in the matter of expenditures of this character he can to-night between the hours of half past 9 and half past 10 o'clock, expend from \$275,000 to \$500,000 for typesetting machinery and other fixtures in the Government Printing Office. He can even go further; he can bind the Government, if he sees fit, in a contract for machinery to the entire amount of his appropriation made for wages, paper, and other purposes.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chair-

man, that the gentleman's time be extended five minutes. I desire to ask him a question.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Indiana be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman's committee has jurisdiction of legislation affecting the Printing Office. Why does it not, after the investigation he has made, recommend some legislation to Congress and have it enacted?

Mr. LANDIS. I will say to the gentleman from New York that the Committee on Printing has investigated it, and that in my short career I never have faced as many complex problems as there seem to be in the Government Printing Office. We have made great headway. We feel that the legislation that we have recommended, in fact, we know, has resulted in great saving to the Government. For instance, by the operation of the two joint resolutions which we had enacted into law, known as "resolution No. 13" and "resolution No. 14," in the Fifty-ninth Congress, first session, the total number of pages saved by printing in editions instead of printing the full number amounted last year to 279,598,837, equivalent to 511,197 volumes of 500 pages each, and which but for the operation of these joint resolutions would have been printed and piled up in the warehouses of the Government.

On five items alone, including the bound edition of the CONGRESSIONAL RECORD, the Yearbook, the publications of the Geological Survey, the education report, the Abridgment of Messages and Documents, we saved an amount in dollars and cents equal to \$140,936.41. The bound edition of the RECORD for both sessions of the Fifty-ninth Congress were printed in the same fiscal year. These copies heretofore had been printed for Senators and Members who did not call for them, and they are on storage in the warehouses. That printing has been cut off, and in these five publications alone there has been saved during the last fiscal year, as I say, over \$140,000.

Of the publications specifically authorized by law and those printed by authority of joint and concurrent resolutions, there were in 1905, 1,431,943,264 printed pages; there were in 1907, 1,162,717,779 printed pages, a reduction of 379,235,485 printed pages, the equivalent of over 758,000 volumes of 500 pages each.

Mr. FITZGERALD. My suggestion was that, having some knowledge of the work, the gentleman's committee should have been continued and recommendations made to remedy some of the other abuses that are apparent to his committee. The Committee on Appropriations can not attempt to do that; it can only appropriate for the service that is imperative.

Mr. LANDIS. I do not think the gentleman from Minnesota meant it, the other day, when he stated, in answer to an interrogatory propounded to him, that this had been a very expensive Commission, because, as a matter of fact, the expenses of this Commission that has brought about all this saving has been less than \$10,000.

Mr. FITZGERALD. I wish to say that I was not criticising the gentleman's Commission.

Mr. LANDIS. No; but I do not think the gentleman from Minnesota meant it the other day. He is entirely in error in that, because—

Mr. TAWNEY. Where did I make that statement?

Mr. LANDIS. In the RECORD.

Mr. TAWNEY. Somebody put it in without my authority. I never uttered it.

Mr. LANDIS. I was surprised when I saw it, because the total expense of the Commission, which extended over two years was less than \$10,000.

Mr. PERKINS. In corroboration of what the gentleman from Minnesota states, I want to say that the running debate was in reference to an amendment offered by myself, and there was no statement by the gentleman from Minnesota reflecting on the Printing Commission.

Mr. TAWNEY. I will say to the gentleman that the Printing Commission has not been in my mind this session of Congress.

Mr. LANDIS. I certainly must have misread the gentleman's remarks.

Mr. TAWNEY. I think the gentleman must have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I desire to ask the gentleman a question or two. How long has this abuse in the way of the purchase of machinery been going on in the Printing Office?

Mr. LANDIS. I will say that as far back as we have gone there has never been any check on the Public Printer in the matter of purchasing machinery.

Mr. SHERLEY. How far have the abuses gone; how many years?

Mr. LANDIS. I do not think there has ever been any check on the Public Printer in the way of purchasing machinery.

Mr. SHERLEY. I am asking how far there has been an abuse in the purchase of machinery?

Mr. LANDIS. I could not say. I am not saying now that there has been an abuse, but I am saying that the estimates that have been submitted have been exceeded by the expenditures to a degree that certainly should call the attention of this House to what to me seems to be an abuse.

Mr. SHERLEY. How long has this Joint Commission been in existence?

Mr. TAWNEY. About four years.

Mr. LANDIS. About two years and a half.

Mr. SHERLEY. Prior to that did not the committees of the House and Senate have charge—have jurisdiction—of this matter?

Mr. LANDIS. They have only the jurisdiction so far as purchasing paper goes.

Mr. SHERLEY. They have jurisdiction in regard to legislating with reference to the matter.

Mr. LANDIS. I presume they have.

Mr. SHERLEY. And did nothing. I am trying to fix the responsibility. The gentleman has made some very serious statements, and I want to find out what committee has been "soldiering" and not working.

Mr. LANDIS. I would say in 1895 there was a revision of the printing laws, and that revision, when originally made and brought into the House, I think, was a very good one, but it was amended in the House and in the Senate, and when it finally was perfected it did not represent the ideas of the printing committee in either branch of Congress, and since that time the printing law has been amended, I presume, by three or four hundred amendments, and it is now a hodge-podge.

Mr. SHERLEY. Was it lack of capacity or lack of labor on the part of the committees having jurisdiction?

Mr. LANDIS. It certainly has not been a lack of either on our part, because we are able to show results, and I would not say anything that would reflect upon my predecessors.

Mr. SHERLEY. I am trying to find out how it comes about that these abuses should have continued so long without any action having been taken.

Mr. LANDIS. I can not understand why there should never have been placed on the Public Printer any check in the matter of purchasing machinery. As far as the other abuse is concerned, the Printing Investigating Commission has corrected that.

Mr. SHERLEY. The gentleman knows, of course, that the practice that has grown up in this Congress of expecting the Committee on Appropriations to not only attend to the duty of appropriating money, but to also be an investigating committee is a very bad one.

Mr. LANDIS. I understand.

Mr. SHERLEY. If all of these committees on expenditures in the various Departments would do something besides simply exist, then the Committee on Appropriations could confine its attention to its legitimate labors.

Mr. LANDIS. I think the gentleman from Kentucky will agree that we have shown pretty fair results for the money that we have expended and the effort put forth.

Mr. SHERLEY. Yes; and it is in striking contrast to the lack of results heretofore obtained, and I am just trying to get at which committee did the soldiering and did no work for many years and permitted this abuse to grow up.

Mr. LANDIS. They seemed to pay no attention to it at all, and I must say that the Committee on Appropriations has given us everything that we have asked, and we hope by continuing the good work to bring about results in the matter of expenditures for machinery as will harmonize with the results we have brought about in regard to excess printing.

The Clerk read as follows:

For equipment of vessels, Bureau of Equipment, \$963.71.

Mr. KELIHER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 66, end of line 16, add:

"For payment of certain claims approved by the Auditor of the War Department for damages done to private property by the firing of heavy guns at Forts Heath and Banks, Winthrop, Boston Harbor, Massachusetts, \$1,250."

The question was taken, and the amendment was agreed to.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word for the purpose of asking leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unani-



mous consent to extend his remarks in the RECORD. Is there objection?

Mr. CLARK of Missouri. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

Inland mail transportation, star, fiscal year 1906, \$40.17.

Mr. TAWNEY. Mr. Chairman, I desire to ask unanimous consent to return to the post-office item, page 51, for the purpose of offering an amendment at the end of line 15.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 51 for the purpose of offering an amendment which the Clerk will report.

The Clerk read as follows:

On page 51, after line 15, insert:

"To close the account of the Doremus Machine Company for canceling machines furnished during the fiscal year 1903, \$26,950: *Provided*, That said sum shall be accepted by said company in full of all claim and demand against the United States arising under their contract with the United States, dated May 6, 1902."

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. Mr. Chairman, I reserve the right to object until we know what this is.

Mr. TAWNEY. I will say, Mr. Chairman, in explanation, that this item was submitted at the last session of this Congress and again submitted at this session. At the last Congress there was a controversy between the company and the Post-Office Department as to the amount. Now, it is claimed by the Post-Office Department that the amount was \$26,950, while the machine company has been claiming that the amount was \$36,000. This obligation grows out of a contract, the date of which is referred to in the amendment. It is not a claim. It is a contract obligation, and is for the purpose of closing the account. A year ago, when this claim was considered, the company refused to accept the amount the Post-Office Department was willing to pay, and the committee then took the position that until the Post-Office Department and the company reached a mutual conclusion as to the amount necessary to satisfy the obligation under the contract we would not bother with it nor would we appropriate for part payment.

When the matter was considered only a few days ago we had no more information than we had a year ago regarding the attitude of the company. Since the bill was reported, and it was ascertained that this item was not in the bill as it was estimated for by the Department, they inquired as to the reason, and I frankly said it was because there was no evidence before the committee that the amount had been agreed upon or that the amount estimated for would be accepted in full payment, and we did not propose to recommend to the House an appropriation for the payment of the balance until the company should agree to accept that balance in full payment of the contract obligation. That agreement has now been reached, as I am informed by the Department, and I have incorporated in the amendment the date of the contract and that this payment shall be in full settlement of all claim and it can not be made unless the amount appropriated is so accepted.

Mr. FINLEY. It is not true in this account of the Post-Office Department with the Doremus Company that there were charges of fraud against them to a considerable extent?

Mr. TAWNEY. Yes.

Mr. FINLEY. And that was the occasion of the delay in settlement?

Mr. TAWNEY. There was some delay on account of litigation growing out of the charge of conspiracy which was made against certain employees of the Post-Office Department and certain officers of this company. The charge of conspiracy and fraud was tried and the officers of the company were acquitted. There is no question that even if a suit were brought in the Court of Claims and the contract was held to be invalid because it was made in fraud that they would be entitled to recover the reasonable value of the property which they furnished under the contract, and that is the amount which the Department has estimated.

Mr. FINLEY. As I understand it, this amendment is offered to pay these people on the basis of quantum meruit; you do not base it strictly upon the settlement of the contract.

Mr. TAWNEY. It is based on a contract liability. I will say to the gentleman that it is the judgment of the legal officials of the Post-Office Department that there is a contract liability. But in view of what has transpired, the Department summarily and arbitrarily refused to pay the contract price for these machines, and the company has refused to accept the amount which the Department was willing to give until the last few months.

Mr. FINLEY. Has the company now agreed to accept this amount?

Mr. TAWNEY. Yes; and the language of the amendment

is such that they can not receive any of it until they shall entirely discharge the Government from any liability under the contract.

Mr. FINLEY. If the Post-Office officials are entirely satisfied and agree that this is the proper sum, I do not desire to say anything further.

Mr. TAWNEY. They recommend this amount. They recommended it before, and we did not put it in the bill because we had no evidence before us to show that they were willing to accept this amount. We refused to make the appropriation because there was no agreement between the parties that the amount would be accepted.

Mr. FITZGERALD. Has the Department made a written statement assuming the responsibility for this, that the company is willing to accept this money, or has some subordinate up there simply done it?

Mr. TAWNEY. No; the Post-Office Department a day or two after this amendment came in were notified by the company that it would accept the amount recommended by the Department in full settlement of their rights under the contract. In submitting this estimate on February 1 the First Assistant Postmaster-General, making a recommendation of \$26,950, does not say anything at all about the company agreeing to accept this amount, and for that reason we did not include this item in the bill. Since that time the company has expressed its willingness to accept this amount.

Mr. FITZGERALD. I ask the gentleman again, has some responsible official stated in writing that the company is willing to accept that amount, or is the communication from some irresponsible official?

Mr. TAWNEY. I will say that this comes to me from the gentleman from New York [Mr. SHERMAN], who has been in communication with the officers of the company; and one of the officers of the company is now here, and he informs me that the company notified the Post-Office Department in writing several weeks ago that they would accept the sum. The Department has not submitted any communication showing that the company would accept this amount in full settlement.

Mr. FITZGERALD. It seems to me, Mr. Chairman, that the Post-Office Department should assume the responsibility, and not ask Congress to do it upon a mere statement.

Mr. TAWNEY. The Department has assumed the responsibility in making the recommendation. On two occasions it has submitted an estimate for an appropriation, but Congress declined to make it because of the peculiar circumstances surrounding.

Mr. FITZGERALD. It seems to me it is the duty of the Department, at this time, to furnish the information that would justify Members of the House in recommending this appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I would like to ask the chairman of the Committee on Appropriations a question. Is this one of those things interdicted after the provision that you put in the statutes some time ago?

Mr. TAWNEY. This is a contract obligation.

Mr. CLARK of Missouri. What right have they to make a contract obligation in excess of the appropriation?

Mr. TAWNEY. They did not do it.

Mr. CLARK of Missouri. How, then, do you happen to have it in the deficiency bill?

Mr. TAWNEY. It is a deficiency which arises out of the fact that the appropriation was made to pay for the machines, and the machines not having been paid for the amount appropriated has been turned back in the Treasury. Now, this is to settle with the parties under that contract.

Mr. KEIFER. I will ask if it is not provided by the amendment that this amount will not be paid unless the payment is accepted in full and a receipt given for it?

Mr. TAWNEY. Certainly.

Mr. KEIFER. Whether they are willing to do it or not.

Mr. TAWNEY. They can not get the money until they receipt in full for it and release the Government from any and all obligation under the contract.

Mr. HARRISON. Is this the same thing for which money was appropriated in the appropriation bill?

Mr. TAWNEY. The Department had an appropriation out of which they could purchase these machines. It was not appropriated specifically for this company.

Mr. HARRISON. I do not think the gentleman understood the question. Did not we appropriate this year in the post-office appropriation bill a quarter of a million dollars for the payment of rent for the canceling machines?

Mr. TAWNEY. That may be, but that is not this case.

Mr. HARRISON. Is this the same company?

Mr. TAWNEY. No.

Mr. HARRISON. Are these canceling machines?

Mr. TAWNEY. They are canceling machines.

Mr. HARRISON. Why should we appropriate for two companies for the same machine?

Mr. DWIGHT. This appropriation is for machines purchased in 1902, which have not been settled for owing to a suit over the claim.

Mr. HARRISON. The contract has lapsed?

Mr. TAWNEY. No; the appropriation has lapsed.

Mr. HARRISON. Why should we appropriate for two companies; what is the purpose of it?

Mr. TAWNEY. We are not buying machines from two companies, we are not appropriating specifically for companies. This is a balance due them under their contract, which was made in pursuance of law.

Mr. HARRISON. Have we stopped buying machines from this company?

Mr. TAWNEY. I do not know.

Mr. CRUMPACKER. Is not this the situation: The appropriation in the post-office bill for this year is for use in the next fiscal year, and this is an appropriation to pay a debt that was contracted six years ago. There is no lapse or duplication of the appropriation at all.

Mr. TAWNEY. Oh, no.

The CHAIRMAN. The question is on the request of the gentleman from Minnesota for unanimous consent to return to page 51.

Mr. TAWNEY. My amendment is offered on page 51.

Mr. FITZGERALD. I object.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee determined to rise, and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21946, the general deficiency bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

#### REMOVAL OF RESTRICTIONS FROM LANDS OF ALLOTTEES OF FIVE CIVILIZED TRIBES.

The SPEAKER laid before the House the following communication:

HON. JOSEPH G. CANNON,  
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Will you please relieve me from service as conferee on H. R. 15641?

Thanking you for the compliment of the designation and with personal regard, I am,

Sincerely, yours,

CHAS. L. KNAPP.

The SPEAKER announced the appointment of Mr. MCGUIRE to fill the vacancy.

#### WITHDRAWAL OF PAPERS.

Mr. BARTLETT of Georgia, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of Frank Z. Curry, H. R. 2395, Sixtieth Congress, no adverse report having been made thereon.

#### DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules, agree to the amendments to the general deficiency appropriation bill reported from the Committee of the Whole House on the state of the Union, and pass the bill.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules, agree to the amendments to the general deficiency appropriation bill reported from the Committee of the Whole House on the state of the Union, and pass the bill.

Mr. CLARK of Missouri. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 204, nays 25, answered "present" 13, not voting 145, as follows:

#### YEAS—204.

Adair	Bonyng	Cary	Currier
Aiken	Bowers	Chaney	Cushman
Alexander, Mo.	Boyd	Chapman	Dalzell
Allen	Brodhead	Clark, Mo.	Davenport
Ames	Brownlow	Cockran	Davis, Minn.
Andrus	Brundidge	Cocks, N. Y.	Dawes
Ansberry	Burgess	Cole	Dawson
Ashbrook	Burleigh	Cooper, Pa.	Denby
Barchfield	Burton, Del.	Cooper, Tex.	Dixon
Bartholdt	Burton, Ohio	Cooper, Wis.	Draper
Bates	Calderhead	Coudrey	Driscoll
Beale, Pa.	Campbell	Cox, Ind.	Dwight
Bell, Ga.	Carron	Craig	Ellerbe
Bennet, N. Y.	Carter	Crumpacker	Ellis, Oreg.

Englebright

Esch

Fassett

Ferris

Finley

Fitzgerald

Floyd

Focht

Fordney

Foster, Ill.

Foster, Ind.

Foster, Vt.

French

Fuller

Gaines, Tenn.

Gaines, W. Va.

Gardner, N. J.

Garrett

Gilhams

Godwin

Goebel

Goulden

Graff

Granger

Greene

Gregg

Hackney

Hale

Hall

Hamilton, Iowa

Hamilton, Mich.

Hamlin

Hardwick

Harrison

Haskins

Hawley

Hayes

Beall, Tex.

Booker

Burnett

Candler

Denver

Garner

Gillespie

Adamson

Butler

Clayton

Cousins

Acheson

Alexander, N. Y.

Anthony

Bannon

Burclay

Bartlett, Ga.

Bartlett, Nev.

Bede

Bennett, Ky.

Blagham

Birdsall

Boutell

Bradley

Brantley

Broussard

Bramm

Burke

Burleson

Byrd

Calder

Caldwell

Carlin

Caulfield

Clark, Fla.

Conner

Cook, Colo.

Cook, Pa.

Cravens

Crawford

Darragh

Davey, La.

Davidson

De Armond

Diekema

Douglas

Dunwell

Durey

Heflin

Henry, Conn.

Higgins

Hill, Conn.

Hinshaw

Holliday

Houston

Howell, N. J.

Howland

Hubbard, Iowa

Hubbard, W. Va.

Huff

Humphrey, Wash.

James, Addison D.

Jenkins

Johnson, S. C.

Jones, Va.

Jones, Wash.

Kahn

Kelker

Kelher

Kennedy, Iowa

Kinkaid

Kitchin, Claude

Knowland

Kulstermann

Lafean

Lamb

Laudis

Langley

Lanning

Lassiter

Lawrence

Lee

Lindbergh

Longworth

Lorimer

Hardy

Helm

Henry, Tex.

Hill, Miss.

Hughes, N. J.

Hull, Tenn.

Johnson, Ky.

Flood

Gordon

Haggott

Patterson

Edwards, Ga.

Edwards, Ky.

Ellis, Mo.

Fairchild

Favrot

Fornes

Foss

Foulkrod

Fowler

Fulton

Gardner, Mass.

Gardner, Mich.

Gill

Gillett

Glass

Goldfogle

Graham

Griggs

Gronna

Hackett

Hamill

Hammond

Harding

Haugen

Hay

Hepburn

Hitchcock

Hobson

Howard

Howell, Utah

Hughes, W. Va.

Hull, Iowa

Humphreys, Miss.

Jackson

James, Ollie M.

Kennedy, Ohio

Kimball

Loud

Loudenslager

Lovering

McCall

McHenry

McKinlay, Cal.

McKinley, Ill.

McKinney

McLaughlin, Mich.

McMorran

Macon

Madison

Miller

Mondell

Moore, Pa.

Morse

Mouser

Murdock

Murphy

Needham

Nicholls

Norris

Nye

O'Connell

Olcott

Overstreet

Parker, N. J.

Parker, S. Dak.

Parsons

Payne

Perkins

Pollard

Pou

Pray

Pujo

Rainey

Moore, Tex.

Page

Randell, Tex.

Richardson

Rucker

Russell, Mo.

Russell, Tex.

Roberts

Sabath

Sherman

Sims

Kipp

Kitchin, Wm. W.

Knapp

Knopf

Lamar, Fla.

Lamar, Mo.

Law

Leake

Legare

Lenahan

Lever

Lewis

Lilley

Lindsay

Littlefield

Livingston

Lloyd

Lowden

McCreary

McDermott

McGavin

McGuire

McLachlan, Cal.

McLain

McMillan



Mr. DIEKEMA with Mr. GLASS.  
 Mr. DARRAGH with Mr. GILL.  
 Mr. COOK of Pennsylvania with Mr. FULTON.  
 Mr. CONNER with Mr. DE ARMOND.  
 Mr. BURKE with Mr. BARTLETT of Nevada.  
 Mr. FAIRCHILD with Mr. HUMPHREYS of Mississippi.  
 The result of the vote was announced as above recorded.

MARY S. FERGUSON.

By unanimous consent, granted to Mr. COOPER of Wisconsin, reference of the bill (S. 6529) for the relief of Mary S. Ferguson was changed from the Committee on Claims to the Committee on Insular Affairs.

#### MAKING MONTEREY AND PORT HARFORD, CAL., SUBPORTS OF ENTRY.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 3153) to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes, and to pass the same with House amendments, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That Monterey and Port Harford, in the State of California, are hereby made subports of entry in the district of San Francisco, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at each of said subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow.

SEC. 2. That the Secretary of the Treasury may designate, from time to time, as subports of entry other places within the said district, at which customs officers may be stationed or detailed for the purposes set forth in the preceding section, and at such compensation as he may allow.

SEC. 3. That in lieu of stationing deputy collectors or other customs officers permanently at any subport in said district, the Secretary of the Treasury may, in his discretion, authorize the necessary officers to be detailed from time to time, from the port of entry, or from another subport within such district to enter or clear vessels, receive duties, fees, or other moneys, and perform such other services as, in his judgment, the interests of commerce may require.

SEC. 4. That the act approved February 24, 1906, entitled "An act to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal.," is hereby repealed.

SEC. 4. That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Port Arthur, in the State of Texas.

SEC. 5. That Petosky, in the State of Michigan, is hereby made a subport of entry in the district of Grand Rapids, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport with authority to enter and clear vessels, receive merchandise-shipped in bond, collect duties and make delivery of same, receive duties, fees, and other moneys, and perform such other service as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow.

SEC. 6. That the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the support of Petosky, in the State of Michigan.

SEC. 7. That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the support of St. Vincent, in the State of Minnesota.

Mr. UNDERWOOD. Mr. Speaker, is this a unanimous-consent proposition?

The SPEAKER. This is a request for unanimous consent to consider and pass the bill. The unanimous consent would agree to the House amendments to the Senate bill and pass the bill.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would ask the gentleman from California to yield me five minutes.

Mr. NEEDHAM. I will yield the gentleman five minutes.

The SPEAKER. Five minutes are pretty precious. Would the gentleman be satisfied to give the unanimous consent, coupled with the request that he be allowed to address the House for five minutes?

Mr. UNDERWOOD. I will state, Mr. Speaker, that I am not going to object to this bill if I am given the five minutes.

The SPEAKER. Then the gentleman puts it that he gives unanimous consent and asks consent to address the House for five minutes. Is there objection?

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the gentleman proceed for five minutes after unanimous consent is granted to pass the bill.

Mr. UNDERWOOD. But I do not take it in that way.

Mr. PAYNE. Then I ask unanimous consent—

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from California to yield me five minutes. I said I would not object to his bill.

The SPEAKER. But the gentleman has not five minutes to yield.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. Did I hear the name of Port Arthur, Tex., read out in the bill?

The SPEAKER. Yes.

Mr. HENRY of Texas. I have no objection.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama be permitted to address the House for five minutes.

The SPEAKER. But there is nothing for the gentleman to address the House about. If there is unanimous consent that the bill shall be passed at the end of the five minutes, then we have something before us.

Mr. UNDERWOOD. Mr. Speaker, I will state this: I have something to say about the bill. It comes from the committee that I am on, and I have something to say in reference to it. If I object, then the gentleman will move to suspend the rules, and it will take twenty minutes' debate on a side beside a roll call.

The SPEAKER. But the gentleman is not recognized for that purpose.

Mr. UNDERWOOD. Then, I think, under these circumstances that I am entitled to make a statement in reference to this matter before it is passed. I ask the House, then, to allow me to make a statement in reference to this bill, not to exceed five minutes. Anything can be done by unanimous consent.

The SPEAKER. Precisely; anything can be done by unanimous consent, and the Chair is willing to recognize the gentleman from New York to ask at the end of five minutes, which the gentleman asks by unanimous consent, that the bill be considered as passed with the House amendments.

Mr. UNDERWOOD. I thought, Mr. Speaker, you were going to pass the bill before I made my remarks.

The SPEAKER. The Chair is willing to announce it afterwards. [Laughter and applause.]

Mr. UNDERWOOD. Mr. Speaker, with this remarkable showing of good humor and courtesy on the part of the Speaker, I will accept the proposition. Mr. Speaker, I do not intend to detain the House with a speech, but I wish merely to call the attention of the House again to the fact that we are continually passing these bills providing for new ports, new collection districts, new I. T. ports, increasing the cost of collecting the revenues of this country that is far in excess of any other country, far in excess of what it costs to-day to collect the internal revenue, and that no effort is being made in this House to reduce the cost of the collection of the customs of this country.

Although I believe these bills are good—I have no objection to these bills, but I do insist that the time has come when this country should take up this whole matter and overhaul it and cut out the unnecessary expenditures before you continue increasing the cost of collecting the customs revenues.

Mr. PAYNE. Will the gentleman allow me a word?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. I want to say I came to that conclusion two years ago, and I tried to pass a bill and could not succeed.

Mr. UNDERWOOD. My remarks, I will say to the chairman of the committee, were addressed to the House, and not to the Committee on Appropriations. I, however, think it is the duty of the chairman of that committee to make another effort to get this House to revise these customs-collection laws.

So the bill as amended was passed.

#### AMENDING SECTION 4896 OF THE REVISED STATUTES.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendment to the bill H. R. 15841.

The SPEAKER. The Chair understood the gentleman desired to ask unanimous consent?

Mr. SULZER. I ask unanimous consent to concur in the Senate amendment to the bill.

The SPEAKER. The gentleman from New York asks unanimous consent to concur in the following House bill with a Senate amendment. A vote on this would be, if unanimous consent is given, to pass the House bill with a Senate amendment. The Clerk will report the title of the bill with the Senate amendment.

The Clerk read as follows:

A bill (H. R. 15841) to amend section 4896 of the Revised Statutes.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. CHANEY. Mr. Speaker, I want to ask if the Clerk read the part that is amended?

The SPEAKER. The Clerk has just read that.

Mr. CHANEY. I did not so understand it.

Mr. SULZER. It is just exactly the same as it passed the House, and the only thing the Senate did—

The SPEAKER. They struck out the House bill entirely after the enacting clause and inserted an amendment. Now, the request of the gentleman is for unanimous consent to concur in the Senate amendment, which would pass the bill.

Mr. CURRIER. Mr. Speaker, reserving the right to object, I wish to say the Senate amendment in no wise changes the House bill. The House bill provides that certain words shall be stricken out of the law and certain other words inserted, so that the section would read as follows, and the Senate struck out all after the enacting clause and inserted just exactly the House amendments, without stating what they are, but providing that section so and so shall be amended so as to read as follows.

The SPEAKER. It is the difference only between tweedledum and tweedle-dee. Is there objection. [After a pause.] The Chair hears none.

So the Senate amendment was agreed to.

#### AMENDING SECTION 4885 OF THE REVISED STATUTES.

The SPEAKER. The gentleman from Massachusetts [Mr. WASHBURN] asks unanimous consent to take from the Speaker's table the following House bill and concur in the Senate amendments.

The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 17703. An act amending section 4885 of the Revised Statutes.

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. I object, Mr. Speaker.

Mr. FITZGERALD. I think it ought to be read—

The SPEAKER. Objection is heard. If there is no objection, the Clerk will read the bill as amended.

The bill as amended was read.

The SPEAKER. The amendment seems to be clerical. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was concurred in.

#### MOVING WASHINGTON STATUE FROM CAPITOL GROUNDS.

Mr. McCALL. I ask unanimous consent to take House joint resolution No. 124 from the Speaker's table and agree to the Senate amendment.

Mr. CLARK of Missouri. I am going to object to all the rest. It is 6 o'clock nearly, and supper time.

Mr. CLAYTON. I hope the gentleman will not object to this.

Mr. CLARK of Missouri. I will let him in, and I will let Mr. CLAYTON in, and then I will object to the rest.

Mr. CLAYTON. I have none to offer for myself, but I really ask the gentleman not to object to this.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the following House joint resolution and agree to the Senate amendment.

The Clerk read as follows:

House joint resolution No. 124, authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

With a Senate amendment, which was read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the Senate amendment was concurred in and the title amended.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4341. An act granting an increase of pension to Calvin P. Lynn—to the Committee on Invalid Pensions.

S. 5412. An act granting an increase of pension to Byron C. Mitchell—to the Committee on Invalid Pensions.

S. 7123. An act granting an increase of pension to Harry S. Lee, formerly Albert Lee Alleman—to the Committee on Invalid Pensions.

#### ENROLLED JOINT RESOLUTION SIGNED.

The Speaker announced his signature to enrolled joint resolution of the following title:

S. R. 90. Joint resolution to amend an act authorizing the construction of bridges across navigable waters, and so forth.

#### MISCELLANEOUS INDIAN BILL.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill I send to the desk, as amended.

The Clerk read as follows:

A bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

Be it enacted, etc., That the lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands of the Five Civilized Tribes in Oklahoma, may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of persons deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. That when any Indian who has heretofore received or who may hereafter receive, an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as heretofore provided. And the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian as provided herein shall be conclusive and final for the purpose of passing title to the lands conveyed: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold; and the issuance of such patent shall operate as a cancellation of any trust patent, or patent containing restrictions on alienation, issued in the name of the original allottee. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 2. That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment, notwithstanding lapse of time or statute of limitation, for any balances found due, without interest, with the right of appeal as in other cases, upon the claims of H. W. Gilkey, Herman Hankwitz, Herman Hankwitz & Co., W. P. Cook & Bro., M. Westcott, J. A. Liege, assignee of J. F. Gauthier, F. F. Green, traders, against the Menominee tribe of Indians in Wisconsin and against certain members of said tribe at the Green Bay Agency, for supplies, goods, wares, merchandise, tools, and live stock furnished certain members of the said tribe after the 1st day of January, in the year 1880, for the purpose of carrying on logging operations upon the Menominee Indian Reservation, in Wisconsin. Said claims shall be presented to said court by verified petitions to be filed within six months from the date of the approval of this act. Said court shall, in rendering judgment, ascertain and determine the amount, if any, due upon each of said claims and if the court find that there is a liability upon any of said claims it shall then determine if such liability be that of the said Menominee tribe of Indians as a tribe or that of individual members of said tribe, and it shall render judgment for the amount, if any, found due from said tribe to any of said claimants, and it shall render judgment for the amounts, if any, found due from any of the individual members of said tribe to any of said claimants. Upon the rendition of final judgments, the court shall certify the same to the Secretary of the Interior, who shall thereupon, in case judgments be against the said Menominee tribe of Indians as a tribe, direct the payment of said judgments out of any funds in the Treasury of the United States to the credit of said tribe, and who, in case judgments be against individual members of said Menominee tribe of Indians, shall, through the disbursing officers in charge of said Green Bay Agency, pay, from any annuity due or which may become due said Indian as an individual or as the head of a family from the United States or from the share of such Indian as an individual or as the head of a family in any distribution of tribal funds deposited in the Treasury of the United States, the amounts of such judgments to the claimants in whose favor such judgments have been rendered: *Provided*, That not more than 50 per cent of the annuity due any such Indian as an individual or as the head of a family shall be applied to the payment of such judgments: *Provided, however*, That if more than one judgment be rendered against any such individual Indian and if 50 per cent of the annuity due such Indian as an individual or as the head of a family be not sufficient to discharge such judgments, such payment shall be made to the claimants in proportion to the amount of their respective judgments: *Provided further*, That in case 50 per cent of any annuity payment due any such Indian as an individual or as the head of a family be not sufficient to satisfy the judgment or judgments rendered against said Indian, then and in that case 50 per cent of subsequent annuity payments due said Indian as an individual and as the head of a family shall be applied to the payment of said judgments until the same be fully satisfied. The Menominee tribe of Indians, through its business committee, is authorized to employ an attorney or attorneys to defend the interests of said tribe and of the individual members of said tribe in any actions brought under the provisions of this act, the compensation of such attorney or attorneys to be determined by the court, and for which attorneys' fees judgment shall be rendered, and upon its certification to the Secretary of the Treasury the amount of said judgment shall be paid to said attorney or attorneys out of any funds standing to the credit of said Menominee tribe of Indians in the Treasury of the United States.

SEC. 3. That the heirs of Cornplanter, a Seneca Indian chief, as ascertained by the orphan's court of Warren County, Pa., under act of the legislature of the State of Pennsylvania of May 16, 1871, and their descendants are hereby authorized and empowered to bring suit in the courts of the United States for the recovery of the possession or the quieting of title of any lands granted individually to said Cornplanter, alias John O'Bial or Abeel, and jurisdiction is hereby conferred upon said courts, both in law and in equity, to hear and determine the rights of said Cornplanter under any grant made to him. Any petition filed or other court papers may be verified by the attorneys representing said heirs or their duly authorized attorneys in fact.

SEC. 4. That a lease bearing date September 19, 1907, between the Seneca Nation of Indians on the Cattaraugus and Allegany reservations, in the State of New York, and Charles M. L. Ashby, of Erie County, N. Y., is hereby ratified and confirmed.

SEC. 5. That the Court of Claims is hereby authorized and directed



to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due. Said judgment, if any, in favor of the heirs of Garland shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.

Sec. 6. That the act of April 30, 1908, reading as follows:

"The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southeast quarter of the northeast quarter of section 6, township 28 north, range 24 east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw national council, on August 24, 1893, and said church having maintained a church and school thereon since that date."

"The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southwest quarter of the northeast quarter of section 6, township 28 north, range 24 east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw national council, on August 24, 1893, and said church having maintained a church and school thereon since that date."

Sec. 7. That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law, the Secretary of the Interior be, and he is hereby, authorized to segregate and survey within that part of the territory of the Choctaw and Chickasaw nations, State of Oklahoma, heretofore segregated as coal and asphalt land, such other towns, parts of towns, or town lots, as are now in existence, or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., p. 495), under regulations to be prescribed by him. That the provisions of section 13 of the act of Congress approved April 26, 1906 (34 Stat. L., p. 137), shall not apply to town lots appraised and sold as provided herein. That all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns shall be paid from the proceeds of the sale of town lots of the nation in which such town is situated.

Sec. 8. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury belonging to the Cherokee tribe of Indians, to those intermarried white citizens of the said Cherokee tribe placed on the final approved rolls of the said Cherokee tribe by the Secretary of the Interior pursuant to an opinion of the Supreme Court of the United States, in the case of Daniel Red Bird against The United States, the share or shares to which they are entitled in the funds of the Cherokee Nation on account of payments heretofore made out of said Cherokee funds to members of the Cherokee Nation, but in which payments said intermarried white Cherokee citizens did not participate and to which they were entitled in accordance with the findings of the Supreme Court in the said case of Daniel Red Bird against The United States, said intermarried white Cherokee citizens having married into the Cherokee Nation prior to November 1, 1875, and not having since abandoned their citizenship. In case any of said intermarried Cherokee white citizens have died since final enrollment their share or shares in the money distributed shall be paid to their heirs or legal representatives: *Provided, however*, That the Cherokee Nation shall have authority to contest before the Secretary of the Interior the right of any person whose enrollment was made under the decree of the Supreme Court of the United States in the case of Daniel Red Bird to receive such payments, and if said Secretary becomes convinced that such person was improperly enrolled he is hereby authorized to deny him the right to receive such back payments.

Sec. 9. That the Secretary of the Interior be, and is hereby, authorized to issue a patent to the Sisters of the Blessed Sacrament for Indians and Colored People, a charitable corporation organized under the laws of the State of Pennsylvania, for and covering the following described lands, amounting to approximately 280 acres, now and for many years occupied by the said Sisters of the Blessed Sacrament for Indians and Colored People, as an Indian school, to wit: The southwest quarter of the southwest quarter of section 13, the south half of the northeast quarter of section 14, and the east half of the northwest quarter, and the south half of the northeast quarter of section 24, all in township 26 north, range 30 east, Gila and Salt River meridian, on the Navajo Indian Reservation, in Arizona Territory.

Sec. 10. That the Secretary of the Interior is hereby authorized to sell for use for school purposes to school districts of the State of Oklahoma, from the unallotted lands of the Five Civilized Tribes, tracts of land not to exceed 2 acres in any one district, at prices and under regulations to be prescribed by him, and proper conveyances of such lands shall be executed in accordance with existing laws regarding the conveyance of tribal property; and the Secretary of the Interior also shall have authority to remove the restrictions on the sale of such lands, not to exceed 2 acres in each case, as allottees of the Five Civilized Tribes, including fullbloods and minors, may desire to sell for school purposes.

Sec. 11. That the borough of Carlisle, in the State of Pennsylvania, shall be, and is hereby, granted the right and privileges of laying through and under the land owned by the United States and now used for the purpose of or in connection with the United States Indian Industrial School, such pipe or pipes as may be necessary for use in connection with or as part of its sewage system, said pipe or pipes to be laid beneath the surface of the ground, except as to the necessary manholes, and so laid as not to interfere with the use or mar the appearance of the premises: *Provided*, That no pipe or pipes shall be laid in pursuance of authority hereby conferred until the plan showing the location thereof shall have been submitted to and approved by the Secretary of the Interior: *And provided further*, That upon the request of the Secretary of the Interior, and his agreement to pay a fair proportion of the expense, the sewage system, disposal plant, and pipes constructed, or to be constructed, by the borough of Carlisle shall be of sufficient size to take care of the sewage of the United States Indian Industrial School, which shall be permitted to establish a connection with the said sewage system and use the same.

Sec. 12. That the Secretary of the Interior be, and he hereby is, authorized to cause that part of the Cheyenne school reserve and the Cheyenne and Arapahoe Agency reserve lying east of a public road and separated from the school and agency reserves by such road, being a narrow strip of land, more particularly described as lots 8 and 9 of

section 4, lots 5 and 6 of section 9, lots 5 and 6 of section 18, and lots 5 and 6 of section 21, all in township 13 north, range 7 west, Indian meridian, in the State of Oklahoma, to be appraised by legal subdivisions and sold for the benefit of the Indians of the Cheyenne and Arapahoe reservations; and the owners of the adjoining lands are hereby given the preference right for ninety days from and after the passage of this act to purchase said lands at not less than the appraised value which may be placed thereon by the Secretary of the Interior, the purchase price to be paid in cash at the time of notice of acceptance by said purchasers. And in case said lands, or any part thereof, remain unsold after the expiration of said ninety days, the said Secretary shall proceed to offer said lands for sale under such regulations as he may prescribe; the funds received from said sales to be deposited in the Treasury of the United States to the credit of the Indians of the Cheyenne and Arapahoe Reservation, Okla. That the Secretary of the Interior be, and he hereby is, authorized to cause to be appraised and sold 640 acres of land, together with the buildings and other appurtenances thereto belonging, heretofore set aside as reservation for the Cheyenne and Arapahoe Agency and the Arapahoe Indian school in Oklahoma, and that for sixty days from and after said appraisement the city of El Reno, in Oklahoma, be given the preference right to purchase said land and improvements thereon at the appraised value thereof, to be used for school purposes, the purchase price thereof to be paid in cash at the time of the acceptance by said purchaser. And in case said land remains unsold after the expiration of said sixty days, the Secretary shall proceed to offer said land for sale under such regulations as he may prescribe, and he is authorized to use all or any part of the proceeds of the sale thereof in the erection of new buildings and in repairs and improvements at the present Cheyenne Boarding School in the Cheyenne and Arapahoe Agency, in Oklahoma, and in the establishment of such day schools as may be required for said Cheyenne and Arapahoe Indians in Oklahoma, and that the balance of said proceeds, if any there be, may be used in support of said Cheyenne Boarding School or said day school.

Mr. GAINES of Tennessee (during the reading of the bill). Mr. Speaker, I simply want to make a privileged observation here. It is hot and sultry, the Hall is crowded with Members, every door in the galleries is shut up tight, and we are almost stifled in here for lack of fresh air. I do insist that we make some better arrangements hereafter than we have at the present time.

The reading of the bill was resumed and concluded.

The SPEAKER pro tempore. Is a second demanded?

Mr. CLARK of Missouri. I demand the yeas and nays.

Mr. STEPHENS of Texas. I demand a second.

The SPEAKER pro tempore. Under the rules a second is considered as ordered. The gentleman from New York is entitled to twenty minutes—

Mr. STEPHENS of Texas. I withdraw the demand for a second.

Mr. FITZGERALD. I demand a second. This is an important bill, and we ought to know something about it.

The SPEAKER pro tempore. The gentleman from Texas withdraws the demand for a second and the gentleman from New York renews the demand. The gentleman from New York [Mr. SHERMAN] is entitled to twenty minutes, and the gentleman from New York [Mr. FITZGERALD] is entitled to twenty minutes.

Mr. SHERMAN. Mr. Speaker, I will not take twenty minutes. This is a so-called "omnibus bill." Its various sections are made up of bills which have been favorably reported from the Committee on Indian Affairs, save two sections. There are none of the sections which create any charge whatever upon the Treasury. There are two sections that have not been reported by the Committee on Indian Affairs. One of them is the section which corrects a description contained in the Indian appropriation bill, providing for the issuance of a patent to a society which maintains a training school. In the Indian appropriation bill a quarter section was described as "southeast," when it should have been "southwest." This is a correction of that. The other section which has not been reported by the Indian Committee is one giving to the city of Carlisle, Pa., the right to lay a sewer across the Indian school grounds at Carlisle, under certain conditions, which shall be approved by the Secretary of the Treasury.

As I say, all the other provisions of the bill have been considered by the Committee on Indian Affairs, and have been unanimously favorably reported, and make no charge whatever against the Treasury of the United States.

Mr. STEPHENS of Texas. I desire to ask the chairman to state also to the House that the Secretary of the Interior has passed upon and approved all the several bills, that there is no objection on the part of the Members, either of the minority or the majority, to the bills, they carrying no appropriations, and are mere matters of detail in legislation, usually to correct errors that ought to be corrected in various bills.

Mr. SHERMAN. I can describe the sections. Section 1 provides the means by which inherited lands of Indians may be sold. I need not go into a statement of the particulars. They have been thoroughly considered by the Committee on Indian Affairs and by the Department of the Interior, which has favorably reported the bill.

Section 2 permits some persons who claim to have furnished material for certain Indians doing logging on the Menominee

Reservation in Minnesota in 1880 to litigate their claim in court. These traders claim never to have been paid, and this provision permits them to go to the Court of Claims and there prosecute action, and further provides that if a judgment is obtained it shall be paid out of the Menominee funds.

Section 3 permits the heirs of an Indian named Cornplanter to bring suit to quiet title to the lands they hold. Somebody has claimed to have a certain right to these lands. It is not anything that interests the Government directly, but this section permits an action being tried in the Court of Claims to quiet the title.

Section 4 ratifies a lease made by the Seneca Indians.

Section 5 authorizes the heirs of Mr. Samuel Garland to prosecute before the Court of Claims his claim for services rendered to the Choctaw Indians, and providing that if a judgment is obtained it shall be paid out of the Choctaw funds.

Section 6 corrects the description in the appropriation bill referred to above.

Section 7 is one which creates additional town sites within the Choctaw and Chickasaw territory in the Indian Territory.

Section 8 is one which provides for the payment from the Cherokee Indian funds to certain Indians whom the court has held were deprived of their proportionate share of the funds when it was disposed of.

Section 9 relates to a school in New Mexico which was created through the beneficence of Mother Drexel, in Philadelphia, which school has been maintained solely by her. This permits her to obtain a patent to the land now occupied by this school, she having already spent from \$12,000 to \$16,000 in purchasing the alleged rights of a lot of squatters who were on that land.

Section 10 authorizes the alienation of lands that are now inalienable in the Indian Territory, where they are needed as school sites. That is what this bill does, Mr. Speaker.

Mr. WALDO. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. WALDO. Have you any knowledge as to the amount of the claim made under section 2?

Mr. SHERMAN. Yes; as I recall it now, it is about \$58,000.

Mr. WALDO. And then, under the fifth section, the claim made against the Choctaw Nation, have you any idea about that?

Mr. SHERMAN. The Garland claim?

Mr. WALDO. Yes.

Mr. SHERMAN. The gentleman reporting the bill [Mr. CLAYTON] could answer that question, but I am informed that he is unable to be here this afternoon, and I can not say from memory; but it is in the thousands of dollars, I can not tell how many. I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker, it is impossible to take the bill and examine it and ascertain exactly what is in it. I am familiar with a great many items in the bill, having examined them when they were reported from the Committee on Indian Affairs in separate bills. I am not in favor of passing omnibus bills under the present rules. It is utterly impossible for any Member of the House either to keep track of what the House is doing or in any way to reach any particular item, if his objection to it should be sufficient to convince the House that that particular item should not pass. I believe it is a bad practice, regardless of the items in this bill, and I undertake to say that with the exception of a few members of the Committee on Indian Affairs who, I have no doubt, have considered very carefully all of the items in the bill, it is not possible for any other Member of the House intelligently to determine whether these items meet his judgment.

I have no desire to take the time of the House or to delay action upon the bill, but I do wish to express my dissatisfaction with this method of incorporating into one bill a large number of independent items.

Mr. STEPHENS of Texas. Is the gentleman aware that under the present conditions in the House, and the nearness of approach to the end of the session, it is impossible to get these various bills through unless we do group them into one general bill? They are matters of detail, every one of them a business matter.

Mr. FITZGERALD. The gentleman has twice stated that they are matters of detail. They are not all matters of detail.

Mr. STEPHENS of Texas. We have examined them very carefully in our committee.

Mr. FITZGERALD. I have not criticised any particular item. It is impossible to do so intelligently under the conditions. I wish to express my dissatisfaction with the policy of incorporating into one bill a large number of independent matters that have no relation to one another, so that no Member, even if he desired, would be able to point out legitimate objections to the several parts.

I have no desire to use any further time, and unless somebody else wishes time I shall reserve it.

Mr. SHERMAN. If the gentleman does not desire to use the balance of his time, I ask for a vote.

The SPEAKER. The question is on suspending the rules, agreeing to the amendments, and passing the bill.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

RECESS.

Mr. PAYNE. Pending that, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

Mr. CLARK of Missouri. The yeas and nays upon that motion, Mr. Speaker.

The SPEAKER. Pending the taking of the yeas and nays, the gentleman from New York [Mr. PAYNE] moves that the House take a recess until to-morrow morning at 11.30 o'clock, and upon that motion the gentleman from Missouri also asks the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 128, nays 63, answered "present" 13, not voting 184, as follows:

YEAS—128.

Adair	Denby	Huff	Parsons
Alexander, Mo.	Diekema	Humphrey, Wash.	Payne
Allen	Driscoll	James, Addison D.	Perkins
Ames	Durey	Jenkins	Pollard
Andrus	Ellis, Oreg.	Jones, Wash.	Pray
Barchfeld	Englebright	Keller	Rainey
Bede	Esch	Kennedy, Iowa	Reeder
Bennet, N. Y.	Fassett	Kennedy, Ohio	Russell, Mo.
Bonyunge	Focht	Kinkaid	Shackelford
Boutell	Foster, Ind.	Knowland	Slomp
Boyd	French	Lafean	Smith, Cal.
Brownlow	Fuller	Laning	Smith, Iowa
Burleigh	Galnes, W. Va.	Lawrence	Snapp
Burton, Ohio	Gardner, N. J.	Lindbergh	Southwick
Calderhead	Gilhams	Longworth	Steenerson
Campbell	Goebel	Lorimer	Stevens, Minn.
Capron	Graff	Loud	Sturgiss
Cary	Greene	Loudenslager	Sulloway
Chaney	Hale	Lovering	Tawney
Chapman	Hall	McKinley, Ill.	Taylor, Ohio
Cook, Colo.	Hamilton, Iowa	McKinney	Thistlewood
Cooper, Pa.	Hamilton, Mich.	Miller	Tirrell
Cooper, Tex.	Haugen	Moore, Pa.	Townsend
Coudrey	Hawley	Mouser	Volstead
Crumpacker	Hayes	Murdock	Waldo
Currier	Higgins	Needham	Washburn
Dalzell	Hill, Conn.	Norris	Wheeler
Darragh	Hinshaw	Nye	Wilson, Ill.
Davis, Minn.	Howard	Olcott	Wood
Dawes	Howell, Utah	Olmsted	Woodward
Dawson	Howland	Overstreet	Young
De Armond	Hubbard, W. Va.	Parker, N. J.	The Speaker

NAYS—63.

Aiken	Dixon	Hardwick	Moon, Tenn.
Ashbrook	Ellerbe	Hardy	Moore, Tex.
Bartlett, Nev.	Ferris	Harrison	Nicholls
Beall, Tex.	Finley	Hedlin	O'Connell
Bell, Ga.	Fitzgerald	Helm	Page
Booher	Floyd	Henry, Tex.	Randall, Tex.
Bowers	Foster, Ill.	Hill, Miss.	Robinson
Brodhead	Galnes, Tenn.	Houston	Russell, Tex.
Burgess	Garner	Hughes, N. J.	Ryan
Candler	Garrett	Hull, Tenn.	Sabath
Carter	Gillespie	Johnson, Ky.	Spight
Clark, Mo.	Godwin	Kellher	Stephens, Tex.
Cox, Ind.	Goulden	Kitchin, Claude	Watkins
Craig	Granger	Lloyd	Webb
Davenport	Hackney	McHenry	Wilson, Pa.
Denver	Hamlin	Macon	

ANSWERED "PRESENT"—13.

Clayton	Holliday	Rauch	Talbott
Flood	McMorran	Rothermel	
Gordon	Mann	Sherman	
Haggott	Padgett	Small	

NOT VOTING—184.

Acheson	Caldwell	Fornes	Howell, N. J.
Adamson	Carlin	Foss	Hubbard, Iowa
Alexander, N. Y.	Caulfield	Foster, Vt.	Hughes, W. Va.
Ansberry	Clark, Fla.	Foulkrod	Hull, Iowa
Anthony	Cockran	Fowler	Humphreys, Miss.
Bannon	Cocks, N. Y.	Fulton	Jackson
Barclay	Cole	Gardner, Mass.	James, Ollie M.
Bartholdt	Conner	Gardner, Mich.	Johnson, S. C.
Bartlett, Ga.	Cook, Pa.	Gill	Jones, Va.
Rates	Cooper, Wis.	Gillett	Kahn
Beale, Pa.	Cousins	Glass	Kimball
Bennett, Ky.	Cravens	Goldfogle	Kipp
Bingham	Crawford	Graham	Kitchin, Wm. W.
Birdsall	Cushman	Gregg	Knapp
Bradley	Davey, La.	Griggs	Knoop
Brantley	Davidson	Gronna	Klattermann
Broussard	Douglas	Hackett	Lamar, Fla.
Brumm	Draper	Hamill	Lamar, Mo.
Brundidge	Dunwell	Hammond	Lamb
Burke	Dwight	Harding	Landis
Burton, Del.	Edwards, Ga.	Haskins	Langley
Butler	Edwards, Ky.	Hay	Lassiter
Burleson	Ellis, Mo.	Henry, Conn.	Law
Burnett	Fairchild	Hepburn	Leake
Byrd	Favrot	Hitchcock	Lee
Calder	Fordney	Holston	Legare



Lenahan	Malby	Reld	Stafford
Lever	Marshall	Reynolds	Stanley
Lewis	Maynard	Rhinoek	Sterling
Lilley	Mondell	Richardson	Sulzer
Lindsay	Moon, Pa.	Riordan	Taylor, Ala.
Littlefield	Morse	Roberts	Thomas, N. C.
Livingston	Mudd	Rodenberg	Thomas, Ohio
Lowden	Murphy	Rucker	Tou Velle
McCall	Nelson	Saunders	Underwood
McCreary	Parker, S. Dak.	Scott	Vreeland
McDermott	Patterson	Sheppard	Wallace
McGavin	Pearre	Sherley	Wanger
McGuire	Peters	Sherwood	Watson
McKinlay, Cal.	Porter	Sims	Weeks
McLain	Pou	Slayden	Weems
McLachlan, Cal.	Powers	Smith, Mich.	Weisse
McLaughlin, Mich.	Pratt	Smith, Mo.	Wiley
McMillan	Prince	Smith, Tex.	Willett
Madden	Pujo	Sparkman	Williams
Madison	Ransdell, La.	Sperry	Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. VREELAND with Mr. UNDERWOOD.

Mr. STERLING with Mr. TOU VELLE.

Mr. SCOTT with Mr. SULZER.

Mr. NELSON with Mr. SHERWOOD.

Mr. LANGLEY with Mr. SHERLEY.

Mr. LANDIS with Mr. RUCKER.

Mr. KÜSTERMANN with Mr. MURPHY.

Mr. HOWELL of New Jersey with Mr. LASSITER.

Mr. DWIGHT with Mr. LEE.

Mr. DAVIDSON with Mr. LAMB.

Mr. CUSHMAN with Mr. JONES of Virginia.

Mr. BURTON of Delaware with Mr. JOHNSON of South Carolina.

Mr. BEALE of Pennsylvania with Mr. BURNETT.

Mr. BARTHOLDT with Mr. BRUNDIDGE.

Mr. ACHESON with Mr. BRANTLEY.

Mr. DRAPER with Mr. RICHARDSON.

Mr. HASKINS with Mr. ROTHERMEL.

Mr. HOLLIDAY with Mr. SLAYDEN.

Mr. KAHN with Mr. PATTERSON.

For the balance of the day:

Mr. FOSTER of Vermont with Mr. POU.

On this vote:

Mr. COOPER of Wisconsin with Mr. SMITH of Missouri.

Mr. CAULFIELD with Mr. CLAYTON.

Mr. RODENBERG with Mr. RAUCH.

The result of the vote was then announced as above recorded.

Accordingly (at 6 o'clock and 15 minutes p. m.), the House was declared in recess until to-morrow at 11.30 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lynn Harbor, Massachusetts (H. R. Doc. 948)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting Part I of the report of the Commissioner of Corporations on cotton exchanges (H. R. Doc. 949)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for care of insane Filipino soldiers for the fiscal year ending June 30, 1908 (H. R. Doc. 946)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for care of insane Filipino soldiers for the fiscal year ending June 30, 1909 (H. R. Doc. 947)—to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the bill of the House (H. R. 21467) relating to affairs in the Territories, reported the same without amendment, accompanied by a report (No. 1687), which

said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the House (H. Res. 419) directing the Superintendent of the Capitol Building and Grounds to rearrange the Hall of the House of Representatives and the seating arrangements therein, reported the same without amendment, accompanied by a report (No. 1688), which said bill and report were referred to the House Calendar.

Mr. RODENBERG, from the Select Committee on Industrial Arts and Expositions, to which was referred the bill of the Senate (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, reported the same with amendments, accompanied by a report (No. 1689), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOUTELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 21129) to provide for refunding stamp taxes paid under the act of June 13, 1898, and upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, reported the same without amendment, accompanied by a report (No. 1693), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANDIS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 13467) constituting a commission to investigate diplomatic and consular affairs, reported the same without amendment, accompanied by a report (No. 1696), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1162) to correct the naval record of Alfred Burgess, reported the same without amendment, accompanied by a report (No. 1694), which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18855) to correct the muster roll of William H. Nelson in the First Tennessee Volunteer Infantry and in the Fifth Tennessee Volunteer Cavalry, reported the same adversely, accompanied by a report (No. 1692), which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 550) providing for stated leaves of absence to entrymen under the homestead laws, reported the same adversely, accompanied by a report (No. 1690), which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 1791) to remove the charge of desertion from the military record of John Keys, and the same was referred to the Committee on Military Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MACON: A bill (H. R. 21979) to quiet and confirm the title of the State of Arkansas to certain sunk, swamp, and overflowed lands—to the Committee on the Public Lands.

By Mr. CANNON (by request): A bill (H. R. 21980) to prevent the unauthorized wearing or use of badges, name, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America—to the Committee on the District of Columbia.

By Mr. HILL of Connecticut: A bill (H. R. 21981) authorizing a survey of Goodwives Creek, town of Darien, Fairfield County, Conn., with a view to improvement of navigation—to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 21982) relating to the transportation of habit-forming and poisonous drugs in interstate and

foreign commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 21983) authorizing the construction of a suitable building at Fort Deposit, Ala., in lieu of the armory which belonged to the National Guard of said place and was destroyed by the recent storm that swept over Fort Deposit—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 21984) to amend and consolidate the acts respecting copyrights—to the Committee on Patents.

By Mr. McCALL: A bill (H. R. 21985) for the enlargement of the Capitol grounds and for the erection of a monument or monumental memorial to Abraham Lincoln—to the Committee on the Library.

By Mr. SCOTT: A bill (H. R. 21986) to enable any State to cooperate with any other State or States, or with the United States, for the conservation of the navigability of navigable rivers, and to provide for the appointment of a commission—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: A bill (H. R. 21987) to provide for payment of interest on judgments rendered against the United States—to the Committee on the Judiciary.

By Mr. CRUMPACKER: A bill (H. R. 21988) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, prohibiting fraud in registrations and elections, and providing data for the appointment of Representatives among the States—to the Committee on the Census.

By Mr. BEALL of Texas: A bill (H. R. 21989) limiting the power of circuit and district courts of the United States and the judges thereof to issue injunctions and restraining orders against State laws and State officers—to the Committee on the Judiciary.

Also, a bill (H. R. 21990) to encourage and promote commerce among States and with foreign nations, and to remove obstructions thereto—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 21991) prescribing the manner in which injunctions and temporary restraining orders may be issued—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Concurrent resolution (H. C. Res. 42) providing for the printing of additional copies of sheets of soil survey in Montgomery and Davidson counties, Tenn.—to the Committee on Printing.

By Mr. SULZER: Memorial of the legislature of New York relating to the contingent expenses of the war of 1812—to the Committee on War Claims.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CALDERHEAD: A bill (H. R. 21992) for the relief of James Baldwin—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 21993) for the relief of the State of Alabama—to the Committee on War Claims.

By Mr. CRUMPACKER: A bill (H. R. 21994) granting a pension to Mable Hullinger—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 21995) granting a pension to Sophie M. Guard—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 21996) granting an increase of pension to Charles Henry—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 21997) granting an increase of pension to William L. Brown—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 21998) granting an increase of pension to Joseph Robichaud—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21999) granting an increase of pension to Samuel K. Snively—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 22000) granting an increase of pension to Henry E. Hall—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 22001) granting an increase of pension to Napoleon B. Greathouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22002) granting an increase of pension to Balce S. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22003) granting a pension to Andrew J. Arnett—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 22004) granting an increase of pension to Esther Lake—to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 22005) for the relief of Sidney Smith—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petitions of R. Miller, H. Hirshman, M. Jacobs, Sidney Beard, Howard E. Hull, and Pattern Makers' Association of Buffalo, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. AMES: Petition of citizens of Fifth Massachusetts Congressional District, favoring H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. BRODHEAD: Petition of Delaware Valley Lodge, No. 768, Brotherhood of Railway Trainmen, for the Hemenway-Graff ash-pan bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: Paper to accompany bill for relief of heirs of Henry Johnson—to the Committee on War Claims.

By Mr. BURLEIGH: Petitions of Brotherhood of Paper Makers, of Madison, Me., and citizens of Madison and Anson, Me., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petition of Kansas Pharmaceutical Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. CHANEY: Petition of citizens of Cannelburg, Ind., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of Minnesota Builders' Association, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of Frederick W. Foot and others, of Red Wing, Minn., for the creation of a national highways commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

Also, petition of William L. Baxter Post, Grand Army of the Republic, of Chaska, Minn., against discontinuance of United States pension agencies—to the Committee on Appropriations.

By Mr. DOUGLAS: Petition of citizens of Chillicothe, Ohio, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Rockford (Ill.) Central Labor Union, for a parcels-post law and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rockford (Ill.) Merchants and Business Men's Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. A. Crowden, publisher of the Fair Dealer, for removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of W. H. Knowles, of Ottawa, Ill., against anti-injunction bills—to the Committee on the Judiciary.

Also, petition of citizens of Sycamore, Ill., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of William H. Henkle, representing the Illinois Trust and Savings Bank, of Chicago, for H. R. 20311 and S. 6367, for refunding moneys collected under law of 1898—to the Committee on Ways and Means.

By Mr. GILLESPIE: Petition of Local Branch No. 82, United Brotherhood of Leather Workers on Horse Goods, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Providence Division, Brotherhood of Locomotive Engineers, urging passage of Rodenbergs anti-injunction bill—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of citizens of Hoboken, N. J.



urging establishment of a national bison range in Montana—to the Committee on Indian Affairs.

By Mr. HENRY of Texas: Petition of Federal Labor Union, No. 11953, for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of J. F. Moriarty and others, of Norwich, Conn., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Catherine E. Dohm—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petitions of James Greenwell, Andrew H. Martin, and James Heron, of Ogden, Utah, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HOWLAND: Petitions of Forest City Lodge, No. 10, Brotherhood of Locomotive Firemen and Engineers, and Brotherhood of Railway Trainmen, of Painesville, Ohio, for the Rodenberg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Builders' Exchange of Cleveland, Ohio, against any anti-injunction legislation—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: Petition of M. A. Walton and 103 others, of Cameron, W. Va., favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Carrie Duffy—to the Committee on Pensions.

By Mr. HUFF: Petition of Croft & Allen Company, of Philadelphia, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of citizens of Superior and Duluth, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petition of A. F. Specht, secretary of Lumbermen's Freight Rate Commission, for amendment of the interstate-commerce act whereby Commission may investigate advances in freight rates as to reasonableness before they become effective—to the Committee on Interstate and Foreign Commerce.

By Mr. LANING: Petition of Robert Holcomb and others, of Lagrange, Ohio, against extension of national nine-hour law—to the Committee on Interstate and Foreign Commerce.

Also, petition of William G. Saxton and other citizens of Grafton, Ohio, against extension of the national nine-hour law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Clyde Green and other citizens of the State of Ohio, for construction of one battle ship in a United States navy-yard—to the Committee on Naval Affairs.

Also, petition of James Welty and other citizens of Huron and Richland counties, Ohio, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Honecker and other citizens of Lorain County, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of Merchants' Association of York, Pa., favoring the appointment of a currency commission—to the Committee on Banking and Currency.

By Mr. LEE: Paper to accompany bill for relief of O. F. Prewitt, heir of Joel R. Prewitt—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of American Association of Masters, Mates, and Pilots of San Francisco, Cal., against H. R. 225 and S. 5787—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Petition of Local Union No. 840, United Mine Workers of America, of West Bay City, Mich., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. McDERMOTT: Petitions of Grain Elevator Employees' Union, J. W. Saper, W. E. Fuller, and A. E. De Groodt, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. McMILLAN: Petition of Local Union No. 84, of Wap-

plingers Falls, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of St. Clair Lodge, No. 241, Brotherhood of Railway Trainmen, of Port Huron Tunnel, Michigan, for the Rodenberg anti-injunction bill and Graff ash-pan bill (H. R. 17137 and H. R. 19795)—to the Committee on the Judiciary.

By Mr. MALBY: Petition of Minnesota State Association of Builders' Exchanges, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of citizens of Virginia, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Memphis, Tenn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of citizens of Santa Cruz, Cal., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of Copley Society of Boston, for legislation to conserve the natural resources of the country—to the Committee on Agriculture.

By Mr. PRAY: Petitions of Ed Johnson and other citizens of Anaconda, Mont., and District No. 70, Great Northern System, Order of Railway Telegraphers, of Logan, Mont., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PUJO: Paper to accompany bill for relief of Henry E. Hall—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Petition of citizens of Covington, Ky., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. RYAN: Petitions of—

F. C. Watkins, Division No. 659, Brotherhood of Locomotive Engineers;

H. Maloney, Division No. 533, Brotherhood of Locomotive Engineers;

W. J. Miner, Division No. 382, Brotherhood of Locomotive Engineers;

J. Rives, Division No. 328, Brotherhood of Locomotive Engineers;

W. F. Olewen, Division No. 421, Brotherhood of Locomotive Engineers; and

J. Gannah, Division No. 15, Brotherhood of Locomotive Engineers—

all of the city of Buffalo, favoring the Rodenberg anti-injunction bill and the Hemenway-Graff safety-ash-pan bill—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bills for relief of George M. Smith and George R. Belcher—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of Pennsylvania State Council, Knights of Columbus, for making October 12 a national holiday—to the Committee on Rules.

Also, petition of New Century Club, of Utica, N. Y., for concurrent resolution 28, deploring acts of violence on part of the Russian Government—to the Committee on Foreign Affairs.

By Mr. SHERWOOD: Petition of citizens of Toledo, Ohio, for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Tennessee, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. SMITH of California: Petition of U. J. Cooley and others, of Inyo County, Cal., for investigation of acts of reclamation and forestry department in matters affecting Owens River Valley, California—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Petition of Nathan B. Williams and others, urging passage of H. R. 12650, providing for a postal commission to revise the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of Credit Men, of New York City, favoring amendment to bankruptcy law as embodied in H. R. 13266—to the Committee on the Judiciary.

Also, petition of American Federation of Labor of Corpus Christi, Tex., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. SUIZER: Petition of New York Board of Trade and Transportation, for continuance of investigations of river and harbor resources of the United States—to the Committee on Rivers and Harbors.

Also, petition of United Harbor No. 1, American Association of Masters, Mates, and Pilots, for Senate joint resolution 40, relative to carrying all Government supplies in American bottoms—to the Committee on the Merchant Marine and Fisheries.

Also, petition of M. B. Steczynski, favoring Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of the Texas Company, for an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

Also, petition of Fort Wayne Clearing House, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of George Ward Cook, for the Currier-Lever bill—to the Committee on Agriculture.

Also, petition of citizens of New York, for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petition of Medical Society of County of New York, for a pension for widows of Dr. James W. Lazear and Dr. James Carroll—to the Committee on Pensions.

Also, petition of Kansas City Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Cigar Packers' Union, No. 251, of New York, for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

Also, petition of Levering & Garriques Company, against all anti-injunction legislation—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of State of New York in matter of claim for contingent expenses in war of 1812—to the Committee on Claims.

Also, petition of Memorial School of Technology, for H. R. 9230, to establish engineering experiment stations at land-grant colleges (H. R. 10457 and 6122)—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of City of Richmond, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. WANGER: Petition of Lumber City Lodge, No. 524, Brotherhood of Railway Trainmen, of Galeton, Pa., favoring action at this session on the Rodenberg anti-injunction bill and the Hemenway-Graff ash-pan bill—to the Committee on Interstate and Foreign Commerce.

## SENATE.

TUESDAY, May 19, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3153) to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

H. R. 15841. An act to amend section 4896 of the Revised Statutes;

H. R. 17703. An act amending section 4885 of the Revised Statutes; and

H. J. Res. 124. Joint resolution authorizing the presentation

of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

The message also announced that the House had passed a bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the Speaker of the House had appointed Mr. McGuire as a member of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, in the place of Mr. KNAPP, relieved.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 14382. An act to establish a United States court at Jackson, in the eastern district of Kentucky;

H. R. 20345. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909; and

S. R. 90. Joint resolution to amend an act authorizing the construction of bridges across navigable waters, and so forth.

### HOUSE BILL REFERRED.

H. R. 21946. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

### PETITIONS AND MEMORIALS.

Mr. DICK presented petitions of sundry labor organizations of Painesville and Cleveland, in the State of Ohio, praying for the passage of the so-called "Rodenberg anti-injunction bill" and for the enactment of legislation requiring railroad companies to equip their locomotives with automatic self-dumping and self-cleaning ash pans, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 338, Journeymen Barbers' International Union of America, of Chillicothe, Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Council of Women of Toledo, Ohio, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Council of Jewish Women of Marion, Ohio, praying for the enactment of legislation to establish public playgrounds in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Mansfield, Ohio, and a memorial of sundry citizens of Salem, Ohio, remonstrating against the enactment of legislation to extend the right of naturalization, which were referred to the Committee on Immigration.

He also presented a petition of the Epworth League of the Clark Street Methodist Episcopal Church, of Toledo, Ohio, praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry business firms of Cleveland, Toledo, Akron, and Bellaire, all in the State of Ohio, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GORE. I present petitions, in the nature of telegrams, from citizens of Halleyville and Chickasha, Okla., relative to the anti-injunction bill. I ask that the telegrams be printed in the Record and referred to the Committee on the Judiciary.

There being no objection, the telegrams were referred to the Committee on the Judiciary and ordered to be printed in the Record, as follows:

[Telegram.]

CHICKASHA, OKLA., May 19, 1908.

Hon. T. P. GORE, Washington, D. C.:

Division 523, B. of L. E., wish you urge the passage of bill H. R. 17137, also bills S. 6329 and H. R. 19795 at this session of Congress. Please present this to Congress as a memorial in behalf of the legislation.

H. A. DECKER.



[Telegram.]

HAILEYVILLE, OKLA., May 18, 1908.

T. P. GORE, Senator, Washington, D. C.:

We respectfully urge you to do all in your power to secure the passage of the Rodenberg anti-injunction bill and Hemenway-Graff ash-pan bill; also present our telegram to Congress as a memorial from the trainmen and firemen of Haileyville, Okla.

J. W. DUNCAN,  
Master, Brotherhood Railway Trainmen.

J. A. THOMAS,  
Master Fireman.

Mr. FRYE presented a petition of sundry citizens of Portland and Woodford, in the State of Maine, praying for the enactment of legislation providing for an investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented the petition of J. J. McCray, of the State of Maine, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens of Danville, Joliet, Chicago, Decatur, and Kewanee, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of Delaware Valley Lodge, No. 768, Brotherhood of Railway Trainmen, of East Stroudsburg, Pa., praying for the passage of the so-called "Rodenberg anti-injunction bill," and for the enactment of legislation requiring railroad companies to equip their locomotives with automatic self-dumping and self-cleaning ash pans, which was referred to the Committee on Interstate Commerce.

He also presented petitions of 22 citizens of Northumberland County; 23 citizens of Juniata County; 103 citizens of Bradford County; 47 citizens of Indiana and Westmoreland counties; 100 citizens of Lycoming County; 21 citizens of Montgomery County; 44 citizens of Susquehanna County; 18 citizens of Tioga County; 79 citizens of York County; 63 citizens of Dauphin County; 75 citizens of Chester County, and 37 citizens of Potter County, all of the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

Mr. HEYBURN presented a memorial of Federal Labor Union No. 12576, American Federation of Labor, of Wallace, Idaho, remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of sundry citizens and labor organizations of Berlin, Keene, and Concord, all in the State of New Hampshire, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Subdivision No. 33, Brotherhood of Locomotive Engineers, of Concord, N. H., praying for the enactment of legislation requiring railroad companies to equip their locomotives with automatic self-cleaning and self-dumping ash pans, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Petworth Citizens' Association, of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Central Federated Union, American Federation of Labor, of New York City, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at a Government navy-yard, which was ordered to lie on the table.

Mr. KEAN presented petitions of sundry labor organizations of Jersey City and Carlton Hill, in the State of New Jersey, of Columbus, Ohio, and of Easton, Pa., praying for the passage of the so-called "Rodenberg anti-injunction bill," which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Home Missionary Society of the Wesley Methodist Episcopal Church, of Paterson, N. J., and a petition of the Woman's Home Missionary Society of the St. James Methodist Episcopal Church, of Elizabeth, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Current Events Club of Moorestown, N. J., and a petition of the Woman's Club of Jersey City, N. J., praying for the enactment of legislation pro-

viding for the investigation and the development of the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Clinton Hill Improvement Association, of Newark, N. J., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DEPEW presented a petition of Local Union No. 139, International Brotherhood of Electrical Workers, of Elmira, N. Y., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Collar and Shirt Manufacturers' Association of Troy, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. FLINT presented petitions of sundry citizens and labor organizations of San Francisco, Sacramento, Riverside, Los Angeles, Stockton, Oakland, Pasadena, and San Jose, all in the State of California, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of Local Union No. 266, Journeymen Tailors' Union, of Oakland, Cal., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of sundry citizens of Blaine, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of sundry citizens of Hoisington, Kans., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Kansas Pharmaceutical Association, of Overbrook, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented petitions of sundry citizens of Blaine and Ravensdale, and of Local Union No. 2610, United Mine Workers of America, of Ravensdale, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

## THE BOTANIC GARDEN.

Mr. DICK. I present certain papers, being estimates of the expenditures on the Botanic Garden from 1850 to 1878 and from 1879 to 1907, together with certain addenda. I move that they be printed as a document.

The motion was agreed to.

## WASHINGTON MARKET COMPANY.

Mr. DICK. I present certain papers relative to the Washington Market Company and the removal of that market to the south of Maryland avenue and B street SW., between Third and Four and one-half streets SW., in the city of Washington. I move that they be printed as a document, together with the illustrations and maps.

The motion was agreed to.

## REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on Immigration, to whom was referred the bill (H. R. 21052) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," reported it with amendments and submitted a report (No. 675) thereon.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate \$1,875 to pay JOHN H. BANKHEAD for his services as a member of the Inland Waterways Commission when not a Member of Congress, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. GALLINGER, from the Committee on Commerce, reported an amendment relative to the proposed modification of the approved project for the improvement of Newport Harbor, Rhode Island, intended to be proposed by Mr. WETMORE to the

so-called "administrative river and harbor bill," and moved that it be printed and, with the accompanying paper, lie on the table, which was agreed to.

MESSANGER TO COMMITTEE ON EXPENDITURES IN DEPARTMENT OF STATE.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by myself April 24, 1908, to report it favorably without amendment, and I ask for its present consideration. The resolution is made necessary by the passage of the legislative, executive, and judicial appropriation bill.

The resolution was considered by unanimous consent and agreed to, as follows:

*Resolved*, That from and after the 30th day of June, 1908, the position of messenger to the Committee on Organization, Conduct, and Expenditures of the Executive Departments, provided for by resolution of January 31, 1902, be, and the same is hereby, abolished, and in lieu thereof the Committee on Expenditures in the Department of State be, and it is hereby, authorized to employ a messenger at an annual salary of \$1,440, to be paid from the contingent fund of the Senate until otherwise provided for by law.

EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HEMENWAY April 29, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on the University of the United States be, and the same is hereby, authorized to continue during vacation and for the remainder of the Sixtieth Congress the services of a stenographer, authorized by Senate resolution No. 59, to be paid from the contingent fund of the Senate, at the rate of \$1,000 per annum.

ASSISTANT TREASURER AT ST. LOUIS.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (S. 3956) authorizing a credit in certain accounts of the Treasurer of the United States, to report it favorably with an amendment, and I submit a report (No. 674) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 4, page 2, after the word "appropriated," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury and the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of \$61,500, now carried in the accounts of the office of the assistant treasurer of the United States at St. Louis, Mo., and in the general account of the Treasurer of the United States as unavailable funds, and representing a loss incurred in said office without default or negligence on the part of the assistant treasurer at St. Louis, said sum being the total amount carried in the statement of the Treasurer of the United States in his annual report for the year 1907 as unavailable funds, office of assistant treasurer at St. Louis. And for this purpose the said sum of \$61,500 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, to report it with amendments, and I submit a report (No. 678) thereon. I ask that in the print of the bill the amendments be numbered.

I wish to make a brief statement to the Senate in regard to the bill, which I hope to be able to call up to-morrow. It will carry a large amount, possibly \$32,000,000 or \$33,000,000. As the House transmitted the bill to the Senate it carried something like \$24,000,000, but, unfortunately for the Senate, perhaps, the House had not included in their estimates and recommendations any public buildings of a public character for the Government, leaving the Senate to take care of large amounts, if taken care of at all.

Senators in the amounts they have asked for were very reasonable and their requests were of a very limited number. I think Senators should be congratulated on their conservative requests for their particular States.

I hope when the bill comes before the Senate the Senate will support the committee in making provision for at least

one or two public buildings for the use of the Government here in the city of Washington.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I present the conference report on the agricultural appropriation bill. As I am not submitting any written statement with it, I will simply say that as the bill passed the Senate it carried \$12,152,406, the bill having passed the House carrying \$11,508,806, the increase in the Senate being \$643,600. The decrease in conference amounts to \$480,300, so that the increase over the amount as passed by the House is \$163,300.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 16, 21, 40, 43, 44, 53, 79.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 11, 12, 13, 14, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 36, 37, 41, 42, 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "four thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and thirty-two thousand nine hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "eight hundred and fifty-two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million six hundred and sixty-two thousand two hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million three hundred and forty-one thousand six hundred and seventy-six dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "six hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "three million eight hundred and ninety-six thousand two hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "seven hundred and sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "eight hundred and twenty-six thousand seven hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-



ment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and thirty-nine thousand seven hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and seventy-nine thousand seven hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "eleven million six hundred and seventy-two thousand one hundred and six dollars;" and the Senate agree to the same.

F. E. WARREN,  
JONATHAN P. DOLLIVER,  
H. D. MONEY,

*Managers on the part of the Senate.*

CHARLES F. SCOTT,  
GILBERT N. HAUGEN,  
JOHN LAMB,

*Managers on the part of the House.*

The report was agreed to.

REAR-ADMIRAL C. H. DAVIS.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 7006) granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups, tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments, to report it favorably without amendment, and I submit a report (No. 676) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BRIDGES IN ALASKA.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7111) for the relief of the Alaska Terminal and Navigation Company, to report it favorably, with amendments, and I submit a report (No. 677) thereon. I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment was, in section 1, page 1, line 7, before the word "of," to strike out "Territory" and insert "District," and in line 15, after the word "land," to strike out the words "such bridges to be approved by the Secretary of War," so as to make the section read:

That the Alaska Terminal and Navigation Company, a corporation organized and existing under the laws of the State of Washington, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate four bridges and their approaches thereto in the District of Alaska, located as follows: First, from the north end of Kanak Island to the mainland at or near Strawberry Point, on Controller Bay; second, from the east side of Kanak Island to the mainland on the west side of Controller Bay; third, across Bering Lake at or near the mouth of Bering River, and, fourth, across the Katalla River at or near its mouth connecting the town of Katalla with the east mainland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was to strike out section 2 in the following words:

SEC. 2. That the said company shall have the right to locate its right of way along the navigable waters of Alaska, and as near thereto as may be necessary for the safe, economical, and efficient construction and operation of its line of railway, any restriction, condition, reservation, or easement provided in, by, or under any act of Congress to the contrary notwithstanding.

The amendment was agreed to.

The next amendment was to strike out section 3 in the following words:

SEC. 3. That said company shall be exempt from license tax on its railroad and terminals during the period of construction: *Provided*, That the total period of exemption shall not exceed five years from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported to amend the title so as to read: "A bill to authorize the construction of four bridges across navigable waters in the Territory of Alaska."

Mr. KEAN. It ought to read: "district of Alaska."

The VICE-PRESIDENT. Without objection, the title will be so amended and the title as amended will be agree to.

#### INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 21899) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States, to report it favorably with an amendment, striking out all after the enacting clause and inserting Senate bill 7112, covering the same subject-matter. I ask unanimous consent for the consideration of the substitute bill.

Mr. BACON. I suggest to the Senator that this is an important measure and it had better be printed. I presume there will be no obstructive movement on the part of anyone, but I want to look into the measure.

Mr. HOPKINS. We can not hear what the Senator says.

Mr. BACON. It can not be now discussed, as the Senator from Tennessee [Mr. TAYLOR] has given notice that he will speak this morning.

Mr. NEWLANDS. I wish to say that time is of the utmost importance in the consideration of this measure. The amendment to House bill 21899, in the nature of a substitute, is embraced in Senate bill 7112, which has been previously reported to this body and is on the Calendar. So, by the inspection of those two bills it will be entirely possible for the Senate to understand the bill which passed the House; also the bill which the Committee on Commerce proposes to substitute for the House bill. I am exceedingly anxious that this matter should be considered as soon as possible, as it will have to go to conference and time will be required for its disposal.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BACON. It is impossible to know the contents of the measure until it has been printed. Consequently I can not consent to its consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GALLINGER. I suggest to the Senator from Nevada that as he has substituted the House bill and it is now on the Calendar, he should ask unanimous consent that the Senate bill be indefinitely postponed, so that the two bills will not remain on the Calendar.

Mr. NEWLANDS. I will speak to the Senator later on regarding the matter.

Mr. GALLINGER. All right.

#### DONATION OF ORDNANCE.

Mr. WARREN. I report back favorably with amendments from the Committee on Military Affairs the bill (H. R. 21410) granting condemned ordnance to certain institutions, and I submit a report (No. 673) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment was to add as section 13 the following:

SEC. 13. That the various cannon and other articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance.

The amendment was agreed to.

The next amendment was to add as section 14 the following:

SEC. 14. That the Chief of Ordnance is hereby authorized to sell without advertisement to patriotic organizations for military purposes surplus obsolete small arms and their equipments and ammunition at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this act.

The amendment was agreed to.

Mr. HOPKINS. I ask the Senator if the Rock Island proposition is incorporated in the bill?

Mr. WARREN. That is in the bill and also a provision for the Elgin (Ill.) Academy. Nothing is stricken out that the House put in. The Senator can examine the bill at the desk.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. I ask that the report of the committee be printed in the Record.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 21410) granting condemned ordnance to certain institutions, reports the same to the Senate favorably and recommends that it be passed, amended as follows:

After line 3 on page 6 add the following:

"SEC. 13. That the various cannon and other articles of ordnance properly furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance.

"SEC. 14. That the Chief of Ordnance is hereby authorized to sell, without advertisement, to patriotic organizations, for military purposes, surplus obsolete small arms and their equipments and ammunition, at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this act."

The legislation granting condemned cannon referred to in sections 1, 2, 3, 4, and 5 of the within bill has heretofore been remarked upon by the War Department, as will be seen in the various House reports upon the individual cases contained in this omnibus ordnance bill. That referred to in sections 6 and 7 has not been reported upon. The same statement can be made in regard to all of the sections, however, that the guns called for are on hand in the War Department, are obsolete, and are useful to the Department only as old material, for which their value is about 12 cents per pound. The bronze guns on hand are of three general classes, namely, 12-pounder heavy, 12-pounder light, and 6-pounder, weighing, respectively, about 1,750 pounds, about 1,200 pounds, and about 880 pounds each. In some cases the sections of the bill call for guns of a particular class, in others they do not; if the lightest gun should be given in all of the cases in which the class is not specified, the total weight of those called for by the bill would be about 21,000 pounds, corresponding to a value of about \$2,520; if light 12-pounders should be given in all such unspecified cases, the total weight would be about 36,000 pounds, corresponding to a value of about \$4,320. The guns have no special historical value, and their donation is merely a question of giving away material of the money value mentioned.

The Department has also remarked upon the legislation contained in section 9, and upon the principle of that contained in section 12, to the following effect: At the low prices secured for these obsolete arms and equipments, it would, in the opinion of the Department, be more advantageous for the Government in its general policy of encouragement of military instruction and drill of youth to issue the arms to institutions other than those mentioned in the laws now authorizing such issues than to sell these arms, equipments, etc., provided that these institutions could be regularly inspected by Army officers, as are the institutions to which such issues may now be lawfully made, in order to insure that the Government is obtaining a proper return for the use of the property. In view, however, of the present lack of officers available for the purpose, such inspections would probably not be practicable.

The Department has not remarked upon legislation such as that contained in sections 8, 10, and 11. The organizations mentioned in these sections probably desire the guns for parade purposes, and there are a large number of such organizations in the country who would probably desire similar donations to such an extent as to make a drain of which it would be difficult to estimate the magnitude upon the supply of obsolete guns which the Government now either sells for a considerable aggregate amount or issues to institutions of certain classes. The Department now sells obsolete Springfield rifles with bayonets at as low a price as \$2 for each rifle, and sells gun slings and cartridge belts for 20 cents each. In consideration of the easy possibility of thus obtaining these arms, and of the great demand for them which would probably result if the practice were inaugurated of donating them to organizations whose use of them would not be such as to promote military training of the youth of the country, neither the Department nor your committee favors legislation making such donations, which, although unimportant in the few cases within mentioned, would, as instances of a policy, deprive the Government of a source of considerable income. Hence the amendment proposed by section 14 of the bill as reported.

#### BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7171) to provide for participation by the United States in certain industrial expositions of products and manufactures of the United States exclusively, to be held in the principal cities of South America, which was read twice by its title and, with the accompanying papers, referred to the Select Committee on Industrial Expositions.

Mr. PILES introduced a bill (S. 7172) concerning the transportation of passengers coastwise, which was read twice by its title and referred to the Committee on Commerce.

Mr. LODGE introduced a bill (S. 7173) granting an increase of pension to Frederic Stanhope Hill, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 7174) for the relief of A. R. Williams, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7175) granting an increase of pension to Lewis Thomas; and

A bill (S. 7176) granting an increase of pension to William Kent.

Mr. OWEN introduced a bill (S. 7177) for the relief of F. Edwena Willis, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7178) granting certain land to the State of Oklahoma, which was read twice by its title and referred to the Committee on Public Lands.

Mr. FORAKER introduced the following bills, which were

severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7179) granting a pension to Edward G. Danforth;

A bill (S. 7180) granting an increase of pension to Henry Dean; and

A bill (S. 7181) granting an increase of pension to Matthew M. Smith.

Mr. MARTIN introduced a bill (S. 7182) for the relief of Davis & Roper & Co., which was read twice by its title and referred to the Committee on Claims.

Mr. NEWLANDS introduced a bill (S. 7183) for the appointment of a national commission for the conservation of natural resources, and defining its duties, which was read twice by its title.

The VICE-PRESIDENT. To what committee does the Senator from Nevada desire to have the bill referred?

Mr. NEWLANDS. Let it lie on the table for the present. The VICE-PRESIDENT. The bill will lie on the table.

#### AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to appropriate \$1,000 to pay De B. Randolph Keim for compiling, preparing, and indexing an account of the proceedings attending the laying of the corner stone, completion, and occupation of the Office Building of the House of Representatives, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate \$2,500 to pay William Tyler Page for compiling, indexing, and preparing for publication all labor legislation by Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate \$13,663.51 to pay certain persons named in Senate Document No. 401, first session Fifty-ninth Congress, for their services as postmasters at certain places in Colorado, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate \$21,395.95 to reimburse the State of Texas in full settlement of all claims of any nature whatever on account of moneys actually expended by that State after June 20, 1860, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment relative to the settlement of the claim of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children against the District of Columbia, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$26,950 to close the account of the Doremus Machine Company for cancelling machines furnished during the fiscal year 1903, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment providing that hereafter the salary of the appraiser of merchandise at the port of Boston shall be at the rate of \$5,000 per annum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment to enable the Secretary of the Senate to pay for extra services rendered in transferring, rearranging, remarking, cleaning, and refilling the papers of the Senate, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

#### PATENTS TO PURCHASERS OF INDIAN LANDS.

Mr. FULTON submitted an amendment intended to be proposed by him to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, which was referred to the Committee on Indian Affairs and ordered to be printed.

JAMES H. OWEN.

On motion of Mr. CLAPP, it was

Ordered, That the papers referred to the Committee on Indian Affairs in connection with a proposed amendment to the Indian appropriation bill for the relief of James H. Owen be rereferred to the Committee on Appropriations.



## CLAIMS OF TONKAWA INDIANS.

Mr. OWEN submitted the following resolution, which was read:

*Resolved*, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the claims of the Tonkawa Indians of Oklahoma as set forth in their memorial to Congress, printed in Senate Document No. 206, Sixtieth Congress, first session, and to report thereon to the Senate at the beginning of the next session thereof.

Mr. OWEN. I ask for the present consideration of the resolution.

Mr. CULBERSON. I do not object to the present consideration of the resolution, but after this I shall object to the consideration of such matters, in view of the notice given by the Senator from Tennessee [Mr. TAYLOR].

The resolution was considered by unanimous consent and agreed to.

## LANDS FOR IDAHO.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, which was to strike out all after the resolving clause and insert:

That an additional 1,000,000 acres of arid lands within the State of Idaho be made available and subject to the terms of section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and by amendments thereto, and that the State of Idaho be allowed, under the provisions of said acts, said additional area, or so much thereof as may be necessary for the purposes and under the provisions of said acts.

Mr. HEYBURN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## SUPPORTS OF ENTRY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3153) to make Monterey and Port Harford, in the State of California, supports of entry, and for other purposes.

The amendments of the House were, on page 2, to strike out all of section 2.

On page 2, line 7, to strike out "any support" and insert "either of said supports."

To change section 3 to section 2.

To change section 4 to section 3.

On page 2, after line 17, to insert:

Sec. 4. That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Port Arthur, in the State of Texas.

Sec. 5. That Petoskey, in the State of Michigan, is hereby made a support of entry in the district of Grand Rapids, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said support with authority to enter and clear vessels, receive merchandise shipped in bond, collect duties and make delivery of same, receive duties, fees, and other moneys, and perform such other service as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow.

Sec. 6. That the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the support of Petoskey, in the State of Michigan.

Sec. 7. That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the support of St. Vincent, in the State of Minnesota.

Mr. PERKINS. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

## PROPOSED FINANCIAL LEGISLATION.

Mr. TAYLOR. I ask that Senate resolution No. 184 be laid before the Senate.

The VICE-PRESIDENT. The Senator from Tennessee asks for the present consideration of a resolution, which will be read.

The Secretary read the resolution submitted by Mr. NEWLANDS on the 15th instant, as follows:

*Resolved*, That the Finance Committee be instructed to report amendments to House bill No. 21871, as follows:

First. An amendment providing that three-fourths of the reserves in reserve city and country banks shall be kept in their vaults, the change to be made gradually within a period of five years under the direction of the Comptroller of the Currency.

Second. An amendment providing that no bank shall make loans of its depositors' money to an amount exceeding five times its capital and surplus, the change to be made gradually within a period of five years under the direction of the Comptroller of the Currency.

Third. An amendment permitting State commercial banks to become members of national clearing-house associations, provided they submit to the regulations of the national-bank act regarding their capital and reserves and subject themselves to examination under the national-bank act.

Fourth. An amendment providing a method by which clearing-house associations may avail themselves, under the direction of the Secretary

of the Treasury, of the use of additional silver as a limited legal tender for debts not exceeding \$50, with a view to substituting such silver or the certificates representing it for full legal-tender money, gold or United States notes, now in circulation and outside of bank reserves, in order to increase the amount of gold and full legal-tender notes in such reserves as a basis for bank credits; the amendment to limit the amount of such issue of silver.

Fifth. An amendment providing that the presidents of the clearing-house associations shall meet annually in Washington and shall select nine commissioners, one from each of the judicial circuits of the United States, who shall represent them at Washington as members of a banking commission, of which the Secretary of the Treasury and the Comptroller of the Currency shall be, respectively, the chairman and secretary; the duties of the commission to be advisory to the President, to the Secretary of the Treasury, and to Congress; and such commission to be charged with the duty of considering and recommending changes in the banking act and methods for promoting and improving interstate and international exchange.

The VICE-PRESIDENT. Is there objection? The Chair hears none and the resolution is before the Senate.

Mr. TAYLOR. Mr. President, I have been patiently obedient to that unwritten law in this august body which imposes silence upon new Senators until their seniors have exhausted all subjects of public concern, and I find myself to-day remitted to the crumbs that have fallen from the table, without much hope that what I shall say will disturb the serenity of the party in power any more than the appeals of Lazarus disturbed the banquet of Dives.

Nevertheless, it is my purpose to make some comparisons and to draw some conclusions, not only with reference to the shaky financial policy of that party, but to the alarming conditions which have grown out of their tariff system, as a warning to my friends on the other side of this Chamber to beware of the fate of Dives.

I do not think, Mr. President, that there could be a better time for Senators to pause and contemplate the sowing and the reaping of the party in power than in the dying hours of a Congress which has appropriated a billion dollars in a single session to pay the expenses of once a democratic, but now an imperial, Republic.

I have not prepared an elaborate discussion of the tariff or the financial question or any other question, but shall fire a single scattering shot on the state of the Union.

We are told by the scientists that the two great forces which control our planetary system are the centrifugal force, which is the tendency of the planets to leave their orbits and fly away from the sun, and the centripetal force, which is the tendency of the sun to draw the planets to its bosom.

And so perfectly are these two forces balanced that they hold our entire system in exact equilibrium.

If the centrifugal force should overcome the centripetal, the planets would fly off at a tangent from the sun and the system would be broken up and destroyed.

On the other hand, if the centripetal force should overcome the centrifugal, the planets would be drawn into the bosom of the sun and the system would be blotted from the heavens.

Mr. President, are not the laws which govern the planetary system a beautiful illustration of the fundamental principles which underlie our Government?

And are not these very principles laid down in our written Constitution, which establishes the equilibrium of power between the States and the National Government, so that the States are intended to revolve about a common Federal center, held in their true orbits by the two mighty reciprocal forces of State sovereignty and Federal supremacy?

It was the dream of Jefferson and our fathers that the perfect equipoise of these two forces of the Republic should be maintained undisturbed, and that our free institutions might thus be handed down to coming generations. But early in the life of the Republic there was developed a strong tendency of the centrifugal force to overcome the centripetal force, and in the war of 1861-1865 the Southern States undertook to leave their orbits and break up the system. But the centripetal force triumphed in that memorable struggle which put Yankee Doodle on the pension list and Dixie on crutches, and instead of restoring the equilibrium the sun has been drawing the planets to its bosom ever since.

Mr. President, the system is as surely out of balance to-day as it was in 1861. And what is the difference to us, whether we leave our orbit and go cavorting among the stars to freeze to death on the outskirts of creation, or whether we are drawn the other way to be converted into fuel for the sun?

What is the difference whether we go the secession route or the centralization route? They both mean the destruction of the system.

I do not pretend to be a great constitutional lawyer, but if that instrument means anything at all, it is that all power not expressly conferred upon the Federal Government is reserved to the States.

But, Mr. President, in these imperial days, when concentrated wealth is intrenched under the Dome of the Capitol and centralized power is enthroned in the White House, what can be expected but the gradual encroachment of the Federal Government upon the reserved rights of the States? How can the equilibrium be preserved under the reign of a big stick and a bag of gold?

Are not concentrated wealth and centralized power dictating the policies of the Government and controlling the legislation of Congress?

The venerable Senator from Colorado [Mr. TELLER], whom I have learned to reverence and love since I entered the Senate, and whom I honored and respected even before I knew him, struck the keynote in a speech delivered not long ago in this body, in which he said:

There is no time in our history, not even at the close of our great war, when the relations between the States and the General Government were so critical and so dangerous as they are to-day.

My reading of history leads me to believe that encroachments of power have always come insidiously. They have rarely come openly. You may keep State lines, you may have a distinction between the sections of the country, but when you disregard the rights of those States and commence to legislate for them, you will not be a very great way from a disruption of this Republic and the breaking up of it into several republics or something worse.

This grand old man is a prophet. The dews of life's evening are condensing on his brow, and the shadows of the long, long night are falling around him, but with a heart full of devotion to his country he stands here in our midst in his declining years to plead for the preservation of the Union inaugurated by our fathers, and to protest against the ever-increasing tendency to disrupt it by the wholesale disregard of the rights of the States guaranteed by the Constitution.

Mr. President, "The Man on Horseback" is again silhouetted against the horizon at the other end of the Avenue. General Grant, as ominous as he seemed, never dreamed of the power that is now assumed. The danger of it all lies in the complacency of the people. What a far cry it is from the splendid popularity of Grant to the ever-increasing assumptions of rulers who now hold the reins of power!

Andrew Johnson was impeached for alleged usurpations which to-day would be accounted conservative. When history is fairly written it will record the living truth that he was struggling to carry out Lincoln's policies and he will stand out as one of the greatest Presidents this country ever had.

I listened the other day with vivid interest to the portentous speech of the Senator from Maryland [Mr. RAYNER], pregnant with monitory wisdom and warning, as he pointed out the slow and easy gradations by which governmental power is being centralized and how the people, yielding a little here and a little there, grow careless, and encroachment takes courage for further aggression.

Sir, the army of centralization is even now just moving in to occupy position in the "Twilight Zone," and its videttes are watching the passes that lead toward the States, ready to seize and occupy advanced position. The States are mere twinkling stars in this "Twilight Zone," and their ineffectual fires are paling gradually as the light breaks over the mountain top from the central luminary at Washington.

We have had added recently to that other judicial monstrosity, "government by injunction," a new mendacity, to be called "government by interpretation," and where, do you imagine, a better place could be found to incubate that monstrous idea than in the land of ceaseless revolutions and dictators?

The new doctrine is enunciated by no less a personage than the Secretary of State, who, after traversing the countries where constitutions are not held in much regard, imbibed the new idea and came back to declare that if the States shall longer fail or refuse to exercise their reserved powers, means would be found to interpret into the Constitution the power of the Federal Government to exercise them.

To my mind, the most dangerous heresy that has ever threatened free government is that very modern notion that interpretation can take the place of formal amendment.

Even our Secretary of State, the high priest in the temple of liberty, has given voice to a false doctrine that holds in it the seeds of disintegration in declaring that the Constitution must be interpreted to fit conditions instead of conditions being forced to conform to the Constitution. Such doctrine is downright apostasy from the faith delivered to us by the fathers.

We can not afford to cut loose from the safe moorings of the Constitution and drift with the tide of ever-varying change.

We have a safe and sure standard in it, and it is far better to endure its limitations, even when they entail inconvenience, than to break down the old safeguards.

I denounce the doctrine that the Constitution can be stretched

as worse than heresy, for it borders upon treason itself and forbodes the downfall of the Republic.

Sir, I know it is not popular here to talk about either State rights or the Constitution, for the ideas of Jefferson have been eclipsed by the ideals of Hamilton, and Federalism is in power. A new system has been built upon the ashes of the old, and tariff is its patron saint. Protection is the shibboleth of Federalism, and Federalism is the arch enemy of democratic government. It is the motive power behind the legislation of Congress; it is the inspiration of all the dreams of the President, even while he wins the plaudits of the people by proclaiming the beauty of democratic policies.

But, sir, I can not understand the consistency of battling for the perpetuation of a tariff system which has created the stupendous problems that dance like the wild terror of the storm on the horizon of our future and then regaling Congress with lurid messages denouncing the storm.

I can not understand the consistency of clubbing the trust over the head and at the same time fighting for tariff, the mother of the trust.

I would not reflect upon the Chief Executive of the nation. On the contrary, I would praise him for the noble things he has done during his incumbency, chief of which was turning on the light and revealing the enormity of the crimes his party has committed.

I honor him for the reforms he has demanded, because they are Democratic reforms, and the few that have been enacted into laws are Democratic laws as well as the lashings he has given his party leaders for failing to enact them.

The interstate-commerce law, controlling the railroads of the country, is a Democratic policy. The great Isthmian Canal was thought out and pressed for years by a grand old Democratic Senator from Alabama. But our peerless President reached the limit when he seized all the best reform planks of all the Democratic platforms of the past and planted himself squarely upon them.

Was there ever a grander spectacle of coup d'état than this in the history of American politics?

The question for you on the other side of this Chamber to settle is, Are you going to put his reform policies in your platform at Chicago? If you are, why don't you indorse Bryan and be done with it? If you are not, you will repudiate your President.

He demanded the reform of the tariff system in the beginning of his Administration, but of late he has contented himself with storming the citadels of wealth created by the tariff.

He has not laid the ax at the root of the tree, but has only thundered at the rich ripe fruit that hangs upon its boughs.

Mr. President, the great leading spirits of the Democracy, and their followers as well, have earnestly and persistently protested against the present high protective system through all the passing years, because it is indirect taxation of the people—the most insidious and destructive form of taxation ever conceived by the brain of man.

They have protested against it because they saw with prophetic vision the awful results which would follow—an endless war between capital and labor and the concentration of all wealth in the centers. And not only these, but the centralization of power at the National Capital, stripping the States of the power they once enjoyed under the Constitution—the power to govern themselves.

The tariff system has done it all, and more. It has driven American sails from the high seas and given our carrying trade to the ships of other nations.

It has delivered American consumers over to the mercy of American manufacturers, and the American manufacturers have lost no time in consuming the consumers; it has shifted the great bulk of our wealth into the hands of a few men under the forms of law, and given them the power to control the legislation not only of States, but of the Federal Government.

It is the strong right arm of Federalism upon which lean the great monopolies of industry and trade which have been exacting tribute money for more than forty years from the millions who toil in the fields and at the workbench and in the shop for their daily bread, and which have been draining the whole country of its substance in the name of liberty and free Government. We have fretted the continent with 200,000 miles of railroads, but they have been consolidated and conjured into the hands of a few representatives of aggregated wealth, who fix all the rates of transportation and therefore the prices of all the wheat and corn and cotton and coal and iron and horses and mules and cattle and all the output of industry between the two great oceans that divide the world. Is this not the concentration of wealth and the centralization of power?



But the railroads are only one string in the harp of a thousand strings upon which our modern Orpheus is playing the triumphal march of centralization. We hear a note from the metallic string of the steel trust, and a long, sweet strain from the sugar trust, and a bellowing note from the beef trust, and the dingdong of the copper trust, and the ping pong of the leather trust, and the sing-song of a thousand other trusts, all of which are the legitimate results of an abnormal tariff system. They are compelling the small industries of the country to sell out to them or be crushed in the coils of the serpent.

They are sweeping out every vestige of competition in every department of manufacture and trade, which is the only safeguard of the people.

No wonder we hear the burning appeals for reform in the messages of the President. No wonder we hear the mutterings of a long-suffering people.

Mr. President, the tariff will never be reformed by a Republican Administration. It is true that all the Republican candidates for the Presidency are falling over each other in their effort to regale the American people with the most plausible promises of tariff revision, but none of them promise tariff reform.

I have heard the brilliant young Senator from Indiana [Mr. BEVERIDGE] make the Senate ring with arguments in favor of tariff revision.

And, sir, no less a personage than our splendid Vice-President, who has presided over this body with such eminent ability and with such fairness and impartiality to all, has reenforced the Senator from Indiana with this declaration in a recently published letter:

There is one potential fact which must not be obscured, and it is this: Revision must be along protection lines. Furthermore, revision must be made by those who are firm in the protection faith.

I am sure our Vice-President is sincere, but the substance of this declaration has been made on the eve of every political campaign for the last quarter of a century.

But when the election is over it is good-bye reform, farewell sweet revision—fa, ta—till the next campaign. [Laughter.]

If the object is to lower the tariff schedules, why have not the mighty men who control legislation in Congress rolled up their sleeves and gone to work to accomplish the fulfillment of their oft-repeated pledges to the country?

Why was not the work begun four years ago, or two years ago, or in this session? Why demand a tariff commission now? Why have they not called in their chief priests and scribes and scaled the tariff to a reasonable basis?

But, Mr. President, they have never yet informed us whether they intend to revise it up or revise it down. The probability is it will be skyward, for the story has been told that when pressed for a specific statement on that subject the distinguished chairman of the Ways and Means Committee of the lower House, a leader of immense will power and with the ability to enforce his ideas, looked toward heaven and exclaimed:

The Republican party will revise the tariff up or down, as it pleases.

The Hon. CHAMP CLARK is authority for the statement that another latter-day revisionist has solved that lately invented puzzle called "maximums and minimums" by the declaration that his party will make the Dingley schedules the minimum and the blue vault of heaven the maximum. Who that knows the history of legislation upon the tariff can doubt that there may come a time in the dim and distant future when, if they survive the present Administration, they will give us an ethereal tariff commission? But what will it do? Is the servant greater than his master? Will it not follow in the footsteps of all the saints who have gone before and recommend a continuation of the balloon policy?

Who ever heard of a Republican reforming a trust, or of a high protectionist reforming the tariff?

Satan would have been delighted with the plan of salvation if he had been allowed to write it, but there would have been but little hope for poor fallen man if the terms of salvation had been dictated by that old black Republican of the nether world. [Laughter.]

Go back and read the history of broken promises and see how the friends of tariff have reformed it.

In the national platform of 1884 you will find these words: The Republican party pledges itself to revise the inequalities of the tariff and reduce the surplus.

In its platform of 1888 we find it denouncing the effort of a Democratic Congress to cut down the tariff.

In 1892 the balloon comes down again, and the platform declares that—

There should be duties levied, equal to the difference between wages abroad and at home.

At the beginning of its reign it was the wet nurse of our infant industries, but when the infants grew up and half whiskers [laughter], it shifted the shibboleth to "protection to American industry and American labor." And now it shouts on the eve of another campaign: "If we can only save the red-headed man, we will revise him."

In that same platform of 1892 it points with pride to "the success of the Republican policy of reciprocity."

In the name of Heaven, what success, and what reciprocity? Why sir, James G. Blaine wore his great life away in the vain endeavor to persuade his party into the policy of reciprocity, and James G. Blaine failed and died.

The Dingley tariff bill piled up the duties like Ossas on Pelions and then added an all-round addition of 20 per cent more for a margin to trade upon, and then when the lamented McKinley negotiated the treaties, our modern tariff revisionists repudiated them, and they lie to-day in Republican pigeonholes, sleeping the sleep that knows no waking.

In 1896 the high-tariff balloon was about to get caught on a silver snag and the Republican party threw out more ballast and more promises of revision.

In 1900 a new shibboleth was found in a gambling hell, and they named it "stand pat," and a new glory fell prone upon their faces at Chicago, and the protected industries opened their money bags and Wall street shouted hallelujah, and it was like the voice of many waters. But they were not unmindful of the great republican agricultural States of the Middle West and they threw out more ballast and more promises of revision.

And thus they rise in every campaign toward the blue vault, loaded with sand to throw into the eyes of the American people. Four years ago Mr. Secretary Root was admitting the necessity of a revision of the tariff before the Home Market Club. A Presidential race was coming on, and the people must be blinded with sand. The Secretary said:

The political party which believes in protection should do the revising. That party can be trusted to do it in due time.

How long is "due time" from a high-protection standpoint? Perhaps if Methuselah were living he might solve the riddle. The great Secretary continued:

It should be done when Congress is as free as possible from the distractions and temptations of an active Presidential campaign.

And still the old balloon descends to the minimum in every campaign and rises to the blue cerulean after every election.

What kind of a law is this, Mr. President, that requires apologies and promises of revision and rectification at every election?

A distinguished Member of the lower House of Congress from the State of Maine [Mr. LITTLEFIELD], every inch a man except in politics, said, in an outburst of enthusiasm, not long ago:

There never will be another tariff law that will treat the industries of New England with the consideration they enjoy to-day.

He reflected the true sentiments of his people, for who ever imagines that New England, smart as she is, owning the earth as she does, and reaching out after the moon and stars—who ever imagines that her people will ever permit a revision of the tariff schedules without a death struggle ought to have his head bored for bugs and be relegated to the asylum. [Laughter.] No, sir; rather than permit that, New England will stand pat on two deuces for a thousand years. [Laughter.] Ah, there is the shibboleth again: "Stand pat." What does "stand pat" mean? Boiled down to its final sediment, it means purely and simply that the party now in power is determined to cling to the present system of high protective tariff without lowering a single schedule till the end of time.

But not so with the Western Republicans. The White House got the revision idea into the Ohio platform not long ago, and then General KEIFER got it out again, and I will ask the Secretary to read a clipping, and beg him to be careful to emphasize it so that its beauty may not be lost. I got it from The Commoner, a paper published in Lincoln, Nebr., by one William J. Bryan, the next President of the United States, and I know of 6,000,000 voters who will vouch for it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The awful charge is now made that at the recent session of the Ohio Republican convention Messrs. Roosevelt and Taft, aided by Congressman BURTON, "tried to insert a real Democratic tariff plank in a Republican platform." Gen. J. WARREN KEIFER, a standpatter, is credited with having foiled the attempt. The story is told by the Washington correspondent for the Omaha World-Herald in this way: "The story of this plank offered by Mr. BURTON will be used in the effort to scare orthodox protection Republicans away from Taft. The stand-pat tariff men are fighting him now. The American Economist, organ of the American Protective Tariff League, is crying, 'Help, police,' against Taft in every issue. The charge put out to-night is that Mr. BURTON, with the approval of Roosevelt and the Roosevelt

candidate, tried to have the Ohio platform charge the tariff with fostering monopolies and trusts. Bryan never had unkindler words than these for the Dingley and McKinley laws, so the Republican reactionaries say. The Ohio platform's history began in conferences held here in which the President, Secretary Taft, Congressman BURTON, Secretary Garfield, and Attorney-General Wade H. Ellis took part. When the rough draft they completed was turned over to the convention committee on resolutions at Columbus that committee struggled with it for a bit, according to the dispatches, and then turned the problem over to a subcommittee of which Mr. BURTON was chairman, and several Ohio Congressmen members; Gen. J. WARREN KEIFER was one of these. The platform, as adopted, had this tariff plank: "A revision of the tariff by a special session of the next Congress, insuring the maintenance of the true principle of protection by imposing such customs duties as will equal the difference between the costs of production at home and abroad, together with a reasonable profit, to the end that without excessive duties American manufacturers, farmers, producers, and wage-earners may have adequate protection." The story put out here to-night is that Mr. BURTON offered a plank which followed the sentence demanding revision by the next Congress with the words, "To the end that the further fostering of trusts and monopolies by the tariff shall be prevented." Members of the subcommittee who are here admit that the plank as written above was that Mr. BURTON offered, to the best of their recollection. It is said that the Cleveland Congressman assured the subcommittee that he had consulted with the party leaders most interested on his plank and that it had their approval. This was accepted as an assurance that the President and Secretary Taft had approved it. Nevertheless Gen. J. WARREN KEIFER offered a prompt and warm protest against talk of fostering trusts and monopolies in connection with the tariff plank of the Ohio Republicans and enough of the subcommittee took his view to chloroform the Burton plank then and there."

Mr. TAYLOR. Mr. President, it is plain, beyond the shadow of a doubt, that there is trouble in Israel on this great, vital question. It is plain that the party in power is afraid of it, for the sand in the old balloon has about given out and the whole country is opening its eyes.

That stern old man at the other end of the Capitol [Mr. Speaker CANNON], who holds the legislation of the Republic in the hollow of his hand, comes down with the gavel and cuts the hamstrings of every movement for tariff reform. The beloved Vice-President at this end of the Capitol, with a smile that suggests eternal summer, says that if it is revised it must be done by those firm in the protection faith, and along protection lines, while the peerless evangelist of civic righteousness at the White House attempts to usher in reform by holding up to the gaze of the world the rich and powerful legates of the tariff system as synonyms of dishonesty and brutality in high life, and endeavors to reform the trusts by fining the trustees and threatening them with free passes to Sing Sing.

Mr. President, this question will not down. It ought to be the paramount issue of the coming campaign, because it is the most vital of them all to the American people. It involves the future of this country and the very life of our free institutions. I have but little sympathy with all this railing against the men who have drawn the wealth of the people into their own vaults under the operation of the laws and policies enacted and enforced by the same political party which has placed the reins of centralized power in the hands of the President of the United States. They have only taken advantage of laws enacted for their benefit and the wrath of the people should be leveled rather at the pernicious laws than at the men who reap these enormous "benefits to American industries." Why rail at the men and continue the law?

We are only repeating the history of the world. Nations have gone to sleep with their wealth distributed, and woke to find it shifted as if by magic to a few centers and controlled by a few men. They have gone to sleep with all power distributed among the people, and woke to find it centralized.

In some nations the shifting of wealth has been done by sheer force. In ours it has been done by legislation. It is handed out to a loving people in a basket of tariff blossoms, redolent with protection, but the leech lies concealed among the flowers. It is the drawing power of indirect taxation. It is high tariff.

Mr. President, the people of the country will not, in my judgment, be longer hoodwinked by this same old promise of revision. They have not forgotten the glowing pledge in the Republican platform of 1900, that—

The country is now justified in expecting, and it will be the policy of the Republican party to bring about, a reduction of war taxes.

But that promise, with all the rest which I have quoted, as soon as the polls were closed vanished like a sweet scent before a high wind.

And now the Senator from Indiana, just when the winds of another campaign begin to blow, demands a tariff commission to investigate and revise. I think the Senator is sincere, but he is in a hopeless minority in his party.

There is no doubt about the situation, not only as to the attitude of the schedules, but as to the incongruity of the classifications.

I ask the Secretary to lend me his voice again, and read a paragraph or two from a recent publication upon this subject. The Secretary read as follows:

The Dingley bill had among its majority Members only four men, Messrs. Dingley, PAYNE, DALZELL, and Hoskins—a newspaper editor and

three attorneys—who had any previous experience, and Mr. Benton McMillan, of the minority. That men so inexperienced should have hastily made a tariff for this nation "was worse than a crime; it was a blunder." They only made a great, blind jab at the task. They began wrong by taking classifications more than a generation old, very inapplicable to their time, having neither knowledge nor time to consider that important phase of the subject at all adequately, and consequently we have had 300,000 lawsuits on classifications and appraisals, nine-tenths of which might have been avoided.

Says Senator BEVERIDGE of the incongruities of these classifications:

BUTTONS AND STOVES CLASSED TOGETHER!

"Will anyone contend that a simple article like nails or wire requires the same amount of protection as so complex a mechanism as a revolver or an electric dynamo?"

"Is there any logic in classing buttons and stoves together?"

"Should bullets and buggies, should automobiles and bull's-eye lanterns pay the same duty?"

"Are farm implements and gold boxes in the same class?"

"Is there any connection between carriages and dress trimmings?"

"Why classify railway cars and enameled portraits together?"

"Why should cannon for war and crosses for churches be put in the same class?"

"Yet all these are in the same classification and pay the same rates."

"But more absurd than this is the fact that they are put in the same classification by the appraisers and the courts, passing on each article because Congress did not classify them at all."

"And as outrageous as it is absurd is the fact that nobody knew what duties these articles would have to pay until the guess of the appraisers and the courts filled up the holes in the law."

Mr. TAYLOR. And yet, Mr. President, the Senator's party stands pat until the day of reckoning comes, and then like the ostrich it sticks its head in the sand, forgetting that the deeper it goes the higher it unfurls its tail feathers. I do not mean to convey the impression that the Democracy is opposed to a reasonable tariff. It has always adhered to the doctrine of incidental protection, recognizing the fact that the Government must have revenue and that tariff is the best method of getting it, but beyond the revenue basis it draws the line. It stands firmly upon the principle that every dollar that any man is compelled by law to pay as tribute money to any other man or corporation, either directly or indirectly, is the most oppressive form of taxation, and that no government can stand whose people perpetuate and sustain such a policy, for it will always weave the power of a nation into webs of glory around the golden thrones of money kings.

Wealth and political power go hand in hand together. Where wealth is distributed, political power is always diffused; where wealth is concentrated, political power is always centralized; and where wealth is concentrated and political power is centralized, liberty has always taken its flight and free government has perished among its worshipers.

I have read that when Egypt fell 2 per cent of her people owned 97 per cent of the wealth of Egypt; when Babylon fell 1 per cent of her people owned practically all the wealth of Babylon; when Rome fell 600 people owned the Empire of Rome.

And are we not following rapidly in their wake when in the morning of the twentieth century, under the reign of a Republican tariff taxation system and a national banking system, based upon the indebtedness of the country, we have reached the point where 10 per cent of the American people own and control 90 per cent of all the wealth under the flag?

Mr. President, our financial system is the Siamese twin of the tariff system, and while the financial system is the weak brother of the pair, yet they are bound together by the cartilage of Federal protection. This is a nation of 80,000,000 of ordinary mortals and 6,000 banks. The party in power see only the 6,000.

This is a nation of many millions of consumers and a few thousand corporations, but the party in power see only the corporations. This is a nation of many millions who work for their daily bread and a few hundred millionaires, but the party in power see only the millionaires.

The corporations and millionaires furnish the "sinews of war" for the campaign, and the party in power furnish the laws to pile up the fortunes of those who furnish the "sinews."

Mr. President, I am now about to call up the ghost of a murdered friend of the common people. I can not escape it in rambling through the old records of the party in power.

It stalked through the Senate during the panic. It shakes its gory locks at you on the other side of this Chamber to-day as you fortify your banking system with asset currency against the panic. It is the ghost of the silver dollar of our fathers.

In 1884 your platform urged:

That effort should be made to unite the commercial nations in the establishment of an international standard which shall fix for all the relative value of gold and silver coinage.

Four years later, in 1888, your party made a bold stand for bimetallism, and thus spake your platform:

The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

In 1892 you waxed firmer and stronger for the double standard, but how did you keep the faith you pledged? I am not



discussing now the merits of the question—the time for that is passed. I am only lifting the curtain upon the record.

In your platform of 1896 you turned you backs on silver and hoisted the gold standard and made it the paramount issue of the campaign. You unhorsed silver and left it dead on the field, and then, flushed with victory and puffed up with pride, you proclaimed that the gold standard and the national banking system would give us the greatest financial system in the world.

You have boasted this in the press and in the forum and in every campaign ever since, until last October, when your system got out of balance and your currency went whizzing into the bosoms of old stocking legs and into the craters of safes and vaults and it rained clearing-house certificates for three months. In the midst of this great panic I saw the distinguished Senator from Rhode Island [Mr. ALDRICH], chairman of the Committee on Finance of the Senate, stand upon the troubled waters with an emergency bill in his hand, and with a loud voice he cried to the howling storm, "Peace, be still," but there was no peace. And the tempest-tossed crew in the golden boat walled their eyes toward almighty Rockefeller and prayed, and they beckoned to Morgan, the king of corporate power, to throw them a life line. But the two omnipotent financiers could not leave the game on Wall street to go into the life-saving business.

Mr. President, the storm has spent its force, but what has it left in its track but wrecked hopes and shattered dreams?

Thousands of factories and shops have been closed; thousands of enterprises have toppled and fallen, and tens of thousands of laboring men have been thrown out of employment.

The whole country has been racking its brain to find out the cause of such a frightful panic in the very harvest time of our greatest prosperity. We were making wonderful progress in every field of endeavor.

The agricultural production of 1906 and 1907 was unprecedented, and the value of farm products, according to the Senator from Wisconsin [Mr. LA FOLLETTE], in 1907 exceeded the products of 1906 by nearly \$500,000,000.

The business of our manufactories in that year was larger than in any other year in the history of the country. The increase of net earnings by the railroads was fabulous.

The balance of trade in favor of the United States in 1907 was \$500,000,000.

More than 500 national banks were established in that year, and the deposits in all banks was \$13,000,000,000.

The aggregate national-bank capital was nearly nine hundred millions.

The country seemed never more prosperous in all its history. But the panic came like a tidal wave, and all our boasted wealth could not stop it. It swept over Wall street and closed the doors of the banks everywhere. It submerged the railroads and the furnaces and mills and the wind blew down the gold standard.

There was some impelling cause behind it; there was some reason for it. Who made it possible, and why?

I shall not introduce Democratic witnesses in this prosecution. Let the indictment of the Republican party be based upon information furnished by Republicans in high places.

The Senator from Wisconsin [Mr. LA FOLLETTE] declared in a great speech delivered in the Senate on March 17, 19, and 24, 1908, that two great groups of banks in New York—the National City Bank, controlled by Standard Oil, and the National Bank of Commerce, controlled by the Morgan interests—control the financial situation in the United States.

He declared that these two groups are knitted together by business associations which prophesy their ultimate unification. He declared in the open Senate that these two groups of banks—

are joined together in mutual interest as shareholders in the various industrial concerns which have been financed by one or the other of these groups in recent years.

He declared that the fifty-two men who are directors of the banks standing at the head of these two groups are a part of a list of less than 100 men who control the industrial life of the nation. And he proved conclusively that these men control all the industrial, transportation, and financial business of the United States of America.

He declared that fourteen of the directors of the National City Bank (Standard Oil) are at the head of fourteen great combinations representing 38 per cent of the capitalization of all the industrial trusts of the United States, and that—

The railroad lines represented on the board of this one bank cover the country like a network.

And then he goes on to name the chief railroads controlled by them:

The Lackawanna, the Chicago, Burlington and Quincy, the Union Pacific, the Alton, the Missouri Pacific, the Chicago, Milwaukee and

St. Paul, the Chicago and Northwestern, the Rock Island, the Denver and Rio Grande, the Mexican National, the Baltimore and Ohio, the Northern Pacific, the New York Central, the Texas Pacific, the Erie, the New York, New Haven and Hartford, the Delaware and Hudson, the Illinois Central, the Manhattan Elevated of New York City, and the rapid transit lines of Brooklyn.

Mind you, fourteen out of the twenty-three directors of this one bank represent this network of railroads, and he proves further that the entire twenty-three directors of this bank, through their various connections, represent more than 350 other banks, trust companies, railroads, and industrial corporations, with an aggregate capitalization of more than twelve thousand millions of dollars.

He showed that the law providing that 15 per cent of the deposits of country banks to be held for the protection of their depositors, permitted three-fifths of the 15 per cent to be deposited in reserve city banks, and that of the 25 per cent of the reserve for the protection of depositors in reserve city banks one-half could be deposited with the central reserve city banks, and that as there are but three central reserve cities these two all-powerful groups in the city of New York could afford to offer good rates of interest, and therefore they drew a large proportion of lawful reserves from the country and city reserve banks.

He showed that one Standard Oil bank is the approved agent to receive deposits of lawful reserves of 1,071 national banks scattered over the country, and another bank of the same group receives the reserve deposits from 1,802 country banks and another from 478 banks, and that a leading Morgan bank receives deposits from 909 outside banks and another receives deposits from 615 banks and still another from 1,233 banks, and that thus they have gathered fabulous millions belonging to the depositors of smaller banks throughout the length and breadth of the whole country into the great national banks of New York.

He says that on August 22, 1907, the last call before the panic came, the New York banks owed the other banks of the country a net balance of more than four hundred and ten millions of dollars, and that when the panic struck the country the other banks were unable to withdraw more than about twenty and a half millions, or 5 per cent of their deposits in New York, and that they would have been unable to withdraw even this amount but for the action of the Secretary of the Treasury, who increased the United States deposits in the banks of New York during the panic by over forty-seven millions, and that, therefore, but one result could follow—the tying up of hundreds of millions of dollars of the wealth of the country.

Mr. President, the whole substance of his argument in that great speech and all his conclusions are: That the dreadful panic of 1907 was brought about by the manipulations of these stupendous financial institutions, not only for the purpose of adding a few hundred millions more to their credit, but for the other purpose of discrediting the Administration of President Roosevelt and stifling the voice of reform.

Right here let me say that the people of the Republican party of the State of Wisconsin have indorsed these utterances by instructing its delegation for Senator LA FOLLETTE for President of the United States.

If what he says is true, we are only reaping what we have sown. We are only gathering the harvest of high protective tariff and a totally inadequate financial system.

Sir, if a few groups of men hold in the hollow of their hands our railroad system and our industrial system and the insurance and trust companies of the whole country, and at the same time control the banking system, as has been conclusively proven on this floor by Republican statesmen, what is to hinder them from manipulating the rise and fall of prices of stocks and bonds and the prices of all commodities, up or down at will, and drawing money out of circulation and locking it in their vaults, as they have done in the recent past, not only as a rebuke to the Government in its effort to compel them to obey the law, but even threatening the downfall of our institutions and blocking the very progress of our civilization?

But, sir, I wish to introduce another witness, still higher in authority, in whose presence Wall street trembles and Ananias falls dead at his feet—the man of destiny—the Napoleon of the Western Hemisphere. It is true he does not make the frontiers of kingdoms oscillate on the map, but he is the peerless lion tamer of modern times.

I have heard his words crack like a bull whip about the ears of my friends on the other side of this Chamber, and the lions crouched as if ready to spring, but they sprang not. They feared their master, and fear him yet. But sometimes they have been defiant and raised their manes for battle. I have seen them lift their paws and make a swipe at the American Navy and slap two battle ships out of an appropriation bill. I have seen them lick the sores of a whole battalion of colored

troops, figuratively speaking, and then, in fear of the wrath of the Ethiopian at the next election, slip away from the investigation of the Brownsville murders, leaving the negro in the wood pile. [Laughter.]

I have seen them attempt to make railroad bonds, town bonds, county bonds, and almost every kind of bonds a part of our banking system, in the face of their record as the champions of sound money and the gold standard.

I have heard them confess on this floor that our financial system is the poorest among all the great nations of the earth—poorer than the English system, poorer than the French system, poorer than the German system—but what have they done to strengthen and fortify it?

I have heard them advocate the issuance of all kinds of paper money, and the latest fulmination is a system of asset currency and rag money, juggled by the banks as a sort of scarecrow to frighten panics away from the financial cornfield, in the face of their record of denouncing the Democracy because it advocated the free coinage of silver.

Mr. President, I am confident that before our financial physicians get through with the job they will have the country in the condition of the old man in my State who was very sick.

The doctor examined him and said, "Old man, you're dying—have you any wish to express before you pass over the river?" "Yes," the feeble patient said, "I wish I had got another doctor." [Laughter.]

Let me read what the President of the United States said in his message of January 31, broadly hinting at one of the causes of the recent financial panic:

The public men, lawyers, and editors who loudly proclaim their sympathy for the "innocent stockholders" when a great law-defying corporation is punished are the first to protest with frantic vehemence against all efforts by law to put a stop to the practices which are the real and ultimate sources of the damage alike to the stockholders and the public. The apologists of successful dishonesty always declaim against any effort to punish or prevent it, on the ground that any such effort will "unsettle business." It is they who by their acts have unsettled business; and the very men raising this cry spend hundreds of thousands of dollars in securing, by speech, editorial, book, or pamphlet, the defence by misstatements of what they have done; and yet when public servants correct their misstatements by telling the truth they declaim against them for breaking silence, lest "values be depreciated." They have hurt honest business men, honest workmen, honest farmers; and now they clamor against the truth being told.

The keynote of all these attacks upon the effort to secure honesty in business and in politics is well expressed in brazen protests against any effort for the moral regeneration of the business world, on the ground that it is unnatural, unwarranted, and injurious, and that business panic is the necessary penalty for such effort to secure business honesty.

Mr. President, have not the policies of the party in power dragged the country to awful depths when the President of the United States finds it necessary to warn both Houses of Congress that the Republic is in danger of being overthrown by the machinations of concentrated wealth, which is the legitimate result of Republican policies? Is it not time for the country to wake when we are admonished by a Republican President to put the bit in the mouth of centralized corporate power to prevent it from trampling under its hoofs all that is left of liberty and free government?

We boast that our safety rests upon the sovereignty of the people and that this makes our Republic the Samson of the ages. But has not Samson been shorn of his locks while yet he slumbers with the ballot in his hand? Is not the Rip Van Winkle of popular government lost in the Catskill Mountains of centralism? Has he not drunk too deep from the drug of indifference? Is he not sleeping too long on his rights, and will he not some day rise up from his trance to find the gunstock of liberty rotted from the barrel at his side and nothing but the skeleton of national happiness lying at his feet? It will then be too late to cry retrenchment and reform and tariff commissions, for—

What do wealth and power care  
For Samson when he's lost his hair?  
The tears are vain that Rip doth shed;  
He slept too long; his dog is dead.  
Thus states are shorn and nations weep  
For crimes committed while they sleep.

But, Mr. President, amid these impending dangers and in this gloom of fear there is still a star of hope shining through the rifted clouds. It is the intelligence and patriotism of the American people themselves. And I trust and firmly believe that the clouds will soon pass away, as with the might of the ballot box a righteous public opinion shall grapple these problems and bind them in the chains of the Constitution.

[Applause on the floor and in the galleries.]

The VICE-PRESIDENT. Applause is not permitted by the rules of the Senate.

Mr. STEWART. Mr. President, the Senator from Tennessee has had much to say about the concentration of wealth in this country in the hands of a few. To show the distribution of

wealth, I desire to call his attention to the report of the Comptroller of the Currency made last December. I find from that report that the amount deposited in the savings institutions of this country is \$3,690,078,945, and the number of depositors is 8,588,811.

Allow me to say, Mr. President, that that does not look much like concentration of wealth in this country in the hands of a few men. The depositors constitute in number one-tenth of the population of the United States, and there are over \$3,600,000,000 in the savings institutions of the country.

The VICE-PRESIDENT. Without objection, the resolution will lie on the table.

#### ENLARGED HOMESTEADS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1; and agree to the same.

That the Senate recede from its disagreement to House amendments numbered 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may in his discretion designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this act."

And that the House agree to the same.

REED SMOOT,  
C. D. CLARK,  
A. J. McLAURIN,

*Managers on the part of the Senate.*

F. W. MONDELL,  
A. J. VOLSTEAD,  
JOHN W. GAINES,

*Managers on the part of the House.*

The report was agreed to.

#### PORTO RICO PROVISIONAL REGIMENT.

Mr. du PONT. I ask unanimous consent for the consideration of the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry. I have some amendments to the bill to submit on behalf of the Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. du PONT. In section 3, page 2, line 2, after the word "Infantry," I move to strike out the words "who have had not less than five years' service therein, and" and to insert "appointed or," so as to make the section read:

That the present captains and lieutenants of the Porto Rico Provisional Regiment of Infantry appointed or who were reappointed after a mental, physical, and professional examination, may be recommissioned as officers of the Porto Rico Regiment of Infantry.

The amendment was agreed to.

Mr. du PONT. I move to strike out section 4 of the bill in the following words:

SEC. 4. That the lieutenants, natives of Porto Rico, now holding provisional commissions, may continue to serve until the expiration of such commissions, when, after an examination as to their mental, physical, and professional fitness, they may be recommissioned as officers of the Porto Rico Regiment of Infantry.

The amendment was agreed to.

Mr. du PONT. I move that the remaining sections be renumbered so as to be sections 4, 5, and 6 instead of sections 5, 6, and 7.

The amendment was agreed to.



The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### LANDS IN ALASKA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That a corporation to be hereafter duly organized under the name and style of the Cordova Bay Harbor Improvement and Town-Site Company and composed of the following-named persons, to wit: John H. McGraw, Edward Levin, and Donald A. McKenzie, or any of them, and such others as may hereafter become associated with them as incorporators, shall be permitted to purchase at the price of \$2.50 per acre not to exceed 5,000 acres of such nonmineral lands of the United States as may be selected by said corporation and approved by the Secretary of the Interior, including tide or mud flats, situated at the head of Cordova Bay, at approximately latitude 60° 30' north, and longitude 146° west of Greenwich, in the district of Alaska, the same to be located in as nearly compact form as possible with a water front of not to exceed 2 miles on Cordova Bay, in order to effect the improvement of said lands for town-site purposes and for the promotion and convenience of commerce with foreign nations and among the several States.

Sec. 2. That no land covered by any valid existing claim or right heretofore initiated or recognized under any law of the United States shall be subject to entry under this act until all rights thereunder have been transferred to said corporation or relinquished to the United States.

Sec. 3. That a harbor area 1,000 feet in width, to be established by the Secretary of War as soon as practicable after the passage of this act, in front of and abutting upon the lands which said corporation shall apply to purchase under this act, is hereby reserved and shall forever remain under the control of the United States, in trust, however, for the future State which may be created including the same, or any part thereof, within its boundaries: *Provided*, That wharves, docks, slips, and waterways may be constructed and maintained within such harbor area in accordance with plans approved by the Secretary of War; but the public shall at all times have the use of all such wharves, docks, slips, and waterways upon the payment of such reasonable charges, and under such regulations as may from time to time be fixed and prescribed by the Secretary of the Interior.

Sec. 4. That the right of eminent domain may, after the issuance of patent hereunder, be exercised over any lands purchased under this act, whether such lands may have been included within streets and alleys or otherwise, under any law applicable to lands held in private ownership in the district of Alaska, and no exclusive right of way shall be granted to any railroad, telegraph, telephone, or other company or corporation over the lands purchased under this act.

Sec. 5. That the corporation named in this act shall, within six months after the approval hereof, file with the register and receiver of the land district within which the lands applied for are situated an application to purchase under this act, which application shall particularly describe the lands applied for and be accompanied with a certified copy of the field notes and plat of the survey of the boundaries of such lands, made under the direction and supervision of the surveyor-general of the district of Alaska.

Sec. 6. That the corporation named in this act shall, within twelve months after the approval of the application named in the foregoing section, subject to the approval and under the directions of the Secretary of the Interior, file with the said Secretary a detailed plan of a town site, embracing the lands applied for, upon which shall be delineated adequate streets, alleys, lots, blocks, wharves, docks, slips, and waterways, and such reservations as the said Secretary may deem necessary and suitable for public use as parks and sites for public and school buildings, and coaling stations: *Provided*, That the reservations for public parks shall, in addition to such other lands as may be needed for that purpose, include all of said lands which can not be reasonably utilized as sites for building purposes; and said corporation shall, after patent, dedicate and convey all of the said reservations for such public uses.

Sec. 7. That the corporation named in this act, or its assigns, shall, within six months from the approval of the plan mentioned in the preceding section, pay to the proper receiver the full purchase price of the lands applied for; and within five years after the issuance of patent said corporation shall do all things necessary to render 320 acres of the lands purchased suitable and available for wharfage and town-site purposes in accordance with the plan thereof submitted as required in section 6 of this act; and if said corporation or its assigns shall fail to comply with any of the terms and conditions of this act, either before or after the issuance of patent, all interests, rights, or title which may have accrued or vested under this act shall be forfeited to the United States, and the application under which they accrued, or the patent under which they vested, shall be canceled: *Provided*, That the Secretary of the Interior may, on satisfactory showing, reasonably extend the time within which any of the acts enumerated in this act may be performed: *Provided further*, That no locations or entries of any kind under the public-land laws applicable to the Territory of Alaska shall be made within one-half mile of the exterior limits of the land purchased by said corporation under section 1 hereof.

Sec. 8. That said corporation shall have the right to confine the waters of Cordova Creek to one channel and to straighten and deepen the same.

The amendment was agreed to.

Mr. KEAN. May I ask the Senator a question in regard to the last section? Has it the approval of the Secretary of War?

Mr. NELSON. Yes; it has the approval of the Department.

Mr. KEAN. Of the Secretary of War?

Mr. NELSON. It was not referred to him, but I can not see any objection to it, because by another provision of the bill the Secretary of War has jurisdiction of the harbor there.

Mr. KEAN. I do not object to the bill. However, I do not think it is a very good bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ALASKA TERMINAL AND NAVIGATION COMPANY.

Mr. KEAN. I ask that the next bill on the Calendar, the bill (S. 6925) for the relief of the Alaska Terminal and Navigation Company, be placed on the Calendar under Rule 9.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule 9, at the request of the Senator from New Jersey.

#### COMMODITY CLAUSE OF INTERSTATE COMMERCE LAW.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law.

Mr. KEAN. I trust we may have a vote on the joint resolution.

Mr. DICK. At the request of my colleague I must enter an objection to a vote being taken. My colleague is detained from the Senate by illness, and he desires to be heard on a substitute to the pending measure. I ask, therefore, that the unfinished business be temporarily laid aside.

Mr. KEAN. Of course, if the Senator from Ohio desires to be heard further, no one will be more willing to grant that request than I.

Mr. DICK. I thank the Senator from New Jersey.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that the unfinished business be laid aside temporarily. Without objection, it is so ordered.

#### APPEALS FROM DISTRICT COURT OF ALASKA.

Mr. PILES. I ask unanimous consent for the consideration of the bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

Mr. FLINT. I object to the present consideration of the bill.

The VICE-PRESIDENT. Objection is made by the Senator from California.

Mr. PILES. I am sorry to do it, but I am compelled to move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The VICE-PRESIDENT. The Senator from Washington moves that the Senate proceed to the consideration of the bill.

Mr. FLINT and Mr. KEAN addressed the Chair.

The VICE-PRESIDENT. The motion is not debatable. The question is on agreeing to the motion of the Senator from Washington. [Putting the question.] The yeas appear to have it.

Mr. PILES. I ask for a division.

Mr. FRYE, Mr. McLAURIN, and others. Oh, no.

Mr. PILES. Very well; I will call up the bill later.

The VICE-PRESIDENT. The motion is not agreed to. What is the further pleasure of the Senate?

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session, the doors were reopened and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 20, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 19, 1908.*

##### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieutenant of Engineers Charles Augustus Wheeler to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 25, 1908, in place of Captain of Engineers Charles Albert McAllister, promoted.

Third Lieutenant of Engineers Joseph Edward Sheedy to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 25, 1908, in place of Second Lieutenant of Engineers Charles Augustus Wheeler, promoted.

Second Lieutenant of Engineers Christopher Gadsden Porcher to be chief engineer in the Revenue-Cutter Service of the United States, to rank as such from December 12, 1907, and to be first lieutenant of engineers, to rank as such from April 16, 1908, in

place of First Lieutenant of Engineers Fred Reuter Falkenstein, retired.

Second Lieutenant of Engineers John Booth Turner to be chief engineer in the Revenue-Cutter Service of the United States, to rank as such from February 11, 1908, and to be first lieutenant of engineers, to rank as such from April 16, 1908, in place of First Lieutenant of Engineers Henry Clay Barrows, retired.

Third Lieutenant of Engineers Harry Marlin Hepburn to be first assistant engineer in the Revenue-Cutter Service of the United States, to rank as such from February 11, 1908, and to be second lieutenant of engineers, to rank as such from April 16, 1908, in place of Second Lieutenant of Engineers John Booth Turner, promoted.

Third Lieutenant of Engineers Lucien Joseph Ker to be first assistant engineer in the Revenue-Cutter Service of the United States, to rank as such from December 12, 1907, and to be second lieutenant of engineers, to rank as such from April 16, 1908, in place of Second Lieutenant of Engineers Christopher Gadsden Porcher, promoted.

#### PROMOTIONS IN THE NAVY.

Lieut. Commander Marbury Johnston to be a commander in the Navy from the 6th day of December, 1907, vice Commander Abraham V. Zane, promoted.

Lieut. Richard S. Douglas to be a lieutenant-commander in the Navy from the 1st day of July, 1907, vice Lieut. Commander Edward Simpson, promoted.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in their present grade:

William W. Smyth,  
Walter S. Anderson,  
Sam C. Loomis, and  
Butler Y. Rhodes.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Walter S. Anderson and  
Sam C. Loomis.

Paymasters George G. Seibels, Edmund W. Bonnaffon, Joseph Fyffe, and John H. Merriam, with the rank of lieutenant, to be paymasters in the Navy with the rank of lieutenant-commander from the 15th day of May, 1908.

Naval Constructors Stuart F. Smith and William G. Groesbeck, with the rank of lieutenant, to be naval constructors in the Navy with the rank of lieutenant-commander from the 15th day of May, 1908.

Gunner Oscar Borgeson to be a chief gunner in the Navy, to rank with but after ensign, from the 11th day of March, 1908, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by an act approved April 27, 1904.

Commander Frank F. Fletcher to be a captain in the Navy from the 15th day of May, 1908, vice Capt. Edward D. Taussig, promoted.

#### POSTMASTERS.

##### ARIZONA.

Russell H. Chandler to be postmaster at Yuma, Yuma County, Ariz., in place of Russell H. Chandler. Incumbent's commission expired March 21, 1906.

Charles E. Dermont to be postmaster at Metcalf, Graham County, Ariz. Office became Presidential April 1, 1907.

Ralph Sturges to be postmaster at Globe, Gila County, Ariz., in place of George McC. Allison, removed.

##### CALIFORNIA.

Jud C. Coburn to be postmaster at Emeryville, Alameda County, Cal. Office became Presidential April 1, 1907.

W. D. Pennycook to be postmaster at Vallejo, Solano County, Cal., in place of John J. Luchsinger. Incumbent's commission expired March 19, 1907.

##### ILLINOIS.

John F. Mains to be postmaster at Stronghurst, Henderson County, Ill., in place of John F. Mains. Incumbent's commission expired April 21, 1908.

##### INDIANA.

George L. Watson to be postmaster at Cayuga, Vermillion County, Ind., in place of Daniel Conaway, removed.

##### IOWA.

Joseph C. Bergen to be postmaster at Livermore, Humboldt County, Iowa. Office became Presidential January 1, 1908.

Ezra Bradford to be postmaster at Wellman, Washington County, Iowa, in place of Ezra Bradford. Incumbent's commission expired April 27, 1908.

#### MISSISSIPPI.

Mark L. Haynie to be postmaster at Blue Mountain, Tippah County, Miss. Office became Presidential January 1, 1908.

#### NEW JERSEY.

George W. Pollitt to be postmaster at Paterson, Passaic County, N. J., in place of George W. Pollitt. Incumbent's commission expired April 27, 1908.

#### NEW MEXICO.

Frank A. Hill to be postmaster at Raton, Colfax County, N. Mex., in place of Frank A. Hill. Incumbent's commission expired April 27, 1908.

Benjamin Alfred Wetherill to be postmaster at Gallup, McKinley County, N. Mex., in place of Edward Quinn, removed.

#### NEW YORK.

Joseph E. Cole to be postmaster at Perry, Wyoming County, N. Y., in place of Joseph E. Cole. Incumbent's commission expired February 26, 1907.

Samuel P. Milby to be postmaster at Albion, Orleans County, N. Y., in place of Robert Titus Coan, removed.

Harry W. Roberts to be postmaster at Utica, Oneida County, N. Y., in place of Rufus Daggett. Incumbent's commission expired April 19, 1908.

William Watson to be postmaster at Warsaw, Wyoming County, N. Y., in place of William Watson. Incumbent's commission expired April 27, 1908.

#### NORTH CAROLINA.

George W. Robbins to be postmaster at Rocky Mount, Edgecombe County, N. C., in place of George W. Robbins. Incumbent's commission expired March 2, 1907.

E. W. Timberlake to be postmaster at Wake Forest, Wake County, N. C., in place of Mary A. Timberlake, resigned.

#### OHIO.

John S. Ellen to be postmaster at Willoughby, Lake County, Ohio, in place of John S. Ellen. Incumbent's commission expired April 9, 1908.

#### PENNSYLVANIA.

Charles H. Keeler to be postmaster of New Albany, Bradford County, Pa., in place of Elisha S. Keeler, deceased.

#### TEXAS.

W. B. Carson to be postmaster at Pilot Point, Denton County, Tex., in place of Henry M. Carson, resigned.

#### WEST VIRGINIA.

George W. Smith to be postmaster at Elm Grove, Ohio County, W. Va. Office became Presidential October 1, 1907.

#### WISCONSIN.

C. F. Stone to be postmaster at Lake Nebagamon, Douglas County, Wis., in place of Warner S. Carr, resigned.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate, May 19, 1908.*

##### MARSHAL.

Victor Loisel, of Louisiana, to be United States marshal for the eastern district of Louisiana.

##### COLLECTORS OF CUSTOMS.

Robert S. Burlingame, of Rhode Island, to be collector of customs for the district of Newport, in the State of Rhode Island.

Cornelius O'Keefe, of Arizona, to be collector of customs for the district of Arizona, in the Territory of Arizona.

##### PROMOTIONS IN THE NAVY.

Capt. Edward D. Taussig to be a rear-admiral in the Navy from the 15th day of May, 1908.

Ensign George J. Meyers to be a lieutenant (junior grade) in the Navy from the 2d day of May, 1907, upon the completion of three years' service.

Lieut. (Junior Grade) George J. Meyers to be a lieutenant in the Navy from the 2d day of May, 1907.

Asst. Paymaster William L. F. Simonpietri to be a passed assistant paymaster in the Navy from the 1st day of October, 1907.

Paymaster Francis J. Painter, who was confirmed by the Senate on the 2d day of March, 1907, for advancement from the grade of passed assistant paymaster with the rank of lieutenant to the grade of paymaster with the rank of lieutenant, in accordance with the provisions of an act of Congress approved June 29, 1906, to be a paymaster with the rank of lieutenant-commander on the retired list of the Navy from the date of his advancement, in accordance with an opinion of the Attorney-General dated January 13, 1908.

Midshipman Hugh K. Aiken to be an ensign in the Navy from the 13th day of May, 1908.



Gunner Herbert A. Nevins to be a chief gunner in the Navy, to rank with, but after, ensign, from the 15th day of May, 1907, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Brig. Gen. George F. Elliott, United States Marine Corps, to be Major-General Commandant of the Marine Corps, from the 13th day of May, 1908.

Capt. David D. Porter to be assistant adjutant and inspector in the United States Marine Corps, with the rank of major, from the 14th day of May, 1908.

Capt. Harold C. Reisinger to be assistant paymaster in the United States Marine Corps, with the rank of captain, from the 14th day of May, 1908.

First Lieut. Davis B. Willis to be assistant paymaster in the United States Marine Corps, with the rank of captain, from the 14th day of May, 1908.

The following named officers of the United States Marine Corps to be assistant quartermasters in the Marine Corps, with the rank of captain, from the 14th day of May, 1908, to fill vacancies existing on that date:

First Lieut. Frank Halford,  
First Lieut. Walter E. Noa,  
First Lieut. Seth Williams,  
First Lieut. Edward W. Banker, and  
First Lieut. Charles R. Sanderson.

To be chief gunners in the Navy, to rank with, but after, ensign, from the 11th day of March, 1908, upon the completion of six years' service in their present grade:

Charles F. Ulrich,  
David B. Vassie, and  
William H. Walker.

#### PROMOTION IN THE MARINE CORPS.

Maj. Asst. Q. M. Charles L. McCawley to be assistant quartermaster in the United States Marine Corps with the rank of lieutenant-colonel from the 13th day of May, 1908.

#### POSTMASTERS.

##### RHODE ISLAND.

William F. Caswell to be postmaster at Jamestown, Newport County, R. I.

##### VERMONT.

Heman I. Spafford to be postmaster at North Bennington, Bennington County, Vt.

### HOUSE OF REPRESENTATIVES.

TUESDAY, May 19, 1908.

[Continuation of the legislative day of Tuesday, May 12, 1908.]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

#### DISPOSITION OF USELESS PAPERS.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to consider and pass the bill (S. 6235) to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1899, and the act amendatory thereof approved March 2, 1895, which I send to the Clerk's desk. I will couple with that a request to discharge the Committee on Rules from the further consideration of the bill and then to pass it.

Mr. CLARK of Missouri. Mr. Speaker, I shall have to object to any requests that come coupled with two things—unanimous consent for consideration and passage. I do not object to unanimous consent if it is a fairly good bill, but that new formula is such an astonishing one that I feel constrained to object to it.

Mr. DALZELL. Will the gentleman permit me to interrupt him a moment. Of course if unanimous consent is given to consider the bill, then we have a roll call. I would not press this bill to a roll call. It is a bill the passage of which is desired by one of the Departments—the Pension Bureau—which has about 30 tons of useless paper that they want to destroy.

Mr. CLARK of Missouri. If the gentleman will modify his request, I will not object to it.

Mr. DALZELL. I do not want to have a roll call.

Mr. CLARK of Missouri. I will not call the roll.

Mr. DALZELL. Very well, Mr. Speaker, I ask unanimous consent to discharge the Committee on Rules from the further consideration of the bill, and that it be considered at this time.

Mr. HENRY of Texas. Mr. Speaker, reserving the right to object, I would like to have about twenty minutes of time in which to make a few remarks.

Mr. DALZELL. Oh, I can not consent to that.

The SPEAKER. Objection is heard.

#### MISCELLANEOUS INDIAN BILL.

The SPEAKER. The question is pending on suspending the rules and passing the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, as amended, on which question the yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Eighty-three Members are present, not a quorum. The Door-keeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on suspending the rules and passing the bill as amended. The Clerk will call the roll.

The question was taken, and there were—yeas 216, nays 49, answered "present" 13, not voting 109, as follows:

#### YEAS—216.

Adair	Draper	Hubbard, Iowa	Norris
Alken	Durey	Hubbard, W. Va.	Nye
Alexander, Mo.	Dwight	Hughes, N. J.	O'Connell
Alexander, N. Y.	Ellerbe	Hull, Iowa	Olcott
Allen	Ellis, Mo.	Humphrey, Wash.	Olmsted
Ames	Ellis, Oreg.	James, Addison D.	Overstreet
Anthony	Englebright	James, Ollie M.	Parker, N. J.
Ashbrook	Esch	Jenkins	Parker, S. Dak.
Barchfeld	Fassett	Johnson, S. C.	Parsons
Barclay	Ferris	Jones, Wash.	Payne
Bartholdt	Focht	Kahn	Pearre
Bartlett, Nev.	Foss	Kelifer	Perkins
Bates	Poster, Vt.	Kennedy, Iowa	Pollard
Beaie, Pa.	Foulkrod	Kimball	Porter
Beall, Tex.	French	Kinkaid	Pray
Bede	Fuller	Knapp	Prince
Bonyng	Fulton	Knopf	Randell, Tex.
Royd	Gaines, W. Va.	Knowland	Ransdell, La.
Bradley	Gardner, Mich.	Küstermann	Reeder
Brantley	Gardner, N. J.	Lafean	Reynolds
Brodhead	Garner	Lamb	Rodenberg
Brownlow	Gilham	Langley	Rothermel
Burke	Gillespie	Lanning	Russell, Tex.
Burleigh	Gillett	Lassiter	Saunders
Burleson	Glass	Lawrence	Scott
Burton, Del.	Godwin	Lee	Sherwood
Burton, Ohio	Goldfogle	Legare	Slayden
Calderhead	Gordon	Lever	Slomp
Campbell	Goulden	Lindbergh	Small
Candler	Graham	Longworth	Smith, Cal.
Capron	Greene	Lorimer	Smith, Mich.
Carter	Gregg	Loud	Southwick
Cary	Hackney	Loudenslager	Sperry
Caulfield	Hale	Lovering	Stephens, Tex.
Chaney	Hall	McCall	Sterling
Chapman	Hamilton, Iowa	McDermott	Stevens, Minn.
Cockran	Hamilton, Mich.	McGavin	Sturgiss
Cole	Hammond	McGuire	Sulloway
Cook, Colo.	Haskins	McKinley, Ill.	Taylor, Ohio
Cooper, Pa.	Haugen	McKinney	Tirrell
Coudrey	Hawley	McLain	Tou Velle
Cox, Ind.	Hay	McLaughlin, Mich.	Townsend
Craig	Hayes	McMillan	Underwood
Crumpacker	Henry, Conn.	McMorran	Volstead
Currier	Henry, Tex.	Macon	Vreeland
Cushman	Hepburn	Madden	Waldo
Dalzell	Higgins	Madison	Wanger
Davenport	Hinschaw	Moore, Tex.	Weeks
Davidson	Hitchcock	Morse	Wheeler
Davis, Minn.	Holliday	Mouser	Wilson, Ill.
Dawes	Howard	Murdock	Wilson, Pa.
Dawson	Howell, N. J.	Murphy	Wood
Diekema	Howell, Utah	Needham	Woodyard
Douglas	Howland	Nichols	

#### NAYS—49.

Adamson	Favrot	Kitchin, Claude	Robinson
Bell, Ga.	Finley	Leake	Russell, Mo.
Booher	Floyd	Lloyd	Ryan
Bowers	Foster, Ill.	McHenry	Sabath
Burgess	Garrett	Maynard	Shackleford
Burnett	Granger	Moon, Tenn.	Smith, Mo.
Caldwell	Harrison	Padgett	Sparkman
Clark, Mo.	Helm	Page	Splitt
Clayton	Hill, Miss.	Pujo	Webb
Davey, La.	Houston	Rainey	Williams
De Armond	Hull, Tenn.	Rauch	
Denver	Johnson, Ky.	Rhinoek	
Dixon	Kelher	Richardson	

#### ANSWERED "PRESENT"—13.

Bennet, N. Y.	Cooper, Wis.	Roberts	Talbot
Boutell	Flood	Sherley	
Brundidge	Haggott	Sherman	
Butler	Moon, Pa.	Sims	

#### NOT VOTING—109.

Acheson	Cook, Pa.	Fowler	Hobson
Andrus	Cooper, Tex.	Gaines, Tenn.	Huff
Ansberry	Cousins	Gardner, Mass.	Hughes, W. Va.
Bannon	Cravens	Gill	Humphreys, Miss.
Bartlett, Ga.	Crawford	Goebel	Jackson
Bennett, Ky.	Darragh	Graff	Jones, Va.
Bingham	Denby	Griggs	Kennedy, Ohio
Birdsall	Driscoll	Gronna	Kipp
Broussard	Dunwell	Hackett	Kitchin, Wm. W.
Brumm	Edwards, Ga.	Hamill	Lamar, Fla.
Byrd	Edwards, Ky.	Hamlin	Lamar, Mo.
Calder	Fairchild	Harding	Landis
Carlin	Fitzgerald	Hardwick	Lenahan
Clark, Fla.	Fordney	Hardy	Lewis
Cocks, N. Y.	Fornes	Heflin	Lilley
Conner	Foster, Ind.	Hill, Conn.	Lindsay

Littlefield	Mudd	Smith, Tex.	Washburn
Livingston	Nelson	Snapp	Watkins
Lowden	Patterson	Stafford	Watson
McCreary	Peters	Stanley	Weems
McKinlay, Cal.	Pou	Steenerson	Welsse
McLachlan, Cal.	Powers	Sulzer	Wiley
Malby	Pratt	Tawney	Willett
Mann	Reid	Taylor, Ala.	Wolf
Marshall	Riordan	Thistlewood	Young
Miller	Rucker	Thomas, N. C.	
Mondell	Sheppard	Thomas, Ohio	
Moore, Pa.	Smith, Iowa	Wallace	

So the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. WASHBURN with Mr. SHERLEY.

Mr. MOON of Pennsylvania with Mr. WOLF.

Mr. YOUNG with Mr. WILLETT.

Mr. WEEMS with Mr. WILEY.

Mr. THOMAS of Ohio with Mr. WALLACE.

Mr. JACKSON with Mr. THOMAS of North Carolina.

Mr. TAWNEY with Mr. WEISSE.

Mr. SMITH of Iowa with Mr. WATKINS.

Mr. MOORE of Pennsylvania with Mr. TAYLOR of Alabama.

Mr. MILLER with Mr. SULZER.

Mr. MARSHALL with Mr. STANLEY.

Mr. MALBY with Mr. SMITH of Texas.

Mr. McLACHLAN of California with Mr. RUCKER.

Mr. McKINLAY of California with Mr. REID.

Mr. LOWDEN with Mr. POU.

Mr. MONDELL with Mr. PATTERSON.

Mr. LITTLEFIELD with Mr. LINDSAY.

Mr. LANDIS with Mr. LENAHAN.

Mr. KENNEDY of Ohio with Mr. JONES of Virginia.

Mr. HUGHES of West Virginia with Mr. HOBSON.

Mr. HUFF with Mr. HARDY.

Mr. HILL of Connecticut with Mr. HARDWICK.

Mr. GRAFF with Mr. HAMMOND.

Mr. GOEBEL with Mr. HAMILL.

Mr. GARDNER of Massachusetts with Mr. HACKETT.

Mr. FORDNEY with Mr. GILL.

Mr. EDWARDS of Kentucky with Mr. GAINES of Tennessee.

Mr. DRISCOLL with Mr. FITZGERALD.

Mr. DENBY with Mr. CRAWFORD.

Mr. DARRAGH with Mr. CRAVENS.

Mr. CONNER with Mr. COOPER of Texas.

Mr. COCKS of New York with Mr. CLARK of Florida.

Mr. CALDER with Mr. CARLIN.

Mr. BENNETT of Kentucky with Mr. ANSBERRY.

Mr. ACHESON with Mr. HEFLIN.

Mr. ANDRUS with Mr. FURNES.

Mr. FAIRCHILD with Mr. HUMPHREYS of Mississippi.

Mr. DUNWELL with Mr. LAMAR of Florida.

Mr. ELLIS of Missouri with Mr. LEWIS.

Mr. BANNON with Mr. BYRD.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. McCREARY with Mr. EDWARDS of Georgia.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HARDING with Mr. PETERS.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. POWERS with Mr. PRATT.

Mr. MUDD with Mr. TALBOTT.

Mr. GRONNA with Mr. KIPP.

Mr. MANN with Mr. SIMS.

Mr. PEARRE with Mr. THOMAS of North Carolina.

Mr. BRUMM with Mr. HAMLIN.

For the session:

Mr. ROUTECL with Mr. GRIGGS.

Mr. WATSON with Mr. SHEPPARD.

Mr. COUSINS with Mr. FLOOD.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. SHERMAN with Mr. RIORDAN.

The result of the vote was announced as above recorded.

The doors were opened.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4186. An act amending the act of January 14, 1889, and acts amendatory thereof, and for other purposes; and

S. 5617. An act authorizing the Secretary of the Navy to accept and care for the gifts presented to vessels of the Navy of the United States.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLET. Mr. Speaker, I present the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Massachusetts calls

up the conference report on the legislative appropriation bill. The Clerk will report the title of the bill.

The Clerk read as follows:

The bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1900.

Mr. GILLET. Mr. Speaker, I ask unanimous consent that the statement be read instead of the report.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16882) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 38, 39, 41, 42, 46, 49, 60, 62, 63, 65, 68, 71, 74, 75, 76, 79, 80, 85, 88, 89, 93, 94, 97, 98, 99, 100, 102, 105, 109, 110, 111, 112, 113, 115, 125, 126, 127, 128, 130, 131, 132, 133, 134, 138, 139, 141, 148, 151, 157, 158, 159, 167, 168, 169, 172, 173, 176, 177, 196, 205, 206, 208, 210, 216, 224, 225, 226, 232, 233, 234, 237, 238, 246, 247, 260, 261, 268, 275, 298, 299, 308, 314, 315, 316, 317, 322, 323, 325, 326, 327, 343, 344, 347, 349, 355, 356, 357, 361, and 362.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 43, 44, 45, 51, 52, 53, 54, 55, 56, 57, 58, 59, 64, 67, 72, 77, 78, 81, 82, 87, 91, 92, 96, 106, 108, 116, 119, 120, 121, 122, 123, 124, 129, 135, 136, 137, 140, 142, 143, 144, 145, 147, 149, 150, 153, 154, 155, 156, 160, 161, 163, 164, 166, 170, 174, 175, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 199, 200, 201, 202, 203, 204, 207, 211, 212, 213, 214, 215, 217, 219, 220, 222, 227, 228, 229, 230, 231, 236, 239, 240, 242, 243, 244, 248, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 262, 265, 266, 267, 269, 270, 271, 272, 274, 277, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 290, 295, 300, 301, 302, 303, 304, 305, 306, 307, 309, 311, 312, 313, 319, 320, 321, 324, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 345, 346, 350, 351, 352, 358, 359, 360, 363, 364, and 365; and agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 32 of the bill, in lines 20 and 21, omit the words: "two telephone operators at six hundred dollars each," and insert in lieu thereof the following: "one telephone switchboard operator; one assistant telephone switchboard operator;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-six thousand nine hundred and five dollars;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-three thousand five hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-six thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 39 of the bill, in line 25, strike out the word "three;" and on page 40 of the bill, in lines 1 and 2, strike out the words "assistant secretaries of the Treasury, at four thousand five hundred dollars each," and insert in lieu thereof the following: "three assistant secretaries of the Treasury, at five thousand dollars each;" and the Senate agree to the same.



Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-five thousand nine hundred and seventy dollars;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and ninety-five thousand eight hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-three;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-six thousand three hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and seventy thousand three hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 52 of the bill, in line 14, strike out the word "ten" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-seven;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three thousand eight hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight thousand nine hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and twenty-eight thousand two hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two clerks, at nine hundred dollars each;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-eight thousand dollars;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and on page 82 of the bill, in lines 4 and 5, strike out the words "chief clerk, three thousand dollars," and insert in lieu thereof the words "assistant and chief clerk, four thousand dollars;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its

disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-six thousand nine hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty," and on page 85 of the bill, in line 13, after the word "each," insert "fourteen clerks, at nine hundred dollars each;" and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and seventy-four thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-four thousand three hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-six thousand one hundred and sixty-eight dollars;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-three thousand two hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-six thousand three hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred thousand eight hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and eighty-six thousand five hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "division," insert the words "of surveys;" and the Senate agree to the same.

Amendment numbered 245: That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For continuing the work authorized by the act approved March third, eighteen hundred and ninety-one, and for the protection of the lives of miners in the Territories and in the district of Alaska, and for conducting investigations as to the causes of mine explosions with a view to increasing safety in mining, to be immediately available, one hundred and fifty thousand dollars, of which sum not more than twenty-five thousand dollars may be used for salaries."

And the Senate agree to the same.

Amendment numbered 251: That the House recede from its disagreement to the amendment of the Senate numbered 251,

and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and on page 119 of the bill, in line 7, strike out the words "chief clerk, two thousand five hundred dollars," and insert in lieu thereof the following: "Chief clerk, who shall be qualified to act as a principal examiner, three thousand dollars;" and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighty-five;" and the Senate agree to the same.

Amendment numbered 264: That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million one hundred and eighty-five thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 273: That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For rent of rooms in the Union Building for Patent Office model exhibit during so much of the fiscal year nineteen hundred and nine as may be necessary, and for necessary expenses of removal and storage of said exhibit, nineteen thousand five hundred dollars: *Provided*, That a commission, which is hereby created, to consist of the Secretary of the Interior, the Commissioner of Patents, and the Secretary of the Smithsonian Institution, shall determine which of the models of the Patent Office may be of possible benefit to patentees or of historical value, such models thus selected to be cared for in the new National Museum building; the remainder of said models shall, before January first, nineteen hundred and nine, be disposed of by sale, gift, or otherwise, as the Commissioner of Patents, with the approval of the Secretary of the Interior, shall determine."

And the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 278: That the House recede from its disagreement to the amendment of the Senate numbered 278, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 289: That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 293: That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 294: That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 296: That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight thousand dollars;" and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven thousand dollars;" and the Senate agree to the same.

Amendment numbered 310: That the House recede from its disagreement to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and seventy-one thousand

seven hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 318: That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-six thousand four hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 328: That the House recede from its disagreement to the amendment of the Senate numbered 328, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-seven thousand eight hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 342: That the House recede from its disagreement to the amendment of the Senate numbered 342, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand dollars;" and the Senate agree to the same.

Amendment numbered 348: That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-two thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 353: That the House recede from its disagreement to the amendment of the Senate numbered 353, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and forty;" and the Senate agree to the same.

Amendment numbered 354: That the House recede from its disagreement to the amendment of the Senate numbered 354, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and forty-two;" and on page 152 of the bill, in line 8, strike out the word "six" and insert in lieu thereof the word "four;" and the Senate agree to the same.

F. H. GILLET,  
J. A. TAWNEY,  
A. S. BURLISON,

*Managers on the part of the House.*

S. M. CULLOM,  
F. E. WARREN,  
H. M. TELLER,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1909, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report on each of the amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37, all of which relate to the Senate: Provides for employees in number and at the rates of compensation proposed in said amendments, and also for the amount of contingent expenses of the Senate.

On amendments Nos. 38, 39, 40, 41, 42, 43, and 44, all relating to the House of Representatives: Provides for two attendants at \$1,500 each and a watchman at \$900, for service in the old Library portion of the Capitol under the Doorkeeper, as proposed by the House, instead of under the Superintendent of the Capitol, as proposed by the Senate, provides for one attendant at \$1,500 for the Senate under the Superintendent of the Capitol, and makes certain verbal corrections in the text of the bill.

On amendments 45, 46, and 47: Provides for an assistant register of copyrights at \$2,500, as proposed by the Senate, and omits the additional clerk at \$1,600, proposed by the Senate, in the copyright office.

On amendments Nos. 48, 49, and 50: Provides for a telephone switchboard operator, at \$720, and an assistant telephone switchboard operator, at \$600, instead of two telephone operators, at \$720 each, as proposed by the Senate, for the Library of Congress building, and omits the five additional charwomen, proposed by the Senate, for that building.

On amendments Nos. 51, 52, 53, and 54: Increases the pay of the five doorkeepers from \$1,200 to \$1,400 each, and of one fireman from \$720 to \$900, in the office of the President.

On amendments Nos. 55, 56, 57, 58, 59, 60, 61, 62, and 63, relating to the Civil Service Commission: Increases the salary



of one Commissioner, acting as president, from \$4,000 to \$4,500; provides for one additional clerk, at \$1,800; three additional clerks, at \$1,600; and one additional clerk, at \$1,000, all as proposed by the Senate; omits one messenger boy, at \$480, proposed by the Senate, and provides for an assistant messenger, as proposed by the House, instead of a messenger, as proposed by the Senate, for the rural carriers' examining board.

On amendments Nos. 64, 65, 66, and 67, relating to the Department of State: Increases the salary of the Assistant Secretary, as proposed by the Senate, from \$4,500 to \$5,000; omits the additional clerk, at \$1,800, proposed by the Senate, and appropriates \$5,000, as proposed by the Senate, additional for contingent expenses.

On amendments Nos. 68, 69, and 70: Increases the salaries of three Assistant Secretaries of the Treasury from \$4,500 each to \$5,000, instead of one Assistant Secretary of the Treasury from \$4,500 to \$5,000, as proposed by the Senate.

On amendments Nos. 71, 72, and 73: Omits the provision proposed by the Senate for an engineer in chief, at \$3,000, and an assistant engineer in chief of all public buildings, at \$2,750, for the Treasury Department, and provides for two additional charwomen, at \$240 each, for the Winder Building.

On amendments Nos. 74, 75, and 76: Omits the proposed increase of \$500 in the salary of assistant chief of division and for one additional clerk, at \$1,400, proposed by the Senate, for the division of customs, Treasury Department.

On amendments Nos. 77 and 78: Provides for an additional laborer, at \$660, in the division of printing and stationery of the Treasury, as proposed by the Senate.

On amendments Nos. 79 and 80: Omits the additional clerk, at \$1,600, proposed by the Senate, for the division of mails and files.

On amendments Nos. 81 and 82: Increases the salary of the Supervising Architect of the Treasury from \$4,500 to \$5,000, as proposed by the Senate.

On amendments Nos. 83, 84, 85, and 86: Provides for one clerk, at \$1,200, instead of one, at \$1,000, in the office of the Auditor for the Navy Department.

On amendments Nos. 87, 88, 89, and 90: Provides for one additional clerk at \$1,800 in the office of the Auditor for the Interior Department and omits the provision proposed by the Senate for one messenger instead of one assistant messenger.

On amendments Nos. 91 and 92: Increases the salary of the law clerk in the office of the Auditor for the Post-Office Department from \$2,000 to \$2,500, as proposed by the Senate.

On amendments Nos. 93, 94, 95, 96, 97, 98, 99, 100, and 101, relating to the office of the Treasurer: Provides for ten additional counters at \$900 each, and six additional counters at \$800 each, and omits the provision proposed by the Senate increasing the salary of the clerk to the Treasurer from \$1,800 to \$2,000, together with the provisions for an assistant clerk for the Treasurer at \$1,600, ten expert counters at \$1,000 each, one additional mail messenger at \$840, and for five messengers instead of six assistant messengers.

On amendments Nos. 102, 103, and 104: Provides for six instead of three expert counters at \$900 each in the force employed in redeeming national currency in the office of the Treasurer, and omits the three additional expert counters at \$1,000 each, proposed by the Senate.

On amendment Nos. 105, 106, and 107: Omits the proposed increase of \$500 in the salary of the Comptroller of the Currency, proposed by the Senate, and provides for a deputy Comptroller of the Currency at \$3,000, as proposed by the Senate.

On amendments Nos. 108, 109, 110, 111, 112, 113, and 114, relating to the office of the Commissioner of Internal Revenue: Provides for an additional head of division at \$2,250 and omits all other changes proposed in the office by the Senate.

On amendments Nos. 115, 116, 117, and 118, relating to the office of the Life-Saving Service: Provides for one additional clerk at \$1,000 and one additional clerk at \$900, and omits the proposed increase of one clerk at \$1,800 and one messenger at \$840.

On amendments Nos. 119, 120, 121, 122, 123, and 124, relating to the Bureau of Engraving and Printing: Increases the salaries of the Director from \$4,500 to \$5,000, and of the Assistant Director from \$3,000 to \$3,500, respectively, and provides for an additional clerk at \$1,600, one additional helper at \$900, and five laborers at \$540 each, all as proposed by the Senate.

On amendments Nos. 125, 126, 127, and 128: Omits the changes proposed by the Senate for salaries in the office of the Surgeon-General of the Public Health and Marine-Hospital Service.

On the amendment No. 129: Provides for the purchase of

newspapers for the Treasury Department, as proposed by the Senate.

On amendments Nos. 130 and 131: Omits the provision for one additional messenger at \$840 in the office of the assistant treasurer at Baltimore.

On amendment Nos. 132, 133, and 134: Omits the changes proposed by the Senate for the office of the assistant treasurer at Boston.

On the amendments Nos. 135, 136, and 137: Provides for a clerk at \$1,750 instead of \$1,500 in the office of the assistant treasurer at Chicago.

On amendments Nos. 138 and 139: Omits the increase in the salary of the chief clerk and cashier from \$2,250 to \$2,500 in the office of the assistant treasurer at New Orleans, proposed by the Senate.

On amendment No. 140: Increases the amount for paper for checks and drafts from \$12,000 to \$13,000, as proposed by the Senate.

On amendment No. 141: Omits the increase proposed by the Senate from \$500 to \$2,500 for specimen coins for the mint at Philadelphia.

On amendments Nos. 142 and 143: Increases the amount of wages for workmen in the Assay Office at Seattle from \$30,020 to \$32,000, as proposed by the Senate.

On amendment No. 144: Makes the appropriation for contingent expenses of the office of governor of Alaska for 1908 available for furniture for the governor's office and for repairs of the buildings.

On amendments Nos. 145, 146, 147, 148, 149, 150, 151, and 152, relating to the office of the Secretary of War: Provides for an assistant and chief clerk, War Department, at \$4,000, instead of a chief clerk, at \$3,000, as proposed by the House; increases the salary of the clerk to the Secretary of War from \$2,000 to \$2,250, as proposed by the Senate; strikes out the proposed increase of \$150 for the salary of the clerk to the Assistant Secretary of War; provides for one additional clerk, at \$1,400, and one additional clerk, at \$1,200, in the office of the Secretary of War, and for an assistant telephone switchboard operator, at \$600, instead of an operator, at \$720, as proposed by the Senate.

On amendments Nos. 153, 154, 155, and 156: Provides for an additional clerk, at \$1,400, and an additional clerk, at \$1,200, instead of two clerks, at \$1,000, and one copyist, at \$900, in the office of the Judge-Advocate-General, War Department.

On amendments Nos. 157 and 158: Provides for one additional clerk, at \$1,600, in the Signal Office of the War Department.

On amendments Nos. 159, 160, 161, 162, 163, 164, and 165, relating to the office of the Quartermaster-General: Strikes out the proposed increase of \$250 for the chief clerk; provides for two chiefs of division, at \$2,000, instead of two clerks, at \$1,800 each; provides for forty clerks, at \$1,000 each, and fourteen clerks, at \$900 each, instead of fifty-four clerks, at \$1,000 each, as proposed by the Senate, and increases the salary of the electrical engineer from \$1,800 to \$2,000.

On amendments Nos. 166, 167, 168, 169, 170, and 171, relating to the office of the Commissary-General: Provides for one additional clerk, at \$1,800, instead of one clerk, at \$900.

On amendments Nos. 172, 173, 174, 175, 176, 177, and 178, relating to the office of the Surgeon-General of the War Department: Strikes out the provision for one messenger instead of one assistant messenger; provides for an assistant chemist, at \$1,500; increases the salary of the principal assistant librarian from \$2,088 to \$2,250; strikes out the proposed increase of salary of the pathologist and of the microscopist from \$1,800 to \$2,000 each.

On amendments Nos. 179, 180, 181, and 182, relating to the Bureau of Insular Affairs, War Department: Provides for two additional clerks, at \$1,400 each, four additional clerks, at \$1,200 each, and five additional clerks, at \$1,000 each, instead of fourteen clerks, at \$900 each.

On amendments 183 and 184: Provides for a second sergeant of park watchmen, at \$900, for the parks in Washington and makes verbal correction in the text of the bill.

On amendments Nos. 185, 186, 187, 188, 189, 190, 191, 192, 193, and 194: Increases the salary of the Assistant Secretary of the Navy from \$4,500 to \$5,000; provides for a clerk to the Assistant Secretary of the Navy, at \$2,000; increases the pay of one clerk from \$1,400 to \$1,600 in the office of the Naval Records of the Rebellion, and provides specifically for the office of the Solicitor of the Navy Department independently of the office of the Judge-Advocate-General, all as proposed by the Senate.

On amendments Nos. 195, 196, 197, and 198: Provides for

an additional clerk at \$2,000, and omits one clerk at \$1,600 in the Bureau of Navigation, Navy Department.

On amendments Nos. 199 and 200: Provides for a bookkeeper and accountant, at \$1,800, in the Bureau of Equipment, Navy Department, as proposed by the Senate.

On the amendments Nos. 201, 202, and 203: Increases the pay of one engraver from \$1,000 to \$1,200 in the Hydrographic Office, Navy Department, as proposed by the Senate.

On amendment No. 204: Appropriates \$2,000, as proposed by the Senate, for a monthly pilot chart of the North Pacific Ocean.

On amendments Nos. 205, 206, 207, 208, 209, 210, 211, and 212: Increases the pay of three assistants in the Naval Observatory from \$1,200 to \$1,600 and of two assistants from \$1,200 to \$1,400, as proposed by the Senate, and omits other proposed increases of pay of persons employed in the Naval Observatory, proposed by the Senate; omits increase in appropriations for miscellaneous computations from \$5,000 to \$6,500, proposed by the Senate; increases from \$2,500 to \$3,000 the amount for repairs to buildings and from \$7,500 to \$8,000 the amount for fuel and other expenses of the Naval Observatory.

On amendments Nos. 213, 214, and 215: Increases the salary of one assistant in the Nautical Almanac Office, as proposed by the Senate, from \$1,600 to \$1,800.

On amendments Nos. 216, 217, and 218: Provides for two additional clerks at \$1,200 each, as proposed by the Senate, and omits one additional clerk at \$1,600, proposed by the Senate, for the Bureau of Steam Engineering, Navy Department.

On amendments Nos. 219 and 220: Provides for one additional clerk at \$1,600 for the Bureau of Ordnance, Navy Department.

On amendments Nos. 221, 222, and 223: Provides for one clerk at \$1,600 instead of one clerk at \$1,400 in the Bureau of Supplies and Accounts, Navy Department.

On amendments Nos. 224 and 225: Omits the increase of \$250 for the salary of chief clerk of the Bureau of Yards and Docks, Navy Department, proposed by the Senate.

On amendment No. 226: Omits the provision for purchase of the Revised Statutes by the Navy Department.

On amendments Nos. 227, 228, 229, 230, 231, 232, 233, 234, 235, and 236, relating to the office of the Secretary of the Interior: Provides, as proposed by the Senate, for an increase in the salary of the First Assistant Secretary from \$4,500 to \$5,000; for an assistant to the Secretary, at \$2,750; one assistant attorney, \$2,750; one assistant attorney, \$2,500, and four assistant attorneys, at \$2,250 each; for a clerk in charge of publications, at \$2,250, and for two additional clerks, at \$1,600 each; omits provision for a chief messenger, at \$1,000, instead of a messenger, at \$840; strikes out the proposed increase in the salary of the captain of the watch from \$1,200 to \$1,400, and inserts a provision authorizing the transfer of members of the Board of Pension Appeals to places in the classified service.

On amendments Nos. 237 and 238: Omits increase in salary of engineer and electrician in the old Post-Office Department building from \$1,600 to \$1,800, proposed by the Senate.

On amendments Nos. 239 and 240: Appropriates \$4,000, as proposed by the Senate, instead of \$16,000, as proposed by the House, for per diem expenses of special inspectors of the Interior Department.

On amendments Nos. 241, 242, and 243: Provides for a chief of Division of Surveys at \$2,750, instead of a chief of division, at \$2,400, in the General Land Office.

On amendment No. 244: Appropriates \$2,000, as proposed by the Senate, instead of \$1,250, as proposed by the House, for State and Territorial maps.

On amendment No. 245: In lieu of the appropriation of \$195,000, proposed by the Senate, relating to the protection of the lives of miners, the following is agreed upon to be inserted:

"For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories and in the district of Alaska, and for conducting investigations as to the causes of mine explosions with a view to increasing safety in mining, to be immediately available, \$150,000, of which sum not more than \$25,000 may be used for salaries."

On amendments Nos. 246 and 247: Omits increase in salary of the principal bookkeeper in the Indian Office from \$1,800 to \$2,000, proposed by the Senate.

On amendments 248 and 249: Provides for 40 additional clerks, at \$1,200 each, proposed by the Senate, for the Pension Office.

On amendments Nos. 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, and 264, relating to the Patent Office: Increases salaries, as proposed by the Senate, of Assist-

ant Commissioner from \$3,000 to \$3,500; of chief clerk, who it is required shall be qualified to act as principal examiner, from \$2,500 to \$3,000; 2 law examiners from \$2,500 to \$2,750 each; examiner of interferences and examiner of trade-marks and designs from \$2,500 to \$2,700 each; 42 principal examiners from \$2,500 to \$2,700; 58 first assistant examiners from \$2,000 to \$2,400; 68 second assistant examiners from \$1,800 to \$2,100 each; 78 third assistant examiners from \$1,600 to \$1,800; 100 fourth assistant examiners from \$1,400 to \$1,500 each; omits the proposed increase of 10 additional clerks at \$1,200 and 15 additional clerks at \$1,000 each; provides for 90 copyists at \$900 each instead of 106 as proposed by the House, and for 85 copyists at \$720 each instead of 100 as proposed by the House.

On amendments Nos. 265 and 266: Increases the salary of the Commissioner of Education from \$3,500 to \$4,500 as proposed by the Senate.

On amendment No. 267: Appropriates \$500 as proposed by the House instead of \$250 as proposed by the Senate for books for the library of the Bureau of Education.

On amendment No. 268: Appropriates \$4,000 as proposed by the House instead of \$8,000 as proposed by the Senate for collecting statistics for the library of the Bureau of Education.

On amendments Nos. 269, 270, 271, and 272: Increases the pay of one draftsman from \$1,000 to \$1,200; of one clerk from \$1,400 to \$1,600 in the office of the Superintendent of the Capitol, and of the person in charge of the heating of the Supreme Court and central portion of the Capitol from \$864 to \$1,000.

On amendment No. 273: Appropriates \$19,500 for rent of the building for storage of Patent Office model exhibit for such portion of the fiscal year 1900 as may be necessary and for the expense of removal and storage of said exhibit and creates a commission to determine which of said models are of value to patentees and those that are of historic value, the same to be cared for in the New Museum Building, the remainder to be disposed of by sale, gift, or otherwise, before January 1, 1900.

On amendment No. 274: Appropriates \$3,000, as proposed by the Senate, for rent of additional accommodations for the Geological Survey.

On amendments Nos. 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, and 307, relating to the offices of the surveyors-general: Fixes the salaries of the surveyors-general of Arizona, Nevada, and New Mexico at \$2,500 each instead of \$3,000, as proposed by the Senate, and the salaries of the surveyors-general of California, Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming at \$3,000 each, as proposed by the Senate; appropriates for clerks in the surveyor-general's offices as follows: Arizona, \$8,000 instead of \$7,000; Montana, \$13,000 instead of \$11,000; Nevada, \$5,400 instead of \$5,000; New Mexico, \$10,500 instead of \$10,000; Oregon, \$8,000 instead of \$7,250; Washington, \$10,000 instead of \$7,800, and Wyoming, \$11,700 instead of \$10,500.

On amendments Nos. 308, 309, and 310: Omits the increase proposed by the Senate for salary of disbursing clerk of the Post-Office Department from \$2,250 to \$2,400 and provides for one additional stenographer, at \$1,600, in the office of the Postmaster-General.

On amendments Nos. 311, 312, 313, 314, 315, 316, 317, and 318, relating to the office of the Second Assistant Postmaster-General: Increases, as proposed by the Senate, the salary of the Second Assistant Postmaster-General from \$4,500 to \$5,000 and of the superintendent of railway adjustments from \$2,500 to \$3,000; provides for two additional clerks, at \$1,800 each, and omits the other increases proposed by the Senate in the clerical and other forces of the office.

On amendments Nos. 319, 320, and 321: Increases the salary of the Third Assistant Postmaster-General from \$4,500 to \$5,000, and provides for two additional special agents, at \$2,000 each, in his office, as proposed by the Senate.

On amendments Nos. 322 and 323: Omits the provision for one additional clerk, at \$1,800, proposed by the Senate, in the division of money orders.

On the amendments Nos. 324, 325, 326, 327, and 328: Increases the salary of the Fourth Assistant Postmaster-General from \$4,500 to \$5,000, as proposed by the Senate, and omits the other proposed changes in the clerical force in this office.

On amendments Nos. 329 and 330: Increases the salary of the superintendent of dead letters from \$2,500 to \$2,700, as proposed by the Senate.

On amendment No. 331: Increases from 1,500 to 3,000, as proposed by the Senate, the number of copies of the Official Postal Guide to be procured for the Executive Departments.



On amendments Nos. 332, 333, 334, 335, and 336, relating to the office of the Attorney-General: Increases, as proposed by the Senate, the salaries of the Assistant Attorney-General for the Post-Office Department from \$4,500 to \$5,000; of the private secretary and assistant to the Attorney-General from \$2,500 to \$3,000, and of one law clerk from \$1,800 to \$2,000.

On amendments Nos. 337 and 338: Increases, as proposed by the Senate, the salary of the Solicitor of the Treasury from \$4,500 to \$5,000.

On amendment No. 339: Appropriates \$450, as proposed by the Senate, instead of \$300, as proposed by the House, for law books in the office of the Solicitor of the Treasury.

On amendments Nos. 340 and 341: Increases the salary of the Solicitor of the Department of Commerce and Labor from \$4,500 to \$5,000, as proposed by the Senate.

On amendment No. 342: Appropriates \$40,000 instead of \$35,000, as proposed by the House, and \$50,000, as proposed by the Senate, for special agents to investigate trade conditions abroad.

On amendments Nos. 343 and 344: Omits the proposed increase of \$250 in the salary of the chief clerk of the Bureau of Corporations.

On amendments Nos. 345, 346, 347, and 348, relating to the Bureau of Manufactures: Increases the salary of the stenographer from \$1,400 to \$1,600, providing for an additional clerk, at \$1,600, as proposed by the Senate, and omits the provision, proposed by the Senate, for one additional clerk, at \$1,000.

On amendment No. 349: Appropriates \$5,500, as proposed by the House, instead of \$7,500, as proposed by the Senate, for collecting the tariffs of foreign countries.

On amendments Nos. 350, 351, and 352: Provides for an additional clerk, at \$1,800, and omits one clerk, at \$1,400, in the Light-House Board, proposed by the Senate.

On amendments Nos. 353 and 354: Provides for forty additional clerks, at \$1,200 each, and omits fifty clerks, at \$1,000 each, in the Census Office.

On amendments Nos. 355, 356, 357, and 358: Omits the increase in clerical force, proposed by the Senate, for the Bureau of Statistics, and appropriates \$4,000, as proposed by the Senate, for the service of experts in that Bureau.

On amendments Nos. 359 and 360: Provides for an additional messenger, at \$720, for the court of appeals of the District of Columbia.

On amendments Nos. 361, 362, 363, and 364: Omits the provision for a marshal, at \$2,000, proposed by the Senate, instead of a bailiff, at \$1,500, for the Court of Claims; increases the amount for a stenographer for the chief justice of the court from \$1,200 to \$1,600, and makes a verbal correction in the text.

On amendment No. 365: Inserts section 3 of the bill, relating to persons incapacitated for performing service, proposed by the Senate, instead of the legislation proposed by the House.

F. H. GILLETT,

J. A. TAWNEY,

A. S. BURLESON,

*Managers on the part of the House.*

The SPEAKER. What motion does the gentleman from Massachusetts make?

Mr. GILLETTE. I move to suspend the rules and agree to the conference report.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Alabama demands a second. Under the rule a second is ordered. The gentleman from Massachusetts is entitled to twenty minutes and the gentleman from Alabama to twenty minutes.

Mr. GILLETTE. Mr. Speaker, inasmuch as under the demand of the leader of the minority the House has heard the full report read and consequently is supposed to be informed as to the facts, I shall not think it necessary to make any further statement unless questions are asked. I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield ten minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I desire to address the House for a few moments on the question of an anti-injunction measure at the present session of Congress, and I send the following clipping, taken from the Washington Post, to the Clerk's desk and ask that it be read in my time.

The Clerk read as follows:

DEMAND INJUNCTION BILL—SEVERAL HOUSE REPUBLICANS THREATEN TO ORGANIZE A REVOLT—DECLARE THEY WILL JOIN WITH DEMOCRATS TO BLOCK ADJOURNMENT IF ACTION IS DENIED.

The managers of the House of Representatives have another revolt on their hands. Yesterday a delegation composed of Representatives TOWNSEND of Michigan, HAYES of California, MADISON of Kansas, and

POLLARD of Nebraska waited on Speaker CANNON and, it is reported, told him that if an anti-injunction bill was not reported from the Committee on the Judiciary and an opportunity given to vote upon it, they and others would join the Democrats to prevent an adjournment.

The delegation was backed up by a petition signed by forty Republican Members pledging themselves to take this action. It developed yesterday that the revolt among Republicans against the determination of the leaders to adjourn Congress without passing a bill to regulate the issuance of injunctions has been growing for several days. The insurgents have held numerous conferences, and it was agreed Saturday night to hand around the petition and test the temper of the Republicans. The result was beyond their most sanguine expectations.

Whether this revolt will disappear under the application of the party whip remains to be seen. The leaders have been faced with it so unexpectedly that plans for its suppression have not been arranged. There are, perhaps, not more than a dozen Republicans who favor the Pearre injunction bill, which is the one endorsed by organized labor, but there are quite a number who believe there should be a measure of some sort enacted before adjournment. On the other hand, there is a tremendous sentiment among business men bitterly hostile—

Mr. GILLETTE. Mr. Speaker, I make the point of order that this is not relevant to the subject under discussion.

The SPEAKER. The Chair sustains the point of order.

Mr. HENRY of Texas. Mr. Speaker, I hope the gentleman will not make that point. I desire to make a few pacific remarks—

Mr. GILLETTE. Mr. Speaker, the gentleman from Mississippi has just exhausted twenty minutes in having read the report which was known on that side was utterly useless. Nobody gave any attention to it, and consequently, having exhausted that time, I make the point of order that the discussion must be relevant to the subject.

The SPEAKER. The Chair sustains the point of order.

Mr. HENRY of Texas. Mr. Speaker, I want to say to the gentleman that if you are willing to pass an anti-injunction bill, we are ready this morning or at any other time.

Mr. GILLETTE. The gentleman from Texas is out of order.

Mr. UNDERWOOD. Mr. Speaker, I ask that the gentleman from Texas may be allowed to proceed in order.

The SPEAKER. Of course, the gentleman from Texas will proceed in order.

Mr. HENRY of Texas. Mr. Speaker, I will be very candid, and state that I do not desire to discuss the bill, but do desire to speak in favor of an anti-injunction bill, and believe that it ought to be passed at once.

The SPEAKER. The Chair calls the attention of the gentleman from Texas to the rule. If the point is made, the gentleman must discuss the subject under consideration.

Mr. HENRY of Texas. I will ask unanimous consent that the rule be suspended, inasmuch as all rules seem to be suspended, and that I be allowed to address the House for ten minutes.

Mr. GILLETTE. I object, Mr. Speaker.

Mr. HENRY of Texas. I yield back my time to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. CLARK of Missouri. Yesterday morning the Chair ruled that a motion to suspend the rules suspended all rules. If that is true, the gentleman is within his rights.

The SPEAKER. The Chair calls the attention of the gentleman from Missouri [Mr. CLARK] to the fact that each ruling must be consistent. To say that all rules of the House touching the preservation of order, touching debate, are suspended would be an illogical and, it seems to the Chair, a silly ruling and would throw the House into chaos.

Mr. HENRY of Texas. On the proposition of order before the House, it seems to me that when the gentleman moves to suspend the rules and pass this bill it would also suspend rules authorizing him to make a point of order against my addressing the House on this or any other matter.

The SPEAKER. If that principle was good, it would suspend all rules for the preservation of order and even suspend the twenty-minute rule for debate. The Chair sustains the point of order.

Mr. HENRY of Texas. Mr. Speaker, I yield back the ten minutes, or as much as I have left, to the gentleman from Alabama [Mr. UNDERWOOD]. I suppose that all of the ten minutes would be left, inasmuch as I have not been allowed to address the House.

Mr. UNDERWOOD. How much time have I left?

The SPEAKER. Fifteen minutes.

Mr. UNDERWOOD. Does the gentleman from Massachusetts [Mr. GILLETTE] desire to consume any of his time?

Mr. GILLETTE. Not at present.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Missouri [Mr. HACKNEY].

Mr. HACKNEY. Mr. Speaker, amendment numbered 245 is one that has been discussed a great deal by individual Members, and especially those Members representing mining constituencies. There has been some question raised as to the sufficiency

of the language of that amendment to cover what is practically the unanimous desire of the Members of this House.

Mr. GILLETT. Will the gentleman allow an interruption?

Mr. HACKNEY. Yes, sir.

Mr. GILLETT. I wish to state that, in the RECORD, which the gentleman may have read, where it is said that \$25,000 was appropriated to salaries, it is wrong. It should be \$50,000.

Mr. HACKNEY. My attention has been called to that. Unfortunately, I see the same mistake has been made both in the Senate and in the House.

Mr. BURLESON. The correction has been made.

Mr. HACKNEY. The appropriation carried by that amendment is \$150,000, the purpose being for investigating mining disasters and to determine the cause of explosions in mines. When the sundry civil bill was submitted to the House under the five-minute rule in the Committee of the Whole, I made a point of order against an appropriation of \$50,000 for the investigation of these mine explosions, for the reason that I deemed that amount to be wholly inadequate to the importance of the work and insufficient to carry on the work properly.

As I look at it, that \$50,000 would be as good as thrown away, because it could not be hoped that this important problem, so vital to the mining industries throughout the land, so vital to the preservation of life and property, should be determined with that meager appropriation. That amendment was stricken out of the sundry civil bill on a point of order, and this amendment, originally \$195,000 in the Senate, is reduced to \$150,000 by the conferees. In my judgment the amount of \$150,000 is sufficient to carry on this work—at least to get the work well started, and the limitation on the salaries is, I think, a very proper one, because no one wants the appropriation to be eaten up in salaries of men employed by the Government to do the work. They have under the limitations here fixed the \$50,000 for salaries and \$100,000 for the work of experimentation.

Now, then, the only question is Where can this work be carried on? It is the understanding of the Members of the House, and I think we ought to print it in the RECORD, that we adopt this amendment with the understanding that this experiment work may be carried on by the Government wheresoever the Government officials deem it proper to carry it on. This amendment reads:

For continuing the work authorized by the act approved March 3, 1901, and for the protection of the lives of miners in the Territories and in the district of Alaska.

That is one part, but here is the second part:

And for conducting investigations as to the causes of mine explosions, with a view to increasing safety in mining, to be immediately available, \$150,000, etc.

Now, then, I think it is the desire of this House and the other body as well, from talking with members of that body, that this appropriation shall be used by the Government in carrying on this investigation anywhere, wheresoever they feel it may be carried on in order that the cause of these horrible explosions shall be determined, and properly determined, scientifically; otherwise I would be opposed to the adoption of the amendment.

Mr. DOUGLAS. I would like the gentleman to state what his attitude is toward this amendment. Does he not think that \$150,000 is better than nothing?

Mr. HACKNEY. That is what I said. This amount is adequate. Of course, \$195,000 would be a little bit better. I was opposed to the adoption of the proposition for \$50,000, as offered in the House, for the reasons just stated. It is very necessary, in order to solve this vexed problem, that there should be a thorough investigation, and if it can be thoroughly done I believe the cause of explosions will be discovered; if so, it will be the greatest boon to humanity coming from any scientific investigation for many years. I hope the amendment will be adopted and the conference report agreed to.

Mr. GILLETT. I yield five minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. The amendment that has been put into the legislative, executive, and judicial appropriation bill providing for an investigation of mining accidents, and so forth, as it is now amended by the committee, is:

For continuing the work authorized by the act, approved March 3, 1891, and for the protection of the lives of miners in the Territories and in the district of Alaska, and for conducting investigations as to the causes of mine explosions with a view to increasing safety in mining, to be immediately available, \$150,000, of which sum not more than \$50,000 may be used for salaries.

This leaves \$100,000, at all events, for the investigation of this great subject. The great loss of life that has occurred in the

last few years throughout the country admonishes us of the necessity of some scientific investigation into the causes of these catastrophes. When human life is at stake there ought to be no obstacle put in the way of ascertaining in the best possible way the causes of the trouble concerning which the legislation is desired. My friend on the other side [Mr. HACKNEY] stated that he hoped this would extend the investigation wheresoever necessary, that it should not be confined to the Territories and the district of Alaska. This would not necessarily confine the investigation to the Territories and the district of Alaska. By this language it is authorized that these investigations of mine explosions may be conducted wherever necessary in a way necessary to ascertain their causes. This would enable them to investigate mine accidents in States for the purpose of helping out mines which may be in the district of Alaska or the Territories of the United States, and for that purpose cover mines anywhere, and where explosions occur anywhere. The Interior Department will feel authorized, with the language here given, to extend their investigations to all mines where dangerous conditions prevail and under conditions where it is possible to ascertain the causes of those great disasters.

As to the \$150,000 being sufficient for the work, I am quite sure that it is, because it always takes some time to install an investigation such as this and to marshal the necessary force and equipment to conduct it. I am sure that this amount is sufficient to start with. I believe if it were possible to get legislation by which a regular bureau might be authorized to take this matter up at once in a systematic way it would be still better, but I am sure that this authority given to employ such persons and appoint such persons as are necessary, in order to make these investigations through scientific channels, it will be done almost as well as if by a regularly appointed bureau under an act of Congress. I think it will finally result in a bureau being given absolute charge of this work, especially if it is found necessary that it shall continue for any great length of time. I believe, too, that these duties will continue as long as mining continues.

Those who live in coal-mining districts believe that it is necessary that there shall be some investigation into these great disasters without delay.

In the hearings before the committee on the bills introduced for the establishment of a bureau of mines and mining a great deal of testimony was taken, and the testimony given by those witnesses was all to the effect that it was not possible to ascertain by any known means or by any expenditure of money on their part what were the causes of many of the explosions which have occurred. They therefore recommended that a study of the subject be had in a thoroughly systematic way, by persons who would be competent to discover the causes of mine disasters, so as to advise the men who have charge of the various coal-mining enterprises in the interest of the preservation of human life.

It was also testified by these men that it was hardly possible for any one State to take up the subject by itself, as it would be desultory, and could not be productive of such results as by the Government, whose findings would serve all the States at once. The investigation made by the Government would serve as a model for investigations by the State and would enable all the States to profit by the investigation; and yet it is not intended that the State shall be excused from the duty of making such an investigation as it might be able to make, but that this Government investigation should cooperate and supplement each in its scope and ability to work toward accurate knowledge of the causes by which many a worthy miner has lost his life. At the best coal mining is hazardous, and we should not hesitate to provide protection in this great and honorable occupation. I believe that this appropriation will meet the demands of the situation, and I trust that the Geological Survey will not delay in getting to the work authorized by the appropriation.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. GILLETT. Mr. Speaker, I now yield five minutes to the gentleman from West Virginia [Mr. GAINES].

Mr. GAINES of West Virginia. Mr. Speaker, the other day when the sundry civil bill was under consideration I regretted very much that I felt it my duty to object to the proposition for \$50,000 for the investigation of mine explosions offered by the gentleman from Indiana [Mr. CHANEY]. I recognized then, as does every Member of this House, that he is as ardently in favor of this investigation as anybody.

My purpose in making the objection, however, was to see if we could not secure a larger amount on the legislative, executive,



and judicial appropriation bill, then in conference, the conference report upon which we are now considering. I have examined with great care the language of this provision. I was told that as reported by the conferees the appropriation was limited to the investigation of accidents in the Territories and Alaska. I do not so read the language in this amendment, and for that reason I shall support the motion made by the gentleman from Massachusetts to adopt the conference report and pass the bill.

The first part of the language provides that the appropriation is available for the continuing of the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories and the district of Alaska. Then follows this language:

And for conducting investigations as to the causes of mine explosions with a view to increase the safety in mining, to be immediately available \$150,000.

Unquestionably that will permit the use of this sum for the investigation of the causes of mine explosions generally; in other words, permit the money to be used for the very purpose that we desire it. I wish, however, to say at this time one other thing. The other day the chairman of the Committee on Appropriations, Mr. TAWNEY, said that I wished first an appropriation of \$125,000. I told him my recollection was that I wanted \$180,000. Since that time I have examined the reports on which I then acted, and find that my recollection was exactly correct. The Geological Survey estimated as necessary for this work \$120,000 for the purpose of establishing a plant, and \$60,000 for the purpose of conducting the investigation.

Acting upon that, I asked to be permitted to amend the bill by inserting the sum of \$180,000. When the bill reached the Senate, under the rule there obtaining, the Senate placed on the bill \$195,000 for this purpose. The conferees agreed on \$150,000. When I found that out, I asked the Geological Survey people whether they have submitted any new estimates, and was told that at the request of the chairman of the Committee on Appropriations they had submitted an estimate of \$173,000 for nine months' of work, or a three-quarters of a year estimate. That was what the conferees had before them, the sum of \$173,000 for nine months' expenditure. Therefore, when the next session of Congress comes, I shall ask this House to supplement this appropriation by increasing it to the original sum of \$180,000.

Mr. UNDERWOOD. Mr. Speaker, I was one of the gentlemen who, when the sundry civil bill was before the House and a provision came up to investigate explosions in coal mines, objected to the appropriation being limited to \$50,000. I did so at that time because I felt assured that the amount that it was proposed to appropriate then would not be adequate and could not accomplish the purposes desired. This bill now carries an appropriation of \$150,000 for the purpose of investigating explosions in coal mines, and limits the amount of salaries to be paid to \$25,000. I think a great deal of good can be accomplished by this appropriation. We do not want scientific papers written by college professors on the subject. We can get those without Government pay. They can be found in the ordinary monthly magazines at various times. What we really need in this country is an earnest and continuous investigation of the subject for the protection of the men who earn their living by delving in the ground. We need original research, and that requires machinery, it requires tools, it requires a large expenditure to accomplish that purpose, and not only an expenditure in one year, but it will take years and years of work to accomplish any real, definite results which would bring about improved methods of mining in this country.

These experiments will not only be of very great value to the miner, a great protection to his life, but they will be of great benefit to the mine owner and operator, because they will protect his property, and a very large portion of the people of the United States are greatly interested in the matter. I shall favor agreeing to this conference report and shall favor this amendment, but I am free to say that I am not entirely satisfied in reference to the matter. I do not think the language contained in the report is broad enough to make the necessary investigations to the full extent desired, but I believe and hope that if we adopt the amendment to-day and start on with the work, in the future we can broaden the scope of the investigation and can increase the amount of the appropriation, so that ultimately we can carry on to the full extent the investigations that are desired and that are necessary. I am not in favor of limiting this investigation merely to an appropriation and to a Department to carry on incidentally. I am heartily in favor of

this House passing the bill in favor of the creation of a Bureau of Mines. I do not think we can really accomplish the results desired with any legislation this side of the proposition of establishing a permanent Bureau of Mines. There is some objection to this proposition from gentlemen who say that that is a question for the States to deal with. Have we regarded it as a question for the States to deal with when we originally established the Agricultural Bureau, and when we went on further and made the Agricultural Bureau a Department of state, and instead of a Commissioner of Agriculture we made a Cabinet officer?

The question of mines and mining may not be of interest to as many people in this country as the question of agriculture, but, to say the least, it is second to the great agricultural development of this country, and the people who are engaged in mining in this country are as much entitled to those investigations that the Government can make in their interest as are the people in the country who are engaged in agricultural pursuits. We are spending a good many millions of dollars every year toward developing agriculture, toward investigations that will improve agriculture, that will make it more profitable to those engaged in that occupation and more beneficial to the masses of the people of the country. It is purely a scientific question, and the investigations are along scientific lines. Now, one of the other great fields of industry in this country is mining. Why should not we carry on that same class of investigation in the fields of mining that we carry on in the fields of agriculture? It is absolutely necessary to those people engaged in mining that we should do so. If you leave this matter of investigation only to the States, the fields are too narrow, the opportunity for investigation is not great enough. The single States can not afford to expend the necessary money for a clear and full investigation.

In other words, to investigate the mere question of mine explosions it is necessary to build a tunnel, to build an artificial mine, to go through the performance of having mine explosions, and it costs a good many hundred thousand dollars to accomplish that result. Are you going to say that each one of the forty-six States in the Union should establish an artificial mine, to go to this expense, when all the investigations can be done by one artificial mine and by one experiment? It is clearly a case for experimental purposes, and it is better for the National Government to make the investigation. There is no question about the constitutional authority. If you deny the constitutional authority of the Federal Government to make these investigations, you must deny its constitutional authority to make investigations in reference to all branches of the Agricultural Department. Is there a man on this floor who at this day and time is prepared to deny the right of the Agricultural Department to make scientific investigations for the development of agriculture? Well, if there is not, and there is not a man who would rise and deny that proposition, then where can the man come from who will deny the proposition that the Federal Government has a right to investigate these questions of mine explosions and mine development?

If one is right, if one is constitutional, the other is right and the other is constitutional, and therefore I say if this Congress adjourns with a bill pending here on the Calendar to create a Bureau of Mines without enacting that law on the statute books, that this Congress will be derelict in its duty to this great mass of people who, through the several States, are engaged in mining and interested in the products of mines. [Applause.] I say that it is our duty to stay here; it is our duty not alone to pass this appropriation bill, but to insist on passing a bill that will create a Bureau of Mines. [Applause.]

Mr. GILLET. Mr. Speaker, I yield four minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, there has been some discussion of the provision included in the conference report on the legislative bill regarding an investigation of mine explosions, and some statements have been made that the amount appropriated is intended only to cover the expenses incident to that investigation during the next eight months. I want to say to the Members of the House that the \$150,000 carried in this provision is not only intended to cover the expense incident to the investigation during the eight months, but throughout the next fiscal year, and it is believed that under the limitation of the language in that provision, as agreed to between the conferees on the part of the two Houses, it will be sufficient to go a long way toward completing the investigation.

The provision as it was originally reported to the Senate and as it passed that body contemplated, not an investigation of mine explosions or the cause of mine explosions alone, but

It also authorized the investigation of the method of mining, with a view of improving the efficiency of mining as well as safety in mining. That was practically an unlimited field upon which the Geological Survey could engage if authorized to do so by the adoption of that provision, but under the language of the provision carried now the authority exists only for an investigation of the cause of mine explosions, the necessity for information concerning which is what gave rise to the demand for this legislation, and the House conferees did not feel justified in creating the authority for making investigations outside of the cause of mine explosions, or that would give the Geological Survey an opportunity to create a permanent organization to go into the business and methods of mining for the purpose of improving efficiency in mining throughout the United States. This service will be temporary because, when the investigation into the causes of mine explosions have been completed and the cause of mine explosions ascertained, if that cause can ever be ascertained, there will be no longer any necessity for the service.

Mr. UNDERWOOD. Will the gentleman from Minnesota allow me to ask a question?

Mr. TAWNEY. I will.

Mr. UNDERWOOD. The gentleman is well aware that in European countries where these investigations have been made that it has cost hundreds of thousands of dollars—I may say millions of dollars—to make them, and that they have been engaged in that business for years and years past. Now, does the gentleman expect in eight months or a year's time, with a limited appropriation of this amount, to come to the end of such an investigation?

Mr. TAWNEY. I do not. I suppose that the time will extend beyond a year, but in any event the expense is not going to be anything near what it would have been had the broad authority originally given to the Geological Survey been included in the final agreement between the two Houses.

Mr. UNDERWOOD. I may have misunderstood what the gentleman said, but what I wanted to understand from his language was whether, as chairman of this committee, he expected the appropriation for this work to be limited to this single appropriation.

Mr. TAWNEY. The expenditures to which the gentleman referred as having been made in other countries were made likely by private owners of mines. There has been a vast amount of money expended in the United States for the purpose of ascertaining the cause of these mine explosions and there always will be a great deal of money expended in that direction, but so far as the Government's duty in the matter goes, if it has any duty at all, it is limited to ascertaining as far as it possibly can these causes and make them known to those interested. Beyond the original scientific research work necessary to accomplish this result the Government of the United States can not go and the Geological Survey should not be allowed to go.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. GILLET. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. COOPER].

Mr. COOPER of Pennsylvania. Mr. Speaker, I have the honor to represent the greatest coal and coke district in the world, and, representing such a district, I am naturally very much interested and my people are very much interested in the adoption of such methods and the taking of such precautions as will prevent as many of the mine explosions and mine accidents as possible.

With this matter in view, and mindful of some of the mine disasters that have recently occurred in our mines, I wrote to the chief of the bureau of mines in Pennsylvania recently for a report as to the number of mining accidents that they have had in Pennsylvania within the last ten years, together with the cause. Now, in my home county last year we mined almost 29,000,000 tons of coal and we made about 14,500,000 tons of coke. The State of Pennsylvania produced 149,559,047 tons of bituminous coal and over 76,000,000 tons of anthracite coal, making a total of 226,395,129 tons of coal mined in Pennsylvania last year.

The SPEAKER. The gentleman's time has expired.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may insert in the Record the table sent me by the chief of the department of mines of Pennsylvania, giving the number of mining disasters and the causes thereof for the past ten years, and to extend my remarks in the Record.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. We have no objection to that, Mr. Speaker.

The report is as follows:

Number and causes of fatal accidents in and about the mines, 1898 to 1907, inclusive.

BITUMINOUS.											
	1898.	1899.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	
<b>INSIDE.</b>											
By falls of coal.....	30	26	38	30	34	42	38	52	40	42	
By falls of slate and roof..	103	137	128	157	189	196	199	246	265	265	
By mine cars.....	31	40	42	43	47	60	51	57	81	102	
By machinery.....	—	—	1	2	—	—	—	9	7	5	
By explosions of gas.....	11	29	6	27	126	23	180	29	10	276	
By explosions of powder and dynamite.....	1	4	8	2	3	5	2	7	1	2	
By explosions of blasts.....	4	4	1	5	5	9	4	9	7	13	
Suffocation by gas.....	4	—	1	—	—	—	3	10	1	1	
By electric shocks.....	2	5	6	8	7	1	—	—	26	22	
By falling into shafts.....	1	3	8	1	8	7	11	5	5	19	
By falling into slopes.....	—	—	—	—	3	—	1	—	—	—	
By mules.....	—	—	—	4	—	1	—	2	1	1	
Miscellaneous causes.....	3	2	15	7	20	31	23	18	8	17	
<b>Total.....</b>	<b>190</b>	<b>250</b>	<b>254</b>	<b>280</b>	<b>442</b>	<b>375</b>	<b>512</b>	<b>444</b>	<b>455</b>	<b>796</b>	
<b>OUTSIDE.</b>											
By cars.....	6	1	11	9	1	15	9	14	6	20	
By machinery.....	2	3	—	2	4	2	2	5	4	2	
By suffocation.....	—	—	—	—	—	—	—	—	—	—	
By boiler explosions.....	—	—	—	—	—	—	—	—	—	—	
Miscellaneous causes.....	2	2	—	4	8	10	12	16	12	15	
<b>Total.....</b>	<b>10</b>	<b>8</b>	<b>11</b>	<b>15</b>	<b>14</b>	<b>27</b>	<b>24</b>	<b>35</b>	<b>22</b>	<b>40</b>	
<b>Grand total, inside and outside.....</b>	<b>200</b>	<b>258</b>	<b>265</b>	<b>301</b>	<b>456</b>	<b>402</b>	<b>536</b>	<b>479</b>	<b>477</b>	<b>806</b>	
<b>ANTHRACITE.</b>											
<b>INSIDE.</b>											
By falls of coal.....	58	78	61	66	40	61	82	76	60	71	
By falls of slate and roof..	128	148	114	100	76	149	156	219	154	208	
By mine cars.....	44	51	60	60	42	70	71	82	67	88	
By explosions of gas and dust.....	33	28	38	33	20	26	30	33	43	44	
By explosions of powder and dynamite.....	11	11	14	15	19	17	35	16	28	17	
By explosions of blasts.....	24	27	29	38	13	38	34	44	53	70	
By falling into shafts.....	7	5	13	15	6	19	14	24	11	16	
By falling into slopes.....	4	4	4	5	3	6	5	19	3	7	
By falling down manways	4	7	2	4	4	6	7	—	6	2	
Crushed at batteries.....	—	2	—	1	—	—	3	3	2	2	
By mules.....	8	8	—	—	2	6	6	2	3	8	
By suffocation.....	16	5	11	5	3	6	20	10	7	29	
By electricity.....	—	—	—	—	—	—	—	—	—	—	
Machinery.....	—	—	—	—	—	—	—	—	—	—	
Miscellaneous causes.....	23	15	12	32	17	22	133	23	19	43	
<b>Total.....</b>	<b>360</b>	<b>389</b>	<b>358</b>	<b>441</b>	<b>245</b>	<b>426</b>	<b>496</b>	<b>551</b>	<b>456</b>	<b>601</b>	
<b>OUTSIDE.</b>											
By cars.....	15	26	28	19	19	39	43	23	36	48	
By machinery.....	14	12	10	12	16	25	15	33	23	29	
By suffocation.....	5	12	4	1	3	4	8	11	9	3	
By boiler explosions.....	2	—	—	—	—	—	2	1	1	1	
By electricity.....	—	—	—	—	—	—	—	—	—	—	
Miscellaneous causes.....	15	22	11	30	17	22	31	25	32	24	
<b>Total.....</b>	<b>51</b>	<b>72</b>	<b>53</b>	<b>72</b>	<b>55</b>	<b>92</b>	<b>99</b>	<b>93</b>	<b>101</b>	<b>107</b>	
<b>Grand totals inside and outside.....</b>	<b>411</b>	<b>461</b>	<b>411</b>	<b>513</b>	<b>300</b>	<b>518</b>	<b>595</b>	<b>644</b>	<b>557</b>	<b>708</b>	

Mr. COOPER of Pennsylvania. By reference to the foregoing table it will be observed that the number of fatal mine accidents in Pennsylvania increased from 200 in the bituminous mining districts of Pennsylvania in 1898 to 806 in 1907, and from 411 in the anthracite district in 1898 to 708 in 1907, or a total of 1,514 deaths in the State for the year 1907, to say nothing of the much larger number of accidents which did not result fatally. This large number of deaths and injuries in one State alone and the rapid increase of the number of fatal accidents should impress upon everyone the urgent necessity for the adoption of some means of prevention and avoiding this terrible slaughter of the miners in this country. As the mining operations grow older and the workings are extended the danger of accident from gas and other causes naturally increases. The extension of the investigation to the mining operations of the country generally, as is proposed by the amendment to this bill, instead of limiting it to the Territories and Alaska, as originally proposed, is of the greatest importance.

The vast majority of the men employed in and about coal mines are in the several States, and it is necessary that everything that can be done shall be done to safeguard the lives of these people. It is important that the Federal Government shall conduct full investigations into the conditions and dangers



surrounding the mining operations, so that it may be most scientific and comprehensive and the information gathered may be thoroughly disseminated throughout the country. The causes and means of preventing these accidents should be understood by both operator and miner. The more knowledge there is on these subjects the better will be the observance of the necessary precautions to avoid accident. And the investigations and recommendations of the Federal Government will do much to bring about uniformity throughout the country of necessary legislation and respectful observance of the same to insure the greatest degree of safety possible. This appropriation is a step in the right direction and will, I believe, lead to great good.

Mr. GILLET. Mr. Speaker, I yield four minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the subject of mines and mining is interesting and attracting more people now than at any time before in the history of the country. Mining is one of the great industries of the United States. Every year men who have not before been engaged in mining go into the mines in great numbers and take that up as the work of their lives. It is all important to the people who work in the mines as miners or as helpers in this great industry that every precaution be taken for the safety of the men employed in the mines and of the property employed in mining. I am glad that the conferees have reached a conclusion in this matter and are appropriating \$150,000 to provide for an investigation as to the causes of the great disasters that have occurred within the last few years in the mines of this country. We have more mine disasters in the mines of the United States than in any other country where mines are operated.

There must be some hidden and unknown cause for these great disasters. The causes ought to be ascertained if within the power of science to do so. If it is within the possible scope of a scientific investigation to ascertain these causes, the matter of expense ought not to stand in the way. If it can not be accomplished with the appropriation made in this bill, an additional appropriation should be made, so that there shall be the greatest possible guaranty to those who go into the mines as a work of life that they shall have the greatest possible safety in the performance of their duty. The provision in this bill undoubtedly permits the use of this money in the States as well as in the Territories. If I thought it did not, I should not agree to this report, and I would urge the conferees to take the matter up again and so construct the language of the provision that it would enable those making the investigation to go into the States of Pennsylvania, Indiana, Illinois, West Virginia, Kansas, Ohio, and of every other State where mining is an industry, and pursue their investigations there and ascertain the causes in the several mining districts where the great disasters occur. I hope the amendment and report will be agreed to.

Mr. GILLET. Mr. Speaker, everything that has been said has been in favor of the adoption of this report. No opposition has developed, and therefore I assume that the House favors it, and I think it would be unwise for me to endanger its success by advocating it. Therefore I ask for a vote.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 229, nays 6, answered "present" 8, not voting 144, as follows:

## YEAS—229.

Acheson	Campbell	Denver	Godwin
Adair	Candler	Dickens	Goulden
Adams	Capron	Dixon	Graft
Alken	Cary	Douglas	Graham
Alexander, Mo.	Caulfield	Draper	Granger
Alexander, N. Y.	Chaney	Driscoll	Greene
Allen	Chapman	Durey	Hackney
Ames	Clark, Mo.	Ellis, Mo.	Hamilton, Iowa
Anthony	Clayton	Ellis, Oreg.	Hamilton, Mich.
Ashbrook	Cockran	Englebright	Hammond
Barchfield	Cocks, N. Y.	Ferris	Harrison
Barclay	Conner	Finley	Haskins
Bartholdt	Cooper, Pa.	Fitzgerald	Haugen
Bartlett, Nev.	Cooper, Wis.	Floyd	Hawley
Bates	Coudrey	Focht	Hayes
Bede	Cox, Ind.	Foster, Ill.	Hedin
Bell, Ga.	Craig	Foster, Ind.	Henry, Conn.
Bonyne	Crawford	Foulkrod	Henry, Tex.
Booher	Crumpacker	French	Higgins
Bowers	Currier	Fuller	Hill, Conn.
Boyd	Cushman	Fulton	Hill, Miss.
Bradley	Dalzell	Gardner, Mich.	Hinschaw
Brownlow	Darragh	Gardner, N. J.	Hitchcock
Burbridge	Davenport	Garner	Hobson
Burleigh	Davidson	Garrett	Houston
Burleson	Davis, Minn.	Gill	Howard
Burton, Del.	Dawes	Gillespie	Howell, N. J.
Calderhead	Dawson	Gillett	Howell, Utah
Caldwell	De Armond	Glass	Howland

Hubbard, W. Va.	Lloyd	Padgett	Smith, Mo.
Huff	Longworth	Page	Southwick
Hughes, N. J.	Lorimer	Parker, N. J.	Sperry
Humphrey, Wash.	Loudenslager	Parsons	Stevens, Minn.
James, Addison D.	Lovering	Payne	Sturgiss
James, Ollie M.	McDermott	Perkins	Sulloway
Johnson, Ky.	McGuire	Pray	Sulzer
Johnson, S. C.	McKinlay, Cal.	Prince	Taylor, Ala.
Jones, Wash.	McKinley, Ill.	Pujo	Taylor, Ohio
Kahn	McKinney	Rainey	Thistlewood
Kelher	McLaughlin, Mich.	Ransdell, Tex.	Thomas, N. C.
Kennedy, Iowa	McMillan	Ransdell, La.	Tirrell
Kennedy, Ohio	McMorran	Rauch	Tou Velle
Kimball	Macon	Reeder	Townsend
Kinkaid	Maynard	Reynolds	Underwood
Kitchin, Claude	Moon, Tenn.	Rhinock	Volstead
Knapp	Moore, Tex.	Richardson	Wanger
Knowland	Morse	Robinson	Watkins
Kuestermann	Murdock	Rodenberg	Webb
Lafean	Murphy	Rothermel	Weeks
Lamb	Needham	Russell, Mo.	Wheeler
Landis	Nelson	Ryan	Williams
Langley	Nicholls	Sabath	Wilson, Ill.
Laning	Norris	Saunders	Wilson, Pa.
Law	Nye	Scott	Wood
Lawrence	O'Connell	Sherwood	Woodyard
Legare	Olcott	Slemp	
Lindbergh	Olmsted	Small	
	Overstreet	Smith, Mich.	

## NAYS—6.

Beall, Tex.	Hay	Russell, Tex.	Slayden
Burgess	Helm		

## ANSWERED "PRESENT"—8.

Bennet, N. Y.	Butler	Mann	Sims
Boutell	Flood	Sherley	Talbott

## NOT VOTING—144.

Andrus	Favrot	Kitchin, Wm. W.	Pollard
Ansberry	Fordney	Knopf	Porter
Bannon	Forness	Lamar, Fla.	Pou
Bartlett, Ga.	Foss	Lamar, Mo.	Powers
Beale, Pa.	Poster, Vt.	Lassiter	Pratt
Bennett, Ky.	Fowler	Leake	Reid
Bingham	Gaines, Tenn.	Lee	Riordan
Birdsall	Gaines, W. Va.	Lenahan	Roberts
Brantley	Gardner, Mass.	Lever	Rucker
Brodhead	Gilham	Lewis	Shackelford
Broussard	Goebel	Lilley	Sheppard
Brumm	Goldfogle	Lindsay	Sherman
Burke	Gordon	Littlefield	Smith, Cal.
Burnett	Gregg	Livingston	Smith, Iowa
Burton, Ohio	Griggs	Loud	Smith, Tex.
Byrd	Gronna	Lowden	Snapp
Calder	Hackett	McCall	Sparkman
Carlin	Haggott	McCreary	Splight
Carter	Hale	McGavin	Stafford
Clark, Fla.	Hall	McHenry	Stanley
Cole	Hamill	McLachlan, Cal.	Steenerson
Cook, Colo.	Hamlin	McLain	Stephens, Tex.
Cook, Pa.	Harding	Madden	Sterling
Cooper, Tex.	Hardwick	Madison	Tawney
Cousins	Hardy	Malby	Thomas, Ohio
Cravens	Hepburn	Marshall	Vreeland
Davey, La.	Holliday	Miller	Waldo
Denby	Hubbard, Iowa	Mondell	Wallace
Dunwell	Hughes, W. Va.	Moon, Pa.	Washburn
Dwight	Hull, Iowa	Moore, Pa.	Watson
Edwards, Ga.	Hull, Tenn.	Mouser	Weems
Ellerbe	Humphreys, Miss.	Mudd	Wesley
Esch	Jackson	Parker, S. Dak.	Wiley
Fairchild	Jenkins	Patterson	Willet
Fassett	Jones, Va.	Pearre	Wolf
	Kipp	Peters	Young

So the conference report was agreed to.

The Clerk announced the following additional pairs:

For this session:

Mr. McMorran with Mr. PUJO.

Until further notice:

Mr. SNAPP with Mr. STEPHENS of Texas.

Mr. WALDO with Mr. SFIGHT.

Mr. VREELAND with Mr. SPARKMAN.

Mr. STERLING with Mr. SHACKLEFORD.

Mr. HALE with Mr. McLAIN.

Mr. POLLARD with Mr. McHENRY.

Mr. PARKER of South Dakota with Mr. LEWIS.

Mr. FOSTER of Vermont with Mr. POU.

Mr. PEARRE with Mr. LEE.

Mr. LOUD with Mr. LEAKE.

Mr. MADISON with Mr. JONES of Virginia.

Mr. MADDEN with Mr. HARDWICK.

Mr. JENKINS with Mr. GOLDFOGLE.

Mr. HUBBARD of Iowa with Mr. FAVROT.

Mr. HEPBURN with Mr. ELLERBE.

Mr. HOLLIDAY with Mr. DAVEY of Louisiana.

Mr. FOSS with Mr. COOPER of Texas.

Mr. FASSETT with Mr. CLARK of Florida.

Mr. ESCH with Mr. CARTER.

Mr. DWIGHT with Mr. BURNETT.

Mr. DENBY with Mr. BRODHEAD.

Mr. COOK of Pennsylvania with Mr. GORDON.

Mr. HULL of Iowa with Mr. BRANTLEY.

Mr. BEALE of Pennsylvania with Mr. LASSITER.

Mr. SMITH of Iowa with Mr. HULL of Tennessee.  
Mr. GILHAMS with Mr. LEVER.  
The result of the vote was announced as above recorded.

## HOUSE OFFICE BUILDING.

Mr. MANN. Mr. Speaker, I desire to present a privileged report from the Special Committee on the Distribution of Rooms, and I ask unanimous consent that the report be printed in the RECORD for the information of the Members of the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] presents a privileged report and asks unanimous consent that it may be printed in the RECORD.

Mr. UNDERWOOD. I did not hear the gentleman from Illinois.

Mr. MANN. It is a special report from the Committee on the Distribution of Rooms, and simply provides for the resolution under which space in the Office Building will be hereafter provided and the rooms assigned.

Mr. UNDERWOOD. I thought that it had already been agreed to.

Mr. MANN. That was a simple resolution of the House, but that would not last after the expiration of the end of the term of the House, and it is necessary, if anything be done, to put it in the form of a joint resolution so it would be permanent law.

Mr. UNDERWOOD. It carries out the original plan?

Mr. BURLESON. No departure from it?

Mr. MANN. No departure from the original plan.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I understand that this is merely a request to print in the RECORD.

Mr. MANN. That is all.

Mr. WILLIAMS. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The report referred to is as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building, and the redistribution of rooms under the control of the House in the Capitol building, beg leave to report and to recommend the adoption of the following joint resolution, to wit:

"That the assignment of rooms in the Office Building of the House of Representatives, which shall hereafter be designated as the House Office Building, heretofore made by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of this resolution, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member-elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of this resolution, and no Representative shall allow his office room to be used for any other purpose.

"Any Member or Member-elect of the House of Representatives may file with the Superintendent of the Capitol Building and Grounds a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested. If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member-elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives-elect make request for the same room, preference shall be given to the one first preferring his request. A Representative or Representative-elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him.

"Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members-elect of the House of Representatives.

"The Superintendent of the Capitol Building and Grounds shall keep a record of the assignment of rooms heretofore or hereafter made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives-elect of the House.

"In the matter of the assignment of rooms under this resolution, Delegates in Congress and the Commissioners from Porto Rico and the Philippine Islands shall be treated the same as Representatives.

"The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in this resolution shall be construed to affect or repeal the provisions of law heretofore enacted placing said House Office Building under the control of the Superintendent of the Capitol Building and Grounds, subject to the approval and direction of the Commissions provided for, respectively, in the act of March 3, 1903, and the act of March 4, 1907.

"Unoccupied space in said building shall be assigned by the Superintendent of the Capitol Building and Grounds under the direction of the Commission and subject to the control of the House of Representatives."

All of which is respectfully submitted.

JAMES R. MANN.  
JOSEPH H. GAINES,  
H. O. YOUNG,  
JAMES T. LLOYD,  
W. C. ADAMSON.

## TERRITORIAL AFFAIRS.

Mr. HAMILTON of Michigan. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 21957) and that the bill be put upon its passage.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Michigan [Mr. HAMILTON] moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and pass the same.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21957) relating to affairs in the Territories.  
*Be it enacted, etc.,*

## ALASKA.

That the incorporated town of Valdez, Alaska, is hereby authorized and empowered to issue its bonds in any sum not exceeding \$15,000 for the purpose of constructing dikes, dams, and other protection to keep the waters from the Valdez Glacier from running into, over, and upon the town of Valdez.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Valdez, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said town of Valdez whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in denominations not exceeding \$1,000 each, the principal to be due in ten years from date thereof: *Provided, however,* That the common council of said town of Valdez may reserve the right to pay off such bonds in their numerical order at the rate of \$5,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer of the town of Valdez, Alaska, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Valdez, the place of payment to be mentioned in said bonds: *And provided further,* That each and every such bond shall have a facsimile of the signature of the mayor and clerk of said town of Valdez lithographed or printed thereon.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act.

SEC. 6. That said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed under the limitations hereinbefore imposed and under the order and direction of said common council from time to time as the same may be required for the purposes aforesaid.

SEC. 7. That the Secretary of the Interior shall hereafter, as in his judgment may be deemed advisable, advertise for and receive bids for the care and custody of persons legally adjudged insane in the district of Alaska, and in behalf of the United States shall contract, for one or more years, as he may deem best, with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in said district of Alaska, the cost of advertising for bids, executing the contract, and caring for the insane to be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated, on accounts and vouchers duly approved by the Secretary of the Interior. So much of the act approved January 27, 1905, entitled "An act to provide for the construction and maintenance of roads, establishment and maintenance of schools, and care and support of insane persons in the district of Alaska, and for other purposes," as provides that 5 per cent of the license moneys collected outside of incorporated towns in the district of Alaska shall be devoted to the care and maintenance of such insane persons is hereby repealed, and such 5 per cent, or so much thereof as may be necessary, shall hereafter be applied to and used for the establishment and maintenance of public schools in said district, under the supervision of the governor.

SEC. 8. That sections 464, 465, and 468 of an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899, be, and the same are hereby, amended to read as follows:

"SEC. 464. That before any license is granted, as provided in this act in relation to intoxicating liquor, it shall be shown to the satisfaction of said court that a majority of the white male and female citizens over the age of 21 years, other than Indians, within 2 miles of the place where intoxicating liquor is to be manufactured, bartered, sold, and exchanged or bartered, sold, and exchanged, have, in good faith, consented to the manufacture, barter, sale, and exchange or the barter, sale, and exchange of the same; and the burden shall be upon the applicant or applicants to show to the satisfaction of said court that a majority of the white male citizens of 21 years of age or more have consented thereto, and no license shall be granted in the absence of such evidence: *Provided,* That no license shall be granted for the manufacture, barter, sale, or exchange of intoxicating liquors except within incorporated towns, and such other towns, settlements, or communities in which a duly appointed United States commissioner or deputy marshal shall reside, except that the respective district judges may in their discretion grant licenses at regularly established road houses to the keeper of said road houses on main traveled post-roads and post trails in the district: *And provided,* That when it is made to appear that a majority of said white male and female citizens over the age of 21 years, other than Indians, of any one place have consented to the manufacture, barter, sale, and exchange or the barter, sale, and exchange of intoxicating liquor, no further proof of the consent of the citizens of the place where such intoxicating liquor is to be manufactured, bar-



tered, sold, and exchanged or bartered, sold, and exchanged, will be required for twelve months thereafter.

"Sec. 405. That every person applying for a license to sell intoxicating liquors in said district shall file with the clerk of the court a petition for such license, verified by the applicant's oath, and such petition shall be considered and acted upon by the court in the order in which the same was filed and numbered. Said petition shall contain:

"First. The name and residence of the applicant, and how long said applicant has resided there.

"Second. The particular place for which license is desired, designating the same by reference to street, locality, or settlement in such manner that the exact location at which such sale of liquor is proposed may be clearly and definitely determined from the description given.

"Third. The statement that said applicant is a citizen of the United States, or has declared his intention to become such; that said applicant is not less than 21 years of age, and that such applicant has not been, since the passage of this act, adjudged guilty of violating the laws governing the sale of intoxicating liquors or laws for the prevention of crime in said district.

"Fourth. That said applicant intends to, and if so licensed will, carry on such business for himself and not as agent for any other person.

"Fifth. That said applicant intends to, and if so licensed will, superintend in person the management of the business licensed.

"Sixth. That said applicant will not conduct, maintain, or permit the maintenance of any gambling, dance hall, or bawdy house on or in connection with the premises, nor permit any female or minor in or about the rooms where liquor is sold or served.

"That if any false material statement is made in any part of such petition or affidavit the petitioner or petitioners shall be deemed guilty of perjury, and upon conviction thereof said license shall be revoked and said licensee shall be subject to the penalties provided by law for the crime of perjury.

"That should it appear to the district judge that any of the statements above enumerated, required to be made in the petition, are untrue at the time of application for such license, such application shall be denied.

"That should it appear to the district judge, after the granting of any such license, that any of the statements above enumerated required to be made in the petition are untrue, or that the applicant is permitting any of the things to be done or exist on or about the premises contrary to the statements required in the petition, it shall be the duty of such judge to forthwith enter an order revoking such license, and all license moneys deposited by the applicant shall be thereby forfeited, and it shall be the duty of the United States marshals and their deputies and the United States attorneys and their deputies in said district to investigate and report to the district judge any violations of any of the provisions of this section: *Provided*, That this act shall not be so construed as to prevent any innkeeper or any person operating a hotel in good faith from receiving as guests women and minors.

"Sec. 468. That the liquor licenses authorized and provided for by this act shall be of two classes, namely, wholesale and barroom. Every applicant for a license shall deposit the amount of the license fee with the clerk of the court at the time of filing his application therefor; and if upon consideration of such application by the court, as provided for in this act, the court shall determine to grant the license prayed for, it shall notify the clerk of the court and the applicant in writing and the applicant shall thereupon receive his license.

"That the fee for a wholesale license shall be \$2,000 per annum, and for a barroom or retail license \$1,000 per annum: *Provided*, That the fee for a retail license for road houses on regular post roads or trails where the population within 2 miles of the place where the business is to be conducted does not exceed fifty people, or for a steamboat or steamer operating on the inland rivers of Alaska during the season of open navigation, shall be \$500 per annum: *Provided*, That said steamboat or steamer shall not be authorized to sell intoxicating liquor while in port or dock: *And provided*, That the words 'towns, camps, or settlements,' as used in this act shall be construed to embrace the population within a radius of 2 miles of the place wherein the business is to be conducted under the license.

"That a retail or barroom license shall be required for every hotel, tavern, boat, barroom, or other place in which intoxicating liquors are sold at retail.

"That a wholesale license shall only authorize the licensee to sell distilled, malt, or fermented liquors, wines, and cordials in quantities not less than 4 gallons, not to be drunk upon the premises where sold; and no such license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquor as merchandise.

"That every place where distilled, malt, or fermented wines, liquors, or cordials are sold in quantities as prescribed for retail dealers by section 3244 of the Revised Statutes of the United States, to be drunk upon the premises, shall be regarded as a barroom; and the possession of malt, distilled, fermented, or any other intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this act, and the license therefor shall be known as a barroom license: *Provided*, That no license shall be granted for the sale of liquors at either wholesale or retail in any other than a substantial building which shall have cost for construction not less than \$500."

"Sec. 9. That section 142 of said act of March 3, 1899, be, and the same is hereby, amended to read as follows:

"Sec. 142. That if any person shall, without the authority of the United States, or some authorized officer thereof, sell, barter, or give to any Indian or half-breed who lives and associates with Indians, any spirituous, malt, or vinous liquor or intoxicating extracts, such person shall be fined not less than one hundred nor more than five hundred dollars or be imprisoned in the penitentiary for a term not to exceed two years.

"That the term 'Indian' in this act shall be construed to include the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood.

"That section 1955 of the Revised Statutes of the United States and all that part of section 14 of 'An act providing a civil government for Alaska,' approved May 17, 1884, after the word 'provided,' is hereby repealed."

"Sec. 10. That this act shall take effect upon the expiration of one hundred and twenty days after its approval.

"Sec. 11. That it shall be unlawful for any person to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska, until he or she shall have first obtained a license therefor as hereinafter in this act prescribed.

"Sec. 12. That no person shall receive a license to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska until he or she shall have, first, submitted a diploma issued by some legally chartered medical school authorizing the holder thereof to practice medicine or surgery, the requirements for graduation of which medical school shall have been at the time of granting said diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or, second, submitted proof of having practiced medicine or surgery, or both, for a period of not less than five successive years continuously prior to the passage of this act and within the jurisdiction of one of the judicial districts of Alaska.

"Sec. 13. That any person desiring to obtain a license to practice medicine or surgery within the Territory of Alaska shall first make application therefor to the clerk of the court of the district in which he desires to practice. The application shall be in writing, and shall state the name of the applicant, his age, his residence, the name and location of the college whence his diploma issued, the length of time, if at all, he has practiced medicine, and where, giving specifically the names of places wherein he has so practiced medicine. The application shall be accompanied by the diploma of the applicant, or duly authenticated copy, as must also an affidavit setting forth that he or she is the person therein named, and that the diploma was procured in the regular manner after the regular course of study prescribed by the medical school granting the same, without fraud or misrepresentation.

"Sec. 14. That any applicant for license to practice medicine or surgery within the Territory of Alaska not in possession of the credentials specified in section 3 of this act may obtain a license at the discretion of the clerk of the district court to whom he applies upon furnishing a properly attested statement, to wit: That he or she is a bona fide resident of Alaska, and has been engaged in the practice of medicine exclusively and within the judicial district in which the application is filed for a period of not less than five successive years immediately prior to the passage of this act. The application shall be accompanied by the written recommendation of three bona fide residents of the judicial district wherein applicant desires to practice, one of whom must be a physician holding a license under section 3 of this act, and shall state in a general way applicant's character and professional ability.

"Sec. 15. That every person receiving a license to practice medicine and surgery within the Territory of Alaska shall have such license recorded in the office of the clerk of the court of the district wherein he is practicing, or proposes to practice, within thirty days from date of issuance. And when such licensee moves into another district for the purpose of continuing the practice of medicine, he shall first file for record with the clerk of the court of the district to which he moves a certified copy of the license.

"Sec. 16. That any person shall be regarded as practicing medicine within the meaning of this act who shall within the Territory of Alaska append the letters M. D. to his name, or who shall prescribe or administer drugs, medicines, electricity, magnetism, hydrotherapy, or perform any operation or manipulation, or apply any apparatus or appliance for the cure, alleviation, correction, or reduction of any human disease, ill, deformity, defect, wound, or injury, including midwifery, for hire, fee, compensation, or reward, promised, offered, or accepted, directly or indirectly. The doing of any of the acts of this section above mentioned shall be taken to be prima facie evidence on the part of the person so doing to represent himself or herself as engaged in the practice of medicine or surgery or both. But nothing in this act shall be so construed as to inhibit service in case of emergency, medical or surgical relief of natives of Alaska by employees of the Bureau of Education, or to the domestic administration of family remedies, nor to legally qualified dentists when engaged exclusively in the practice of dentistry. Nor shall this act apply to any commissioned medical officer in the United States Army or Marine-Hospital Service or Bureau of Education in the discharge of his professional duties, or to any ship's doctor attached to any vessel plying or operating in Alaska.

"Sec. 17. That applications for license to practice medicine within the Territory of Alaska shall be recorded by the clerk of the district court in which they are presented within five days of date of presentation. Said record shall specify under which section of this act the license be issued, if issued, and the date thereof. The record containing said applications shall be accessible to the public during office hours of the clerk of the court for inspection. A fee of \$10 shall accompany each application for license.

"Sec. 18. That every person who shall practice, or shall attempt to practice medicine within the meaning of this act without having first obtained a license therefor as prescribed in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not less than thirty nor more than one hundred days, or by both fine and imprisonment, and each day of such practice shall constitute a distinct and separate offense.

"Sec. 19. That all moneys collected from licensees or fines under this act shall be disposed of in the manner already provided for by law applicable to the Territory of Alaska.

"Sec. 20. That this act shall take effect and be in force immediately after its passage.

#### ARIZONA.

"Sec. 21. That chapter 57, session laws of the Arizona legislature, twenty-third session, authorizing the county of Mohave, Territory of Arizona, to issue bonds in the sum of \$20,000 for the purpose of erecting a court-house, and also the further act of said legislature, being chapter 61, authorizing said county to issue bonds in the sum of \$10,000 for the purpose of building a jail for said county, is hereby ratified and approved.

"Sec. 22. That the city of Phoenix, situated in Maricopa County, in the Territory of Arizona, is hereby authorized and empowered to issue its bonds in any sum not exceeding \$155,000 for the funding of its floating indebtedness created prior to July 1, 1906, and represented by outstanding warrants bearing interest at the rate of 6 per cent per annum.

"Sec. 23. That before said bonds shall be issued a special election shall be ordered by the common council of the city of Phoenix, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said city of Phoenix whose names appear on the last assessment roll of said city for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said city before the day fixed for such election.

"Sec. 24. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall

be issued only upon the condition that a majority of the votes cast at such election in said city shall be in favor of issuing said bonds.

SEC. 25. The bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 5 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest, and shall be in denominations of \$1,000 each, the principal to be due in twenty-five years from date thereof: *Provided, however*, That the common council of said city of Phoenix may reserve the right to pay off such bonds in their numerical order at the rate of \$25,000 thereof per annum from and after expiration of fifteen years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the city treasurer of the city of Phoenix, in Maricopa County, Ariz., or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the city of Phoenix at the option of the holder of said bonds, the place of payment to be mentioned in said bonds: *And provided further*, That each and every such bond shall have a facsimile of the signature of the mayor and recorder of said city of Phoenix lithographed or printed thereon.

SEC. 26. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act.

SEC. 27. That said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed under the limitations hereinbefore imposed and under the order and direction of said common council from time to time as the same may be required for the purposes aforesaid.

SEC. 28. That the act of the legislative assembly of the Territory of Arizona, approved March 21, 1907, providing for the erection of a court-house and jail in the town of Yuma, Yuma County, Territory of Arizona, is hereby ratified, approved, and confirmed.

SEC. 29. That the board of supervisors of the county of Gila, Territory of Arizona, is hereby authorized to issue additional bonds on said county in the sum of \$25,000 for the completion and furnishing of the court-house and jail for said county and vaults for the preservation of the records.

SEC. 30. That said bonds may be in such denomination as the said board may prescribe, and shall bear no more than 5 per cent interest per annum, and shall not be sold for less than their par value.

SEC. 31. That said bonds shall be made payable in twenty years, with an option on the part of the county to pay any or all of them after eight years from the date of their issue.

SEC. 32. That for the purpose of paying the interest on said bonds as it becomes due, and provide for a sinking fund to pay said bonds, the said board of supervisors shall levy and cause to be collected, as other county taxes are levied and collected, a sufficient tax on the assessable property in said county as will meet the interest as it falls due, and provide a reasonable sinking fund to pay said bonds when due.

SEC. 33. That said bonds shall be printed with interest coupons attached thereto; each coupon shall represent one year's interest on the bond, and when the interest represented in a coupon is paid the coupon shall be detached from the bond and placed by the treasurer with his other vouchers before the board of supervisors.

SEC. 34. That this act shall take effect and be in force from the time of its approval by Congress.

SEC. 35. That the act of the legislative assembly of Arizona approved February 13, 1905, providing for the erection of a court-house in the town of St. Johns, Apache County, Ariz., is hereby ratified, approved, and confirmed.

SEC. 36. That the action of the taxpayers of special road district No. 1, of Maricopa County, Ariz., at an election duly held, authorizing and directing the issuing of the bonds of said special road district No. 1, in the sum of \$30,000 for the purpose of building, establishing, and maintaining a better system of public roads within said district, is hereby ratified, approved, and confirmed.

#### HAWAII.

SEC. 37. That the act of the legislature of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii," passed by the legislature of the Territory of Hawaii on the 24th and 25th days of April, A. D. 1907, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows, to wit:

#### "ACT 105.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, That H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, together with their associates, hereafter called 'The Company,' and their respective successors and assigns, be, and hereby are, vested with the right, authority, and privileges, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power, in the district of Wailuku, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, and subject to the approval and supervision of the boards or officials having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Wailuku, on the island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"SEC. 2. The officials or board having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires, and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

"SEC. 3. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, or operated by the company

as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"SEC. 4. That the entire plant, lines, poles, and other apparatus and equipments shall at all times be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

"SEC. 5. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

"SEC. 6. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act, or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works, or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby, and all rights and privileges accruing thereunder, forfeited and declared null and void.

"SEC. 7. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: *Provided, however*, That the company shall have the right to charge, receive, and collect from each consumer of electricity for lighting the sum of \$2 per month, and from each consumer of electricity for power the sum of \$1 per month per horsepower of apparatus connected to the service of the company: *Provided further*, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate is unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"SEC. 8. It is hereby expressly provided that nothing herein contained shall be construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

"SEC. 9. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company and shall at the same time pay to the superintendent of public works 1 per cent of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"SEC. 10. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

"SEC. 11. That Congress, or the legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

"We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all the elective members of senate of the Territory of Hawaii this 24th day of April, A. D. 1907.

"E. F. BISHOP,  
President of the Senate.  
WILLIAM SAYBIDE,  
Clerk of the Senate.

"We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon vote taken by ayes and noes, approved by a two-thirds vote of all of the elective members of the house of representatives of the Territory of Hawaii this 25th day of April, A. D. 1907.

"H. L. HOLSTEIN,  
Speaker.  
JOHN H. WISE,  
Clerk."

SEC. 38. That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii," approved by the governor of the Territory of Hawaii on the 1st of May, A. D. 1907, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed as follows, to wit:

#### "ACT 130.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, That the Lahaina Ice Company (Limited), as a body corporate, its successors and assigns, hereinafter called 'The Company,' be, and hereby are, vested with the right, authority, and privilege, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Lahaina, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, subject to the approval and supervision of the officials or boards having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Lahaina, on said island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"SEC. 2. The company shall at all times during the existence of said franchise promptly and efficiently supply such electric light and power in said district of Lahaina as may from time to time be required by persons desiring the same at any point or points: *Provided*, That it shall not be required to build, extend, or maintain any line or branch line for the transmission of such electric light or power beyond a distance of 300 feet from such extension or major fraction thereof, unless the number of lights or amount of power agreed to be taken for not less than one year shall be reasonably sufficient to warrant the construction of such line or branch line or extension: *Provided further*,



That if the company shall be unable to furnish power or light applied for by reason of lack of capacity of the plant or apparatus for producing and transmitting electric current, the company shall be allowed a reasonable time, not exceeding one year from the date of any application, to procure such additional improvements or apparatus as may be necessary to furnish such applicant or applicants.

"Sec. 3. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

"Sec. 4. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, and operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"Sec. 5. That the entire plant, lines, poles, and all other apparatus and equipment shall, at all times, be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

"Sec. 6. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: *Provided, however*, That the company shall have the right to charge, receive, and collect from each consumer of electricity for lighting the sum of \$2 per month, and from each consumer of electricity for power the sum of \$1 per month per horsepower of apparatus connected to the service of the company: *Provided further*, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate or rates is or are unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"Sec. 7. Said company shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the company's nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators, and other materials, and labor necessary to be used in making such connections: *Provided, however*, That the company shall not be required to make, construct, or maintain said connections as aforesaid for supplying light or power unless the applicants therefor, if required, shall deposit in advance with the company a sum of money, sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the period of one month.

"Sec. 8. The said company shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, and mixed, as may be necessary or incidental to the proper conduct of its business; but said company shall not have the right or power to purchase franchises and property of any other company of like nature in said district of Lahaina.

"Sec. 9. Said company, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mortgage of any or all of its property, franchises, and privileges granted or obtained by virtue of this act, or, if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed 60 per cent of the actual value thereof, with all future acquired property, as well as the income and receipts of the property from whatever source derived and in such form and under such terms as the company shall deem advisable: *Provided*, That nothing in this section contained shall operate to prevent said company from obtaining the usual business credits and to make promissory notes without security.

"Sec. 10. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part which may occur by reason of the exercise of any of the privileges herein granted.

"Sec. 11. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

"Sec. 12. It is hereby expressly provided that nothing herein contained shall be so construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

"Sec. 13. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works 1 per cent of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"Sec. 14. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval to be secured within five years from the date of this act becoming law.

"Sec. 15. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said act.

Approved this 1st day of May, A. D. 1907.

"G. R. CARTER,  
Governor of the Territory of Hawaii."

Sec. 39. That the Waiawa Water Company (Limited), a corporation organized under the laws of the Territory of Hawaii for the purpose of irrigation, be, and is hereby, granted the right of way through the lands of the United States to the extent of the ground occupied by the water of the reservoirs and canals of said company and their laterals, and 50 feet on each side of the marginal limits thereof, in-

cluding that portion of said company's irrigation works located within the limits of the military reservation made by the order of the President July 20, 1899, setting aside a portion of Waianae Uka, in the island of Oahu, Territory of Hawaii, and as published in the General Orders of the War Department No. 147, and dated August 10, 1899, and including also the right to take from the lands of the United States adjacent to the line of the canals earth and stone necessary to the construction thereof, the said reservoir sites, canals, and laterals, and waterways being now occupied under an outstanding lease from the former authorities of said Territory to said company and so recognized in said general orders: *Provided*, That the plans for the works herein proposed shall be submitted to the Secretary of War for approval, and shall be carried out in conformity to such regulations in respect to maintenance and operation as he shall prescribe: *Provided also*, That the servitude herein granted shall not prevent the movement of troops over the said right of way, and when the movement of field artillery and wagon trains is impeded or prevented, due to the use of gulches for water storage by said company, bridges suitable for the passage of troops, artillery, and wagon trains across said gulches, with suitable approaches thereto, shall be provided by said company when required by the Secretary of War, said bridges and approaches to be constructed in accordance with plans approved by the Secretary of War: *Provided further*, That during the occupation of said military reservation by troops the said company shall furnish, free of charge, all the water needed for post or encampment purposes, and, in case an electric power plant is erected by said company, it will furnish power to the United States, if required, and, if it be obtainable without interference with the irrigation supply, at not to exceed 1 cent per kilowatt hour, measured at the dynamos.

#### NEW MEXICO.

Sec. 40. That the county of Bernalillo, in the Territory of New Mexico, is hereby authorized to issue bonds to such amount as in the discretion of its county commissioners may seem necessary, but not exceeding the sum of \$100,000, to be known as bridge bonds of the county of Bernalillo, which bonds shall bear interest at a rate not to exceed 5 per cent per annum, and shall be sold for not less than par, the proceeds of such sale or sales to be used exclusively for the construction and repair of bridges across the Rio Grande within the limits of said county. The said bonds shall be payable in whole or in part at the option of said county at any time after the expiration of ten years from their issue, and shall become absolutely due and payable upon the expiration of thirty years after their issue, and the proper county authorities shall levy each year, after the issuance of said bonds at the time of levying other taxes, a tax sufficient in amount to pay the interest on said bonds for each year, the proceeds of such tax to be devoted exclusively to the payment of such interest; and after the expiration of fifteen years from the date of the issue of said bonds the said county authorities shall provide a sinking fund by taxation for the payment of said bonds at their maturity, and shall annually levy a tax for that purpose sufficient to produce at least one-fifteenth part of the principal of said bonds.

Sec. 41. That at any time after the expiration of ten years from the issue of said bonds the proper county officers of said county are authorized, in their discretion, to refund the indebtedness evidenced by said bonds: *Provided*, That they can do so at a lower rate of interest than that fixed for the original issue.

Sec. 42. That the legislative assembly of the Territory of New Mexico is hereby authorized and empowered to enact such legislation as is necessary to authorize the Territory of New Mexico, through its proper officer or officers, to sell and transfer school land section 36, township 1 south, range 34 east, New Mexico principal meridian, to the town of Portales, Territory of New Mexico, for the use and benefit of the public schools of the town of Portales.

The SPEAKER pro tempore (Mr. CURRIER). Is a second demanded?

Mr. LLOYD. I demand a second.

The SPEAKER pro tempore. The gentleman from Missouri demands a second. A second is ordered under the rule. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Missouri is entitled to twenty minutes.

Mr. HAMILTON of Michigan. Mr. Speaker, this is an omnibus bill relating to affairs in the Territories. It comprehends several bills which have been reported unanimously from the Committee on the Territories. Sections 1 to 6 of the bill relate to a proposition to permit the town of Valdez, in Alaska, to issue bonds for the purpose of protecting itself from the Valdez glacier. Section 7 relates to the care of the insane in Alaska, and involves certain necessary legislation.

In that connection, Mr. Speaker, I want to call your attention to a slight clerical error, and I ask unanimous consent that an amendment be incorporated in line 25, page 3:

After the word "paid" insert the words "from appropriations to be made for such service upon estimates to be submitted to the Congress annually." Strike out the words "by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, on accounts and vouchers duly approved by the Secretary of the Interior." I ask unanimous consent that the change be made.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to offer an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Pages 3 and 4, beginning on line 25, page 3, strike out the words "by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, on account and vouchers duly approved by the Secretary of the Interior" and insert in lieu thereof the following: "from appropriations to be made for such service upon estimates to be submitted to Congress annually."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAMILTON of Michigan. Sections 8 to 10 relate to the regulation of the liquor traffic in Alaska. The present law provides that in towns of 1,500 or upward there shall be a license of \$1,500; in towns of more than 1,000 and less than 1,500 population, \$1,000, and in towns, camps, or settlements of less than 1,000 population the license is \$500. This bill provides for a flat thousand-dollar license. The committee, after careful consideration of this measure, have come to the conclusion that it ought to pass.

Sections 11 to 20, of the bill, provide for the regulation of the practice of medicine and surgery in Alaska. There is no law now regulating the practice of medicine and surgery in Alaska, and it will be apparent to the Members of the House that there should be some regulation of the practice of those professions in that Territory. Natives and people generally are being operated upon by some who have skill and by some who have no skill; and it is advisable that there should be some regulation.

Section 21 relates to some matters in Mohave County, Ariz., and I call upon the Delegate from Arizona [Mr. SMITH] to make some explanation of that part of the bill.

Mr. SMITH of Arizona. Mr. Speaker, all the bills consolidated in this measure have been favorably reported by the committee, and several of the Arizona ones have already passed the Senate and are now upon the Speaker's table. There is only one thing in them that may cause trouble and that is in the Yuma County court-house provision. I would ask unanimous consent to insert, on page 18, at the end of line 14, the words "to the extent of \$50,000 and no more." That bill was originally a bill from the Arizona legislature, providing for the erection of a court-house and jail in the county of Yuma, to be paid for out of the funds of the county of Yuma. We are forced to come to Congress under the Harrison Act for all this remedial legislation. The local legislature passed a law for \$75,000. The Senate amended it by reducing the amount to \$50,000, and in order to avoid any conflict between the Houses over that item, I prefer that the House, by unanimous consent, permit me to have the bill amended to that extent, which would limit it to \$50,000. I would much prefer the bill as our legislature passed it, but I know the Senate will defeat the item unless this amendment is adopted. It is with reluctance that I make this motion, but it is better than nothing and it is all I can get.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to offer an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, at the end of line 14, insert:  
"To the extent of \$50,000, and no more."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

There was no objection, and the amendment was agreed to. Mr. SMITH of Arizona. I will say to the House that the remainder of these Arizona provisions are acts of the legislature of the Territory, merely asking confirmation here. There has been no objection raised in the committees; there has been some in the Senate on some of these bills, but those to which objection was made have not yet passed the Senate. The one I have had amended is the only one, I presume, that would cause any trouble in the matter, and that is now out of the way by reason of the amendment which I have offered.

It is true the Senate committee has not favorably reported the Gila County court-house bill, but it was passed by that committee for further proceedings at the next session of Congress, or, in other words, "laid aside" for future action.

The Phoenix bond bill has not passed the Senate, nor has it yet been reported to the Senate favorably by the Committee on Territories, to which it was referred. The Maricopa County road bill has been favorably reported by the House committee, and the bill has been introduced in the Senate and is now pending before the Committee on Territories.

Mr. HAMILTON of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. LLOYD. Mr. Speaker, I now yield five minutes to the gentleman from Kentucky [Mr. KIMBALL].

Mr. KIMBALL. Mr. Speaker, ordinarily I would be opposed to legislation of this character—a bill including fifteen bills in one—but there can be no reasonable or potent objection urged against the bill on the grounds that would naturally provoke antagonism to it. Every one of the bills sought to be passed under this omnibus menu has been thrashed out and investigated carefully by the Committee on Territories and reported unanimously to this House. The Territories are our orphans. They have no electoral vote; their representatives here have

no vote. Nobody cares anything for them, and a great deal of the legislation necessary for the proper conduct of Territorial affairs has to be passed upon by Congress. Consequently it is very difficult for the Territories to get needed legislation.

This bill is intended to give to the various Territories legislation actually needed, and without this omnibus bill it would be impossible to pass them through this House. For instance, there can be no reasonable objection to building jails and court-houses in Arizona, and no objection to regulating the practice of medicine in Alaska or to fixing the amount of license for liquor dealers there, nor to grant an electric-light franchise in Hawaii.

I desire to explain to the House that part of the bill embraced in sections 37 and 38. These sections grant franchises to certain persons—one in the district of Walluku, county of Maui, in Hawaii, and the other in the district of Lahaina, in the same county—for the purpose of manufacturing, selling, and distributing electric light for lighting and power purposes.

I undertake to say that in no city in America has an electric-light franchise ever been granted to any corporation wherein the rights of the people are as safely guarded as in these two bills. They are small communities. The franchise is not valuable at best, and every provision is made to take care of the people. The physical effects of the concern are to be at all times open to the inspection of the various boards for control of the public highways. These franchises are revocable at any time by Congress.

There is a provision fixing the maximum rate to be charged for electricity, and any consumer aggrieved by excessive charges has the right, by petition, to have the courts say whether the rate is excessive or not. There is a provision requiring the law officers to institute proceedings for the forfeiture of the charter of these franchises if any of the provisions of this act are violated. Every precaution has been taken to protect the people, and I trust that the bill will pass without objection. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, my name has been frequently mentioned in the public press, or at least in some of the papers in the District of Columbia, for some time now, and often in private conversation among gentlemen, to the effect that I am holding up the tracks to the Union Station.

Mr. SULZER. They are not down yet. [Laughter.]

Mr. SIMS. That I am preventing the people from riding in street cars to the Union Station; that there is no demand for free transfers by the people. Therefore I ask the indulgence of the House to read a few lines from Washington Post of to-day:

The Central Labor Union placed itself on record last night as favoring universal transfers on the various electric street railway lines of the District. The resolution indorsing the bill providing for transfers was introduced by Emmet L. Adams, of Columbia Lodge of Machinists, and was adopted after a long discussion. Sam De Nedrey, of Columbia Typographical Union, and James L. Feeney, of the Bookbinders' Union, were the only ones who opposed the resolution.

President Lorch, of the central body, left his chair to address the delegates in favor of the resolution.

"There is nothing more needed by the laboring men of the District than universal transfers," he said. "Hundreds of our members reside just within the District limits and are forced to pay a double fare to reach their work. This means that 20 cents daily at least is taken from the families of these laboring people and placed in the pockets of the greedy corporations. I favor trackage to the Union Station also, but believe that I am voicing the sentiments of the 50,000 union men of the District when I say that the universal transfer provision is to be preferred to any other regulation relative to the street car systems."

Secretary De Nedrey was requested to notify Representative CARY, of Wisconsin, that the central body had taken this action.

Now you know on whose side I am—that of the stockholders who have feathered their nests by legislative favor, or the people who labor and sweat to furnish the money to pay the dividends on the stocks of these unholy and unjust corporations. It seems strange to me that some of the newspapers have such favorites when it comes to dealing with franchise corporations. Some of them have pounded the gas company in season and out for lower gas rates, but when it comes to the traveling poor, who have to use these cars daily to go to their work, they say, "Sims is holding up the tracks to the station."

Yes; that is what I am doing. I am holding them up, and if I can I will hold them up until doomsday, if necessary, to force these creatures of legislative favor, who are getting unjust and unholy dividends upon treble-watered stock, to become broad and patriotic enough to notify the conferees in both Houses that they are willing to do what is right and just by those who have no vote and are unable to defend themselves against rapacity and greed. [Applause.]

To-morrow, when the conference report is considered, I call upon the Members of this House who love justice, who are



willing for all people to have that which belongs to them—a just and fair compensation on their capital, but nothing more—to stand by organized labor, whose battle I have been fighting here for months, and which battle I consider to be the most honorable service I have ever rendered. I am proud to join hands with the army of labor when it comes to demanding justice from these law-made favorites, which are controlled absolutely and alone by the Congress of the United States. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, the "hold up" of the Capital Traction bill just referred to by my friend from Tennessee [Mr. SIMS] commands my attention. However, in the brief time at my disposal I shall not digress from the subject-matter before the House, but will confine myself to a discussion of the bill now under consideration, which presents in a more acute aspect a "hold up" not only of important remedial legislation demanded by the people, but of the fundamental rights of innumerable American citizens.

The "hold up" of meritorious bills in the interests of the people, it seems, is the order of the day in this Congress. There appears to be no trouble to pass a bad bill, but next to impossible to pass a good bill. The few are fed; the many are left to starve. It is the old, old story—everything for the few and nothing for the many. Will the special interests never be satisfied? Will the people never have their day?

The bill now before the House is one of these omnibus bills—a recent device of legislative cunning to prevent the consideration of a bill on its merits—that is to say, an omnibus bill is the grouping together in one bill of a number of little bills relating to different parts of the country and bearing no relation to each other. It affords no opportunity to correct or amend. They all go through together, or they all fail together. It saves time, shuts off debate, prevents the separation of the bad from the good, and compels a Member to vote for them all "en bloc," or against them all "en bloc." In my judgment it is an unwise and a dangerous method of legislation, and I want to record my protest against it in as strong terms as I can command.

This omnibus bill carries a number of little bills for the people of Alaska, the people of Arizona, and the people of New Mexico. I have just heard the bill read, but I can not tell much about it. So far as I am advised it may be a good omnibus bill; that is, each of the bills of which it is composed may be a good bill, but I know not. I can not tell, and I am opposed to this method of slipshod legislation. It is not good parliamentary procedure, and it borders on the dangerous.

But I am a friend of the people of Alaska, of Arizona, and of New Mexico, and I want to do all I can to protect their rights and promote their general welfare. As I understand it, this omnibus bill is a little sop thrown to them at the last moment to appease their wrath. For years these good people have been knocking at the doors of Congress for justice, for relief, for their rights, and the Congress has turned to them a deaf ear. They have asked for bread, and you give them a stone. They are American citizens, and they want the rights of American citizens. They are treated like serfs. It is all wrong. The people of New Mexico want to govern themselves. They want statehood, and they should be admitted as a State. The people of Arizona want to make their own laws. They want statehood. They should be admitted as a State. For forty years they have been begging Congress for this fundamental right, and for forty years Congress has closed to their appeals the doors of opportunity, of equal rights, of justice, and of statehood. How much longer must they beg? How much longer must they plead? How much longer must they wait? It is a shame—a denial of constitutional rights. It is a disgrace to the country and contrary to the spirit of our free institutions.

Let us stop treating Arizona and New Mexico like conquered provinces. Let us grant them the rights they demand. Let us permit these Territories to come into the Union, so that they can govern themselves and make their own local laws. These people are as brave, as honest, as intelligent, and as patriotic as any other citizens in our land. They want to govern themselves. They want home rule. They demand statehood. Let us be true to ourselves and grant them all their rights and all the privileges enjoyed by all the rest of the citizens of the States of the Union. New Mexico must be a State. Arizona must be a State. Now is the time to grant them this sovereign boon.

And, sir, what about home rule for Alaska? What about the rights of the brave and heroic people who have gone to Alaska from every State in the Union—as fine types of American manhood as ever breathed the free air of liberty? What about the

bill prepared by me and introduced by Delegate CALE to grant Alaska home rule and Territorial government? The Alaskans have been appealing to Congress for years for Territorial rights, and Congress has thrown in the wastebasket the appeals of these brave pioneers who have gone there to develop the richest asset in Uncle Sam's domains. It is an outrage on the people of Alaska to deny them Territorial government. They are entitled to it and they will fight for it until they get it. Make no mistake about it.

The people of Alaska want this right to govern themselves, and sooner or later it must be granted to them. I have been to Alaska several times. I know something about that vast domain. I know something about the sentiment of the people who live there, and I stand here and declare, with the confident knowledge that I can not be successfully contradicted, that the people of Alaska—the people who have gone there, and who have lived there for years, and who are bona fide residents of Alaska, and intend to stay there during the rest of their lives—I know what they want, and I declare here that they want not only a Delegate in Congress, but they want Territorial government. They want the right that every other Territory in the Union has—the right to make their own laws, to levy their own taxes, to regulate their own internal affairs, and to spend the money gathered by the tax collector for their own use, for their own schools, for their own charitable institutions, for their own roads, for their own municipal affairs, and for their own peace and happiness. This is not asking too much, in my opinion. It seems to me it is only fair and just and proper and right. Alaska has a population at the present time upward of 65,000 bona fide residents, as true and as honest and as brave a people as ever walked the earth. They want their rights, and they are going to get their rights.

Mr. Speaker, Alaska is the world's wonderland. No words can adequately describe it. It is the poor man's and the rich man's, and the sportsman's paradise. The time, in my judgment, is at hand when this vast Territory will be developed by American genius, American capital, and American enterprise, and take my word for it, there will be no more prosperous section in all this progressive land for American brawn and American brain. Alaska is the place for the new settler—for the hustler—for the man who wants to go ahead and get on. Alaska wants her rights; she wants home rule; she demands Territorial government. Alaska wants this; Alaska must have it—Alaska with her patriotic population; Alaska with her invigorating climate; Alaska with her beautiful scenery, her magnificent distances, her towering snow-capped mountains, her majestic rivers, her fertile fields, her great industries of fish and furs and timber; Alaska with her immense agricultural possibilities; Alaska with her untold wealth in gold and copper and silver and lead and iron and coal—mineral wealth beyond the dreams of the most imaginative person in the world; Alaska with her brave and loyal and God-fearing American citizens; Alaska with her churches and schools, her splendid institutions, her towns and villages; Alaska under the blue dome of the Union sky and in the shadow of the midnight sun; Alaska with her incomparable glaciers, with her great harbors and innumerable lakes and countless cascades; Alaska, in the name of all these and by virtue of the fundamental principles of our free institutions, I demand that she shall have the right of home rule and full Territorial government.

Mr. Speaker, Congress is too big a body, too busy as a legislative forum with the momentous affairs of the nation to act as a board of aldermen for Alaska, for New Mexico, and for Arizona. Why not give them what they are entitled to, and let them legislate for themselves? The principles of local self-government are dear to the American heart. They constitute the corner stone of the American Republic. The people in Arizona, the people in New Mexico are entitled to home rule, are entitled to local self-government, and the only way they can get it is through the agency of statehood. The people of Alaska are entitled to Territorial government. They want to make their own local laws and not bother Congress, and the only way they can do so is through the agency of Territorial government. After a long fight we finally succeeded in passing a bill to give Alaska a Delegate in Congress. He is here in the person of Hon. THOMAS CALE—one of God's noblemen—and he typifies the intelligence and the industry and the patriotism of the people of Alaska, and yet what can he do here? What has he been able to accomplish for home rule? Nothing at all. He can beg and plead, and he has begged, he has pleaded, but it is all in vain. But the fight will go on and on until justice triumphs, and so I want to say in conclusion that for one, as long as I am a Member of Congress, I am going to keep on fighting for statehood for New Mexico, for statehood for Arizona, and for home rule and Territorial government for Alaska.

The Speaker. The time of the gentleman from New York has expired.

Mr. HAMILTON of Michigan. Mr. Speaker, it is perfectly natural of course that the gentleman from New York [Mr. SULZER] should fight about something. There can be no possible objection to that.

I want to call the attention of the House, however, to a few facts by way of refutation of what the gentleman has said. This is the Sixtieth Congress. The Fifty-ninth Congress spent a large part of its time in the consideration of a bill to create a State out of the Territory of Oklahoma and the Indian Territory and to create another State out of the Territories of Arizona and New Mexico. Out of the consideration of that bill grew the magnificent State of Oklahoma, which we are proud of as a sister State in our Union. We have not been unmindful of the rights of Arizona and New Mexico. The rights of those Territories are splendidly represented here on this floor by their Delegates, and I understand, Mr. Speaker, that within a reasonable time application may be made by at least one of those Territories for consideration of her claim to statehood. Meanwhile all of the interests of those Territories that come before the Committee on Territories are carefully considered, and the Delegates representing the Territories, who are authorized to speak for those Territories, know about this.

I do not care to consume further time, Mr. Speaker, except to say that the Delegate from Alaska knows that nothing that he has asked for that could be considered by the Committee on Territories has been overlooked.

Mr. LLOYD. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. Houston], a member of the committee.

Mr. HOUSTON. Mr. Speaker, as chairman of the subcommittee that investigated and reported upon an act which is now embraced in the first six sections of the bill, I desire merely to say this authorizes the town of Valdez to issue bonds to the amount of \$15,000 for the purpose of building dams and dikes to protect the city or town from the overflow that frequently results from the melting glaciers.

It is a town of 1,500 permanent population, with an additional floating population of 500, which on several occasions has been very seriously damaged and part of it washed away by the overflow that is caused by these glaciers melting and running down. They have a taxable property of \$500,000, and the necessity for this legislation is that under the code of Alaska they are not authorized to issue bonds without the aid of legislation by Congress, and I am satisfied this legislation is very much needed and is very proper. As a rule, I do not approve the method of passing a number of measures in one bill, but being a member of this committee and having had opportunity to examine these measures, I can support the bill.

The SPEAKER pro tempore. The gentleman from Missouri has three minutes remaining.

Mr. LLOYD. Mr. Speaker, the bill now pending is composed of ten or twelve separate bills, each of which has been very carefully considered by the Committee on the Territories; each of them was first submitted to a subcommittee, which investigated the several bills and reported back to the committee; each one of them had the unanimous support of every member of every subcommittee. These bills were then considered by the full committee and were unanimously reported to the House by the full committee. I feel very sure that every item of legislation in this proposed bill is a proper item of legislation and that the bill ought to pass.

Mr. WILLIAMS. If the gentleman will permit, while the bill was being read I thought I heard some reference to the District of Columbia.

Mr. LLOYD. There is nothing in it about the District of Columbia.

Mr. WILLIAMS. I thought I heard a reference to it.

The SPEAKER pro tempore. Does the gentleman from Michigan desire to consume the balance of his time?

Mr. HAMILTON of Michigan. Mr. Speaker, if there is no gentleman on our side of the House who desires to be heard, I think we are ready for a vote, after a suggestion which I desire to make, and that is simply to strike out sections 10, 20, and 34 in the bill, which provide the time when certain bills which are incorporated in the omnibus bill shall go into effect, as these sections would be inconsistent with the bill and the presence of these sections in the bill is the result of a mere clerical error.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

On page 11 strike out section 10, on page 15 strike out section 20, and on page 19 strike out section 34.

The SPEAKER pro tempore. Without objection, the amendment—

Mr. WILLIAMS. Mr. Speaker, I wish to say I shall not object, because a proposition from a Republican source to strike out legislation formulated by a Republican committee is generally a good request.

Mr. HAMILTON of Michigan. And I ask also that the numbering of the sections be changed accordingly.

The SPEAKER pro tempore. Without objection, the amendment will be agreed to and the numbering of the sections will be changed.

There was no objection.

Mr. HAMILTON of Michigan. Mr. Speaker, I call for a vote.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. LLOYD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 232, answered "present" 5, not voting 150, as follows:

#### YEAS—232.

Acheson	Douglas	Hobson	Olcott
Adair	Draper	Holliday	Overstreet
Adamson	Driscoll	Houston	Padgett
Aiken	Durey	Howard	Page
Alexander, Mo.	Dwight	Howell, N. J.	Parker, S. Dak.
Alexander, N. Y.	Ellerbe	Howell, Utah	Parsons
Allen	Ellis, Mo.	Howland	Payne
Andrus	Ellis, Oreg.	Hubbard, W. Va.	Perkins
Anthony	Englebright	Huff	Pollard
Ashbrook	Esch	Hughes, N. J.	Pratt
Barchfeld	Favrot	Humphrey, Wash.	Pray
Bartholdt	Finley	James, Addison D.	Prince
Bartlett, Nev.	Fitzgerald	James, Olie M.	Rainey
Bates	Floyd	Johnson, Ky.	Randell, Tex.
Beale, Pa.	Focht	Johnson, S. C.	Rauch
Beall, Tex.	Fordney	Jones, Wash.	Reeder
Bede	Foss	Keifer	Reynolds
Bell, Ga.	Foster, Ill.	Kelher	Rhinock
Booher	Foster, Ind.	Kennedy, Iowa	Richardson
Bowers	Foulkrod	Kennedy, Ohio	Robinson
Boyd	Fowler	Kimball	Rodenberg
Brantley	French	Kinkaid	Rothermel
Brownlow	Fuller	Knopf	Russell, Mo.
Brundidge	Fulton	Knowland	Russell, Tex.
Burke	Gaines, Tenn.	Klstermann	Sabath
Burleigh	Gaines, W. Va.	Lafan	Scott
Burleson	Gardner, Mich.	Landis	Shackelford
Burnett	Gardner, N. J.	Lassiter	Sherwood
Burton, Del.	Garner	Lawrence	Slayden
Calderhead	Garrett	Lee	Slomp
Caldwell	Gillespie	Legare	Small
Campbell	Gillett	Lindbergh	Smith, Cal.
Candler	Glass	Lloyd	Smith, Iowa.
Capron	Godwin	Longworth	Smith, Mich.
Cary	Goebel	Lorimer	Smith, Mo.
Caulfield	Goulden	Loudenslager	Southwick
Chaney	Graft	Lovering	Sperry
Chapman	Graham	McCall	Spight
Clark, Mo.	Granger	McGavin	Stanley
Cole	Hackney	McKinley, Ill.	Steenerson
Conner	Hale	McKinney	Sulloway
Cook, Colo.	Hall	McLaughlin, Mich.	Sulzer
Cooper, Pa.	Hamilton, Iowa	McMillan	Taylor, Ala.
Cooper, Tex.	Hamilton, Mich.	Macon	Taylor, Ohio
Cooper, Wis.	Hammond	Maynard	Thistlewood
Coudrey	Harrison	Mondell	Tou Velle
Cox, Ind.	Haugen	Moon, Tenn.	Townsend
Craig	Hawley	Moore, Pa.	Underwood
Crumpacker	Hay	Moore, Tex.	Volstead
Currier	Hayes	Mouser	Wanger
Davenport	Hefflin	Murdoch	Watkins
Davidson	Helm	Murphy	Webb
Davis, Minn.	Henry, Conn.	Needham	Weeks
Dawson	Henry, Tex.	Nelson	Wheeler
Denver	Hepburn	Nicholls	Williams
Diekema	Hill, Miss.	Norris	Wilson, Pa.
Dixon	Hinschaw	Nye	Wood
	Hitchcock	O'Connell	Woodyard

#### ANSWERED "PRESENT"—5.

Butler	Gordon	Roberts	Sherley
Flood			

#### NOT VOTING—150.

Ames	Clayton	Gillhams	Jackson
Ansberry	Cockran	Gill	Jenkins
Bannon	Cocks, N. Y.	Goldfogle	Jones, Va.
Barclay	Cook, Pa.	Greene	Kahn
Bartlett, Ga.	Cousins	Gregg	Kipp
Bennett, N. Y.	Cravens	Griggs	Kitchin, Claude
Bennett, Ky.	Crawford	Gronna	Kitchin, Wm. W.
Bingham	Cushman	Hackett	Knapp
Birdsall	Dalzell	Haggott	Lamar, Fla.
Bonyng	Darragh	Hamill	Lazar, Mo.
Boutell	Davey, La.	Hamlin	La. 2d
Bradley	De Armond	Harding	Langley
Brodhead	Denby	Hardwick	Lanling
Broussard	Dunwell	Hardy	Law
Brumm	Edwards, Ga.	Haskins	Leake
Burgess	Edwards, Ky.	Haskins	Lenahan
Burton, Ohio.	Fairchild	Hill, Conn.	Lever
Byrd	Fassett	Hubbard, Iowa	Lewis
Calder	Ferris	Hughes, W. Va.	Lilley
Carlin	Fornes	Hull, Iowa	Lindsay
Carter	Foster, Vt.	Hull, Tenn.	Littlefield
Clark, Fla.	Gardner, Mass.	Humphreys, Miss.	Livingston



Loud	Moon, Pa.	Ryan	Thomas, Ohio
Lowden	Morse	Saunders	Tirrell
McCreary	Mudd	Sheppard	Vreeland
McDermott	Olmsted	Sherman	Waldo
McGuire	Parker, N. J.	Sims	Wallace
McHenry	Patterson	Smith, Tex.	Washburn
McKinlay, Cal.	Pearre	Snapp	Watson
McLachlan, Cal.	Peters	Sparkman	Weems
McLain	Porter	Stafford	Weisse
McMorran	Pou	Stephens, Tex.	Wiley
Madden	Powers	Sterling	Willett
Maddison	Pujo	Stevens, Minn.	Wilson, Ill.
Malby	Ransdell, La.	Sturgiss	Wolf
Mann	Reid	Talbott	Young
Marshall	Riordan	Tawney	
Miller	Rucker	Thomas, N. C.	

So the rules were suspended and the bill as amended was passed.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. HASKINS with Mr. LAMB.  
Mr. BARCLAY with Mr. COCKRAN.  
Mr. BURTON of Ohio with Mr. CLAYTON.  
Mr. AMES with Mr. BURGESS.  
Mr. POWERS with Mr. HULL of Tennessee.  
Mr. BONYNGE with Mr. DE ARMOND.  
Mr. BRADLEY with Mr. FERRIS.  
Mr. CUSHMAN with Mr. CLAUDE KITCHIN.  
Mr. DARRAGH with Mr. McDERMOTT.  
Mr. DALZELL with Mr. SHERLEY.  
Mr. OLMSTED with Mr. McHENRY.  
Mr. GREENE with Mr. McLAIN.  
Mr. KAHN with Mr. RYAN.  
Mr. KNAPP with Mr. RANDELL of Louisiana.  
Mr. STEVENS of Minnesota with Mr. SAUNDERS.  
Mr. WILSON of Illinois with Mr. THOMAS of North Carolina.  
The result of the vote was announced as above recorded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6231. An act granting a pension to Lilla May Pavy; and  
S. 6805. An act to encourage the development of coal deposits in the Territory of Alaska.

#### RESURVEY OF TOWNSHIPS IN WYOMING.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and pass the bill S. 6190, with certain House amendments.

The Clerk read as follows:

An act (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made in the manner now provided by law for the survey and resurvey of public lands, and from time to time as may be necessary, a resurvey of the following townships in the State of Wyoming: Townships 41 to 44 north, ranges 81 to 92 west, inclusive; townships 45 to 48 north, ranges 81 to 104 west, inclusive, except township 48 north, ranges 88 to 91 west, inclusive; townships 49 to 52 north, ranges 89 to 92 west, inclusive; townships 53 to 56 north, ranges 101 to 103 west, inclusive; townships 12 and 13 north, range 86 west; townships 12, 13, and 14 north, range 87 west; townships 12 to 16 north, ranges 88 to 104 west, inclusive; townships 17 to 24 north, ranges 97 to 100 west, inclusive; townships 12 north, ranges 105 to 108 west, inclusive; townships 12 to 23 north, ranges 109 to 112 west, inclusive; township 24 north, range 111 west; township 24 north, range 114 west; townships 17 to 20 north, ranges 117 to 121 west, inclusive; township 57 north, range 68 west; townships 54 to 56 north, ranges 80 and 81 west, inclusive; all west of the sixth principal meridian.

SEC. 2. That nothing herein contained shall cause the applications of settlers upon other lands to be rejected, or cause to be increased the amount annually apportioned to the district of Wyoming out of the appropriation for surveys and resurveys of public lands. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled: *Provided further*, That before any resurvey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to resurvey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be resurveyed: *Provided further*, That where it is found that, at the time the resurvey is entered upon, more than half the lands in any township have been disposed of by entry or otherwise, the resurvey in such township shall not be made; but this proviso shall not apply to lands within railroad land-grant limits.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to certify to the State of Kansas, for the benefit of the Kansas State Agricultural College, 7,682 acres of public land in said State, the same to be in full satisfaction of the claim of said State under an act entitled "An act donating public lands to the sev-

eral States and Territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862.

SEC. 4. That the tracts of land described as follows: Sections 9 and 10, lot 4, southwest quarter of northwest quarter, west half of southwest quarter, section 3, east half of southeast quarter, section 4, township 24 north, range 22 west; east half of northeast quarter, east half of southeast quarter, section 34, southwest quarter of northwest quarter, northwest quarter of southwest quarter, section 35, township 25 north, range 22 west, Indian meridian, together with the buildings and improvements thereon, which lands were formerly a part of the Fort Supply Military Reservation, in the former Territory and now State of Oklahoma, the use of which for the purpose of an insane asylum was granted to the Territory of Oklahoma by the act of Congress approved February 8, in the year 1890, entitled "An act authorizing the Secretary of the Interior to permit the use of the buildings on the Fort Supply Military Reservation by Oklahoma Territory for an insane asylum," be, and the same are hereby, granted to the State of Oklahoma for the purpose of an insane asylum for said State, and for other purposes.

SEC. 5. That the State of North Dakota is hereby authorized and empowered to sell such portion as it may deem wise of the southeast quarter of section 7 and the southwest quarter of section 8 and the northeast quarter of section 18 and the northwest quarter of section 17, all in township 131 north, range 65 west, heretofore granted to said State to be used for the purpose of a memorial park and burial ground of the soldiers killed at the battle of White Stone Hills, the money derived from the sale of said land to be used by the said State only for the purpose of erecting monuments and improving and beautifying such portions of such grounds as it may desire to use as a memorial park: *Provided*, That not less than 40 acres be reserved immediately surrounding the graves located on said land.

SEC. 6. That all qualified homesteaders who, under an order issued by the Land Department bearing date October 22, 1891, and taking effect November 2, 1891, made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Chicago, St. Paul, Minneapolis and Omaha Railway and the Wisconsin Central Railroad, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe (159 U. S., p. 46), shall, in making final proof upon homestead entries made for other lands, be given credit for the period of their bona fide residence upon and the amount of their improvements made on the lands for which they were unable to complete title. In the event that any entryman entitled to the benefits of this act shall have died, the right to make such second entry shall inure to his surviving widow, and if there be no widow living then to his minor child or children, if any, in the manner hereinbefore provided: *Provided*, That no such person shall be entitled to the benefits of this act who shall fail to make entry within two years after the passage of this act: *And provided further*, That this act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead law since being prevented, as aforesaid, from completing title to the lands as aforesaid settled upon and improved by him.

SEC. 7. That section 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, be, and the same hereby is, amended to read as follows:

"SEC. 2. That entrymen under the homestead laws of the United States within the territory above described who own and occupy the lands heretofore entered by them may, under the provisions of this act and subject to its conditions, enter other lands contiguous to their said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate 640 acres; and residence continued and improvements made upon the original homestead, subsequent to the making of the additional entry, shall be accepted as equivalent to actual residence and improvements made upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same, except in favor of entrymen entitled to credit for military service."

SEC. 8. That such portions of the lands of the abandoned Fort Sheridan Military Reservation, and of the abandoned Fort McPherson Military Reservation which were added to the original Fort McPherson Military Reservation by Executive order dated April 19, 1878, title to which remains in the Government and have become subject to homestead entry, be, and the same are hereby, exempted from the payment of the appraised values imposed by the act of Congress approved July 5, 1884, and this provision shall include existing unperfected entries.

SEC. 9. That no final certificate issued upon proof offered under the commutation provisions of the homestead laws prior to the passage of this act shall be canceled solely upon the ground of insufficient residence in any case where such proof shows that the entryman had in good faith resided upon and improved the lands covered by his entry for at least eight months within the year immediately preceding the submission of such proof, and in all such cases where the final certificate has been canceled because of insufficient residence such certificate shall, upon application made therefor by the entryman, his heirs or assigns, within one year from the passage of this act, be reinstated and confirmed if no fraud was practiced by the entryman and no valid adverse rights have attached to the land affected thereby at the date of the filing of such application.

SEC. 10. That no homestead entry heretofore made under the provisions of section 2 of the act of Congress entitled "An act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June 5, 1900, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., p. 237). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said act of June 15, 1880, is not entitled to the benefits of the act of June 5, 1900, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the act of June 15, 1880, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

SEC. 11. That all the provisions of the mining laws of the United States are hereby extended and made applicable to the undisposed of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the act of June 5, 1872: *Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been

subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service.

SEC. 12. That all patents heretofore issued on applications made for title to public lands between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, be, and the same are hereby, declared valid; and that all such locations, where the applications to locate were made between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, and upon which patents have not been issued, but which may hereafter be approved for patent by the Department under the ruling in the case of Roy McDonald, December 21, 1907, are hereby declared legal, and the Commissioner of the General Land Office is hereby authorized and directed to issue patents on all such locations which may be approved by him for patent as above provided: *Provided*, That they are otherwise in accordance with the rules and regulations in such cases made and provided.

SEC. 13. That all that part of the States of North and South Dakota lying within the following-described boundaries, to wit: Commencing at a point on the boundary line between the States of North and South Dakota where the east boundary line of the county of Schnasse intersects said State line, thence due north to a point on the eighth standard parallel north; thence west on said eighth standard parallel north to a point where the boundary line between the States of North Dakota and Montana intersects the said eighth standard parallel north; thence south on the boundary line between the States of North Dakota and Montana and South Dakota and Montana to a point where the fourth standard parallel north intersects said State boundary line; thence east on the said fourth standard parallel north to the northeast corner of township 16 north, of range 9 east; thence south along the range line between ranges 9 and 10 east to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to a point where the same intersects the western boundary line of the county of Schnasse; thence north along the western boundary line of said county to a point where the same intersects the fifth standard parallel north; thence east along the said fifth standard parallel north to a point where the same intersects the range line between ranges 23 and 24 east; thence along said range line to a point where the same intersects the State line between the States of North Dakota and South Dakota; thence west along the said State line to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Lemmon land district; and the United States land office for said district is hereby located at the town of Lemmon, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

SEC. 14. That subdivision 10 of section 2238 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Tenth. Registers and receivers are allowed jointly at the rate of 15 cents per hundred words for testimony reduced by them to writing for claimants in establishing preemption, desert-land, and homestead rights."

SEC. 15. That section 461 of the Revised Statutes of the United States, as amended by the act approved April 2, 1888, be, and the same is hereby, amended to read as follows:

"SEC. 461. All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon payment by such parties at the rate of 15 cents per hundred words, and 30 cents each for photolithographic copies of township plats or diagrams unverified, not to exceed ten copies to any one person, and 25 cents each for all copies in excess of ten, with an additional sum of \$1 for the Commissioner's certificate of verification, with the General Land Office seal; and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish; but said Commissioner may, if he deem it advisable, make such charge for unverified copies as will, in his judgment, cover the cost of the preparation thereof."

SEC. 16. That each member of the selecting commission mentioned and described in section 8 of the act of Congress approved June 21, 1898, entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," consisting of the governor of the Territory of New Mexico, the surveyor-general of said Territory, and the attorney-general thereof, may receive from said Territory such compensation for their services as members of said commission as the legislative assemblies of said Territory may from time to time provide, not to exceed the sum of \$600 each per annum.

SEC. 17. That the Secretary of the Interior is hereby authorized to sell to the State of Idaho section 18, the south half of section 7, township 11 north, range 44 east, and the south half of section 12 of township 11 north, range 43 east, Boise meridian, providing that the State of Idaho shall pay \$1.25 per acre for the land, and providing the Secretary of the Interior shall be assured by the State of Idaho that the lands so purchased shall be used for a State fish hatchery and game reserve, and if not so used for a period of five years shall revert to the Government of the United States.

SEC. 18. That the south 200 feet, lot 2, block A, as shown by the plat of Perry town site, approved by the Commissioner of the General Land Office September 14, 1893, be, and the same is hereby, conveyed to and given to the city of Perry, State of Oklahoma, for a city library and other city and public buildings.

SEC. 19. That the title of block 1, being 10 acres reserved by law for park, school, and other public purposes, of the plat of Luther M. McGuire, of the southwest quarter of the northwest quarter of section 8, township 22 north, of range 6 west of the Indian meridian, as filed with and approved by the Secretary of the Interior, with the application of the said Luther M. McGuire as homestead entryman of said lands to purchase the same for town-site purposes, be, and the same is hereby, vested in the municipality of the city of Enid, State of Oklahoma, for park, school, and other public purposes.

SEC. 20. That all that tract or parcel of land in the city of Dubuque, heretofore known as St. Raphael's Cemetery, and described as follows: "A tract of land 382 feet in width and 405 feet in length, bounded on the north by Third street, on the south by outlots 698 and 693 A,

on the east by outlots 693, and on the west by outlots 723," the same being the identical property which was in use as a Catholic cemetery in 1836, and having been in the open, continuous, and uninterrupted possession of a Catholic church of Dubuque from said date until the present time, the title of the church to the same having never been contested nor questioned, and the boundaries of the property to-day being identical with those described in the original plat of Dubuque, is hereby granted to the Most Rev. John J. Keane, as archbishop of Dubuque, and to his successors in office, and the title thereto is confirmed and established accordingly.

SEC. 21. That the Minnesota and Manitoba Railroad Company is hereby authorized to convey in fee simple to Thomas Cathcart, his heirs and assigns, such part as may not be needed for railway purposes of the following-described land, to wit: Lots 3 and 4 and the easterly 140 feet of the southwest quarter of section 35, in township 161 north, range 31 west, granted to it for railroad purposes by act of Congress entitled "An act granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, Minnesota," approved April 17, 1900, and the restrictions upon alienation upon said grant are hereby removed, and the United States hereby relinquishes all claim or title and hereby conveys to said railroad company the fee to such part of said land as shall be conveyed to said Thomas Cathcart.

SEC. 22. That the disqualification of Charles A. Going to enter lands under the homestead laws in force in the State of Oklahoma and applying to lands opened to settlement in the Pawnee Indian Reservation, in the said State, arising by reason of the said Charles A. Going having heretofore entered a homestead in the State of Kansas, be, and the same are hereby, removed, and that the entry of said Charles A. Going of the southeast quarter of section No. 4, in township No. 22 north, of range No. 4 east of the Indian meridian, in Pawnee County, Oklahoma Territory, be, and the same is, restored as fully and to all intents and purposes as if the said Charles A. Going at the time of entering said lands had been qualified under the laws of the United States to enter the same: *Provided*, That the said Going shall pay the sum of \$1.25 per acre for said land.

SEC. 23. That the homestead entry of Walter H. Quist for the southeast quarter of section 35, in township 154 north, range 39 west, in the Crookston land district, Minnesota, under the Act approved February 20, 1904, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," upon which final proof and full payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, be, and the same is hereby, allowed and permitted to remain of record as of the date of said entry, and that patent shall issue in the name of said Walter H. Quist for said land.

SEC. 24. That the entry of Annie Ward, formerly Annie Brown, of the southwest quarter of section 20, township 144 north, range 71 west, in the Fargo land district, in the State of North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, confirmed, and the Secretary of the Interior is hereby authorized and directed to cause a patent to the land embraced within said entry to be issued to the said Annie Ward, formerly Annie Brown, provided there is no valid adverse claim for such land.

SEC. 25. That the title of Raleigh Brewer, sr. in and to the southeast quarter of section 16, township 15 north, range 19 east, Nottawbe County, Miss., as assignee of the conveyance of Tish-o-no-wah, executed June 2, 1831, to Reuben H. Grant and Jefferson Clement, be, and the same is hereby, quieted and confirmed, and patent therefor shall be issued to Raleigh Brewer, sr.

SEC. 26. That the following-described land, to wit, the southeast quarter of the northwest quarter of section 30, and the point of land in section 18 extending from lot 1 in section 19, omitted from the original United States land survey, but which is shown upon the plat of survey made under the direction of the War Department by the United States engineer office at St. Paul for the Gull Lake Reservoir, in Minnesota, which said land was reserved for reservoir purposes and the reservation approved by the President January 18, 1896, in township 134 north, of range 29 west, in the State of Minnesota, be, and the same hereby is, restored to the public domain subject to homestead entry; and all prior rights of settlement and entry, or attempted entry, are hereby reserved to the occupant and claimant of the land, to be passed upon and determined by the Commissioner of the General Land Office: *Provided, however*, That any homestead entry of said land or final certificate or patent that may be issued therefor shall be subject to the rights of the United States to construct and maintain a dam for reservoir purposes at Gull Lake and to flood any part of said land by means of said dam.

SEC. 27. That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to issue a patent to the assignees of Warner Bailey conveying all the right, title, and interest of the Government of the United States in and to the following-described land: West half northeast quarter and east half northwest quarter section 36, township 12 north, range 3 west, lying and situated in Choctaw County, State of Alabama: *Provided*, That the said patent shall be in full satisfaction of and shall extinguish military bounty land warrant numbered 75,743.

Mr. HENRY of Texas. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. A second is considered as ordered. The gentleman from Wyoming [Mr. MONDELL] is entitled to twenty minutes, and the gentleman from Texas [Mr. HENRY] to twenty minutes.

Mr. MONDELL. Mr. Speaker, this is a Senate bill containing in the form of amendments various House and Senate bills which have been reported unanimously from the Public Lands Committee. The Senate bill provides for the resurvey of certain lands in the State of Wyoming, or authorizes their resurvey when the Secretary of the Interior shall deem their resurvey necessary. This action is necessary, due to the fact that the Department has no authority to resurvey a tract, it having been once surveyed and the survey accepted. The third section of the bill contains a grant to the State of Kansas of something over 7,000 acres of land to satisfy its agricultural college land grant. This is necessary by reason of the fact that when Kansas made her last application under that grant the Secretary held that the lands she applied for were double



minimum, and therefore allowed the State only half the land to which she was entitled. It is very clear that the holding of the Department was erroneous. The lands granted were, in fact, single minimum, and Kansas is entitled to this additional land.

The next section, Mr. Speaker, grants to the State of Oklahoma the old Fort Supply Military Reservation and the buildings situated on the reservation, for the purposes of an insane asylum. The State now holds this land and the buildings under a permission made to the Territory of Oklahoma. Section 5 of the bill authorizes the State of North Dakota to sell a portion of the section of land sold to it some time ago for a park in commemoration of the battle of White Stone Hills, but provides that the State shall not sell the portion of the land on which the graves are located. Section 6—

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. GAINES of Tennessee. Is anybody on the committee opposed to the passage of this bill?

Mr. MONDELL. No.

Mr. GAINES of Tennessee. It is an unanimous report, is it not?

Mr. MONDELL. Mr. Speaker, this legislation was unanimously agreed to on three different occasions by the committee. I do not know of any objection to it, and I do not care to take up the time of the House in an explanation of the different sections if it is not necessary.

Mr. GAINES of Tennessee. That is why I asked you the question.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman about the ninth section. According to that it would seem to me that any time within a year after the passage of the act any entryman who had never resided upon the land might show that for eight months prior to his making his proof he had been a resident upon the land, and an occupant of it, and so perfect his proof without having conformed to the law in that particular in any regard prior to the passage of this act.

Mr. MONDELL. Mr. Speaker, I think the gentleman does not clearly understand the provisions of the section. This section is an amended Senate bill. As it passed the Senate it was very much broader than the provisions contained in this bill. After consulting with the Interior Department with regard to the matter, the Department sent us a suggestion. I do not mean to say that the Department recommends the passage of this provision, but they sent us a suggestion of legislation along this line, if we were to legislate at all, which is now section 9.

And it is intended to relieve certain entrymen whose entries were canceled by a change in the rulings of the Interior Department. The Department held for a great many years that commutation proof could be made upon proof of eight months' residence at any time prior to the submission of proof. That ruling was overturned, and the Department held that the entryman must have resided on his land continuously for fourteen months immediately prior to the time of making proof. Naturally there were some entrymen who, depending upon the prior ruling of the Department, a ruling that had been established for forty years, suffered by reason of the new ruling. So, some entries, all of which had been approved by the local land offices, were canceled by the Department in Washington. Now, in order to relieve those cases, where the entryman clearly complied with the rulings of the Department, in force when their entries were made, we insert this section in the bill.

Mr. PAYNE. I understand that the principle of this section has not the approval of the Department. They simply say, if you are going to legislate in this direction that that is the extent to which they want to go, but they do not approve it.

Mr. MONDELL. It seems to me that is not entirely the attitude of the Department.

Mr. PAYNE. Has the gentleman any letters from the Department?

Mr. MONDELL. The gentleman will find in the report on the bill a letter from the Department on the subject.

Mr. PAYNE. Will the gentleman refer me to the page?

Mr. VOLSTEAD. No one can get any advantage under this section unless the local land office has found his proof sufficient. No one who has not heretofore obtained a final certificate can obtain any advantage. This is only to legalize certain entries.

Mr. MONDELL. Answering the question of the gentleman from New York [Mr. PAYNE], I take it for granted that the Department would not say to Congress that Congress should by legislation overturn its decision. The Department itself, if the gentleman will give me his attention, did modify its own decision with regard to these matters by deciding some time

after its change of ruling that the later decision should not apply to any entries made prior to the 1st of last November.

So that, as a matter of fact, this is simply curing some entries upon which the Department had acted adversely, which entries were made and proof submitted in the local land office before the change of rulings. At the time these entries were made and proof submitted the entrymen could not know that the Department contemplated overturning its rulings and practice of forty years.

Mr. PAYNE. I find a clause here that seems to state the opinion of the committee. It is as follows:

The bill was favorably reported from the Senate Committee on Public Lands and was passed by the Senate. It was referred by your committee to the Secretary of the Interior, who submitted an unfavorable report on the bill as originally drafted, and recommended, if the enactment of a measure of this kind was deemed desirable, the substitution therefor of the draft of a bill which, with two minor changes, is that of the above proposed amendment.

I do not find the letter of the Secretary.

Mr. MONDELL. There is no question as to the propriety and justice of this legislation, and I am satisfied that the officers of the Department did not intend in that letter to convey the thought that the legislation was not advisable. It is necessary in order to reinstate some entries that were adversely acted upon by the Department under its change of view with regard to commutation proof, but which were initiated and in most cases proof offered long before the change of rule and decision.

Mr. REEDER. I would like to ask the gentleman a question, if he will yield.

Mr. MONDELL. I will be glad to yield.

Mr. REEDER. You say this bill is made up of a number of bills. I want to ask if each of these bills was considered by the committee, and if each one received unanimous support of the committee?

Mr. MONDELL. Every section of this bill, with two exceptions, is a separate bill, either a House or a Senate bill, which was passed upon in full committee and reported unanimously. Then later, I will say to the gentleman, an omnibus bill was introduced, carrying these bills, and the committee on two occasions, with a full attendance, went over that omnibus bill and finally eliminated from it two sections that the committee believed to be proper legislation, but which we feared there might be some objection to in the House, and then unanimously reported the bill now before the House.

Mr. REEDER. Does this bill as it is before us contain those two sections?

Mr. MONDELL. It does not contain them or a number of other bills that were before our committee. I want to say to the gentleman from Kansas that our endeavor was to put nothing in this bill that could not have come before the House, and would not have come before the House, by unanimous consent.

Mr. REEDER. Then, do I understand that each of these different items was taken up separately by the committee and unanimously agreed to?

Mr. MONDELL. They were.

Mr. REEDER. I wish to ask the gentleman further with reference to section 12. Is it to validate the military scrip or military bounty and college scrip? The question has arisen as to whether it is to validate that scrip; and I wish also to ask the meaning of the words "patents heretofore issued."

Mr. MONDELL. Why, Mr. Speaker, down to the last year the Department held that military bounties, land warrants, surveyor-generals' certificates, and agricultural college scrip might be located on any offered land—any land that had ever been offered land—land offered for sale but not sold. Now, in 1889 the distinction between offered and nonoffered lands was removed, except as to the State of Missouri, so that, as a matter of fact, there has been since 1889 no offered land except in the State of Missouri; but the Department still held that as to any lands that have ever been opened these warrants could be located on them. But after the Department held that these warrants and various forms of scrip could only be located on lands that are now offered lands. When the Department discovered the effect of that decision they reversed themselves to this effect: They said that the Department was justified in confirming and passing to patent all of the scrip lands which had been located under this scrip prior to the time of their adverse decision. Now, all this does—and the Department says they think it is unnecessary—is to confirm these patents which the Department has issued and which the Department holds are sufficient.

Mr. REEDER. The question is not, then, as to the validity of the scrip?

Mr. MONDELL. We validate nothing that the Department

has not validated. We simply put the seal of legislative approval on what the Department has done.

Now, Mr. Speaker, unless some one wishes to ask a question in regard to some particular section of the bill, I reserve the balance of my time.

Mr. GAINES of Tennessee. Mr. Speaker, I will say that I am on this committee, and I want to know whether the gentleman from Texas, who has demanded a second, is opposed to the bill. If not, as I understand it, a member of the committee is entitled to control the time.

Mr. HENRY of Texas. I will state to the gentleman from Tennessee that I am opposed to the bill.

The SPEAKER pro tempore. The gentleman from Texas has control of the time. To whom does the gentleman yield?

Mr. GAINES of Tennessee. I am on the committee, and favor the bill, and under these circumstances he has the right to control the time.

Mr. HENRY of Texas. Of course I will be glad if I have the time, to yield some of it to the gentleman.

Mr. GAINES of Tennessee. I do not want any time. I thought that I would be entitled to the control of the time, and think so yet; but I yield to the ruling of the Chair.

Mr. HENRY of Texas. Mr. Speaker, this bill seems to be a Senate bill, including a number of land propositions. Its caption indicates that it is an act "authorizing the resurvey of certain townships in the State of Wyoming," yet, on briefly perusing its contents, I find that it covers matters pertaining to States all the way from North Dakota to the States of Mississippi, Alabama, and other States of the Union.

All these measures may be meritorious. There would be no objection to any of them, perhaps, if I had time to separately consider them; but the bill has been called up and suspension of the rules moved, and we are expected to discuss and consider this very important and comprehensive matter in twenty minutes on each side.

Section 21 seems to confirm a railroad grant in the State of Minnesota, although this is supposed to be a bill to resurvey certain townships in the State of Wyoming. Section 22 seems to refer to certain lands in the State of Kansas. Section 23 seems to refer to land in the State of Minnesota. Section 24 has something to do with lands in the State of North Dakota. Section 25 appears to refer to lands down in Noxubee County, Miss. Lands appear to be granted to these communities, and a lot of titles are confirmed, and none of us not on that committee know where they are located or what their merits are. All may be meritorious, and if there were time to consider them I perhaps would vote for each and every one of them; but under the circumstances, not knowing what I am voting for, whether I am confirming a good land transaction or a bad one, I am not willing to affirmatively record my vote.

Now, Mr. Speaker, this morning I endeavored to make a few remarks—

Mr. MONDELL. Is not the gentleman willing to defer somewhat to the judgment of the members of the minority, all of whom have gone over these matters very carefully?

Mr. HENRY of Texas. Oh, yes; I think they are very honorable gentlemen and would not vote to report a measure that was not meritorious; but under the circumstances, not having more time to investigate this bill—and perhaps a number of good things that ought to be in it are excluded—I shall content myself with voting in the negative.

This morning I endeavored to make a few observations in regard to the passage of an anti-injunction bill at this session of Congress, and I would like to conclude those remarks at this time.

I had a statement read from the Washington Post, which indicated that the gentleman from Michigan [Mr. TOWNSEND] was circulating a request for a Republican caucus to meet at an early date. I am glad to hear that the Republican party has at last concluded—

Mr. PAYNE. Mr. Speaker—

Mr. HENRY of Texas (continuing). To take up the subject of injunctions, although they know there is no prospect of putting it upon the statute books—

Mr. PAYNE. Mr. Speaker, the gentleman is out of order.

Mr. HENRY of Texas (continuing). Because they can not get action at the other end of the Capitol.

The SPEAKER pro tempore (Mr. CURRIER). The gentleman will state his point of order.

Mr. PAYNE. The gentleman is not speaking to the bill. The bill is one in regard to public lands, and the gentleman has gone off onto anti-injunction.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. HENRY of Texas. If the gentleman from New York

would permit me, I intended a little later on to come to his anti-injunction bill.

Mr. PAYNE. I make the point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas will proceed in order.

Mr. HENRY of Texas. How does the gentleman know that there is nothing in this omnibus bill about the anti-injunction bill introduced by me? He has not had time to read it.

Mr. PAYNE. I heard it read.

The SPEAKER pro tempore. The bill has been read.

Mr. HENRY of Texas. There was so much noise and confusion that I could not possibly understand myself whether there was any reference in it to bill 69, which I introduced on the subject of injunctions.

The SPEAKER pro tempore. The Chair heard the bill read, and the Chair is aware that there is nothing in it on the subject of injunctions.

Mr. HENRY of Texas. The Chair assures me that there is nothing in the bill upon anti-injunction?

The SPEAKER pro tempore. The Chair is glad to assure the gentleman from Texas of that fact, and the gentleman will proceed in order.

Mr. HENRY of Texas. Mr. Speaker, I shall endeavor to do so. Having high regard for the gentleman who occupies the chair, of course I shall respect his statement and conclude that there is nothing in this omnibus bill which refers to other matters that are of deepest importance that I would like to mention at this time.

Mr. Speaker, we have gone along here for more than sixty days, and whenever a second has been demanded by any gentleman, even if he opposed the bill, he has been allowed to discuss any matter that he chose to discuss, whether it touched the bill or not; but here, when I propose to take up this omnibus land matter and discuss a bill that is of more importance than all these transactions put together—

Mr. PAYNE. Mr. Speaker, I insist that the gentleman is not in order.

The SPEAKER. The gentleman from Texas will proceed in order; the gentleman is not in order.

Mr. PAYNE. Mr. Speaker, I would like to discuss this bill, if I could get an opportunity.

Mr. HENRY of Texas. I shall endeavor to proceed in order.

The SPEAKER. The gentleman from Texas knows the rules of the House and the gentleman will proceed in order.

Mr. HENRY of Texas. I shall endeavor to proceed in order, but I was under the impression that the rules of the House had been suspended and that I could get along—

The SPEAKER. The gentleman will proceed in order.

Mr. HENRY of Texas. I shall endeavor, then, to confine myself to the bill. I did not understand the last remark by the gentleman from New York.

Mr. PAYNE. I said I would like to discuss the bill for a few minutes.

Mr. HENRY of Texas. Which bill? The land bill or the anti-injunction bill, introduced both by him and myself?

Mr. PAYNE. The bill before the House; the gentleman ought to understand that.

Mr. HENRY of Texas. I do understand it, but I want the gentleman to be definite and specific in order that I can exactly locate his position. [Laughter.]

Now, Mr. Speaker, I wish there were time to read and consider everything that is contained in this omnibus measure, because if we had more time I might come to the conclusion that there were other meritorious land matters, to say nothing of other most important questions now in my mind and in the minds of other gentlemen across the aisle from me, that ought to be brought in as a provision in some omnibus bill. But the rules forbid a consideration even of the measure, and since they do, and since the Chair is now adhering rigidly to a rule which up to yesterday and to-day has been disregarded on all occasions—

The SPEAKER. The gentleman will proceed in order.

Mr. HENRY of Texas. Mr. Speaker, there are some gentlemen on this side of the House who tell me that they have items in the bill and understand something about this omnibus land matter, and that being the case, I would like to know a little something about it before I vote in favor of it. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes.

Mr. HENRY of Texas. I would like to devote ten minutes more to an intelligent discussion of this bill, as I have already been doing for ten minutes, but there are gentlemen who have items in it, and as I have agreed to yield a part of my time, I now yield five minutes to the gentleman from Mississippi [Mr. CANDLEE].



Mr. CANDLER. Mr. Speaker, I shall not detain the House for the five minutes yielded me, probably, in what I have to say in reference to the bill, because this is such a meritorious bill I feel sure it will pass. The gentleman from Texas [Mr. HENRY], who has just taken his seat, referred to section 25 of the bill and has referred to certain lands in the State of Mississippi and in the county of Noxubee. This land is located in my district, and a constituent of mine is interested in it. I desire to state to the House upon both sides of the Chamber that section 25 in this bill, after I fully explained my bill for Brewer, had the unanimous approval and support of every member of the Committee on Public Lands. I am informed that every other section of the bill has also the unanimous approval of every member of the committee, and had it upon three separate occasions when there was a full attendance of the committee to consider the bill. I am sure that if all the provisions of the bill are as meritorious as section 25, it deserves the approval of every Member upon this floor, and I trust that each and every one will accord to it his support by casting his vote in favor of the passage of the bill. Section 25 refers to 160 acres of land in Noxubee County, Miss., which is owned by Raleigh Brewer, sr. This land was purchased by his predecessors in the chain of title from an Indian in 1831. At that time a purchase from an Indian required that the transfer of the title should be consented to by the President of the United States. Such a thing at this day and time would be unheard of, as he could not possibly take up and consider every minor detail in the transfer of every title. This went by in the lax and loose way in which matters were transacted, possibly, in the early history of the country, and the President failed to approve this title. Some time ago in looking into it when Mr. Brewer wanted to sell a few acres, the man who was investigating the title discovered that a grant had never been made by the United States.

I secured affidavits, which appear in the report, showing he had been in actual possession of it since 1848, and that there had never been an adverse claimant to it, and that he was occupying it to-day, and there was still no adverse claimant. My bill provided to quiet the title and grant a patent to Mr. Brewer. The Public Lands Committee unanimously reported the bill to the House. It is impossible, however, in view of the peculiar circumstances which surround us, to secure consideration of the individual bill, and hence it was included by my request in this omnibus bill, together with the others, and, as I said a moment ago, this one, as well as all the others, has had the unanimous approval of every member of the committee. Knowing that this is a meritorious measure and is entitled to the approval of every Member of the House, and believing that possibly the others are the same, as I am assured by both Democratic and Republican members of the Committee that they are, I hope that it will receive the unanimous vote of every Member upon the floor. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield two minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Speaker, I merely desire to say in the limited time allotted me to discuss this omnibus bill that every provision contained in it was very carefully considered by the Committee on the Public Lands of the House. Every one of those bills was unanimously reported and all are now on the Calendar. Of course, in answer to something that has been said by the gentleman from Texas [Mr. HENRY], there are many bills pending before that committee, as there are before every other committee in this House, that are meritorious and upon which I should like to see action taken, but we believe that every provision of this omnibus bill is meritorious and little question can be raised concerning any provision in the bill.

I desire to state to my friend from Texas, with reference to section 21 of the bill, that it does not approve a land grant to a railroad, but as I understand that bill there had been in process of litigation for a great many years a small tract of land up there in the State of Minnesota, and Cathcart had exhausted his resources in litigating with the railroad. A compromise was affected, and this bill authorizes the railroad to convey to Cathcart, and so far as this tract is concerned it will give Cathcart a good title and end the litigation. Is that not correct, I will ask my friend from Minnesota?

Mr. STEENERSON. Yes; it will authorize the railroad company to convey to him land upon which he has lived for nineteen years and upon which his home is located.

Mr. ROBINSON. And upon which he has made important improvements.

Mr. GAINES of Tennessee. And has been fighting the railroad all of this time.

Mr. ROBINSON. So that instead of being a vicious measure, it is a most meritorious one.

The SPEAKER. The gentleman's time has expired.

Mr. HENRY of Texas. Will the gentleman yield to me? I yielded a minute to the gentleman. After the lucid explanation of the section by the gentleman from Arkansas, believing in his intelligence and ability, of course I am in favor of section 21, now understanding it.

Mr. ROBINSON. I thank my friend, the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. I want to say also that this remark covers the item of my friend from Mississippi [Mr. CANDLER]. I favor his proposition in this omnibus bill.

Mr. MONDELL. Mr. Speaker, if there were time and opportunity for discussion of each and every section of the bill, I am satisfied that not only the gentleman from Texas [Mr. HENRY], but every Member of the House would be as well satisfied with regard to all of the provisions of the bill as he is in regard to sections 21 and 25. There are no grants to railroads in this bill or anything that flavors of that sort of legislation. We do authorize a certain railroad company that has now only an easement on a certain 80 acres of land to grant a title in fee to the farmer living upon the land, and for that purpose we grant a title in fee to the railroad company. Mr. Speaker, I ask for a vote.

Mr. PAYNE. Mr. Speaker, is there any time left to those opposed to the bill?

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has two minutes remaining.

Mr. MONDELL. I yield the balance of my time to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this is an omnibus bill, it is true, but every section of it which constitutes the bill has been carefully considered by the committee. We have guarded the rights as near as we could of both the living and the dead. For instance, there is a graveyard out in some public land where some heroes of the Whitestone Mountain battle lie, and instead of giving all the public lands out there, or arranging to give it all to the local authorities, for the purpose of enlarging and beautifying the park around those graves, we go so far as to provide this, "That not less than 40 acres be reserved immediately surrounding the graves located on said land." As near as a committee of eighteen intelligent white men could possibly, endeavoring to do justice in this matter, after weeks and weeks of labor, we have come to the conclusion to report this bill unanimously, and I shall unanimously vote for it. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Five minutes.

Mr. HENRY of Texas. Mr. Speaker, notwithstanding I know that the gentleman from New York will not discuss matters of deep concern to me on this occasion, I yield him four minutes of my time.

Mr. PAYNE. Mr. Speaker, I return again to the ninth section, about which I asked the gentleman from Wyoming as to the recommendation of the Secretary of the Interior. I find in a letter of the Secretary of the Interior, dated February 18 last, the last two clauses are as follows:

The Department has generally in rejecting commutation proofs solely upon the ground of insufficient residence refrained from canceling the entries, to the end that the claimant might at a later date submit new and satisfactory proofs, and is now inclined to the belief that the extension of any greater relief is unnecessary.

I reiterate without hesitation the adverse recommendation against this bill, which was contained in my report to the Senate committee, but if some further relief in this direction seems necessary I ask your attention to inclosed draft of a bill, which will afford the desired relief in all cases where no adverse rights have intervened.

Mr. MONDELL. The gentleman understands—

Mr. PAYNE. I think I understand—which is substantially section 9 of this bill.

Mr. MONDELL. Yes.

Mr. PAYNE. I thought that was what the gentleman was going to say, and I thought I would say it myself—that is substantially section 9 of this bill. It does meet the question of adverse rights of parties who have intervened since the entry was made, but the Secretary is still of the opinion that the rule of the Department should be maintained, as plainly appears from his letter, and the fourteen months' actual residence should be required instead of eight months, as provided in section 9—

Mr. MONDELL. Will the gentleman yield?

Mr. PAYNE. I wanted to get that question before the House.

Mr. MONDELL. The gentleman knows that since that decision was made the Department itself has overruled its former action by providing that the decision relating to fourteen months' continuous residence before proof shall not apply to

any entry made prior to the 1st of last November, so that our bill simply follows the same—

Mr. PAYNE. Your bill extends it forever, so that entries made hereafter will—

Mr. STEENERSON. This section only confirms the amount of proof which was accepted by the register and receiver of the land office in compliance with the law at the time.

Mr. PAYNE. Then I understand the gentleman from Wyoming that the Secretary has anticipated this section becoming a law and has made it the law for himself in the Department, although he plainly in his correspondence was against it when he submitted this section to the committee. Is that true?

Mr. MONDELL. In other words the Secretary, seeing the hardship wrought by his decision, while he did not go back and cure cases that had been adversely reported, he provided that any further entryman should be relieved of the burden of the requirement up to a certain date.

Mr. PAYNE. Mr. Speaker, with the assurance that the Secretary of the Interior has changed his mind upon the subject and is now in accord with this ninth section, I shall not vote against the bill. Although when I heard the statement made by the gentleman from Wyoming [Mr. MONDELL] originally and read from this letter, I thought it was something that ought not to be passed without the matter being presented to the House.

Mr. HENRY of Texas. Mr. Speaker, I have no desire to consume the time I have left; but I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 197, nays 21, answered "present" 16, not voting 153, as follows:

## YEAS—197.

Adair	Dawson	Howland	Parsons
Adamson	Denby	Hubbard, W. Va.	Payne
Aiken	Denver	Huff	Pearre
Alexander, N. Y.	Diekema	Hughes, N. J.	Perkins
Allen	Dixon	Humphrey, Wash.	Pollard
Ames	Douglas	James, Addison D.	Pray
Andrus	Draper	Jones, Wash.	Prince
Ashbrook	Durey	Kahn	Rainey
Barchfeld	Ellerbe	Kelfer	Randell, Tex.
Barclay	Ellis, Oreg.	Kennedy, Iowa	Rauch
Bartholdt	Englebright	Kennedy, Ohio	Reeder
Bartlett, Nev.	Esch	Kinkaid	Reynolds
Bates	Fassett	Knopf	Rhinock
Beale, Pa.	Favrot	Knowland	Robinson
Beall, Tex.	Ferris	Küstermann	Rodenberg
Bede	Floyd	Lafane	Rothermel
Bonyng	Focht	Landis	Russell, Mo.
Bowers	Foss	Lawrence	Saunders
Boyd	Foster, Ill.	Legare	Sherwood
Brownlow	Foster, Vt.	Lindbergh	Slayden
Burkess	Foulkrod	Livingston	Smith, Cal.
Burke	French	Longworth	Smith, Iowa
Burleigh	Fuller	Lorimer	Snapp
Burnett	Fulton	Loud	Southwick
Calderhead	Gaines, Tenn.	Lovering	Sperry
Caldwell	Gardner, N. J.	McCall	Splight
Campbell	Garrett	McGuire	Stanley
Candler	Gill	McKinlay, Cal.	Steenerson
Capron	Gillett	McKinley, Ill.	Stephens, Tex.
Carier	Godwin	McKinney	Stevens, Minn.
Cary	Graft	McLaughlin, Mich.	Sturgiss
Chaney	Graham	McMillan	Sulloway
Chapman	Granger	Macon	Sulzer
Clark, Mo.	Greene	Maynard	Taylor, Ohio
Cocks, N. Y.	Hackney	Mondell	Thistlewood
Cole	Hale	Moon, Tenn.	Tou Velle
Conner	Hall	Moore, Tex.	Underwood
Cook, Colo.	Hamilton, Iowa	Murdock	Volstead
Cooper, Pa.	Hamilton, Mich.	Needham	Waldo
Cooper, Wis.	Hawley	Nelson	Wanger
Coudrey	Hay	Nicholls	Weeks
Cox, Ind.	Hayes	Norris	Wheeler
Craig	Heilin	Nye	Williams
Crumpacker	Henry, Conn.	O'Connell	Wilson, Ill.
Currier	Hepburn	Olcott	Wood
Cushman	Hill, Miss.	Olmsted	Woodyard
Dalzell	Hinshaw	Overstreet	Young
Davenport	Hobson	Padgett	
Davis, Minn.	Holliday	Page	
Dawes	Howell, Utah	Parker, S. Dak.	

## NAYS—21.

Alexander, Mo.	Helm	Kellher	Smith, Mo.
Clayton	Henry, Tex.	Kimball	Tawney
De Armond	Houston	Lloyd	Webb
Finley	Hull, Tenn.	Russell, Tex.	
Fitzgerald	James, Ollie M.	Sabath	
Harrison	Johnson, Ky.	Shackleford	

## ANSWERED "PRESENT"—16.

Bennet, N. Y.	Flood	Lassiter	Sherley
Boutell	Haggott	Loudenslager	Sherman
Broussard	Jenkins	McMorran	Small
Butler	Lamb	Roberts	Watkins

## NOT VOTING—153.

Acheson	Booher	Byrd	Cravens
Ansberry	Bradley	Calder	Crawford
Anthony	Brantley	Carlin	Darragh
Bannon	Brodhead	Caulfield	Davey, La.
Bartlett, Ga.	Brumm	Clark, Fla.	Davidson
Bell, Ga.	Brundidge	Cockran	Driscoll
Bennett, Ky.	Burleson	Cook, Pa.	Dunwell
Bingham	Burton, Del.	Cooper, Tex.	Dwight
Birdsall	Burton, Ohio	Cousins	Edwards, Ga.

Edwards, Ky.	Higgins	McCreary	Rucker
Ellis, Mo.	Hill, Conn.	McDermott	Ryan
Fairchild	Hitchcock	McGavin	Scott
Fordney	Howard	McHenry	Sheppard
Fornes	Howell, N. J.	McLachlan, Cal.	Sims
Foster, Ind.	Hubbard, Iowa	McLain	Siemp
Fowler	Hughes, W. Va.	Madden	Smith, Mich.
Gaines, W. Va.	Hull, Iowa	Madison	Smith, Tex.
Gardner, Mass.	Humphreys, Miss.	Malby	Sparkman
Gardner, Mich.	Jackson	Mann	Stafford
Garner	Johnson, S. C.	Marshall	Sterling
Gilham	Jones, Va.	Miller	Talbott
Gillespie	Kipp	Moon, Pa.	Taylor, Ala.
Glass	Kitchin, Claude	Moore, Pa.	Thomas, N. C.
Goebel	Kitchin, Wm. W.	Morse	Thomas, Ohio
Goldfogle	Knapp	Mouser	Tirrell
Gordon	Lamar, Fla.	Mudd	Townsend
Gouden	Lamar, Mo.	Murphy	Vreeland
Gregg	Langley	Parker, N. J.	Wallace
Griggs	Lanling	Patterson	Washburn
Gronna	Law	Peters	Watson
Hackett	Leake	Porter	Weems
Hamill	Lee	Pou	Weisse
Hamlin	Lenahan	Powers	Willey
Hammond	Lever	Pratt	Willitt
Harding	Lewis	Pujo	Wilson, Pa.
Hardwick	Lilley	Ransdell, La.	Wolf
Hardy	Lindsay	Reid	
Haskins	Littlefield	Richardson	
Haugen	Lowden	Riordan	

So the rules were suspended and the bill as amended was passed.

The Clerk announced the following additional pairs:

Mr. ANTHONY with Mr. BELL of Georgia.

Mr. BURTON of Delaware with Mr. BOOHER.

Mr. CAULFIELD with Mr. BRUNDIDGE.

Mr. DAVIDSON with Mr. COOPER of Texas.

Mr. DWIGHT with Mr. GARNER.

Mr. ELLIS of Missouri with Mr. GILLESPIE.

Mr. FORDNEY with Mr. GLASS.

Mr. FOSTER of Indiana with Mr. GREGG.

Mr. GAINES of West Virginia with Mr. HITCHCOCK.

Mr. LANGLEY with Mr. HOWARD.

Mr. HAUGEN with Mr. JOHNSON of South Carolina.

Mr. LOUDENSLAGER with Mr. CLAUDE KITCHIN.

Mr. MCGAVIN with Mr. MCHENRY.

Mr. SCOTT with Mr. MURPHY.

Mr. SLEMP with Mr. PATTERSON.

Mr. SMITH of Michigan with Mr. RICHARDSON.

Mr. TIRRELL with Mr. RUCKER.

Mr. TOWNSEND with Mr. SMALL.

Mr. HOWELL of New Jersey with Mr. WATKINS.

Mr. GARDNER of Michigan with Mr. WILSON of Pennsylvania.

The result of the vote was announced as above recorded.

## TOKYO EXPOSITION.

Mr. RODENBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4639) and move that the bill as amended do pass.

The SPEAKER. The Chair can not recognize the gentleman [Mr. RODENBERG] at this time for anything more than unanimous consent for the passage of the bill. The Clerk will read the title.

The Clerk read as follows:

A bill (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912.

Mr. WILLIAMS. I understand the gentleman from Illinois [Mr. RODENBERG] asks unanimous consent for the consideration of the bill.

The SPEAKER. That the bill may be, upon reading, considered as passed by unanimous consent.

Mr. WILLIAMS. I would suggest to the gentleman from Illinois that he ask unanimous consent for the consideration of the bill and yield to me two or three minutes, and I think it will facilitate public business.

Mr. RODENBERG. I make that request, Mr. Speaker.

The SPEAKER. To be entirely frank with the gentleman from Illinois [Mr. RODENBERG] and the gentleman from Mississippi [Mr. WILLIAMS], the Chair has down for recognition next the gentleman from New Jersey [Mr. LOUDENSLAGER] upon an omnibus pension bill, or certain amendments to one, and the Chair can not recognize the gentleman if the consideration of the bill would involve discussion, except very briefly, or would involve a roll call.

Mr. RODENBERG. Mr. Speaker, the gentleman from Mississippi, as I understand it, asks only two or three minutes.

Mr. WILLIAMS. Mr. Speaker, if the gentleman will indulge me for a moment, and a little bit out of order, I wish to say that a distinguished Englishman once said that "at the water line domestic dissensions ceased." I regard the bill just offered by the gentleman from Illinois as a matter of international comity and international courtesy—in a way, a question of gentlemanly conduct between nations. I do not, therefore, regard it



as necessary or advisable to apply the programme that I have announced to a bill of this character. If the request is made for unanimous consent for its consideration, I shall not make objection and I shall not demand the yeas and nays.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Strike out all after the enacting clause and insert:

"Be it enacted, etc., That the President be, and he is hereby, authorized to accept the invitation extended by the Imperial Japanese Government to the Government of the United States to participate in the Great National Exposition to be held in Tokyo, Japan, from April 1 to October 31, 1912. In accepting said invitation it is hereby declared to be the purpose of the Government of the United States to participate in said Japanese National Exposition by erecting suitable buildings and making an appropriate exhibit of arts, industries, manufactures, and products of the soil and mines and, as far as practicable, of the functions of the General Government of the United States and an exhibit of such other articles as the President of the United States may direct: *Provided*, That such participation, buildings, exhibits, and all expenses connected therewith, including salaries, clerical and other services, and transportation of persons and exhibits shall not exceed \$1,500,000.

"Sec. 2. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three commissioners-general who shall, under the direction of the Secretary of State, take such steps as are necessary to ascertain the general plan and scope of the said National Exposition, the character, size, and cost of the buildings to be erected by the United States, and the extent and character of the exhibit authorized hereunder that would best serve the interests of the United States and its citizens, and would be best adapted to illustrate the growth and development of the country and the character of our people. That thereafter, and as soon as practicable, said commissioners shall report fully to the President and to Congress the result of such investigation, together with their recommendations and the estimated cost of said participation in said exposition within the foregoing authorization; and it shall also be the duty of the commissioners-general to report to the President for transmission to Congress at the beginning of each regular session a detailed statement of all expenditures incurred hereunder. That one of said commissioners-general shall receive as compensation for his services the sum of \$8,000 per annum; that the other two commissioners-general shall receive as compensation for their services from and after January 1, 1909, \$2,000 per annum for the first year and \$5,000 per annum thereafter; together with the actual traveling expenses of all of said commissioners-general, including sleeping-car service and a per diem in lieu of subsistence of \$5 when actually traveling in the discharge of their duties as said commissioners-general. That the President shall also appoint a secretary, at a compensation of \$5,000 per annum, together with his actual traveling expenses, including sleeping-car service and a per diem in lieu of subsistence of \$5 when actually traveling in the discharge of his duties as such secretary, who shall act as disbursing agent and who shall perform such duties as may be assigned to him from time to time by the commissioners-general, and who shall render his accounts at least quarterly to the proper accounting officers of the Treasury of the United States, and shall give bond in such sum as the Secretary of the Treasury may require. And the said commissioners-general, subject to the approval of the Secretary of State, shall appoint from time to time such clerical and other assistants as may be necessary and as may hereafter be appropriated for in connection with the preparation of the plan and other necessary services as may be required in connection with the participation herein authorized.

"Sec. 3. That upon the request of the Secretary of State the Secretary of War is hereby authorized to furnish free transportation on Government transports from San Francisco to Japan and return of all Government exhibits and for such officials or employees connected with the commission or in charge of any or all Government exhibits.

"Sec. 4. That the sum of \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the salaries and all other expenses herein authorized and incurred in ascertaining the general plan of said National Exposition and the preparation and report to Congress of the plan and extent of our proposed participation therein and the estimate of the amount necessary to meet the expense thereof during the fiscal year 1910, to be immediately available."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to a third reading, and it was accordingly read the third time and passed.

#### ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 1062. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6805. An act to encourage the development of coal deposits in the Territory of Alaska—to the Committee on the Public Lands.

#### PRIVATE PENSIONS.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent to take the bill H. R. 17874 from the Speaker's table, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table the bill of

which the Clerk will read the title, and that the Senate amendments to the House amendment be concurred in.

The Clerk read as follows:

A bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war.

Mr. WILLIAMS. Mr. Speaker, I understand that the gentleman has asked unanimous consent.

Mr. LOUDENSLAGER. It is to concur in some Senate amendments in which a large number of Members of the House on both sides and a number of Senators are interested.

Mr. WILLIAMS. I understand; but under the rule I have laid down for myself, I am compelled to object.

Mr. LOUDENSLAGER. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill H. R. 17874, and concur in the Senate amendments.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules, take from the Speaker's table the bill the title of which the Clerk has read, and concur in the Senate amendments to the House amendment. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second, for the purpose of having the gentleman from New Jersey explain the amendments.

The SPEAKER. Under the rule a second is ordered. The gentleman from New Jersey is entitled to twenty minutes and the gentleman from Mississippi is entitled to twenty minutes.

Mr. LOUDENSLAGER. Mr. Speaker, I do not desire to take up any of the time of the House in explaining this bill. I can only say that it is simply one of those omnibus private pension bills to which a few amendments have been made by the Senate, and the committee has unanimously agreed that the Senate amendments be concurred in. That is all there is in the motion. I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, from a private explanation made to me by the gentleman from New Jersey concerning the character of the Senate amendments and the agreement by the House committee, I think this bill ought to pass, and therefore shall not consume any further time in the discussion of it, but shall call for the yeas and nays.

The question was taken on ordering the yeas and nays.

Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER. Evidently a sufficient number, and the yeas and nays are ordered.

Mr. GAINES of Tennessee. I would like to have time from somebody to ask some information about this bill from one side or the other.

The SPEAKER. The yeas and nays are ordered. By unanimous consent that can be done.

Mr. GAINES of Tennessee. I ask unanimous consent to make an inquiry about one of the Senate amendments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. My information is, and I will ask the gentleman if I am correct, that the Senate struck out the pension of Walter A. Chapman, who was one of the Spanish war soldiers?

Mr. LOUDENSLAGER. That is not in this bill.

Mr. GAINES of Tennessee. All right; I am glad to hear it.

The question was taken, and there were—yeas 217, nays 1, answered "present" 22, not voting 147, as follows:

#### YEAS—217.

Adair	Cary	Durey	Greene
Adamson	Chaney	Dwight	Gregg
Aiken	Chapman	Ellerbe	Hackney
Alexander, Mo.	Clark, Mo.	Ellis, Oreg.	Hale
Alexander, N. Y.	Clayton	Englebright	Hall
Allen	Cockran	Esch	Hamilton, Iowa
Ames	Cocks, N. Y.	Ferris	Hamilton, Mich.
Andrus	Cole	Finley	Harrison
Ashbrook	Cooper, Pa.	Fitzgerald	Hawley
Barchfield	Cooper, Wis.	Floyd	Hay
Barclay	Coudrey	Focht	Hayes
Bartholdt	Cox, Ind.	Fordney	Heflin
Bates	Craig	Foss	Helm
Beale, Pa.	Crumacker	Foster, Ill.	Hepburn
Bede	Currier	Foulkrod	Hill, Miss.
Bonyage	Cushman	Fowler	Hinshaw
Booher	Dalzell	French	Holliday
Boyd	Darragh	Fuller	Houston
Brantley	Davenport	Fulton	Howell, Utah
Brownlow	Davidson	Gaines, Tenn.	Howland
Brundidge	Davis, Minn.	Gardner, N. J.	Hubbard, W. Va.
Burleigh	Dawes	Garrett	Huff
Burnett	Dawson	Gill	Hughes, N. J.
Burton, Del.	De Armond	Gillespie	Hull, Tenn.
Burton, Ohio	Denby	Gillett	Humphrey, Wash.
Calderhead	Denver	Godwin	James, Addison D.
Caldwell	Diekema	Goebel	Johnson, Ky.
Campbell	Dixon	Graff	Johnson, S. C.
Capron	Douglas	Graham	Jones, Wash.
Carter	Draper	Granger	Kahn

Keifer	McKinney	Parker, N. J.	Smith, Mich.
Keliber	McLain	Parker, S. Dak.	Smith, Mo.
Kennedy, Iowa	McLaughlin, Mich.	Parsons	Snapp
Kennedy, Ohio	McMillan	Payne	Southwick
Kimball	Macon	Pearre	Sperry
Kinkaid	Madison	Perkins	Spight
Kitchin, Claude	Miller	Pollard	Stephens, Tex.
Knopf	Moon, Tenn.	Porter	Stevens, Minn.
Knowland	Moore, Pa.	Pratt	Sturgiss
Klistermann	Moore, Tex.	Pray	Sulloway
Lafean	Morse	Prince	Sulzer
Landis	Mouser	Rainey	Taylor, Ohio
Langley	Murdock	Rauch	Tirrell
Lawrence	Murphy	Reynolds	Tou Velle
Legare	Needham	Richardson	Townsend
Lindbergh	Nelson	Robinson	Volstead
Littlefield	Nicholls	Rodenberg	Waldo
Lloyd	Norris	Rothermel	Wanger
Lorimer	Nye	Russell, Mo.	Weeks
Loud	O'Connell	Scott	Wheeler
Loudenslager	Olcott	Shackelford	Wood
Lovering	Olmsted	Sherwood	Young
McGuire	Overstreet	Smith, Cal.	
McKinlay, Cal.	Padgett	Smith, Iowa	
McKinley, Ill.	Page		

## NAYS—1.

Henry of Texas.

## ANSWERED "PRESENT"—22.

Beall, Tex.	Garner	McMorran	Sherley
Bennet, N. Y.	Haggott	Patterson	Small
Boutell	Haskins	Randell, Tex.	Talbot
Bowers	Jenkins	Russell, Tex.	Watkins
Broussard	Lamb	Sabath	
Candler	Lever		

## NOT VOTING—147.

Acheson	Favrot	Kipp	Reld
Ansberry	Flood	Kitchin, Wm. W.	Rhinock
Anthony	Fornes	Knap	Riordan
Bannon	Foster, Ind.	Lamar, Fla.	Rucker
Bartlett, Ga.	Foster, Vt.	Lamar, Mo.	Ryan
Bartlett, Nev.	Gaines, W. Va.	Laning	Saunders
Bell, Ga.	Gardner, Mass.	Lassiter	Sheppard
Bennett, Ky.	Gardner, Mich.	Law	Sherman
Bingham	Gilhams	Leake	Sims
Birdsall	Glass	Lee	Slomp
Bradley	Goldfogle	Lenahan	Smith, Tex.
Brodhead	Gordon	Lewis	Sparkman
Brumm	Goulden	Lilley	Stafford
Burgess	Griggs	Lindsay	Stanley
Burke	Gronna	Livingston	Steenson
Burleson	Hackett	Longworth	Sterling
Butler	Hamill	Lowden	Tawney
Byrd	Hamlin	McCall	Taylor, Ala.
Calder	Hammond	McCreary	Thistlewood
Carlin	Harding	McDermott	Thomas, N. C.
Caulfield	Hardwick	McGavin	Thomas, Ohio
Clark, Fla.	Hardy	McHenry	Underwood
Conner	Haugen	McLachlan, Cal.	Vreeland
Cook, Colo.	Henry, Conn.	Madden	Wallace
Cook, Pa.	Higgins	Malby	Washburn
Cooper, Tex.	Hill, Conn.	Mann	Watson
Cousins	Hitchcock	Marshall	Webb
Cravens	Hobson	Maynard	Weems
Crawford	Howard	Mondell	Welsh
Davey, La.	Howell, N. J.	Moon, Pa.	Wiley
Driscoll	Hubbard, Iowa	Mudd	Willett
Dunwell	Hughes, W. Va.	Peters	Williams
Edwards, Ga.	Hull, Iowa	Pou	Wilson, Ill.
Edwards, Ky.	Humphreys, Miss.	Powers	Wilson, Pa.
Ellis, Mo.	Jackson	Pujo	Wolf
Fairchild	James, Ollie M.	Ransdell, La.	Woodyard
Fassett	Jones, Va.	Reeder	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. BENNET of New York with Mr. FORNES.

Mr. BURKE with Mr. BARTLETT of Nevada.

Mr. COOK of Colorado with Mr. BOWERS.

Mr. HIGGINS with Mr. BURGESS.

Mr. LANING with Mr. BURLESON.

Mr. LAW with Mr. CRAVENS.

Mr. LONGWORTH with Mr. OLLIE M. JAMES.

Mr. MONDELL with Mr. FAVROT.

Mr. POWERS with Mr. LEAKE.

Mr. STEENBERSON with Mr. MAYNARD.

Mr. THISTLEWOOD with Mr. RANDELL of Texas.

Mr. VREELAND with Mr. RHINOCK.

Mr. WOODYARD with Mr. RUSSELL of Texas.

Mr. HILL of Connecticut with Mr. RYAN.

Mr. EDWARDS of Kentucky with Mr. UNDERWOOD.

Mr. ACHESON with Mr. SABATH.

The result of the vote was then announced as above recorded.

## JERRY MURPHY.

Mr. MACON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 1991, insist on the House amendment, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to take from the Speaker's table the following House bill and further insist on the House amendment and agree to a conference.

The Clerk read the title, as follows:

The bill H. R. 1991, granting an increase of pension to Jerry Murphy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

CONTROL AND OWNERSHIP OF LAND IN THE CANAL ZONE, PANAMA.

Mr. WANGER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 18694) relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to grant leases of the public lands in the Canal Zone, Isthmus of Panama, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable. No lease, however, shall be granted for a tract of land in excess of 50 hectares, nor to any person who shall not have first established, by affidavit and by such other proof as may be required, that such person is the head of a family or over the age of 21 years, and that the application for a lease is made in good faith for the purposes of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

Sec. 2. That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear, by a statement or plat filed by the Isthmian Canal Commission with the collector of revenues for the Canal Zone, that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and all leases shall be made subject to the provision that if at any time it shall become necessary, notwithstanding, for the United States to occupy or use any portion of the leased lands, it shall have the right to do so without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee, the same to be determined by the courts of the Canal Zone.

Sec. 3. That all leases of lands hereunder shall reserve to the United States all mineral, oil, and gas rights in the lands leased.

Sec. 4. That for the purpose of adjusting claims for lands occupied or necessary to be occupied by the canal and the Panama Railroad and appurtenant works the President is authorized to convey the title of the United States to such portions of the public lands in the Canal Zone as by him may be deemed advisable.

Sec. 5. That the President may, in his discretion, require a land survey to be made of the Canal Zone.

Sec. 6. That the powers conferred upon the President under this act may be exercised by him through the Isthmian Canal Commission or in such other manner as he may designate.

Mr. ADAMSON. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Pennsylvania is entitled to twenty minutes, and the gentleman from Georgia is entitled to twenty minutes.

Mr. WANGER. Mr. Speaker, this bill has been unanimously reported by the Committee on Interstate and Foreign Commerce. Its passage was requested by the War Department, and its purpose is so fully set out in it that I shall not at present consume further time, but reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, I am not disposed to delay the passage of the bill nor indulge in any long discussion about it. There are various features of the bill which are deemed necessary for several purposes, not only to settle disputes and claims where it is necessary to use land to construct the canal, relocate the railroad, or locate towns, but it is also necessary to encourage agriculture along the Canal Zone for the purpose of producing vegetables and fruit and things of that sort that are necessary for our people operating there. We can not rely on shipping enough there for 40,000 people, nor could they be kept fresh and fit for use.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. FINLEY. To what extent does the bill give to the President of the United States the right to dispose of land belonging to the United States in the Canal Zone?

Mr. ADAMSON. Not at all. That provision in the bill relates to the settlement of disputes entirely where it is necessary to proceed with canal construction, and as occupants claim the land and compensation, if we appropriate it. We propose to side step for the present the question of title, and merely give them other land in lieu of what we use.

Mr. FINLEY. And in no other way has he any right or discretion to dispose of land belonging to the United States in the Canal Zone?

Mr. ADAMSON. No; that is not contemplated at all.

Mr. FINLEY. There is a provision giving the President the right to dispose of land in the case the gentleman has stated?

Mr. ADAMSON. To settle disputes where it is necessary to use land, to encourage market gardening and dairying, we propose to lease land for twenty-five years. Short leases are not so desirable and do not answer the purpose. We do not want to put the lands on the market; we would rather lease them, providing, as we do in the bill, for the termination of the leases on equitable terms if we need the land at any time for canal or town-site location.



Mr. FINLEY. Does not the gentleman think it would be against public policy to sell the lands at all?

Mr. ADAMSON. Of course that is not contemplated. Now, Mr. Speaker, I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, it is well understood and known that the President of the United States is absolutely in control of the Panama Zone. He controls it by rules, by regulations, and resolutions that he may adopt and enforce himself on all subjects—political, religious, military, economic, and otherwise. I do not see any special reason or demand at this time for this bill, and I particularly do not see any reason why the lease provided for should be extended for twenty-five years. If we finish the canal, as we say we are going to do and as I hope we will, within eight years, why authorize the President to make a limit of twenty-five years, when, as I understand, it is governed to-day in the Zone in matters of like character by a limit of five years.

And, in addition to that, the objection I have to this bill is that it utterly and entirely ignores all the rights and titles that parties who are called "squatters" have acquired in the Zone by right of occupancy. Surely the country when Panama was a part of the Colombian Republic or under the Spanish rule had some rules and regulations touching the titles to these lands. We encountered similar troubles about the titles of occupants in the Louisiana purchase. Yet we are told by Mr. Rogers in the hearing had before the Interstate and Foreign Commerce Committee that there was a court established for the regulation and settlement of the title to these lands. Mr. Rogers, who is the attorney for the Panama Commission, stated in the hearing before the Interstate Commerce Committee:

I was coming to that. The lands, so far as we have been able to discover, have simply been occupied by men who have "squatted" upon them. There has been for the last half century—I believe even further back than that—transfers of these colorable titles between individuals. There were some such transfers made down near Fort Chagres or near the Bay of Limon which dated back to 1820.

Of course we are not prone to pause and give much heed either to the demands or the rights of those individuals found within the limits of the Zone after our Government took charge of the land embraced in the Zone.

I call the attention of the committee to the following statement made by Mr. Rogers, the attorney for the Panama Commission:

Mr. ROGERS. As the law stands to-day upon the Isthmus, we can proceed in our own court, the circuit court, and the supreme court of the Canal Zone for the purpose of adjudicating questions of title that have arisen there. When it comes to a question of making pecuniary compensation for land taken, the title in that instance being settled and conceded to be in the claimant, the courts have held that we can only determine that particular question according to the provisions of the treaty; that is to say, the courts can try the question of title, but the question of damages of pecuniary loss must be settled by the joint commission under the terms of the treaty.

Mr. RICHARDSON. Under the court as it exists to-day?

Mr. ROGERS. Yes.

Mr. RICHARDSON. What act of Congress gives the President the right to confer upon the Supreme Court further additional jurisdiction on any subject?

Mr. ROGERS. That question is involved of course in the general authority of the President to make rules and regulations for the government of the Canal Zone.

We all know as lawyers, under the enlightened laws of the world and of all the States of our Union, a man can acquire a good title to property by occupying it for twenty years in some States, and more or less in others, as if he had a deed for it. I say that this great principle, Mr. Speaker, is ignored in this bill, and for this reason chiefly I do not think this bill ought to pass.

The CHAIRMAN. Did these squatters or these holders under these various transfers acquiesce in that, in being dispossessed by the Government?

Mr. ROGERS. They were not dispossessed by the Government. It was simply a legislative statement that no grant should be made to any public land within this section of the country that lay on either side of the railroad for some distance.

I say, Mr. Speaker, that if we have a court established at Panama, as Mr. Rogers, the attorney, says the President has established there, under the rules and regulations that he is allowed to prescribe, why not let that court, already equipped and clothed with proper authority, investigate these titles and do what is right and fair? The questions to and the answers of Mr. Rogers disclose the true meaning in this bill. Listen:

Mr. RICHARDSON. Was there any rule regarding length of occupancy that would give a man title?

Mr. ROGERS. That is one of the disputed legal questions. The best advice I have been able to get, and my own conviction is, that no occupancy, however long, will create a title which is valid against the Government of the United States.

Mr. Speaker, the question here is, What title, if any, did these people have, by occupancy or otherwise, at the time that the United States, by treaty with Panama, acquired possession?

Mr. HARRISON. Will the gentleman yield for a question? Mr. RICHARDSON. Yes.

Mr. HARRISON. The gentleman, as a Democrat, surely does not want to assume the position that that so-called "Canal Zone code" promulgated by the President was done so with any authority of law?

Mr. RICHARDSON. I do not want, as a Democrat, to commit myself to anything of the kind, but the mere statement I made was that if we put this matter in the hands of the President of the United States, why not let the court that he has established take care of it? This bill proposes by a statute to deprive these squatters of their rights before our possession.

I believe, if I recollect right, my distinguished friend from New York [Mr. HARRISON] inquired by what authority the President exercised authority in the Zone. This bill ignores the title of these people who were occupying the land for years and years back, makes no regulation for their protection, but places the whole matter of settling title in the hands of the President. Why, in our country a man sitting down on a tract of land with some color of title, if he is there for twenty years, gets a title as good as a deed could give him.

Mr. HARRISON. If the purpose of this bill is to assure the land titles in the Panama Canal Zone, does not the gentleman think a better way to accomplish that would be to establish a regular form of government, rather than the shameful and absurd travesty of government that is going on there now?

Mr. RICHARDSON. I do not understand that this bill, according to the opportunity that I had to read it before the committee, and in the light of the hearings, undertakes to do anything in the world, as its supporters contend, except to settle the question of growing vegetables and grazing cattle and incidentally evicting possessory tenants. Why can not it be settled by the court existing now? This bill adds to the troubles instead of relieving them.

Mr. HARRISON. Would it not be better to settle titles to land by establishing a regular form of government in the first place?

Mr. RICHARDSON. Undoubtedly it would. I am not going to enter into that discussion. I am simply saying that heretofore and up to date the President has been controlling this whole matter, and this bill, without any explained reason, asks for a lease of the limit of twenty-five years and gives no heed to acquired titles. What reason is there for extending this lease matter to twenty-five years? Has anybody given any reason for running it for twenty-five years? I have heard none satisfactory. We expect to get the canal built before that, and why make this bill extend the lease for twenty-five years? Will the gentleman from New York tell me that?

Mr. HARRISON. I did not draw up this bill, and I know nothing about that particular point.

Mr. RICHARDSON. I know the gentleman did not, but he seems to favor it.

Mr. HARRISON. On the contrary, I am opposed to the bill. I think the best thing the committee could do would be to establish a regular form of government for the Canal Zone.

Mr. RICHARDSON. That is not the question here. I think that a bill which purports to carry as much of importance in it as this ought not to be hurriedly and hastily considered. I do not believe that anybody will be hurt at all by postponing this, letting it go over until Congress meets in December. There are a great many other objections that I could point out to the bill that occur to me, but I do not wish to consume the time so kindly given me by the gentleman from Georgia [Mr. ADAMSON]. We are all interested in the government of the Panama Canal; we are aware how complex titles to land are under Spanish law; yet it is certain, as stated in the hearings before the committee, that a title to land under Spanish law is by occupation. I realize that we require a regular established government in Panama, with courts established by law and executive officers provided for. But we have no such machinery in control. The President controls the whole thing; ordains the courts and provides for the process thereof; regulates appeals, and now this bill proposes for the President really to settle titles and move a man whether he wants to go or not by offering him another piece of land.

This bill ignores a controlling fact that the title to the land held by a "squatter" is governed by the character of title conferred by the government under whose dominion he resided. It behooves our Government in the matters of individual rights and claims to uphold such rights, acquired by mere occupancy or otherwise, as the individual acquired under a different sovereignty. These are a few of the questions arising in this bill that cause me to object to its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I do not expect to consume the time yielded to me by the gentleman from Georgia. I have read this bill only this moment. Under the rule that we are operating under, there are perhaps not twenty-five Members of the House who understand what the bill is. I am one of the twenty-five, and I have learned my lesson in the last ten minutes by having time reserved in order that I might, at least, read the bill. As I read it there is not a more marked illustration of the subserviency of the legislative branch of the United States Government to the executive branch than is shown in this bill. Here is a bill that absolutely delegates to the President of the United States—the Chief Executive of the United States—the right to determine titles to lands. Think of that just a minute, if you have not passed the point of where you can think at all. It is a deprivation of the right of the judiciary to pass upon titles to land. The very first clause reads that the President is hereby "authorized to grant leases of the public lands in the Canal Zone." Why and where and when was the President of the United States converted into a land lessor under the Constitution, the laws, the customs, or the regulations even of the United States Government?

To lease lands on "terms not exceeding twenty-five years." Now, you would think that this was a fresh proposition that he was to lease lands or sell lands or convey lands to the Panama Canal Company for the purpose of constructing the canal, but the bill expressly says he shall not do that; that when that question arises this bill is not to apply. Then the bill goes on to say, "No lease, however, shall be granted." Granted by whom? By the President, so busy that he has not over seven or eight hours to sleep and two or three hours to think in during the day. The balance of the time he is receiving deputations, hearing the disputations in the Republican party, and trying to determine whether or not he is upon one side or the other, but he is, under this bill, bound to see to it that "no lease, however, shall be granted for a tract of land in excess of 50 hectares." Why, he has to consult a dictionary to find out what 50 hectares are, to start with, and he has to see that they are "not conveyed to any person who shall not have first established, by affidavit and by such other proof as may be required, that such person is the head of a family."

You are conveying the entire homestead rights, in so far as the United States Government has any homestead rights in Panama to grant, to the President of the United States—not to the Department of the Interior, not to the Land Office, but to the President of the United States—and by doing that you are substantially conveying it to the private secretary of the President of the United States, because, as a rule, he has not the time to look into these things and must allow them to be regulated by the secretary to the President. In section 2 the bill provides "that no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear by a statement or plat filed by the Isthmian Canal Commission with the collector of revenues for the Canal Zone"—just think of it for a minute! The Isthmian Canal Commission has to file with "the collector of revenues" for the Canal Zone a statement that it is "not contemplating to use such lands in the work of the canal construction." Here is a fellow who is sent down there to act as revenue collector, and he is to pass upon this important proposition. Who is he? None of you know. I notice the report says: "The bill as amended has the approval of the War Department."

I do not doubt it, and I do not doubt but that it has the approval of the United States Panaman proconsul, whoever in the mischief he happens to be at this present moment. They change them so rapidly that I do not know. And here is a provision—

That all leases of lands hereunder shall reserve to the United States all mineral, oil, and gas rights in the lands leased.

The President of the United States, the busiest man in the United States if he is attending to his work—and I believe nobody has ever charged him with not attending to it, wrongfully or rightfully—has to determine whether or not lands are mineral, or oil, or gas lands. And then there follows this next provision:

SEC. 4. That for the purpose of adjusting claims for lands occupied or necessary to be occupied by the canal and the Panama Railroad—

The railroad is in it—

And appurtenant works—

Whatever the term "appurtenant" may mean—it would take fourteen Philadelphia lawyers to determine—

The President is authorized to convey the title of the United States to such portions of the public lands in the Canal Zone as by him may be deemed advisable.

There is just one provision in the bill that is right enough and ought to be passed, and that is section 5:

That the President may, in his discretion, require a land survey to be made of the Canal Zone.

I presume, if he required it, he would require it to be made by the Land Office, and there would be at least that much regularity in the proceedings. Why, when Verres returned to Rome to be indicted by Cicero he could not have plead before the Roman Senate that he had ever received as full power to work right or wrong, wisdom or folly, righteousness or iniquity, as this bill, to be passed by you in your self-humiliated status as national legislators, confers nominally upon the President, but really upon some unknown, obscure, and irresponsible subordinate of the President, to be selected by him. Why do I say that? Because the President can not possibly attend to this work, and you know it as well as I. This bill ought to be voted down. [Applause on the Democratic side.]

Mr. WANGER. Mr. Speaker, the pending bill was reported to the House April 6 and has been on the Union Calendar ever since that date. Its provisions should therefore be known.

It seems to me that after having authorized the President of the United States to construct the Panama Canal it is a little late in the day to demur about conferring authority upon him, through the same agencies as are building the canal or such other agencies of the Government as he may designate, to manage the lands in the Canal Zone. We have been there for a considerable period.

There are in the Zone, belonging to the United States, according to the statement of Mr. Rogers, general counsel of the Panama Commission, 448.37 square miles of land within the Zone, and of that the United States acquired, by transfer from the old French Panama Canal Company, 52.11 square miles; acquired by purchase or condemnation, 3 square miles. The Panama Railroad Company owns 68.12 square miles, and there are public lands belonging to the United States of 188.91 square miles, making a total of 312.14 out of 448.46 square miles. So there are 136.32 square miles either owned or claimed by private individuals.

Now, those lands are generally jungle and forest, and although of extraordinary fertility, they have, except in the most minute degree, not been cultivated, and it is believed that they are capable of cultivation, and that with authority lodged in the Isthmian Canal Commission or other appropriate agency to grant leases for a period not exceeding twenty-five years, there will be cultivation like that of gardens to produce vegetables that are badly needed, as well as of farms, so that live stock will be grown there in order that there may be a supply of fresh meat. There are a few instances of very successful cultivation, but the short-term leases which alone the War Department has authority to grant have discouraged the building of any improvements.

There can certainly be no objection to leasing those wild lands, which are not wanted for any purpose of canal construction or any work incident thereto. And, besides that, for all the lands that are either owned or claimed by private persons that are needed for the building of the canal and the works appurtenant thereto exorbitant prices are invariably claimed, and up to date it has been almost impracticable to agree upon the compensation to be made, whereas those persons are very ready to accept other tracts of land from the United States which it does not need in exchange for the lands which they own. There is no purpose in this bill to interfere in the least degree, and no authority conferred in the bill to interfere, in questions of title that are outside the Canal Zone limit.

Mr. RICHARDSON. Will the gentleman yield?

Mr. WANGER. I certainly yield to the gentleman for a question, and will say that I am rather surprised that he stands here in opposition to the bill.

Mr. RICHARDSON. I would like to have you tell the House what recognition this bill gives to any party who had occupied land and claimed the title before the United States Government ever got possession of the Panama Zone.

Mr. WANGER. None at all. There is no word or line in the bill that recognizes the title of anybody.

Mr. RICHARDSON. That is what I say. Do you not admit that the inhabitants of that Zone, when they were under the Government of Colombia or any other government, acquired some kind of title to those lands that this bill does not recognize?

Mr. WANGER. We do not meddle with that question. We know that there are 136.32 square miles of land there that other persons may own. When the Canal Commission desires to acquire land to which the United States has no title, and some person sets up title, it is a matter for investigation by the general counsel for the Commission as to whether the claimant has any title such as he asserts, and it is for the Commission, under advice of its counsel, to determine whether or not the United States should accord anything to that claimant by way of recognition of his title.



Mr. HARRISON. Will the gentleman yield?

Mr. WANGER. Certainly.

Mr. HARRISON. Does not the gentleman think it is somewhat dangerous to give in this bill additional burdens of office to the collector of revenue for the Canal Zone, when it is reported in the newspapers that he is not only filling that office, but also the office of superintendent of public schools and at least one other salaried office under the Government at the same time? Is he not rather too busy to attend to any such matters as these?

Mr. WANGER. I do not see that this bill imposes any very burdensome duties upon him, and I understand that he is discharging all those duties with which he is charged satisfactorily and that there is no complaint of his administration.

Mr. ADAMSON. Is it not true that in preparing this bill our committee studiously avoided all the very questions and difficulties that we have been hearing about in this debate and have made only such provisions as were necessary to the progress of constructing a canal?

Mr. WANGER. Certainly; for the construction of the canal and for the improvement of the country under the provisions of the leasing clause.

Mr. HUBBARD of West Virginia. I suggest to the gentleman from Pennsylvania that section 4 of the original draft was stricken out because it was thought it might have the effect of recognizing these conflicting titles.

Mr. WANGER. That is true; we did not purpose that the United States should be brought into any question of that kind.

Mr. SLAYDEN. Will the gentleman yield?

Mr. WANGER. Certainly.

Mr. SLAYDEN. Gentlemen sitting near me, who have investigated the bill, are under the impression that rights acquired before the American occupation of the Zone are not adequately protected under the bill as it reads. I want to ask the gentleman from Pennsylvania [Mr. WANGER] if that is true? Is there any possibility of that?

Mr. WANGER. None at all. Anybody who has any right there to land, and who is not dealt with justly by the authorities of the United States if this bill becomes a law, has his remedy in the courts which have jurisdiction to try questions of title.

Mr. HUBBARD of West Virginia. And some of those questions, let me remind my friend from Pennsylvania, are already in the courts.

Mr. WANGER. There are issues of that character pending. It was supposed that as soon as the United States acquired authority there, and there was peace and order, there would be great industrial development. That expectation has failed to this time. It is now believed that with the facilities which this bill provides for the encouragement of gardening and grazing and other land operations that there will be such development. It is believed that the passage of this bill will save the United States from claims for millions of dollars for lands taken in the construction of the canal, by reason of granting the authority to the President to convey the title of the United States to lands it does not need in exchange for lands which are taken or acquired for building the canal and its appurtenant works. I ask for a vote.

Mr. ADAMSON. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] There are 180 gentlemen present—not a quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as favor the motion will, as their names are called, answer "yea," and as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 161, nays 63, answered "present" 14, not voting 149, as follows:

## YEAS—161.

Acheson	Burton, Ohio	Dalzell	Fordney
Adair	Calderhead	Darragh	Foss
Adamson	Campbell	Davidson	Foster, Ind.
Alexander, Mo.	Capron	Dawson	Foulkrod
Alexander, N. Y.	Cary	De Armond	Fowler
Allen	Caulfield	Denby	French
Amer	Chaney	Diekema	Fuller
Beale, Pa.	Chapman	Douglas	Fulton
Bede	Cocks, N. Y.	Draper	Gardner, N. J.
Bell, Ga.	Cole	Durey	Gill
Bonyng	Cook, Colo.	Dwight	Gillett
Brantley	Cooper, Pa.	Ellis, Oreg.	Graft
Brownlow	Cooper, Wis.	Englebright	Graham
Burgess	Coudrey	Esch	Greene
Burleigh	Crumpacker	Fassett	Hackney
Burleson	Currier	Floyd	Hall
Burton, Del.	Cushman	Focht	Hamilton, Iowa

Hamilton, Mich.	Legare	Olmsted
Hawley	Lindbergh	Overstreet
Hayes	Littlefield	Padgett
Henry, Conn.	Lorimer	Parker, N. J.
Hepburn	Loud	Parsons
Higgins	Loudenslager	Payne
Hill, Conn.	Lovering	Pearre
Hinsaw	McGavin	Perkins
Holliday	McKinlay, Cal.	Pollard
Howell, Utah	McKinley, Ill.	Porter
Howland	McKinney	Pratt
Hubbard, W. Va.	McLaughlin, Mich.	Ransdell, La.
Huff	McMorran	Reeder
Humphrey, Wash.	Madison	Reynolds
Jones, Wash.	Miller	Robinson
Kahn	Moore, Pa.	Rodenberg
Kelifer	Moree	Rothermel
Kennedy, Iowa	Mouser	Russell, Tex.
Kennedy, Ohio	Murdock	Shackelford
Kilstermann	Needham	Smith, Cal.
Lafean	Nelson	Smith, Iowa
Landis	Norris	Smith, Mich.
Laning	Nye	Smith, Mo.
Lawrence	Olcott	Southwick

## NAYS—63.

Alken	Dixon	Henry, Tex.	Page
Ansberry	Ellerbe	Hill, Miss.	Pujo
Ashbrook	Ferris	Houston	Rainey
Bartlett, Nev.	Finley	Hull, Tenn.	Randell, Tex.
Beall, Tex.	Fitzgerald	Johnson, Ky.	Rauch
Booher	Foster, Ill.	Kelther	Richardson
Bowers	Gaines, Tenn.	Kimball	Russell, Mo.
Burnett	Garrett	Lloyd	Ryan
Caldwell	Gillespie	McLain	Sabath
Candler	Godwin	Macon	Sherwood
Clark, Mo.	Goldfogle	Maynard	Slayden
Clayton	Granger	Moon, Tenn.	Spight
Cox, Ind.	Harrison	Moore, Tex.	Tou Velle
Craig	Hay	Murphy	Underwood
Davenport	Heflin	Nicholls	Webb
Denver	Helm	O'Connell	

## ANSWERED "PRESENT"—14.

Bennet, N. Y.	Goebel	Jenkins	Sulzer
Bennett, Ky.	Haggett	Lamb	Watkins
Burton	Hamlin	Lever	
Flood	Haskins	Small	

## NOT VOTING—149.

Andrus	Fairchild	Kipp	Powers
Anthony	Favrot	Kitchin, Claude	Pray
Bannon	Fornes	Kitchin, Wm. W.	Prince
Barchfeld	Foster, Vt.	Knapp	Reid
Barclay	Gaines, W. Va.	Knopf	Rhinock
Bartholdt	Gardner, Mass.	Knowland	Riordan
Bartlett, Ga.	Gardner, Mich.	Lamar, Fla.	Roberts
Bates	Garner	Lamar, Mo.	Rucker
Bingham	Gilbams	Langley	Saunders
Birdsell	Glass	Lassiter	Scott
Boutell	Gordon	Law	Sheppard
Boyd	Goulden	Leake	Sherley
Bradley	Gregg	Lee	Sherman
Brodhead	Griggs	Lenahan	Sims
Broussard	Gronna	Lewis	Slemp
Brumm	Hackett	Lilley	Smith, Tex.
Brundidge	Hale	Lindsay	Snapp
Burke	Hamill	Livingston	Sparkman
Byrd	Hammond	Longworth	Stanley
Calder	Harding	Lowden	Stephens, Tex.
Carlin	Hardwick	McCall	Talbott
Carter	Hardy	McCreary	Thomas, N. C.
Clark, Fla.	Haugen	McDermott	Thomas, Ohio
Cockran	Hitchcock	McGuire	Vreeland
Conner	Hobson	McHenry	Wallace
Cook, Pa.	Howard	McLachlan, Cal.	Wallace
Cooper, Tex.	Howell, N. J.	McMillan	Washburn
Cousins	Hubbard, Iowa	Madden	Watson
Cravens	Hughes, N. J.	Malby	Weeks
Crawford	Hughes, W. Va.	Mann	Weems
Davey, La.	Hull, Iowa	Marshall	Welss
Davis, Minn.	Humphreys, Miss.	Mondell	Wiley
Daves	Jackson	Moon, Pa.	Willett
Driscoll	James, Addison D.	Mudd	Williams
Dunwell	James, Ollie M.	Parker, S. Dak.	Wilson, Pa.
Edwards, Ga.	Johnson, S. C.	Patterson	Wolf
Edwards, Ky.	Jones, Va.	Peters	
Ellis, Mo.	Kinkaid	Pou	

The following additional pairs were announced:

Until further notice:

Mr. McMILLAN with Mr. LASSITER.

Mr. BARTHOLDT with Mr. WILLIAMS.

Mr. KNOWLAND with Mr. STANLEY.

Mr. MADDEN with Mr. HUGHES of New Jersey.

Mr. SNAPP with Mr. CARTER.

Mr. HALE with Mr. STEPHENS of Texas.

Mr. DAVIS of Minnesota with Mr. SULZER.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

The SPEAKER. On this question the yeas are 161, nays 63, present 14, a quorum; the yeas have it, the rules are suspended, and the motion prevails. The Doorkeeper will open the doors.

## RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until to-morrow at 11 o'clock a. m.

Mr. CLARK of Missouri. Yeas and nays!

The yeas and nays were ordered. The question was taken,

and there were—yeas 145, nays 67, answered "present" 12, not voting 163, as follows:

## YEAS—145.

Acheson	Draper	Keller	Pray
Adair	Durey	Kennedy, Iowa	Pujo
Alexander, N. Y.	Dwight	Kennedy, Ohio	Railey
Allen	Esch	Kimball	Rauch
Ames	Fassett	Kinkaid	Reeder
Andrus	Focht	Küstermann	Rodenberg
Barthfield	Fordney	Lafcan	Russell, Mo.
Bartholdt	Foss	Landis	Saunders
Beale, Pa.	Foster, Ind.	Laning	Shackleford
Bonyage	Foulkrod	Lawrence	Slayden
Brownlow	Fowler	Lindbergh	Slemp
Burleigh	French	Lorimer	Smith, Cal.
Burton, Del.	Fuller	Loud	Smith, Iowa
Burton, Ohio	Gardner, Mich.	Lovering	Smith, Mich.
Calderhead	Gardner, N. J.	McCall	Smith, Mo.
Campbell	Gillet	McGavin	Southwick
Capron	Goebel	McKinlay, Cal.	Stafford
Cary	Graff	McKinney	Steenerson
Caufield	Greene	Miller	Sterling
Chaney	Hall	Moon, Tenn.	Stevens, Minn.
Chapman	Hamilton, Iowa	Moore, Pa.	Sulloway
Cocks, N. Y.	Hamilton, Mich.	Morse	Tawney
Cook, Colo.	Haugen	Mouser	Taylor, Ohio
Cooper, Pa.	Hawley	Murdock	Thistlewood
Cooper, Wis.	Hayes	Murphy	Tirrell
Coudrey	Hepburn	Needham	Townsend
Crawford	Higgins	Nelson	Volstead
Crumpacker	Hill, Conn.	Nye	Waldo
Currler	Hinshaw	Olcott	Wanger
Cushman	Howell, Utah	Olmsted	Wheeler
Dalzell	Howland	Overstreet	Wilson, Ill.
Davidson	Hubbard, W. Va.	Parker, N. J.	Wood
Dawson	Huff	Parsons	Woodyard
De Armond	Humphrey, Wash.	Payne	Young
Denby	Jenkins	Perkins	
Diekema	Jones, Wash.	Pollard	
Douglas	Kahn	Porter	

## NAYS—67.

Adamson	Denver	Harrison	Padgett
Aiken	Dixon	Hay	Page
Alexander, Mo.	Ellerbe	Helm	Pratt
Ansberry	Ferris	Henry, Tex.	Randell, Tex.
Bartlett, Nev.	Finley	Hill, Miss.	Richardson
Beall, Tex.	Fitzgerald	Houston	Robinson
Bell, Ga.	Floyd	Hughes, N. J.	Rothermel
Boeber	Foster, Ill.	Hull, Tenn.	Russell, Tex.
Bowers	Fulton	Johnson, Ky.	Ryan
Burgess	Gaines, Tenn.	Kelher	Sabath
Burleson	Garner	Legare	Spight
Burnett	Garrett	Lloyd	Stanley
Candler	Gill	McLain	Taylor, Ala.
Clark, Mo.	Gillespie	Macon	Tou Velle
Cox, Ind.	Godwin	Moore, Tex.	Webb
Craig	Granger	Nicholls	Williams
Davenport	Hackney	O'Connell	

## ANSWERED "PRESENT"—12.

Bennet, N. Y.	Goldfogle	Haskins	Sherman
Butler	Haggott	Lever	Small
Flood	Hamlin	McMorran	Watkins

## NOT VOTING—163.

Anthony	Ellis, Mo.	Kitchin, Claude	Patterson
Ashbrook	Ellis, Oreg.	Kitchin, Wm. W.	Pearre
Bannon	Englebright	Knapp	Peters
Barclay	Fairchild	Knopf	Pou
Bartlett, Ga.	Favrot	Knowland	Powers
Bates	Fornes	Lamar, Fla.	Prince
Bede	Foster, Vt.	Lamar, Mo.	Ransdell, La.
Bennett, Ky.	Gaines, W. Va.	Lamb	Reid
Bingham	Gardner, Mass.	Langley	Reynolds
Birdsall	Gilliams	Lassiter	Rhinock
Boutell	Glass	Law	Riordan
Boyd	Gordon	Leake	Roberts
Bradley	Goulden	Lee	Rucker
Brantley	Graham	Lenahan	Scott
Brodhead	Gregg	Lewis	Sheppard
Broussard	Griggs	Lilley	Sherley
Brumm	Gronna	Lindsay	Sherwood
Brundidge	Hackett	Littlefield	Sims
Burke	Hale	Livingston	Smith, Tex.
Byrd	Hamill	Longworth	Snapp
Calder	Hammond	Loudenslager	Sparkman
Caldwell	Harding	Lowden	Sperry
Carlin	Hardwick	McCreary	Stephens, Tex.
Carter	Hardy	McDermott	Sturgiss
Clark, Fla.	Hedlin	McGuire	Sulzer
Clayton	Henry, Conn.	McHenry	Talbott
Cockran	Hitchcock	McKinley, Ill.	Thomas, N. C.
Cole	Hobson	McLachlan, Cal.	Thomas, Ohio
Conner	Holliday	McLaughlin, Mich.	Underwood
Cook, Pa.	Howard	McMillan	Vreeland
Cooper, Tex.	Howell, N. J.	Madden	Wallace
Cousins	Hubbard, Iowa	Madison	Washburn
Cravens	Hughes, W. Va.	Malby	Watson
Darragh	Hull, Iowa	Mann	Weeks
Davey, La.	Humphreys, Miss.	Marshall	Weems
Davey, Minn.	Jackson	Maynard	Weisse
Dawes	James, Addison D.	Mondell	Wiley
Driscoll	James, Ollie M.	Moon, Pa.	Willett
Dunwell	Johnson, S. C.	Mudd	Wilson, Pa.
Edwards, Ga.	Jones, Va.	Norris	Wolf
Edwards, Ky.	Kipp	Parker, S. Dak.	

So the motion was agreed to.

The following additional pairs were announced:  
Until further notice:

Mr. COOK of Pennsylvania with Mr. ASHBROOK.  
Mr. LOUDENSLAGER with Mr. CLAYTON.

Mr. ELLIS of Oregon with Mr. BRANTLEY.

Mr. ENGLEBRIGHT with Mr. CALDWELL.

Mr. HOLLIDAY with Mr. HEFLIN.

Mr. LAW with Mr. GREGG.

Mr. MCKINLEY of Illinois with Mr. MAYNARD.

Mr. PEARRE with Mr. SHERWOOD.

Mr. KNAPP with Mr. WILSON of Pennsylvania.

The result of the vote was then announced as above recorded.  
Accordingly (at 6 o'clock p. m.), the House was declared in recess until 11 o'clock a. m. to-morrow.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report of examination and survey of Humboldt Harbor, California (H. R. Doc. 950), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Distribution of House Office Rooms, to which was referred the resolution of the House (H. J. Res. 186) relating to the assignment of space in the House Office Building, reported the same without amendment, accompanied by a report (No. 1697), which said bill and report were referred to the House Calendar.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21898) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith, reported the same without amendment, accompanied by a report (No. 1699), which said bill and report were referred to the House Calendar.

Mr. SCOTT, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 21986) to enable any State to cooperate with any other State or States, or with the United States, for the conservation of the navigability of navigable rivers, and to provide for the appointment of a commission, reported the same without amendment, accompanied by a report (No. 1700), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 20477) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon trail, reported the same without amendment, accompanied by a report (No. 1701), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LAWRENCE, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 22009) authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes, reported the same without amendment, accompanied by a report (No. 1702), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6102) to further protect the public health and imposing additional duties upon the Public Health and Marine-Hospital Service, reported the same with amendment, accompanied by a report (No. 1703), which said bill and report were referred to the House Calendar.

Mr. REEDER, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 21140) providing for an increase of the irrigation fund, and for other purposes, reported the same with amendment, accompanied by a report (No. 1705), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, reported the same with amendment, accompanied by a



report (No. 1706), which said bill and report were referred to the House Calendar.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21218) for the relief of the Alaska Terminal and Navigation Company, reported the same with amendment, accompanied by a report (No. 1707), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 870) for the relief of the heirs of James A. Galbreath, reported the same with amendments, accompanied by a report (No. 1708), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2635) for the relief of Herman Lehmann, reported the same without amendment, accompanied by a report (No. 1709), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6903) for the relief of Willis A. Joy, reported the same without amendment, accompanied by a report (No. 1710), which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 16191) to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan, reported the same with amendment, accompanied by a report (No. 1711), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 18744) for the relief of the estate of Mark S. Gorrill, reported the same without amendment, accompanied by a report (No. 1712), which said bill and report were referred to the Private Calendar.

Mr. HOWELL, of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 19839) for the relief of W. H. Blurock, reported the same with amendment, accompanied by a report (No. 1713), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KIMBALL: A bill (H. R. 22006) for the erection of a monument to the memory of Gen. Isaac Shelby—to the Committee on the Library.

By Mr. BENNET of New York: A bill (H. R. 22007) authorizing the appointment of a commission to collate information concerning the alcoholic liquor traffic and to consider and recommend any needful legislation in relation thereto—to the Committee on Alcoholic Liquor Traffic.

By Mr. HUMPHREY of Washington: A bill (H. R. 22008) relating to the transportation of passengers coastwise—to the Committee on the Merchant Marine and Fisheries.

By Mr. LAWRENCE, from the Committee on Rivers and Harbors: A bill (H. R. 22009) authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes—to the Union Calendar.

By Mr. HEPBURN: A bill (H. R. 22010) relating to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. HULL of Tennessee: A bill (H. R. 22011) to establish a United States court at Cookeville, in the middle district of Tennessee, and for other purposes—to the Committee on the Judiciary.

By Mr. LAW: A bill (H. R. 22012) to cause an examination and survey to be made of Indian Creek and to declare same to be navigable waters—to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 22013) to establish a naval militia and define its relations to the General Government, and for other purposes—to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 22014) to repeal sundry paragraphs of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," and to place wood pulp

and agricultural implements on the free list—to the Committee on Ways and Means.

By Mr. MANN, from the Committee on Distribution of House Rooms: Joint resolution (H. J. Res. 186) relating to the assignment of space in the House Office Building—to the House Calendar.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 22015) giving the Court of Claims jurisdiction to adjudicate two claims for Indian depredations of the estate of Blas Lucero, late of Albuquerque, N. Mex.—to the Committee on Claims.

Also, a bill (H. R. 22016) granting a pension to Juanita Leyva de Sanchez—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 22017) for the relief of William Parker Sedgwick and others, and for other purposes—to the Committee on Naval Affairs.

By Mr. CHANEY: A bill (H. R. 22018) for the relief of the owners of the steamboats *Skylark* and *Callie*—to the Committee on War Claims.

By Mr. DARRAGH: A bill (H. R. 22019) granting a pension to Oscar A. Adams—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 22020) for the relief of the State of Arkansas—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 22021) granting a pension to Charles G. Sontag—to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 22022) to amend the military record of Aaron T. Wakefield—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 22023) for the relief of the estate of Isaac Winston, deceased—to the Committee on Military Affairs.

By Mr. STURGISS: A bill (H. R. 22024) for the relief of Andrew J. Weese—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 22025) for the relief of Milton S. Harrington—to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Academy of Stomatology, of Philadelphia, Pa., praying for legislation to establish a dental corps in the Army—to the Committee on Military Affairs.

Also, memorial of the depositors and heirs of the Freedmen's Savings Bank and Trust Company, of New Orleans, La., praying for legislation to reimburse the depositors of that institution—to the Committee on Banking and Currency.

Also, memorial of the Western Association of Engineers of Chicago, Ill., indorsing the present movement for the consideration of the conservation of the natural resources of the United States—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the South Carolina Bankers' Association, praying for the establishment of a commission to investigate the subject of currency reform—to the Committee on Banking and Currency.

Also, memorial of the citizens of Tacoma, Wash., praying for legislation to modify the Sherman antitrust law, to regulate the power of injunctions, and to extend the eight-hour day—to the Committee on the Judiciary.

Also, memorial of Julia E. Foster, of Butler, Pa., praying for legislation to establish the Appalachian and White Mountain Forest Reserve—to the Committee on Agriculture.

Also, memorial of the Delta Grange, praying for the passage of the proposed postal savings and parcel-post bills—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, protesting against the removal of the tariff on wood pulp and paper—to the Committee on Ways and Means.

Also, memorial of C. S. Barber, of Frederic, Mich., and fourteen others, praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, memorial of the labor organizations of Belleville, Ill., praying for legislation to modify the Sherman antitrust law, to regulate the issuance of injunctions, establish employers' liability and to extend the eight-hour day—to the Committee on the Judiciary.

Also, memorial of Maude B. Hansche, Ph. D., of Philadelphia, Pa., praying for the passage of the bill (H. R. 12684) to provide for the temporary warranting and retirement of pay clerks in the Navy—to the Committee on Naval Affairs.

Also, memorials of the Brotherhood of Locomotive Engineers, of Anniston, Ala., and Knoxville, Tenn., praying for the passage of the so-called "Hemenway-Graff ash-pan bill;" also for legislation relating to free passes and for the relief of Pembroke B. Banton—to the Committee on Interstate and Foreign Commerce.

Also, memorial of N. B. Kelly, of Philadelphia, Pa., praying for the enactment of the so-called "Fowler currency bill"—to the Committee on Banking and Currency.

Also, memorials of John P. Garde, H. P. Frondorf, and W. E. Poulson, of Cincinnati, and Hamilton, Ohio, praying for legislation to prevent the sale of intoxicating liquor in the District of Columbia—to the Committee on the District of Columbia.

Also, memorial of the National Rivers and Harbors Congress (Indiana branch), protesting against the legislation allowing the construction of a dam in White River, near Williams, Lawrence County, Ind., until it is ascertained whether such a dam will interfere with the permanent improvement of the river—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Knights of Columbus, of Utica, N. Y., praying for legislation to establish the anniversary of the discovery of America as a legal holiday—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Railway Trainmen, of Bellevue, Ohio, praying for the passage of the so-called "Hemenway-Graff bill"—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Franklin Lodge, No. 628, Brotherhood of Railway Trainmen, of Columbus, Ohio, praying for legislation relating to the injunction process, and to safety appliances on railroads—to the Committee on the Judiciary.

Also, memorial of the Boston Chamber of Commerce, of Boston, Mass., praying for the amendment of the national bankruptcy act—to the Committee on the Judiciary.

Also, memorial of the members of the International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Leominster, Mass., protesting against the removal of the duty on wood pulp and paper—to the Committee on Ways and Means.

Also, memorial of the Northeast Washington Citizens' Association, of Washington, D. C., praying for additional time for the consideration of District legislation—to the Committee on Rules.

Also, memorial of Terminal Lodge, Brotherhood of Railroad Trainmen, of St. Louis, Mo., praying for the passage of the so-called "Hemenway-Graff ash-pan bill," and for the relief of Pembroke B. Banton—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Charles Meyer, of Gilman, Ill., and other soldiers and sailors of the civil war, protesting against the abolition of the pension agency at Chicago, Ill.—to the Committee on Appropriations.

Also, memorial of the Daughters of the American Revolution, praying for an appropriation to mark the Oregon trail—to the Committee on the Library.

Also, memorial of the legislature of the State of Oklahoma, praying for such legislation as will give to the State its share of the reclamation fund—to the Committee on Irrigation of Arid Lands.

Also, memorial of the laboring men and women in Seattle, Wash., praying for legislation in relation to the issuance of injunctions, the Sherman antitrust law, the eight-hour law, etc.—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Thomas S. Stewart, favoring H. R. 14783, relative to militia—to the Committee on Militia.

By Mr. BARCLAY: Petitions of Clearfield Lodge, No. 561, Brotherhood of Railway Trainmen, of Clearfield, Pa., and DuBois Lodge, No. 593, Brotherhood of Railway Trainmen, of DuBois, Pa., for the Rodenberg anti-injunction bill and Graff ash-pan bill (H. R. 17137 and H. R. 19795)—to the Committee on the Judiciary.

By Mr. BEALE of Pennsylvania: Petition of Thomas J. Stewart, favoring H. R. 14783, relative to militia—to the Committee on Militia.

By Mr. BROUSSARD: Paper to accompany bill for relief Augustine Labin—to the Committee on War Claims.

By Mr. BROWNLOW: Petition of Tully Brown, attorney-general of Tennessee, favoring the Steenerson militia bill (H. R. 14783)—to the Committee on Militia.

By Mr. BURLEIGH: Petition of International Brotherhood of Paper Makers of Madison, Me., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of E. V. Ostrander and other citizens of Butte, Mont., favoring concurrent resolution 28, express-

ing sympathy for the Russian people—to the Committee on Foreign Affairs.

By Mr. DALZELL: Petition of State Council, Knights of Columbus, of Pennsylvania, favoring legislation making October 12 a holiday—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of H. F. Bowker and other citizens of Davenport, Iowa, for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. DOUGLAS: Petition of John Walters and others, for H. R. 16082, for a Bureau of Mines—to the Committee on Mines and Mining.

By Mr. DUNWELL: Petition of Robert E. Jackson and others, for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination for President by any political party—to the Committee on the Judiciary.

Also, petition of State department of health of New York, for rooms in which to properly house the forthcoming tuberculosis congress to be held in the city of Washington—to the Committee on Assignment of Rooms.

By Mr. ELLIS of Oregon: Petition of Tailors' Union of Portland, Oreg., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FLOYD: Paper to accompany bill for relief of John C. Fite—to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: Petition of United Mine Workers of America, of New Baden, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Washington (D. C.) Board of Trade, favoring concurrence in Senate amendment to bill providing for extension of street railway line to Union Station—to the Committee on the District of Columbia.

Also, petition of citizens of Kingston, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of State of New York, favoring improvement of Pearl Harbor—to the Committee on Rivers and Harbors.

Also, petition of A. J. Lovejoy, of Roscoe, Ill., against section 11 of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, for a commission to reform the currency and against passage of Vreeland bill—to the Committee on Banking and Currency.

Also, petition of Union League Club, of Chicago, Ill., favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Associated Press, for removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Moffat Cigar Company, of Rockford, Ill., favoring the Tawney anticoupon bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Petitions of Rio Grande Union, No. 234, William Schneider, Cleobar Moreno, and Bonifacio Corda, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of Palisade Lodge, No. 592, Brotherhood of Railway Trainmen, for the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Gaff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of St. James (Minn.) Lodge, Brotherhood of Railway Trainmen, favoring the Rodenberg anti-injunction bill and the Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petitions of Rio Grande Union, No. 234, of Laredo, Tex., and citizens of Corpus Christi, Tex., for amendment to Sherman antitrust law, and for the Pearre bill employers' liability, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Manufacturing Association of Hartford County, Conn., favoring the passage of H. R. 15846, for promoting efficiency of the Patent Office—to the Committee on Patents.

By Mr. HINSHAW: Paper to accompany bill for relief of Philip Jenkins—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Petition of workingmen and their sympathizers of Memphis, Tenn., for amendment to the Sherman



antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Daniel Main—to the Committee on Military Affairs.

By Mr. HUFF: Petition of M. S. Anderson, for Division No. 108, Brotherhood of Locomotive Engineers, for the Rodenberg anti-injunction bill and Hemenway-Graff safety ash-pan bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petitions of citizens and labor organizations of Seattle and other cities and towns of Washington, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. KAHN: Petitions of C. Calvert Smoot, of San Francisco, Cal., and 19 other residents of California, favoring concurrent resolution 28, protesting against Russian atrocities—to the Committee on Foreign Affairs.

By Mr. KNOWLAND: Petitions of citizens of Oakland and Richmond, Cal., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petitions of Green Bay (Wis.) Lodge of Brotherhood of Railway Trainmen and Baldwin Lodge of Locomotive Firemen and Engineers, of Green Bay, Wis., for the Rodenberg anti-injunction bill and Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of citizens of York, Pa., for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. LEVER: Paper to accompany bill for relief of University of South Carolina—to the Committee on War Claims.

By Mr. LINDBERGH: Petitions of J. E. Leiser, Henry Lindgren, H. T. Webster, H. Ganunshaler, T. A. Dalton, F. W. Keeler, and P. T. Connelly, all of Cass Lake, Minn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petitions of Ode & Gerbereux, of New York City, and Richard Deeves & Son (Incorporated), against any anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of United Master Butchers' Association of America, for removal of tariff on wood pulp—to the Committee on Ways and Means.

Also, petition of General Electric Company, favoring Senate amendment to the post-office appropriation bill providing for ocean mail subsidies—to the Committee on the Post-Office and Post-Roads.

By Mr. LONGWORTH: Petitions of citizens of Reading, Ohio, and Amalgamated Meat Cutters and Butchers, of Cincinnati, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of Santa Cruz Real Estate Exchange, for negotiation of arbitration treaties with all nations, granting jurisdiction to the international court at The Hague—to the Committee on Foreign Affairs.

Also, petition of union labor organizations of Stockton, Cal., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. NICHOLLS: Petition of citizens of Pennsylvania, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of Indiana Women's Club, of Indianapolis, Ind., favoring H. R. 18445 (child-labor bill)—to the Committee on the District of Columbia.

By Mr. SMITH of Arizona: Petition of citizens of Clifton, Ariz., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: Petitions of Little Miami Division, No. 34, Brotherhood of Railway Trainmen, and others, urging passage of Rodenberg anti-injunction bill (H. R. 17137)—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Israel S. Davis—to the Committee on War Claims.

By Mr. WANGER: Petition of Subdivision No. 619, Brotherhood of Locomotive Engineers, for speedy and favorable report on bill H. R. 19795—to the Committee on Interstate and Foreign Commerce.

Also, petition of Blue Mountain Lodge, No. 694, Brotherhood of Railway Trainmen, of Marysville, Pa., for speedy and favorable report on bill H. R. 19795—to the Committee on Interstate and Foreign Commerce.

## SENATE.

WEDNESDAY, May 20, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALLISON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### ACTS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, one copy of a volume containing the acts and resolutions passed by the second session of the fourth legislative assembly of Porto Rico, which, with the accompanying volume, was referred to the Committee on Pacific Islands and Porto Rico.

### REINDEER IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, the report of Dr. Sheldon Jackson upon the work of introducing reindeer into Alaska during the season of 1906, which, with the accompanying report and illustrations, was ordered to lie on the table and be printed.

### ESTIMATES OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting additional estimates of appropriation for pay of Military Academy, \$468; miscellaneous items and incidental expenses, Military Academy, \$2,500, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

### LISTS OF JUDGMENTS AND CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 18th instant, a list of judgments rendered by the Court of Claims, amounting to \$23,892.24, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 18th instant, the record of a judgment rendered against the United States by the circuit court of the United States for the southern district of Georgia, under the act of March 3, 1887, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 18th instant, a schedule of claims allowed by the accounting officers of the Treasury under appropriations the balance of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, amounting to \$264,375.37, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 18th instant, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases amounting to \$29,645, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 4639. An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912; and

S. 6190. An act authorizing a resurvey of certain townships in the State of Wyoming.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama;

H. R. 21735. An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes; and

H. R. 21957. An act relating to affairs in the Territories.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war.

The message further announced that the House insists upon its amendment to the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, disagreed to by the Senate, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4186. An act amending the act of January 14, 1889, and acts amendatory thereof, and for other purposes;

S. 5617. An act authorizing the Secretary of the Navy to accept and care for the gifts presented to vessels of the Navy of the United States; and

H. R. 1062. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

#### FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 7, 10, 12, 16, 17, 18, 19, 23, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 8, 9, 11, 13, 14, 15, 20, 21, 25, 26, 27, and 28, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor at San Pedro, Cal., and the cities in that vicinity, and if such fortifications are deemed advisable or necessary furnish an estimate of the cost of sites and fortifications separately."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out of the said amendment the words "not to include Subig Bay or Olongapo;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-three thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out of the said amendment the

words "not to include Subig Bay or Olongapo;" and the Senate agree to the same.

GEO. C. PERKINS,  
F. E. WARREN,  
A. S. CLAY,

*Managers on the part of the Senate.*

WALTER I. SMITH,  
JOSEPH V. GRAFF,  
SWAGAR SHERLEY,

*Managers on the part of the House.*

The report was agreed to.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 11, 18, 19, 21, 28, 31, 32, 34, 35, 53, 54, 55, 58, 73, 77, 80, 81, 88, 95, 97, 99, 100, 104, 115, 116, 117, 125, 126, 132, 134, 136, 142, and 150.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 10, 12, 20, 23, 24, 25, 27, 30, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 87, 89, 90, 91, 93, 94, 96, 103, 105, 106, 109, 110, 118, 119, 120, 121, 122, 123, 124, 129, 130, 133, 137, 138, 139, 140, 141, 143, 145, 146, 147, 149, 150, 151, 152, 153, and 157; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Clarinda, Iowa, post-office: For completion of building, twenty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Francisco, Cal., custom-house: The Secretary of the Treasury is authorized, upon the completion of the custom-house in the city of San Francisco, Cal., to pay to Thomas Butler, the contractor for the construction of said building, in addition to the contract price therefor, such sum as may be equitable and just to reimburse said contractor for any loss actually sustained in consequence of the earthquake and great fire of April, nineteen hundred and six, not exceeding the sum of two hundred and fifty thousand dollars: *Provided*, That the amount allowed said Thomas Butler shall not be sufficient to enable him to make any profit out of the making and execution of said contract."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"New Haven, Conn., public building, now used for a post-office and for other purposes: To enlarge, extend, or remodel said building, including all necessary changes in, additions thereto, alterations thereof, repairs to the present building, and of the heating and plumbing systems therein, and drainage and approaches thereto, which may be incident to such extension and enlargement or remodeling of said building, fifty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the word "journals" in said amendment insert the words "published abroad;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an



amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Repair, and so forth, of 'The Hermitage:' For repairing buildings and improving the grounds of 'The Hermitage,' the home of President Andrew Jackson, situated in Davidson County, Tenn., five thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert as a separate paragraph the following:

"Hereafter no light-ship shall be removed from the place designated for its station, in the act authorizing its construction, and be stationed elsewhere except upon express authority of Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: In line 4 of said amendment, after the word "May," insert the word "fourteenth;" and in line 5 of the amendment strike out the word "For" where it first occurs and insert in lieu thereof the words "Toward construction of;" and in lieu of the sum named in the amendment insert "one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million one hundred and sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 2 of said amendment insert, before the word "document," the word "Senate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the name "Colorado" where it occurs in lines 1, 3, and 10 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: On page 80 of the bill, in line 7, after the word "buildings," insert the words "not including hospital buildings;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the last two words of said amendment and insert in lieu thereof the words "for the fiscal year nineteen hundred and nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert as a separate paragraph the following:

"The officer in charge of public buildings and grounds is authorized to grant licenses, revocable by him, without compensation, to erect temporary structures upon reservations used as children's playgrounds, under such regulations as he may impose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the repair and reconstruction of the buildings and for the replacement of furniture and equipment destroyed in whole or in part by the cyclone on the twelfth day of May, nineteen hundred and eight, at Fort Crook military post in Nebraska, to be immediately available, one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the word inserted by said amendment insert the word "two-thirds;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand three hundred and thirty-three dollars and thirty-four cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the word inserted by said amendment insert the word "two-thirds;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand three hundred and sixty-six dollars and sixty-seven cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fifty-nine thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million five hundred and ten thousand three hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Jurors and witnesses in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico and Arizona shall be entitled to receive for actual attendance at any court or courts and for the time necessarily occupied in going to and returning from the same, three dollars a day, and fifteen cents for each mile necessarily traveled over any stage line, or by private conveyance, and five cents for each mile by any railway or steamship in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned as both a witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"Sec. 6. All funds realized during the fiscal year nineteen hundred and nine by the Isthmian Canal Commission from the performance of services by the Commission, or from the sale of materials and supplies upon the Isthmus under the custody and control of the Commission, are hereby reappropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering, and a full and separate report in detail of all transactions hereunder shall be made to Congress."

And the Senate agree to the same.

The committee of conference has been unable to agree on the amendments of the Senate numbered 9, 13, 14, 15, 16, 22, 26, 33, 36, 38, 78, 79, 82, 83, 84, 86, 101, 102, 107, 131, 144, 148, 154, 155, 156, 160, 161, 162, and 163.

W. B. ALLISON,  
EUGENE HALE,  
H. M. TELLER,

*Managers on the part of the Senate.*

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,

*Managers on the part of the House.*

The report was agreed to.

Mr. ALLISON. I move that the Senate still further insist upon its amendments in disagreement and ask the House for a further conference thereon, and that the Vice-President appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. ALLISON, Mr. HALE, and Mr. TELLER as the conferees on the part of the Senate.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Indiana and West Virginia Federation of Women's Clubs, praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Board of Trade of Newark, N. J., praying for the appointment of a commission to investigate the currency and banking systems of the United States and of other leading commercial nations, which was referred to the Committee on Finance.

He also presented a petition of Constant Lodge, No. 398, Brotherhood of Locomotive Firemen and Engineers, of Olean, N. Y., praying for the passage of the so-called "Rodenberg anti-

injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Permanent Baltimore Yearly Meeting of Friends, of Maryland, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

Mr. BRIGGS presented petitions of the congregation of the Wesley Methodist Episcopal Church, of Paterson, and of sundry citizens of Butler, in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and labor organizations of South Maboy, Carlton Hills, Jersey City, Phillipsburg, Hackensack, Atlantic City, Trenton, Paterson, and New Brunswick, all in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry business firms of Trenton, Newark, Hoboken, Jersey City, and Paterson, all in the State of New Jersey, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the board of playground commissioners of Newark, N. J., praying for the enactment of legislation providing for the establishment and maintenance of public playgrounds in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Boonton, Passaic, East Orange, and Millville, all in the State of New Jersey, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were ordered to lie on the table.

He also presented the petition of W. V. McGalliard, of Trenton, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of adulterated insecticides, fungicides, Paris green, etc., which was referred to the Committee on Manufactures.

He also presented a petition of the congregation of the Parmlly Memorial Baptist Church, of Jersey City, N. J., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was ordered to lie on the table.

He also presented petitions of the Woman's Club of Jersey City and of the Current Events Club, of Moorestown, in the State of New Jersey, praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented petitions of sundry citizens of Jersey City and Greenwich, in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Soldiers' Homes, which were ordered to lie on the table.

He also presented the petition of J. Murray Sandenen, of Newark, N. J., praying for the enactment of legislation to amend an act for refunding taxes put upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., which was referred to the Committee on Finance.

Mr. GAMBLE presented petitions of sundry labor organizations of Aberdeen, Huron, and Carthage, all in the State of South Dakota, praying for the passage of the so-called "Rodenberg anti-injunction bill," which were referred to the Committee on the Judiciary.

He also presented a petition of the First National Bank of Castlewood, S. Dak., and a petition of the German National Bank of Redfield, S. Dak., praying for the enactment of legislation to amend the national banking laws, which were ordered to lie on the table.

Mr. BAILEY presented petitions of sundry labor organizations of Galveston, Commerce, and Tyler, all in the State of Texas, praying for the passage of the so-called "Rodenberg anti-injunction bill," which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and labor organizations of Sweetwater, Dallas, Port Arthur, Beaumont, Laredo, Sherman, Fort Worth, Abilene, Austin, Corpus Christi, Galveston, Big Springs, Bridgeport, Denison, San Antonio, Houston, El Paso, Waco, Paris, Palestine, Corsicana, Marshall, and Greenville, all in the State of Texas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. McLAURIN presented a petition of sundry citizens of McComb, Miss., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented petitions of members of the Brotherhood of Railway Trainmen, of Grand Island and Norfolk Junction; of the Brotherhood of Locomotive Engineers, of Omaha, Wymore, and Beatrice, all in the State of Nebraska, and of the Brotherhood of Locomotive Engineers, of Columbus, Ohio, praying for the passage of the so-called "Rodenberg anti-injunction bill" and the so-called "Hemenway-Graff safety ash-pan bill," which were referred to the Committee on the Judiciary.

Mr. SMOOT presented petitions of sundry citizens and labor organizations of Ogden and Salt Lake City, in the State of Utah, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PILES presented a petition of sundry citizens of Black Diamond, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of Local Lodge, Brotherhood of Railroad Trainmen, of St. Paul, Minn., praying for the passage of the so-called "Rodenberg anti-injunction bill" and also the so-called "Hemenway safety ash-pan bill," which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to protect trade and commerce against unlawful restraints and monopolies, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Freytown, McConnellstown, Huntingdon, West Chester, Wilkes-Barre, and Millersburg, and of Richmond Grange, No. 135, of New Richmond; Costello Grange, No. 1310, of Costello, and Farmington Grange, No. 839, of Warren County, Patrons of Husbandry, all in the State of Pennsylvania, praying for the enactment of legislation providing for additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Philadelphia, Pa., and a petition of sundry Grand Army posts of Erie, Pa., praying for the enactment of legislation to equalize and increase the pay of the officers of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Froebel Club, of Keene, N. H., praying for the enactment of legislation providing for the admission of works of art free of duty, which was referred to the Committee on Finance.

He also presented petitions of sundry women's clubs of Manchester, Dover, Somersworth, Laconia, Plymouth, Concord, and Rochester, all in the State of New Hampshire, praying for the enactment of legislation providing for competitive examinations for the taking of the Thirteenth and subsequent censuses, which were referred to the Committee on the Census.

#### REPORTS OF COMMITTEES.

Mr. du PONT. I am directed by the Committee on Military Affairs, to whom were referred the bills (S. 2448) fixing the status of the Porto Rico Provisional Regiment of Infantry, and (S. 4270) fixing the status of the Porto Rico Provisional Regiment of Infantry, to report them adversely and to ask for their indefinite postponement.

I will add that the subject-matter embraced in these bills has been already disposed of in the bill passed yesterday on the subject of the Porto Rican regiment.

The VICE-PRESIDENT. The bills will be postponed indefinitely.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States, reported it with amendments.

#### BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 7194) for the relief of citizens of the United States and the Philippine Islands, which was read twice by its title and referred to the Committee on Claims.

Mr. BORAH introduced a bill (S. 7185) authorizing the Secretary of the Interior to issue patent in fee to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America for the use of the



Protestant Episcopal Church of Idaho, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CULBERSON introduced a bill (S. 7186) for the relief of the estate of Rev. Robert Malloy, deceased, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 7187) granting a pension to Harriet L. Fox, which was read twice by its title and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 7188) granting an increase of pension to James Arney, which was read twice by its title and referred to the Committee on Pensions.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7190) granting an increase of pension to Alvin W. Bunnell; and

A bill (S. 7191) granting an increase of pension to Charles Carlston.

Mr. CURTIS introduced a bill (S. 7192) granting an increase of pension to Louisa Thavis, which was read twice by its title and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 7193) for the relief of Adam L. Elchelberger, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 7194) granting a pension to George Walters, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH of Michigan introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7195) to provide for the purchase of a site for a public building at Charlotte, Mich.; and

A bill (S. 7196) to provide for the purchase of a site for a public building at Big Rapids, Mich.

#### PUBLIC BUILDING AT BEDFORD CITY, VA.

Mr. DANIEL introduced a bill (S. 7189) for the erection of a public building at Bedford City, Va., which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL. I ask that the paper accompanying the bill, being a statement of facts from W. H. Mosby, postmaster at Bedford City, be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

Facts for consideration by Committee on Public Buildings and Grounds, House of Representatives, in support of H. R. —, introduced by Mr. —, of City, Bedford City, State, Virginia.

Amount of appropriation desired, \$50,000.

Is appropriation desired for site only; building only; building and site; addition to old building or increase of appropriation already secured?—Building and site.

Has any appropriation heretofore been made? If so, give amount.—None.

When was last appropriation secured?—

Does United States own site in above city?—No.

If so, how much was paid for same?—

Have you a Government building at present?—No.

If so, is it proposed to build addition or new building?—New building.

Give population according to last Federal Census.—2,472. (The corporate line at that time cut off fully one-third of the town.)

What was estimated population on January 1, 1908?—4,000 to 4,500 will be included in new corporate limits.

What were postal receipts for last fiscal year?—\$11,700.

What is annual salary of postmaster?—\$2,300.

Have you city free delivery?—Yes.

How many carriers?—3; 1 subcarrier.

How many clerks in post-office?—4; 1 auxiliary.

How many rural carriers?—7.

Have you a Federal court?—No.

How many terms each year?—

Have you internal-revenue office?—Entitled to 1 stamp collector and 1 internal-revenue collector.

What were internal-revenue receipts for last fiscal year?—

Have you any Government officers not mentioned above for whom accommodations are required?—Accommodations badly needed for 1 post-office inspector whose headquarters are at this place; at present postmaster has to allow him use of his private office.

How much rent per annum is paid by the United States for post-office?—\$600 for present term, but demands \$1,000 for next.

How much rent per annum is paid by the United States for United States courts?—

How much rent per annum is paid by the United States for internal-revenue office?—None; because postmaster allows use of private office.

How much rent per annum is paid by the United States for all other offices?—

Total rental paid by Government in above city?—\$600 with almost certainty of \$1,000.

In addition to above please give brief statement of any important facts, such as industries, railroads, etc.—One trunk line, Norfolk and Western Railroad. Just south of us and running through the county is the great Standard Oil Railroad. The finest woolen mill in the South; manufactures a great deal of cloth; in fact, employed nearly its entire time on contracts for the United States Government making fine cloths for use of the Army and Navy. We also have very large tobacco

manufacturing plants for making plug tobaccos; also the largest smoking-tobacco factory in the State of Virginia; also four large cigar manufacturing plants; we have large warehouses for the sale of leaf tobacco, also large steam plants for rehandling leaf tobacco for foreign shipment. We have the back country extending south of us for nearly 100 miles, which does almost its entire business through this place. Our railroad depot handles an immense quantity of freight, consisting of tobacco, both leaf and manufactured; lumber, both manufactured and otherwise; also large quantities of asbestos, which is shipped here in the crude state, and which is afterwards manufactured and reshipped to all parts of the earth. There are many other industries, and small manufacturing plants almost too numerous to mention. We have two banking institutions doing a business of nearly a million dollars. To sum up, I can safely say there is hardly another town of the same population in the United States that does as much business as this. All its manufacturing plants, and business industries are in a strong, healthy, and increasing condition.

I will close with the statement that the increase in revenue will be from 15 to 20 per cent higher than the receipts of last year, and in all probability an equally as great increase in the receipts of internal revenue.

Owing to the large increase in the business of the post-office we will be compelled to have larger quarters within a very short time, as we are now sadly pressed for room to do the work efficiently.

Respectfully,

W. H. MOSBY, Postmaster.

#### AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HOPKINS submitted an amendment proposing to appropriate \$2,500 for salary of librarian and crier for the United States courts in Chicago, Ill., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate \$5,000 to enable the Secretary of the Interior to continue negotiations for the establishment of international methods of testing petroleum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK (for Mr. FORAKER) submitted an amendment to appropriate \$750 to pay E. L. Cornelius for extra services in connection with the Brownsville investigation by the Committee on Military Affairs, intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. DANIEL submitted an amendment proposing to appropriate \$50,000 for a United States post-office at Bedford City, Va., intended to be proposed by him to the omnibus public buildings bill; which was ordered to lie on the table.

#### AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

#### VALLEY OF ROCK CREEK.

Mr. GALLINGER. On the 2d instant the Senate received a communication from the president of the Board of Commissioners of the District of Columbia submitting, pursuant to law, a report upon the improvement of the valley of Rock Creek from Massachusetts avenue to the mouth of the creek, and it was ordered printed as a document. I ask for a reprint, together with the illustrations and maps prepared by the engineer of bridges of the District of Columbia, which were not completed when this matter was first submitted to the Senate.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTI, one of his secretaries, announced that the President had approved and signed the following acts:

On May 16, 1908:

S. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897; and

S. 652. An act to create the office of captain in the Philippine Scouts.

On May 20, 1908:

S. 4809. An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters.

#### HOUSE BILLS REFERRED.

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama, was read twice by its title and referred to the Committee on Inter-oceanic Canals.

H. R. 21735. An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 21957. An act relating to affairs in the Territories was read twice by its title and referred to the Committee on Territories.

#### RESURVEY OF PUBLIC LANDS, ETC.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, which were, on page 2, line 22, to strike out all after section 2, down to and including "Provided," page 3, line 6.

On page 4, after line 4, to insert:

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to certify to the State of Kansas, for the benefit of the Kansas State Agricultural College, 7,682 acres of public land in said State, the same to be in full satisfaction of the claim of said State under an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862.

SEC. 4. That the tracts of land described as follows: Sections 9 and 10, lot 4, southwest quarter of northwest quarter, west half of southwest quarter, section 3, east half of southeast quarter section 4, township 24 north, range 22 west; east half of northeast quarter, east half of southeast quarter, section 34, southwest quarter of northwest quarter, northwest quarter of southwest quarter, section 35, township 25 north, range 22 west, Indian meridian, together with the buildings and improvements thereon, which lands were formerly a part of the Fort Supply Military Reservation, in the former Territory and now State of Oklahoma, the use of which for the purpose of an insane asylum was granted to the Territory of Oklahoma by the act of Congress approved February 8, in the year 1899, entitled "An act authorizing the Secretary of the Interior to permit the use of the buildings on the Fort Supply Military Reservation by Oklahoma Territory for an insane asylum," be, and the same are hereby, granted to the State of Oklahoma for the purpose of an insane asylum for said State, and for other purposes.

SEC. 5. That the State of North Dakota is hereby authorized and empowered to sell such portion as it may deem wise of the southeast quarter of section 7 and the southwest quarter of section 8 and the northeast quarter of section 18 and the northwest quarter of section 17, all in township 131 north, range 65 west, heretofore granted to said State to be used for the purpose of a memorial park and burial ground of the soldiers killed at the battle of White Stone Hills, the money derived from the sale of said land to be used by the said State only for the purpose of erecting monuments and improving and beautifying such portions of such grounds as it may desire to use as a memorial park: *Provided*, That not less than 40 acres be reserved immediately surrounding the graves located on said land.

SEC. 6. That all qualified homesteaders who, under an order issued by the Land Department bearing date October 22, 1891, and taking effect November 2, 1891, made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Chicago, St. Paul, Minneapolis and Omaha Railway and the Wisconsin Central Railroad, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wisconsin Central Railroad Company against Forythe (159 U. S. 46), shall, in making final proof upon homestead entries made for other lands, be given credit for the period of their bona fide residence upon and the amount of their improvements made on the lands for which they were unable to complete title. In the event that any entryman entitled to the benefits of this act shall have died, the right to make such second entry shall inure to his surviving widow, and if there be no widow living then to his minor child or children. If any, in the manner hereinbefore provided: *Provided*, That no such person shall be entitled to the benefits of this act who shall fail to make entry within two years after the passage of this act: *And provided further*, That this act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead law since being prevented, as aforesaid, from completing title to the lands as aforesaid settled upon and improved by him.

SEC. 7. That section 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April, 28, 1904, be, and the same hereby is, amended to read as follows:

"SEC. 2. That entrymen under the homestead laws of the United States within the territory above described who own and occupy the lands heretofore entered by them may, under the provisions of this act and subject to its conditions, enter other lands contiguous to their said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate 640 acres; and residence continued and improvements made upon the original homestead, subsequent to the making of the additional entry, shall be accepted as equivalent to actual residence and improvements made upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same except in favor of entrymen entitled to credit for military service."

SEC. 8. That such portions of the lands of the abandoned Fort Sheridan Military Reservation, and of the abandoned Fort McPherson Military Reservation which were added to the original Fort McPherson Military Reservation by Executive order dated April 19, 1878, title to which remains in the Government and have become subject to homestead entry, be, and the same are hereby, exempted from the payment of the appraised values imposed by the act of Congress approved July 5, 1884, and this provision shall include existing unperfected entries.

SEC. 9. That no final certificate issued upon proof offered under the commutation provisions of the homestead laws prior to the passage of this act shall be canceled solely upon the ground of insufficient residence in any case where such proof shows that the entryman had in good faith resided upon and improved the lands covered by his entry for at least eight months within the year immediately preceding the submission of such proof, and in all such cases where the final certificate has been canceled because of insufficient residence such certificate shall, upon application made therefor by the entryman, his heirs or assigns, within one year from the passage of this act, be reinstated

and confirmed if no fraud was practiced by the entryman and no valid adverse rights have attached to the land affected thereby at the date of the filing of such application.

SEC. 10. That no homestead entry heretofore made under the provisions of section 2 of the act of Congress entitled "An act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June 5, 1900, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., p. 237). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said act of June 15, 1880, is not entitled to the benefits of the act of June 5, 1900, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the act of June 15, 1880, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

SEC. 11. That all the provisions of the mining laws of the United States are hereby extended and made applicable to the undisposed-of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the act of June 5, 1872: *Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service.

SEC. 12. That all patents heretofore issued on applications made for title to public lands between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, be, and the same are hereby, declared valid; and that all such locations, where the applications to locate were made between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, and upon which patents have not been issued, but which may hereafter be approved for patent by the Department under the ruling in the case of Roy McDonald, December 21, 1907, are hereby declared legal, and the Commissioner of the General Land Office is hereby authorized and directed to issue patents on all such locations which may be approved by him for patent as above provided: *Provided*, That they are otherwise in accordance with the rules and regulations in such cases made and provided.

SEC. 13. That all that part of the States of North and South Dakota lying within the following-described boundaries, to wit: Commencing at a point on the boundary line between the States of North and South Dakota where the east boundary line of the county of Schnasse intersects said State line, thence due north to a point on the eighth standard parallel north; thence west on said eighth standard parallel north to a point where the boundary line between the States of North Dakota and Montana intersects the said eighth standard parallel north; thence south on the boundary line between the States of North Dakota and Montana and South Dakota and Montana to a point where the fourth standard parallel north intersects said State boundary line; thence east on the said fourth standard parallel north to the northeast corner of township 16 north, of range 9 east; thence south along the range line between ranges 9 and 10 east to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to a point where the same intersects the western boundary line of the county of Schnasse; thence north along the western boundary line of said county to a point where the same intersects the fifth standard parallel north; thence east along the said fifth standard parallel north to a point where the same intersects the range line between ranges 23 and 24 east; thence along said range line to a point where the same intersects the State line between the States of North Dakota and South Dakota; thence west along the said State line to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Lemmon land district; and the United States land office for said district is hereby located at the town of Lemmon, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

SEC. 14. That subdivision 10 of section 2238 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"10. Registers and receivers are allowed jointly at the rate of 15 cents per hundred words for testimony reduced by them to writing for claimants in establishing preemption, desert-land, and homestead rights."

SEC. 15. That section 461 of the Revised Statutes of the United States, as amended by the act approved April 2, 1888, be, and the same is hereby, amended to read as follows:

"SEC. 461. All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon payment by such parties at the rate of 15 cents per hundred words, and 30 cents each for photolithographic copies of township plats or diagrams unverified, not to exceed 10 copies to any one person, and 25 cents each for all copies in excess of 10, with an additional sum of \$1 for the Commissioner's certificate of verification, with the General Land Office seal; and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish; but said Commissioner may, if he deem it advisable, make such charge for unverified copies as will, in his judgment, cover the cost of the preparation thereof."

SEC. 16. That each member of the selecting commission mentioned and described in section 8 of the act of Congress approved June 21, 1898, entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," consisting of the governor of the Territory of New Mexico, the surveyor-general of said Territory, and the attorney-general thereof, may receive from said Territory such compensation for their services as members of said commission as the legislative assemblies of said Territory may from time to time provide, not to exceed the sum of \$4000 each per annum.



SEC. 17. That the Secretary of the Interior is hereby authorized to sell to the State of Idaho section 18, the south half of section 7, township 11 north, range 44 east, and the south half of section 12 of township 11 north, range 43 east, Boise meridian, providing that the State of Idaho shall pay \$1.25 per acre for the land, and providing the Secretary of the Interior shall be assured by the State of Idaho that the lands so purchased shall be used for a State fish hatchery and game reserve, and if not so used for a period of five years shall revert to the Government of the United States.

SEC. 18. That the south 200 feet, lot 2, Block A, as shown by the plat of Perry town site, approved by the Commissioner of the General Land Office September 14, 1893, be, and the same is hereby, conveyed to and given to the city of Perry, State of Oklahoma, for a city library and other city and public buildings.

SEC. 19. That the title of block 1, being 10 acres reserved by law for park, school, and other public purposes, of the plat of Luther M. McGuire, of the southwest quarter of the northwest quarter of section 8, township 22 north of range 6 west of the Indian meridian, as filed with and approved by the Secretary of the Interior, with the application of the said Luther M. McGuire as homestead entryman of said lands to purchase the same for town-site purposes, be, and the same is hereby, vested in the municipality of the city of Enid, State of Oklahoma, for park, school, and other public purposes.

SEC. 20. That all that tract or parcel of land in the city of Dubuque, heretofore known as St. Raphael's Cemetery, and described as follows: "A tract of land 382 feet in width and 405 feet in length, bounded on the north by Third street, on the south by outlots 608 and 693 A, on the east by outlots 693, and on the west by outlots 723," the same being the identical property which was in use as a Catholic cemetery in 1836, and having been in the open, continuous, and uninterrupted possession of a Catholic church of Dubuque from said date until the present time, the title of the church to the same having never been contested nor questioned, and the boundaries of the property to-day being identical with those described in the original plat of Dubuque, is hereby granted to the Most Rev. John J. Keane, as archbishop of Dubuque, and to his successors in office, and the title thereto is confirmed and established accordingly.

SEC. 21. That the Minnesota and Manitoba Railroad Company is hereby authorized to convey in fee simple to Thomas Cathcart, his heirs and assigns, such part as may not be needed for railway purposes of the following-described land, to wit: Lots 3 and 4 and the easterly 140 feet of the southwest quarter of section 35, in township 161 north, range 31 west, granted to it for railroad purposes by act of Congress entitled "An act granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, Minn.," approved April 17, 1900, and the restrictions upon alienation upon said grant are hereby removed, and the United States hereby relinquishes all claim or title and hereby conveys to said railroad company the fee to such part of said land as shall be conveyed to said Thomas Cathcart.

SEC. 22. That the disqualification of Charles A. Going to enter lands under the homestead laws in force in the State of Oklahoma and applying to lands opened to settlement in the Pawnee Indian Reservation, in the said State, arising by reason of the said Charles A. Going having heretofore entered a homestead in the State of Kansas, be, and the same are hereby, removed, and that the entry of said Charles A. Going of the southeast quarter of section No. 4, in township No. 22 north, of range No. 4 east of the Indian meridian, in Pawnee County, Okla., be, and the same is, restored as fully and to all intents and purposes as if the said Charles A. Going at the time of entering said lands had been qualified under the laws of the United States to enter the same: *Provided*, That the said Going shall pay the sum of \$1.25 per acre for said land.

SEC. 23. That the homestead entry of Walter H. Quist for the southeast quarter of section 35, in township 154 north, range 39 west, in the Crookston land district, Minnesota, under the act approved February 20, 1904, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," upon which final proof and full payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, be, and the same is hereby, allowed and permitted to remain of record as of the date of said entry, and that patent shall issue in the name of said Walter H. Quist for said land.

SEC. 24. That the entry of Annie Ward, formerly Annie Brown, of the southwest quarter of section 20, township 144 north, range 71 west, in the Fargo land district, in the State of North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, confirmed, and the Secretary of the Interior is hereby authorized and directed to cause a patent to the land embraced within said entry to be issued to the said Annie Ward, formerly Annie Brown, provided there is no valid adverse claim for such land.

SEC. 25. That the title of Raleigh Brewer, sr., in and to the southeast quarter of section 10, township 15 north, range 19 east, Noxubee County, Miss., as assignee of the conveyance of Tish-o-no-wah, executed June 2, 1831, to Reuben H. Grant and Jefferson Clement, be, and the same is hereby, quieted and confirmed, and patent therefor shall be issued to Raleigh Brewer, sr.

SEC. 26. That the following-described land, to wit, the southeast quarter of the northwest quarter of section 30, and the point of land in section 18 extending from lot 1 in section 19, omitted from the original United States land survey, but which is shown upon the plat of survey made under the direction of the War Department by the United States engineer office at St. Paul for the Gull Lake Reservoir, in Minnesota, which said land was reserved for reservoir purposes, and the reservation approved by the President January 18, 1896, in township 134 north, of range 29 west, in the State of Minnesota, be, and the same hereby is, restored to the public domain subject to homestead entry; and all prior rights of settlement and entry, or attempted entry, are hereby reserved to the occupant and claimant of the land, to be passed upon and determined by the Commissioner of the General Land Office: *Provided, however*, That any homestead entry of said land or final certificate or patent that may be issued therefor shall be subject to the right of the United States to construct and maintain a dam for reservoir purposes at Gull Lake and to flood any part of said land by means of said dam.

SEC. 27. That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to issue a patent to the assignees of Warner Bailey conveying all the right, title, and interest of the Government of the United States in and to the following-described land: West half northeast quarter and east half northwest quarter section 36, township 12 north, range 3 west, lying and situated in

Choctaw County, State of Alabama: *Provided*, That the said patent shall be in full satisfaction of and shall extinguish military bounty land warrant No. 75743.

Amend the title so as to read: "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes."

Mr. NELSON. I have carefully examined the bill and all the amendments. They are mainly bills that have passed either the Senate or the House and been favorably reported from the Interior Department. I move that the amendments of the House be concurred in with the following amendment.

The VICE-PRESIDENT. The amendment submitted by the Senator from Minnesota to the amendments of the House will be read.

Mr. NELSON. The amendment that I propose is a bill that has passed the Senate.

The VICE-PRESIDENT. The Secretary will read the amendment to the amendments.

The Secretary read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in the following townships: Nine north, ranges 86 to 89, inclusive; 8 north, ranges 86 to 89, inclusive; 7 north, ranges 86 to 91, inclusive; 6 north, ranges 85 to 91, inclusive; 5 north, ranges 85 to 91, inclusive; 4 north, ranges 85 to 89, inclusive, and 91; 3 north, ranges 85 to 86; 1 south, ranges 101 and 102; 2 south, ranges 101 and 102; 3 south, ranges 100 to 103, inclusive; 4 south, ranges 100 to 102, inclusive; 7 south, range 102; 8 south, ranges 102 and 103; 10 south, range 97; 11 south, ranges 97 and 98; 12 south, ranges 93 to 98, inclusive; 13 south, ranges 89 to 96, inclusive, and 98; 14 south, ranges 89 and 96; 12 north, ranges 87 to 91, inclusive; 11 north, ranges 87 to 90, inclusive; 10 north, ranges 86 to 89, inclusive; 4 north, range 90; 3 north, ranges 88 to 91, inclusive; 15 south, range 89; 19 south, range 54; all west of the sixth principal meridian, also of the lands in townships 33 and 34 north, of range 2 west, of the New Mexico principal meridian, and of the lands in Cheyenne County, all in the State of Colorado; and all rules and regulations of the Interior Department requiring petitions from all settlers in said townships asking for resurvey and agreements to abide by the result of same, so far as any of these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant on any of said lands so occupied: *And provided further*, That before any survey is ordered under this act it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to resurvey the lands; and only such parts of the lands described herein where the survey is so inaccurate or obliterated shall be resurveyed.

The amendment to the amendments was agreed to.

Mr. CARTER. I offer the following amendment to the amendment of the House, to be inserted immediately after the amendment of the Senator from Minnesota.

The VICE-PRESIDENT. The amendment to the amendment will be read.

The SECRETARY. It is proposed to insert after the amendment just agreed to the following:

That the Secretary of the Interior shall forthwith cause the public-land surveys to be extended over the area embraced within the exterior limits of the Fort Keogh Military Reservation in the State of Montana, and shall also cause the irrigable portions thereof not otherwise disposed of by this act to be reclaimed and disposed of under and in conformity with an act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof.

That 160 acres of said reservation land is hereby granted to the State of Montana, the same to be selected by the governor of said State as near as may be in compact form and so as to embrace the post buildings and other improvements at Fort Keogh; and there is also granted to the incorporated city of Miles City, in said State, 160 acres of said land to be selected by the mayor of said city from land along the eastern boundary line of said military reservation; and the use and possession of 160 acres of said reservation land is hereby granted to the Custer County Fair Association, to be held, used, and enjoyed by said association only so long and to such extent as said land is devoted to the purposes of a county fair for the county of Custer; the said land to be selected by the officers of said Custer County Fair Association as near as may be in compact form and so as to embrace the fair-ground improvements now existing: *Provided*, That each of said tracts shall be selected by the aforesaid officials, respectively, in legal subdivisions within twenty days after the duly approved plats of the survey shall have been filed in the local land office and according to such regulations as the Secretary of the Interior may prescribe: *And provided further*, That said city of Miles City shall by acceptance of the aforesaid grant of land assume and discharge all obligations of the United States to control Tongue River in its course through the lands west of the present limits of said Miles City.

That all portions of said reservation, exclusive of the grants herein made and the possessory right given, which the Reclamation Service finds it impracticable to irrigate by artificial means, shall be subject to entry under the public-land laws.

The amendment to the amendments was agreed to.

The amendments as amended were agreed to.

INTERNATIONAL EXPOSITION AT TOKYO, JAPAN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, which was to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized to accept the invitation extended by the Imperial Japanese Government to the Government of the United States to participate in the Great National Ex-

position to be held in Tokyo, Japan, from April 1 to October 31, 1912. In accepting said invitation it is hereby declared to be the purpose of the Government of the United States to participate in said Japanese National Exposition by erecting suitable buildings and making an appropriate exhibit of arts, industries, manufactures, and products of the soil and mines and, as far as practicable, of the functions of the General Government of the United States and an exhibit of such other articles as the President of the United States may direct: *Provided*, That such participation, buildings, exhibits, and all expenses connected therewith, including salaries, clerical, and other services and transportation of persons and exhibits shall not exceed \$1,500,000.

SEC. 2. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three commissioners-general who shall, under the direction of the Secretary of State, take such steps as are necessary to ascertain the general plan and scope of the said National Exposition, the character, size, and cost of the buildings to be erected by the United States, and the extent and character of the exhibit authorized hereunder that would best serve the interests of the United States and its citizens, and would be best adapted to illustrate the growth and development of the country and the character of our people. That thereafter, and as soon as practicable, said commissioners shall report fully to the President and to Congress the result of such investigation, together with their recommendations and the estimated cost of said participation in said exposition within the foregoing authorization; and it shall also be the duty of the commissioners-general to report to the President for transmission to Congress at the beginning of each regular session a detailed statement of all expenditures incurred hereunder. That one of said commissioners-general shall receive as compensation for his services the sum of \$8,000 per annum; that the other two commissioners-general shall receive as compensation for their services from and after January 1, 1909, \$2,000 per annum for the first year and \$5,000 per annum thereafter; together with the actual traveling expenses of all of said commissioners-general, including sleeping-car service and a per diem in lieu of subsistence of \$5 when actually traveling in the discharge of their duties as said commissioners-general. That the President shall also appoint a secretary at a compensation of \$5,000 per annum, together with his actual traveling expenses, including sleeping-car service and a per diem in lieu of subsistence of \$5 when actually traveling in the discharge of his duties as such secretary, who shall act as disbursing agent and who shall perform such duties as may be assigned to him from time to time by the commissioners-general, and who shall render his accounts at least quarterly to the proper accounting officers of the Treasury of the United States, and shall give bond in such sum as the Secretary of the Treasury may require. And the said commissioners-general, subject to the approval of the Secretary of State, shall appoint from time to time such clerical and other assistants as may be necessary and as may hereafter be appropriated for in connection with the preparation of the plan and other necessary services as may be required in connection with the participation herein authorized.

SEC. 3. That upon the request of the Secretary of State the Secretary of War is hereby authorized to furnish free transportation on Government transports from San Francisco to Japan and return of all Government exhibits and for such officials or employees connected with the commission or in charge of any or all Government exhibits.

SEC. 4. That the sum of \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the salaries and all other expenses herein authorized and incurred in ascertaining the general plan of said National Exposition and the preparation and report to Congress of the plan and extent of our proposed participation therein and the estimate of the amount necessary to meet the expense thereof during the fiscal year 1910, to be immediately available.

Mr. CULLOM. The Committee on Foreign Relations have considered that amendment and have instructed me to move that the Senate concur therein.

The VICE-PRESIDENT. Without objection, the amendment is concurred in.

COL. WILLIAM F. STEWART.

Mr. RAYNER. I ask that the Committee on Military Affairs be discharged from the further consideration of the joint resolution (S. R. 82) relating to certain charges against Col. William F. Stewart, of the Coast Artillery. It was Table Calendar No. 17.

The VICE-PRESIDENT. The Senator from Maryland moves that the Committee on Military Affairs be discharged from the further consideration of the following joint resolution. It has no Calendar number.

Mr. WARREN. Evidently the Senator from Maryland desires to move that the committee be discharged from the consideration of the joint resolution that is now in the hands of the Committee on Military Affairs. Consequently it is not on the Calendar and probably it is not on the desk.

Mr. RAYNER. Mr. President, I think the reading of the joint resolution can be dispensed with. I will state what the joint resolution is. I ask unanimous consent that the reading of the joint resolution be dispensed with.

The VICE-PRESIDENT. The joint resolution is not upon the table.

Mr. WARREN. As I said before, the joint resolution is not on the Calendar nor is it in the possession of the clerks at the desk.

The VICE-PRESIDENT. That is correct.

Mr. WARREN. The Senator from Maryland evidently wishes to discuss the matter, after which he wishes the Senate to vote to discharge the committee. That is what I understand the Senator desires to do.

The VICE-PRESIDENT. The Senator from Maryland asks that the reading of the joint resolution be dispensed with.

Mr. RAYNER. Yes, I ask unanimous consent that the reading of the joint resolution be dispensed with.

Mr. LODGE. I wish to ask what is before the Senate.

The VICE-PRESIDENT. The Senator from Maryland has moved that the Committee on Military Affairs be discharged from the further consideration of Senate joint resolution 82, and he asks that the reading of the joint resolution be dispensed with. The joint resolution is not in charge of the clerks at the desk.

Mr. BURKETT. It seems to me that we ought to know something about the joint resolution. It ought to be read before action is taken on it.

Mr. RAYNER. I will state to the Senator from Nebraska what it is. It is a joint resolution with reference to the case of Colonel Stewart. The joint resolution has been read here, and during the course of the very brief argument that I shall make in the few minutes that I will claim the attention of the Senate I will state what the joint resolution is. I have a substitute to offer for the joint resolution. It is with reference to a court of inquiry in the case of Colonel Stewart.

I am satisfied that there will be no report during this session upon this resolution that I have called up. It was sent to the committee last Wednesday. I appeared before the committee upon the following day. The latest information that I received in reference to this resolution was on the next day, last Friday, when I was indirectly informed that certain papers in connection therewith had not yet arrived from the War Department. It is now Wednesday, and we are only a few days from adjournment. It is doubtful whether a messenger can start with all of these papers from the War Department to-day and by the swiftest means of conveyance reach the Senate by Saturday. It is not probable that he can make the trip within that time. It is a long and tedious journey, and it would be cruel to compel anyone to make it continuously without relaying at the White House and at other stations between one terminus and another. I do not desire to impose any unnecessary labor upon any of the Senate employees. I have measured the distance, and if a messenger with these papers was to ride five blocks a day and started from the War Department at this moment, he would not reach here until after the adjournment of Congress.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. RAYNER. I respectfully decline to submit to any interruption.

The VICE-PRESIDENT. The Senator from Maryland declines to be interrupted.

Mr. WARREN. It strikes me that in asking unanimous consent—

Mr. RAYNER. Mr. President, I must respectfully decline to submit to any interruption.

Mr. WARREN. Very well; I object to the further consideration of this matter.

The VICE-PRESIDENT. Objection is made, and under the rule the motion can not be considered to-day.

Mr. RAYNER. Mr. President, I had the floor.

The VICE-PRESIDENT. The rule provides that—

Mr. RAYNER. I will say to the Senator from Wyoming that before I conclude I will submit to interruptions, but not just at this moment.

Mr. WARREN. The Senator has had his opportunity. I wished simply to correct him on a matter, but I object to the further consideration of the motion on the ground that the Senator is speaking—

Mr. RAYNER. If the Senator desires to correct me in a statement of fact I am perfectly willing to yield. I think I have the floor.

Mr. CULBERSON. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. CULBERSON. I understood the Senator from Maryland to have submitted a motion to discharge the Committee on Military Affairs from the further consideration of the joint resolution and that unanimous consent was given for consideration.

The VICE-PRESIDENT. Unanimous consent was not given. The Senator from Maryland submitted a motion. The rule is that "motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct." It requires unanimous consent for the present consideration of the motion.

Mr. CULBERSON. I rose simply to make the inquiry. I did not know how the Senator from Maryland was proceed-



ing to make a speech except by unanimous consent, and that seemingly having been given, it could not be withdrawn by the Senator from Wyoming. That is the inquiry I submit to the President of the Senate.

The VICE-PRESIDENT. The Senator from Maryland did not ask unanimous consent. The Senator from Maryland moved that the committee be discharged from the further consideration of the joint resolution, and the Chair is of the opinion that unless unanimous consent is given the motion must lie over one day for consideration.

Mr. CULBERSON. But I submit to the Chair that the Senator from Maryland was proceeding to consider the joint resolution, which he was not permitted to do except by unanimous consent, and I assumed that that consent had been given.

The VICE-PRESIDENT. That consent had not been given.

Mr. RAYNER. Mr. President, I thought that I had the floor, and if it is necessary for me to ask unanimous consent to make the remarks that will take me about fifteen or twenty minutes I suppose I will have to do it. I will state to the Senator from Wyoming—

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. WARREN. I object.

The VICE-PRESIDENT. Objection is made.

Mr. RAYNER. Mr. President, just a moment. I will submit to any correction of fact the Senator from Wyoming wants to make. If I made any misstatement of fact I will yield for a correction. I propose to address the Senate on the joint resolution now or at some other time. I ask the Senator from Wyoming if there has been any misstatement of fact he wants to correct. If there has been any misstatement of fact I will submit to any correction he wants to make.

Mr. WARREN. I was undertaking to assist the Senator from Maryland to get the floor. He did not proceed under the rule, and I tried to correct him. He did not proceed under the rule, and I asked leave to interrupt him and he refused. Therefore, I object.

Mr. RAYNER. I withdraw that refusal. I shall withdraw the refusal and let the Senator from Wyoming make the statement he wants.

Mr. WARREN. Very well; I have no objection if the Senator is willing to submit to brief interruptions, as is usual on the Senate floor. On the other hand, I do not expect to use two minutes of the Senator's time.

The VICE-PRESIDENT. The objection is withdrawn.

Mr. WARREN. I have a very short interruption to make.

Mr. RAYNER. I yield to the Senator.

Mr. WARREN. Before the Senator proceeds further, I wish to make an observation. I notice that he starts out on the hypothesis that the Committee on Military Affairs is not to consider this matter and report it at the present session. I wish to say to the Senator that he is in error. He has no authority, at least from the chairman of the committee, to make that statement. Of course, this fine sarcasm about how long it takes to go down to the Department and back I am willing he may indulge in to his heart's content, but I desire to say that the chairman of the committee sent a letter signed by the chairman representing the committee to the White House and to the War Department, asking for the papers bearing on this matter before the resolution itself was sent from the presiding officer's desk to the rooms of the committee, and the members of the committee have proceeded with all due diligence and speed since that time.

Having said that, the Senator can make any assertion to the contrary he wishes.

Mr. RAYNER. Mr. President, I made no such statement, and the Senator is wholly premature. I am proceeding now, I understand, by unanimous consent. I made no statement that I had any information from the chairman of the Committee on Military Affairs. I said I was satisfied there would be no report, and I am absolutely and perfectly satisfied of this; and I do not recall one word of that utterance.

Now I will proceed.

Nor do I think any advantage would be derived if this communication should be sent by mail. If it were deposited in the city post-office to-day, I am satisfied, with all the work that has devolved upon the chairman of the Military Committee, it would be utterly impossible for him to open the entire package by Saturday. It is evidently an enormous bundle, and it would have to be handled in sections.

I have no doubt the President has done everything in his power to procure the chairman of the Military Committee to make a report upon this resolution as speedily as possible, but we all realize that the President has no influence with the distinguished chairman of the Military Committee and that all his efforts in this regard must have been useless and unavailing.

It is evident that the President does not want to keep this officer at Fort Grant. All his actions tend strongly to show that he has no desire to do this. The only reason that he keeps him there is, as he has stated, that there is no other place in the United States that this officer could be assigned to, and that he has been stationed at this spot simply because there is no other spot to which he could be remitted over which the United States has any jurisdiction. It is therefore my duty to say that I appreciate the united efforts of the President and the War Department and the honorable chairman of the Military Committee to expedite this case. It is proper for me to remind the Senate, however, that while this case is being thus expedited Colonel Stewart is upon the heights of Arizona. He is at a high altitude, as explained upon a former occasion by the chairman of the Military Committee, as high as the President can get him, with very little chance of his getting down any lower within any definite period of time. Being at a high altitude, he ought not to complain. The climate is salubrious and uniform, it being as cold in winter as it is hot in summer; the surroundings are all salutary, his companions are festive and convivial, consisting of a care taker, a teamster, and several Government mules, and the society at this fashionable center is therefore extremely exclusive and select. The President is delighted with the situation, and therefore the chairman of the Military Committee ought also to be satisfied.

If the President is satisfied, everybody ought to be satisfied. Why not? What right has anybody to be dissatisfied with anything that satisfies the President? Who would be guilty of such a treasonable act? The King can not commit a wrong, and, therefore, the President can not commit a wrong. Congress may make the gravest mistakes. Courts may err. Human judgment at the zenith of its strength may arrive at faulty and erroneous conclusions, but the Executive can never blunder. Infallibility is one of his attributes. When he comes to a conclusion upon strictly ex parte testimony, his position is impregnable. When he has finished with the prosecution, and there has been no testimony allowed to be produced on the other side, he is so well fortified and intrenched that you can not dismantle him. When he has his victim upon the heights of Arizona and declines to receive any communication from him and positively asserts that there is no necessity of examining his witnesses or hearing his testimony, he is then in a position to administer justice with an absolutely impartial and unprejudiced mind. A judge who hears both sides may have his mind disturbed, but a President who hears only one side can proceed with accuracy and precision to final judgment without the slightest danger of making any mistake upon the testimony he has heard. The Constitution in Article VI gives even to a criminal the right to be informed of the nature and cause of the accusation against him; it permits him to be confronted with the witnesses against him, to have process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The President prefers to try the case without any witnesses for the defense, because if witnesses for the defense were summoned, he defiantly proclaims, to use his own language, "they could not possibly upset the judgment that he had already rendered." This is the President's conception of justice, and his army of courtiers and flatterers, who bask in the sunlight of his favor, eulogize and applaud him. In the meantime his victim is in the wilds of Arizona. The President does not propose to hear him or to receive any communication from him whatever. He has promulgated his decree, and that is the end of it.

It behooves me in passing to say that this is not the first time that such an act of injustice has been perpetrated in the annals of persecution; it will not be the last time. How many times—

Shall this our lofty scene be acted over  
In states unborn and accents yet unknown!

I want it distinctly understood now that I am not here asking any sympathy or mercy for this convicted officer—convicted in the face of human rights and constitutional guarantees. I would rather be the suffering victim than the triumphant persecutor. This officer evidently possesses a brave spirit, whatever other infirmities he may have in conjunction with the balance of the human race. No one of us is perfect; no one except the President.

I will put this resolution now in a modified form, not because I expect the President to relent, but because I want to ascertain when the Senate records its opinion whether the President will not awaken to a proper sense of his constitutional prerogative. This, then, is the somber question before the Senate: Whether it proposes to acquiesce in the proposition that the President

has a right to degrade and punish an officer of the United States without a trial, or whether as Commander in Chief he is bound by the laws of the country? Is there any doubt about the principle involved? Will the American Senate long debate it? Is there a Senator here who does not think that the President has set a precedent in this case which is absolutely destructive of the cardinal principles of our institutions and which ought not for a moment to prevail in any country where free men live? Do we grasp the idea that is involved in this judgment that he has promulgated, a judgment that will enable him to inflict any sentence upon any officer without a trial, and that would make him not a commander in chief, but a military dictator in time of peace? It is too appalling to contemplate that an American Senate should sit by and permit a wrong of this sort to be perpetrated with impunity. Is there no relief? If the Senate refuses to act, the only relief that I can now think of would, perhaps, speedily come if this officer were to die in the place of his captivity. Then the country would, perhaps, come to the conclusion that no other man should ever die by the same methods. One of England's bravest admirals was shot to death upon his quarter-deck for committing an error of judgment. One of England's greatest jurists, construing the cold letter of the law, held that an error of judgment was punishable by death. Parliament never moved, but when the work was done the whole world rang in denunciation of the murderous deed.

Mr. President, I have said now upon three occasions all that I can say upon this subject. I have appealed to the President; my appeal has been in vain. I have appealed to the chairman of the Military Committee; my appeal has been in vain. I appeal now to the Senate of the United States. I have said before, and I repeat again, that there is no political consideration involved in this controversy. It has no political significance in my State whatever, and my people know that no such paltry motive as this would enter into my mind. The accused officer is not a native or resident of my State, and if it is a matter of State pride, I hope my appeal will awaken the support of the senior Senator from Rhode Island, because the officer is from that State—a State small in area, but one that has sent to this floor a leader who has not only the courage of his convictions, but a heart that responds when a question of right or wrong is involved.

I believe if a vote could be taken upon this resolution that a majority of the Senate would decide in favor of the main proposition that it embodies, and that proposition is that there is no such principle in the civil or military jurisprudence of the United States as a conviction without a tribunal to convict that has heard the case. Is there a Senator here who does not believe that this officer is entitled to be heard in his own defense? Why hesitate then to give an expression of opinion? No party question is involved in this issue. It may involve a difference with the President upon the legal phases of the subject, but what is that? When Mr. Cleveland was President a number of Senators and Representatives from his own party disagreed with him upon questions of public policy. I thought that they were wrong, and I stood with him to the end, but they gave expression to their views. If Republican Senators agree with me, why will they not give this man a right to be heard? He may have committed all the offenses that the President charges against him. Let him speak! It is only a human privilege that he asks for. Is the Republic afraid to permit an officer who has followed its flag for forty years to be heard in his own defense? It is said that he is not proscribed. Well, if he is not proscribed, what is he? He is marooned away from home and from communication and from comrades and friends and associates, practically in solitary confinement at an abandoned post, where, like the exile among the rocks of St. Helena, he can walk with his hands behind his back, looking at the stars.

The answer comes, he must retire. If he has a vestige of slumbering courage in his breast he will not retire. Retirement means disgrace without a hearing. It means eternal ignominy to his name. I do not think there is a man in this Senate who has a military record who would not under similar circumstances defiantly decline to yield to such an alternative as this. Retire? Yes, if a military tribunal decides upon a hearing that he is no longer qualified for the public service. Retire, degraded and humiliated, crushed and silenced to submission? Never while there is a spark of honor thrilling in his veins.

I have now concluded, Mr. President. I ask the Senate to give me a vote upon the resolution in its modified form as I shall present it. I may be wrong, but I feel that the Senate is with me upon the merits of the resolution. It is tied up now with a technical objection that it will not take it from the hands of the committee. I wish there were a power here that could

enable me to invoke every member of the committee to express his opinion upon the subject. Let it be understood that I make no threats. I am not imbued with a threatening spirit. I shall, however, make a plain and unvarnished statement—a prophecy and not a threat. I predict that if there is no relief anywhere, if the President's resolve is the final scene in this tragedy, then something will occur that has happened over and over again before. Public opinion does not realize the situation now, all it knows is that the President has punished an officer of the Army because in his judgment he is objectionable to the service. It has not yet grasped the entire environment. It does not as yet comprehend that the President has taken a stand that no sovereign or monarch in any other civilized land would dare to take at this enlightened day. When it understands the proposition fully, then public opinion will move, it will move along the avenues of public intelligence, it will be heard through the channels of public expression, it will move slowly but surely to the place of captivity, it will take the unfortunate officer and transfer him from the custody of the President into the presence of the President, and trampling with an iron heel upon the desperate experiment of authority that the President has used, it will give to his victim, humble, unimportant, and pretensionless as he may be, the right to be heard in self-defense, a right not only accorded him by the laws of his land, but a natural right that God has given him, and which it should not lie with in the power of any potentate or ruler in the universe to deprive him of if there is any conscience or humanity in the heart of man or any justice left upon this earth.

Now, Mr. President, I submit the resolution in its modified form, and I shall ask its consideration. I first ask for the discharge of the Committee on Military Affairs from the further consideration of the resolution which was referred to it.

Can I submit the resolution now at the same time that I ask for the discharge of the committee from the consideration of the former resolution, Mr. President?

The VICE-PRESIDENT. What is the request of the Senator from Maryland?

Mr. RAYNER. I will read the resolution, Mr. President.

*Resolved—*

I have framed this resolution twice. This is the third form that I have put it in, and I can not modify it any more without destroying it—

*Resolved, That Col. William F. Stewart, of the Coast Artillery, United States Army, is, in the opinion of the Senate, entitled to be heard, together with his witnesses, upon the charges that have been made against him and that are contained in a report to the President, and that the President is requested to convene a court of inquiry for the purpose of giving him and his witnesses the opportunity to be heard, and that the said court render its opinion upon the facts submitted after the hearing, as is usual in the proceedings of courts of inquiry.*

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. RAYNER. I do.

Mr. ALDRICH. I suggest to the Senator from Maryland that it is not necessary to discharge the committee from the consideration of the former joint resolution to enable him to offer the one he now presents.

Mr. RAYNER. So I understand. I offer the resolution which I send to the desk, and move that the Senate proceed to its consideration.

Mr. LODGE. I ask that the resolution go over.

The VICE-PRESIDENT. The Chair will first put the question. The Senator from Maryland moves that the Senate proceed to the consideration of the resolution which will be read by the Secretary.

Mr. LODGE. The Senator can not do that in the presence of one objection.

The VICE-PRESIDENT. The question on the consideration of the resolution will be put by the Chair to the Senate, and then the Chair will recognize the Senator from Massachusetts.

Mr. LODGE. The resolution will have to go over under the rule.

The VICE-PRESIDENT. The resolution has not yet been read to the Senate.

Mr. LODGE. I beg pardon of the Chair; I thought the resolution had been read.

The VICE-PRESIDENT. The resolution will be read to the Senate, and then the Chair will recognize the Senator from Massachusetts. The Senator from Maryland [Mr. RAYNER] offers a resolution, which will be read by the Secretary.

The Secretary read the resolution as follows:

*Resolved, That Col. William F. Stewart, of the Coast Artillery, United States Army, is, in the opinion of the Senate, entitled to be heard, together with his witnesses, upon the charges that have been made against him and that are contained in a report to the President.*



and that the President is requested to convene a court of inquiry for the purpose of giving him and his witnesses the opportunity to be heard, and that the said court render its opinion upon the facts submitted after the hearing, as is usual in the proceedings of courts of inquiry.

Mr. LODGE. I ask that the resolution go over, Mr. President.

The VICE-PRESIDENT. The resolution will lie over.

#### INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS. I ask unanimous consent for the present consideration of the bill (H. R. 21899) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States.

Mr. SCOTT. Mr. President, I would ask the Senator from Nevada—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from West Virginia?

Mr. NEWLANDS. I do.

Mr. SCOTT. I ask the Senator from Nevada if he will not yield to me, so that I may call up the public buildings bill and have it considered in order that it may be passed and get into conference?

Mr. NEWLANDS. Mr. President, I will state to the Senator from West Virginia that the bill for which I ask consideration has been pending for some time.

The VICE-PRESIDENT. The Senator from Nevada [Mr. NEWLANDS] asks unanimous consent that the Senate proceed to the consideration of the bill named by him, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 21899) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States.

Mr. BURKETT. Mr. President, as a member of the Committee on Public Buildings and Grounds, I will say that the bill, consideration of which is asked for by the Senator from West Virginia [Mr. SCOTT], was reported to the Senate yesterday. It is now ready for consideration. There are so many items in it and so much time will be required in adjusting the bill in conference that it seems to me it ought to have the right of way. I therefore ask the Senator from Nevada [Mr. NEWLANDS] to withhold his request until the chairman of the Committee on Public Buildings and Grounds can call up the public buildings bill and have it passed. If the Senator from Nevada will not do so, I shall be constrained to object at this time to the consideration of the bill moved by him, on account of the great length of the public buildings bill and the time which will necessarily be required in its consideration.

Mr. NEWLANDS. Mr. President, the bill for which I ask consideration is a very important bill. As I have stated, it has been pending some time, and unless it is considered now I am afraid I shall not be able to get consideration of it.

Mr. PENROSE. I object to the consideration of the bill.

Mr. NEWLANDS. Then I move that the Senate proceed to its consideration.

The VICE-PRESIDENT. The Senator from Nevada moves that the Senate proceed to the consideration of the bill, the title of which has just been stated.

Mr. SCOTT. I move to amend the motion—

The VICE-PRESIDENT. The question is not open to either debate or amendment. [Putting the question.] The "noes" have it.

Mr. NEWLANDS. I ask for the yeas and nays on my motion. The yeas and nays were not ordered.

#### OMNIBUS PUBLIC BUILDINGS BILL.

Mr. SCOTT. I move that the Senate proceed to the consideration of House bill 21897, being the omnibus public buildings bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. SCOTT. I ask unanimous consent that the formal reading of the bill may be dispensed with, that it be read for amendment, the committee amendments to be first considered.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the com-

mittee amendments to be first considered. Is there objection? The Chair hears none, and it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Public Buildings and Grounds was, on page 2, after line 3, to insert:

United States post-office at Dothan, Ala., \$60,000.

Mr. SCOTT. I move to amend the amendment in line 4, after the word "post-office," by inserting the words "and court-house."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 2, after line 11, to insert:

United States post-office and custom-house at San Diego, \$75,000.

Mr. SCOTT. I move to amend the amendment of the committee in line 12, after the words "San Diego," by inserting the word "California."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 2, after line 17, to insert:

That the limit of cost of the United States post-office and court-house at Colorado Springs, Colo., be increased from the sum of \$275,000 to the sum of \$290,000, said increase to be employed in substituting granite for sandstone.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

United States post-office at Trinidad, Colo., \$15,000.

The amendment was agreed to.

The next amendment was, on page 3, line 2, to increase the appropriation for the United States post-office at Willimantic, Conn., from \$10,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

United States post-office and court-house at Ocala, Fla., \$25,000.

Mr. TALIAFERRO. Mr. President, I hope the committee—

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from West Virginia?

Mr. SCOTT. I will say to the Senator from Florida that the bill is being read for committee amendments only.

The VICE-PRESIDENT. Amendments to committee amendments are in order as the reading of the bill proceeds.

Mr. TALIAFERRO. Is it not in order to move to disagree to a committee amendment?

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. TALIAFERRO. I want to ask that the amendment be disagreed to. I ask the chairman of the committee not to insist upon the amendment. I will explain that there is an appropriation already of about \$90,000 for a public building at Ocala, but the Department finds it necessary to have more money to construct and complete the building according to the plans proposed and according to the needs of the city. I hope very much that the chairman of the committee will not insist on striking out the additional amount.

Mr. SCOTT. There are only 3,380 inhabitants at Ocala. This is to increase the limit of cost for the building at that place \$25,000. They already have an appropriation for a building there, and the chairman of the committee certainly hopes the Senate will sustain the committee in striking the item out.

Mr. TALIAFERRO. The chairman is not advised as to the population of Ocala, Mr. President, if he insists that there are only three or four thousand inhabitants there. There are certainly not less than—

Mr. SCOTT. I have only taken the figures from the Census Bureau.

Mr. TALIAFERRO. We can not be guided to-day by the census of eight years ago. There are certainly eight or ten thousand inhabitants there, and if this money had not been necessary to complete the building it would not have been provided for by the other House. I hope the Senate will disagree to the amendment.

Mr. SCOTT. I hope the Senate will stand by the committee. It has given this bill great thought and as much consideration as possible. If the appropriations it carried are to be increased on the floor of the Senate over the large amount it now contains I am satisfied the entire bill will fail.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 4, line 20, before the word "thousand," to strike out "sixty-five," and to insert "seventy-one," and in the same line, after the word "dollars," to insert "and in addition thereto the Secretary of the Treasury is authorized to expend not to exceed \$6,250 for the purchase of additional ground west of the present site," so as to make the clause read:

United States post-office and court-house at Council Bluffs, Iowa, \$71,000, and in addition thereto the Secretary of the Treasury is authorized to expend not to exceed \$6,250 for the purchase of additional ground west of the present site.

The amendment was agreed to.

The next amendment was, on page 5, line 8, to reduce the appropriation for United States post-office at Danville, Ky., from \$30,000 to \$11,000.

The amendment was agreed to.

The next amendment was, on page 6, line 3, to increase the appropriation for United States court-house at Portland, Me., from \$50,000 to \$90,000.

The amendment was agreed to.

The next amendment was, on page 6, line 15, to increase the appropriation for United States post-office at Manistee, Mich., from \$20,000 to \$35,000.

The amendment was agreed to.

The next amendment was, on page 6, line 22, to increase the appropriation for United States post-office at Sault Ste. Marie, Mich., from \$40,000 to \$50,000.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

United States post-office and other Government offices at Duluth, \$95,000.

Mr. SCOTT. I move to amend the amendment in line 2, page 7, after the name "Duluth," by inserting "Minnesota."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 7, after line 10, to insert:

United States post-office and custom-house, Gulfport, Miss., \$40,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

United States post-office at Kearney, Nebr., \$30,000.

The amendment was agreed to.

The next amendment was, on page 8, line 13, to increase the appropriation for United States post-office at Watertown, N. Y., from \$6,000 to \$23,000.

The amendment was agreed to.

The next amendment was, on page 8, line 22, to increase the appropriation for United States post-office and court-house at Salisbury, N. C., from \$40,000 to \$65,000.

The amendment was agreed to.

The next amendment was, on page 8, line 24, to increase the appropriation for United States post-office and court-house at Washington, N. C., from \$35,000 to \$45,000.

The amendment was agreed to.

The next amendment was, on page 9, line 2, to reduce the appropriation for United States post-office and court-house at Cleveland, Ohio, from \$850,000 to \$500,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to insert:

United States post-office and other governmental offices at Toledo, Ohio, \$75,000.

The amendment was agreed to.

The next amendment was, on page 9, line 16, to increase the appropriation for United States post-office at Charleroi, Pa., from \$25,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 9, line 24, to increase the appropriation for United States post-office and court-house at Anderson, S. C., from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, on page 10, line 2, to increase the appropriation for United States post-office at Sumter, S. C., from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 12, to insert:

United States post-office at Tyler, Tex., \$15,000.

Mr. CULBERSON. I suggest to the chairman of the committee a mere formal amendment to the amendment, after the word "post-offices," in line 13, page 10, to insert the words "and court-house."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 10, line 13, after the word "post-office," it is proposed to insert the words "and court-house."

Mr. SCOTT. I accept the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 10, after line 16, to insert:

United States post-office and other governmental offices at Salt Lake City, Utah, \$200,000.

Mr. SCOTT. I move to amend the amendment in line 18, after the word "dollars," by striking out the period, inserting a colon and the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment reported by the committee, on page 10, line 18, after the word "dollars," it is proposed to strike out the period and insert a colon and the following proviso:

*Provided*, That the Secretary of the Treasury is authorized to expend such portion thereof as may be needed to acquire additional land for the enlargement of the present site, if found necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 11, line 12, before the word "thousand," to strike out "twenty" and insert "fifty;" and after the word "dollars," at the end of line 12, to insert:

*Provided*, That the Secretary of the Treasury is hereby authorized and directed to expend for the purchase of a suitable site so much of the amount heretofore authorized in the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 30, 1906, as may be necessary.

So as to make the clause read:

United States post-office at Fairmont, W. Va., \$50,000: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to expend for the purchase of a suitable site so much of the amount heretofore authorized in the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 30, 1906, as may be necessary.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

United States post-office at Grafton, W. Va., \$15,000: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to expend for the purchase of a suitable site so much of the amount heretofore provided for in the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 30, 1906, as may be necessary.

The amendment was agreed to.

The next amendment was, on page 12, after line 7, to insert the following proviso:

*Provided*, That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the present post-office, court-house, and custom-house building, and the site thereof, situate at the corner of Market and Sixteenth streets, in the city of Wheeling and State of West Virginia, at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said building and site shall not be sold for any sum less than \$100,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 21, to insert:

United States post-office at Green Bay, Wis., \$5,000, to be used in erecting a stone facing for the east wall of the Government building.

The amendment was agreed to.

The next amendment was, in section 2, page 13, line 18, after the word "post-office," to strike out "and court-house;" and in line 19, before the word "thousand," to strike out "forty-five" and insert "fifty," so as to make the clause read:

United States post-office at New London, Conn., \$50,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to insert:

United States post-office and court-house at Wilmington, Del., \$125,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to strike out:

United States post-office and court-house at Augusta, Ga., \$10,000.

The amendment was agreed to.



The next amendment was, at the top of page 14, to insert:  
United States post-office and other governmental buildings at Boise, Idaho, \$125,000.

The amendment was agreed to.

The next amendment was, on page 14, line 9, to increase the appropriation for United States post-office and court-house at Quincy, Ill., from \$75,000 to \$125,000.

The amendment was agreed to.

The next amendment was, on page 14, line 14, to increase the appropriation for United States post-office and court-house at Davenport, Iowa, from \$60,000 to \$70,000.

The amendment was agreed to.

The next amendment was, on page 14, line 21, after the word "post-office," to strike out "and court-house," so as to make the clause read:

United States post-office at Lexington, Ky., \$80,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

United States post-office and court-house at Frankfort, Ky., \$60,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

United States post-office and court-house at Richmond, Ky., \$10,000, for the installation of an elevator.

The amendment was agreed to.

The reading was continued to the end of line 13, on page 15.

Mr. SCOTT. After line 13, on page 15, I move to insert:

United States post-office at Lansing, Mich., \$25,000.

It was left out by mistake. It is for enlargement and repairing.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 15, after line 15, to insert:

United States post-office at Beatrice, Nebr., \$50,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 17, to insert:

United States post-office at Fremont, Nebr., \$50,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 21, to insert:

United States post-office at Hoboken, N. J., \$60,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 2, to insert:

United States post-office and court-house at Trenton, N. J., \$50,000.

The amendment was agreed to.

The next amendment was, on page 16, line 23, to increase the appropriation for United States post-office and court-house at Sioux Falls, S. Dak., from \$50,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to insert:  
United States post-office at Charlottesville, Va., \$35,000, to be used for supplying and placing in position, complete, the marble entablature and columns for said building as contemplated by the original plans and specifications.

The amendment was agreed to.

The next amendment was, on page 17, line 11, to increase the appropriation for United States post-office at Danville, Va., from \$55,000 to \$70,000.

The amendment was agreed to.

The next amendment was, in section 3, page 19, after line 2, to insert:

United States post-office at Demopolis, Ala., \$40,000.

The amendment was agreed to.

The next amendment was, on page 19, line 8, to reduce the appropriation for United States post-office at Santa Cruz, Cal., from \$90,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 19, line 18, to increase the appropriation for United States post-office and land office at Lewiston, Idaho, from \$75,000 to \$85,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

United States post-office at Greencastle, Ind., \$50,000.

The amendment was agreed to.

The next amendment was, on page 20, line 6, to increase the appropriation for United States post-office at Jeffersonville, Ind., from \$50,000 to \$65,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 8, to insert:

United States post-office and other governmental offices at Peru, Ind., \$75,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to strike out:

United States post-office at Estherville, Iowa, \$60,000.

Mr. ALLISON. I hope the Senator from West Virginia will not insist upon this amendment.

Mr. SCOTT. I think if the Senator will wait until we are through with the bill he will be satisfied.

Mr. ALLISON. I will gladly wait.

The amendment was agreed to.

The next amendment was, on page 20, line 16, to reduce the appropriation for United States post-office at Shenandoah, Iowa, from \$60,000 to \$40,000.

The amendment was agreed to.

The next amendment was, on page 20, line 18, to reduce the appropriation for United States post-office and court-house at Catlettsburg, Ky., from \$100,000 to \$50,000.

Mr. PAYNTER. Mr. President, I realize the importance of getting the bill into conference, and therefore I will not ask the Senate to disagree to the amendment which has been reported by the committee, trusting that the conferees on the part of the Senate will get in conference more information in relation to the importance and necessity of an appropriation of a hundred thousand dollars for the purpose of erecting a public building at Catlettsburg, Ky., and that the conferees will agree to the bill as it was passed by the House. Catlettsburg is situated at the confluence of the Big Sandy and Ohio rivers. It is a growing city, being a large distributing point for the Big Sandy Valley. A Federal court is established there, and will always, by reason of its location, continue to be.

Nothing less than \$100,000 will construct a building suited to the need of the governmental business at that place. I earnestly appeal to the Members who are to serve as conferees on the part of the Senate to examine carefully into the necessity for an appropriation of \$100,000 for the building at Catlettsburg, and if they do so I feel sure they will agree with conferees of the House that that amount is needed. Believing it will not aid in receiving the \$100,000 to ask the Senate at this time to reject the amendment proposed by the committee, I will not do so.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to strike out:

United States post-office at Austin, Minn., \$50,000.

The amendment was agreed to.

The next amendment was, on page 22, line 1, to increase the appropriation for United States post-office at Independence, Mo., from \$75,000 to \$80,000.

The amendment was agreed to.

The next amendment was, on page 22, line 21, to increase the appropriation for United States post-office at Middletown, N. Y., from \$60,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 14, to insert:

United States post-office at Easton, Pa., \$100,000.

The amendment was agreed to.

The next amendment was, on page 23, line 18, to increase the appropriation for United States post-office at Greensburg, Pa., from \$70,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 23, line 22, to increase the appropriation for United States post-office at Shamokin, Pa., from \$65,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to insert:

United States post-office at Hinton, W. Va., \$50,000.

The amendment was agreed to.

The next amendment was, in section 4, page 25, after line 21, to insert:

United States post-office at Jonesboro, Ark., \$60,000.

The amendment was agreed to.

The next amendment was, on page 26, line 4, to reduce the appropriation for United States post-office at Santa Barbara, Cal., from \$110,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to insert:

United States post-office at Riverside, Cal., \$125,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 15, to insert:

And of the money hereby appropriated a sum not exceeding \$30,000 may be expended for the purchase of a suitable site.

Mr. CULBERSON. I call the attention of the chairman of the committee to an idea which occurs to me, that the proviso ought to be attached to the appropriation for Bristol.

Mr. SCOTT. That is just what I was going to ask.

Mr. CULBERSON. There should be a semicolon.

The SECRETARY. After the word "Bristol" it is proposed to strike out the period and insert a semicolon and run in the item.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 26, after line 20, to insert: United States post-office at Wallingford, Conn., \$60,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to insert:

United States post-office, custom-house, and other governmental offices at Miami, Fla., \$175,000.

Mr. TALIAFERRO. I wish to ask the chairman of the committee to add the word "court-house" after the word "post-office" in this provision.

Mr. SCOTT. If the Senator wants to add the word "court-house," I will accept the amendment.

Mr. BURKETT. Is there a court at Miami?

Mr. TALIAFERRO. The Senator from Florida would not ask for the insertion of the word "court-house" if there was not.

Mr. BURKETT. I will say to the Senator that such things have been done.

Mr. TALIAFERRO. There is a court there.

Mr. BURKETT. It was not the understanding of the committee that there was.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 27, after line 6, to insert: United States post-office at Milledgeville, Ga., \$50,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert: United States post-office at Elwood, Ind., \$50,000.

The amendment was agreed to.

The next amendment was, at the top of page 29, to insert:

United States post-office and other Government offices at Independence, Kans., \$75,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 2, to insert:

United States post-office and other Government offices at Parsons, Kans., \$75,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 10, to insert: United States post-office at Crowley, La., \$55,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 12, to insert: United States post-office at Franklin, La., \$50,000.

The amendment was agreed to.

The next amendment was, on page 29, line 16, to reduce the appropriation for United States post-office at Waterville, Me., from \$120,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 29, line 24, to reduce the appropriation for United States post-office at Milford, Mass., from \$80,000 to \$60,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 6, on page 30.

Mr. SMITH of Michigan. I think a mistake has been made in line 5. It should be "seventy" instead of "sixty-five."

Mr. SCOTT. The committee accepts the amendment. It is a mistake.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, line 5, after the words "Ionia, Mich.," it is proposed to strike out "sixty-five" and insert "seventy," so as to read:

United States post-office at Ionia, Mich., \$70,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 30, line 14, to reduce the appropriation for United States post-office at Virginia, Minn., from \$60,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

United States post-office and other governmental offices at Marysville, Mo., \$50,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 4, to insert:

United States post-office and other governmental offices at Missoula, Mont., \$130,000.

Mr. DIXON. I want to call the attention of the chairman of the committee to the amendment in lines 5, 6, and 7, on page 31, relative to Missoula, Mont. It has inadvertently been inserted under section 4; it should go in section 3, the site having been acquired two years ago.

Mr. SCOTT. That is right. We will change it. It is a mistake.

Mr. DIXON. Yes.

The VICE-PRESIDENT. At what point does the Senator from Montana wish to have the amendment inserted?

Mr. DIXON. I ask that it be transposed from page 31 to page 22, after line 9.

The VICE-PRESIDENT. Without objection, it is so ordered. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 31, after line 11, to insert:

United States post-office and other governmental offices at Goldfield, Nev., \$75,000.

The amendment was agreed to.

The next amendment was, on page 31, line 17, to reduce the appropriation for United States post-office at Asbury Park, N. J., from \$125,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 19, to insert: United States post-office and other governmental offices at Plainfield, N. J., \$100,000.

The amendment was agreed to.

The next amendment was, on page 31, line 23, to reduce the appropriation for United States post-office and court-house at Roswell, N. Mex., from \$130,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 6, to insert: United States post-office and other governmental offices at Wilson, N. C., \$60,000.

The amendment was agreed to.

The next amendment was, on page 32, line 12, to increase the appropriation for United States post-office and court-house at Minot, N. Dak., from \$125,000 to \$150,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 13, to insert: United States post-office at Alliance, Ohio, \$90,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 21, to insert: United States post-office and other governmental offices at Muskogee, Okla., \$200,000.

The amendment was agreed to.

The next amendment was, at the top of page 33, to insert: United States post-office at La Grande, Oreg., \$65,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to strike out:

United States post-office at Braddock, Pa., \$125,000.

The amendment was agreed to.

The next amendment was, on page 33, line 8, to increase the appropriation for the United States post-office at Bristol, Pa., from \$65,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 15, to insert: United States post-office at Westerly, R. I., \$100,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 17, to insert: United States post-office at Abbeville, S. C., \$50,000.

The amendment was agreed to.

The next amendment was, on page 34, line 8, to increase the appropriation for United States post-office at Huron, S. Dak., from \$65,000 to \$80,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert: United States post-office at Dyersburg, Tenn., \$50,000.

The amendment was agreed to.

The next amendment was, on page 34, line 18, to increase the appropriation for United States post-office at Cleburne, Tex., from \$60,000 to \$70,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 20, to insert: United States post-office and court-house at Del Rio, Tex., \$90,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 22, to insert: United States post-office at Hillsboro, Tex., \$60,000.

The amendment was agreed to.



The next amendment was, at the top of page 35, to insert:  
United States post-office at McKinney, Tex., \$60,000.  
The amendment was agreed to.  
The next amendment was, on page 35, after line 16, to insert:  
United States post-office at Park City, Utah, \$25,000.  
The amendment was agreed to.  
The next amendment was, on page 35, line 24, to reduce the appropriation for United States post-office and court-house at Big Stone Gap, Va., from \$105,000 to \$60,000.  
The amendment was agreed to.  
The next amendment was, on page 36, after line 4, to insert:  
United States post-office and other governmental offices at Everett, Wash., \$140,000.  
The amendment was agreed to.  
The next amendment was, on page 36, after line 7, to insert:  
United States post-office and other governmental offices at Walla Walla, Wash., \$140,000.  
The amendment was agreed to.  
The next amendment was, on page 36, line 12, to increase the appropriation for United States post-office at Morgantown, W. Va., from \$75,000 to \$100,000.  
The amendment was agreed to.  
The next amendment was, on page 36, after line 12, to insert the following proviso:  
*Provided*, That the Secretary of the Treasury is hereby authorized and directed to expend for the purchase of a suitable site so much of the amount herein provided for as may be necessary.  
Mr. SCOTT. The period should be stricken out after the word "dollars" in line 12, on page 36, and the item should be run in.  
The VICE-PRESIDENT. Without objection, it will be so ordered.  
The amendment was agreed to.  
The next amendment was, on page 36, after line 20, to insert:  
United States post-office and other governmental offices at Rock Springs, Wyo., \$85,000.  
The amendment was agreed to.  
The next amendment was, in section 5, page 37, after line 3, to strike out:  
United States post-office at Cullman, Ala., \$5,000.  
The amendment was agreed to.  
The next amendment was, on page 37, line 12, to increase the appropriation for the United States post-office at Searcy, Ark., from \$5,000 to \$6,000.  
The amendment was agreed to.  
The next amendment was, on page 37, line 17, to reduce the appropriation for United States post-office at Pasadena, Cal., from \$50,000 to \$40,000.  
The amendment was agreed to.  
The next amendment was, on page 37, after line 17, to strike out:

United States post-office at Grand Junction, Colo., \$10,000.

Mr. GUGGENHEIM. I hope the Senate will disagree to the amendment.

Mr. SCOTT. We can not hear the Senator from Colorado over here.

Mr. GUGGENHEIM. I hope that the sum will be retained in the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment to strike out lines 18 and 19.

Mr. SCOTT. What amendment does the Senator object to?

The VICE-PRESIDENT. The Senator from Colorado wishes to have the Senate disagree to the amendment in lines 18 and 19, on page 37. [Putting the question.] By the sound, the "noes" have it.

Mr. SCOTT. I call for a division.

Mr. BURKETT. We are about to vote on the committee amendment?

The VICE-PRESIDENT. The question is on agreeing to the committee amendment. The Chair will again put the question. The amendment was agreed to.

The reading was continued to the end of line 21, on page 37, the last item read being:

United States post-office at Greeley, Colo., \$10,000.

Mr. TELLER. I wish to say to the chairman that \$10,000 will not buy a suitable site at Greeley. It is a flourishing town, and the price of land is entirely too high to expect that. I have from the Commercial Club, which is practically the chamber of commerce of that town, a communication saying the appropriation ought to be \$25,000. If the Senator will allow the item to be amended, I will try to present before the conference committee some evidence showing that it ought to be \$25,000.

Mr. SCOTT. This is the House appropriation of \$10,000, and the Senate committee in going over it could not see any reason for changing it from the amount appropriated by the House.

Mr. TELLER. I did not get the letter until yesterday, after the bill had been reported. I will say to the Senator that I will try to present before the conference proper evidence.

Mr. SCOTT. To meet the Senator's views and in order to discuss the matter in conference, I will agree to a motion to amend it by striking out "ten" and inserting "twenty."

Mr. TELLER. I will accept that.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 20, page 37, after the words "Greeley, Colo.," it is proposed to strike out "ten" and insert "twenty."

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

United States post-office at Live Oak, Fla., \$7,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 4, to insert:

United States post-office and other governmental offices at Augusta, Ga., \$35,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 8, to insert:

United States post-office at Carrollton, Ga., \$7,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 10, to insert:

United States post-office at Cartersville, Ga., \$10,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 16, to strike out:

United States post-office at Milledgeville, Ga., \$7,500.

The amendment was agreed to.

The next amendment was, on page 38, line 26, to increase the appropriation for United States post-office at Chicago, Ill., from \$750,000 to \$1,500,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 13, to insert:

United States post-office at Frankfort, Ind., \$15,000.

The amendment was agreed to.

The next amendment was, on page 39, line 16, to increase the appropriation for United States post-office at Dennison, Iowa, from \$7,500 to \$10,000.

The amendment was agreed to.

The next amendment was, at the top of page 40, to insert:

United States post-office and other governmental offices at Abilene, Kans., \$7,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert:

United States post-office and other governmental offices at Bardstown, Ky., \$10,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to insert:

United States post-office and other governmental offices at Cynthiana, Ky., \$10,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 16, to strike out:

United States post-office at Lawrenceburg, Ky., \$7,500.

Mr. McCREARY. Mr. President, when the bill came from the House of Representatives to the Senate it contained a paragraph which is as follows:

United States post-office at Lawrenceburg, Ky., \$7,500.

I wish to present a statement which I did not receive until last night with regard to Lawrenceburg.

Mr. SCOTT. I will say to the Senator from Kentucky that this item will naturally come before the conferees, and the paper can be considered there.

Mr. McCREARY. It is very brief, and will take but a few moments.

Mr. SCOTT. I am sure the communication will not do any good at this time, but it can be brought before the conferees.

Mr. McCREARY. I am not going to make a motion, but this paper was sent to me, and I wish to read it, as it shows that Lawrenceburg is an attractive, important, little city:

Revenue receipts of deputy collectors' office at Lawrenceburg, Ky., according to official statement of Commissioner of Internal Revenue, for fiscal years	
1904, 1905, 1906, 1907, to March, 1908	\$3,970,470.82
Cash post-office receipts last fiscal year	\$5,284.72
Estimated franked mail last fiscal year	4,000.00
Post-office money orders issued last fiscal year	13,688.95
	22,973.67

Total 8,993,444.49

Forty-five storekeepers and gaugers, exclusive of other and special revenue officers, with headquarters at and centering in Lawrenceburg. Three national banks and two railroads connecting Lawrenceburg with the Southern States and with the Northwestern States.

This is one of the most important places for the collection of revenue that we have in Kentucky, and I very respectfully suggest to the chairman of the Committee on Public Buildings and Grounds that as we ask only \$7,500 for the construction of a post-office building at Lawrenceburg it be permitted to go in the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. SCOTT. Mr. President, one moment. The postal receipts at Lawrenceburg were only \$5,284, and the Government now pays a rental there of only \$368. The population of Lawrenceburg, according to the last census, was only 1,253.

Mr. McCREARY. As I said before, this is one of the most important places in central Kentucky. Anderson County, in which Lawrenceburg is situated, is a large county; there are a large number of distilleries there; and the amount of revenue collected is immense. As there is a deputy collector there collecting large amounts of money, I think a public building should be erected there.

I shall make no motion, but I hope the chairman of the Committee on Public Buildings and Grounds will agree to allow this item of \$7,500 to remain in the bill.

Mr. SCOTT. Mr. President, if we are going to establish a precedent for buying sites for public buildings all over the United States where the population is from 1,500 to 2,500 inhabitants—

Mr. McCREARY rose.

Mr. SCOTT. The Senator from Kentucky will please allow me to make this statement.

Mr. McCREARY. I will not interrupt the Senator.

Mr. SCOTT. This bill as it came to the Senate is full of such items and, in my judgment, they ought not to be carried in the bill. The committee was careful in going over the bill. The population of Lawrenceburg in 1900 was less than 1,500. It is a small village. As we all know, when we once buy a site it means in the future that a building will have to be erected. I hope the Senate will stand by the committee in striking out this item.

Mr. McCREARY. I merely wish to correct the statement made by the Senator from West Virginia with regard to the population. The population of Lawrenceburg is now over 4,000. The place has improved very much in the last eight or ten years, since the census was taken in 1900.

Mr. SCOTT. The last official statement gives 1,253 people there.

Mr. PAYNTER. Mr. President, I should like to say that I concur in the statement of my colleague with reference to the necessity of a public building at Lawrenceburg. The internal-revenue receipts there are very large indeed. The necessity for a public building exists, and I trust when the matter is discussed in conference with the conferees of the House the conferees of the Senate will reach the conclusion that the action of the House ought to be sustained. I am exceedingly anxious to have the appropriation made to purchase a site for a public building at Lawrenceburg. I could repeat the reasons given by my colleague, which show the necessity for a public building at that place, but as he has so well stated them I forbear to do so.

Mr. McCREARY. Mr. President, I do not desire to make any motion. I shall at the proper time apply to the conference to restore to the bill an appropriation of \$7,500 to purchase a site for a public building at Lawrenceburg.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 40, after line 18, to strike out:

United States post-office at Crowley, La., \$5,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to strike out:

United States post-office at Gardiner, Me., \$15,000.

The amendment was agreed to.

The next amendment was, on page 41, line 15, to increase the appropriation for United States post-office at Petoskey, Mich., from \$7,500 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 22, to insert: United States post-office and other governmental offices at Aurora, Mo., \$10,000.

The amendment was agreed to.

The next amendment was, at the top of page 42, to insert:

United States post-office at Brookfield, Mo., \$10,000.

The amendment was agreed to.

The next amendment was, on page 42, line 8, to increase the

appropriation for United States post-office at Marshall, Mo., from \$5,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 8, to strike out:

United States post-office at Maryville, Mo., \$7,500.

The amendment was agreed to.

The next amendment was, on page 42, after line 14, to insert:

United States post-office at Trenton, Mo., \$10,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert:

United States post-office at Livingston, Mont., \$15,000.

Mr. DIXON. I wish to call the attention of the chairman to an amendment on line 17. Livingston does not have an "e" at the end of the word. I think it is Livingston.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. The Senator from Montana moves to strike out the final "e," so as to read "Livingston."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to line 22, on page 42, the last paragraph read being as follows:

United States post-office at Rochester, N. H., \$10,000.

Mr. GALLINGER. Mr. President—

Mr. SCOTT. Before the word "thousand," in line 22, I move to strike out "ten" and insert "fifteen," so as to read "\$15,000."

The amendment was agreed to.

The next amendment was, on page 43, line 2, to reduce the appropriation for United States post-office at Orange, N. J., from \$30,000 to \$20,000.

Mr. KEAN. I hope the Senator from West Virginia will not insist on the amendment. Orange is a very populous place and real estate is very expensive there. I suppose it is almost as expensive in Orange as in any city in the United States. I think \$30,000 is the least sum that ought to be appropriated, but I shall not make any motion to amend the amendment. I hope the Senator will not insist very hard in conference on the amendment.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, to insert:

United States post-office at Batavia, N. Y., \$15,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 4, to strike out:

United States post-office, Borough of Bronx, New York City, N. Y., \$100,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 18, to insert:

The Secretary of the Treasury is authorized to accept title under act of Congress of February 19, 1875, chapter 90, United States Statutes at Large, as amended by act approved September 30, 1890, chapter 1132, United States Statutes at Large, volume 26.

Mr. SCOTT. Let the period be stricken out after the word "dollars," in line 18, so that it will be run in as one paragraph. The matter proposed to be inserted refers only to the post-office building at Salamanca, N. Y.

Mr. BURKETT. That is where we get the one hundred and ninety years' lease.

Mr. SCOTT. It is where we have to take a one hundred and ninety years' lease, and the amendment provides for it.

The amendment was agreed to.

The next amendment was, on page 44, after line 6, to insert:

United States post-office at Greenville, N. C., \$10,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 8, to insert:

United States post-office at Hickory, N. C., \$10,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 10, to insert:

United States post-office at Monroe, N. C., \$10,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 12, to insert:

United States post-office at Oxford, N. C., \$7,500.

The amendment was agreed to.

The next amendment was, on page 44, after line 14, to strike out:

United States post-office at Wilson, N. C., \$10,000.

The amendment was agreed to.

The next amendment was, at the top of page 45, to insert:

United States post-office at Bellaire, Ohio, \$25,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 4, to insert:

United States post-office at Bowling Green, Ohio, \$10,000.

The amendment was agreed to.



The next amendment was, on page 45, after line 8, to insert:  
United States post-office at Defiance, Ohio, \$10,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 18, to insert:

United States post-office at Wooster, Ohio, \$10,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 20, to insert:

United States post-office at Xenia, Ohio, \$10,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to insert:

United States post-office at Kittanning, Pa., \$15,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 4, to insert:

United States post-office at Ridgway, Pa., \$10,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to insert:

United States post-office at Sunbury, Pa., \$25,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 10, to strike

out:

United States post-office at Westerly, R. I., \$20,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 12, to insert:

United States post-office at Brookings, S. Dak., \$5,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

United States post-office at Morristown, Tenn., \$5,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to insert:

United States post-office at Shelbyville, Tenn., \$5,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 4, to insert:

United States post-office at Brenham, Tex., \$10,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 6, to insert:

United States post-office at Brownwood, Tex., \$7,500.

The amendment was agreed to.

The next amendment was, on page 47, after line 8, to insert:

United States post-office at Clarksville, Tex., \$5,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 14, to insert:

United States post-office at Marshall, Tex., \$10,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to insert:

United States post-office at New Braunfels, Tex., \$7,500.

The amendment was agreed to.

The next amendment was, on page 47, after line 22, to insert:

United States post-office at Weatherford, Tex., \$7,500.

The amendment was agreed to.

The next amendment was, at the top of page 48, to strike out:

United States post-office at Park City, Utah, \$5,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 4, to insert:

United States post-office at Covington, Va., \$7,500.

The amendment was agreed to.

The next amendment was, on page 48, after line 10, to strike

out:

United States post-office at Everett, Wash., \$15,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 14, to strike

out:

United States post-office and court-house at Walla Walla, Wash., \$20,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 16, to insert:

United States post-office at Elkins, W. Va., \$10,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 21, to insert:

United States post-office at Slatersville, W. Va., \$10,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 23, to strike

out:

United States post-office at Menomonie, Wis., \$10,000.

Mr. ALLISON. Mr. President, I, of course, appreciate, as

other Senators do, the difficulty in the way of arranging a

bill such as this one, composed of a great many items, and es-

pecially how difficult it is to arrange the items upon any special

basis.

For example, to illustrate what I mean, I observe that in

Kentucky there was an allowance of \$10,000 for a post-office

site made by the House, and it was stricken out on the ground

of an insufficient population, which I think is a very good ground, although I believe the time will come, and it ought to come, when the smaller towns will have post-office buildings suitable to their use.

There are two rather important cities in my State that I know very well about that are excluded by these Senate amendments. Making an inquiry as respects one of them, I did not press any amendment regarding either of them, but I wish to say to the Senator from West Virginia and the committee having charge of the bill that in the further consideration of the measure, as I know from the amendments proposed the bill must necessarily go to a committee of conference, I hope the places that are familiar to the committee will be duly considered in connection with other places that are left in the bill by the House and put it in the bill by these amendments.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

Mr. ALLISON. I hope the unfinished business will be laid aside informally, and if it is done that I may have a moment more.

The VICE-PRESIDENT. The unfinished business will be stated.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. I should be glad to have a vote on the joint resolution, if the Senate is ready to vote on it.

Mr. DICK. On behalf of my colleague [Mr. FORAKER], I renew the request made to have the matter set aside until he may be here to be heard. He is unavoidably detained from the Chamber. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Iowa will proceed.

Mr. ALLISON. Now, Mr. President, one word more as respects the amount of the appropriations for sites for buildings. Of course this whole chapter relates to sites as I understand it.

Mr. SCOTT. That is right.

Mr. ALLISON. It is what would be called the initiative—and a proper initiative—for the commencement in the near future and for the construction at a remoter future of public buildings.

My eye fell upon provision for a post-office building at Menomonie, Wis. I wish to say to the Senator from West Virginia that I have been frequently a visitor at Menomonie, and I have watched with very great interest the growth and progress made in that city. I am glad the Senator from Wisconsin [Mr. STEPHENSON] sits by me, who, I hope, at least, will bear out what I say as respects that city. There is not in any State that I know of a more progressive city than the little city of Menomonie of 6,000 or 7,000 inhabitants. I would be glad to have the Senator from West Virginia turn to the postal receipts of that city. I do not have them before me.

Mr. SCOTT. Mr. President, I can assure the Senator that the interest of all Senators will be taken care of in conference. I hope that the Senator will allow the amendment to remain as it is, as we have refused the other Senators. I would almost be willing to give the Senator a public building in every town and city in his State, I feel so kindly toward him, but I think Senators very readily appreciate the situation.

Mr. ALLISON. I thank the Senator very much, but I am not through.

Mr. SCOTT. I trust he will leave this matter in the hands of the committee.

Mr. ALLISON. I have never had for a moment an idea of taking this matter from the hands of the committee or making any motion in relation to it. I only wanted to call the attention of the Senate, possibly with a view of having it reach the ears of the committee, to the difficult task they have to perform in this matter, and unless they do it, as I am sure they will, even in the closing hours of this session, with care, they will do injustice to several important towns.

Now, just one word more as respects the town of Menomonie. It is a city of six or seven thousand inhabitants, with banks and very large postal receipts. I am sorry the Senator did not have the postal receipts.

Mr. WARREN. I have them here.

Mr. ALLISON. I thank the Senator from Wyoming. It has \$13,418 of annual receipts and had a population of 5,675 at the last census. It has become larger since that time. It is the educational center of the State of Wisconsin.

I do not expect to make any motion in regard to the pending item. I have no interest in the State, except that I have two or three very dear friends who reside there and who are very public spirited and have done much in an educational way for this city.

I only want to express the hope that the Senator from West Virginia and his colleagues on the conference committee will give careful attention to these cities, which, upon examination and from personal knowledge, I know to be of more value than a great many that are in the bill as it came from the House.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was on page 49, after line 7, to insert: United States post-office at Casper, Wyo., \$10,000.

The amendment was agreed to.

The next amendment was on page 49, after line 9, to insert: United States post-office at Douglas, Wyo., \$10,000.

The amendment was agreed to.

The next amendment was on page 49, after line 11, to strike out:

United States post-office at Rock Springs, Wyo., \$10,000.

The amendment was agreed to.

Mr. SCOTT. Before starting with section 6, I should like to have an amendment made on line 1, page 7. I move to insert "For additional site for," so as to read:

For additional site for United States post-office and other Government offices at Duluth, \$95,000.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. NELSON. I move to insert "Minnesota" after the word "Duluth."

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

The reading of the bill was resumed at line 14, page 49. The next amendment was in section 7, page 52, line 11, before the word "thousand" to strike out "and twenty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to dispose of the Federal building at Danville, Ill., at such time and in such manner and upon such terms as he may deem for the best interests of the United States; and to cause to be erected upon the site thereof a suitable and commodious building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use of the post-office, United States courts, and other governmental offices in said city, at a limit of cost for said building not to exceed the sum of \$200,000.

The amendment was agreed to.

The next amendment was, in section 7, page 53, line 17, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the clause read:

That upon said new site, when acquired as aforesaid, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable and commodious building, with fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the post-office, United States courts, and other governmental offices in said city, at a total limit of cost of not to exceed \$250,000, including such land, if any, as may be acquired in addition to that secured by exchange for the present site.

The amendment was agreed to.

The next amendment was, on page 56, after line 17, to strike out section 12 in the following words:

SEC. 12. That the provision contained in the act approved June 30, 1906, authorizing and directing the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary for the enlargement of the present site, and to enter into contracts for the enlargement, extension, remodeling, or improvement of the United States subtreasury building at San Francisco, Cal., at a limit of cost of \$375,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States subtreasury and other governmental offices at San Francisco, Cal., at a cost not to exceed the said sum of \$375,000.

And in lieu thereof to insert:

SEC. 12. That the Secretary of the Treasury be, and he is hereby, authorized and empowered to acquire, by purchase, condemnation, or otherwise, either such additional land as he may deem necessary for the enlargement of the site heretofore acquired for the purposes of the subtreasury building in the city of San Francisco, Cal., or, in his discretion, a new site of such size as he may deem suitable, sufficient, and necessary for the purposes of the public building hereinafter authorized to be erected.

That upon the present subtreasury site when so enlarged, or upon the said new site when so acquired, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable, commodious building, with heating, hoisting, and ventilating apparatus, vaults, and approaches, complete, at a total limit of cost, including additional land or a new site, as hereinbefore authorized, of not to exceed \$250,000: *Provided*, That the appropriation of \$375,000 made in the act approved June 30, 1906, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," is hereby made available, in addition to the limit of cost hereinbefore fixed.

The amendment was agreed to.

The next amendment was, on page 58, after line 8, to strike out section 13 in the following words:

SEC. 13. That of the amount authorized in the act approved June 30, 1906, for the acquisition of a site and the erection thereon of a suitable building for the use and accommodation of the United States post-

office and other governmental offices at San Diego, Cal., at a cost not to exceed \$150,000, the sum of \$15,000, or so much thereof as may be necessary, may be used for the purchase of lands in said city to be assigned to the use of the War Department and for removing to such newly acquired land and placing in position the buildings and structures now on block 39, the making of water and sewer connections therewith, the inclosing of said newly acquired land, and other incidental expenses of like character: *Provided*, That upon the acquisition of such land, block 39, in said city of San Diego, Cal., now owned by the United States and assigned to the uses and purposes of the War Department, shall be assigned to the Treasury Department as the site for the United States post-office and custom-house building authorized by said act approved June 30, 1906.

The amendment was agreed to.

The next amendment was, on page 60, after line 22, to strike out section 17 in the following words:

SEC. 17. That the northerly portion of the Government reservation bounded by B street north, B street south, Seventh street west, and Sixth street west, in the District of Columbia, known as "Armory Square," comprising that portion of said square north of a line established for the south front of the buildings for the new National Museum and the new Department of Agriculture, be, and is hereby, selected and dedicated as a site for an armory for the National Guard of the District of Columbia, after the removal of the buildings and tracks of the Baltimore and Potomac Railroad Company from said square.

That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds, be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the supervision of the Secretary of the Treasury.

And for the expense of said commission a sum not to exceed \$2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission.

The amendment was agreed to.

Mr. SCOTT. The sections will be renumbered, I take it.

The VICE-PRESIDENT. Without objection, the clerks at the desk will renumber the sections.

The next amendment was, on page 62, line 2, before the word "hundred" to strike out "one" and insert "two," so as to read:

That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States custom-house, United States courts, and other governmental offices at Honolulu, Hawaii, \$200,000.

The amendment was agreed to.

The next amendment was, in the same section, page 62, line 15, before the word "hundred" to strike out "one" and insert "two," so as to read:

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$200,000 may be expended during the fiscal year ending June 30, 1909.

The amendment was agreed to.

The next amendment was, on page 63, line 3, before the word "hundred" to strike out "two" and insert "three," so as to read:

That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Oklahoma City, Okla., \$50,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$300,000.

The amendment was agreed to.

The next amendment was, on page 66, line 23, before the word "hundred" to strike out "two" and insert "three," and in line 24, before the word "thousand" to strike out "eighty" and insert "fifty," so as to read:

That for the purpose of beginning the construction of suitable and commodious fireproof buildings, and the acquisition of additional ground, for the accommodation of the United States custom-house and other governmental offices, excepting United States courts and post-office, and for a Government warehouse or appraisers' store building, at Wilmington, N. C., \$80,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said buildings and additional ground at the sum hereby named, but the buildings hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, approaches, and additional land, not exceeding \$350,000.

The amendment was agreed to.

The next amendment was, on page 68, line 8, before the word "feet," to strike out "thirty-two" and insert "sixty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and empowered in lieu of making additions to the present Federal building at Lynchburg, Va., authorization for which has heretofore been made, to acquire a new Federal building site in the city of Lynchburg, Va., by the exchange of the present post-office and court-house building and the site thereof in said city for a portion of the land and improvements thereon belonging to the city of Lynchburg, commonly known as the "warehouse property," having a frontage of 165 feet on Church street and 132 feet on Tenth street.

The amendment was agreed to.



The next amendment was, on page 71, after line 5, to insert as a new section the following:

SEC. 28. That the Secretary of the Interior be, and he is hereby, directed to acquire, by purchase or condemnation, for the purpose of providing a reservation for a public park, the several parcels of ground in the District of Columbia included between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, in Hall & Elvan's subdivision of Meridian Hill, containing in the aggregate 437,000 square feet, more or less; and to pay for the said land and premises so taken, and the improvements thereon, the sum of \$550,000, or so much thereof as may be necessary, is hereby authorized, out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That one-half of the said sum of \$550,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further*, That one-half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. In case said parcels of ground can not be obtained by purchase at a price satisfactory to said Secretary of the Interior the same shall be condemned in the manner hereinafter prescribed.

That the Attorney-General, upon request of the Secretary of the Interior, is authorized and directed to make application to the supreme court of the District of Columbia, by petition, at a general or special term of said court, for an assessment of the value of said parcels of ground, and said petition shall contain a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of each such parcel, and to ascertain and assess the value of the same by appointing three commissioners to appraise the values thereof and to return the assessment to the court; and when the values of such parcels are thus ascertained and the said Secretary of the Interior shall deem the same reasonable the sum or sums so ascertained shall be paid into said court for their use. That the fee simple of all premises so appropriated for public use under the provisions hereof, and of which an appraisal shall have been made under the order and by direction of said court, shall upon payment into the said court as aforesaid of the amount so ascertained and assessed as to each parcel be thereupon vested fully in the United States and the right of possession thereof.

That the said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The cost occasioned by the said condemnation proceedings shall be paid from the Treasury of the United States, out of any money not otherwise appropriated: *Provided*, That one-half of the said cost shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments. Other costs which may arise in the said proceedings shall be paid as the court may direct.

That whenever and as title to the several parcels of such real estate shall be acquired as aforesaid and the same shall be ready for delivery, and the sufficiency thereof shall be certified by the Attorney-General of the United States, the Secretary of the Treasury is hereby authorized and directed, upon the requisition of the said Secretary of the Interior, to pay into court the condemnation price of such property, parcel by parcel.

That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army.

Mr. SCOTT. In section 28, page 71, line 17, I move to amend the amendment by striking out the word "authorized" and inserting the word "appropriated."

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia to the amendment of the committee will be stated.

The SECRETARY. In section 28, page 71, line 17, after the word "hereby" in the committee amendment, it is proposed to strike out "authorized" and to insert "appropriated," so as to read:

The sum of \$550,000, or so much thereof as may be necessary, is hereby appropriated, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, on page 74, after line 9, to insert as a new section the following:

SEC. 29. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to purchase, for the purpose of providing a reservation for a public park, the several parcels of ground in the District of Columbia lying near the intersection of Branch avenue and Pennsylvania avenue SE., known as the "Carpenter tract" and the "Pennsylvania Avenue Heights tract," more particularly described as follows: Beginning at a point on the east line of Branch avenue 363 feet, more or less, from the point of intersection of said line with the north line of Bowen road, said point being the northwest corner of the property of D. C. Fountain, and running thence with said east line of Branch avenue, in a northerly direction, 2,185 feet, more or less, to the south line of Pennsylvania avenue, and thence south 62° 30' east with the south line of Pennsylvania avenue 1,870 feet, more or less, to the west line of the property of John A. Baker; thence with said west line of Baker's property south 11° 21' east 640 feet, more or less, to the north line of the Bowen road; thence south 65° 19' west 137.07 feet; thence south 58° 21' west 148.3 feet; thence north 47° 39' 30' west 567.4 feet; thence north 72° 38' west 272.25 feet; thence south 65° 30' west 67.92 feet; thence south 6° 15' east 41.25 feet; thence south 88° 45' west 433.3 feet; thence south 6° 15' east 830 feet, more or less, to the land of D. C. Fountain, and thence with the north line of said Fountain's land in a westerly direction 215 feet,

more or less, to the point of beginning; also all that property known as "Pennsylvania Avenue Heights" lying north of Pennsylvania avenue, and the E. C. Carpenter tract, beginning on the north line of Pennsylvania avenue where said line is intersected by the line of division between Pennsylvania Avenue Heights subdivision and the property of John A. Baker, and running thence with said line north 11° 21' west 2,612 feet, more or less; thence north 83° 1' west 198 feet; thence south 13° 53' west 602.74 feet; thence north 78° 23' west 582.78 feet; thence north 52° 53' west 145.52 feet; thence north 64° 53' west 144.5 feet; thence north 56° 53' west 145.52 feet; thence north 48° 38' west 151.8 feet; thence north 60° 53' west 166.32 feet; thence north 49° 59' west 148.5 feet; thence north 74° 53' west 78.56 feet; thence south 87° 7' west 66 feet; thence south 66° 37' west 140.58 feet; thence north 87° 22' west 120.78 feet; thence north 62° 53' west 219.12 feet; thence north 45° 53' west 153 feet, more or less, to the east line of Thirtieth street, and thence with said east line of Thirtieth street in a southerly direction 972 feet, more or less, to the north line of Pennsylvania avenue, and thence with the north line of Pennsylvania avenue south 62° 30' east 3,262 feet, more or less, to the place of beginning, containing in all 140 acres, more or less, exclusive of the land comprised in the extension of Q and R streets from Pennsylvania avenue to the west line of Pennsylvania Avenue Heights subdivision and Thirty-second street from Pennsylvania avenue northward to Q street; and to pay for the said land so taken the sum of \$210,000, or so much thereof as may be necessary, is hereby authorized out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That one-half of the said sum of \$210,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further*, That one-half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the same manner as now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. If said Commissioners shall be unable to purchase said tracts of land at a price not exceeding the sum of \$210,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, and for the purpose of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act.

That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army.

The amendment was agreed to.

The next amendment was, on page 79, after line 6, to insert as a new section the following:

SEC. 30. For the purchase by the Commissioners of the District of Columbia of that part of the tract of land formerly known as Grace-land Cemetery, situated at the intersection of Maryland avenue, H street, and Fifteenth street NE., consisting of all of parcel 151, sub 2, as recorded in the office of the surveyor of the District of Columbia, and containing 25 acres, more or less, \$150,000 is authorized, or so much thereof as may be necessary, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated. After the said land has been conveyed to the United States it shall be dedicated to the uses of a public park and be improved and cared for under the same regulations that govern the care and improvement of other parks in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 79, after line 21, to insert as a new section the following:

SEC. 31. That the Secretary of War or other officer having charge of the filtration plant and the Government reservation on which it is situated in the District of Columbia be, and he hereby is, authorized and directed to purchase, or cause to be taken for public use, by condemnation or otherwise, as an addition to said reservation for the purpose of extending its boundaries, any land embraced in square 3126, in the city of Washington, D. C., not now owned by the United States or the District of Columbia.

That for the purpose of carrying into effect the provisions of this act the Secretary of War be, and he hereby is, authorized to expend the sum of \$8,000, or so much thereof as may be necessary, out of the amounts heretofore appropriated by Congress for a slow sand filtration plant, and for each and every purpose connected therewith.

The amendment was agreed to.

The next amendment was, on page 80, after line 13, to insert as a new section the following:

SEC. 32. For the erection of a fireproof addition to the court-house of the District of Columbia, for the use of the court of appeals of said District, including such fireproof vaults as may be necessary to protect from destruction the papers and records of said court, and proper heating and ventilating apparatus, to be constructed under the supervision of and on plans to be furnished by the Superintendent of the Capitol Building and Grounds, and approved by the Attorney-General, \$200,000 is authorized.

The amendment was agreed to.

The next amendment was, on page 80, after line 22, to insert as a new section the following:

SEC. 33. That the Secretary of State is authorized to purchase a site and erect a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service, \$400,000, or so much thereof as may be necessary.

Mr. CULBERSON. Mr. President—

Mr. SCOTT. I ask the Senator from Texas to allow this amendment to go over until after we have finished the reading

of the bill, and then we shall come back to the section, if the Senator desires to make objection to it.

Mr. CULBERSON. Very well. I am willing the section shall be passed over for the present with the understanding that I reserve the point of order upon it.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 81, after line 4, to insert as a new section the following:

SEC. 35. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States Departments of State and Justice at Washington, D. C., \$100,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$2,500,000.

The Secretary of the Treasury, the Secretary of State, and Attorney-General be, and are hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$100,000 may be expended during the fiscal year ending June 30, 1909.

The amendment was agreed to.

The next amendment was, at the top of page 82, to insert as a new section the following:

SEC. 35. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Denver, Colo., \$50,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$1,800,000.

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$50,000 may be expended during the fiscal year ending June 30, 1909.

The amendment was agreed to.

The next amendment was, on page 82, after line 19, to insert as a new section the following:

SEC. 36. That the sum of \$10,000 be, and the same is hereby, authorized, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, to aid in the erection and completion of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774: *Provided*, That no part of said appropriation shall be expended until the site and plans for said monument or memorial shall be approved by the Secretary of War and the grounds on which said monument or memorial is to be located shall be dedicated to the use of the public and provision is made for opening and maintaining an open highway thereto.

The amendment was agreed to.

The next amendment was, on page 83, after line 8, to insert as a new section the following:

SEC. 37. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to dispose of the site for a public building at Lawton, Okla., at such time and in such manner and upon such terms as he may deem for the best interests of the United States, and the proceeds of such sale shall be held to be applied for the purchase of a new site as may hereafter be directed by law.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SCOTT. I will state that by oversight provision for the Georgetown Heights Park was left out of the bill. I therefore ask, on page 79, after line 6, that what I now send to the desk be inserted as a committee amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia on behalf of the committee will be stated.

Mr. GALLINGER. Let it be numbered section 30, and then renumber the following sections.

The VICE-PRESIDENT. It will be so ordered in the absence of objection. The amendment proposed by the Senator from West Virginia will now be stated.

The SECRETARY. It is proposed to insert as an amendment of the Committee on Public Buildings and Grounds, to be known as section 30, the following:

SEC. 30. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the tract of land known as "Montrose," lying immediately north of Road or R street and east of Lovers lane, on Georgetown Heights, containing 16 acres, more or less, at an expense not exceeding \$150,000; and for that purpose the sum of \$150,000 is hereby appropriated, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated: *Provided*, That one-half of the said sum of \$150,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred

payments: *And provided further*, That one-half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. If said Commissioners shall be unable to purchase said land at a price not exceeding the sum of \$150,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, and for the purpose of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act: *Provided*, That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army.

Mr. CULBERSON. I should like to ask the Senator from West Virginia, the chairman of the Committee on Public Buildings and Grounds, who is in charge of this bill, if we adopt the amendment which he now proposes, which I understand to be the Georgetown Park proposition, shall we not have then accepted in this bill provisions for five different parks—the Rock Creek Park, \$400,000—

Mr. SCOTT. Rock Creek Park is not in this bill, I will say to the Senator.

Mr. CULBERSON. I was asking the Senator from West Virginia the question.

Mr. SCOTT. No, sir; it is not in this bill.

Mr. CULBERSON. Then have we not provided for the Sixteenth-street Park, \$550,000; Graceland Cemetery Park, \$150,000; Georgetown Park, \$150,000, and Pennsylvania Avenue Heights, \$210,000?

It has been suggested by a Senator near me—the Senator from North Carolina [Mr. OVERMAN]—that Rock Creek Park is not in this bill; that it is in another bill which the Senate has passed; and that is my recollection also. So we shall have adopted at this session provisions for the purchase of five different pieces of property for public parks in this District. I will ask the Senator if that is the fact? In the confusion in the Chamber I could not be certain as to how many of those parks we have in this bill.

Mr. SCOTT. I think the Senator from Texas is absolutely correct in his statement, but in this bill the Georgetown Park was inadvertently left out. A bill for that purpose has passed the Senate, if I recollect aright, three times. This is a very historic piece of ground in Georgetown, with beautiful trees on it, and it would connect with Rock Creek Park, as contemplated in the other bill to which the Senator refers, and would make it virtually all one park. I think that if we are going to have these parks—of course the Senator knows these things go into conference—certainly the Georgetown Park should go in, because they have no park in Georgetown. We have paid little or no attention to that historic old city over there, and I think this is a very deserving request that the people there make.

Mr. CULBERSON. What I wanted to call attention to, Mr. President, was the number of parks we are purchasing, and during the remarks of the Senator from West Virginia I have tabulated the total and find it amounts to \$1,400,000.

Mr. SCOTT. Mr. President, I think that would be money very well spent indeed, and I think that the Members of Congress in both Houses should turn their eyes inward and look at the number of little cities all over the country that have been provided for, and not object to going ahead with the beautification and improvement of this great city of ours. I am sure the Senator from Texas is one who will stand with me in this conference. I feel confident of that.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia [Mr. SCOTT] on behalf of the committee.

The amendment was agreed to.

Mr. SCOTT. Now, Mr. President, we are ready to go back to the item in relation to the Paris embassy.

The VICE-PRESIDENT. The Secretary will return to section 33.

Mr. SCOTT. I hope the Senator from Texas [Mr. CULBERSON] will now state his point of order.

The VICE-PRESIDENT. The point of order was made as to the amendment inserting a new section to be known as section 33, which was passed over. The section will now be read.

The Secretary read as follows:

SEC. 33. That the Secretary of State in authorized to purchase a site and erect a building thereon in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service, \$400,000, or so much thereof as may be necessary.

Mr. CULBERSON. With great confidence, Mr. President, I make the point of order against this amendment, because it has



heretofore been sustained by the Chair in a general appropriation bill on the ground that it was in the nature of general legislation.

Mr. LODGE. Mr. President, I make the point that this is not a general appropriation bill, but a bill specifically providing for public buildings.

The VICE-PRESIDENT. The Chair formerly sustained the point of order on a similar amendment when proposed to a general appropriation bill, and for the reasons stated by the Senator from Texas [Mr. CULBERSON]. This amendment, however, is proposed to a bill which is not a general appropriation bill, and therefore the Chair is constrained to overrule the point of order.

Mr. CULBERSON. I move to amend the amendment by striking out "\$400,000" and inserting "\$200,000."

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. In section 33, page 81, before the word "thousand," it is proposed to amend the committee amendment by striking out "four hundred" and inserting "two hundred," so as to read "\$200,000."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. LODGE. Mr. President, this subject was thoroughly discussed when the diplomatic and consular appropriation bill was before the Senate. This appropriation is based on the opportunity which now exists, and which will soon pass, of purchasing a suitable embassy in Paris, which will probably cost somewhat less than \$400,000, but certainly more than \$200,000. To reduce the appropriation would kill the project.

Mr. CLAY. Mr. President, for one I do not believe that this amendment ought to be adopted. It has been stated that the reason for buying a home for our representative in Paris is that it is impossible for him to live there on the salary that he is paid. I lay down the proposition that a home that costs \$400,000 can not be maintained on a salary of \$17,000 per year, and the idea that we are passing this legislation in the interest of the poor man to my mind is absurd.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. CLAY. Certainly.

Mr. WARREN. The Senator overlooks the fact that in a place like Paris the main expense is the land itself. The structure while good enough is still not large, and the running of it would not be expensive nor trench upon the fortune of the ambassador.

Mr. CLAY. That may be true. It may require a good deal of salary to pay rent for suitable homes for our representatives abroad, but, Mr. President, I maintain now that a home in New York City or a home in Washington or a home in Chicago that costs two or three or four hundred thousand dollars can not be maintained on fifteen or twenty thousand dollars a year. A poor man can not on such a salary afford to hire the servants necessary to keep it in order and take care of it. The argument that this legislation is in the interest of the poor men who want to go abroad, to my mind is absolutely absurd.

Mr. President, the character and reputation of our representatives abroad does not depend entirely upon the kind of houses they may occupy. Benjamin Franklin made a greater reputation abroad than probably any public man that we ever sent abroad. It is the high-class statesmanship and the high character of these gentlemen that reflect credit on the Government of the United States.

We have been extremely extravagant, Mr. President, during the present session. Appropriations have reached such a point that I do not know where we shall land after a while. Let us see. Take the agricultural appropriation bill. The agricultural appropriation bill for the fiscal year 1907-8 carried \$9,457,810, while the bill for this year appropriates \$12,152,406. If my calculations are correct, the total appropriations for this year in the different appropriation bills will amount to \$158,000,000 more than the total for last year—an unprecedented increase in the history of this Government. Let us go further. Take the naval appropriation bill. There is an increase in that bill over the bill of last year of \$22,007,652.88. Take the fortifications appropriation bill. There is an increase of \$4,762,590 in that bill over the bill of last year. Take the Army appropriation bill. There is in that bill an increase of \$17,052,790. Take the District of Columbia appropriation bill. There is an increase in that bill, which was a perfectly natural increase, of \$809,000.

I maintain that if we adopt this amendment and that if we begin the policy of building homes for our representatives in foreign countries, in less than a dozen years it will cost the Government of the United States more than \$20,000,000.

I hold in my hand a statement of our appropriations in 1896-97, 1907-8, and 1908-9. I am not going to take time to read it, but I send it to the Secretary's desk and ask that it may be inserted in the Record as a part of my remarks. It shows the gradual increase of our appropriations.

The PRESIDING OFFICER (Mr. NELSON in the chair). In the absence of objection, permission is granted.

The statement referred to is as follows:

As passed the Senate.	1896-97.	1907-8.	1908-9.
Agriculture.....	\$3,333,632.00	\$9,457,810.00	\$12,152,406.00
Army.....	23,279,402.73	81,787,610.54	98,840,409.12
Diplomatic and consular.....	1,642,658.76	3,071,277.72	3,597,230.91
District of Columbia.....	7,285,139.42	10,766,562.63	11,575,513.85
Fortification.....	10,763,888.00	7,453,589.00	12,116,187.01
Indian.....	7,657,596.79	12,576,110.76	10,532,826.87
Legislative, etc.....	21,027,794.71	30,847,533.80	32,965,631.00
Military Academy.....	449,525.61	1,947,383.42	829,337.87
Navy.....	30,062,739.95	101,108,007.50	123,115,659.88
Pension.....	141,378,580.00	146,143,000.00	163,033,000.00
River and harbor.....	98,171,564.22	212,234,398.00	229,706,367.00
Post-office.....	12,690,550.00	40,123,908.00	.....
Sundry civil.....	36,406,149.29	115,416,161.30	118,791,275.72
Total.....	389,749,141.48	773,233,347.67	.....

Mr. CLAY. As was said by the Senator from Texas [Mr. CULBERSON] we have inserted in this bill items appropriating nearly one million dollars for parks.

Mr. CULBERSON. One million four hundred and sixty thousand dollars.

Mr. CLAY. We have passed other bills—

Mr. CULBERSON. The Senator is correct. This bill carries a little over a million dollars for park purposes.

Mr. CLAY. Yes. Now, Mr. President, in my opinion, we ought not to have in this bill any appropriations except for public buildings of the United States. If we desire parks in the city of Washington—and we ought to have them to a reasonable extent—the bills providing for them ought to have been referred to the Committee on the District of Columbia; that committee ought to have considered the measures, and each one should pass upon its merits. Observation teaches me that during the closing hours of a session of Congress, when we only have a few appropriation bills to pass, there come into the Senate and are referred to the Appropriations Committee, to the Committee on Post-Offices and Post-Roads, and to the Committee on Public Buildings and Grounds, all kinds of propositions for legislation which has failed elsewhere to be inserted in appropriation bills.

This amendment, if it is a proper measure, ought to have been referred to the Committee on Foreign Relations. It ought to have been considered by and passed upon by that committee. The Committee on Public Buildings and Grounds never has considered a measure of this kind before.

Mr. LODGE. Mr. President, if the Senator will allow me—

Mr. CLAY. Certainly.

Mr. LODGE. The subject has been fully considered by the Committee on Foreign Relations, and they were unanimous in their report. They reported it first as an amendment to the diplomatic and consular appropriation bill; then they reported it a second time as an amendment to this bill; and they have reported it also as an independent bill. The committee have given it the most thorough consideration possible.

Mr. CLAY. I understand this measure was introduced and referred to the Committee on Foreign Relations; that the Committee on Foreign Relations referred it back to the Committee on Appropriations; and that the Committee on Appropriations inserted it in an appropriation bill, I think, the sundry civil bill.

Mr. LODGE. The committee again considered it and reported it back as an amendment to the sundry civil bill and as an amendment to this bill.

Mr. CLAY. But this bill is not the proper place where it ought to be inserted, in my judgment, if it is to be passed at all. I do not believe we ought to pay \$400,000 for a residence for our representative in Paris. It ought to be bought for less than that if we are going into that business at all.

Mr. LODGE. If this bill is not a suitable bill upon which to put an appropriation for a public building, I really do not know what would be.

Mr. CLAY. Why did not the Senator refer it to the committee in the first instance? The Senator introduced this bill and had it referred to the Committee on Foreign Relations, and after the Committee on Foreign Relations acted upon the measure it was referred to the Committee on Appropriations.

The Committee on Appropriations reported it to the Senate in an appropriation bill, and it went out on a point of order. Now, two days before we adjourn, this same amendment comes from the Committee on Public Buildings and Grounds to be inserted in this bill.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. Certainly, with pleasure.

Mr. GALLINGER. For the purpose of keeping the RECORD right in regard to parks, which the Senator discussed a moment ago, and in answer to a suggestion that these bills ought to have been referred to the Committee on the District of Columbia, I will say to the Senator that bills providing for the parks named in this bill—and I am not going to argue the merits of them now—were all referred to the Committee on the District of Columbia, and each one has been either twice or three times favorably reported from that committee and has passed the Senate. So that, so far as the Committee on the District of Columbia is concerned, the Senate itself seems to concur in the view that they ought to be purchased. I simply mention this to keep the RECORD right on that point.

Mr. CLAY. The Senator can see the danger of inserting numerous bills in a public buildings bill. My observation—

Mr. GALLINGER. Mr. President—

Mr. CLAY. Just one moment, with the Senator's permission.

Mr. GALLINGER. Certainly.

Mr. CLAY. My observation teaches me that when a measure comes before the Senate upon its own merits and is considered separately from other measures, it receives more careful and critical attention at the hands of the Senate than it otherwise would receive.

Mr. GALLINGER. Undoubtedly.

Mr. CLAY. Senators are deeply interested in the passage of the pending bill and Senators would be even willing to see a matter objectionable inserted in it rather than to have the bill fail. A public buildings bill is absolutely necessary.

Mr. GALLINGER. But, Mr. President, I will further say regarding the parks, that in the last Congress a commission was appointed to investigate these matters, composed of the members of the Committee on Public Buildings and Grounds and the Committee on the District of Columbia, and that commission unanimously reported in favor of establishing these parks. I will go further and say, Mr. President, that at this session the Committee on the District of Columbia, being overwhelmed with work, having hundreds and hundreds of bills before it, at my suggestion sent these bill to the Committee on Public Buildings and Grounds, and they have been considered in this Congress by that committee.

Mr. WARREN. I will ask if they have not already passed the Senate?

Mr. GALLINGER. Each one of them, two or three times; certainly twice.

Mr. CLAY. Take the pending bill reported from the Committee on Public Buildings and Grounds. It carries about thirty-two or thirty-three million dollars, and that large amount in the eyes of the public is charged to public buildings.

There is inserted in this bill \$2,500,000 for a building for the Department of Justice. I have no objection to it, and think it ought to be built, but I believe myself it would have been far better to have provided a separate bill in order that the public buildings bill might rest on its own merits.

There is, in this measure, an item of \$2,500,000 for a building for the Department of Justice, really chargeable to public buildings and grounds. Here is an item of \$400,000 for Paris, charged to public buildings and grounds. Here is \$1,400,000 for parks in the city of Washington, charged to public buildings and grounds. These three parks and the new building to be bought in Paris and the building for the Department of Justice carry a larger amount than every State in the American Union. I predict that if you insert this \$400,000, this pitiful sum for a home for a poor man to represent us abroad, in less than twenty years—in less than a dozen years—you will have spent more than twenty times that sum, sending the money abroad to be invested instead of keeping it at home. We are over 125 years of age. We have been represented abroad by Franklin and by Jefferson and by Adams—men who have made history at home and abroad on reasonable salaries, and they gave this country a name and character abroad of which their descendants are proud, and they did not have a \$400,000 home in which to do it, Mr. President. For my part I am against the amendment.

Mr. SCOTT. Will the Senator from Georgia allow me to suggest to him that it takes more cloth now to make him a pair of pantaloons than it did when he was a boy? This country is

now 125 years old, and it requires more buildings and better ones than when it was an infant.

I think the Senator did not intend to say that the amount appropriated for public buildings in the city of Washington and the parks amounted to more than all the States got. The Senator did not mean that, did he, because the largest amount—

Mr. CLAY. No; I meant more than nearly half the amount the Senate adopted. We put about \$9,000,000 on this bill in the Senate. That is my recollection.

Mr. SCOTT. Yes.

Mr. CLAY. We put on \$2,500,000 for a building for the Departments of Justice and State; we placed on the bill \$1,400,000 for the parks. That is \$3,900,000. We put on \$400,000 for the house in Paris, making four millions and nearly a half of amendments adopted by the Senate to the bill. Consequently, the amendments we have adopted—I mean for the District of Columbia and for the house in the city of Paris—amount to nearly as much as all the amendments we have adopted for the States.

Mr. SCOTT. I am very sorry that a member of my committee should be so very hostile to this bill.

Mr. CLAY. I am not hostile to the bill. I am to these two items.

Mr. SCOTT. I thought the committee had treated the Senator from Georgia very liberally, when the appropriations for the State of Georgia are nearly \$600,000. I am very sorry indeed—

Mr. CLAY. One moment, with the Senator's permission. I put on this bill for Georgia less than a hundred thousand. I have not objected to a single item in this bill except the two items I have referred to.

Mr. SCOTT. Let us have a vote. I should like to get the bill passed.

Mr. CULBERSON. Mr. President, on another occasion I suggested, with reference to this item of \$400,000 for an embassy at Paris, that it was such a departure from the practice of the Government that Congress ought to have an opportunity to give the matter general consideration. In view of that suggestion I made the point of order when the item was proposed on another bill; and the point of order was sustained.

Mr. President, notwithstanding that, notwithstanding that I understood that there was a general consensus of opinion that the matter ought to be considered, this item is placed on what I believe to be a general appropriation bill. It is in substance and effect at least. But the Vice-President has held that it was not a general appropriation bill. The item has been put on here as an amendment at the closing hours of the session when it will be impossible for the other branch of the legislative government to give it consideration at all. A point of order—

Mr. WARREN. Does not the Senator from Texas know that the matter of the United States owning public buildings abroad has been considered in the House, and that bills have been reported favorably for several of them?

Mr. CULBERSON. My information is that this measure has not been considered by the other branch of Congress, and that the general subject has not been given any consideration.

I made the point of order upon this appropriation on the ground that it ought to receive general consideration, because it is an entire change of policy on the part of the Government and will force us to expend anywhere from twenty-five to one hundred million dollars before we conclude it.

The Senator from Massachusetts [Mr. LODGE], when he was on the floor a moment ago, suggested that there is an urgency about this matter because we have a kind of option on a house in Paris. I presume it is the house now occupied by the American ambassador there and about which we have heard a good deal on this floor. But under this amendment, as it appears in the pending bill, it is impossible to buy that house. I am glad of it, because I think it is an outrageous price for the Government of the United States to pay for a residence for one of its citizens, and will make it absolutely impossible for a poor man to represent us there.

Mr. WARREN. Of course the Senator understands that it is not only for a residence, but for the offices of the embassy.

Mr. CULBERSON. I understand that. Section 33 reads:

That the Secretary of State is authorized to purchase a site and erect a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service, \$400,000, or so much thereof as may be necessary.

So, under this amendment, if adopted, we must buy a site and erect a building, and the fact that there is a so-called "option" upon a piece of property in Paris now occupied by Ambassador White is no reason for the adoption of the amendment.



As the point of order has been overruled, and as I believe that if we enter upon this policy at all \$400,000 is too much money, the amendment pending is the one I have offered to reduce it from \$400,000 to \$200,000. I believe, instead of following royalty and aping the ways of royalty in snobbery, the American ambassador to Paris and our ambassadors to other capitals ought to set examples of frugality and simplicity.

Mr. OVERMAN. Mr. President, this matter was brought here on another appropriation bill, and was ruled out on a point of order. It then came here as a separate proposition—as a bill. That bill has not been before the Senate. It has not been called up. As I understand, it is on the Calendar. It ought to be brought forward and discussed as a separate proposition. If we are to enter upon the policy of erecting houses abroad for our ministers, I should not oppose it, provided we have modest residences abroad in accord with the simplicity of our Republic.

Some one has sent me an editorial from a paper in the State of Massachusetts, which I desire the Secretary to read. It is short and expresses my sentiments upon this matter. I think if we are going to enter upon this policy we ought to do so on a separate measure, and not have it brought forward here at this late hour on an appropriation bill in order to force it through. I ask the Secretary to read the editorial from the Massachusetts paper.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

[From the Newburyport (Mass.) Daily News, Tuesday, May 5, 1908.]

A RICH HOUSE FOR A POOR MAN.

Senator OVERMAN, of North Carolina, asked a pertinent and significant question in the Senate a day or two ago, when there was under consideration the appropriation of \$400,000 for an official residence for the American ambassador at Paris. "Does the Senator think," said he, "that a poor man could afford to live in a \$400,000 house?" This seems to us to be a question which is more far-reaching in its import than would appear at first blush. It is undeniably true that the residences of many of our ambassadors at foreign capitals are not of the character which at all comports with the proper facilitation of the public business or the dignity which should attach to the official residence of a representative of the United States abroad. No good American wants the representative of his country in a foreign land to live in a tenement house or in a back alley. He wants him to live in a style befitting an American gentleman and the dignity of his office. But all this is in imminent danger of exaggeration. Our ambassadors are not sent abroad to "make a spread" or to "dazzle the natives," or to compete with royalty, and least of all to toady to it or imitate it. If the people of Germany, for instance, are content to furnish the Kaiser \$4,000,000 for his personal living expenses that is their business; but it offers no reason or excuse for the housing of our ambassador there in a palace or for having him under the necessity of having attached to his office a large retinue of useless servants. Simplicity should characterize a representative American, not the simplicity so severe as to partake of cheeseparing or boorishness or lack of self-respect, but the simplicity sufficiently unpretentious to stamp itself with the seal of pure American democracy.

Senator OVERMAN's inquiry seems to us to be well timed. We do not believe that, even in Paris, a \$400,000 palace is requisite to either the business of the embassy or to the maintenance of the dignity of the ambassador. But all this aside, there is the larger question, recurring with persistent frequency in our own communities, and involved specifically and forcibly in Senator OVERMAN's query, of whether the day is over when a poor man shall be able to hold a public station. This is a matter of supreme and emphatic importance and one which can not be too often discussed or too largely enforced upon public attention. The allegation has been made so frequently that it is as trite as the Decalogue that "a poor man can not afford to go to Congress," and this is hardly susceptible of denial. It is true that poor men do sometimes go there, but it is invariably at the cost of their personal fortunes. This was true of the late Senator Hoar and of the late Thomas B. Reed, both distinguished for a royal quality of patriotism and public spirit and unswerving honesty. The exception is said to prove the rule, and their cases are a proof that a poor man can serve in Congress, but with the highfalutin tendencies of our times it is invariably at a sacrifice. And if this be true here in our commonest public life, what would be the predicament, as Senator OVERMAN has suggested, of a foreign ambassador from this country who had to keep up a \$400,000 house? Are high attainment and distinguished ability and fitness for the delicate duties of diplomacy to be sacrificed on the altar of a vainglorious toadyism?

We want our representatives abroad to be royal. But not with the royalty of caste and pomp and vain show, the symbols of the things from which the fathers sought escape when they founded the Republic; but the royalty of high and independent ideals of life and action, of just pride in the true essence of American citizenship; the royalty with which John Adams was clothed when in a plain suit of black he entered the court of St. James as the first American ambassador, between lines of gold-bedecked and bedizened diplomats from every quarter of the globe; the royalty which Samuel Adams proclaimed in Faneuil hall and Benjamin Franklin and Thomas Jefferson and Abraham Lincoln have made sacred, and which gives every American who possesses it the right to paraphrase the old Roman and say with pride which lifts the heart of every man who utters it into supernal atmosphere, "I am an American citizen!" Not a serf; not an imitator; not an apologist; but an American citizen clad in a civic righteousness and dignity which can be the panoply of the citizen of no other nation on the face of God's green earth.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. CULBERSON], to strike out "four" and insert "two," in line 3, on page 81 of the bill.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of my pair, I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from South Carolina [Mr. STONE]. As he is not present, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. In his absence, I withhold my vote. If he were present, I should vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I transfer it to the Senator from Connecticut [Mr. BULKELEY] and will vote. I vote "nay."

Mr. FOSTER (when his name was called). In the absence of my pair, I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. He is not present. I transfer the pair to my colleague, the junior Senator from Oregon [Mr. BOURNE] and will vote. I vote "nay."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I transfer it to the junior Senator from Maine [Mr. FRYE] and I will vote. I vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from Ohio [Mr. FORAKER], and will vote. I vote "nay."

The result was announced—yeas 18, nays 37, as follows:

YEAS—18.

Bailey	Frazier	McLaurin	Richardson
Bankhead	Hale	Money	Talliaferro
Borah	Johnston	Nelson	Teller
Clay	Knox	Overman	
Culberson	McCreary	Paynter	

NAYS—37.

Aldrich	Dick	Hopkins	Smoot
Ankeny	Dillingham	Kean	Stephenson
Bacon	Dixon	Lodge	Stewart
Briggs	du Pont	Long	Sutherland
Brown	Flint	Perkins	Warner
Burkett	Fulton	Piles	Warren
Burnham	Gallinger	Rayner	Wetmore
Carter	Gamble	Scott	
Clark, Wyo.	Guggenheim	Smith, Md.	
Curtis	Heyburn	Smith, Mich.	

NOT VOTING—37.

Allison	Daniel	Hansbrough	Owen
Beveridge	Davis	Hemenway	Penrose
Bourne	Depew	Kittredge	Platt
Brandegee	Dolliver	La Follette	Simmons
Bulkeley	Elkins	McCumber	Stone
Burrows	Foraker	McEnery	Taylor
Clapp	Foster	Martin	Tillman
Clarke, Ark.	Frye	Milton	
Crane	Gary	Newlands	
Cullom	Gore	Nixon	

So Mr. CULBERSON's amendment to the amendment was rejected.

Mr. BACON. Mr. President, I desire to say one word before the vote is taken on the amendment.

Mr. LODGE. I merely wish to modify the amendment.

Mr. BACON. Mr. President, I voted against the proposition to strike out \$400,000 and insert \$200,000. It occurred to me, when I was considering which way I should vote, that if in my town, Macon, a place of thirty-five or forty thousand inhabitants, the Congress of the United States considered that it required \$300,000 to put up a suitable building, conformable to the dignity and standing of the United States Government, in which there should be a post-office and a court room—that building is about completed, and that is the amount it will cost—in view of that expenditure of \$300,000, it seemed to me that \$200,000 certainly was not enough in the city of Paris, where, I presume, the price of property is fully twenty or thirty times as high, for the purpose of erecting a building in which there should be accommodations not only for a residence for the American ambassador, but for all the offices connected with the embassy.

Mr. President, when the matter was before the Senate heretofore I expressed my views in regard to it, and I do not intend to repeat them at length. This matter has been before the Foreign Relations Committee twice, and upon full consideration there was not a dissenting vote in that committee as to the adoption of the measure providing this amount of money for the embassy in Paris.

As we are talking about a change of policy, there is a change of policy which I most decidedly favor. The present policy of the Government is one under which nobody, unless he is a millionaire, can represent this Government as ambassador at a court in Europe. I want to change that policy. Mr. President, the best class of public men are those who have not been able to give their time to the accumulation of riches. They have considered something more important than the accumulation of riches, and have given their time with assiduity to the accomplishment of higher aims.

Under the present policy that class of men is absolutely debarred from representing the Government abroad. The proposition that they are debarred is proven by the fact that we have no other than that class of men in the public service representing the Government abroad, and no other class of men can accept or fill one of these appointments under our present policy. It takes all of the salary of an American ambassador to pay his house rent. That is a policy I want to see changed in the interest of men of moderate means.

What I want, Mr. President, is this: I am not particular about the amount, although I am not afraid to vote the amount that I think is the proper amount, but it does become the Congress of the United States to determine what shall be the class of buildings which shall be occupied by our representatives abroad, and when we have determined upon the class of buildings as the proper class, to make provision for them and compel our representatives abroad to live in them. Not only am I opposed to the policy which limits the holding of the office of ambassador to millionaires, but I am opposed to a policy which will make it a matter of extreme mortification for a man to go as a representative abroad and have to succeed some multimillionaire who has lived in a palace and who has been given to a mode of life that no man, unless he is a multimillionaire, can in anywise follow.

I want it so that if a man who is a multimillionaire goes to London or Paris or Berlin he will not be permitted to live in a palace, but he shall be required to live in the building which the Government furnishes, and that he shall not be able to live in a style which will make it a matter of mortification to his successor to have to live in a very much more humble style.

If the Senate of the United States had seen proper to adopt \$200,000, I should have been content with the judgment of the Senate. If \$400,000 is, in the judgment of Congress, the proper amount, I will also be content. But whatever is the amount, let us determine upon it, and let us not only provide a place where our ambassadors may live, but a place in which they shall be compelled to live, and not let one man live in a different style from the style of another who may go there to succeed him and who can not live as his predecessor did.

I have illustrated it by my own town, a small place of thirty-five or forty thousand inhabitants—probably, with the suburbs, 50,000. But we have numerous illustrations in the bill before us. Four hundred thousand dollars is proposed as the proper amount to be included in this bill for the purpose of an embassy in Paris, or for the purchase of grounds and the erection of an embassy, and yet in this public-buildings bill now before us little villages are provided with over \$100,000 to erect post-office buildings. Then let us compare and consider the difference in the price of land and of buildings and of the character of building which is required. Compare that expenditure in 100 different instances in this bill with the provision of \$400,000 for an embassy in Paris, which is not only to be the home of the ambassador, but to provide all the offices for the transaction in Paris of the diplomatic business of the Government of the United States with the Republic of France, and including a large proportion of the business arising out of the commercial relations of the two countries.

Mr. President, I will not stop to illustrate, as I did before, by the fact that we live here, we who are now talking about economy, in a building that cost \$15,000,000, when, if we were simply considering matters of utility, we could be accommodated in a building that cost \$100,000. That is not the way we do business. It is not the consideration by which we were influenced when we erected the building for the House of Representatives on the south side of this square. It is not the way the Senators did when they provided a building costing \$4,000,000 across the way for the offices of Senators. Why did we not provide for a building of \$100,000 if we wished to be so plain and unostentatious? We could have very easily built one for \$100,000 which would have been comfortable and which would have answered every practical purpose for Senators' offices; but it is not considered as consistent with the dignity and importance of the Government of the United States that any such parsimony should control us in making these expenditures. Therefore instead of \$100,000, which would have

been sufficient for office buildings for Senate and House, we appropriated three or four millions for each of them. The people of the United States are justly proud of this Capitol building and of the other public buildings in Washington and throughout the country. The people in every community are proud of the public buildings which the Government is erecting in the cities and towns throughout the country, and there is abundant evidence of their approval of such expenditures as are found in this very public-buildings bill now before us. The people who wish these creditable buildings at home would be ashamed for us to have a mean and disreputable embassy building abroad. My main desire is, however, that we may own our embassies, in order that millionaires may no longer enjoy a monopoly, as they now do, of representing the United States as ambassadors to foreign courts.

Mr. MONEY. Mr. President, I did not care to say anything about this matter, but I feel compelled to do so. I am a member of the Committee on Foreign Relations and I have had that honor for some time.

I did not vote for this proposed amendment in committee. On the contrary, I repeatedly dissented from it. I repeatedly said that I had been advocating for twenty years or more this policy of providing residences for our ambassadors and ministers abroad, but I did object to the sum.

Now, I do not know what houses are worth in Paris or anywhere else, but I do know that you can rent in every capital of Europe for half what you can rent in the capital of Washington, and I presume that the price of property has some sort of relation to its rent, to its income-earning power.

I entirely concur in what was so well said by my friend from Georgia [Mr. BACON], in the policy of allowing these places to be open to men who have brains and capacity and character to represent this country abroad. I would be very glad of an opportunity to rescue it from that class who seem now to have the monopoly—the millionaires; but we, by building these palaces abroad and decorating European capitals with fine houses, are preparing for the certain lease for all future time of millionaires upon these ambassadorships, because I would like to see a poor man or a man of moderate means go to Paris and maintain a \$400,000 house on his salary or on double or treble or quadruple his salary. These kind of houses are simply securing in perpetuity the sole monopoly of ambassadorships for millionaires, for no poor man could keep up such an establishment as we are providing for.

I have believed that \$200,000 was quite sufficient in any capital of the world for the residence of our ambassadors or our ministers. In Seoul, I believe, we paid \$2,500 for a house, and in Tokyo, with over a million population, we paid \$15,000. I felt perfectly certain that with an expenditure of \$200,000 sufficient and ample accommodation could be had for our ministers abroad to appear in the most respectable manner.

When Benjamin Franklin was at the politest court in the world, the most courteous and the most ostentatious in luxury and fashion, he did not wear a cocked hat and gold lace and orders all over his coat, nor a gold-hilted diamond-mounted sword. He went about in the plain black clothes of an American citizen, with a plain walking stick; and the Franklin hat and the Franklin stick became the fashion of Paris. If we send men of sufficient character abroad it need not be said that their character can be enhanced by the house in which they live. I recollect that when Mr. Jefferson succeeded Benjamin Franklin and was presented to the King he said, "You have come to take the place of Doctor Franklin." "No," said Mr. Jefferson, "no man can take his place, but I succeed him."

The illustration which my friend from Georgia drew of the public building in his town I do not think is a very happy one. There is a public building within 6 miles of my house, which I secured here by the kindness of the Senate, and which cost \$125,000. It is in a little town of 10,000 inhabitants. But that building accommodates the Federal court, which has the exclusive admiralty jurisdiction of the district. It also accommodates the internal-revenue offices and the customs collections for that district, and it accommodates the post-office for that town. There is a multitude of clerks occupying that building. It is not there because it is a luxury, but because it is a necessity. I think you will find that all the public buildings are very much of that character.

Now, when it comes to decorating this town with suitable buildings, this ought to be the finest capital in the world. The first time I visited Washington, that is, since the war—I was here when it did not amount to anything, when a boy—I thought that this square here ought to have all around it more public buildings, and I would be very sorry, for the sake of the great Republic and its magnificent capital, to see a building that was less ornate, less substantial, less imposing, than those



being erected to-day. I do not suppose there is a man who has traveled who has seen anywhere in the world such buildings as we have on this hill and elsewhere in this capital. They comport with the dignity of the greatest Republic that ever existed, and the greatest, perhaps, that ever will exist.

I have made these remarks because I did not want to be in the attitude of a man condemning the policy, and I did not want to be in the attitude of a man who voted one way in committee and voted another way in the Senate. I would have been willing to let it pass sub silentio so far as I am concerned, but as the Senator from Texas moved the amendment, and it suited my views exactly as to the proper line to adopt, I thought I ought to express myself as I have done.

Mr. LODGE. Mr. President, I ask leave to modify the phraseology of the section by striking out lines 23 and 24, on page 80, in the following words:

That the Secretary of State is authorized to purchase a site and erect a building thereon in the city of

And inserting in lieu the following:

That the Secretary of State is authorized to purchase a site with a suitable dwelling thereon or a site on which a suitable building shall be erected in the city of.

Mr. SCOTT. I will accept the amendment to the amendment. The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. LODGE. If the chairman will permit me, I think there is a verb lacking at the end of the paragraph to govern the noun "dollars." On page 81, line 3, before the words "four hundred," I move to insert the word "and," and in line 4, after the word "necessary," I move to insert "is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. GALLINGER. That is right.

Mr. CULBERSON. Manifestly the amendment of the Senator from Massachusetts is intended to reform the section so that the particular house in Paris shall be purchased. I will ask him frankly if that is not so.

Mr. LODGE. Not in the least. It was the purpose of the amendment not to deprive the Government of the right to buy a lot of land without a building on it. As the amendment was reported from the committee I think they would have been obliged to buy a vacant site and erect a building, which would be very much more expensive. This gives them the opportunity to do either.

Mr. CULBERSON. That is what I suggested; but when the Senator was first on the floor to-day on this matter he stated that it was urgent to pass the measure now, because of a certain situation in Paris, and I took it that it was with reference to an option on the building now occupied.

Mr. LODGE. That is quite true. Owing to the settlement of an estate there is an opportunity to buy at a very favorable price a suitable building and 27,000 square feet of land. Senators will remember that Paris is a city of some 3,000,000 inhabitants, and Washington is a city of 350,000. If they will figure out what it would cost to buy 27,000 square feet of land on Dupont circle or Lafayette square, I think they will see that this is not an excessive price in a great capital carrying a house furnished and complete.

Mr. CULBERSON. Will the Senator yield for another question?

Mr. LODGE. Certainly.

Mr. CULBERSON. I do not know whether the Senator is in possession of the information, but if he is and is authorized to state it, I ask him what the option is on this property?

Mr. LODGE. I do not know that any price has been set. I understand this property belongs to an estate in process of settlement, and there is an opportunity to buy it before the present lease expires.

Mr. CULBERSON. So far as the Senator is advised there is no particular amount set.

Mr. LODGE. I have not known of any price fixed.

Mr. BACON. I understand the amendment does not limit the purchase to any particular tract.

Mr. LODGE. Not the least. It does not limit it in any respect. They can buy a site and build, or buy this site and house, or any other house or site.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GUGGENHEIM. On page 2, line 16, before the word "thousand," I move to strike out "ten" and insert "fifteen," so as to read:

United States post-office at Boulder, Colo., \$15,000.

Mr. SCOTT. I hope it will not be the pleasure of the Senate to adopt that amendment.

The amendment was rejected.

Mr. GUGGENHEIM. On page 37, after line 17, I move to insert:

United States post-office at Durango, Colo., \$10,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was rejected.

Mr. OWEN. I move, on page 44, after line 16, to insert:

United States post-office and court-house at Durant, Okla., \$15,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. CLAY. May I ask if that amendment has been accepted by the chairman of the committee?

Mr. SCOTT. It has not.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GORE. I have a communication which I ask to have printed in the RECORD for the use of the committee of conference.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., May 16, 1908.

Hon. T. P. GORE, United States Senate.

DEAR SIR: The Supervising Architect, in his report to the Senate Committee on Public Buildings and Grounds, dated January 20, 1908, estimated that the requirements of Oklahoma City called for a building costing about \$425,000.

The branches of the Federal service to be provided for there are the post-office, United States courts, railway mail service, food inspection, animal inspection, special pension examiner; with, probably, eventually, customs service and internal-revenue service.

In 1900 Oklahoma City had a population of 10,037. By the United States census of 1907 it was shown that it had a population of 32,452 within the incorporated limits, which are not coextensive with the city, and an additional population of 6,233 in the immediate suburbs, a grand total of 38,685. Recently over one-half of this outlying population has been taken into the incorporated limits. The population of the county was 55,849.

The post-office receipts for the fiscal year ending June 30, 1900, were \$26,771; for the fiscal year ending June 30, 1907, they were \$166,851; and for the twelve months ending March 31, 1908, they were \$185,623.04.

This tremendous percentage of gain can not be matched during this decade by any other city of the same class in the United States, bar none, from Puget Sound to the Gulf of Mexico.

We base our claim for an appropriation of \$425,000 on the merits of the case, and what Congress has deemed necessary for other cities of our class.

I find that by the act of March 3, 1901, the limits of cost on a post-office and court-house at Salt Lake City (not including site) was raised from \$300,000 to \$500,000; but the post-office receipts of Salt Lake City for the fiscal year of 1901 were only \$146,222; nearly \$40,000 less than those of Oklahoma City at the present time.

I find that by act of March 3, 1903, the limit of cost of a post-office at St. Joseph, Mo., was raised from \$390,140.66 to \$500,000 (including \$18,000 for additional ground), yet the postal receipts for the preceding fiscal year (1902) were only \$182,604, slightly less than the Oklahoma City receipts for the past twelve months, viz, \$185,623.04. The St. Joseph building is denominated in the Supervising Architect's report as a post-office only. Our building must accommodate the United States courts as well. It may be urged that St. Joseph had a population at that time in excess of 100,000. It is not the number of population that counts so much as the business that is to be transacted, and if 40,000 people in Oklahoma City can do as much business and produce as much revenue to the Government as 102,000 in St. Joseph, certainly we are entitled to equal facilities.

I find that by act of June 30, 1906, at Tacoma, Wash., and Spokane, Wash., the limit of cost of building and site was in each city raised from \$500,000 to \$600,000, approximately \$100,000 having been paid for a site in each case. At the time the original authorization was made the receipts of Spokane were (1902) only \$113,311, and Tacoma was under \$100,000. But on June 30, 1906, when the increase was made, the receipts of Tacoma for that year were only \$141,295, \$42,000 less than the current receipts of Oklahoma City. Spokane's receipts for 1906 were \$221,477, a gain of \$35,000 over the preceding year, but Oklahoma City has made a net gain of \$44,000 in the last fiscal year (1906 to 1907).

Notwithstanding the financial troubles, Oklahoma City has scored heavy gains during every one of the last six months. The gains for January and February of this year over January and February of last year were 18 per cent and 20 per cent, and the total receipts for the twelve months ending March 31, 1908, were, as above stated, \$185,623.04. This exceeds the receipts for fiscal year ending June 30, 1907, of such cities as:

Galveston, Tex., with .....	\$126,150
Charleston, S. C., with .....	138,932
Wheeling, W. Va., with .....	163,507
Mobile, Ala., with .....	167,386
Knoxville, Tenn., with .....	191,520
Wichita, Kans., with .....	159,386
Tacoma, Wash., with .....	173,424
Little Rock, Ark., with .....	174,955

There is every prospect that we will continue to gain at the rate of \$40,000 to \$50,000 a year for an indefinite period.

Respectfully, yours,

GEORGE M. FLICK.

Mr. GALLINGER. There are just two verbal changes that I desire to have made. On page 81, line 16, I move to insert

the word "That" before the words "The Secretary," so as to read:

That the Secretary of the Treasury.

And so forth.

The amendment was agreed to.

Mr. GALLINGER. On page 82, line 12, I move the same amendment, inserting the word "That" at the beginning of the line, so as to read:

That the Secretary of the Treasury be, and he is hereby—

And so forth.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ROADS IN THE DISTRICT OF COLUMBIA.

Mr. CARTER. From the Committee on the District of Columbia I report back favorably with amendments the bill (S. 671) to construct a road along the south bank of the Anacostia River, and I submit a report (No. 679) thereon. I call the attention of the Senator from Pennsylvania [Mr. PENROSE] to the bill.

Mr. PENROSE. This is a matter of some urgency, and I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on the District of Columbia was, in section 1, page 1, line 11, before the word "said," to insert "grounds adjacent to;" and in line 14, before the word "side," to strike out "southeast" and insert "southwest," so as to make the section read:

That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute proceedings to condemn the land that may be necessary for a road along the Anacostia River, beginning in Giesboro Manor near the center of Omaha street extended and on the right of way of the outfall sewer; thence northeast along or near the line of said outfall sewer to the grounds of the Government Hospital for the Insane, connecting through the grounds adjacent to said hospital as hereinafter provided; thence from the north side of said grounds through the Barry farm northeastwardly and adjacent to the southwest side of the Alexandria branch of the Baltimore and Ohio Railroad to Howard avenue; said right of way to have a width of 90 feet south of the hospital grounds and to have a width of 60 feet through the Barry farm; the said proceedings to be had under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided, however,* That one-half of the amount found to be due and awarded as damages for and in respect of the land condemned for the said road, together with the costs and expenses of the proceedings, shall be assessed by the jury as benefits, under the provisions of section 491 g of said subchapter 1 of chapter 15 of said Code of Law.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 12, after the word "of," to strike out "the Interior" and insert "War;" in line 14, before the word "foot," to strike out "fifty" and insert "ninety;" in the same line, before the word "hundred," to strike out "five" and insert "one;" in line 15, before the word "of," where it occurs the first time, to strike out "eastward" and insert "westward;" in line 16, after the word "grounds," to insert "adjacent;" and in line 17, before the word "the," where it occurs the first time, to strike out "of" and insert "to," so as to make the section read:

Sec. 2. That the Secretary of War is hereby authorized and directed to open for use as a public thoroughfare a 90-foot strip of land from 35 to 100 feet westward of the right of way of the Alexandria branch of the Baltimore and Ohio Railroad Company through the grounds adjacent to the Government Hospital for the Insane, said strip to be hereafter under the control of the Commissioners of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RAILROAD SIDING TO UNITED STATES NAVY-YARD.

Mr. CARTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Page 2, line 23, strike out the period after the word "same" and insert a colon and add: "Provided, That the Commissioners of the District of Columbia shall, as far as consistent with

the public interests, cause said railroad track to be located on public grounds and streets."

Page 4, line 3, strike out the proviso beginning in line 3, page 4, "Provided, That upon the completion of the branch track herein," etc., and ending with the word "appropriated" in line 14.

Page 6, line 6, strike out the period after the word "Commissioners" and insert a colon and add: "Provided, That in case any other railroad company may desire to connect with the track herein authorized and required to be constructed, it shall have the right so to do; such connecting road shall have the right to use the track herein authorized on terms and conditions satisfactory to the said Philadelphia, Baltimore and Washington Railroad Company, its successors or assigns, or in case of failure to agree on terms and conditions of joint use, then on such terms and conditions as the supreme court of the District of Columbia may determine to be equitable and just."

And the Senate agree to the same.

THOMAS H. CARTER,  
E. S. BURKETT,  
*Managers on the part of the Senate,*  
J. HAMPTON MOORE,  
JOHN H. FOSTER,  
T. W. SIMS,  
*Managers on the part of the House.*

The report was agreed to.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 3153. An act to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes;

H. R. 7653. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes;

H. R. 15841. An act to amend section 4896 of the Revised Statutes;

H. R. 17703. An act to amend section 4885 of the Revised Statutes;

S. R. 51. Joint resolution providing for additional lands for Idaho under the provisions of the Carey Act; and

H. J. Res. 124. Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

#### COASTWISE PASSENGER TRAVEL.

Mr. PILES. From the Committee on Commerce I report back favorably the bill (S. 7172) concerning the transportation of passengers coastwise, and I submit a report (No. 680) thereon. As it is very urgent, I ask for the immediate consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that no foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, or for any part of the voyage, under a penalty of \$200 for each passenger so transported and landed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INJURIES SUSTAINED BY GOVERNMENT EMPLOYEES.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of House bill 21844.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

Mr. BAILEY. Let the bill be first read, Mr. President.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. CLAPP. Mr. President, I think that is the bill as to which the Senator from Indiana [Mr. BEVERIDGE], stating that he had to leave this afternoon, asked, if it came up, that it go over. I did not catch the request of the Senator from Wyoming [Mr. CLARK] in regard to the bill.

Mr. CLARK of Wyoming. I would say to the Senator from Minnesota that the necessity for the present consideration of this bill, if it is to be considered at all, appears from the



fact that it has already passed the other House and is a bill that nearly everybody wants to have passed if it is in acceptable form. Therefore I would ask that the bill be now read for information.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill and was interrupted by.

Mr. CULBERSON. Before the bill is read any further, I desire to ask from what committee it comes?

The VICE-PRESIDENT. The bill has been reported by the Committee on the Judiciary.

Mr. CULBERSON. On what day?

The VICE-PRESIDENT. On the 18th of the present month.

Mr. CLARK of Wyoming. I did not catch the inquiry of the Senator from Texas.

Mr. CULBERSON. I desired to know from what committee this bill came.

Mr. CLARK of Wyoming. From the Judiciary Committee.

Mr. CULBERSON. Mr. President, I should like to have an opportunity to read the bill. While I am a member of the Committee on the Judiciary, I was not able to attend the meeting on Monday last in consequence of a meeting of the Committee on Public Buildings and Grounds, of which I am also a member. I ask the Senator from Wyoming if he will not permit the bill to go over until to-morrow, so that I, with other Senators on this side of the Chamber who desire to do so, may read the bill?

Mr. CLARK of Wyoming. There is no disposition at all to crowd the matter except, I will say, that I hope the Senator will see the necessity of early action upon the bill if action is to be had at all.

Mr. CULBERSON. I wish the bill to go over simply to enable me as an individual Senator to read it, I not having been able to attend the meeting of the Committee on the Judiciary on Monday last.

Mr. CLARK of Wyoming. I have no objection to the bill going over if it can be now read. I ask that the reading of the bill may be completed at this time.

The VICE-PRESIDENT. Without objection, the Secretary will complete the reading of the bill.

The reading of the bill was resumed and concluded. It is as follows:

*Be it enacted, etc.,* That when, after the passage of this act, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor work or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, he shall be entitled to receive for one year thereafter, unless sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided,* That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

SEC. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under 16 years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in equal portions, under such regulations as the Secretary of Commerce and Labor may prescribe, the same amount, for the remainder of the said year, that the husband, or father, or son would be entitled to receive as pay if he were alive and continued to be employed: *Provided,* That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of 16 years during the said year, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the origin and nature of the accident and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports.

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate satisfactorily accounted for. In the case of incapacity for work lasting more than thirty days, the injured party or his legal representatives desiring to take the benefit

of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of his attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, submit himself to medical examination, to be provided and paid for under the direction of the Secretary, and if he refuses to submit to or obstructs such examination his right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

SEC. 6. That to seek to obtain by fraudulent means or to accept benefits under this act to which the person is not entitled shall be deemed a misdemeanor on his part and punishable by a fine of not more than \$1,000 or by imprisonment for not more than two years, or both.

SEC. 7. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

SEC. 8. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

SEC. 9. That this act shall only take effect as to the right to receive compensation for any damages from accidents as to those occurring on and after July 1, 1908.

SEC. 10. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Texas [Mr. CULBERSON].

#### PATENTS TO INDIAN LANDS, ETC.

Mr. CLAPP. I desire to report favorably, with amendments, from the Committee on Indian Affairs, to whom it was referred, the bill (H. R. 21735) authorizing the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, and I submit a report (No. 681) thereon.

The bill as reported embraces several bills that have passed the Senate relating to Indian matters, the amendments being mainly Senate bills, though there are some amendments which are not. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill, which will be read for the information of the Senate.

Mr. CLAPP. The bill is prepared with amendments, and as the Secretary reads through it he can see where they come in.

The VICE-PRESIDENT. If there be no objection, the amendments will be considered as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Indian Affairs was, on page 1, line 6, after the word "lands," to strike out "of the Five Civilized Tribes" and, after the name "Oklahoma," to insert "and the States of Minnesota and South Dakota."

The amendment was agreed to.

The next amendment was, on page 1, line 13, after the words "case of," to insert "Indians."

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "Interior," to strike out down to and including the word "repealed" at the end of line 25, as follows:

That when any Indian who has heretofore received or who may hereafter receive an allotment of land dies before the expiration of the trust period the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands, but if he finds them incapable of managing their own affairs the land may be sold as hereinbefore provided. And the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall be conclusive and final for the purpose of passing title to the lands conveyed: *Provided,* That the proceeds derived from all sales hereunder shall be used during the trust period for the benefit of the allottee or heir so disposing of his interest under the supervision of the Commissioner of Indian Affairs: *And provided further,* That upon approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold; and the issuance of such patent shall operate as a cancellation of any trust patent or patent containing restrictions on alienation issued in the name of the original allottee. All acts or parts of acts in conflict herewith are hereby repealed.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 9, after the name "Green," to insert "and the heirs of Mitchell Mallickauiew."

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 25, after the word "suit," to strike out "in the courts of the United

States;" and on page 6, line 3, after the name "Abuel," to insert "in the circuit court of the United States for the district in which such lands are situated."

The amendment was agreed to.

The next amendment was, on page 6, after line 8, to strike out section 4, as follows:

SEC. 4. That a lease bearing date September 19, 1907, between the Seneca Nation of Indians on the Cattaraugus and Alleghany reservations, in the State of New York, and Charles M. L. Ashby, of Erie County, N. Y., is hereby ratified and confirmed.

The amendment was agreed to.

The next amendment was, in section 8, page 9, line 18, after the word "representatives," to strike out all down to and including the word "payments," in line 25, as follows:

*Provided, however,* That the Cherokee Nation shall have authority to contest before the Secretary of the Interior the right of any person whose enrollment was made under the decree of the Supreme Court of the United States in the case of Daniel Red Bird to receive such payments, and if said Secretary becomes convinced that such person was improperly enrolled he is hereby authorized to deny him the right to receive such back payments.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert as new sections the following:

SEC. 12. That the Secretary of the Interior is hereby authorized to set aside for town-site purposes at Dewey, Okla., the south half of the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter of the northwest quarter of section 28, township 27 north, range 13 east, formerly allotted to Julia Lewis, who failed to establish her citizenship in the Cherokee Nation.

That the Secretary of the Interior is directed to subdivide these lands in accordance with the present streets and alleys laid out on such lands and to dispose of such lands to the credit of the Cherokee Nation, the owners of permanent and substantial improvements on such lots to have the preference right of purchasing their lots for cash at a price not to exceed \$200 per acre: *Provided*, That all unimproved lots shall be sold at public auction to the highest bidder for cash: *And provided further*, That the expense of surveying, platting, laying out, and selling such lands shall be charged to the Cherokee Nation and deducted from the proceeds of such sale.

SEC. 13. That the Secretary of the Interior is hereby authorized to make, and shall cause to be made, within sixty days from the passage of this act, a reappraisal of the town of Hartshorne, Okla., as of the date of the original appraisal made by the town-site commission; that payment already made on lots therein shall be credited on the basis of the reappraisal; that there shall be reimbursed to lot owners from the town-site funds of the Choctaw and Chickasaw nations any amounts paid by them in excess of the new appraisal, and that the first installment on the purchase price or of the balance remaining unpaid shall be due thirty days after the service of notice of reappraisal, but in all other respects the existing laws relating to the sale of town lots and issue of patents therefor in the Choctaw and Chickasaw nations shall remain in full force and effect.

SEC. 14. That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to ascertain and determine the amount received by the United States from the sale of lands belonging to the Osage Indians under a treaty between the United States and the Great and Little Osage tribe of Indians, proclaimed January 21, 1867, and credited to the "civilization fund," that has been expended for any other Indians, or for any purpose other than the benefit of the Osage Indians, and the amount so ascertained shall be placed to the credit of the Osage tribe of Indians in the United States Treasury; less fee for attorneys representing said tribe of Indians employed by virtue of the resolution of the Osage national council, passed on the 7th day of December, 1907, in such amount as the court shall ascertain and fix after proper hearing of the services rendered and expenses incurred in the prosecution of the claim aforesaid, and the amounts found due by the court for the purposes hereinbefore stated are hereby appropriated out of said fund.

SEC. 15. That section 9, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended to read as follows:

"SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said Commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is \$1.25 per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said Commission, receiving credit for payments previously made: *Provided, however*, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section 14 of this act shall in addition to the payment required by section 9 of said act be required to pay for a water right the

proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

"The entryman of lands to be irrigated by said system shall in addition to compliance with the homestead laws reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding 160 acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than 40 nor more than 160 acres each.

"A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made.

"All applicants for water rights under the systems constructed in pursuance of this act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon.

"The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.

"The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.

"When the payments required by this act have been made for the major part of the unallotted lands irrigable under any system and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

"The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

That section 14 of said act be, and the same is hereby, amended to read as follows:

"SEC. 14. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation; one half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually as the same shall become available, share and share alike: *Provided*, That the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share to pay any charge assessed against land held in trust for him for operation and maintenance of irrigation system."

SEC. 16. That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court, to hear and determine the claims of Robert V. Belt, of Washington, D. C., and Joseph P. Mullen, formerly of Fort Smith, Ark., now of Ardmore, Okla., for services rendered and expenses incurred by them as the attorneys for the Choctaw and Chickasaw freedmen in the prosecution of their claims for allotments of land within and of the domain of the Choctaw and Chickasaw nations of Indians, now in the State of Oklahoma, under contracts of employment made therefor in 1894 and 1897 on behalf of said Choctaw and Chickasaw freedmen by their respective representatives appointed and empowered thereto by their conventions, respectively.

That the suits in said cases shall be begun by filing petitions in the Court of Claims within sixty days after the approval of this act, wherein shall be set out such facts and in the manner as prescribed by the rules of that court, by the said Robert V. Belt and Joseph P. Mullen, against the Choctaw freedmen in the one case and against the Chickasaw freedmen in the other case; service of said petitions shall be had by delivery of two copies of each to the Attorney-General, who, with such attorney as said freedmen may select and employ, shall appear and defend for all of the defendants in each of said cases.

That the court may receive and consider all papers, documents, records, depositions, or other evidence offered by any of the parties to said suits; and for such amount, if any, as the court shall adjudge to be justly and equitably due to said attorneys, Robert V. Belt and Joseph P. Mullen, as the value of the services rendered and expenses incurred by them for and on behalf of the said Choctaw and Chickasaw freedmen upon the evidence submitted it shall render judgment or decree against the individuals to whom such services were rendered, the same to be a lien against their respective allotments of land for their pro rata amounts thereof.

SEC. 17. That the Secretary of the Interior be, and he is hereby, authorized to cause allotments to be made under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reserva-



tion of the Sioux Nation in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on the Rosebud Reservation affected thereby, and who have not heretofore been allotted, so long as that tribe is in possession of any unallotted tribal or reservation lands: *Provided*, That no allotment shall be made to any allottee entitled to the same under the provisions of this act of any lands in the county of Tripp, in the State of South Dakota.

SEC. 18. That the Secretary of the Interior be, and he hereby is, authorized and directed to investigate the allotment made in the name of William Jondron, Yankton Sioux allottee No. 1147, and if it be shown to his satisfaction that no such person as William Jondron was in existence at the time the Yankton Indians were allotted he is hereby authorized and directed to cancel the patent issued in the name of William Jondron and also the record of the allotment in his name, and to reallot the lands covered thereby to a member or members of the Yankton tribe who were entitled to allotments but failed to receive land when the Indians of the said tribe were allotted lands in severalty.

SEC. 19. That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March 2, 1889, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March 2, 1889; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs: *Provided*, That the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

SEC. 20. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the Diocese of Duluth, organized under an act of the State of Minnesota entitled "An act concerning religious corporations," approved February 26, 1885, of the Protestant Episcopal Church in the United States of America for the lands set apart to said church on the various Indian reservations in the State of Minnesota, as follows:

On the White Earth Indian Reservation at or near White Earth: The southwest quarter of the southwest quarter and lots 7 and 9 of section 14, township 142 north, range 41 west of the fifth principal meridian, containing in all 118.31 acres.

On the White Earth Indian Reservation at or near Beaulieu, on Wild Rice River: All of lot 1 of section 31, township 145 north, range 40 west of the fifth principal meridian, containing 29.77 acres, except the 2½ acres, more or less, on which the Government blacksmith shop is located, which tract corresponds to the southeast quarter of the northeast quarter of the northwest quarter of the northwest quarter of said section, township, and range. Also the 2½ acres, more or less, of lot 2 of section 31, township 145 north, range 40 west of the fifth principal meridian, corresponding to the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of said section, township, and range, upon which the Episcopal parsonage and church building stand. Also the south half of the northwest quarter and the north half of the southwest quarter of section 30, township 145 north, range 40 west of the fifth principal meridian, containing 139.28 acres, more or less.

On the White Earth Indian Reservation, at or near Pine Point: The southeast quarter of the northwest quarter and lot 1, all in section 33, township 141 north, range 37 west of the fifth principal meridian, containing 69.05 acres, more or less. Also that part of section 33, township 141 north, range 37 west of the fifth principal meridian, described as follows: Beginning at a point that is 20 chains west and 6 chains south of the center of said section, thence south 5 chains, thence west 2½ chains, thence north 5 chains, thence east 2½ chains to the place of beginning, containing 14 acres, more or less. Also that part of said section described as follows: Beginning at a point 5 chains east of the southwest corner of said section, thence north 10 chains, thence east 3.75 chains, thence south 10 chains, thence west 3.75 chains, containing 3.75 acres, more or less, on which is located the missionary's house, and to which the chapel is to be removed.

On the Red Lake Indian Reservation at or near Redby: Lot 2 and the southwest quarter of the southeast quarter of section 19, and the northwest quarter of the northeast quarter of section 30, township 151 north, range 33 west of the fifth principal meridian, containing 94.75 acres, more or less.

On the Red Lake Indian Reservation, at or near the subagency site, the following-described parcel of land for cemetery purposes: Starting at the northeast corner of section 29, township 151 north, range 34 west of the fifth principal meridian, thence running westward along the north line of said section 240 feet, thence southward on a line parallel to the east line of said section 75 feet to reach the point of beginning; thence from said point of beginning westward on a line parallel to the north line of said section 210 feet, thence southward on a line parallel to the east line of said section 420 feet, thence northward on a line parallel to the north line of said section 210 feet to said point of beginning, containing 2 acres, more or less. Also the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of section 28, township 151 north, range 34 west of the fifth principal meridian, containing five-eighths of an acre, more or less, on which is situated the missionary's house. Also that part of section 21, township 151 north, range 34 west, described as follows: Starting at the southwest corner of said section, thence running eastward along the south line of said section a thousand feet, thence northward on a line parallel to the west line of said section 116 feet to reach the point of beginning, thence from said point of beginning northward on a line parallel to the west line of said section 66 feet, thence westward on a line parallel to the south line of said section 330 feet, thence southward on a line parallel to the west line of said section 66 feet, thence eastward on a line parallel to the south line of said section 330 feet to the point of beginning, containing one-half an acre, more or less, on which the church and lace teacher's house are located. Also the southeast quarter of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section 28, township 151 north, range 34 west of the fifth principal meridian, containing 90 acres, more or less.

On the Red Lake Indian Reservation, at or near the Cross Lake School: West half of lot 2, section 6, township 152 north, range 33 west of the fifth principal meridian, containing 23 acres, more or less.

On the Cass Lake Indian Reservation at or near the Cass Lake Government school: All of lot 3, section 29, township 146 north, range 31 west of the fifth principal meridian, and that part of lot 2 of said section south of a line running parallel to and 45 rods south of the north line of said section, containing in all 32 acres, more or less: *Provided*, That a roadway 20 feet wide shall be permitted across said lands from the Government school to the place of crossing the Mississippi River.

On the Leech Lake Indian Reservation, at or near Onigum: The following-described tract of land in lot 1, section 24, and lot 3, section 13, township 142 north, range 31 west of the fifth principal meridian: Starting at the northwest corner of section 24, township 142 north, range 31 west of the fifth principal meridian, and running eastward along the north line of said section 28 and ninety-one-hundredths chains to reach the point of beginning; thence from said point of beginning southwest on an angle of 37° 27' 1 chain; then southeast on an angle of 66° 27' 5.58 chains to the lake shore; then returning to the point of beginning; thence running northeast on an angle of 37° 27' 1.27 chains; thence southeast on an angle of 64° 2' 3.9 chains to the lake shore. The foregoing lines, together with the lake shore, form the boundaries of said tract, containing about 1½ acres: *Provided*, That a walk 6 feet wide shall be permitted across this property leading from the Government school to the dock, as the same is now located.

On the Leech Lake Indian Reservation at or near the old agency: All that part of the southwest quarter of the southeast quarter of section 17, township 142 north, range 30 west of the fifth principal meridian, described as follows: Beginning at the quarter post between sections 17 and 20, thence north 7.73 chains to reach the point of beginning, thence from said point of beginning east 3.17 chains, thence north 3.17 chains, thence west 3.17 chains, thence south 3.17 chains to the point of beginning, containing 1 acre, more or less, on which said tract of land the church is located. Also that part of lot 4 of section 17, township 142 north, range 30 west of the fifth principal meridian, described as follows: Starting at the quarter post between sections 17 and 20 and running thence north 16.94 chains, thence west seven-tenths of a chain to reach the point of beginning, thence from said point of beginning north 2.28 chains, thence west 2.28 chains, thence south 2.28 chains, thence east 2.28 chains to the said point of beginning, containing three-fourths of an acre, more or less. Also the southeast quarter of the northwest quarter of the southeast quarter of section 17, township 142 north, range 30 west of the fifth principal meridian, containing 10 acres, more or less.

SEC. 21. That the Secretary of the Interior is hereby authorized to convey to the State of Minnesota the following-described tracts and parcels of lands, situate in the county of Carlton, State of Minnesota, and described as follows, to wit: All of section 36, township 49, range 18, except east half of northeast quarter; and all of section 31, township 49, range 17, except southwest quarter of northwest quarter and southeast quarter of southeast quarter; south half of southeast quarter, south half of southwest quarter, northeast quarter of southeast quarter, and south half of northeast quarter, all in section 30, township 49, range 17; northeast quarter of northwest quarter, south half of northwest quarter, all of the southwest quarter, and south half of southeast quarter and northeast quarter of southeast quarter, section 29, township 49, range 17; north half of northwest quarter, southwest quarter of northeast quarter and southeast quarter, section 32, township 49, range 17, upon receipt by said Secretary of the Interior of the sum of \$1.25 per acre to him paid by any person or persons on behalf of said State of Minnesota.

That all restrictions on alienation as to any allottee or allotment embraced in the following-described lands, to wit: East half of northeast quarter, section 36, township 49, range 18; southwest quarter of northwest quarter, section 31, township 49, range 17; north half of northeast quarter and southeast quarter of northeast quarter, section 32, township 49, range 17; and northwest quarter of northwest quarter, northwest quarter of southeast quarter, section 29, township 49, range 17; north half of northeast quarter, northwest quarter of southeast quarter, north half of southwest quarter, southeast quarter of northwest quarter, section 30, township 49, range 17; southeast quarter of southeast quarter, section 25, township 49, range 18, are hereby removed in so far that said allottees or any of them or their heirs may convey their allotments to the State of Minnesota upon such allotment being first appraised by the Secretary of the Interior, and not less than the appraised price paid therefor by the State, and in that case the trust patent heretofore issued for such allotment shall be deemed and be a patent in fee, and the proceeds of such allotment in case of an incompetent Indian shall be held and disposed of as provided by the act of March 1, 1907, 34 Statutes at Large, pages 1015 to 1018, or any Indian holding an allotment upon any of the lands described in this section may file with the Commissioner of Indian Affairs a relinquishment of said allotment conveying the same to the State of Minnesota and have the right to take another allotment of any unallotted lands subject to allotment in said State of Minnesota, provided that such relinquishment be accompanied by the sum of \$1.25 for each acre covered by such relinquishment, to be turned over to the Secretary of the Interior and disposed of as hereinafter provided.

That all moneys received by the Secretary of the Interior under and pursuant to the provisions of this act shall be placed to the credit of the Chippewa Indians in the State of Minnesota, pursuant to the provisions of an act of Congress entitled "For the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and acts supplementary thereto.

That all outstanding contracts for the sale of timber upon any of the foregoing described lands made by the Secretary of the Interior or the General Land Office under the direction of the Secretary shall remain in force and the proceeds applied as provided for by existing laws, except that parties holding said contracts shall not be required to burn any debris upon said lands.

SEC. 22. That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to the credit of the White Earth bands of Chippewa Indians in Minnesota the sum of \$19,694.48, the proceeds of litigation with the Commonwealth Lumber Company, said sum having been heretofore covered into the Treasury by "miscellaneous revenue" covering warrant No. 2283 of the first quarter 1905, and erroneously credited to the account of "depredations upon public lands."

SEC. 23. That the time of complying with the terms of article 6 of the agreement with the Alsea and other Indians on Siletz Indian Reservation, in Oregon, approved August 15, 1894, as follows: "It is further stipulated and agreed that any religious society or other organization not occupying under proper authority, for religious or educational work among the Indians, any of the lands in this agreement

ceded, shall have the right for two years from the date of the ratification of this agreement (same date as bill) within which to purchase the land so occupied at the rate of \$2.50 per acre, the same to be conveyed to such organization or society by patent," be extended to one year from date of approval of this act in favor of any such religious society or organization heretofore described as can prove that it has maintained religious or educational work among the Indians as contemplated in the original act. The amount of land to be so conveyed shall not exceed 10 acres.

SEC. 24. That the tracts of land remaining unsold in the Kiowa, Comanche, and Apache reservations under the act of June 5, 1906, and also under the act of June 6, 1900, shall be again and at once offered for sale and sold under the provisions and terms of said act of June 5, 1906; *Provided*, That said lands shall be sold under such regulations as may be prescribed by the Secretary of the Interior and for not less than \$1 per acre; *And provided further*, That any purchaser of said land may, at his option, pay the entire amount that is due in cash for such land and receive his title therefor without the necessity of actually settling thereon; *Provided further*, That before offering said lands for sale the Secretary of the Interior shall allot 160 acres of land to each child of Indian parentage born since June 5, 1906, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache tribe of Indians and entitled to allotment of land under the act of June 5, 1906, opening said Kiowa, Comanche, and Apache reservations to settlement, said allotments to be made of lands remaining unsold known as the pasture reserves in said reservations.

The Secretary of the Interior shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect; *Provided*, That any person who heretofore entered any of said land under said act of June 5, 1906, shall receive patents therefor by paying all the deferred installments of purchase money and proving compliance with the requirements of the homestead laws at any time after the expiration of ten months from the date of his entry.

SEC. 25. That whenever the President is satisfied that all the Indians in any part of the Navajo Indian Reservation in New Mexico and Arizona created by Executive orders of November 9, 1907, and January 28, 1908, have been allotted, the surplus lands in such part of the reservation shall be restored to the public domain and opened to settlement and entry by proclamation of the President.

SEC. 26. That the time of complying with the terms of article 6 of the agreement with the Alsea and other Indians on Siletz Indian Reservation in Oregon, approved August 15, 1894, as follows: "It is further stipulated and agreed that any religious society or other organization now occupying under proper authority, for religious or educational work among the Indians, any of the lands in this agreement ceded, shall have the right for two years from the date of the ratification of this agreement (same date as bill) within which to purchase the land so occupied at the rate of \$2.50 per acre, the same to be conveyed to such organization or society by patent;" be extended to one year from date of approval of this act in favor of any such religious society or organization heretofore described as can prove that it has maintained religious or educational work among the Indians as contemplated in the original act. The amount of land to be so conveyed shall not exceed 10 acres.

SEC. 27. That the Court of Claims is hereby authorized to consider and adjudicate the claim of Clarence W. Turner, of Muskogee, Okla., against the Creek Nation for the destruction of personal property and the loss of the pasture of the said Turner by the action of the Creek authorities, with full equity jurisdiction with the right of appeal in either party to the Supreme Court of the United States.

The amendment was agreed to.

Mr. BAILEY. I understand that the amendments being stated at the desk are committee amendments, and I rise to inquire if it would be now in order to offer an amendment at this point?

The VICE-PRESIDENT. It is in order.

Mr. BAILEY. I think just at that particular point an amendment which I send to the Secretary's desk should be adopted.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert the following:

SEC. 28. That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of William N. Vernon, J. S. Bounds, and Chester Howe, their associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon on the principle of quantum meruit in such amount or amounts as may appear equitable and justly due therefor, which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws as individuals by the United States. The said William N. Vernon, J. S. Bounds, and Chester Howe are hereby authorized to intervene in the suit instituted in said court under the provisions of section 9 of the act of April 26, 1906, in behalf of the estate of Charles F. Winton, deceased. Notice of such suit or intervention shall be served on the governor of the Choctaw Nation, and the Attorney-General shall appear and defend the said suit on behalf of the said Choctaws.

The amendment was agreed to.

Mr. GORE. I desire to offer an additional section to the bill (S. 6447), which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

SEC. 29. That the Secretary of the Interior be, and he is hereby, authorized to make an allotment to Herman Lehman (Montechema), an enrolled member of the Comanche tribe of Indians, who did not get an allotment, of 160 acres of unappropriated and unallotted land from the lands to be disposed of under the act of Congress approved June 5, 1906 (34 Stat. L., p. 213), and patent shall issue therefor in fee simple.

The amendment was agreed to.

Mr. CLAPP. Mr. President, in connection with the amendment just offered by the Senator from Oklahoma [Mr. GORE]

and agreed to, I ask to have printed in the Record a letter from the Secretary of the Interior.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 23, 1908.

Hon. T. P. GORE, United States Senate.

SIR: I beg to acknowledge the receipt of your letter of January 14, 1908, transmitting a copy of a bill providing for the allotment of a quarter-section of land to Herman Lehman, together with copies of correspondence concerning this man's claim to recognition as a member of the Kiowa, Comanche, and Apache tribe of Indians.

As the papers indicate, his enrollment for the purpose of sharing in the money benefits going to these Indians has been approved by the Department, but his application for the purpose of enabling him to be allotted was denied on the ground that the law did not authorize it.

There can be no objection, in my judgment, to the enactment of such a measure as you propose; but it is believed that the provision as to a canceled allotment in the pasture lands is unnecessary. I would suggest that an item of form like the inclosed will cover the case. It can be treated as a separate bill by being preceded by a proper enacting clause, or it can be incorporated with some other bill.

I note that there is some reference to the fact that the proof submitted by Mr. Lehman concerning his incapacity to labor for a living does not show how or when his wounds were incurred. For your information, I am informally advised from a source in which I have confidence that the tendons of this man's hands appear to have been cut, that his arms and legs are covered with scars evidently made by ropes, and that his body bears many scars from wounds inflicted by torture, no doubt at the time he was captured. It is said that his body was pierced with burnt sticks, and other fiendish outrages committed, and the effect is plainly to be seen.

There are sufficient lands in the pasture reserve remaining unsold to give him an allotment if the Congress will authorize it before the lands are sold. I think there will be ample time to pass the measure before another sale can take place.

Very respectfully,

F. E. LEUPP, Commissioner.

Mr. GORE. I also send to the desk Senate bill 2892, which I offer as an amendment to the pending bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill, as new sections, the following:

SEC. 30. That all moneys forfeited under the regulations issued October 19, 1906, by the Secretary of the Interior under the act entitled "An act to open for settlement 503,000 acres of land in the Kiowa-Comanche and Apache Indian Reservation in Oklahoma Territory," approved June 5, 1906, be repaid to the persons by whom such moneys were deposited in every case where it shall be made to appear to the satisfaction of the Commissioner of the General Land Office that the bid upon which the award was made was the result of a clerical error, or was due to an honest mistake on the part of the bidder as to the numbers, the description, or the character of the land upon which his bid was made.

That the Commissioner of the General Land Office shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect, and the payment of the deposits herein provided for shall be paid out of any moneys deposited in the Treasury of the United States as the proceeds arising from the sale of lands under said act of June 5, 1906, and an appropriation, sufficient in amount to cover such case, is hereby made.

Mr. LODGE. Mr. President, I should like to ask if that bill has ever been reported to the Senate?

Mr. GORE. Mr. President, the bill has been reported to the Senate, has passed the Senate, and been favorably reported in the other House, but the rush of business makes it improbable that it will pass unless as an amendment on this bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. GORE].

The amendment was agreed to.

Mr. GORE. Mr. President, I send another amendment to the desk, which I ask to have added as an additional section to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section at the end of the bill the following:

SEC. 31. That 20 per cent of the proceeds arising from the sale of the south half of section 30, township 2 north, range 11 west of the Indian meridian in Oklahoma, is hereby appropriated, to be available immediately after such sale, to begin construction of a courthouse and post-office building at Lawton in said State, to cost not more than \$100,000; and all acts in conflict herewith are hereby repealed.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURKETT. Mr. President, I send to the desk an amendment which I offer to the bill. I will say that it is a bill which has been read here and which has passed the Senate a couple of times. It was amended somewhat in the House committee and reported over there. If the Senate does not care to hear it read, I would say it has been read, with the exception of something that the House added.

The VICE-PRESIDENT. The amendment will be stated.



The SECRETARY. It is proposed to add at the end of the bill as a new section the following:

SEC. 32. That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians, ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other statements or verification shall be necessary.

The attorneys of record shall be furnished with official letters, papers, reports, documents, and public records, or certified copies thereof, which may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determine all legal and equitable claims, if any, of said Otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, with the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit, or for the failure of the United States to pay either of said tribes any money due.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LONG. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill as a new section the following:

SEC. 33. That H. C. Linn and Samuel Powell be, and are hereby, permitted to bring suit in the Court of Claims for whatever amount may be reasonably due them, if any, under their contract in writing, dated October 28, 1899, with J. H. Dick, an attorney for certain Cherokee Indians known as "Eastern" or "Emigrant" Cherokees. The said court is hereby given jurisdiction to entertain said suit and render final judgment therein, payable out of the amount appropriated by the act of Congress entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved June 30, 1906, to pay the final judgment rendered by said court in the consolidated causes, lately pending therein, Nos. 23195, 23214, and 23212. In said suit the said J. H. Dick and the said Eastern or Emigrant Cherokees, collectively, shall be named as defendants, and the court may require such other person or persons to be made parties as may to the court seem proper for the equitable adjustment of the matter in controversy and for such purpose as the court may designate. Upon the institution of such suit written notice thereof to said Eastern or Emigrant Cherokees may be given by service on the Secretary of the Interior personally and notice of said suit to the other defendant or defendants shall be given by publication or otherwise, as the court may direct. Pending final judgment in said suit so much of the amount heretofore appropriated by the act of June 30, 1906, as aforesaid, as may be necessary to pay said judgment shall be withheld from distribution.

Mr. KEAN. I will ask the Senator is there any limit to the amount that the lawyers may collect for their fee in this case?

Mr. LONG. Whatever the court finds is due under their contract. There is a certain percentage.

Mr. KEAN. There is a contract?

Mr. LONG. Certainly.

Mr. KEAN. I think it is a bad bill—

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Alabama.

Mr. LONG. Certainly.

Mr. CLAY. Has this amendment ever been referred to any committee and considered by it?

Mr. LONG. This amendment is in the form in which it was reported from the Committee on Claims of the House of Representatives.

Mr. CLAY. It strikes me that we are inserting all the Indian claims of every nature, class, and kind as amendments in this bill. If these are proper amendments they ought to have been inserted in the bill when it was before the committee, but they have simply been placed upon the bill since it came to the Senate, and it would seem that the Committee on Indian Affairs did not desire to insert these amendments when the bill came from that committee.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. LONG. Certainly.

Mr. CLAPP. The situation is this: Most of these matters have already passed the Senate or have passed the House of Representatives.

Mr. KEAN. This has not.

Mr. CLAPP. I will get to that in a moment. All of these matters have either been reported by the House or Senate Committee on Indian Affairs. In the House they prepared this bill and left off some of the matters that had been reported in the House, the Members interested, I presume, being engaged in other matters. These are the amendments that are now being offered.

Mr. CLAY. With the Senator's permission, I will ask if this House bill has been referred to the Senate Committee on Indian Affairs, or are we acting on it without its having been referred?

Mr. CLAPP. No, sir; the bill was passed, I think, day before yesterday, but owing to the fact that we are near adjournment the Senate Committee got the blueprint of the bill, held their meeting, and went over these items. With the exception of the amendments which are now being offered by Senators individually—

Mr. CLAY. Then I misunderstood the Senator.

Mr. CLAPP. This is a report of the Indian Committee, who went over the subject and added these other measures to the House bill.

Mr. CLAY. You mean the amendments that have been adopted?

Mr. CLAPP. I say all the amendments, except those that have been offered individually by Senators, were offered as a part of the report by the chairman of the committee, were considered by the committee, and placed in the report and placed in the House bill.

Mr. CLAY. The reason of my objection to the amendments was simply because I thought the bill had been referred to the Committee on Indian Affairs of the Senate, and had been considered by that committee and reported to the Senate. I was not aware of the fact that it was a House bill being considered without having gone to the Committee on Indian Affairs.

Mr. CLAPP. I say it has been considered by the Senate Committee on Indian Affairs, and all the amendments, except some of the later ones, which are being offered by Senators individually, were considered by the Senate committee and were reported by the chairman.

Mr. CLAY. Then I am correct. The amendments offered on the floor which we have adopted have not been considered by the Committee on Indian Affairs.

Mr. CLAPP. Some of them have not been considered since the bill came from the House. Many of them are bills; some are even matters that have passed the Senate at this session in the shape of bills.

Mr. CLAY. The Committee on Indian Affairs did not, in making its report, insert these amendments in the bill?

Mr. CLAPP. No.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas [Mr. LONG].

The amendment was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk. In the shape of a bill it has been passed upon by the Indian Committee of the Senate.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill as a new section the following:

SEC. —. That jurisdiction be, and the same is hereby, conferred upon the Court of Claims, with right of appeal to either party to the Supreme Court of the United States, to hear and adjudicate any and all claims in law or equity of the Kaw tribe of Indians residing in Oklahoma against the United States relating to lands under any of the treaties between the United States and said tribe; that suit under this act shall be filed in said court within six months from the date of the approval hereof, and no compromise or settlement heretofore made by

the United States with the said Kaw tribe of Indians or with individual members thereof shall be pleaded in satisfaction of any such claim or claims or in estoppel thereof; but such amount as may have been paid, if any, in compromise or settlement of any claim or claims sued for hereunder may be pleaded as a set-off in any such suit or suits; and in hearing said suit or suits the Court of Claims shall exercise equitable as well as legal jurisdiction and apply to the transaction between the United States and said Indians the rules of equity applicable to the relations of guardian and ward and of trustee and cestui que trust.

The suit or suits herein authorized shall be brought by attorney or attorneys employed by the legal representative of Henry C. Dooley, deceased, in accordance with the terms of a contract entered into between the said Henry C. Dooley and the Kaw tribe of Indians, dated April 26, 1898, approved by the Secretary of the Interior February 7, 1899, and by the Commissioner of Indian Affairs February 10, 1899; and the term of said contract is extended until the final conclusion and settlement of all matters growing out of the suit or suits herein authorized.

If the court shall ascertain and adjudge that the Kaw tribe of Indians have been deprived by the United States of any lands to which said tribe were or are justly entitled, the court shall enter judgment in favor of said tribe against the United States for an amount equal to \$1.25 per acre for the land so found by them to be due said tribe, less the amount of the fee due the attorneys of said tribe, in said suit or suits as herein provided.

And said court shall enter a separate judgment in favor of the attorney or attorneys for the said tribe in said suit or suits for 10 per cent of the amount of the recovery, which shall be paid direct to said attorney or attorneys, and the sum necessary to pay the same is hereby appropriated out of any funds in the United States Treasury not otherwise appropriated.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. Is it proposed to appropriate money out of the Treasury of the United States?

Mr. OWEN. It simply authorizes suit. It has been reported by the Indian Committee.

Mr. KEAN. Do I understand the money will come out of the Treasury of the United States?

Mr. OWEN. If there is a recovery, of course that would be the consequence.

Mr. KEAN. I thought this was to be paid out of funds that belong to the Indian tribe.

Mr. OWEN. No, sir; if the court finds anything is due at all, it will be paid by the United States and not by the Kaw Indians.

Mr. KEAN. What is the amount of the claim?

Mr. OWEN. I do not know just what the amount is. They made a settlement with the United States some time ago for, I believe, \$100,000.

Mr. KEAN. This is setting aside—

Mr. OWEN. This is intended to give them a rehearing on it.

Mr. KEAN. Setting aside the entire settlement?

Mr. OWEN. Yes, sir.

Mr. KEAN. Leaving everything open?

Mr. OWEN. Yes, sir.

Mr. KEAN. And allowing the whole claim to be opened as if not settlement had ever been made?

Mr. OWEN. Yes, sir.

Mr. LODGE. Mr. President, it makes a perfectly indefinite charge on the Treasury, and no such indefinite charge on the Treasury ought to be permitted.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I do not think there is any question at all but what this amendment ought to pass Congress as a law. The only question that would be involved here is that we have sought so far to keep matters off of this bill that involved, in a sense, appropriations. In view of the fact that the House put no such provisions on, while I should heartily support this bill and have gone over it in committee, and believe it should be passed as a law, I rather think it ought not to go onto this bill.

Mr. NELSON. I want to suggest to the Senator that if this amendment is put on it will make it subject to a point of order that may defeat the passage of the bill.

Mr. CLAPP. That is the point exactly. I feel constrained to suggest that it should not go on the bill for that reason.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oklahoma [Mr. OWEN].

The amendment was rejected.

Mr. GORE. I submit the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 34. That all persons who made entry or settlement on vacant lands belonging to the United States Government in Oklahoma on or before October 6, 1901, shall be entitled to an extension of time for final payment thereon from October 6, 1908, until February 15, 1909.

The amendment was agreed to.

Mr. CARTER. I offer the amendment I send to the desk, to be inserted at the end of the bill.

The SECRETARY. It is proposed to insert at the end of the bill the following:

SEC. 35. That hereafter no commission, counsel, or attorney's fee shall be paid on any Indian claim adjudicated by the Court of Claims until the same shall have been by said court approved as reasonable and just, and in no case shall a fee be allowed in excess of the amount provided by the contract.

The amendment was agreed to.

Mr. OWEN. I move to reconsider the vote by which the Kaw amendment was rejected, and that it be left without prejudice. I should like to withdraw the amendment.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. Without objection, the amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### REMOVAL OF RESTRICTIONS FROM INDIAN ALLOTMENTS.

Mr. OWEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 19, 27, 36, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 20, 22, 23, 25, 26, 28, 29, 31, 32, 33, 34, 39, and 42, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of the proposed amendment, and on page 1, line 8, after the word "white," strike out "shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as freedmen shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as of," and insert, after the word "whites," "as freedmen, and as mixed-blood Indians having less than half."

On page 2, line 1, after the word "blood," insert the words "including minors;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof: "half and less than three-quarters;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 2 of the proposed amendment change the word "degree" to "degrees."

On page 2, line 4 of the bill, after the word "enrolled," strike out the word "living," and in line 5, after the word "full-bloods," insert "and enrolled mixed-bloods of three-quarters or more Indian blood;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 2 of the proposed amendment change the word "degree" to "degrees," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the word "lands," in line 4 of the proposed amendment, change the period to a comma and add: "and for such purposes sections thirteen to twenty-three, inclusive, of an act entitled 'An act to grant the right of way through Oklahoma and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes,' approved February 28, 1902 (32 Stat. L., p. 43) are hereby continued in force in the State of Oklahoma," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"SEC. 2. That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee if an adult, or by guardian or curator under order of the proper probate court if a minor or incompetent, for a period not to exceed five years, without the privilege of renewal: *Provided*, That leases



of restricted lands for oil, gas, or other mining purposes, leases of restricted homesteads for more than one year, and leases of restricted lands for periods of more than five years may be made, with the approval of the Secretary of the Interior, under rules and regulations provided by the Secretary of the Interior, and not otherwise: *And provided further*, That the jurisdiction of the probate court of the State of Oklahoma over lands of minors and incompetents shall be subject to the foregoing provisions, and the term 'minor' or 'minors,' as used in this act, shall include all males under the age of twenty-one years and all females under the age of eighteen years."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"And the enrollment records of the Commissioner to the Five Civilized Tribes shall hereafter be conclusive evidence as to the age of said citizen or freedman."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 3, in line 6, change "and" to "or," and in the same line strike out the word "leases" and insert the word "lease;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: At the end of the proposed amendment add the words "or now domiciled therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In line 11, of page 5, strike out the word "guardians" and insert the word "guardian;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"Any suit brought by the authority of the Secretary of the Interior against the vendee or mortgagee of a town lot, against whom the Secretary of the Interior may find upon investigation no fraud has been established, may be dismissed and the title quieted upon payment of the full balance due on the original appraisal of such lot: *Provided*, That such investigation must be concluded within six months after the passage of this act.

"Nothing in this act shall be construed as a denial of the right of the United States to take such steps as may be necessary, including the bringing of any suit and the prosecution and appeal thereof, to acquire or retain possession of restricted Indian lands, or to remove cloud therefrom, or clear title to the same, in cases where deeds, leases, or contracts of any other kind or character whatsoever have been or shall be made contrary to law with respect to such lands prior to the removal therefrom of restrictions upon the alienation thereof; such suits to be brought on the recommendation of the Secretary of the Interior, without costs or charges to the allottees, the necessary expenses incurred in so doing to be defrayed from the money appropriated by this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: At the end of the proposed amendment add: "*Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March fourth, nineteen hundred and six, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section one hereof, for the use and support of such issue, during their life or lives, until April twenty-sixth, nineteen hundred and thirty-one; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April twenty-sixth, nineteen hundred and thirty-one, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section twenty-three of the act of April twenty-sixth, nineteen hundred and six, as amended by this act, are hereby made applicable to all wills executed under this section;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an

amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"SEC. 11. That the Secretary of the Interior is hereby authorized and directed to pay, out of any moneys in the Treasury of the United States belonging to the Choctaw or Chickasaw nations, respectively, any and all outstanding general and school warrants duly signed by the auditor of public accounts of the Choctaw and Chickasaw nations, and drawn on the national treasurers thereof prior to January first, nineteen hundred and seven, with six per cent interest per annum from the respective dates of said warrants: *Provided*, That said warrants be presented to the United States Indian agent at the Union Agency, Muskogee, Okla., within sixty days from the passage of this act, together with the affidavits of the respective holders of said warrants that they purchased the same in good faith for a valuable consideration, and had no reason to suspect fraud in the issuance of said warrants: *Provided further*, That such warrants remaining in the hands of the original payee shall be paid by said Secretary when it is shown that the services for which said warrants were issued were actually performed by said payee."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"SEC. 12. That all royalties arising on and after July first, nineteen hundred and eight, from mineral leases of allotted Seminole lands heretofore or hereafter made, which are subject to the supervision of the Secretary of the Interior, shall be paid to the United States Indian Agent, Union Agency, for the benefit of the Indian lessor or his proper representative, to whom such royalties shall thereafter belong; and no such lease shall be made after said date except with the allottee or owner of the land: *Provided*, That the interest of the Seminole Nation in leases or royalties arising thereunder on all allotted lands shall cease on June thirtieth, nineteen hundred and eight."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"SEC. 14. That the second paragraph of section eleven of an act entitled 'An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes,' approved April twenty-sixth, nineteen hundred and six, is hereby amended to read as follows:

"That every officer, member, or representative of the Five Civilized Tribes, respectively, or any other person, having in his possession, custody, or control any money or other property, including the books, documents, records, or any other papers of any of said tribes shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all money of the tribe in his possession, custody, or control, and shall deliver all other tribal properties so held by him to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property so held by him, or to pay and deliver the same as herein provided, prior to July thirty-first, nineteen hundred and eight, he shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished by fine of not exceeding five thousand dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to such offense, and shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe or tribes in interest for the amount or value of the money or property so withheld."

And the Senate agree to the same.

ROBERT L. OWEN,  
MOSES E. CLAPP,  
CHARLES CURTIS,

Managers on the part of the Senate.

J. S. SHERMAN,  
BIRD MCGUIRE,  
JOHN H. STEPHENS,

Managers on the part of the House.

The report was agreed to.

#### DESECRATION OF THE FLAG.

MR. LODGE. I desire to call up the bill (S. 565) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America. The bill was taken up

during my absence. There is no objection to it, I believe, from anyone. I think the bill was read and the amendment adopted.

The VICE-PRESIDENT. The bill has been read.

Mr. LODGE. Some question was raised whether the bill would not exclude organizations like the Grand Army from carrying banners with inscriptions. I do not myself think it would cover anything of that sort at all or reach them in any way, but I have talked the matter over with the Senator from Georgia, and I desire to offer an amendment to the bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill the following:

*Provided further*, This act shall not apply to banners or flags carried by military or patriotic organizations authorized by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EFFICIENCY OF THE MILITIA.

Mr. HEMENWAY. I desire to call up the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. BACON. Mr. President, I consented to the reading of the bill upon conference with the Senator in charge of it, intending to object to its consideration when the reading had been completed, in order that I may have an opportunity to examine the bill. I therefore hope the amendments will not be acted upon at this time. I ask that the bill go over. It is a very important measure.

The VICE-PRESIDENT. The Senator from Georgia asks that the bill go over.

Mr. HEMENWAY. I would be glad if the Senator from Georgia would examine the bill, as I should like to call it up to-morrow, if by that time the Senator shall have had time to look it over.

Mr. BACON. I will try to look over it. I do not know how that may be.

Mr. HEMENWAY. The bill was unanimously reported from the Committee on Military Affairs, and a similar measure from the Committee on Military Affairs of the House.

Mr. BACON. I will look at it, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice.

#### CLAIMS FOR DAMAGES.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (S. 7184) for the relief of citizens of the United States and the Philippine Islands, to report it favorably without amendment. I call the attention of the Senator from Wyoming [Mr. WARREN] to the bill.

Mr. WARREN. Mr. President, the bill is a very short one, and it is important that it should be passed to-day. I ask for its immediate consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. CULBERSON. From what committee does the bill come, Mr. President?

The VICE-PRESIDENT. The bill was reported from the Committee on Claims.

Mr. WARREN. I may say to the Senator from Texas that these are claims for damages on account of live stock or poultry killed, or growing crops or other property destroyed by the Army where the maneuvers were held in the past few years in the United States, and I think perhaps there is one or more claims from the Philippines. They have all been passed upon by a board of survey, and have been certified to Congress by the War Department in the regular estimates for the year's appropriations.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay for settlement of twenty-five approved claims for damages to and loss of private property belonging to citizens of the United States and of the Philippine Islands, \$4,705.45.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MINEDOKA RECLAMATION PROJECT.

Mr. BORAH. I ask unanimous consent for the present consideration of the bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized, in connection with town sites established within or in the vicinity of the Minedoka reclamation project in Idaho under the provisions of the act of April 16, 1906, and June 27, 1906, in fixing the terms of sale for lots to provide, in his discretion, for payments in cash or in not exceeding ten annual installments, with interest at 6 per cent per annum on deferred payments. He is further authorized to expend from the proceeds of the sales of town lots in any town site heretofore or hereafter established under said act on said project such sums as in his discretion may be necessary for the construction of schoolhouses, water and sewer systems, and other municipal improvements, and for the operation and maintenance thereof, the expenditures herein provided for to be made through the Reclamation Service. The installments paid on the purchase of lots shall be available for such purposes to their entire extent as received.

SEC. 2. That the Secretary of the Interior is further authorized to reserve from entry under the public-land laws such lands as may be necessary for cemetery purposes, either adjacent to such town sites or at locations convenient for the purpose. He is further authorized to make appropriate regulations for the subdivision and sale of lots in said cemeteries at an appraised value through the Reclamation Service. The proceeds of such sales by the Reclamation Service shall be covered into the reclamation fund and be available for cemetery and general municipal improvements, subject to the provisions of section 1 hereof.

SEC. 3. That the survey, subdivision, and sale of lots for cemeteries and town sites heretofore and hereafter established under said act shall be conducted by the Secretary of the Interior through the Reclamation Service. The proceeds of such sales shall be turned over to the receiver of the local land office, and patents for the lots shall be issued in the usual manner through the General Land Office.

Mr. MONEY. I shall have to object to the further consideration of the bill.

The VICE-PRESIDENT. Objection is made.

#### LYDIA P. WINT.

Mr. CURTIS. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1508) granting an increase of pension to Lydia P. Wint, to report it favorably with an amendment. I call the attention of the senior Senator from Pennsylvania to the bill.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment in line 7, after the word "brigadier-general," to insert "United States Army," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia P. Wint, widow of Theodore J. Wint, late brigadier-general, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 21, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 20, 1908.*

##### MEMBERS OF EXECUTIVE COUNCIL.

Martin Travieso, jr., of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years from May 20, 1908, vice Herminio Diaz y Navarro, whose term has expired.

Juan F. Vias Ochoteco, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years, vice Francisco de Paula Acuña, resigned.

##### COLLECTOR OF CUSTOMS.

William F. McGregor, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon, in place of Clark W. Carnahan, deceased.



## PROMOTIONS IN THE NAVY.

Ensign Ralph A. Koch, to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in his present grade.

Lieut. (Junior Grade) Ralph A. Koch to be a lieutenant in the Navy from the 3d day of February, 1908, to fill a vacancy existing in that grade on that date.

Asst. Surg. Richard A. Warner to be a passed assistant surgeon in the Navy from the 3d day of May, 1908, upon the completion of three years' service in his present grade.

Ralph W. McDowell, a citizen of Pennsylvania, to be an assistant surgeon in the Navy from the 18th day of May, 1908, to fill a vacancy existing in that grade on that date.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 20, 1908.*

## COLLECTOR OF CUSTOMS.

William F. McGregor, of Oregon, to be collector of customs for the district of Oregon.

## PENSION AGENT.

Andrew T. Wood, of Kentucky, to be pension agent at Louisville, Ky.

## INDIAN INSPECTOR.

Z. Lewis Dalby, of Roanoke, Va., to be an Indian inspector.

## DISTRICT JUDGE.

William B. Sheppard, of Florida, to be United States district judge for the northern district of Florida.

## PROMOTIONS IN THE NAVY.

Lieut. Commander Marbury Johnston to be a commander in the Navy from the 6th day of December, 1907.

Lieut. Richard S. Douglas to be a lieutenant-commander in the Navy from the 1st day of July, 1907.

To be lieutenants (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in their present grade:

William W. Smyth,  
Walter S. Anderson,  
Sam C. Loomis, and  
Butler Y. Rhodes.

To be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Walter S. Anderson and  
Sam C. Loomis.

Paymasters George G. Selbels, Edmund W. Bonnaffon, Joseph Fyffe, and John H. Merriam, with the rank of lieutenant, to be paymasters in the Navy with the rank of lieutenant-commander from the 15th day of May, 1908.

Naval Constructors Stuart F. Smith and William G. Groesbeck, with the rank of lieutenant, to be naval constructors in the Navy with the rank of lieutenant-commander from the 15th day of May, 1908.

Gunner Oscar Borgeson to be a chief gunner in the Navy, to rank with but after ensign, from the 11th day of March, 1908, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by an act approved April 27, 1904.

Commander Frank F. Fletcher to be a captain in the Navy from the 15th day of May, 1908.

## PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieutenant of Engineers Harry Marlin Hepburn to be first assistant engineer in the Revenue-Cutter Service of the United States, to rank as such from February 11, 1908, and to be second lieutenant of engineers, to rank as such from April 16, 1908.

Second Lieutenant of Engineers John Booth Turner to be chief engineer in the Revenue-Cutter Service of the United States, to rank as such from February 11, 1908, and to be first lieutenant of engineers, to rank as such from April 16, 1908.

Third Lieutenant of Engineers Joseph Edward Sheedy to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 25, 1908.

Second Lieutenant of Engineers Christopher Gadsden Porcher to be chief engineer in the Revenue-Cutter Service of the United States, to rank as such from December 12, 1907, and to be first lieutenant of engineers, to rank as such from April 16, 1908.

Second Lieutenant of Engineers Charles Augustus Wheeler to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 25, 1908.

Third Lieutenant of Engineers Lucien Joseph Ker to be first assistant engineer in the Revenue-Cutter Service of the United States, to rank as such from December 12, 1907, and to be second lieutenant of engineers, to rank as such from April 16, 1908.

## POSTMASTERS.

## ALASKA.

Augustus E. Kindell to be postmaster at Skagway, Alaska.

## CALIFORNIA.

Jud C. Coburn to be postmaster at Emeryville, Alameda County, Cal.

W. D. Pennycook to be postmaster at Vallejo, Solano County, Cal.

## ILLINOIS.

John F. Mains to be postmaster at Stronghurst, Henderson County, Ill.

## INDIANA.

George L. Watson to be postmaster at Cayuga, Vermillion County, Ind.

## KANSAS.

Fred Bartlett to be postmaster at Baxter Springs, Cherokee County, Kans.

## MISSISSIPPI.

Mark L. Haynie to be postmaster at Blue Mountain, Tippah County, Miss.

## NEW JERSEY.

George W. Pollitt to be postmaster at Paterson, Passaic County, N. J.

## NEW MEXICO.

James T. Fay to be postmaster at Farmington, San Juan County, N. Mex.

Frank A. Hill to be postmaster at Raton, Colfax County, N. Mex.

Benjamin Alfred Wetherill to be postmaster at Gallup, McKinley County, N. Mex.

## NORTH CAROLINA.

E. W. Timberlake to be postmaster at Wake Forest, Wake County, N. C.

## OHIO.

John S. Ellen to be postmaster at Willoughby, Lake County, Ohio.

## PENNSYLVANIA.

Charles H. Keeler to be postmaster at New Albany, Bradford County, Pa.

## VIRGINIA.

John H. Boswell to be postmaster at Burkeville, Nottoway County, Va.

C. G. Duffy to be postmaster at Stonega, Wise County, Va.

Roger G. Dyson to be postmaster at North Emporia (late Belfield), Greensville County, Va.

Richard R. Farr to be postmaster at Fairfax, Fairfax County, Va.

Joseph E. Graham to be postmaster at Jonesville, Lee County, Va.

Annie G. Hogshead to be postmaster at Gordonsville, in the county of Orange and State of Virginia.

John H. Ingram to be postmaster at Charlotte Court House, Charlotte County, Va.

Archie W. Moses to be postmaster at Cambria, Montgomery County, Va.

Robert S. Pritchett to be postmaster at Shenandoah, Page County, Va.

Bezer Snell to be postmaster at Brookneal, Campbell County, Va.

William T. Tillar to be postmaster at Emporia, Greensville County, Va.

John C. Tucker to be postmaster at National Soldiers' Home, in the county of Elizabeth City and State of Virginia.

## WEST VIRGINIA.

George W. Smith to be postmaster at Elm Grove, Ohio County, W. Va.

## PROTECTION OF TRADE-MARKS, ETC., IN KOREA.

The injunction of secrecy was removed May 20, 1908, from a treaty between the United States and Japan, signed at Washington on May 19, 1908, for the protection in Korea of inventions, designs, trade-marks, and copyrights of American citizens and Japanese subjects.

## WRECKING AND SALVAGE AND CONVEYANCE OF PRISONERS.

The injunction of secrecy was removed May 20, 1908, from a treaty between the United States and Great Britain, signed at Washington on May 18, 1908, providing for wrecking and salvage and for the conveyance of prisoners between the United States and the Dominion of Canada.

## ARBITRATION WITH DENMARK.

The injunction of secrecy was removed May 20, 1908, from an arbitration treaty between the United States and Denmark, signed at Washington on May 18, 1908.

## PROTECTION OF TRADE-MARKS, ETC., IN CHINA.

The injunction of secrecy was removed May 20, 1908, from a treaty between the United States and Japan, signed at Washington on May 19, 1908, for the protection in China of inventions, designs, trade-marks, and copyrights of American citizens and Japanese subjects.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 20, 1908.

[Continuation of the 16<sup>th</sup> s<sup>es</sup>sion of Tuesday, May 12, 1908.]

The recess having expired, at 11 o'clock a. m. the House was called to order by the Speaker.

REPORT OF COMMITTEE TO INVESTIGATE CHARGES MADE BY GEORGE L. LILLEY.

MR. BOUTELL. Mr. Speaker, I present a privileged report of the select committee appointed under the provisions of House resolution 288. It is the unanimous report of the committee, and I ask that the same be read.

The Clerk read as follows:

## MR. LILLEY'S MOTIVE IN INTRODUCING HIS RESOLUTION.

The avowed motive for this investigation, assigned at the outset, was the purification of this House and the exposure of the alleged corrupt practices of a corporation enjoying and still seeking Government contracts. This motive was expressed before the Committee on Rules in these words of Mr. LILLEY: "This Electric Boat Company has been a stench in the nostrils of the country for years, and, in my opinion, it has done more to corrupt legislation than all the other corporations on earth. I think the membership of this House is of the very highest quality, and that they are the best men, usually, from the districts from which they come; but with a flock of 383 here, it would be strange if there were not some sheep in it that had the foot-rot or scab." The evidence has demonstrated that the avowed motive was neither well grounded nor sincere, and that certain secondary and ulterior purposes instigated and encouraged the introduction of the resolution.

The investigation was rendered imperative through charges made by Mr. GEORGE L. LILLEY, a Representative from the State of Connecticut, in connection with a resolution introduced by him in the House on February 20, 1908.

Toward the close of the hearings before this committee Mr. LILLEY testified that if the naval appropriation bill of this session as agreed on in committee had contained a provision that met with his approval for the purchase of submarines, he would not have introduced his resolution. The evidence further shows that before introducing his resolution, but after the naval bill had been agreed on in committee, but not reported, he told Mr. JAMES S. SHERMAN, a Representative from the State of New York, that if the naval bill could be so amended that the clause relating to the purchase of submarines should provide for his conception of open competition, he would not offer the resolution. This contrast between the motive announced by Mr. LILLEY in his first appearance before the Committee on Rules and the purpose disclosed by his course during the investigation and by his final evidence before this committee must be borne constantly in mind by one who tries to understand Mr. LILLEY's attitude toward the House and interpret correctly the voluminous evidence taken by this committee.

## STATUS OF THE SUBMARINE BOAT CONTROVERSY WHEN MR. LILLEY INTRODUCED HIS RESOLUTION.

A brief review of the history of the main features of the submarine boat legislation that preceded the introduction of Mr. LILLEY's resolution will pave the way for an intelligent analysis of the remainder of the evidence.

For the past fifteen years the Lake Torpedo Boat Company and the Electric Boat Company (formerly the Holland Torpedo Boat Company) have been active rivals. Both corporations were chartered in New Jersey, but the main office of the Lake Company is in Bridgeport, Conn., while the Electric Company's principal office is in New York City. They are competitors for the sale of submarine torpedo boats to the United States and foreign governments. Each company controls a large number of patents, and the boats of the two companies, constructed under their respective patents, differ fundamentally from each other.

In their efforts to present to Congress and the Navy Department the merits of their boats, these companies have maintained offices and employed experienced lawyers and skillful agents in Washington. The Lake Company is now represented by Ex-Senator John M. Thurston, who was formerly counsel for the Electric Company. Abner R. Neff, and F. B. Whitney, who was at one time clerk of the House Committee on Naval Affairs; while the Electric Boat Company is represented by Ex-Senator Marion Butler and Mr. C. S. McNeil. Mr. John C. Lake, vice-president of the Lake Company, was until recently in charge of the company's office in Washington, while Mr. E. B. Frost, vice-president and general counsel of the Electric Boat Company, spends much of his time here in the interest of his company.

Each of these companies has sold its boats, or the right to construct its boats, to several governments. The rivalry between these two companies has not been simply a business rivalry between two manufacturing corporations. It has been a rivalry between jealous inventors, keen financiers, accomplished promoters of international fame, shrewd political agents, and resourceful lawyers. This rivalry has involved these companies in frequent lawsuits and in a bitter warfare, that has been carried on through the press on both sides of the ocean. A submarine boat is not a new invention. One was designed, constructed, and successfully navigated previous to the invention of the steam engine, and used in New York Harbor in 1776 in an attempt to

destroy a British ship anchored off Governors Island. In 1801 Fulton invented a submarine boat and gave exhibitions at Paris, which were successful in diving and remaining under water, but failed to operate against the British ships.

During the civil war a submarine boat was constructed at the Washington Navy-Yard for the purpose of destroying the *Merrimac*, which was propelled by hand power, as were all other submarine boats up to that time. It was not until the invention of the storage battery that any great improvement could be made in the operation of submarine boats. Testimony of Admiral Bradford before the House Committee on Naval Affairs, 1901, page 67.)

The submarine boat of the diving type as now constructed had its origin in the inventions and experiments of Capt. John P. Holland on the Passaic River, New Jersey, in 1877, which were continued in New York Harbor from 1881 to 1883. In 1888 for the first time the United States Government gave consideration to this means of naval defense, when Secretary of the Navy Whitney allotted out of the appropriation for harbor and coast defenses a sum to be expended for experiments in submarines. Competition was invited, in which participated Capt. John P. Holland and Mr. Nordenfellt, a constructor of submarine boats resembling the even-keel type. The Holland boat won, but no contract was awarded.

In 1889 Secretary of the Navy Tracy again advertised for competition in the construction of submarines, and in the test there participated Messrs. Holland, Nordenfellt, and Baker, of Iowa. Mr. Holland again won, but no contract was awarded as the result of this test, since the funds were needed elsewhere (page 175).

In 1893 bids for submarines were submitted to the United States Government by four inventors. Two of those competitors were Mr. J. P. Holland, inventor of the Holland torpedo boat, and Mr. Simon Lake, founder of the Lake Torpedo Boat Company. No submarine boat had then been built in the United States, and the decision of the Navy Department upon which the first contract was made was based on plans and specifications. The Holland type of boat was approved by the Navy Department, and in March, 1895, a contract was signed with the Holland Torpedo Boat Company for the construction of one boat. During the next seven years contracts were awarded to this company for seven additional boats. By 1903 the Lake company had completed the construction of a boat, and the two companies requested the Navy Department to test the merits of their respective boats by actual water competition.

The Holland boat met the rigid requirements which were prescribed by the Government, but the Lake boat was withdrawn from the contest. Contracts for four more boats were awarded to the Electric Boat Company in 1905.

The naval appropriation act of June 29, 1906, authorized the Secretary of the Navy to contract for or purchase additional submarine torpedo boats to an amount not exceeding \$1,000,000, after such tests as he might see fit to prescribe to determine the comparative efficiency of the different boats for which bids might be submitted, provided that such tests should take place within nine months from the date of the passage of the act.

The naval appropriation act of March 2, 1907, increased the amount for submarines to \$3,000,000, extended the test period to May 20, 1907, and contained this proviso: "No part of this appropriation to be expended for any boat that does not in such test prove to be equal, in the judgment of the Secretary of the Navy, to the best boat now owned by the United States or under contract therefor, and no penalties under this limitation shall be imposed by reason of any delay in the delivery of said boat due to the submission or participation in the comparative trials aforesaid."

Under this legislation the trials came off at Newport during the month of May of last year. The Lake Company entered their boat, called the *Lake*, and the *Octopus* was submitted by the Electric Company. The tests were exhaustive and lasted through four weeks. The trial board, composed of Capt. Adolph Marx, Naval Constructor D. W. Taylor, Commander D. W. Walling, Lieut. Commander W. Strothers Smith, and Lieut. J. W. Timmons, reported unanimously in favor of the *Octopus* type of boat. This report is dated May 30, 1907 (page 308).

This report was unanimously approved on the 23d day of June, 1907, by the board on construction, composed of Rear-Admiral George A. Converse, Admiral C. W. Rae, Admiral W. L. Capps, Admiral N. E. Mason, and Admiral W. S. Cowles.

The Secretary of the Navy and the law officer of the Navy Department considered that the Secretary was bound, under the act of March 2, 1907, to award a contract for the entire amount of the appropriation to the Electric Boat Company. He was, however, induced to refer to the Attorney-General the question as to his right to make a contract with a company other than the one that had been successful in the tests. The attorneys of the two companies filed briefs with the Attorney-General, and he rendered a decision in favor of the contention of the Lake Company.

On February 3, 1908, a contract was made with the Lake Company for the construction of one boat, contracts having previously been made with the Electric Company for seven boats.

On the 5th day of February, Representative SPERRY, of Connecticut, introduced in the House a bill for the appropriation of \$2,000,000 for the purchase of submarine torpedo boats, the contracts to be awarded to the lowest bidders upon "guaranteed performances equal to the published requirements of the Secretary of the Navy."

## THE ITEM FOR SUBMARINE BOATS IN THIS YEAR'S NAVAL APPROPRIATION BILL.

On February 10 the House Committee on Naval Affairs agreed upon the appropriation bill for this year. The clause relating to submarines was in these words:

"The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer or torpedo boat of the type known as "subsurface," "semisubmerged" (or the like), the essential feature of which is to have during its operation some portion of the hull or superstructure always on or above the surface, such vessel to cost not to exceed \$400,000, and to have a speed not less than 22 knots; also for two small vessels of like type having a speed of not less than 16 knots and to cost not to exceed \$22,500 each: *Provided*, That before any vessel of the type provided for in this paragraph shall be purchased or contracted for a vessel of such type shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests, be demonstrated to have fulfilled all the reasonable requirements of naval warfare for a vessel of its class, and for these vessels the sum of \$445,000 is hereby appropriated, to be available until expended."



The report of the Secretary of the Navy for the year 1907 (p. 268) contained the following recommendation:  
 "Four submarines (of the same type as those recommended as a result of the recent competitive tests), provided a more satisfactory type is not developed in the meantime."

COMMENTS OF THE PRESS ON THE ACTION OF THE NAVAL COMMITTEE.

Soon after this action by the Committee on Naval Affairs a series of articles appeared in a New York paper, in which it was suggested that the Electric Boat Company had succeeded in defeating the battle-ship proposition and in securing thereby exclusive legislation for its own benefit. In one of these articles, published on the 15th of February, appeared for the first time the claim that, according to the testimony of Admiral Bowles in 1902, \$745.45 a ton was a reasonable price for submarine boats, and that on this basis the Electric Boat Company would reap an excess profit of \$1,476,296.60.

MR. LILLEY'S RESOLUTION.

Such in general was the situation as it was known to the public with regard to legislation respecting submarines, when, late in the afternoon of Thursday, February 20, 1908, Mr. LILLEY introduced his resolution by having his clerk give it to a page to drop in the basket on the Clerk's desk. What Mr. LILLEY knew that the public did not know, what other measures had been taken, and what schemes had been laid by the two companies, or either of them, to further their own ends will become apparent from a further analysis of the testimony.

A critical examination must now be made of the full text of Mr. LILLEY's resolution.

"Resolved, That a committee of five Members of the House be appointed by the Speaker to investigate the conduct of the Electric Boat Company, of New Jersey, and their predecessors, the Holland Boat Company, respecting the methods employed by said companies in connection with past and proposed legislation before Congress: *Provided*, That said committee shall have the power to send for persons and papers, to examine witnesses under oath, and may employ a stenographer and one clerk, and shall report the result of its investigations to the House with such recommendations as it may deem proper: *Provided further*, The expenses incurred hereunder shall be paid out of the contingent fund of the House on vouchers approved by the chairman."

The resolution was indorsed by Mr. LILLEY to be referred to the Committee on Rules. It will be observed that the resolution makes no reference to Members of Congress or to any one but the Electric Boat Company. It does not charge the company with corruption or misconduct. It asks for an investigation of the conduct of the company respecting the methods employed by it in connection with past or proposed legislation, but it does not even suggest the nature of the legislation the author had in mind or what conduct or methods are to be examined. It was therefore not a privileged resolution under the rules of the House, and could not be called up by its author in case the committee to which it was referred did not report it. On its face the resolution disclosed no grounds for its report or even consideration by a committee.

Shortly after the introduction of the resolution the attention of the Committee on Rules was called to a number of newspaper articles purporting to give interviews with Mr. LILLEY, in which he charged the Electric Boat Company with bribery and corruption and coupled Members of the House with these charges, and mentioned several Members by name.

On February 25 Mr. LILLEY appeared before the Committee on Rules and was questioned, but not under oath, respecting the charges contained in these interviews. He repudiated all the interviews but one, denying every statement that had been attributed to him respecting Members of the House whom he was alleged to have mentioned by name. He admitted the authenticity and acknowledged the accuracy of an article that appeared in the Washington Post of February 21. He also read to the committee a statement on his responsibility as a Member.

The grounds on which the Committee on Rules reported its resolution directing an investigation are to be found in the charges of Mr. LILLEY, which are contained first in his statement before the Committee on Rules; second, in his responses to the inquiries by members of that committee, and third, in the Washington Post article. His whole "case," as he called it, against Members of the House, the officials of the Navy Department, the representatives of the press, and the Electric Boat Company and its officers is embraced in the report of the Committee on Rules, which is printed in full on pages 1 to 13 of the published hearings of this committee.

MR. LILLEY'S CHARGES.

Mr. LILLEY's charges were—

First. That the proposition to appropriate for four battle ships was defeated through the influence upon members of the committee of the Electric Boat Company, and that thereby an appropriation for eight submarines was secured.

Second. That the Electric Boat Company has maintained in Washington an organized lobby for influencing appropriations in favor of that company.

Third. That Mr. E. B. Frost, an officer of the company, has spent large sums of money in furnishing entertainment for Members of Congress.

Fourth. That the Senate amendment to the naval appropriation act of March 2, 1907, was prepared by an attorney of the Electric Boat Company and was designed to limit the appropriation exclusively for the benefit of that company.

Fifth. That the Electric Boat Company has contributed to the campaign fund of the Members of Congress who favored the Electric Boat Company's monopoly of submarine construction.

Sixth. That the Electric Boat Company has spent large sums of money to defeat members of the Naval Committee who did not favor the Electric Boat Company.

Seventh. That the Electric Boat Company has attempted to influence officials of the Navy Department in its behalf.

Eighth. That the efforts of the Electric Boat Company have resulted in suppressing all possibility of competition in submarine construction.

Ninth. That the company has been engaged in "doubtful and reprehensible efforts to influence Members of Congress and officials of the Navy Department in favor of their boats and appropriations therefor."

Tenth. That the Electric Boat Company has subsidized members of the press in its interest.

Eleventh. That the Electric Boat Company is "using wrongful methods in most every Member's district who serves on the Naval Committee."

Twelfth. That these corrupt practices "apply to Members of the present Congress touching business before the present Congress."

Thirteenth. That attorneys have been retained by the Electric Boat Company in many Congressional districts solely for the purpose of influencing the Representative from that district in favor of the Electric Boat Company's interest.

Fourteenth. That in some districts attorneys have been induced by the Electric Boat Company to become candidates for Congress against Members who have opposed the company's interests.

Fifteenth. That "this Electric Boat Company has been a stench in the nostrils of the country for years, and in my opinion it has done more to corrupt legislation than all the other corporations on earth."

Sixteenth. That "with a flock of 383 here [in the House of Representatives] it would be strange if there were not some sheep in it that had the foot rot or scabies. I think the disease ought to be eradicated before it spreads."

COMMITTEE ON RULES REPORTS RESOLUTION FOR INVESTIGATION.

Such grave charges made by Mr. LILLEY, on his responsibility as a Member of the House, could not be ignored, and on March 6, the Committee on Rules reported House Resolution 288, which was on the same day unanimously adopted, as follows:

Whereas Mr. GEORGE L. LILLEY, a Representative from the State of Connecticut, on his responsibility as a Member of this House, before the Committee on Rules, has, among other things, stated in substance that the Electric Boat Company, of New Jersey, and their predecessors, the Holland Boat Company, have been engaged in efforts to exert corrupting influence on certain Members of Congress in their legislative capacities, and have, in fact, exerted such corrupting influence; Therefore be it

"Resolved, That a committee of five Members be appointed to investigate the charges made by said GEORGE L. LILLEY of corrupt practices on the part of said company and of Members of Congress with respect to legislation, and that said committee shall have authority to send for persons and papers and to take testimony in Washington, D. C., or elsewhere, either before the full committee or any subcommittee thereof. Said committee shall report as speedily as possible with such recommendation, if any, as to the committee shall seem meet."

Immediately upon the adoption of the resolution this committee was appointed.

MR. LILLEY'S STRANGE ATTITUDE TOWARD THE INVESTIGATION.

On Saturday, March 7, the committee organized, and requested Mr. LILLEY to attend a meeting on the following Monday and give the committee all the evidence in his possession. In view of the serious character of his charges and insinuations against his fellow-Members, he was asked in honor so soon as this committee was appointed to make it the recipient of every fact in his possession on which his accusations and suspicions were founded, especially as he had asserted before the Committee on Rules that he was "not talking on hearsay."

Instead of adopting this natural course, he wrote to the committee on the 7th, asking to be advised of the first meeting, so that he might appear and arrange with the committee "as to the time, manner, and procedure of beginning and conducting the investigation."

MR. LILLEY REFUSES TO TESTIFY WITHOUT THE AID AND ADVICE OF COUNSEL.

When the committee met on March 9, and Mr. LILLEY was asked to give his evidence, he declined to testify, but read to the committee a statement respecting the importance of having unwilling witnesses examined by some one skilled in the art of cross-examination. He then requested that he be allowed to be represented before the committee by counsel, who should be empowered to examine such witnesses as he should call.

He then informed the committee that he was being shadowed by detectives, who were hampering him in connection with this investigation.

When he read the names of witnesses whom he wished to have summoned, several of them were by subpoena duces tecum. He was assured that all his requests would be considered by the committee, and was again asked to give the committee such facts as he had in his possession. He declined to testify until he could consult with counsel, or to proceed with any statement except by the advice of counsel. He was told that he could, of course, appear with counsel, and consult with counsel at all times, even while testifying, but that he hardly needed counsel to examine himself. He declined, however, to give the committee any facts upon which they could proceed, and the committee was compelled to adjourn until the 12th.

MR. LILLEY'S EXPECTATION THAT HE WOULD BE CHAIRMAN AND HAVE CHARGE OF THE INVESTIGATION EXPLAINS IN PART HIS ATTITUDE.

Mr. LILLEY's singular attitude toward the investigation which his charges had instituted, his somewhat incoherent and irrelevant statements to the committee, and his unwillingness to give to the committee those facts on which his charges were based and which they thought he ought to be quick to impart, puzzled the committee more at the time than they would have done had the committee known what the evidence subsequently disclosed, that Mr. LILLEY expected, when he introduced his resolution, to be made chairman of the investigating committee (pp. 1514, 1515), with power to employ counsel and conduct the proceedings, and thus be relieved of the necessity of either disavowing or making good his charges against his colleagues. The appointment of this committee, however, relieved Mr. LILLEY of all responsibility for the conduct of the investigation, and simply left to him the duty of communicating to the committee the information on which he based the charges made by him on his responsibility as a Member of the House.

This committee has always had power to employ counsel for cross-examining witnesses, and for all other purposes; but the committee have never felt the necessity of calling in such assistance. Mr. LILLEY had no right to determine what counsel should aid in conducting this investigation. That was for the committee to decide. Therefore, in denying his request that counsel employed by him should examine under his direction witnesses called by him before the committee this committee did not deprive Mr. LILLEY of any right or privilege to which he was entitled. On the other hand, his request that he should be allowed to dictate the selection of counsel and the procedure of the committee, thereby substituting himself for the committee, was not only extraordinary, but unprecedented. Much more reasonable would have been a request from his colleagues, whom he had placed under suspicion that they should be allowed to employ counsel to examine and cross-examine witnesses for the purpose of clearing their names from the accusations that had been made against them.

So, when the committee met on March 12, this resolution, which had been adopted in executive session, was read for the information and guidance of Mr. LILLEY and all other persons interested.

"Resolved, That Hon. GEORGE L. LILLEY, the Electric Boat Company, and such other parties affected by the investigation as may desire to do so, may be accompanied by and consult with counsel in all public hearings of the committee; and that in view of these circumstances and in accordance with the well-established precedents of both Houses of Congress for insuring the orderly conduct of such investigation, the examination of all witnesses called and conducted by a member of the committee to be designated for that purpose from time to time by the chairman; and that such questions or course of examination as parties interested, or their counsel, may desire shall be submitted in writing to the committee."

In accordance with the rule of procedure laid down in this resolution the work of the committee proceeded in an orderly, dignified, and expeditious manner, and the committee feel that no party in interest was deprived of any right or privilege, and that no essential facts were withheld from the committee that could have been elicited by any other method of procedure. All witnesses named by Mr. LILLEY were summoned, all lines of inquiry suggested by Mr. LILLEY were followed out, and all pertinent questions submitted by him were rigidly pressed upon the witnesses. The number of written questions submitted by him to certain witnesses exceeded 200. At no time did the committee feel the need of counsel to develop the exhaustive line of inquiry embraced in and suggested by Mr. LILLEY's interrogatories.

#### MR. LILLEY APPEARS BY COUNSEL AND READS ANOTHER STATEMENT.

At this hearing Mr. LILLEY appeared accompanied by his personal counsel, Mr. Frank P. Brown, of Norwich, Conn., and Hon. Styles Judson, of Bridgeport, Conn. The committee had previously written to Mr. LILLEY, assuring him that if detectives were hampering him in the discharge of his official duties every effort would be made to stop the annoyance. Mr. LILLEY informed the committee that the annoyance had ceased.

It may be stated here that at a later stage of the hearings it developed that the men whom Mr. LILLEY's suspicions had transformed into detectives hired to watch his office were raw recruits of the new police force of the Office Building, who were forced, while waiting for their uniforms, to patrol the corridors in plain clothes.

#### CHARGES AGAINST MEMBERS OF THE HOUSE.

In the statement which Mr. LILLEY read in this hearing he insisted that he had made no charges against Members of the House. He said: "I should again call attention to the fact that I have made no charges against the membership of the House, but only against the improper methods pursued by the Electric Boat Company and its predecessors to influence Members of the House; and notwithstanding which the Committee on Rules of its own motion prepared and reported a resolution under which this committee is proceeding, which reads as follows:

"Resolved, That a committee of five members be appointed to investigate the charges made by said Mr. GEORGE L. LILLEY of corrupt practices on the part of said company and of Members of Congress with respect to legislation."

"The first statement of this resolution that I have made charges of corrupt practices on the part of said companies is correct. The further statement that I have made charges of corrupt practices on the part of Members of Congress is not correct, and is at variance with the tenor of my original resolution and of my statement made before the Committee on Rules."

It was impossible for this committee to reconcile this statement with the specific charges made by Mr. LILLEY before the Committee on Rules. If, before this committee he had withdrawn his charges against Members of this Congress and had given a satisfactory explanation of how he had been misled into making them, this committee might have felt justified in closing the investigation with such withdrawal. But this distinct disagreement between what he said before the Committee on Rules on the 25th of February, and what he said to this committee, compelled a most thorough investigation, not only as to the grounds, if any, on which his original charges were made, but the motives which induced Mr. LILLEY to make them and then withdraw them so far as they were related to Members of the House.

#### MR. LILLEY'S UNWILLINGNESS TO COOPERATE WITH THE COMMITTEE.

This statement of Mr. LILLEY contains many expressions showing that he was extremely reluctant to testify before the committee, and his unwillingness to cooperate with the committee. He says:

"The permission that I might be accompanied by and consult counsel in all public hearings of the committee, and that I may, through myself or counsel, submit any questions in writing would be of no possible benefit to me or of assistance to the committee in securing the real facts."

Again he says:

"The Committee on Rules, in its resolution, under which this committee is acting, has said to the country that you are to investigate the charges made by me. However inaccurate this statement may be, it is nevertheless the official statement of the resolution under which this committee is appointed; and it would seem reasonable that if the responsibility is thus placed upon me to make good these charges, that I be permitted assistance by counsel competent to conduct the investigation, to call for witnesses and documentary evidences, and to proceed in the presentation of testimony in such manner and along such lines as I am advised and believe is proper and necessary to secure from the witnesses the real facts, which I believe when presented will sustain any charge I have made."

"I had supposed that it was the function of this committee to sit here as judges and not to act as prosecutors or defenders, and therefore that the orderly and effective procedure would be to have witnesses examined in the first instance by some other than a member of this judicial tribunal."

The committee was unable to tell what thoughts were in Mr. LILLEY's mind when he insinuated that this committee was acting either as a prosecutor or a defender of anyone when at its second session they were simply trying, as they were at their first meeting, to persuade him to present to the committee the facts in his possession. Such an insinuation calls for no comment from this committee. Coming from a Member of the House, the making of it carries its own rebuke.

Again he says: "Mr. Chairman, I ask your honorable committee as to whether or not after consideration of what I have just stated the committee still adheres to its determination to prohibit me from calling the witnesses and presenting their testimony under examination of my attorneys."

#### MR. LILLEY'S LACK OF CANDOR TOWARD THE HOUSE.

No one of the three statements made by Mr. LILLEY—one before the Committee on Rules and two before this committee—was made under oath. Attention has been called to the peculiar wording of his resolution, which contains no charges against Members and no charges of corruption against anyone. His charges were made in his statement and responses before the Committee on Rules and in the Washington Post article, which was made part of his case. This method of making his charges is very significant in view of his disclaimer of those charges when called upon to testify before this committee. It is a grave and solemn responsibility which a Member of the House of Representatives assumes in making public charges, accusations, or insinuations affecting directly or indirectly, the honor, integrity, or good name of his fellow-Members. In the opinion of this committee a Member who feels called upon to make such charges, accusations, or insinuations should embody them formally in his resolution of inquiry, or should state them openly upon the floor of the House upon his responsibility as a Member.

#### COUNSEL FOR THE LAKE TORPEDO BOAT COMPANY PREPARED ALL THE STATEMENTS OF MR. LILLEY.

After this investigation had been in progress for some weeks it was disclosed, through the admission of Ex-Senator Thurston himself, the counsel for the Lake Torpedo Boat Company, that he prepared the statement which Mr. LILLEY read on his responsibility as a Member before the Committee on Rules, the statement read before this committee on the 9th of March, and, in part, the statement read before this committee on the 12th of March, in the preparation of which Messrs. Brown and Judson also participated.

Not only were these statements which Mr. LILLEY read as his own and on his responsibility as a Member prepared by the attorney of the Lake Company, but the entire series of questions to be propounded to witnesses by way of cross-examination that were addressed to the committee and signed by Mr. LILLEY were prepared either by Senator Thurston or by Neff and Whitney. The subpoena duces tecum which the committee sent to Mr. LILLEY, so that he could fill them out and call for whatever books and papers he intended to lay the foundation for, were filled out by the Lake Company's counsel. And, finally, the names of witnesses had to be furnished Mr. LILLEY by officers of the Lake Company, and the numerous letters and statements sent to the committee by Mr. LILLEY, and signed by him, and compilations of statistics and newspaper clippings and several affidavits laid before the committee by Mr. LILLEY, were all prepared by officers or agents of the Lake Company. These facts were not disclosed to the committee by Mr. LILLEY, and only became apparent from the evidence of other witnesses after the hearings had been in progress for a month. It will be seen that Mr. LILLEY was never embarrassed by lack of counsel, but that, on the contrary, he enjoyed from the outset, without cost to himself, the advice and assistance of a learned and experienced lawyer and skilled parliamentarian, who was familiar with the entire history of the submarine controversy.

Mr. LILLEY's intense desire to conceal from your committee his indebtedness to the officers and agents of the Lake Company for all his information and his most valuable advice and assistance led him throughout his testimony, and especially in the earlier part of these hearings, to testify in many instances with an inaccuracy that can not be explained in any manner creditable to him. During the first days of the examination, and on the 12th of March, he was asked (pages 52-53):

"Q. You have mentioned, I think, one or two attorneys in Washington as representing you, said, the Lake Company. Upon that subject you speak, I understood, of your own knowledge?—A. Yes, sir."

"Q. Have they approached you, or attempted to influence you?—A. Never."

"Q. Or have you consulted with them?—A. Never."

"I mean with reference to anything pending before the Naval Committee or this committee?—A. No; not until after the introduction of my resolution."

"Q. What then?—A. I have talked on two or three occasions since that with Senator Thurston."

"Q. With reference to this investigation?—A. Such information as I could gain from him, that he was willing to give me."

"Q. Did he prepare or assist in preparing any of the statements you submitted to us?—A. The subject-matter of all the statements I have submitted to you has been my own. Mostly formulated in my own mind, after consulting with two eminent Members of the House of Representatives."

"Q. Did you consult with Senator Thurston about the form of them or anything about them?—A. No; not as to the form of them."

A month later it was disclosed through the testimony of Senator Thurston and Neff that, as we have stated, Senator Thurston prepared the form of two of Mr. LILLEY's statements. At the very time Mr. LILLEY was trying to give to your committee the impression that the statements were his own, and made on his own responsibility, and that no one else was responsible even for their form, he was holding in his hand a statement dictated by the counsel for the Lake Torpedo Boat Company. When examined more specifically as to his sources of information, he said:

"Then I must decline to explain the preparation of my case."

"Q. On what grounds?"

"A. On the ground that it is not pertinent to this investigation. I will take the responsibility for what I have read."

More marked still was his effort at deception in speaking of Abner R. Neff, the agent of the Lake Torpedo Boat Company in Washington. When asked how he came to consult Senator Thurston, he said:

"My impression is that Mr. Neff, or Neeth, whichever it is, the young man who represents the Lake Company, came to me after I had introduced the resolution and asked me if I would like to have a consultation with Senator Thurston, not at my expense."

"Q. You say Mr. Neeth represented the Lake Boat Company?"

"A. I expect he does" (page 54).

Again (page 56), when Senator Thurston and Neff were referred to he said:

"I never saw any of these men until after my resolution was introduced, neither one of them, except that a young man some time back wanted me to suggest a motion in substitution of the Loudenslager motion to given open competition in submarines."

When he was asked for Neff's address, the question was "Can you give us the name of Mr. Neff? do you know how he spells his name?"

"A. It is either N-e-f-f or N-e-t-h. I don't know where he lives nor what his initials are" (page 64).

It subsequently developed through the testimony of Senator Thurston and Neff that Neff had been holding almost daily conferences with Mr. LILLEY, beginning with the night of the introduction of his resolution,



and helping him in the preparation of his case. Furthermore, when Mr. LILLEY said that he had never seen or known him before the resolution was introduced it must have been difficult for him to forget that he had a conference with him on February 10, 1908, immediately after the action of the Naval Committee; that he went down in one of the Lake Torpedo Boat Company's boats with him in the previous summer; that in the same summer Neff spent a night at his hotel in Waterbury, dictated a telegram for him to send to the Secretary of the Navy in the interest of the Lake Torpedo Boat Company, and held a long conference with him in his office in the preparation of a letter to be sent by Mr. LILLEY to the Secretary of the Navy.

Equally suggestive of an intent to deceive was his testimony on March 12, 1908, relating to his acquaintance with Mr. Simon Lake and Mr. J. C. Lake. He was asked (page 57):

"Q. Did you have a letter from any other company?—A. No; no letter from any other company. If you mean by that if I heard from the Lake people or Simon Lake or any of those people—is that what you are driving at?"

"Q. Yes.—A. That is what you want to know; I have not seen or heard from any of them."

"Q. I didn't have them in mind, but I had these others.—A. I have had no communication, nor have seen any of the Lakes, father or son, J. C. or Simon."

And yet, notwithstanding these positive denials of having seen or heard from either of the Lakes, when Mr. Metcalf, Secretary of the Navy, produced the letters that he had received from Mr. LILLEY in the interest of the Lake Torpedo Boat Company, it was found that one of them began:

"My constituent, Mr. J. C. Lake, writes me," etc. (page 1503), and when Mr. Simon Lake was on the stand, he testified, that immediately after the action of the Naval Committee on February 10, 1908, he held a conference with Mr. LILLEY at a hotel at New Haven, Conn. (pages 1061-1062), with reference to the action of the committee and Mr. LILLEY's attitude toward the bill. This interview must have been between the 13th and 18th of February, 1908, under circumstances that must have impressed themselves indelibly on Mr. LILLEY's mind, and yet in less than a month he swore to your committee that he had not seen him. These instances of unjustifiable inaccuracy in Mr. LILLEY's evidence are sufficient to show the effort which he made to conceal from your committee his lack of all information to sustain his charges against Members of Congress and the Electric Boat Company except such as he received from the officers of the rival corporation, the Lake Torpedo Boat Company.

#### THE INAUGURATION OF THE LAKE TORPEDO BOAT COMPANY'S PROPAGANDA TO DEFEAT THE SUBMARINE CLAUSE IN THE APPROPRIATION BILL.

The Lake Torpedo Boat Company signed its \$450,000 contract with the Government on February 3, 1908. The Government having to this extent shown its approval of the Lake type of boat, the Lake Company determined to exert every effort to secure in this year's bill an appropriation for submarines that would not favor the winner in last year's tests, but would make the appropriation subject to another competition or leave it exclusively to the Secretary of the Navy. To secure this result was the object of Mr. Simon Lake's conference with Mr. LILLEY at New Haven about February 14 (pages 1061-1062):

"I called on him and asked him if it was a fact that the Naval Committee had passed such an exclusive or made such an exclusive provision, and he admitted that it was. Well, I said, that being the case, if it passes the House and Senate, it seems to me that it would be very foolish for the Lake Boat Company to further continue efforts for recognition in the United States."

"Q. Had his resolution calling for an investigation been offered at that time or not?—A. Oh, no; no. The resolution, I think, followed quite a little time after that. I know that I felt rather disappointed at what I considered Mr. LILLEY's lukewarmness to one of his constituents, as we considered ourselves one of his constituents, and I immediately came down and made a provision to start a propaganda of my own to see if I could not educate the Members of Congress up to the point of recognizing the merits of the Lake type of boat."

Again, when asked whether he had any regret that this investigation had been started, Mr. Lake said (page 1104):

"Well, I don't recollect who I expressed it to I had a regret; I stated, I think, in this connection that we had decided on a propaganda by means of which we hoped to bring to the attention of Members of Congress the fact that all important governments had now finally adopted practically as a standard the type which I first submitted to this Government fifteen years ago, and that we had started that line to inform them of that fact. Of course, naturally, we wanted submarine legislation, but we wanted submarine legislation that would permit us to bid and with a chance of securing contracts, providing we were able to meet the Department requirements, which we knew we were."

Ex-Senator Thurston and Neff were active agents in the propaganda. Neff, having testified that he had called on Mr. LILLEY immediately after the action of the Naval Committee on February 10, 1908, being asked when he next met Mr. LILLEY, he replied (page 1201):

"A. Oh, I don't know when I next met him. I did not meet very many people after that. The thing was pretty dull. Senator Thurston and I got together and we prepared to fight that on the floor of the House, and we had the whole thing prepared, and we were to fight on the floor of the House for open competition on the broad lines that it was for the best interests of the United States Government to foster competition, and we were a competing company to bid for the business, and we felt confident that Congress would give us that opportunity, and my time after that was principally spent with Senator Thurston."

"Q. In what way were you going to make a fight on the floor of the House?—A. We were simply going to base it on the restrictive features of past legislation and ask that those would be removed."

"Q. I know, but you would not have had access to the floor of the House yourself.—A. We are going to ask whatever Representative would be interested in such a fight. We had not decided upon any particular Representative as yet whom we would have, but I had in mind two or three Members of Congress."

"Q. Whom did you finally determine upon to make the fight?—A. Mr. Hill. I think is the man that I had in mind. I think he was a Representative from the Bridgeport district."

"Q. A very good man.—A. And I thought we would ask him. Our remarks were not personal or directed against our competitors; they were simply on the broad principle of competition, and we intended to make a fight along those lines."

"Q. And you would have furnished the information for the argument?—A. The Senator and I discussed it together."

"Q. What part was Mr. LILLEY to take?—A. We had not given him any part. He had not been very favorable to us and we wanted somebody to fight."

"Q. You did not consider him much of a fighter?—A. We did not think he had fought very hard for us up to that time and it was tried material we wanted."

#### CHRONOLOGY.

A chronological narrative of the related events that preceded and followed the inauguration of this propaganda of the Lake Torpedo Boat Company to secure a modification of the submarine clause as agreed upon in the Naval Committee will show the part that Mr. LILLEY's resolution and this investigation played in the propaganda.

1906.—Mr. LILLEY goes on the Naval Committee in the first session of the Fifty-ninth Congress and votes for the committee item for submarines (pages 1357, 1551).

This vote Mr. Franklin Taylor, a lifelong personal and political friend of Mr. LILLEY's and a manufacturer who supplied materials used in the construction of submarines, thought was due largely to a request made of Mr. LILLEY by him, for when Mr. LILLEY returned to Connecticut he said to his friend, "I voted yes, Franklin, and your face was in front of me when I voted" (page 481).

1907.—Mr. LILLEY votes for the committee item for submarines (page 1357). The naval appropriation act of March 2, 1907, contains an appropriation for submarines and for a competitive test to be concluded by May 29, 1907.

Only the Lake Company and the Electric Company entered boats for the tests, which were held at Newport, R. I., and completed on the 29th of May.

May 29.—Water test completed at Newport.

May 30.—Unanimous report of the trial board, known as the "Marix board," finding that the Electric boat is superior in all particulars (page 308).

June 2.—Unanimous report of the board on construction, approving the findings of the Marix board. The same approved by Admiral Dewey and the Secretary of the Navy (pages 308-311).

June 29.—Prior to this date Mr. John C. Lake, vice-president of the Lake Torpedo Boat Company, requests the Secretary of the Navy to refer to the Attorney-General the question whether the Government is bound to let all the contracts to the winner in the test (pp. 1225-1226). Senator Thurston, counsel for the Lake Torpedo Boat Company, writes the Secretary of the Navy, urging that the question be referred to the Attorney-General (p. 1035). He subsequently filed a brief with the Department in behalf of his client (p. 1040).

July 30.—The Attorney-General gives an opinion in favor of the contention of the Lake Torpedo Boat Company (p. 271).

August 7.—Mr. J. C. Lake, vice-president of the Lake Torpedo Boat Company, writes to Mr. LILLEY as follows:

[The Lake Torpedo Boat Company, submarine torpedo boats. Simon Lake, president; J. C. Lake, vice-president; L. B. Miller, treasurer; Henry J. Miller, secretary.]

WASHINGTON, D. C., August 7, 1907.

Hon. G. J. LILLEY,

Member of Congress, Waterbury, Conn.

DEAR MR. LILLEY: As you are probably advised, the Attorney-General has given an opinion in accordance with our views—that the late legislation of Congress does not interfere with the absolute discretion of the Secretary of the Navy in awarding contracts for submarines. This of course is very gratifying, but strong efforts will be made by the Holland people to secure contracts for the greater part of the present appropriation of \$3,000,000.

I had hoped to see you in person, but am confined to my bed under the advice of physician, and I therefore have asked the bearer, Mr. A. R. Neff, to go to Waterbury for the purpose of laying the matter before you. He will give you Mr. Thurston's brief, the opinion of the Attorney-General, and also show you the telegram and letters we have addressed to the Secretary of the Navy in California.

While we do not anticipate that the Secretary will authorize the Assistant Secretary to make these awards before the Secretary returns to Washington, yet there is danger that he may do so. In view of this, I trust that you will give careful consideration to the facts Mr. Neff will present, and I respectfully request you to address a telegram to the Secretary and supplement it by as strong a letter as I know you can write, urging him not to decide as to how the appropriation shall be expended until he can return to Washington and personally examine not only the reports of the seagoing tests, but the plans and specifications submitted with our bids. I am satisfied that if you will do this, the Secretary will become convinced that the Lake Company should be awarded contracts for at least one-half of the boats authorized by the appropriation.

This is a critical time for the Lake Company, and a decision in its favor along the lines suggested will be of the utmost value. Please make this letter to the Secretary as strong as possible, and I assure you that any efforts in our behalf will be very greatly appreciated.

You know that the strongest possible efforts will be made by our competitor to enlist some very strong political advocacy for their boats, and I feel that this is a time when the State of Connecticut, through you, can be heard to great advantage.

Respectfully,

Vice-President.

(Page 1310.)

August 2.—The above letter was taken to Waterbury by Abner R. Neff, who was commissioned with a special message from Mr. J. C. Lake, to Mr. LILLEY. Spends the night at Mr. LILLEY's hotel (page 1311).

August 10.—At the request of Mr. Lake and Neff, Mr. LILLEY sent the following telegram:

WATERBURY, CONN., August 10, 1907.

Hon. VICTOR H. METCALF:

Your favorable consideration interests my constituents Lake Company solicited. See letter.

GEO. L. LILLEY.

(Page 1502.)

He reinforces the telegram by the following letter:

[GEORGE L. LILLEY, at large, Connecticut, Naval Affairs. House of Representatives United States, Washington, D. C.]

(Stamped:) Office of the Secretary, Navy Department. Received Sept. 3, 1907.

WATERBURY, CONN., August 10, 1907.

SIR: I understand the late legislation of Congress does not interfere with the absolute discretion of the Secretary of the Navy in

awarding contracts for submarines, and it will no doubt appeal to you that for the best results keen and active competition must supplant monopoly. Such competition will benefit the Navy in two ways:

1. A monopoly of the business by one company would result in exorbitant prices after this policy had destroyed its competitors, but competition means the best for the least money.

2. A monopoly of the business would do away with the keen rivalry for improvements. Active competition will bring out the best in the shortest time.

I sincerely hope that before awarding the contract you will examine not only the reports of the sea-going tests, but also the plans and specifications submitted by the Lake Company, and that you will see your way clear to divide the business.

Yours, very sincerely,

GEO. L. LILLEY.

To the Honorable VICTOR H. METCALF,  
Secretary of the Navy.  
(Copy sent to Fouts Springs.)

(Page 1503.)

September 23.—Mr. Lilley sends the following letter to the Secretary of the Navy:

[George L. Lilley, at large, Connecticut—Naval Affairs. House of Representatives, United States, Washington, D. C.]

(Stamped:) Office of the Secretary, Navy Department, received September 24, 1907.

The Honorable VICTOR H. METCALF,  
Secretary of the Navy, Washington, D. C.

MY DEAR SIR: My constituent, Mr. J. C. Lake, writes me you are in doubt as to the intention of the Naval Committee and the House in the matter of submarines.

As for the attitude of the House toward Mr. Robert's argument, nobody listened to it when it was made. Neither the House nor the untrammelled members of the Naval Committee would care whether the boats were on paper or completed, as long as when delivered to the Government they would be equal to any boat. And as I understand it the Lake people do not ask you to accept any boat unless it fulfills all the conditions of the contract.

I am certain that the House would vote against monopoly. Congress clearly showed its disposition when in the appropriation for the last two battle ships it stipulated that with any one company but one ship should be contracted for.

Among the well-meaning Members of Congress the Lake people have more friends because they have never employed the methods of the Holland type people. It is well known that the company Mr. Roberts appears to represent is doing more to-day in the employment of questionable methods to intimidate Members of Congress and the Naval Committee than all other corporations in the United States.

Yours, very truly,

GEO. L. LILLEY.

WATERBURY, CONN., September 23, 1907.

(Page 1503.)

December.—Mr. J. C. Lake entertains at luncheon at the New Willard Hotel the Senators and Representatives from Connecticut (page 1181).

Ex-Senator Thurston, the counsel for the company, advises the delegation as to what can be done for the interest of the Lake Torpedo Boat Company (pages 1206-8).

1908.

January.—The Senators and Representatives call on the Secretary of the Navy in a body, and urge giving a contract to the Lake Torpedo Boat Company (pages 1322, 1504, 1511).

February 7.—Signing of a \$450,000 contract between the Government and the Lake Torpedo Boat Company (page 314).

Ex-Senator Thurston requests of Mr. Foss, chairman of the Naval Committee of the House, an opportunity to present the views of the Lake Company respecting the form of the submarine item in this year's bill (page 1051).

February 5.—Representative SPERRY, of Connecticut, introduced in the House an independent bill, drawn by Ex-Senator Thurston, for an appropriation for submarines to be expended in a way that would this year again admit the Lake Company to competition.

February 6.—Ex-Senator Thurston makes another request of Chairman Foss, in writing, for a hearing in behalf of the Lake Company (page 1052).

February 10.—Form of naval bill agreed upon by committee with the provision relating to submarines, to which the Lake Company and Mr. LILLEY objected (page 1061).

It is an exciting session of the committee. After adjournment Mr. LILLEY sees Neff and tells him "that the thing had failed and said that they had a pretty hot struggle in there" (page 1201).

[On being questioned as to whether he did not say at this meeting of the committee, "That some of the other Members were nothing better than traveling salesmen for the Electric Boat Company," Mr. LILLEY refused to swear as to what he had said in the committee. His entire testimony on this subject is as follows:

"Q. Now, Mr. LILLEY, have you at any time said to a newspaper man—I ask you this because you are reported in the newspapers, I have a clipping here somewhere, to have said that other members or some members of the Naval Committee were nothing more than traveling salesmen for certain torpedo-boat companies?—A. Not in that language.

"Q. Did you use anything bearing that interpretation?—A. What I said I said in executive session of the Naval Committee the day the vote was taken on the naval programme. I think it appears in the testimony here.

"Q. It was not executive to us; we haven't got it, but we did read it in the papers.—A. I gave no interview of that character.

"Q. Did you say it in the Naval Committee?—A. Not in those words.

"Q. That some of the other members were nothing better than traveling salesmen for the Electric Boat Company?—A. Not in those words.

"Q. Anything that would bear that interpretation?—A. Different people put different constructions on.

"Q. Perhaps if you would tell us what you did say.—A. I do not recall. I did not charge my memory with those things.

"Q. That is an important matter; did you not use some language very much like that?—A. I have given no interview to any newspaper of that character.

"Q. I know, but that is not what I ask. Did you make some such utterance in the Naval Committee?—A. Why, Mr. OLMSTED, I do not remember just what I said in the Naval Committee.

"Q. Did you say something like that?—A. I won't swear as to what I said.

"Q. Will you state that you did not say something of that kind?—A. I won't testify either way, except that I said nothing in that language, as you have put it" (page 1502).

February 12.—Fred Brown Whitney, vice-president of the Lake Submarine Company and personal attorney of Mr. Simon Lake, mails an anonymous letter to Mr. Carmichael, of the Detroit Free Press, suggesting the bribery of Representative LOUD by the Electric Boat Company (page 1783).

The same day Representative LILLEY leaves Washington (pages 1525-1598) for Connecticut. He claims that before leaving he directed his secretary, Webster, an inexperienced young man of 23, who had been his clerk for only a few months, to prepare a resolution for an investigation of the methods of the Electric Boat Company and the conduct of Members, without giving him any instructions as to whom he should consult or in what form the resolution should be prepared (pages 1363-1364, 1598).

February 13.—Whitney sends to a New York paper a fictitious statement containing, among other things, a general estimate of alleged excessive profits in the contracts of the Electric Boat Company with the Government. His statement contains the following paragraphs:

"It is our unanimous opinion that it is best to have the full quotations sent you printed, so that our friends can use naval opinions with Members as from newspaper authority."

"Memorandum showing lack of economy in submarine at proposed cost of \$1,476,296.60 more than contractor testified they were worth."

"The committee thinks it necessary to get prominent officers' ideas and opinions before public, so that other newspapers will start editorial discussion of the problem that is far more serious than surface indications tell" (page 1783).

February 14.—Mr. J. C. Lake, vice-president of the Lake Torpedo Boat Company, who has heretofore been in charge of the Washington offices, leaves Washington (page 1214).

Mr. Simon Lake and Mr. LILLEY have interview at New Haven (pages 104-1062).

February 15.—The fictitious figures of excessive profits concocted by Whitney, \$1,476,296.60, appear in a New York paper.

Whitney sends to Frank Edinborough, formerly a clerk of Congressman LOUD and an aspirant for Mr. LOUD's seat in Congress, an anonymous letter accusing Mr. LOUD of bribery by the Electric Boat Company, saying, "LOUD voted for the \$1,476,296.60 graft" (page 1783).

Mr. Royal W. Thompson, secretary of Senator BULKELEY, at Webster's request, makes the draft, as subsequently introduced, of Mr. LILLEY's resolution calling for an investigation (page 1711).

February 18.—Mr. LILLEY returns to Washington. Shows draft of his resolution to Representative SHERMAN (page 1725), and says he will not introduce the resolution if Mr. SHERMAN can bring about an amendment to the submarine clause in the Naval Committee's bill (pages 1725-1726).

The evidence of this is given by Mr. SHERMAN on pages 1725-1726 and corroborated by Mr. LILLEY, pages 1364-1365. Mr. SHERMAN said: "Q. Are you acquainted with Representative GEORGE L. LILLEY, of Connecticut?—A. I am.

"Q. Did you have any conversation with him relative to submarine legislation and the introduction of any resolution?—A. He had with me.

"Q. Tell us what it was.—A. A few days before Mr. LILLEY introduced his resolution he called me into the Republican club room and showed me a resolution which he said he proposed to introduce. Whether it is identical with the one he did introduce of course I can not now say. I read it and I can only give the substance of the conversation. He said in substance that such a resolution would stir up a fuss, and I intimated that I thought so, too, and he said in substance that if the action of the committee could be moved so that the competition for submarine boats could be open to other competitors that he would not introduce the resolution, and he asked me to see some member of the Naval Committee, with the hope that seeing such member might possibly induce the committee to change its action.

"Q. Did you tell him at that time that you would do that?—A. I told him I would not; that the Navy Committee were supposedly conversant with the whole subject, and that I was not, and that I did not propose to approach them on a matter that they knew about and that I did not" (page 1725).

February 20.—Mr. LILLEY's resolution 253 dropped in the basket on the Clerk's desk late in the afternoon (page 1279).

The first of a series of postal cards extolling the merits of the Lake type of boat prepared in New York, by Mr. Robert G. Skerrett, an old employee of the Lake company, mailed in the afternoon in New York City to all Senators and Representatives and to Government officials in Washington (page 835).

In the evening Abner R. Neff, Washington agent for the Lake Torpedo Boat Company, calls on Mr. LILLEY in his rooms at the New Willard, and offers the services of Ex-Senator Thurston, counsel for the Lake Torpedo Boat Company, in conducting the investigation (page 1322).

February 21.—A carefully prepared and authorized interview by Mr. LILLEY appears in the Washington Post (page 30) hinting at the charge against Representative LOUD.

The second in the series of Lake company's postal cards mailed in New York City (page 836).

February 21 to 25.—Interviews with Mr. LILLEY appear in numerous papers, in which he accuses Members of Congress of being bribed by the Electric Boat Company, mentioning several by name, and the charges against Representative LOUD appear in Michigan papers.

February 25.—Mr. LILLEY appears before the Committee on Rules, makes his charges, and reads a statement on his responsibility as a Member of the House, which statement was prepared by ex-Senator Thurston, of the Lake Torpedo Boat Company (pages 1575-1576).

February 27.—Mr. LILLEY introduced House resolution 264, reciting excess profit to the Electric Boat Company in Government contracts of \$1,476,296.60, which resolution calls upon the Navy Department for cost of construction of the Electric Boat Company's torpedo boats. The resolution was prepared by Neff, who obtained the fictitious figures from newspaper clippings given him by Whitney (pages 1490-1492, 1499, 1500, 1501, 1545, 1585).

March 6.—Committee on Rules reports House resolution 288, which is unanimously passed, and this committee appointed.

March 9.—Mr. LILLEY appears before your committee, but refuses to give the committee the knowledge in his possession on which his



charges are based (page 15). He reads a statement prepared by ex-Senator Thurston, attorney for the Lake Company, giving a list of witnesses furnished by the Lake Company (page 1203).

March 12.—Mr. LILLEY again appears before your committee and reads another statement prepared by ex-Senator Thurston, counsel for the Lake Company, in connection with Attorneys Brown and Judson, and then for the first time consents to be examined under oath as to the information on which his charges were based (pages 1202, 1576).

Mr. Robert G. Skerrett, an old employee of the Lake Company, hands to the Scientific American and Harper's Weekly articles extolling the merits of the Lake type of boat, which appear in the Scientific American of March 21 and 28 and Harper's Weekly of April 4 (pages 1796-1798).

March 16.—At the hearings on this day Mr. LILLEY hands to the committee a large number of typewritten questions, addressed to the chairman of the committee, and bearing Mr. LILLEY's signature. Most of the communications handed in close with one or the other of these paragraphs:

"Not being an attorney, and being refused by your committee to participate in this investigation through an attorney, I must leave the responsibility, the line of the examination, and its thoroughness to your members, in whose skill as attorneys I have great confidence.

"Not being an attorney, and being denied the privilege by your committee of having witnesses examined or cross-examined by an attorney qualified to bring out the real facts, I am compelled to leave the general character and questioning of this witness to the superior wisdom and ability of the learned attorneys, members of this committee."

While the examination progresses from day to day Mr. LILLEY submits numerous other sets of questions similarly prepared, which display a most exhaustive knowledge of the history of the development of submarines, the cost of construction, and the business methods of the Electric Boat Company.

April 2.—Frank L. Edinborough appears before the committee and produces an anonymous letter received from Whitney attacking Representative LOUD (page 726).

April 4.—Mr. Edinborough appears before the committee and produces an anonymous letter received by him from Whitney attacking Representative LOUD (page 769).

About this time Whitney is taken ill and confined to his room, so that he is unable to respond to a subpoena or appear as a witness before the committee.

April 15.—For the first time during the hearing it is disclosed that the questions submitted by Mr. LILLEY were not based on any information of his own, but were prepared by counsel of the Lake Torpedo Boat Company (pages 1186-1188, 1190-1191, 1194-1196, 1309, 1202-1203, 1576).

April 30.—Whitney, now in the hospital and unable to appear before the committee, sends physician's certificate to that effect by his counsel, and an affidavit confessing the authorship of the anonymous letters and of the fictitious figures of the excessive profit to the Electric Boat Company in its submarine contracts, and stating that when he mailed these documents "he had good reason to believe that a resolution would be introduced in the House of Representatives for an investigation of the methods of the Electric Boat Company and its predecessor, the Holland Boat Company."

It needs no argument to show that there is a logical sequence in the foregoing interrelated events that tell the history of what led up to and constituted the propaganda which was designed as indicated in the frank admission of Simon Lake to "educate Members of Congress up to the point of recognizing the merits of the Lake type of boat."

Mr. LILLEY's resolution and charges and the investigation that followed form an important part in the propaganda. Mr. LILLEY testifies that he talked with no one connected with the Lake Boat Company concerning his intention to introduce such a resolution, and that no one connected with the company knew of his intention. The officers of the Lake company say that they had no knowledge that it was to be introduced. According to the evidence, both Webster and Thompson, however, knew a week beforehand that it was to be introduced, and Whitney swears that "he had good reason to believe that such a resolution would be introduced."

But whether or not the Lake Company's officers knew that it would be introduced is quite immaterial. If they did not, they showed a miraculous degree of preparedness in availing themselves of the vast opportunity which this resolution opened up for carrying on their propaganda. A few hours after its introduction Neff, the agent of the Lake Torpedo Boat Company, was ready to make an arrangement with Mr. LILLEY to consult with the general counsel of the company concerning the conduct of the investigation. And from that time until the completion of the examination of all the witnesses named by Mr. LILLEY the conduct of his case was in the hands of the counsel and agent of that company.

By stating on his honor and responsibility as a Member that he had information not based on hearsay that required an investigation respecting the conduct of his colleagues, he invoked the entire machinery of the House of Representatives to institute a proceeding against a private corporation for the benefit of another private corporation. The gravity of this offense is apparent when it is considered that in no other way by any private citizen in any civil or criminal proceeding in any of the courts of law could such an examination be carried on as has been carried on in this proceeding by the Lake Torpedo Boat Company against its rival through the agency of Mr. LILLEY. And the gravity of his offense is not lessened by the disclaimer made by Mr. LILLEY and the officers of the Lake Company, that the latter did not induce him to offer the resolution.

For six months prior to the introduction of the resolution Mr. LILLEY had been doing everything in his power to help the Lake Torpedo Boat Company. After the introduction of the resolution the Lake Torpedo Boat Company, through its officers and agents, did all in its power to help Mr. LILLEY. Your committee therefore has no doubt, and feels that no one who reads the evidence or even the foregoing brief chronology can have a doubt, that Mr. LILLEY's resolution was not introduced to secure an investigation, but was introduced to secure legislation. A further analysis of the entire evidence will confirm this finding.

#### DETAILS OF ALL OF MR. LILLEY'S SOURCES OF INFORMATION.

In view of all the evidence gathered in this investigation, Mr. LILLEY's statement to the Committee on Rules—"I shall be very glad to go into this matter just as soon as this resolution is passed and the committee is appointed, and I assure you, gentlemen, I am not talking on hearsay; I know my ground, and I know that I can prove these things before a committee that means business"—makes it important to ascertain what he knew and probably could prove at the time of making this statement, and classify the whole of his evidence in accordance with the demonstrated sources of his information. The

wide latitude Mr. LILLEY allowed himself in making his charges reveals that he has relied upon facts within his own knowledge, facts within the knowledge of others, newspaper reports, illogical assumption, rumors, suspicions, and misstatements too often stubbornly adhered to.

#### FACTS WITHIN HIS OWN KNOWLEDGE.

He knew that Mr. Taylor had repeatedly urged him to vote for submarines prior to the naval appropriation bill of 1908.

He knew that Mr. Kellogg had argued with him the wisdom of additional appropriation for the construction of submarine boats, and that Mr. Kellogg represented the Electric Boat Company.

He knew that Mr. Kellogg introduced Mr. Ferry to him, and made an appointment for Mr. Ferry to have an interview with him on the subject of submarine boats. He knew that Mr. Ferry did interview him on that subject.

He knew the terms of the Loudenslager amendment to the naval appropriation bill of the present year, and that Mr. LOUDENSLAGER offered it.

He knew of his own votes in the Naval Committee in favor of submarines in the naval bill of 1906.

He knew of the votes on the various motions and amendments respecting battle ships and submarines in the pending naval appropriation bill.

#### FACTS WITHIN THE KNOWLEDGE OF OTHERS.

He knew that Mr. Gordon, who lived in Mr. LOUD's district, had been employed by the Electric Boat Company, because Mr. LOUD and Mr. Foss told him so.

He knew that Mr. Spear had offered to assist Representative HOBSON in his effort to obtain appointment on the Naval Committee, because Mr. HOBSON told him so.

#### ASSUMPTIONS.

He assumes that the Electric Boat Company set Mr. Taylor on him to influence him in favor of submarine legislation, and persists in this assumption in the face of Mr. Taylor's sworn statement that he approached him on his own initiative and in his own interest, and swears that Mr. Taylor is an honorable man and that he (LILLEY) would believe what he (Taylor) swears.

He assumes that the Electric Boat Company and Admiral Bowles, president of the Fore River Ship Building Company, sent Mr. Ferry to him to influence him to vote for Holland submarines in the face of the denial both of Mr. Ferry and of Mr. Bowles.

He assumes that Mr. Kellogg sent Mr. Ferry to him by direction of the Electric Boat Company, in face of the denial of the officers of the Electric Boat Company and of Mr. Kellogg, the latter being his (LILLEY's) personal and political friend, and an honorable man worthy of belief as he (LILLEY) swears.

He assumes that the expert naval constructors in the Navy Department could and would testify to the excessive profit of a million or more dollars obtained by the Electric Boat Company on its past contracts and an equal amount of excessive profit if they obtain all the contracts provided for in the Loudenslager amendment, and he persists in his assumption, notwithstanding the testimony of Admiral Capps, the chief constructor of the Navy, that no such excessive profit had been made or could have been made under the contracts executed or to be executed.

He assumes that an investigation would prove that the boats owned by the United States and proposed to be purchased under the Loudenslager amendment are, and would be, inferior in type, size, power, armament, and efficiency to boats now in European navies, notwithstanding the testimony of the Secretary of the Navy, the chief constructor of the Navy, and other witnesses not connected with the Navy Department, that, so far as it was possible to make such a comparison, no such alleged fact could be established.

He assumed, and persisted in the assumption, though unable to support it by proof or probability, that \$745 per ton is a reasonable price and as much as the Government should pay for submarine boats, and upon this false assumption he charges that this is the inducement to the Electric Boat Company to corrupt or attempt to corrupt Congress to legislate in its favor.

#### SUSPICION.

Mr. LILLEY stated his fundamental suspicion to the Committee on Rules as follows:

"I think the membership of this House is of the very highest quality, and that they are the very best men, usually, from the district from which they come, but with a flock of 383 here it would be strange if there were not some sheep in it that had the rot foot or scabies. I think the disease ought to be eradicated before it spreads."

He alleges that as there is an attorney of the Electric Boat Company in his district, one in Mr. LOUD's district, and one in Texas; that there are other attorneys or agents in the districts of other members of the Naval Committee, and wherever the ground is found favorable, except in the districts of Messrs. Foss, PADGETT, and HOBSON.

Another charge is arraigned under the head of suspicion. Whether or not money has been improperly used or improper methods have been employed to secure favorable action in Congress, can only be successfully shown by an examination of the officers, attorneys, and agents of said companies, and by an examination of the books, accounts, vouchers, checks, and other written memoranda relating to such practice which are in the possession of the officers, attorneys, agents, and representatives of said companies, and when the officers, attorneys, and agents of said companies had sworn positively that no such expenditures had been made by either of them, and that no such accounts had ever been kept on their books because no such expenditure was made, Mr. LILLEY bolstered that fallen suspicion with this further remark:

"Now, I do not expect those books will show any names that checks were drawn for campaign funds, but I do expect that there will be some such fund as the 'yellow-dog' fund in the New York insurance investigation."

In his charge that contributions were made to Members of Congress who were on the House Naval Committee, contributions to elect some and defeat others, Mr. LILLEY relies on the same suspicion that the officers and books of the Electric Boat Company would furnish a proof in a suspected "yellow-dog" account.

#### RUMOR.

To the authority of rumor Mr. LILLEY refers his charge against the Electric Boat Company's contributing to the campaign fund of members of the Naval Committee in maintaining an expensive lobby at Washington, and in efforts made to subvert or unfairly influence the public press in its utterances and criticism of the said companies, and appropriations made for submarines.

## NEWSPAPERS.

Mr. LILLEY cites an article from the Detroit News dated February 21, and another dated February 22, 1908, as the proof justifying his statement that Mr. Gordon was employed for the sole purpose of endeavoring to secure favorable action on the part of Representative LOUD for such legislation as the Electric Boat Company might desire. Whereas the article offered in proof of this states that—

"The hint has been thrown out that his influence for the Holland submarine boat was secured by a species of intimidation."

If Mr. LILLEY did not know the contents of this article before he introduced his resolution, he would have been without a semblance of truth as to Messrs. Gordon and LOUD. If he did not know the contents of the second publication before he introduced his resolution, he would not have had the benefit of Edinborough's insinuation contained therein.

If, however, it is conceded that he knew the contents of each, it was within his power to ask his colleague (LOUD) on the Naval Committee whether he knew or believed that Mr. Gordon was employed by the Electric Boat Company to intimidate him by threat of opposition, or otherwise, in supporting submarine legislation favorable to them. He could with equal facility have inquired what statements Mr. LOUD made to Edinborough that could lead Edinborough to believe that Mr. Gordon was lobbying with him (LOUD) for the Holland concern. These two inquiries addressed to Mr. LOUD would have reached an original source of information as against the repetition of a "hint" and the publication of Edinborough's "suspicion."

ANALYSIS OF MR. LILLEY'S EVIDENCE CONCERNING ALL THE FACTS IN HIS OWN KNOWLEDGE WHEN HE INTRODUCED HIS RESOLUTION.

In his statements to the Committee on Rules, Mr. LILLEY said: "In the last Congress a large manufacturer in my town, an intimate friend of mine, who would probably have as much influence with me as any man in my State, told me that he had the promise of a large order if I would vote for submarines (page 7)."

Mr. Franklin A. Taylor, of Waterbury, Conn., vice-president and manager of the Randolph-Clowes Company, engaged in the business of manufacturing brass and copper, testified that he was the man referred to by Mr. LILLEY in that statement, and Mr. LILLEY subsequently stated that it was Mr. Taylor to whom he referred. Mr. Taylor said:

"Mr. LILLEY and I were personal friends. I met him frequently and did not hesitate to discuss with him frankly my interest in submarine construction. I told Mr. LILLEY the amount of business the Navy Department did in the Naugatuck Valley. I suggested to him to talk with his constituents; that it would be a good scheme to start at Bridgeport and go to Winsted, and told him of the things manufactured; I went into it very thoroughly; I told him our business in the matter of tubing and sheathing and brass plates, and all that sort of thing. I said to him that the business amounted to several millions a year, and I think he felt at the time that it was a very much bigger thing than he had any idea of. I did not leave any stone unturned to influence him to vote for submarine boats."

"These conversations related to legislation of 1905 or 1906. Mr. LILLEY was influenced in his first vote on submarines by the request of his constituents who were to secure orders as a result of any appropriation for submarines. Mr. LILLEY was, I think, opposed to submarines from the beginning. On one occasion I met Mr. LILLEY in Waterbury, and, as he says, shook my fist at him; I do not think I have missed an opportunity to shake my fist at him, and tell him to vote for submarines every time I have met him. This was not intended as a threat or an act of intimidation, and Mr. LILLEY took it in a friendly spirit. I had no doubt that the conversations had with him were influential in gaining his vote when the matter first went through Congress. I had very good reasons for thinking so, because when he came home after the committee had voted he said to me: 'I voted "yes," Franklin, and your face was in front of me when I voted.' So I felt that I had influenced Mr. LILLEY, and I had nothing to be ashamed of in it."

"The articles which we manufacture and which enter into the construction of submarine and torpedo boats generally are sold to the Electric Boat Company, the Lake Boat Company, or any other company that manufactures torpedo boats. I was looking out for the business from the corporation that got the contracts, and it didn't bother me a bit nor did I care which one of them got the contracts. We manufacture brass and copper piping and air flasks, all of which went into submarines and other kinds of ships, and there was no possibility of any legitimate share of any appropriation made by Congress passing into the hands of anyone else. I have had no conversation with Mr. LILLEY with reference to influencing him to vote for submarines in this year's bill. The Electric Boat Company never intimated to me in any way that they desired me to approach or attempt to influence Mr. LILLEY to vote for submarine boats, nor did they ever give or tender to me any order contingent upon anything that I might do to induce Mr. LILLEY to support submarine legislation. What I did was always on my own initiative and from my own instincts of my business interest."

Mr. LILLEY, in testifying in reference to Mr. Taylor's approaching him on the subject of submarines, said:

"I did not charge Mr. Taylor with having done anything wrong in trying to obtain a large order for goods. I am not making any complaint against Mr. Taylor in approaching me."

Mr. LILLEY's attitude with respect to Mr. Taylor is one of complete exoneration of Mr. Taylor from any improper motive or wrongful act in all that he said and did to him with respect to submarine legislation. He substantially complains as follows: "But I do charge the party that set him on a Member of Congress for that purpose is doing something that ought not to be permitted," and the emphatic testimony of Mr. Taylor is that he was "set on," as he says, "always on my own initiative and from my own instincts of my business interest." So that, knowing Mr. Taylor as well as Mr. LILLEY swears he did, regarding him as a man of high character, meeting him frequently socially, enjoying his confidence and support politically, Mr. LILLEY had only to ask Mr. Taylor whether the Electric Boat Company had inspired him to urge submarine legislation upon him (LILLEY).

And Mr. Taylor's answer would doubtless have been in conformity with his sworn statement on the subject—that he was acting on his own initiative and in his own interest and without the suggestion or dictation of any other person or corporation, and if Mr. LILLEY had accepted this answer as the truth, as in his testimony he swears that he would believe what Mr. Taylor says, it would have been an end of this groundless suspicion that the Electric Boat Company was endeavoring to influence him through his friend Mr. Taylor, and there would have been no truthful basis for this instance in Mr. LILLEY's personal experience related to the Committee on Rules and made one of the charges

on which this investigation was based. It is a conspicuous instance of Mr. LILLEY's stubborn refusal to substitute an easily ascertained fact for groundless suspicion.

MR. LILLEY'S EVIDENCE CONCERNING HIS FRIEND, MR. JOHN P. KELLOGG.

Mr. LILLEY. At the same time there came down here a lawyer in politics who had been a member of the State committee and the town committee where I live; was then; who probably had as much to do with my being in Congress as any man. He came here to Washington and stayed with me, and he was certainly employed by the Electric Boat Company. (p. 7).

This charge relates to Mr. John P. Kellogg, esq., a lawyer of Waterbury, Conn., who is assistant State attorney of New Haven County, and who has been a member of the Republican State central committee and chairman of the Republican town committee of Waterbury. He has known Mr. LILLEY for twenty-five or thirty years; his political and social relations during that time were exceedingly friendly. He was employed by the Electric Boat Company in 1906 to "counsel with them in regard to matters in Connecticut generally, where they had a competing company and had some little trouble with the company," and also to give them professional assistance in any way (p. 370). And for this service he received an annual retainer; has conducted no litigation for them; has visited Washington on business of the Electric Boat Company twice. First in January, 1907, at the direction of Mr. Frost; came to discuss matters of pending legislation with Mr. LILLEY.

I think it was the month of December, the latter part, when Mr. LILLEY was home during the Christmas holidays. I went to him then and told him that I had been employed by the Electric Boat Company, and told him through whom, through Mr. Frost, and discussed with him at that time legislation with regard to submarine boats.

In substance, what I said was based upon the necessity for submarine boats, for the defense or secondary defense of harbors, and also considerable of the conversation, as I recall it—I am talking about things now that happened over a year ago—and as I recall it, it was not only the necessity, but whether they were available, whether they were of advantage to secondary defense.

Mr. Kellogg came to Washington in January, 1907, while the naval appropriation bill was pending in the committee, and had other conversations with Mr. LILLEY on the necessity and advantage of the Government purchasing additional submarines, and that such purchases should be made as the result of competitive tests, and while Mr. LILLEY did not agree with Mr. Kellogg that submarines possessed all the merits Mr. Kellogg claimed for them, he admitted that there was sufficient good in them to warrant the purchasing of a limited number. Mr. Kellogg swears that Mr. LILLEY never expressed any disapproval of his conversations with him on this subject, nor did he express any disapproval of the method adopted by Mr. Kellogg to persuade him to his point of view. On the contrary, Mr. Kellogg swears that Mr. LILLEY has told him since the investigation began that there was nothing he (Kellogg) had ever said to him at any time that anyone could not fairly say to him.

Mr. Kellogg admits that he spoke to Mr. Taylor and Mr. Ferry about conferences with Mr. LILLEY on the subject of submarines. He further swears that he did not intimate to either Mr. Taylor or Mr. Ferry, nor did he suggest to them to say to Mr. LILLEY, that they might secure orders in case of favorable submarine legislation. He understood that both companies had been having orders right along and would keep on having them whether Mr. LILLEY voted for or against additional submarines. He swears further that he never had any authority from the officers of the Electric Boat Company to promise any of these manufacturers that they should receive orders in case of favorable submarine legislation. Nor did he ever state to any manufacturer that they would receive orders from the Electric Boat Company in case of favorable submarine legislation.

In brief, Mr. Kellogg's evidence fully and frankly states the time, manner, and scope of his employment by the Electric Boat Company, and he details with frankness the substance and nature of his conversations with Mr. LILLEY on the subject of submarines, and Mr. LILLEY himself exonerates him from any blame or censure for anything that he said or did by right of his employment by the Electric Boat Company, but charges, as he said in the case of Mr. Taylor, that it was an improper practice for the Electric Boat Company to employ a prominent and competent attorney who was his personal and political friend to present in a legitimate and honorable manner the necessity for submarine legislation.

MR. LILLEY'S EVIDENCE CONCERNING HIS CONSTITUENT, MR. CHARLES FERRY.

Mr. Charles Ferry, of Bridgeport, Conn., metallurgist and salesman of the Bridgeport Brass Company, went to Washington in February, 1908, by direction of Mr. F. H. Kingsbury, jr., manager of the company, to get all the information he could as to the possibility of the Government purchasing additional submarines, and to meet and confer with Mr. Kellogg in Washington for that purpose. Mr. Kellogg told Mr. Ferry that he thought that Mr. LILLEY ought to know that the Bridgeport Brass Company made a great deal of material, a portion of which had been used in submarine boats, and introduced him to Mr. LILLEY, with whom he made an appointment to talk on this subject the next day at Mr. LILLEY's office in the House Office Building.

In the interview between Messrs. Ferry and LILLEY, Mr. Ferry swears:

"I told Mr. LILLEY that I understood that the Government was likely to purchase more submarine boats, that inasmuch as we had made material which we supposed had been used in submarine boats, or at least purchased by the company that constructed the Holland boat, we thought it was perfectly fair that he should know this, and if he could consistently vote for that bill we would be glad to have him do so. I told him that I was seeking business, or prospects of business, with unusual diligence at this time, because we were running short-handed and not through the full week, and that we never needed an order as badly as at that time. Mr. LILLEY asked me if I came to ask him to vote for a bill appropriating a large sum of money for the construction of submarines. I told him I did not, unless he could do so consistently. To my best knowledge and belief, I did not tell Mr. LILLEY that I or my company had the promise of an order from the Holland or Electric Boat Company, if he (LILLEY) would vote right on that proposition; I did not know that any promise was made by the Holland or Electric Boat Company to me or to my company that if LILLEY voted right we would secure an order."

"Neither Mr. Kingsbury or Mr. Kellogg gave me any such information, nor were any such conditions in my mind when I conferred with



Mr. LILLEY. LILLEY asked me how much material of our manufacture was used in a submarine boat. I told him I had no information or data upon the subject, and therefore could make no intelligent estimate. He said: "How much do you imagine would be used in submarine boats to be provided for?" I still told him I had not any idea. As I remember it, he said: "A hundred thousand dollars' worth?" I said I did not believe as much as that. Then he came down to \$20,000, and I said: "Possibly, and possibly a little more." Then he asked me how much profit we made on the material. I told him I was not in a position to say, but, for a guess, it might be 10 per cent. So that he arrived at a profit of \$20,000, as an example, and wanted to know if I came there to ask him to vote for a bill in which we might make a possible profit of \$2,000, and I still told him that I was not there to ask him to vote for a bill unless he could consistently do so.

"I told Mr. LILLEY that we had received so much business from the shipbuilders who constructed the Holland boat that we naturally felt sanguine and interested in any bill of that sort—sanguine about receiving orders from that concern. I think that he intimated that he would vote for the bill on account—mainly on account of the extreme desire of high officials who wished submarines, particularly the Secretary of the Navy. He expressed his preference for battle ships to submarines. I did not discuss with him any form of legislation intended to provide for submarines. I had no experience with such matters and knew nothing about the necessary form of legislation in providing for them. We employ about 1,500 men when our plant is in full operation, and I should think our monthly sales when we are running full might be \$250,000 a month. An order amounting to \$20,000 would have been desirable. My company has never taken an active part in political matters, and it has never sought to influence me or the men, so far as I know.

"Neither Mr. Bowles, president of the Fore River Ship Building Company, nor any of its agents, officers, or attorneys, offered to pay or promised to pay me anything for coming here to see Mr. LILLEY last February; neither did my company have any promise of orders from anybody if I came here and secured the vote of Mr. LILLEY in behalf of submarines. Mr. Bowles never suggested to me that I should influence Mr. LILLEY or any other Member of Congress from Connecticut or elsewhere, either by word, letter, or any other manner. He told me at one time that he thought Mr. HILL did not know that we made material for the Holland boat, and he thought that it would be desirable that Mr. HILL should know it; but he did not suggest, as I remember, that I should write or speak to Mr. HILL about it; and while I neither wrote nor spoke to him on the subject, I talked with Mr. Enos, who expected to go to Washington, and he promised to tell Mr. HILL that we were making a large amount of material for the Fore River Ship Building Company, a portion of which was used in submarines, and Mr. Enos told me that he reported that to Mr. HILL. That was about three years ago. I never attempted to get Congressman HILL to withdraw his support from the Lake people of Bridgeport at the request of Mr. Bowles on the condition that if I succeeded, he would give me \$100,000 of orders; no such conversation ever occurred with Mr. Bowles. I never had any communication with Mr. HILL concerning submarines, except the message sent to him by Mr. Enos above referred to."

On this subject Mr. J. C. Lake testified that Mr. Ferry told him some two years ago that—

"He (Ferry) had been requested or approached by what he termed him, Admiral Bowles, as he was a representative of the brass company and did considerable business with him, and that he had spoken to Mr. Enos about it and wanted to do all that he possibly could to help the Electric Boat Company, because if they got orders, why, their company would get business from Admiral Bowles. He said that Admiral Bowles was a personal friend of his, and he (Bowles) requested that he (Ferry) go to see Mr. Enos about it to see whether he (Enos) could be of any help to him (Ferry) in the way of getting appropriation for the Electric Boat Company, which would really go to the benefit of his (Ferry's) company."

It will be observed that Mr. Ferry swears that Admiral Bowles did not send him to Mr. HILL to cease his effort in behalf of the Lake Torpedo Boat Company at Washington, and on the same subject Admiral Bowles in his testimony gives a very full and explicit statement of the interview between himself and Mr. Ferry, covering both Ferry's communication with Mr. HILL and with Mr. LILLEY.

#### ADMIRAL FRANCIS TIFFANY BOWLES CORROBORATES MR. FERRY'S TESTIMONY.

Q. Will you please state what that conversation was with him?—A. Mr. Ferry's company, the Bridgeport Brass Company, have had for about two years our contracts for all brass and copper piping, rods, and so forth. And it is customary where builders confine their orders to one concern to expect supply men to assist them in getting business, and I had an understanding to that effect with Mr. Ferry when I gave him our contract.

Q. What did you ask him to do?—A. I asked him on one occasion to see that Representative of HILL of Connecticut, understood the relations existing between his company and mine and the extent of the business which in that way came to Bridgeport.

Q. Did you ask him to influence Mr. HILL as to his legislative action?—A. I did not. I asked him to inform him fully in regard to the business which came from my company to Bridgeport.

Q. Did you ask Mr. Ferry to influence Mr. LILLEY as to his legislative action?—A. I did not. I never mentioned Mr. LILLEY's name to Mr. Ferry. I had one other conversation on the subject which occurred, I think, some time in February of this year. Mr. Ferry ceased some time ago, last year, to have my contract, because of inefficient service. He came to me in Boston and sought an appointment with me. He said that he had heard through his president, Mr. Kingsbury, I think he named him, that he could do something for me in Washington along the line of submarines. He said that they felt very seriously the loss of my contract; that they had profited by the discipline that I had administered to them, and they would give excellent service. He was very anxious to get it back. He wanted to know if he could do anything for me in the way of submarines in Washington—whether it would be any advantage to him. I told him in the most positive manner that when that contract came around to be awarded again that it would be settled in the interests of my company, as it had been before; that I should be very much pleased at anything he might do for me, but I would make him no promises of any kind, either directly or indirectly, in any manner, shape, or form. I used all those words to him.

Q. Did you in any way inform him or intimate to him that if he could assist in securing favorable legislation for the Electric Boat Company that you would give him a contract?—A. I did not. I took the utmost care to prevent conveying any such idea to his mind.

"Q. In having this conversation with Mr. Ferry, or anybody else along that line, did you do this at the instigation or request of the Electric Boat Company or any of its officers?—A. I did not; this interview was sought wholly by Mr. Ferry. I would like, if the chairman will permit me, to absolutely clear up the Ferry matter without any possibility of doubt.

The CHAIRMAN. That is what we are attempting to do in these closing days. Admiral, to clear up a number of questions about the testimony.—A. Mr. Ferry when he came to me did not mention the name of Mr. LILLEY. I had no idea what he meant when he said that he could do something for me in the way of submarines. He did not describe it in any way. I did not know that he was going to see Mr. LILLEY, and did not ask him to go and see him or to see anyone else. Mr. Ferry, however, after he had been to Washington came back to see me, and he then told me that he had seen Mr. LILLEY. That was the first time that the gentleman's name was mentioned between us. He said that he had tried to explain to Mr. LILLEY the commercial situation in regard to the purchase of brass materials, and that Mr. LILLEY had burst out upon him in a denunciation of submarine boats and the methods that were being pursued here in Washington, and had scared him, Ferry, very much. I told Mr. Ferry that I was exceedingly sorry that any attempt to do something for me should get him into so much trouble, but he need have no anxiety on the subject, so far as his action or mine or my company's was concerned, of any kind at all; that he could go home and be satisfied that he had done what was right, and so had I. That was the end of that episode so far as I was concerned. I might also state—I am anxious to clear the ground of Mr. LILLEY—that if I had wished to influence him in any way or had sought to do it I had the most excellent means, because during the previous year I had transferred my contract from Bridgeport to the American Brass Company, of Ansonia and Waterbury. I negotiated that contract with the president of the American Brass Company myself.

Q. Who is that?—A. Mr. Brooker.

Q. Charles F. Brooker?—A. Yes; and I had some understanding with Mr. Brooker with regard to helping me in getting business in certain territories, but I have never had occasion to take advantage of it. I have never asked Mr. Brooker to say anything for me directly or indirectly, but I had in that gentleman's immediate neighborhood the most excellent means of reaching him in case I had so desired.

#### CHARGES AGAINST ELECTRIC BOAT COMPANY AND ANALYSIS OF TESTIMONY OF ITS OFFICERS, ATTORNEYS, AND AGENTS.

Although Mr. LILLEY had, as already pointed out, said to the Committee on Rules, "I am not talking on hearsay; I know my grounds, and I know that I can prove these things before a committee that means business," nevertheless, your committee having been appointed, he appeared before us and said:

"Whether or not money has been improperly used or improper methods have been employed to secure favorable action in Congress can only be successfully shown by an examination of the officers, attorneys, and agents of said companies, and by an examination of the books, accounts, vouchers, checks, and other memoranda relating to such practices, which are in the possession of the officers, attorneys, agents, and representatives of said companies."

In other words, having no information himself, he proposed that the officers of the company should be compelled to appear with their books so that it might, by examination, be developed whether or not his broadside of charges had hit anything. He then submitted a list of the officers, attorneys, and agents whom he desired subpoenaed. It subsequently developed that not only his charges, but as well the demand for the summoning of these people with their books, had been framed and placed in his hands by counsel for their rival, the Lake Torpedo Boat Company, who was behind the curtain rolling the putty balls for Mr. LILLEY to fire. He had even obtained the list of witnesses from counsel for the Lake Company, but as he failed to give us the addresses we had to call upon him for them, and he, in turn, as appears from the record, had to go back to the counsel for the Lake Company to get them, or some of them.

Your committee sent to Mr. LILLEY blank forms of subpoenas and asked that they, particularly the subpoenas duces tecum, be prepared for those persons whom he desired subpoenaed. He returned them to your committee filled out, as we afterwards learned, by counsel for the Lake Torpedo Boat Company. The subpoenas were served and the witnesses appeared and they have all been examined. The following is a brief synopsis of their testimony:

Gen. M. C. Butler, who in March, 1894, retired from the United States Senate after eighteen years of service as Senator from South Carolina, testified that in 1896 or 1897, while a practicing attorney in Washington, he had been employed professionally by the Holland Boat Company and continued as attorney for that company and the Electric Boat Company until a period about four or five years ago, when he gave up his law office in Washington and returned to his own State. He appeared before the Naval Committee of the Senate on several occasions and made arguments in behalf of said companies. He said that he "never appeared in the House and never spoke to a human being in the House. I never spoke to any Senator or Representative on the subject except in the argument before the committee which I made, perhaps, four or five times" (page 74). He said that the boat *Holland* was brought into the Potomac River and that "I went down on a tug and invited quite a number of Members of Congress and Senators and Representatives, and they had something to eat and something to drink." Admiral Dewey was one of the party. General Butler invited some of the guests. The entertainment was furnished by the company whose boat was making the experiments. Speaking of Representative LILLEY, he said:

"I do not think it is quite fair for a man who has not fortified himself with the facts to attack a man outside of the House, a private citizen, and not give him an opportunity to reply to him. That is what I complain of in this case. I have no apologies to make on earth to him for my employment by that company, not the slightest, but I resent as an offense and as unfair the statement that I belong to what he chooses to call the 'organized lobby.'"

General Butler, having retired several years ago, took no part for or against legislation in the present Congress with reference to submarine boats; he did not appear before any committee nor address any Member of the House; he said he had been at his home in South Carolina "until I got this notice which brought my name in here, and, I think, unfairly and unjustly and falsely" (page 79).

Mr. C. E. Creevy testified that he practically had the management of the business in Washington of the Holland Submarine Boat Company from 1894 down to 1902, and appeared innumerable times before committees of Congress and before boards appointed by the Secretary of the Navy, but has not been in the service of the company since

1903 (pages 83-84). After working several years, without getting any Government contract for submarines he consulted Gen. Eppa Hunton, of Virginia, then practicing law in Washington, who advised that the company should bring a submarine boat to Washington and exhibit to Congress, the Navy Department, and the War Department, so as to show its successful operation. For this advice General Hunton received \$100, and so far as the evidence goes was not in any other way employed by the company or consulted about its business (page 86). The boat called the *Holland* was built in part with funds contributed by Mr. Frost, his father, his uncle, and his mother (page 86). Mr. Creedy says that "up to 1902, when I had control of the company, I am sure that no Member of Congress, no Government official, or anyone else was ever improperly paid a bill" (page 89). He also denies positively that the company, through any person, attempted to influence any Member of Congress who was on the Naval Affairs Committee (page 90), and that while he had control down to the end of 1902 "there was never any Member of Congress approached or anything of that kind"; also that no money was spent to defeat any Member of Congress, and that it would have been impossible without his knowledge, adding, "I do not think it was possible up to that time; I had full control" (page 90). He says: "We did not have to pay the newspaper men; they ran over us for news." "I never had occasion to pay them; there was no necessity" (page 95). Mr. Creedy further testifies that his present relations with the company are unfriendly, owing to a disagreement about fees. He has not been connected with it since 1903, and is now interested in a rival concern (page 93).

Mr. E. W. Creedy testified that he never had any official or business relations whatever with either the *Holland* or the Electric Boat Company.

Mr. F. P. B. Sands had a contract with the *Holland* Boat Company in 1896 which applied only to contracts with the Russian Government (page 107). "It has no application to any business in the United States, not the slightest, nor under any circumstances whatever, nor in any place have I ever approached or spoken to a Member of Congress or a Senator in respect of the interests or rights of this submarine boat." "My work related solely with Russia" (page 108). He secured the presence here of certain Russian officials who inspected the *Holland* boat at our navy-yard and secured contracts from the Russian Government for similar boats (page 108). He also succeeded in persuading Admiral Dewey and certain other naval officers to go down the Potomac and watch the performance of the *Holland* boat. He testified that his connection with the company ceased in 1904, "when I brought suit against it for fees claimed by me to be due." He has had no business connection with the company since and knows "not a word about what they are doing or intend to do" (page 115).

Dr. W. R. Kerr testified that he was never in the employ of the *Holland* Torpedo Boat Company or Electric Boat Company (pages 116-122); he was friendly with Vice-President Frost, but never received any compensation in any way directly or indirectly, as an agent or employee of the company (page 120); has not "followed the history of this torpedo-boat matter," "not for the last five years or so" (page 120), and "never spoke to any Member of Congress about submarine boats" (page 121).

Mr. Marion Butler, who retired from the United States Senate in 1901, and has since then been practicing law in Washington, was employed by the Electric Boat Company professionally about 1903. He or his firm, Butler & Vale, appear to have been consulting counsel for the company in Washington, but they have not appeared before any committee of Congress with reference to the company's business. He says: "I have not, and, as I have said, they decided not to on our advice. That is a thing we took up and advised them about when they wanted to employ us" (page 126). He testified that he never talked to a member of the House Naval Committee or any Member of Congress, and would have appeared before committees if he deemed it necessary to do so, but says: "I have thought that the best policy was to have competition to prove the best boat and that that was more powerful argument with the committees of Congress and with the Government than anything else, and my advice has been followed and I am gratified with it up to date" (page 129). He, or his firm, and Mr. McNeil are the only attorneys for the Electric Boat Company in Washington (page 131). He says the company does not keep a press bureau and has no newspaper men in its employ. "I do not know of a single one" (page 135). Replying to an inquiry as to the truth of Mr. Lillie's charge that the company has an organized lobby at Washington, Mr. Butler said: "I feel that the committee should indulge me to say that I want to here and now enter a most emphatic and earnest protest as a citizen against any man, a Member of Congress or not, stating such wild, irresponsible, and untrue charges without any foundation in fact to justify it" (page 135).

Referring to the House Naval Affairs Committee he said: "I have never spoken to a single member of that committee since I have been employed about submarine matters." He added that he did not know who had drawn the provision relating to submarines in the naval bill of 1908 (page 128). He also denied that he had prepared and drafted the Senate amendment to the appropriation bill of March 2, 1907, as charged by Mr. Lillie.

It should be borne in mind that Mr. Lillie's charge in this regard and also of the maintenance of an organized lobby, as submitted by him to the Committee on Rules, was prepared by the able and genial counsel for the Lake Torpedo Boat Company, after it had developed in the testimony that the Lake Company had in the present Congress impudently members of the present Naval Committee to offer amendments. The same learned counsel, in his testimony before this committee, said: "Mr. Chairman, on this matter of the propriety of any man interested in legislation in Congress seeing Members or drafting bills or asking an introduction, or that sort of thing, I would like to submit here a citation of the court of appeals (49 N. Y. Report, pp. 382 and 378). I think it is a splendid enunciation of the law upon that subject."

"It must be the right of every citizen who is interested in any proposed legislation to employ an agent for compensation payable to him, to draft his bill and explain it to any committee, or to any member of a committee, or of the legislature, fairly and openly, and ask to have it introduced; and contracts which do not provide for more, and services which do not go further, in our judgment, violate no principle of law or rule of public policy. (Earl, J., in *Chesbrough v. Conover*, 140 N. Y. 382, 387.)"

Mr. Charles S. McNeil was employed by the Electric Boat Company about three years ago. He attends mostly to its detail business with the Departments, particularly the Navy Department, in looking after the obtaining and carrying out of the provisions of its contracts for the construction of boats. Asked if he had "ever spent any money for this company at any time in any way intending by spending the money to influence or affect the judgment of any Member of Congress," he

answered, "Absolutely none. I do not believe I gave even a cigar to any Member of the House or the Senate or any employee connected with it" (page 142). It appears from his testimony that when the *Holland* was brought to the Potomac in 1900 the company took guests down the river to a point where the water was deep enough to make tests. At that time he was not in the company's employ, but was a clerk in the office of Mr. Creedy, who represented the company. On that occasion a boat was used for the convenience of newspaper men. As the excursions occurred in the middle of the day, entertainment was provided, and on a later occasion, when another boat was brought here, there were similar excursions and entertainment. That was in 1900 and 1902. Those matters occurred, however, before his employment by the company, since which time he says he has never extended any official entertainment or given any entertainment, or tendered social hospitality of any kind, and never aided or assisted in creating any agency of the company in the Congressional district of any Member of Congress, and says: "I never heard of any such suggestion until I saw it in Mr. Lillie's charges" (page 143). He says: "We have no press agents; we have no newspaper men in our employ at all (page 147), and never paid anything to anybody for the publication of articles" (page 151).

Mr. McNeil testifies that he had paid Mr. Erly (who is a newspaper man) about \$36 for preparing certain literary work (pages 150-152) and had paid Mr. Lord (who is also a newspaper man) \$400 or \$700 for literary work in the preparation of a series of articles (pages 150-153). These articles were not printed in any newspapers represented by Mr. Erly or Mr. Lord, and were not printed during any session of Congress. They were stories of a general nature—"feature stories"—concerning submarines. Having had read to him Mr. Lillie's charge that "under the guise of the employment of certain newspaper representatives for insignificant service, considerable sums have been paid to them by the Electric Boat Company, presumably for the purpose of securing their aid and assistance in coloring their newspaper reports in favor of the Electric Boat Company," Mr. McNeil said: "I state here under oath that that is untrue, and I defy anybody to present themselves here and show that it is true. It seems to me that that would be a proper time for me to answer the details of this matter, instead of answering some vague charge. I deny it under oath" (page 152). He testified that he spent no further sum of money for the company; never arranged any dinners for Members of Congress; did not stock the *Dolphin* with liquors and "never heard of it in my life."

Mr. Lawrence Spear had no connection with the company prior to 1902 (page 204). In that year he became naval constructor and is now also one of the vice-presidents of the company. It appears from his testimony that the Electric Boat Company has several manufacturing plants of its own in which it builds boats of various kinds, small craft, steam yachts, launches, electrical machinery, dynamos, etc. It employs from 250 to 400 men. It does not wholly construct its own submarine boats, but does about 25 per cent of the work, subletting the balance (page 240). Replying to the charge that the company had made an excessive and unjust profit of more than \$1,000,000 on submarines, he said: "That is an outrageous and ridiculous misstatement, without a single iota of fact to support it and without a particle of truth in it. The facts of the matter are we have never received excessive profit on any submarines and on the last we have built we have not received any profit at all" (page 229). He testified that our Government is not paying more proportionately for submarines than is paid by other governments, and also that the price paid, or agreed to be paid, by the Government to the Lake Torpedo Boat Company in the contract which Mr. Lillie helped to secure, consummated only a few days before his resolution was introduced, the actual price is \$90,000 higher than the highest price paid to the Electric Boat Company, and that reducing the two boats to the same required performance the Lake Company is getting about \$70,000 more than its rival.

Mr. Spear denied that foreign governments are getting submarine torpedo boats at lower prices than our own, and upon this point said:

"A. . . . There are no excessive profits in it. Every government in Europe pays just as much, and the French Government, when they have enormous competition, where they have no profits to them, do not consider no development expenses, no trial expenses, and the cost of their vessels is as great as ours—the actual cost of building them. This Government gets a vessel of a certain tonnage and it is better than the corresponding French boat and it has not paid any more for it."

"Q. You say, then, that our boats are not costing more proportionately than the boats of other countries cost them?—A. They are not, sir. Other governments have never paid our company less for the same product."

Upon this point his testimony was subsequently corroborated by that of Mr. Flint, of the Lake Torpedo Boat Company, and Admiral Bowles.

Mr. Isaac L. Rice, president of the Electric Boat Company since its organization in 1899, testified that it is a New Jersey corporation, having its main office in the city of New York (page 424); that in addition to its submarine business it has also the electric launch business, the electro-dynamic business, and controls the Industrial Oxygen Company and has several plants (page 424). He is also president of the *Holland* Submarine Company, which still exists, but is not in active operation, as the Electric Boat Company now owns all the *Holland* patents and makes all the boats. Confronted with Mr. Lillie's charge "that continued and repeated efforts have been made by representatives of the Electric Boat Company and its predecessor to influence the action of officials of the Navy Department, and that such efforts in the past were so persistent and notorious as to call forth the condemnation and criticism of high officials of the Navy Department," Mr. Rice said: "The only influence we have ever used with the Navy Department is to build the best boat we knew how. The rest of that story is a malicious lie. There is no other word for it. There is nothing on record to substantiate any such talk as that, and Mr. Lillie has no information of that and nobody in the world has. I think, considering the amount of money we have expended in order to improve this boat and give the United States this method of defense, which we think very effective and very cheap—I think we have not been treated remarkably well by the Navy Department. I think that they have given preference to our competitors."

In answer to Mr. Lillie's charge that from 1893 to the present time the efforts of the Electric Boat Company and *Holland* Company have resulted in suppressing any possibility of competition in submarine construction and securing and awarding of contracts by legislation, Mr. Rice said: "That is so absolutely absurd that it sounds like ravings to me. . . . After we won out in the last competition, nevertheless, the Lake Boat Company got the contract for a boat, although it



was so absolutely inferior that it could not be mentioned in the same breath" (pages 427-430). Concerning Mr. LILLEY's charge that "certain newspaper representatives had been subsidized and paid by the Electric Boat Company for favorable newspaper articles and reports in behalf of the said company," Mr. Rice said: "I can only say it is pure invention; there is not a word of truth in it" (page 430). Referring to the matter of entertainment of Members of Congress, Mr. Rice said that in 1900 and 1902, upon each of which occasions they had a boat in the Potomac River for exhibition or demonstration, entertainment was furnished to Senators, Members of the House, Department officials, and others, who were the company's guests upon those occasions, but that was the extent of the entertainment (page 431). Mr. LILLEY's charge that large sums of money had been contributed by the company, its officers, or agents, to campaign funds of Members of Congress who favored the Electric Boat Company's monopoly of submarine construction, and also that large sums of money had been spent to accomplish the defeat of members of the Naval Committee who had not favored that company, was read in extenso to Mr. Rice, who said: "That is a malicious lie. That is all I can say about it. Never a penny. The company never, to my knowledge, that I know, ever contributed one penny to any campaign fund of any Member of Congress or any one else. No, sir; nor for the defeat of any Member of Congress" (page 432).

The following also is from his testimony:

"Q. Mr. LILLEY further stated in that hearing before the Committee on Rules, and used this language: 'This Electric Boat Company has been a stench in the nostrils of the country for years, and in my opinion it has done more to corrupt legislation than all the other corporations on earth.'"

"A. Well, I think it is not my business to say anything here, excepting that as a citizen of the United States I think that is an attack on Congress and on the integrity of Congress rather than on us. How can we corrupt the incorruptible? The idea of all this is to injure us in our foreign business, to injure us here, to intimidate Members of Congress, that they dare not vote for our submarine boats, and then to create such an atmosphere in Europe that we can not compete with the Lake Company. That is the object. This atmosphere is being created all over Europe now."

In support of this statement he produced extracts from foreign newspapers, which articles, whether or not instigated by the Lake Company, as intimated by Mr. Rice, shows the lamentable extent to which this Congress and this country have been drawn into disrepute as the result of Mr. LILLEY's charges. A French paper, the *Liberté*, containing a dispatch purporting to have been sent from Washington February 21, under the heading "The American Navy—A scandal," refers to Mr. LILLEY's charges and says:

"The Naval Committee was firm for two battle ships instead of four and for eight submarines in place of four. It was rumored that these changes had been brought about by means essentially lucrative to the members of the committee."

The *El Noroeste* of February 27, 1908, says:

"Mr. LILLEY proved that the increase in the number of submarines and the decrease in the number of battle ships to have been due to the activities of a firm building the former class of vessels, which succeeded in purchasing the good will of the members of the committee. The occurrence consequently shows the grossest corruption and the great iniquity."

Another Spanish paper published in Madrid says, under date of February 25, 1908:

"Mr. LILLEY, the Congressional Representative for Connecticut, has shown that the reduction in the number of battle ships is due to the doings of a firm of submarine boat builders, which succeeded in bribing the members of the Naval Committee. Mr. LILLEY has moved the appointment of a Congressional commission to make an investigation of the facts in the case. The occurrence has made a painful impression in the United States."

The Berliner Tageblatt of March 13, 1908, contains the following:

"According to a dispatch from Washington, a Congressional inquiry is at the present time being held concerning the Electric Boat Company, on account of the accusation which has been made publicly, averring that the said company had bribed Members of Congress for the purpose of inducing them to support the purchase by the Government of submarine boats built by the Electric Boat Company and to influence legislation in that direction. Congressman LILLEY, who has been questioned by Congress as a witness, added the following deposition: 'I accuse the company to have made exorbitant profits, amounting to a million dollars, because the legislative body of the United States has given the inferior boats of the Electric Boat Company the preference over the superior boats built by other companies.'"

The Schlesische Zeitung, published at Breslau, February 22, 1908, contains the following:

"The following occurrence is reported from New York: In the House of Representatives Congressman LILLEY accused the Electric Boat Company and the Holland Submarine Company of having influenced by dishonest means the present as well as previous programmes for the building of ships for the United States Navy. According to the accusation made by the said Member of Congress the two aforesaid companies succeeded in inducing the House of Representatives to modify the present programme for the building of naval vessels in accordance with their wishes, in respect to the construction of submarine boats, notwithstanding most energetic opposition on the part of President Roosevelt, the Secretary of the Navy, and the naval experts. This is the second time that American firms have been accused of having exercised a corrupting influence on the House of Representatives in respect to Government supplies."

Concerning the charges, insinuations, and suggestions in these dispatches, Mr. Rice says:

"Absolutely false. You see Congress, I think, and the people of the United States have been made—I do not like to use the word—well, I will say have been attempted to be made the instrument of promoting an unsuccessful boat as against a successful one. That is the whole object of all of this. If Mr. LILLEY had been actuated only by upright motives, why did he wait until the appropriation bill had been voted upon by the committee? He says it has been a stench in the nostrils for years and years. Mr. LILLEY has been in Congress for years, and why did he wait? Mr. Lessler waited until an appropriation could be defeated and so did Mr. LILLEY."

Mr. LILLEY's charge in regard to applying for positions on the Naval Affairs Committee for new Members and assuming to have influence in securing their assignment, and also in regard to contributions to individuals and party campaign funds was read to this witness, who said: "It is absolutely false; that is all I can say about it. We never

claimed to have any influence with the Speaker, and it is an outrage to say such a thing." About the second he said: "That we have contributed to campaign funds? \* \* \* Absolutely false."

He also testified positively that no funds had been given to any officer or representative of the company for discretionary disbursement, and that no Member of Congress or official of the Navy Department has been at any time a stockholder in the company; that neither the company nor himself had any knowledge of the attempt of Mr. Ferry to influence any Congressman, and that Mr. Taylor nor Mr. Kellogg had no authority from the company to influence any Member of Congress; that no money was paid to any Member of Congress "not for submarine legislation or anything else" (page 461); that the company never employed Doctor Kerr or paid him money (page 464); that the fact that there was a Congressman from North Carolina on the Naval Committee had nothing to do with Mr. Marion Butler's employment, "not in the slightest degree; they are not of the same political party;" that the company had employed Mr. J. F. C. Archibald with reference to business in Venezuela and Peru, but "we never employed him for business in this country at all" (page 466).

Mr. Elihu B. Frost testified that he is vice-president and has general management of the Electric Boat Company (page 461). He employed Mr. Gordon chiefly with reference to matters coming up at the Navy Department; and Mr. Kellogg as a kind of "Ananias antidote," to correct matters in Connecticut, which he says "was the center of all the misstatements that came out about our boats." He asked Mr. Kellogg to satisfy himself as to the merits of his company's proposition and "whether he would not interest himself in it and correct some of the misinformation which was constantly coming from Connecticut and poisoning the ears, or minds, rather, of the Members from that State." So far as he knew the company had no attorneys in the districts of any members of the Committee on Naval Affairs, with the exception of Mr. Kellogg and Mr. Gordon. He had never paid for any newspaper advertising, except the expense accounts of Mr. McNeil, including the amounts paid Mr. Ely and Mr. Lord for literary work. He denied emphatically any knowledge of any contribution to any campaign, either Republican or Democratic, in any year, or any contribution to any Member or candidate for Congress, either Republican or Democratic, at any time. His denials upon these points were very full and explicit (page 503). He never requested, instructed, or directed Mr. Gordon to approach any Member of Congress with reference to legislation on the subject of submarines, and did not procure Mr. Ferry to interview Mr. LILLEY nor Mr. Taylor to go to Washington, to see him (page 506). He corroborated the testimony of other officers of the company that when, in 1900 and 1902, it had submarine boats here on exhibition it invited Congressmen, naval officers, newspaper men, and others to witness their exhibitions, and did provide entertainment for the trips necessary to witness such trials, which entertainment was common to all the guests. The trip usually occupied from 11 o'clock in the morning to 1 or 2 o'clock in the afternoon, covering the lunch hour, and the lunch was provided at the expense of the company (page 507). Also on two trips, to 100 persons, including Members of Congress, were taken to Annapolis to observe the operations of the *Holland*; there, but nothing of that kind has been done since 1902 (page 516). While in Washington he stopped at the New Willard Hotel and his total expenses charged to the company for the four years ending with 1906 averaged \$1,800 a year (page 508); neither he nor his company spent any money to elect or defeat any Member of Congress in any Congress (page 509); he never paid or promised to pay any Member of Congress anything of value in connection with submarines (page 511); and he had not appeared before any committee of Congress since 1904 or 1905, and had never approached or argued with any member of the Committee on Naval Affairs of the present House with reference to framing legislation (page 520).

Mr. Norman G. Johnson, general counsel of the Electric Boat Company. With reference to the employment of Mr. Kellogg he said: "Our principal rival, the Lake Company, in Connecticut, and for the last five years Connecticut has been the seat, or rather the origin, of persistent rumors discrediting this company and its methods \* \* \* and Mr. Kellogg was retained, as Mr. Frost specified, as a general counsel, to counteract, so far as he could by general argument and by stating the history of our company and our wares, the libelous things that were being said about us" (p. 728). At the time Mr. Gordon's appointment Mr. Johnson did not know Mr. Loud nor in what Congressional district he lived. He suggested Mr. Gordon's name to Mr. Frost. He testified that the company had no attorneys in Ohio, Maryland, Texas, Iowa, Oregon, or Missouri. It has one in Texas, but not in Mr. GREGG's district (p. 729). "I do not think during the last three or four years anybody has ever appeared for our company, either before the Naval Committee of the House or the Naval Committee of the Senate" (p. 730). He further says: "We do not do much now in that line at all. Originally we had to show our boat \* \* \* so as to bring the merits of the boat to Congress. But of late years there has been very little legislative effort" (p. 731). Upon the subject of political contributions he said: "The company has never made a contribution of a cent, but I would say in this connection that from my long personal acquaintance with Mr. Frost and my long personal acquaintance with Mr. Rice, knowing both of those gentlemen, Mr. Frost for more than ten years and Mr. Rice ever since 1899, and in my capacity as general attorney of the company, I can state positively that there is absolutely no foundation for such a report or rumor" (p. 735). He said that none of the officers of the company had made contributions, except that he himself had, in response to a postal card request for a dollar contribution, contributed that amount to the Republican Congressional campaign committee, the same fund to which President Roosevelt also contributed \$1. He denied emphatically that the company had attempted either to assist or defeat candidates for Congress; that it had no publicity department, or that it paid any bills of that character except "as has been disclosed by the testimony of two isolated cases," meaning the amounts paid by Mr. McNeil to Mr. Lord and Mr. Ely, as already shown. He said that expenses incurred in Washington are paid by check to the person incurring them." In all cases a memorandum is required to show the expenditures, but for the past four or five years expenditures had been very small, the largest item being Mr. Frost's, which averaged about \$1,800 per annum. He denied that any person had ever been employed by the company for the purpose of "lobbying."

Mr. Maurice Barnett, secretary and treasurer of the Electric Boat Company corroborated the statements of the other officers. The following extract is taken from his testimony:

"Q. Mr. Barnett, it has been stated before this committee by a witness, Mr. LILLEY, as follows:

"I also became advised of prevailing and persistent rumors that

the Electric Boat Company had contributed in some Congressional districts represented by members of the Naval Committee to their campaign fund, and that it had contributed in one instance to the campaign fund of the opposing party in the Congressional district represented by a member of the Naval Committee.

"I will ask you to state whether or not that is true.—A. That is not true.

"Q. Is it true in any particular?—A. In no particular.

"Q. Do you state that from your knowledge as secretary and treasurer and director and any other relation you have in the company?—A. In every relation I bear to the company or officers of the company I know the statement is absolutely untrue; the company has never contributed in any way, shape, or form to the campaign funds, either for or against the election of any Congressman.

"Q. Upon another charge specifically made, which I bring to your attention, made also by Mr. LILLEY:

"I further state that the question as to whether or not contributions or expenditures have been made in these certain Congressional districts represented by members of the House Naval Committee can be shown by an examination of the officers of the Electric Boat Company, and the presentation of vouchers, checks, books, and check stubs, as well as accounts."

"I ask you what you say as to that?—A. My first statement is that an examination would not reveal such entries, because they do not exist; the disbursements have never been made, and therefore it would be an impossibility for them to be shown by an examination of the books of the company.

"Q. Then do I understand you to deny in the first place that any such contributions or payments have been made?—A. Deny absolutely and positively.

"Q. And in the second place you say, if I correctly understood you—I will ask you whether the vouchers, check books, check stubs, or accounts of your company will show any such expenditure?—A. They will not show any such expenditures."

Referring to other officers of the company he says: "They have never drawn any money without signifying the purpose for which it was drawn" (page 689).

"Q. Did the Electric Boat Company keep any books of accounts showing money paid by it to Mr. Isaac L. Rice, Mr. E. B. Frost, Mr. Norman G. Johnson, and other persons employed as attorneys or otherwise in its efforts made to secure legislative appropriation for submarines? If so, what books were they, how kept, who by, and in whose possession are they at the present time?—A. There was no money paid for such purposes" (page 670).

"Q. Then were there any books in which accounts of such money was kept?—A. No" (page 670).

Mr. Augustus Treadwell, Jr., assistant secretary and treasurer, was equally clear and explicit in his denials of Mr. LILLEY's charges. He declared that the company "keeps all the books such as are kept by any corporation," and that none of them had ever been destroyed. They do not show any such expenditures, as charged by Mr. LILLEY, because no such expenditures had ever been made. Speaking of campaign contributions, he said: "I am certain none have ever been made." He denied that he or Mr. Barnett, the treasurer, had ever signed any checks for any such purpose. Referring to the charge that the company, its officers, or agents had contributed to the campaign funds of Members of Congress who favored the Electric Boat Company he said: "I should say it is absolutely false." And to the charge that expenditures to accomplish the defeat of members of the Naval Committee not favoring the Electric Boat Company, he said: "It is absolutely false" (page 741). Again, upon the subject of campaign contributions, he said: "There has been no money paid, to my knowledge, and I believe it is absolutely false, because there has never been a cent paid." Replying again to a question involving the charge of contributing to campaign funds of an opposing party in a district of a member of the Naval Committee, he said: "I do desire to be understood as saying that no such payment has been made." And again, replying to a question as to where the vouchers, check-books, and accounts could be found, showing contributions of that kind, he said: "Nowhere; because I do not believe that they exist." "No, sir; I do not believe that they exist." "I mean to say that no such payments have ever been made, and consequently no necessity for such entries" (page 742). And again: "My answer to that is, as I firmly believe there have been no such payments made, there could be no such books." "If such expenditures existed they would." "Appear in the books, but as they never existed I do not see how they possibly could show it" (page 743). And again: "I firmly believe, in fact I know, not one single penny could be paid to anybody that does not appear on the books" (page 744).

Mr. William D. Gordon, of Midland, Mich., is and for the past eight years has been United States district attorney at Detroit, and has held other prominent political positions. In 1906 he had professional business in New York City in a matter in which Mr. Norman G. Johnson was interested. Mr. Johnson introduced him to his partner, Mr. Frost, vice-president of the Electric Boat Company, who retained Mr. Gordon professionally on or about March 7, 1906. Mr. Gordon testified that Mr. Frost "said that the company had considerable difficulty with the Department of the Navy—Navy Department—through some unwarranted hostility toward the company" (page 396). After asking him if he knew Assistant Secretary Newberry, of Michigan, he said he desired "to retain him (Mr. Gordon) as attorney for the company to look after the general business of the company to advise it from time to time and to appear before the Navy Department whenever I was called upon in the interests of the company" (page 390). He testified that Mr. Frost thought "there was some antagonism existing in the Navy Department that ought not to exist, and he mentioned the fact that Mr. Newberry was from Michigan and that I could present matters to Mr. Newberry from time to time and to the Secretary of the Navy himself in the interest of the company and that it might be beneficial to the company" (page 392). Mr. Gordon had conferences and presented matters to the Navy Department on several occasions (page 393). He also assisted in the preparation of the brief which was submitted to the Attorney-General of the United States on behalf of the Electric Boat Company, as testified by Mr. Marion Butler.

Mr. Frost was very much exercised about a rumor that the Secretary of the Navy was to give half of the \$3,000,000 appropriation to the Lake Boat Company, and Mr. Gordon went to the Secretary of the Navy in that matter (page 416). He also took an active part in behalf of the Electric Boat Company before the Navy Department after the rendering of the opinion by the Attorney-General (page 395). He says that he talked with Mr. Loub in March, 1906. "I simply wanted to get his views, and he expressed them as being practically in accord with

Admiral Dewey's. The subject was dropped there, and that is the only conversation I had with Colonel Loub relative to submarine boats" (page 419). He was never directed nor requested by officers of the Electric Boat Company to hold any conference with Mr. Loub, and it was never intimated to him, directly or indirectly, that as part of his employment he should confer with Mr. Loub concerning submarine legislation (p. 392). He never appeared before any committee or conferred with any Members of Congress concerning submarine legislation. "On the contrary, I told Mr. Frost that I did not care to do it; at the time he did not ask me to do it, as I remember. I think I volunteered the statement that I did not care to do anything that might be regarded as lobbying" (page 393). He testified that his name "has been mentioned by my friends as a candidate for Congress as early as 1886 and periodically since then; I was mentioned for governor of the State, lieutenant-governor, and all that kind of thing." Asked if he had ever been a candidate at all, he answered, "No, sir; I never have." He says that he has taken no part in political campaigns with a view to influencing Mr. Loub to be friendly to the Electric Boat Company (page 393), and that his political efforts had not been indicated, directed, or affected by his employment with the Electric Boat Company. "Not in the slightest degree." He does not know of any political action of the Electric Boat Company or its officers in any locality. "I know nothing at all about it."

"Q. Have they ever had conversations with you or given you any directions to interfere in any political contest concerning Representatives in Congress?—A. They have not" (p. 394).

He does not know of their assisting any Members of Congress or assisting in defeating any Members of Congress. "I have never heard anything of the sort until this investigation; on the contrary, I never saw anything in their conduct or heard anything said by any member of the company that was other than honorable and upright and straightforward" (p. 394). He has never appeared before any committee of Congress since his employment by the Electric Boat Company, and does not personally know and has never made an effort to find out how Mr. Loub voted on submarine legislation. He testified that it was not in the scope of his employment that he should know. He was in Washington February, 1906, for consultation with Mr. Frost, with reference to the attempt of the Lake Company to secure a contract for a part of the appropriation of the act of 1907. He did not do or say anything intended to affect the action of the Naval Affairs Committee with respect to submarines (p. 421). The following passage occurs in his testimony:

"Q. I will invite your attention to this statement:

"The story as it is being passed about the Capitol is that a prominent lawyer of the Tenth Michigan threatened to become a candidate for Congress against Mr. Loub, and that he agreed to keep out of it when Mr. Loub promised to be not hostile to the Holland submarine boat."

"Q. Did you catch that question?—A. Oh, yes.

"Q. Is that true or untrue?—A. It is absolutely untrue.

"Q. In all of its parts?—A. In all of its parts."

Some time in the latter part of November, 1907, before the organization of the present Congress, there was an interview in Washington between a young man named Clarkson, secretary to Congressman Honson, and Mr. Spear, and later a conversation by telephone between Captain Honson and Mr. Spear. There is some difficulty in reconciling the recollections of these three gentlemen as to just what was said. Captain Honson and Mr. Spear were in the Naval Academy at Annapolis together, have been in the naval service together, and have enjoyed friendly and cordial relations for more than twenty-two years, and they had recently met upon the Pacific coast. Mr. Spear, being in Washington, dropped a letter to Captain Honson, stating that he would like to see him. Captain Honson was ill at the time, and at his request his secretary had a telephonic communication with Mr. Spear at his hotel, and finally called upon him there, telling him that Captain Honson was not well enough to be seen. He then reported the interview to Captain Honson, whereupon there followed a telephonic communication between the latter and Mr. Spear. Captain Honson says, "He called up over the phone, and it was over the phone that he spoke to me directly." Again he says, "Q. Then he called you up by telephone?—A. Yes, sir" (page 64).

Mr. Clarkson, however, says, "He (Mr. Honson) was on a couch and I told him what Mr. Spear had said to me. He says, 'Call up Mr. Spear.' I called him up. I told him to wait a minute. Captain Honson wanted to speak with him, and Captain Honson said, 'Spear, what did you say about me?'" (page 325).

Mr. Spear also said in the course of his testimony, "The next thing was a telephone conversation between Mr. Honson and myself. Q. How did that come about?—A. I think Mr. Honson called me up" (page 214).

As to which called the other up is entirely unimportant. The discrepancy on this trivial point is referred to merely as possibly tending to show whose recollection as to the entire occurrence may be the more accurate. Captain Honson says that over the telephone Mr. Spear said substantially this: "That he understood I wanted to get on the Naval Committee and that his company would be able to help me; would have influence to bring that about if I stood right on submarines." "He said 'with the Speaker'" (page 64).

Mr. Spear's account of the interview is as follows:

"Q. Then, as to the result of that interview with him on the Pacific coast?—A. That convinced me, that result, that he favored a large number of submarines as compared with a small number, and I have seen nothing since that would lead me to think that he had changed his mind.

"Q. Then did you or not say to him if he stood right on submarines your company would be able to help him to get on the Naval Committee?—A. I did not, sir.

"Q. I read further from the testimony immediately following that which I did read:

"Q. Did he say influence with whom?—A. Yes, sir.

"Q. Whom did he say?—A. I would rather not tell that, sir, unless you insist.

"Q. We would like to have you state, Mr. Honson.—A. He said with the Speaker.

"A. No, sir.

"Q. What do you say as to that?—A. No reference was made to the Speaker except the reference I have told you about, which, in my recollection, occurred in the interview with his secretary, but I told him, 'Of course, I wish you to understand that if you get Mr. WILLIAMS's favorable recommendation that is all there is to it, the Speaker always acts on that, as far as I have ever heard.'

"Q. The only thing you said then to either Mr. Honson or his secretary about the Speaker was, if they secured the recommendation of Mr. WILLIAMS, in pursuance with the custom of the Speaker, he would undoubtedly appoint him?—A. That was it; yes, sir.



"Q. But you made neither of these men, nor did your company, any offers of influence or friendship of the Speaker?—A. No, sir. The only thing that could be construed into an offer of help at all was the offer I quoted to you, 'If there is anything I can say to help you I would be very glad to do it.'" (p. 216).

Spear further testified that he had no influence with the Speaker, did not know the Speaker, had never spoken to him in his life, never communicated with him nor had any communication from him, had never held out to anybody that either himself or the Electric Boat Company had in any way, shape, or manner any influence with the Speaker, and that the same was true as to Mr. WILLIAMS; that no officer, agent, or employee of his company ever did anything with Mr. WILLIAMS or the Speaker or anybody else to secure Mr. HOBSON a place on the committee, and that as to Captain HOBSON's views in the matter, "I was very much surprised that he had drawn these conclusions, which I think he drew by mixing up my conversation with him and my conversation with his secretary" (p. 218).

That there was some possible confusion would seem from Captain HOBSON's own testimony, in the course of which the following occurred:

"Q. Did he seem to understand how minority Members secured places on the committee?—A. I think he did. I do not remember whether it was to me or my secretary that he said that I would have to look out for Mr. WILLIAMS, but I can tell whether it was myself or my secretary by sending for the secretary; but it is immaterial, I think."

"Q. But the idea was that if you secured the support of Mr. WILLIAMS—A. That he would do the rest" (page 64).

Mr. CLARKSON says that in his interview with Mr. Spear the latter did speak of "both Mr. WILLIAMS and the SPEAKER." The accuracy of Captain HOBSON's recollection is perhaps further tested by his statement of the manner in which he did secure appointment upon the Naval Committee in the present Congress. He says: "I made an official application to Mr. WILLIAMS and to the SPEAKER, and I think that was all. I do not remember that I urged my case to the minority leader, and I do not know whether my friends did" (pages 65-66).

His secretary, Mr. CLARKSON, testifies that "he also got the indorsement of the Alabama delegation, indorsing, I think, to Mr. WILLIAMS for appointment on this committee" (page 336).

There is also abundant other evidence in the record that Captain HOBSON himself prepared the indorsement which at his request the other members of the Alabama delegation (save one who was absent) signed; that several members of the Alabama delegation did personally interview Mr. WILLIAMS in his behalf; that he, Mr. WILLIAMS, the minority leader, did in writing present the name of Captain HOBSON to the SPEAKER for such appointment, and upon that presentation by Mr. WILLIAMS, and upon that alone, he was appointed to that committee by the SPEAKER.

In every instance save one, which had no reference to the Naval Committee, the SPEAKER placed Democrats upon the committee in accordance with the recommendation of Mr. WILLIAMS, who, having received the Democratic nomination for the Speakership, became, in accordance with custom, the Democratic or "minority leader."

As all the parties to the interviews seem to have clearly understood that the appointment would be made upon the recommendation of the Democratic or "minority leader," it would have been, to say the least, an idle and foolish thing to proffer influence with the SPEAKER. In any event, no such influence was attempted. The interview, or telephonic communication, did not seem in any way to disturb the friendly and cordial relations between Captain HOBSON and Mr. Spear, for some six weeks later, at the Capitol, they had a friendly conversation concerning which Mr. Spear testified as follows:

"Q. Was any reference made in that meeting at the Capitol to the telephone conversation?—A. Not at all, not the slightest, and at the close of that conversation Mr. HOBSON volunteered the information that he thought the number of submarines ought to be double what the Secretary ordered."

"Q. That would make eight instead of four?—A. Yes, sir. I have in no way, shape, or form, then or at any other time, endeavored to influence Mr. HOBSON, acting as a member of the committee on submarine boats, or on any other matters pending before it."

"Q. Have you sought in any way to get him to favor one company's boats as against another company's boat?—A. I have not. The sole purpose of my conversation with Mr. HOBSON which referred to submarines I have stated to you, and it was purely voluntary on his part; have never even discussed with him the relative merits of different types. I have never discussed with him in any way, shape, or form, because I felt the company's record was quite sufficient to make his judgment coincide with mine. I did not consider there was any question about merit of the different types of boats. I did not consider that anybody with technical information would consider that there was any question about it" (page 218).

This testimony has not been disputed by anybody. It is, on the contrary, corroborated by Mr. CLARKSON, who was present part of the time; and he also, speaking of Captain HOBSON, says: "I have not ever heard him mention any boat except the boat, as I understand, made by the Holland boat people. He made a statement to me that they had a very good boat, and if they would employ the proper means and methods they would have no trouble about getting plenty of Government contracts, because they had a very good boat."

"Q. What did that refer to?—A. That occurred in a discussion of the Holland boat, as I understand. I asked him what kind of a boat that company made that the investigation was about. He said it was a very good boat" (page 339).

The incident above referred to, having been casually mentioned by Captain HOBSON to Mr. LILLEY, the latter made it in the authorized newspaper interview produced before the Committee on Rules the subject of the general charge, that "they have even gone so far as to find out what new Members of the House have applied for positions on the Naval Affairs Committee, and they have assumed to have influence in securing the assignment of Members on that committee" (page 12).

But before this committee he said:

"I do not charge and I do not believe the person in question could exercise any actual influence in procuring an appointment to the Naval Committee. I do say and I do believe that the purpose was to ingratiate the Electric Boat Company in the favor of the Member of the House without warrant, by this offer of pretended influence and to mislead said Member to believe, in case he were appointed, that he owed his appointment to the Electric Boat Company."

As Captain HOBSON testifies that both he and Mr. Spear understood that the appointment would be made upon the recommendation of the minority leader, it is difficult to see that there could have been any attempt on the part of Mr. Spear to hoodwink and delude his former

comrade in the naval service into the belief that if accomplished it would be the result of influence of the Electric Boat Company with the Speaker. In any event there was no such influence attempted.

With the exception of Frank L. Edinborough (not an officer of the Electric Boat Company), this embraces the entire list of witnesses submitted by Mr. LILLEY as those whose testimony would support his charges. For the purpose of eliciting the truth, these witnesses were most thoroughly examined by members of your committee, their examination covering hundreds of pages, and there were also submitted to them hundreds of questions, presented for that purpose by Mr. LILLEY, over his own signature, but which questions, the later evidence shows, were prepared in the office of the Lake Torpedo Boat Company. Two hundred and four such questions were propounded to Mr. Rice alone, and large numbers to other witnesses.

As the testimony of these witnesses did not sustain the charges of Mr. LILLEY, and your committee had by this time discovered that the Lake people were really back of the charges against the Electric Boat Company and back of the inquiry, it occurred to us that they might be able to furnish some evidence as to the conduct of their rival. We therefore thoroughly examined the officers, attorneys, and agents of the Lake Torpedo Boat Company.

The following is from the testimony of Mr. Simon Lake, president (page 1059):

"Q. You have been for some time in pretty hot rivalry or competition with the Electric Boat Company?—A. About fifteen years, I think."

"Q. I would like to ask you, assuming that in that competition you must have seen a good deal of the other boat company, whether you have any personal knowledge of any improper expenditures of any moneys by that company with reference to securing Congressional legislation?—A. No, sir; I have not."

"Q. State whether you have knowledge of any expenditure by the Electric Boat Company or its officers for the purpose of electing any particular Member of Congress?—A. No, sir; I have not."

"Q. Or the defeating of any Member of Congress or candidate for Congress?—A. No, sir; I have not."

"Q. Have you any knowledge of any such expenditure of money or any attempt at electing or defeating any particular Member of Congress by any of the officers of the Electric Boat Company?—A. No, sir."

"Q. Have you any knowledge of any attempt by any torpedo boat company to secure the election of any person as a Member of Congress?—A. No, sir."

"Q. Or to defeat any person in his attempt to secure his election to Congress?—A. No, sir."

"Q. It has been charged here by Mr. LILLEY, and this is his language: 'That it can be shown upon investigation that certain representatives of the leading newspapers have been subsidized and paid by the Electric Boat Company for favorable newspaper articles and reports in favor of said company.' Have you any knowledge upon that point?—A. No personal knowledge; only what I have read in the testimony before the committee."

"Q. Have you any knowledge of such action on the part of any other torpedo boat company?—A. I have not."

"Q. Or any activity on the part of any torpedo boat company to secure the publication of newspaper or magazine articles favorable to its boats or unfavorable to the boats of any other company?—A. I can only speak for my own company. We have always published such matter as we thought was pertinent to the subject of submarines, whereby people could be enlightened in regard to the merits of our type of boat."

"Q. You have not considered it improper to state in newspaper or magazine articles the merits of your boat?—A. No, sir."

"Q. Or if in any particulars the other boat was inferior, you have not hesitated to say so?—A. We have not hesitated to give the facts as we understood them as to the merits or demerits of any type of submarine."

"Q. Do you know of any improper conduct on the part of the Electric Boat Company or its officers or of the Holland Boat Company or its officers in connection with either the securing of legislation by Congress or contracts from the Navy Department?—A. No, sir."

None of the other officers, agents, or attorneys of the Lake Company had any information upon the subject so far as their testimony disclosed.

Mr. Charles R. Flint, agent of the Lake Torpedo Boat Company for the sale of its submarines in other countries, testified that the prices paid the Electric Boat Company by the United States Government would not, in his judgment, afford an unjust profit, and that "these prices are not materially higher than the prices paid by European governments and they are not materially lower" (p. 141).

#### MR. LILLEY'S CHARGES AS TO EXCESSIVE COST OF SUBMARINES.

One of the principal subjects of criticism of naval affairs by Mr. LILLEY, and one of the charges filed by him before this committee, was that contained on page 32 of the hearings, as follows:

"I also submit as one of the facts influencing me to introduce my resolution that in my judgment under special and exclusive legislation the Electric Boat Company and its predecessor have already received from the United States an excessive profit of more than \$1,000,000 for the construction of its submarines, and that under the proposed legislation now pending it will receive a profit of more than \$1,000,000 in excess of what ought to be justly and fairly paid for the construction of submarines provided for, and that this fact can be substantiated by your committee by calling as witnesses the expert officials and constructors of the Navy Department."

This charge of excessive and corrupt profits was adhered to by Mr. LILLEY to his latest testimony before the committee (pp. 1608-1618). Such a serious and persistent charge requires careful consideration and investigation. The original resolution and the charges and hearing by Mr. LILLEY before the Committee on Rules, February 25, 1908, and his interview in the Washington Post, February 21, 1908, did not include this specific charge. It first appeared in his examination before this committee on March 12 (p. 32). Mr. LILLEY states that this charge can be proven by calling as witnesses the expert officials and constructors of the Navy Department. Concerning their qualifications to so testify he states as follows:

"Chief Constructor Capps, who I believe to be the best engineer in the world (p. 8).

"Those men are splendid, able naval officers (p. 1351).

"I believe they are the best there are in the world (p. 1353).

"I think Admiral Bowles has no superior as a constructor and business man (p. 1354).

"I desire that Admiral Bowles shall be summoned to testify as to these facts (p. 1308)."

It is to be considered at this point that nowhere does Mr. LILLEY attempt to prove by Capt. R. P. HOBSON, of Alabama, the fact that these charges and profits were corrupt and excessive; and throughout the testimony and proceedings concerning these charges Captain HOBSON appears to have been one of his friends and advisers, associated with him daily upon the Committee on Naval Affairs, both acting and working together upon many subjects of naval interest, and apparently they had some conferences together upon the subject of this investigation. It is conceded that Captain HOBSON is a naval officer of experience and ability in this particular line of work, and could greatly assist Mr. LILLEY in obtaining the facts as to excessive cost and profits, if he had been consulted and if such were found to have existed. No testimony by Captain HOBSON was offered before this committee upon this point and none was suggested by Mr. LILLEY.

The charges of excessive cost appeared before this committee substantially in the following manner: On the 13th day of February, 1908, F. B. Whitney, vice-president of one of the subsidiary Lake companies, prepared an article for a New York newspaper, elsewhere referred to in this report, in which he claimed that there were excessive profits and graft to the Electric Boat Company in the sum of \$1,476,296.60, under the provisions of the item concerning submarines, in the naval appropriation bill which had been passed upon by the House Committee on Naval Affairs on the 10th day of February previously (p. 1783). These figures were based upon the testimony of Admiral Bowles, then Chief of the Bureau of Construction and Repair of the Navy Department, before the Committee on Naval Affairs in January, 1902, as it appears in these hearings, pages 353-354. Admiral Bowles is shown to have testified as follows:

"I was about to say that the cost of a submarine boat largely depends on the amount of experimentation which has to be done. That is certainly very expensive. Now, my calculations show that a reasonable cost, with a handsome profit to the contractor for the boats now building, would be \$850.

"Of that I have allowed \$11,100 for trials and tests. This price includes a fair percentage for the usual margin of general expense, such as are incurred in manufacturing work, but nothing more."

The testimony further shows, on page 355, that the boat referred to, then building, was of the so-called "Adder class" of 120-ton boats, submerged tonnage. The average cost per ton is thus calculated by dividing this aggregate cost of \$89,459 by 120 tons, producing a result exactly of \$745.494. By some process, apparently, known only to Mr. LILLEY and to those who employed the figures throughout these hearings, instead of using an actual calculation as a basis of the reasonable cost of boats of this class, they used instead the figures, as a basis cost per ton, of \$745.45. These were entirely fictitious and arbitrary, had no basis of fact, and can not be calculated from any testimony of Admiral Bowles or of anybody else, so far as this committee is advised. Yet they appear to have been used by Mr. LILLEY, Whitney, Neff, and Webster, and all of the other witnesses who used such figures as a basis of cost per ton upon which to reckon a charge of excessive and corrupt profits (pp. 364, 1289, 1487, 1492, 1735).

The figures "of \$1,476,296.60 graft appearing in the naval bill of 1908," as described in the newspaper articles and later in the anonymous letter, and later in resolution No. 264, introduced by Mr. LILLEY, and later as appearing in the testimony throughout these hearings, appear to be calculated in somewhat the same way. The loudspeaker amendment to the naval appropriation bill of 1908 provided for eight submarines of the type of the winner in the tests of May, 1907 (p. 423). The calculations upon this basis, to show excessive cost, appear upon page 355 of the hearings, as follows:

"Computing the excessive profit to the Electric Boat Company from the proposed legislation, as above quoted, on Admiral Bowles's figures, we have:

"Eight submarines of the *Octopus* type at a cost of \$3,500,000, which means a unit cost of \$437,500 for a 340-ton boat, or \$1,286 per ton. Deducting from this proposed price the price per ton (\$745) recommended by Admiral Bowles, who, as I have stated, is the builder of these boats, and it is seen that the Government would be paying an excessive profit of \$541 per ton. In other words, the excessive profit on these eight boats of 340 tons each would be \$1,471,520."

Another method of calculation is further shown by the preamble in House resolution 264, introduced by Mr. LILLEY on the 27th day of February, 1908 (p. 364):

"Whereas, first, the following statements have been published in the public press: 'It can be readily seen that the programme of the House committee at this session proposes to pay at least \$1,286 per ton for the submarines, against a reasonable price named by Mr. Bowles of \$745.45 per ton, or \$1,476,296.60 more than the present builder said they were worth when he testified before the committee in 1902.'"

But none of these calculations produce the exact figures of \$1,476,296.60, shown in the New York paper and as subsequently used by all the parties in the investigation as to the excessive cost, profit, and graft contained in the submarine item of the pending naval appropriation bill (pp. 364, 366, 1289, 1486, 1491, 1492, 1494, 1495, 1496, 1501, 1545, 1602, 1783, 1784).

No evidence appears before this committee and no calculation has been presented by which these figures can be ascertained. They seem to be entirely arbitrary and fictitious, have no basis for existence, and certainly do not show any definite thing as proven before this committee, so that whoever used them evidently received them from the person who first prepared or calculated them, and then put them before the public without knowing or realizing or caring whether or not they had any basis of fact. These figures next appear in the anonymous letter sent to Frank L. Edinborough, Bay City, Mich., on the 15th day of February, 1908 (p. 726).

They next appear in House resolution 264, introduced by Mr. LILLEY in the House of Representatives on the 27th day of February, 1908 (p. 364). Admiral Bowles testified (p. 1748) that his testimony of 1902 had been the subject of much discussion and controversy in the six years following it, but during all of that time and in all of the discussion he had never seen, heard, or known of this peculiar use or construction or calculation of either the \$745.45 per ton as a basis for cost of submarines of the *Adder* type, or later the peculiar amount of \$1,476,296 excess cost of submarines provided in the naval bill of this year. The only other figures relating to excessive cost appearing in the testimony are the general ones concerning undue profits or excessive charges in past contracts of \$1,000,000 (pp. 43-45, 241, 278-280, 295-296, 445, 1100-1101, 1602).

But no testimony was adduced to show any connection of these figures with the actual facts. No calculation is put into the record as a basis for the use of these figures, and no testimony from any source was presented, showing that these figures had any relation at all to either the cost as provided by the contract or the profits accru-

ing to the contractors. But on the contrary, the testimony of Secretary Metcalf, Admiral Capps, and Admiral Bowles was all to the effect that no such excessive profits could have been possible under the severe contracts, methods, and tests of the Navy Department (pp. 280, 297, 1743).

It is next important to ascertain whether the testimony of Admiral Bowles before the House committee, of January, 1902, was an accurate and proper basis in the consideration, by this committee or any other committee, in trying to ascertain whether or not excessive or corrupt profits had been extorted by the Electric Boat Company from the United States Government during the past years and in past contracts, or is attempted to be extorted by the provisions of the present bill.

Admiral Bowles stated that he and Admiral O'Neill and Admiral Melville sought to prepare figures which would give them an approximate idea of what would be the fair commercial value of a boat of that type. The boats had not been completed and neither of those officials had ever had any practical knowledge or experience in constructing them (pp. 1734, 1745). The manner of calculation was to take the total weight of the boat, dry, and divide it into groups of materials of a similar commercial character; then assume for each group a price per pound, and in that way a fair commercial market value of the material could be made (p. 1734). Admiral Bowles stated that any estimate of value per ton is very erroneous and must not be understood to be correct, and can only be a rough approximation (p. 1735). In making any estimate of the cost or value per ton, consideration should be had to the type of the vessel, its method of construction, the kind of materials, workmanship, cost of assembling, and many other details which can not be fairly presumed unless the boats are exactly of the same type and built upon the same standards (pp. 291, 296, 304).

Other witnesses corroborated this statement that the cost and value per ton of a vessel of this class is entirely misleading.

Spear (p. 229).

Simon Lake (p. 1000).

Flint (p. 1440).

Admiral Bowles also showed that other corrections should be made to his testimony of 1902 in order to obtain a fairly accurate result at the present time. First, the tonnage of the *Adder* in the calculations of Whitney, Mr. LILLEY, et al. is reckoned at 120, which is the submerged tonnage of the boat with the tanks full of water (p. 1735). The estimate of Admiral Bowles was made solely upon the dry weight of the materials used in the construction, which would be about 20 tons less. The divisor thus should be 100 instead of 120 tons (p. 1735).

Second, next, labor and materials would cost between 10 and 20 per cent more now than they did at the time the calculation was made (p. 1735).

Third, The *Adder* was built of commercial materials and subject to commercial inspection and not subject to Government tests. Vessels now are built on Government specifications and tests, which cost about 20 per cent more on an average than when constructed on a commercial basis (p. 1736).

Fourth, The cost of tests and trials at the time the *Adder* was constructed was comparatively small as against the cost of the tests required now. It is estimated that about 8 per cent of the total cost is required for experiments and trials under the requirements of the Navy Department at the present time (p. 1735).

Fifth, This estimate does not include the expenses of incidentals, officers, administration, general shop, and power and patents (pp. 1733, 1745).

Adding these various items to the basic cost obtained from previous figures of \$745.494, it would thus appear that at the present time the approximate cost would be about \$1,240 per ton (p. 1737). That approximates the cost of vessels under the latest contracts (pp. 313, 1090, 1449).

Admiral Bowles further testified that there was no profit in the construction of the *Octopus*, and that it really represented a loss to the Electric Boat Company (pp. 1733, 1743); that his company was interested in the financial result of the *Octopus*, and so expenses were kept down to the closest margin, and he knew the details of cost, and that it really represents a loss to those constructing it (p. 1743). This is the substance of the testimony of Admiral Bowles, whom Mr. LILLEY stated was the ablest constructor in the country (p. 1355); that he was a superior business man (p. 1354), and that he desired him to be summoned to show the facts and charges as to excessive cost (p. 1368).

The testimony of Admiral Bowles as to excessive cost is sustained by Secretary Metcalf, who testified as follows (p. 280):

"A. If the Department had even felt that the company was asking an exorbitant price for these boats it would not have let the contract, but waited until the next session of Congress and then reported the facts to Congress."

Mr. Simon Lake testified on the question of cost as follows (p. 1089):

"This present boat would cost from \$50,000 to \$75,000 more than we could put it out six years ago."

This would be from 15 to 20 per cent more than the cost at the time that the figures of Admiral Bowles first appeared.

Mr. Charles R. Flint, who has had large experience in the sale of submarine boats to foreign governments, testified as follows (p. 1449):

"Q. Perhaps gave you the figures incorrectly. I have not before me page 299 of our hearings, in which it appears in the testimony of Admiral Capps that of the last seven boats contracted for and to be supplied by the Electric Boat Company four were at \$285,000 each and three at \$360,000 each. Now, having those figures in mind, would your answer be the same?—A. My answer is that these prices are not materially higher than the prices paid by European governments, and they are not materially lower."

"Q. Are they materially higher or lower than the prices paid by foreign governments for the boats of the *Lake* type?—A. No."

"Q. In your judgment are these prices you have stated now the comparison with foreign governments? I will ask you this question: Do you consider that at the figures I have mentioned they will yield an undue or unjust profit to the Electric Boat Company?—A. I am not competent to answer that question. I have not a sufficient detailed knowledge of the matter to answer that, but my general impression is that the profit is not an excessive profit, but I have not the technical knowledge that is obtainable so as to answer it specifically."

"Q. But your judgment is that the prices indicated would not afford an unjust profit?—A. That is my judgment."

This testimony should be considered in connection with the legislation and contracts under it for the past ten years. (See pp. 583, 584, Naval Yearbook, 1907.)

Mr. LILLEY based his charges of excessive and corrupt costs upon three classes of facts: First, the arbitrary and fictitious figures as used



or created by Whitney and subsequently adopted by Neff, Webster, and himself without any personal investigation or calculation (pp. 1343, 1346, 1349); second, that the Secretaries of the Navy were men without experience in business matters, and did not remain in office long enough to become acquainted with such duties, or did not ascertain whether the Government was suffering from extortionate or excessive profit in prices of construction (pp. 1341, 1345, 1352, 1355); third, that the naval officers in charge of the various bureaus were not business men, had no business experience, and were by training unfitted to judge of fair prices in contracts (pp. 1351, 1352, 1354).

As to the first class of facts upon which such charges were based, that of arbitrary fictitious figures, the committee consider that such charge has no basis in fact, results from no calculation shown in the testimony, has been demonstrated to be false in fact, is based on false premises, did not contain the necessary items of cost of construction, and has not been used by anybody of official, professional, or technical standing or repute anywhere, though the alleged basis of them has been on record for more than six years. Furthermore, they first appeared to have been first prepared or used by a man who confessedly sent an anonymous letter, secretly designed to ruin a trusting friend, and were used by another young man who had no experience in any class of business, and particularly not in this business, and without knowledge or verification of them in any way.

Lastly, these fictitious figures were used by Mr. LILLEY himself without any personal knowledge or investigation as to the legislative history, policy, or course of action of the Navy Department concerning the matters which should be a basis for them (pp. 1549 et seq.), though at the beginning of the testimony he testified that he had personally familiarized himself with these facts (p. 25).

Mr. LILLEY never made any calculation, investigation, or verification as to either facts or figures, but used these arbitrary and fictitious figures without question (pp. 1343-1349). He did not inquire concerning them of his friend Captain Honson, who was in a position to correctly inform him about them. He requested naval officers to be examined and then refused to take their word (pp. 1341 et seq.); he demanded that Admiral Bowles testify as to these facts and then declared he would not believe his testimony (pp. 1354); he charged all the Secretaries of the Navy for more than fifteen years with incompetence approaching corruption (pp. 1352 et seq.), and all the heads of the Navy bureaus at the same time to be incapable and incompetent and unable to know what were fair prices and profits in construction (pp. 1354 et seq.).

It was called to his attention that the men who had filled the position of Secretary of the Navy during the past fifteen years had all been men of successful business attainments, of the highest character and private professional standing (p. 1355); and that the naval officers who had charge of this work were eminent in their profession, of the highest character and ability, and especially trained by the best education in the world to do this very work (pp. 1354-1355).

Mr. LILLEY admitted that he had voted for these past appropriations, and in the pending bill had voted for submarines to cost \$3,500,000 (pp. 1357-1359).

Notwithstanding this conclusive array of facts against his contentions and the gross errors underlying and pervading his attempted proof, he yet insisted upon his original claims (p. 1360).

This perversity in face of demonstration to the contrary, and regardless of the damage it may do to the good name of the Navy and its officials in the eyes of the world (pp. 433-434), in the estimation of your committee completely discredits his faith in originally making such charges and subsequently on following them up before this committee.

Connected with the charge of excessive and undue profits is the charge of special and exclusive legislation by which excessive and corrupt profits were realized (p. 32); that appears in the testimony of Mr. LILLEY, and is as follows:

"I also submit as one of the facts influencing me to introduce my resolution that in my judgment under special and exclusive legislation the Electric Boat Company and its predecessor have already received from the United States an excessive profit of more than \$1,000,000 for the construction of its submarines."

The legislation upon the subject speaks for itself, and has already been set forth in this report. There was competition under the act of 1896 and 1903, and the act of 1907 expressly provided by the act of 1903. The acts of 1906 and 1907, for which Mr. LILLEY voted (p. 1355) gave discretion to the Secretary of the Navy to make a contract with both the winner and the loser in the tests of May, 1907. The opinion of the Attorney-General settled that fact (p. 271), and Mr. LILLEY knew this in the summer of 1907 (p. 1502). From that time continually to the date of the filing of his resolution Mr. LILLEY knew that the Secretary of the Navy had the discretion and power to make any contracts which he saw fit, which complied with the requirements of the law and the tests of the Navy Department. Yet he swore that owing to special and exclusive contracts excessive profits of more than \$1,000,000 had been paid by the United States (p. 34).

On this point he stated to the committee not only what he had every reason to know was false, and in spite of the fact that he had personally acted and solicited benefits for his friends upon the basis that the direct contrary to his statement was true (p. 1502). It is only necessary in this case to state the facts as Mr. LILLEY himself has testified, to show the insincerity and deliberate falseness of his position.

#### FINAL ANALYSIS OF MR. LILLEY'S MOTIVES AND CONNECTION WITH THE LAKE COMPANY PROPAGANDA.

Hon. GEORGE L. LILLEY was appointed on the Naval Affairs Committee in the latter part of 1905.

In his first written statement, submitted at the opening of the hearing before this committee, he makes the specific charge that "one of the facts influencing me to introduce my resolution is that in my judgment under special and exclusive legislation the Electric Boat Company and its predecessor have already received from the United States an excessive profit of more than \$1,000,000 for the construction of its submarines" (p. 32).

He subsequently testified that he voted for the submarine appropriation of \$1,000,000, provided for in the naval appropriation act of 1906, and for the provision in the act of 1907 increasing the appropriation of 1906 from \$1,000,000 to \$3,000,000 (page 1357).

While he was on the stand several times during the course of the hearings, he nowhere explains the reasons that prompted him to vote in favor of the two bills providing for submarine appropriations during his service on that committee prior to the bill of this year, though he is persistent in his contention that he is and always has been opposed to submarines; and thus by his vote cast against his judgment he contributed to the "excessive profit" and, assisted in the enactment of this "special and exclusive legislation." We therefore

have to look for the reasons from some other source. Before quoting the words of the witness who testified as to Mr. LILLEY's reasons for voting for these provisions, it may be proper to obtain Mr. LILLEY's opinion of the witness as well as the witness's opinion of Mr. LILLEY. When being cross-examined by the committee on Rules on his original resolution, Mr. LILLEY testified with regards to Mr. Franklin A. Taylor, of Waterbury, Conn., as follows:

"In the last Congress a large manufacturer from my town, an intimate friend, a man who would probably have as much influence with me as any man in my State, told me that he had the promise of a large order if I would vote for submarines" (page 7).

At a subsequent time appears from Mr. LILLEY's testimony:

"Q. You have known Mr. Taylor fairly well for some time?"

"A. Yes, sir."

"Q. He is a man of standing in your community?"

"A. Yes, sir."

"Q. He is a man whose reputation for proven veracity is good in your community."

"A. I think so" (page 1337).

Mr. Taylor testified that he supported Mr. LILLEY in a political way in his various candidacies for office in Connecticut and that he is supporting him at this time (pages 474 and 477).

Later on in his testimony Mr. Taylor says:

"I told him (Associated Press reporter) I had been friendly with Mr. LILLEY, and our relations had been most cordial, and that I had no doubt that the 'prominent manufacturer' which he named before the Rules Committee—that I was the man whom he referred to—and for that reason I did feel that I had influenced Mr. LILLEY to vote for a submarine boat, and I had very good reason for feeling so, because when he came home after the committee had voted he said to me: 'I voted "yes," Franklin, and your face was in front of me when I voted.' So I felt I had influenced Mr. LILLEY, and I had nothing to be ashamed of in it" (page 481).

Mr. Taylor, continuing his testimony, sums up his whole argument with Mr. LILLEY in behalf of his vote for submarines by reciting the fact that a great many manufacturers in Connecticut were interested in securing subcontracts for furnishing to the contractors engaged in building submarine boats for the Navy Department. He asserts that Mr. LILLEY had always been opposed to submarines from the beginning of his service on the Naval Committee (pages 482-483).

At a subsequent part of Mr. LILLEY's testimony he testified that he had heard the testimony of Mr. Taylor and had listened very closely to him while he was testifying. He confirms Mr. Taylor's testimony with reference to his vote, and admits that he had knowledge of the fact that Mr. Taylor was interested in his own behalf in securing his vote in behalf of submarines (page 1554).

He says that Mr. Taylor's conduct toward him with regard to obtaining his vote in behalf of submarines was not corrupt (page 1338); that it was not wrongful, and that he makes no complaint against the conduct of Mr. Taylor in approaching him on the subject (page 1570). Nowhere in the testimony is there to be found any other explanation of the vote of Mr. LILLEY in 1906 and 1907 except in the testimony of Mr. Taylor, and at no time while Mr. LILLEY was on the stand did he undertake to explain anything about the singular situation in which he found himself by his declaration of opposition to appropriations for submarine boats and his affirmative vote upon these appropriations. Mr. Taylor's standing in the community in which both he and Mr. LILLEY live, his prominence as a business man in that community, the good character given him by Mr. LILLEY as a man of standing and as a personal friend, must inevitably force the conclusion that he has given the true reasons for Mr. LILLEY's vote on the question of submarines. It is difficult to reconcile the declarations with the acts of Mr. LILLEY. Indeed, they can only be reconciled by considering the recklessness with which he makes all charges that are calculated to prove the particular thing he desires to prove at the particular moment. Or perhaps it can be reconciled through that convenience of his memory which will not permit him to remember anything not in keeping with the particular thing he desires to prove.

After the naval bill of 1907 had been passed with the provision for competition between boats owned by parties desirous of securing contracts under the \$3,000,000 appropriation of that year, the special board and the Board on Construction of the Navy Department having unanimously decided in favor of the boat of the Electric Boat Company and against the boat of the Lake Torpedo Boat Company, and while the Secretary of the Navy was about to award a contract for eight submarine boats to the winner in the contest, the Electric Boat Company, Senator Thurston, the attorney of the Lake Torpedo Boat Company, wrote the Secretary of the Navy, on June 29, 1907, requesting that the question of his discretion to award contracts to other than the winner in the test be referred to the Attorney-General (page 1050).

The Secretary of the Navy having referred the question of his discretion under the act to the Attorney-General, the Attorney-General decided that he had the discretion to do what the Lake Torpedo Boat Company sought to obtain from him; that is, to give it a contract under the act of 1907. This decision of the Attorney-General was rendered on the 30th of July, 1907. Shortly thereafter Neff, the Washington representative of the Lake Torpedo Boat Company, arriving himself with a letter of Mr. J. C. Lake, vice-president of said company, went to Bridgeport, Conn., to see Mr. LILLEY. Not finding him there, and ascertaining that he would be in Waterbury, he immediately went from Bridgeport to Waterbury and there met Mr. LILLEY at his hotel. The letter of Mr. Lake solicited the support of Mr. LILLEY toward securing a contract with the Navy Department for his company (page 1310). But Neff did not find it necessary to deliver the letter; he simply informed Mr. LILLEY of the purpose of his visit and explained to him the situation at the Navy Department growing out of the decision of the Attorney-General (page 1311).

Neff, after discussing the matter with Mr. LILLEY at Waterbury, wrote the following telegram:

WATERBURY, CONN., August 10, 1907.

Hon. VICTOR H. METCALF:

Your favorable consideration interests my constituents Lake Company. See letter.

Mr. LILLEY signed this telegram, and the telegram was immediately sent to the Secretary (page 1503).

The following morning Mr. LILLEY wrote his first letter to Secretary Metcalf, heretofore quoted.

A copy of this letter was sent to the Secretary of the Navy at the Department and another copy was sent to the Secretary at Fount Springs, Cal., and a third copy was handed over to Neff, so that he might have evidence of the result of his efforts with Mr. LILLEY (page 1503).

On the 23d of September, 1907, Mr. LILLEY's second letter was sent to the Secretary, as heretofore quoted.

It is thus seen that Mr. LILLEY, having voted for both submarine propositions in the sessions of 1906 and 1907 at the solicitation of his friend, Mr. Franklin A. Taylor, having subscribed by his vote to the provision for the competitive test as provided in the act of 1907, no sooner had the opinion of the Attorney General been given than he shifted his position from a supporter of the provision in the interest of his friend Mr. Taylor to that of becoming very active in behalf of annulling, so far as he could, the action of Congress, and in securing for his constituent, the Lake Torpedo Boat Company, part of the contract for the construction of submarine boats. It is a singular coincidence that while he was reported in the newspapers as charging the members of the Naval Affairs Committee of the House with being "traveling salesmen" for the Electric Boat Company, that he alone of all members of that committee appears as "soliciting" a contract, and that contract in the interest of the Lake Torpedo Boat Company.

On February 10, 1908, we find him voting for the provision appropriating \$3,500,000 (p. 423), providing for the construction of additional submarine boats, so that, protesting all of the time that he is not in favor of submarine boats, declaring that they are worth very little as a weapon of defense, charging that "excessive profits" have heretofore been made, and "excessive profit" will hereafter be made, we find him on all occasions supporting every proposition in the Naval Committee in behalf of appropriations for the construction of submarines for the Navy. Mr. LILLEY has at no time while a witness before the select committee explained how he came to shift from his support, at the request of Mr. Taylor, of the Electric Boat Company, to the support at the Navy Department of the Lake Torpedo Boat Company. We are driven to seek the reason for his change of heart from his conduct and his acts as they appear in the testimony. That he did shift his position is beyond question.

Mr. Robert G. Skerrett had been in the employ of the Lake Torpedo Boat Company until January of 1904, working for that company first for \$75 a week and expenses, and later at a salary of \$5,000 a year (p. 817).

Mr. Simon Lake, the president of the Lake Torpedo Boat Company, was in Europe and returned to the United States about the middle of December, 1907 (p. 1059). Upon his arrival in New York he visited Mr. Skerrett (p. 828).

Fred Brown Whitney, who had been secretary of the Naval Affairs Committee of the House, left his position in 1904 to become the second vice-president of the Lake Torpedo Boat Company, and remained in that position until May 19, 1906. In December of 1906 he was employed by Mr. Simon Lake to go to Europe, "but his employment was not on the part of the Lake Torpedo Boat Company, but he was employed to look after matters for Mr. Simon Lake in connection with his submarine construction and other independent affairs in Europe, and that the submarine construction referred to has nothing whatever to do with submarine boats. He returned to the United States with Mr. Simon Lake in December of 1907. He is now the vice-president of the Lake Submarine Company, in which Mr. Simon Lake owns a controlling interest; that soon after his return to the United States in December, 1907, he recouped his own office in the Munsey Building, in the city of Washington, but having no typewriter in his office he did, from time to time, and for his own convenience and by the courtesy of A. R. Neff, go to the office of the Lake Torpedo Boat Company in the Colorado Building, in the city of Washington, to use one of the typewriters therein in the prosecution of his own work; he naturally took a deep personal interest in the efforts being made by the Lake Torpedo Boat Company and by Mr. Simon Lake to secure from the Navy Department a contract for the construction of a submarine" (p. 1782).

These facts must be kept in mind in order to properly understand the movements of Mr. LILLEY and the officers and former employees of the Lake Torpedo Boat Company, starting from the day on which the Naval Committee voted on the question of submarines, February 10, 1908.

Benjamin Webster, Mr. LILLEY's secretary, says he was instructed by Mr. LILLEY to draw up his resolution No. 255 on the 12th of February, 1908, or two days after the vote on submarines had been taken in the Naval Affairs Committee (page 1774). Mr. LILLEY confirms the testimony of his secretary and says that immediately after giving the instructions to draw up the resolution he left Washington on his way to Connecticut and stopped in New York on business (pages 1203 and 1346). The vote was taken in the Naval Committee on February 10, 1908. Immediately upon the adjournment of the committee, Mr. LILLEY and Neff met in the Marble Room of the Capitol and talked over the vote that had been taken in the committee on the question of submarine appropriation, and Mr. LILLEY remarked to Neff: "Our proposition lost out." That seems to be the beginning of great activity on the part of both Mr. LILLEY and the officers of the Lake Torpedo Boat Company, including the two former employees, Whitney and Mr. Skerrett (page 1498).

Mr. Simon Lake had come to Washington, and he says: "I had to see Mr. LILLEY in Washington, as he was a member of the Naval Committee . . . and I found he had gone to Connecticut. I tried to reach him at Waterbury, but he was busy and I was not able to see him. He stated he would be up in New Haven the following day." He had a conversation with Mr. LILLEY on the subject of the provision in the naval bill of 1908 (page 1061). Mr. LILLEY introduced his resolution of investigation February 20, 1908.

Now let us review the activity of Messrs. Simon Lake, Skerrett, Whitney, Neff, Thurston, Webster, and LILLEY between these dates, February 10 and 20. Whitney, at about the same time that Mr. LILLEY was instructing his secretary to draw up his resolution, wrote the anonymous letter to Mr. Carmichael of the Detroit Free Press and mailed it on that day. On the next day he wrote the statement to a representative of a New York daily paper, containing three or more typewritten sheets, and among other things containing the figures \$1,476,296.60. On the 15th of February he wrote the Edinburghborough anonymous letter and mailed it to Senator Frank Edinburgh, Bay City, Mich., on the same day. This anonymous letter also contained the figures \$1,476,296.60. All three of these communications were written by him on the Smith-Premier typewriter and on the L. C. Smith typewriter, both typewriters being in the office of the Lake Torpedo Boat Company (page 1783).

Neff says: "I think I hunted and looked him up (Mr. LILLEY) after the Naval Committee had adjourned and asked him about the action of the committee. He told me that the matter had failed and said they had a pretty hot struggle in there, and said it was an executive session, and I did not discuss it any more with him. . . . Senator Thurston and I got together and we prepared to fight on the floor of the House, and we had the whole thing prepared, and we were to fight on the floor of the House for open competition on the fact

that it was for the best interest of the United States Government to foster competition, and we were the competing company to bid for the business, and we felt confident that Congress would give us that opportunity; and my time after that was principally with Senator Thurston" (page 1201).

Mr. Simon Lake, who had gone from Washington to Connecticut, to see Mr. LILLEY, telephones Mr. Skerrett, a former employee of his company in New York, and secures from him the printing of a series of ten postal cards, advertising his boats, and on the same day that Mr. LILLEY introduced his resolution in the House, February 20, 1908, the first of that series of postal cards is mailed to every Member of Congress in Washington and to the representatives of the various newspapers in Washington. On the next day, February 21, 1908, the second number of that series was mailed to Representatives in Congress and newspaper correspondents at Washington (page 836). On that day appeared Mr. LILLEY's authorized interview in the Washington Post.

Mr. Skerrett obtained the names of Members of Congress and newspaper correspondents from the Congressional Directory (page 837). These postal cards, while intended to advertise the Lake boat, were not signed by anyone and condemned the Holland boat. After the mailing of the second lot of the series, the balance of the cards printed were shipped to Mr. Simon Lake at Bridgeport and the sending of them was discontinued.

Mr. Simon Lake testifies: "And I immediately came down and made provision to start a propaganda of my own to see if I could not educate the Members of Congress up to a point of recognizing the merit of the Lake type of boat. First, we sent out a number of catalogues that I had prepared—I presume all you gentlemen have received them—called 'Submarine Torpedo Boats.' I think the next thing was these postal cards" (pages 1062-1064).

While these things were going on Mr. LILLEY met Representative BATES, of Pennsylvania, in the House restaurant at lunch time and showed him his resolution of investigation and said to Mr. BATES: "See what I am going to introduce in the House." And a day or two after the resolution was introduced he was walking with Mr. BATES in the corridor of the Capitol from the Naval Committee room of the House and was complaining of the provision in the appropriation bill with regard to submarine boats, and he remarked: "Of course, if the committee sees fit to change it before the bill comes up in the House, then I will withdraw my resolution" (page 1724).

Mr. LILLEY also saw Mr. SHERMAN, of New York, in the Republican cloakroom and showed him his resolution. He told Mr. SHERMAN in substance that "such a resolution would stir up a fuss," to which Mr. SHERMAN assented, and he said, in substance, "If the action of the committee could be moved so that the competition for submarine boats would be open to other competitors that he would not introduce the resolution," and he asked Mr. SHERMAN to see the other members of the Naval Committee that he might possibly induce them to change their action. This Mr. SHERMAN refused to do, saying "that the Naval Committee was supposedly conversant with the whole subject," and that he was not, and that he did not propose to approach them on a matter about which they knew more than he did (page 1725).

While on the witness stand before the select committee Mr. LILLEY admitted, in answer to questions propounded to him by the chairman of the committee, that he would not have introduced his resolution if the naval bill of this year had contained a proposition for a full, free, and open competition which met with Mr. LILLEY's approval (pages 1624 and 1625).

What was the object of the "propaganda" being conducted by Whitney through his anonymous communications to New York newspapers; through his anonymous letters to Senator Edinburgh, and through anonymous communications to Mr. Carmichael, a newspaper correspondent?

By Neff, acting in concert with and under the advice of Senator Thurston, Washington attorney for the Lake Torpedo Boat Company, through his plans to have the submarine appropriation controversy transferred from the Committee on Naval Affairs to the floor of the House.

By Mr. Skerrett, apparently the press agent of the "propaganda," through the publication of post cards and their distribution to Members of Congress and to press representatives; throughout magazine articles in the Scientific American, Harper's Weekly, etc.

By Mr. Simon Lake, through post cards ordered through Mr. Skerrett and through elaborate circulars issued by him treating of his submarine boats, which circulars were sent to Members of Congress.

By Mr. LILLEY holding back his resolution to investigate the Electric Boat Company, through his representations to Mr. BATES, of the Naval Affairs Committee of the House, and to Mr. SHERMAN, a member of the Committee on Rules.

Now, how explain the apparent concert of action between Mr. Simon Lake, Neff, and Senator Thurston, the most active officials of the Lake Torpedo Boat Company; Skerrett and Whitney, former employees of the said company, and Mr. LILLEY?

The letter of Senator Thurston, attorney for the Lake Torpedo Boat Company, of date February 6, 1908, addressed to the Committee on Naval Affairs, in its concluding sentence, indicates:

"For these reasons, and others which we are prepared to present, we ask for a fair field and no favor—the same opportunity, if necessary, at our own risk, to compete for the construction of submarines. I once more respectfully request that an opportunity may be given us to be heard" (page 1054).

The Senator calls it "a fair field and no favor;" the others engaging in the "propaganda" call it "open competition."

Now, we are quite clear as to the interpretation of "fair field and no favor" and of "open competition" placed by these gentlemen on the submarine appropriation of the naval appropriation acts of 1906 and 1907. There a test was provided for. A contest was had. The Electric Boat Company won out in "open competition" with a "fair field and no favor," and yet all of the "propagandists" conceded that they were entitled, although losers in the contest, to one-half of the appropriation, or at least to a contract for one boat, and had actually secured a contract out of that appropriation. That was their interpretation of "a fair field and no favor" and "open competition."

Mr. LILLEY, on the night of the same day that his resolution, No. 255, was introduced in the House, February 20, gave an interview to the Washington Post, published the next day, February 21. This interview was declared by Mr. LILLEY to be the only authorized interview of the many published in different parts of the country as coming from him. In testifying as to the correctness of this report before the Committee on Rules of the House, he says:

"I am in favor of a square deal, and my resolution aims to bring that about" (page 12).



Mr. Skerrett, in both his articles appearing in Harper's Weekly and the one appearing in Scientific American, takes the position that the action of the committee has been to substitute eight submarines for two battle ships; in other words, that the Navy Department recommended four battle ships and four submarines, and that the committee reduced the number of battle ships by one-half and increased the submarines twofold, making two battle ships and eight submarines instead of four of each. (pages 497, 802, 804, 810).

Mr. LILLEY in his interview in the Washington Post, says: "The proposal of a Congressional investigation is an outgrowth of the refusal of the Naval Affairs Committee to follow the President's naval construction programme. The President personally backed the Navy Department in its request for authorization of the construction of four battle ships, ten torpedo-boat destroyers, four submarines, etc. The committee cut the battle ships to two and raised the submarines to eight (page 11).

"I point to the fact that the four battle ships recommended by the President were cut to two by the committee. Secretary of the Navy's plans for improved submarines was voted down. Instead, double the quantity asked for by the Government—eight in number—were provided, but they are to be of the old *Octopus* type" (page 11). Whitney, the personal attorney of Mr. Simon Lake, in his newspaper anonymous articles, makes the same charge. So that it will be seen that Mr. Skerrett, the former employee of the Lake Torpedo Boat Company, in his magazine articles, Whitney in his newspaper articles, and Mr. LILLEY in his authorized interview in the Washington Post the night of the day he introduced his resolution, were all seeking to impress the country with the fact that there had been a substitution of submarines for battle ships, this despite the fact that not one of them was acquainted with the others, though all three were in touch with Mr. Simon Lake. They all seem to be acting with a common purpose, resting their position on identical grounds, and that is the more remarkable since what really occurred in the committee did not warrant any such conclusion. Mr. Foss, chairman of the Naval Affairs Committee:

"Was there, or was there not, any connection, so far as the discussion and action of the committee was concerned, between the battle-ship proposition and the submarine proposition?"

"A. From my knowledge and observation there was absolutely none.

"I was present at every meeting.

"I heard all the discussion.

"I noted the votes" (page 1634).

Mr. ELLIS, a member of the committee, says:

"Did the vote upon the battle-ship proposition depend in any way upon the vote on the submarine proposition?"

"A. Not with me and no one else that I know of.

"Q. Was there any statement made or argument made that the four-battle-ship proposition should be divided in order to secure more submarines?"

"A. Oh, no; I never heard of any such a thing, not to my knowledge; certainly not in the open committee in hearings during any time I was present" (page 1630).

Mr. BATES, another member of the committee:

"Will you state whether or not at that time or in any of the discussions of the committee the question of battle ships and the question of submarines were discussed together, so that one depended in any way upon the other?"

"A. Absolutely not, not in my mind and so far as one man can know the mind of another, they did not have the slightest relation to each other in the consideration of the committee as a committee. They did not have the slightest relation to each other in the matter of determining how many we would recommend in the bill of one and how many we would recommend of the other. They came up at different hours. The battle-ship proposition was brought up on one day, and on account of the extended remarks of Brother HOBSON on the subject, he had some remarks to make on the subject, and we adjourned over to another meeting, so that that was pending from one time to another. The submarine question came up on a succeeding day, after we had voted on battle ships, and had no connection, so far as I am able to know the mind of another. I do not think in the mind of a single member of the committee. The fact of voting for a certain number of one vessel did not depend on the number of another.

"During the discussion of the number of battle ships no submarines were referred to in any manner, shape, or form. It was not thought of. I will say further, if you will allow me, that there were three things before the committee in making up the number of submarines we ordered. One was the power or recommendation of the Secretary and President, and the other was information that had come before the committee a few days before from the Secretary of the Navy that they had decided to send two submarines to Manila. The other was a letter from the Secretary of the Navy a few days before that, I think dated January 31, to the Senate in response to a resolution of inquiry of Senator ANKENY, of Washington, directing that an appropriation be made for the construction of boats for special use on the Washington coast and Puget Sound. These three things were in the minds of the committee in arriving at the number of eight as over four which had been recommended last November in the Secretary's annual report" (pages 1724 and 1725).

Mr. PADGETT, another member of the committee:

"The battle ship proposition was disposed of before we reached submarines.

"Q. Your vote then for the battle ships in that bill had no relation whatever to submarines?"

"A. None, whatever" (page 1727).

It is thus seen that both Mr. Skerrett in his solicitude in the interest of the Lake Company was advertising through magazine articles an absolutely false and misleading statement with regard to the manner in which the question of submarines and battle ships had been disposed of in the committee. It is also seen that Mr. LILLEY, who was present and had full knowledge of the falsity of that position, was occupying the same attitude toward the committee and giving publicity to this false charge and yet, strange to say, Mr. LILLEY was not acquainted with Mr. Skerrett nor Mr. Skerrett with Mr. LILLEY, but both were in touch with Mr. Simon Lake. There can be no accounting for their common position predicated upon an absolutely false premise, except it was due to the fact that each drew his inspiration from a common source. Each was advancing the Lake Torpedo Boat Company's interest without regard to the truth. Mr. LILLEY himself, in the face of his Washington Post interview, which he said, when appearing before the Committee on Rules, was authorized by him, admits that there was no connection between the battle ships and the submarine proposition (page 364). But this was not all of the "propaganda" that Mr. LILLEY was carrying on in his efforts to further the interests of the Lake Torpedo Boat Company.

On the 27th of February, 1908, he introduced House resolution No. 264 containing the figures \$1,296,476.60, and when on the stand he was asked who had drawn the resolution and he could not say. He thought that either Neff, the Lake Torpedo Boat Company's Washington agent, or Webster, his secretary, had drawn it (p. 1488).

Webster was placed on the stand and he denied having drawn the resolution (p. 1488). Neff was placed on the stand and he admitted having drawn the resolution on his L. C. Smith typewriter in the office of the Lake Torpedo Boat Company (p. 1489). He said he had gathered the figures appearing in the document and the resolution from the New York Herald and other newspaper publications. He said he had drawn the resolution the day before it was introduced, the 26th of February (p. 1490). He said it had not been drawn prior to the 23d of February (p. 1492), and when his attention was called to the fact that the resolution first had been dated February 22 and that subsequently the "7" had been placed over the second figure "2" in "22" he was compelled to admit that he had drawn the resolution on or about the 26th of February, or the day on which Mr. LILLEY had introduced his resolution to investigate the Electric Boat Company (p. 1493).

Later on, in his testimony, he said that he had been advised by Whitney, he of the anonymous letter fame, to draw up this resolution in order to secure certain evidence which he thought he could secure from the Navy Department to assist the committee (p. 1494); that he was going to get some friend of his to introduce the resolution and at first did not think of Mr. LILLEY; that Whitney had called his attention to the figures appearing in the resolution, \$1,476,296.60 (p. 1495). Mr. LILLEY, after hearing the testimony of Neff in regard to his resolution No. 264, and as to the time when it was drawn, admitted the correctness of that testimony (p. 1499).

He at first claimed to have introduced the resolution by request and then admitted he had introduced it on his responsibility as a Member (p. 1500). He finally admitted that he had introduced the resolution without ever having read it. The figures which had been prepared by Whitney and embodied in his memorandum to the New York paper, included in his anonymous letter to Edinborough, were included in Mr. LILLEY's resolution, No. 264. And yet the resolution itself was written on the same day on which Mr. LILLEY introduced his resolution of investigation, and singular to say, Whitney did not know Mr. LILLEY, nor did Mr. LILLEY know Whitney, but both were in touch with Mr. Simon Lake.

Webster, Mr. LILLEY's secretary, wrote a forged letter to Edinborough, signing thereto the name of "Smith," the same person to whom Whitney had written the anonymous letter of February 15. He says he can not fix the date of the letter, but he said it was some time in March (page 1530). Neither Webster nor Mr. LILLEY are acquainted with Edinborough, and yet we find Mr. LILLEY's secretary writing the same person that Whitney had written to and in behalf of the same subject. Strange to say Mr. LILLEY nor Webster knew Edinborough nor Whitney, nor did these know Mr. LILLEY nor Webster, but they all were in touch with Neff. The contents of the letter are not made known to us. Mr. LILLEY claimed that he got the initials and address of Edinborough from a newspaper man whom he calls "Mr. Cameron." When Mr. Cameron is brought before the committee and contradicts this statement, Mr. LILLEY says that he is not the newspaper man who furnished him the information; then, that he can not recollect the name of the newspaper man he has in mind, though he states the newspaper man frequently came to his office, and he admits that Mr. Cameron was never in his office (pages 1529, 1530).

Edinborough was summoned before the committee. Immediately on his arrival at Washington he makes an appointment by telephone to meet Mr. LILLEY at his hotel (page 708). He called at Mr. LILLEY's hotel, produced the forged letter of Webster, signed with the name "Smith;" Mr. LILLEY recognizes the "Smith" letter at once as being written by his secretary, Webster. Edinborough leaves the letter with Mr. LILLEY, and Mr. LILLEY destroys the letter (page 1581). And yet Edinborough, placed on the stand the next day after his interview with Mr. LILLEY, testifies that he has received no communication on the subject of the investigation from Washington except the one on the postal telegraph blank written him by Whitney (page 709).

Mr. LILLEY testified that he did not know Neff.

"Q. Who was the man who asked you to submit the motion in committee?"

"A. He is a representative of the company here. I think his name is Neff or Neth.

"Q. Does he live in the city?"

"A. I think he lives in Pennsylvania. My impression is that he comes from Mr. BATES's district. I think he used to be Mr. BATES's secretary" (page 39).

Again:

"Q. Can you give us the name and address of Neff; you know how he spells his name?"

"A. It is either N-e-f-f or N-e-t-h. I don't know where he lives or what his initials are. I can tell you who would know. Congressman BATES would know; he was formerly his secretary, I believe" (page 61).

And yet Mr. LILLEY first met Neff as early as January, 1907, at Bridgeport, Conn. Neff took Mr. LILLEY down in the Lake boat at that time (page 1197). He had seen Mr. LILLEY and spoken to him on February 3 or 4 of this year. He had walked with Mr. LILLEY through the Capitol and had spoken to him of the Sperry bill for an appropriation of \$3,000,000 for submarines (page 1180). He had had a conference a few days after his first interview with Mr. LILLEY with reference to securing Mr. LILLEY's introduction of an amendment to the naval appropriation bill of this year carrying the provisions of the Sperry bill (page 1182). He had spoken to him over the telephone from Bridgeport and afterwards met him at his hotel at Waterbury and had written and secured the signature of Mr. LILLEY to the telegram sent the Secretary of the Navy, and he had again met him the next day and had secured the writing of the letters to the Secretary of the Navy, copy of which he took along with him (page 1199). He had met him the afternoon of the day of the vote on the submarine proposition in the committee, February 10, 1908, at which time Mr. LILLEY had told him "Our proposition has lost out" (page 1199). He had met him at the Willard Hotel on the night of the 20th, the night of the day on which Mr. LILLEY introduced his resolution of investigation, and suggested that Senator Thurston, attorney for the Lake Company, was willing to advise Mr. LILLEY (page 1201). He had written the statement dictated by Senator Thurston and presented by Mr. LILLEY to the Committee on Rules on the day of the hearing on that resolution. He had typewritten dictations from Senator Thurston of the statement

which Mr. LILLEY had furnished to the select committee (page 1186). He had advised with him three or four times a week from the time Mr. LILLEY introduced his resolution of investigation.

Senator Thurston and Neff had written the questions propounded by Mr. LILLEY, signed by him, and submitted to this committee to be asked witnesses on the stand (p. 1186, etc.). Neff and Senator Thurston had prepared the subpoena duces tecum which Mr. LILLEY had prayed for (p. 1300). Senator Thurston had dictated and Neff had prepared statement furnished by Mr. LILLEY to the Committee on Rules and to the select committee (p. 1202, etc.). Senator Thurston had dictated and Neff had prepared letter of Mr. LILLEY, dated March 19, 1908 (pp. 350, etc., 1421).

And Mr. LILLEY admitted that these statements had been prepared by Senator Thurston and Neff (pp. 1575, 1576).

In fact, Mr. LILLEY was continually in touch with this representative of the Lake Torpedo Boat Company, and with that usual lack of frankness which is characteristic of all his evidence before both the Committee on Rules and the select committee, he not only pretended not to know anyone connected with the Lake Torpedo Boat Company, but sought to make it appear that his colleague, Mr. BATES, of the Naval Committee, could furnish the information as to Neff, whose name he pretended not to know even how to spell.

Fred Brown Whitney swears that he had reasons to believe at the time that he sent his anonymous communications, to wit, February 12, 13, and 15, that a resolution would be introduced in the House to investigate the Electric Boat Company; that he believes he sent certain documents, containing the figures \$1,476,296.60, to Mr. LILLEY (p. 1784). We thus see a common purpose in acts of Messrs. Whitney, Neff, Thurston, Simon Lake, and Skerrett, and Mr. LILLEY's acts. We see the same plans maturing at the same time in the two camps, supposedly neither having knowledge of the existence of the other. We see continual conferences, legal advices, clerical work, exchange of figures, resolutions, magazine articles, and newspaper interviews, all predicated upon the same statements, and wherever a statement is false as emanating from one camp the same falsity appears as emanating from the other camp. Whitney says that Mr. LILLEY had voted against the Lake Torpedo Boat Company prior to 1908 (p. 1784). He says that he had reasons to believe that the resolution would be introduced at the time he was writing the anonymous letters, the first of which was written only two days after the vote had been taken in the committee and on the same day that Mr. LILLEY had directed his secretary to draw up his resolution of investigation.

There can be no doubt but that there was concert of action between Mr. LILLEY and the officers and friends of the Lake Torpedo Boat Company; that their purpose was a common purpose; that their object was to secure legislation to further the interests of the Lake Torpedo Boat Company, despite the fact that that company had been defeated in the test which had been had between it and its competitor. But while these circumstances are sufficient to convince the impartial mind that there was concert of action, we find ample direct confirmation of the fact in the testimony and ample proof to join the efforts of Mr. LILLEY with those of the company. Mr. Taylor, Mr. LILLEY's personal and political friend, the man whom Mr. LILLEY certifies as being a man of character and veracity, testifies that he talked with Mr. LILLEY at the Elkin Hotel, Waterbury, and that Mr. LILLEY told him that he wanted the Lake people to get a square deal; that he wanted the Lake people to have a fair chance (page 475). Mr. LILLEY, on March 19, 1908, wrote a letter to your committee quoting the name of the Electric Boat Company and asking that "both sides" be heard. This letter was dictated by Senator Thurston, typewritten by Neff, signed and presented your committee by Mr. LILLEY (page 1475).

Neff explains the purpose of this letter:

"Q. And you must have had Mr. LILLEY's stationery?—A. Webster brought some over for that special purpose.  
"Q. That date and those extracts from hearings before the House Naval Committee and the newspaper clippings were prepared by Mr. Webster and yourself, as I assume, and as the letter itself seems to state, for the purpose of getting before this committee the other side of the controversy—that is, as between the two companies. The letter starts out: 'Your committee has, I confess, somewhat to my surprise, permitted witnesses—both those who could by reason of expert knowledge know some of the construction, qualities, and cost of our present submarines, and also those who could have no possible expert or other knowledge as to the construction, performances, efficiency, and cost of these submarines—to give as part of their supposed testimony glowing accounts of the remarkable qualities of the Electric Boat Company's submarines; and having thus established the precedent, and in order that the question of the cost and efficiency of these boats may be presented on both sides, I submit the following:'  
"Q. What did you mean by both sides?—A. Well, it looked as if they were making out your boats as not worth anything and that our side ought to be in there just as well as the other side. I wanted to show the cost of our boats, and also show that the prices for those boats were not in accord with the performances of their boats.  
"Q. What you meant in that letter when you said 'both sides' had reference to the Lake Torpedo Boat Company on the one side and the Electric Boat Company on the other, and you thought they both ought to be in it?—A. Yes, sir.  
"Q. And that is the reason of that letter and the data?—A. Yes, sir" (page 1497).

The testimony of Mr. Taylor, the letter of Mr. LILLEY, and Neff's explanation of Mr. LILLEY's letter are as conclusive as can be that Mr. LILLEY was at all times acting in behalf of the Lake Torpedo Boat Company, and that his sole purpose was to secure such action regardless of the merits of the boats, regardless of any contest heretofore had between the Lake boats and the Electric boats, to wit, recognition in the matter of contracts for the Lake torpedo boats.

#### THE ANONYMOUS ATTACKS UPON REPRESENTATIVE LOUD.

Representative LOUD's name was brought into this investigation by Mr. LILLEY in his first day's testimony. His suspicions of Mr. LOUD were indicated in the Washington Post article. He said that Mr. W. D. Gordon, an attorney living in Mr. LOUD's district, had been employed by the Electric Boat Company for the sole purpose of endeavoring to secure favorable action on the part of Representative LOUD for such legislation as the Electric Boat Company might desire. To substantiate this statement, as Mr. LILLEY said, he offered in evidence extracts from Michigan papers of February 21 and 22, 1908, with this observation, "So far as I am advised these public utterances of the press have never been questioned or denied" (page 30). A paragraph from one of these extracts reads: "The story as it is being passed about the Capitol is that a prominent lawyer of the Tenth Michigan

District threatened to become a candidate for Congress against Mr. LOUD and that he agreed to keep out of it when Mr. LOUD promised not to be hostile to the Holland submarine boat" (pages 30-31).

The same article contains this paragraph:

"Frank L. Edinborough, of Bay City, former secretary to LOUD, and now a candidate against him for Congress, is suspected of furnishing LILLEY with some of the facts which he is so anxious to have brought out in the proposed investigation."

In the list of witnesses given to the committee by Mr. LILLEY on March 9, Edinborough's name appeared, with no suggestion as to who he was or what the nature of his evidence would be. He took the stand on April 2. It then appeared that he was formerly Mr. LOUD's secretary, and that he decided last January to be a candidate against Mr. LOUD for the nomination for Congress.

Edinborough's testimony is conspicuous for three things: Its lack of frankness, treachery to his old friend and employer, and one distinct, willful act of perjury. When Edinborough reached Washington on April 1 he brought with him two documents which he had received by mail from Washington—one an anonymous letter attacking Mr. LOUD, the other a forged letter written by Benjamin Webster, Mr. LILLEY's secretary. Webster had written the letter to Edinborough in the name of "Smith," asking for information that would help Mr. LILLEY in proving his charges against Mr. LOUD. Webster gave his own boarding house as the address to which he wished Edinborough to send a reply to Mr. Smith. When Edinborough reached Washington he arranged by telephone to call on Mr. LILLEY in the evening. At that interview he showed Mr. LILLEY the forged letter, which Mr. LILLEY recognized. Edinborough left the letter with Mr. LILLEY, and the latter destroyed it, so that it could not be produced in evidence when called for. The next morning Edinborough swore (p. 709) that he had received no communication of any kind from Washington bearing upon this investigation except the anonymous letter and some newspaper clippings.

This committee can not decide which was the most despicable act, Webster's, in writing the forged letter, Mr. LILLEY's, in destroying it, or Edinborough's, in swearing that he had never received it.

During this testimony Edinborough referred to an anonymous letter, which he delivered to the committee with apparent reluctance. It was written in type on a Postal telegraph blank, and inclosed in an envelope directed to Senator Frank Edinborough, in type, and postmarked Washington, February 15. He received it on the 17th.

Mr. LOUD voted for this \$1,476,296.60 graft in the Naval Committee. There is a story in circulation that the Holland people got a prominent attorney to become a candidate against LOUD last time; that LOUD finally agreed to vote for the submarines upon deal that the attorney withdrew—that the attorney withdrew.

"Subscribe for New York Herald and Washington Post.

"LOUD can be defeated on this proposition alone by you.

"Watch CONGRESSIONAL RECORD.

"Have your local papers play up proposition.

"Have them write LOUD for explanation and whether the withdrawal story is true."

This communication had for the committee a much greater significance than would attach to a mere vulgar, cowardly attack upon a public man. Though written five days before the LILLEY resolution was introduced, it hinted plainly at an investigation. It also contained the mysterious figures \$1,476,296.60 which appeared in the public press the same day it was posted. As these were also the same figures that were used in the resolution (H. Res. 264) introduced by Mr. LILLEY on February 27, a week after he introduced his resolution for an investigation, it was clear that Mr. LILLEY and Edinborough derived their inspiration from a common source. To discover the author of this anonymous communication was therefore to discover the person who had deceived the public and Mr. LILLEY with fictitious figures of alleged excessive profits on the submarines sold to the United States, as well as to unmask the secret enemy who had attacked the honor and good name of Representative LOUD.

On April 3, Mr. Jesse L. Carmichael appeared before the committee and testified that he had received on February 3, 1908, an anonymous typewritten letter mailed at Washington the preceding day, of similar import to the one sent to Edinborough. It is as follows:

"A Congressman does not want to get what happened to Lessler. Here is a big story tip for what it is worth.

"The submarine people brought out a candidate—a prominent lawyer—against LOUD. He withdrew upon agreement of LOUD to vote for submarines.

"Frank Edinborough, Michigan State senator, former secretary to LOUD, knows details."

It seemed to the committee on closely inspecting these two anonymous communications that they were written on the same machine and composed by the same person. One member of the committee, on comparing those letters with numerous communications addressed to the committee over Mr. LILLEY's signature, was impressed by certain similarities in type and style of composition that characterized both sets of documents. The committee then submitted the letters and the typewritten communications which they had received to Mr. David N. Carvalho, of New York, an expert on questioned documents. After a thorough comparison he decided that the two letters and four pages of questions submitted to the committee and signed by Mr. LILLEY were all written on the same Smith Premier typewriter. In this opinion he was confirmed by Mr. William J. Kinsley, of New York, and Mr. Albert S. Osborn, of Rochester, N. Y. It had previously been admitted by Senator Thurston and Neff that the questions signed by Mr. LILLEY were dictated by Mr. Thurston and written by Neff on the Smith Premier typewriter in the office of the Lake Torpedo Boat Company in the Colorado Building. A few days after the conclusion of the experts' testimony the official stenographer of this committee made, in the presence of Neff, copies of the anonymous letters on the same paper as the originals, on the typewriter on which the LILLEY questions had been written.

The next day on the stand Neff conceded that no one could deny that the letters and questions were written on his machine. Suspicion of course rested upon all who used this machine as well as those who dictated to those who used it, including Mr. Simon Lake, Mr. J. C. Lake, Senator Thurston, Neff, Whitney and Webster, who had been helping Neff write out the questions for Mr. LILLEY, and Mr. LILLEY himself. All doubt as to the correctness of the experts' conclusion was removed when Senator Thurston produced before the committee the affidavit of F. B. Whitney, in which he confesses that he wrote letters attacking Representative LOUD, and furnished the fictitious figures to the press that were used by Neff and Mr. LILLEY.



It is characteristic of Mr. LILLEY's attitude toward the House and his colleagues through all these proceedings that when he learned his suspicions of Representative LOUD were groundless and were created by the secret attacks of an unscrupulous schemer, he has never up to the present time expressed his gratification at the removal of the cloud which hung over his colleague, or made to him any apology, or given any expression or manifestation of regret that he should have made an unwarranted attack upon the honor and good name of his fellow-Member.

As the affidavit of Whitney throws light on several subjects involved in this investigation, it is given in full:

"CITY OF WASHINGTON,

"District of Columbia, U. S. A., ss:

"Fred Brown Whitney, being duly sworn, deposes and says: That he is 34 years of age; that he is an attorney at law, a member of the bar of the State of Illinois, of the District of Columbia, and of the United States Supreme Court; that from about 1901 to early in 1904 he was clerk of the Committee on Naval Affairs of the House of Representatives; that shortly thereafter he became second vice-president of the Lake Torpedo Boat Company, of which Mr. Simon Lake was and still is the president, which position he retained until May 19, 1906, when he resigned and left the employ of said company, and has not been connected with or in the employ of said company since; that in December, 1906, he was employed by Mr. Simon Lake to go with him to Europe, but his employment was not on the part of the Lake Torpedo Boat Company, but he was employed to look after matters for Mr. Simon Lake in connection with his submarine construction and other independent affairs in Europe, and that the submarine construction referred to has nothing whatsoever to do with submarine boats; that afterwards he made one trip to the United States, and, returning to Europe, remained there until he arrived in New York with Mr. Simon Lake in the latter part of December, 1907; that he is the vice-president of the Lake Submarine Company, in which Mr. Simon Lake owns a controlling interest, which is an entirely independent company, not engaged in submarine torpedo-boat construction, but was organized to engage in commercial and other enterprises connected with matters other than submarine torpedo construction; that soon after his return to the United States in December, 1907, he reoccupied his own office in the Munsey Building, in the city of Washington, but, having no typewriter in his office, he did from time to time and for his own convenience, and by the courtesy of A. R. Neff, go to the office of the Lake Torpedo Boat Company, in the Colorado Building, in the city of Washington, to use one of the typewriters therein in the prosecution of his own work.

"That having been associated in an official way with the Lake Torpedo Boat Company, and then being associated with Mr. Simon Lake in the business affairs of the Lake Submarine Company, he naturally took a deep personal interest in the efforts being made by the Lake Torpedo Boat Company and by Mr. Simon Lake to secure from the Navy Department a contract for the construction of a submarine, and also in the efforts which he understood were being made to secure, if possible, from Congress such legislation as would leave the disposition of any appropriation made for submarines to be expended under the discretion of the Secretary of the Navy without legislative restrictions that would prohibit the Lake Torpedo Boat Company from competing with the Electric Boat Company for submarine construction.

"That of his own initiative he undertook what appeared to him at the time to be not improper methods to have brought to the attention of Congress the methods which he had believed had been pursued by the Electric Boat Company in their endeavor to secure through Congressional action what might be termed exclusive legislation, which would shut out competition and prevent the Lake Torpedo Boat Company from competing in the United States for submarine torpedo-boat construction.

"That for the reasons last stated he did, on or about the 12th day of February, write the following undated and unsigned communication on a sheet of the New Willard Hotel note paper:

"For Mr. CARMICHAEL:

"A Congressman does not want to get what happened to Lessler, but here is a big story tip for what it is worth.

"The submarine people brought out a candidate, a prominent lawyer, against Loud. He withdrew upon agreement of Loud to vote for submarines.

"Frank Edinborough, Michigan State senator, formerly secretary to Loud, knows details."

"That he inclosed said communication in an envelope of the New Willard Hotel stationery and directed it, in typewriting, as follows: 'Detroit Free Press, Washington, D. C.' That he mailed said communication so directed at Washington on said 12th day of February, 1908.

"That on or about the 15th day of February, 1908, deponent wrote upon a Postal Telegraph blank the following undated and unsigned communication:

"LOUD voted for this \$1,476,296.60 graft, in the Naval Committee. There is a story in circulation that the Holland people got a prominent attorney to become a candidate against LOUD last time; that LOUD finally agreed to vote for the submarines upon deal that the attorney withdrew. The attorney withdrew.

"Subscribe for New York Herald and Washington Post.

"LOUD can be defeated on this proposition alone by you.

"Watch CONGRESSIONAL RECORD.

"Have your local papers play up proposition.

"Have them write LOUD for explanation and whether the withdrawal story is true."

"That he inclosed said communication in a blank envelope and directed it, in typewriting, as follows: 'Senator Frank Edinborough, Bay City, Mich.' and mailed it in Washington on said 15th day of February, 1908.

"That said communications and the addresses on said envelopes were written by deponent upon the Smith-Premier typewriter in the office of the Lake Torpedo Boat Company, in room 606, in the Colorado Building, in the city of Washington.

"That on or about the 13th day of February, 1908, said deponent sent for a representative of a New York daily paper three or more typewritten sheets, containing among other statements the following paragraphs:

"It is our unanimous opinion that it is best to have the full quotations sent you printed, so that our friends can use naval opinions with Members as from newspaper authority.

"Memorandum showing lack of economy in submarine at proposed cost of \$1,476,296.60 more than contractor testified they were worth.

"The committee thinks it necessary to get prominent officers' ideas and opinions before public, so that other newspapers will start editorial discussion of the problem that is far more serious than surface indications tell."

"That said typewritten statements were prepared by deponent and were written in part upon said Smith-Premier typewriter in the office aforesaid of the said Lake Torpedo Boat Company and in part upon the L. C. Smith typewriter in said office.

"That said deponent sent said communications and said statements to said newspapers, believing that Representative LOUD had voted for an exclusive appropriation for submarines of a certain type, but that he subsequently learned that Representative LOUD voted by letter for submarines without conditions, and he deeply regrets the wrong and injustice so done by him to Representative LOUD, who was innocent of all suspicions entertained by deponent concerning him.

"The deponent further says that neither Mr. Simon Lake nor counsel for the Lake Torpedo Boat Company knew that he had written any of said communications and that he had been endeavoring in that way to bring out facts connected with submarine-boat legislation until within a few days last past, and after the experts employed by the investigating committee of the House had testified as to the fact that the said first two communications had been written on the Smith-Premier typewriter in the said office of the Lake Torpedo Boat Company.

"Deponent says that when he sent said anonymous communications he had good reason to believe that a resolution would be introduced in the House of Representatives for an investigation of the methods of the Electric Boat Company and its predecessor, the Holland Boat Company.

"Deponent further says that he did send newspaper clippings to some members of the Naval Committee, and may have sent to Representative LILLEY, before the 20th day of February, 1908; that he had sent said communications, including the figures of alleged excessive cost of submarines, to wit, \$1,476,296.60, which deponent attempted to compile from the testimony of Admiral Bowles given before the Naval Committee of the House of Representatives in 1902.

"Deponent further says that he has no personal knowledge from which he could give any evidence to sustain any of the charges of Representative LILLEY. I think that in the sessions of Naval Committee of 1906 Mr. LILLEY voted against the Lake Boat Company.

"Deponent further says that this affidavit is made at his own suggestion and of his own free will and accord, to be used as evidence by said investigating committee and spread upon its record, and is made by said deponent solely because he is ill and unable to appear before said committee pursuant of the subpoena directed to and served upon him pursuant to the order of said committee.

"And further deponent said not."

"Forty words interlined and forty-four words erased before signing. "FRED BROWN WHITNEY.

"Subscribed and sworn to before me at Washington aforesaid, on the 30th day of April, 1908.

"[NOTARIAL SEAL.]

WM. B. MATTHEWS, Jr.,

"Notary Public.

"Commission expires March 22, 1910.

"Witnesses to the signature of Fred Brown Whitney:

"WAYNE F. COWAN, M. D.

"CHARLES WHITNEY."

THE PRODUCTION OF BOOKS AND PAPERS.

The power of a select committee of one House of Congress to compel the testimony of witnesses and the production of books and papers can not, of course, rise higher than the authority of the House itself, and that power must be found in the Constitution, either in express terms or by necessary implication.

"Neither House of Congress was constituted a part of any court of general jurisdiction, nor has it any history to which the exercise of such power can be traced. Its power must be sought alone in some express grant in the Constitution or be found necessary to carry into effect such powers as are there granted. (Kilbourn v. Thompson, 103 U. S., 168-169.)"

The right to exercise the power in question and to punish for contempt is limited to very few cases. Each House, acting separately, is by the Constitution expressly authorized to be the judge of the elections, returns, and qualifications of its own Members, to compel their attendance, in such manner and under such penalties as it may provide, to determine the rules of its proceedings, to punish its Members for disorderly behavior, and, by a two-thirds vote, to expel a Member. Each House is also vested with certain power and authority in impeachment proceedings.

After enumerating these powers, Mr. Justice Miller, delivering the unanimous opinion of the Supreme Court of the United States, in Kilbourn v. Thompson, *supra*, said:

"Whether the power of punishment in either House by fine or imprisonment goes beyond this or not, we are sure that no person can be punished for contumacy as a witness before either House, unless his testimony is required in the matter into which that House has jurisdiction to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizen."

It having been alleged that J. Cooke & Co., debtors of the United States, were interested in a so-called "real-estate pool" in Washington, a select committee of investigation was appointed, and later a subpoena duces tecum issued to Mr. Hallet Kilbourn requiring him to produce certain deeds, declarations of trust, printed papers, copies, drafts, vouchers, bank books, bank checks, stubs of checks, ledgers, blotters, daybooks, etc., that can or may afford any information or evidence relating to the said matters to be inquired of by said committee, belonging to you or subject to your control, either individually or as trustee, or as a member of the firm of Kilbourn & Latta."

Mr. Kilbourn having refused compliance the matter eventually reached the Supreme Court, where it was, as stated in the syllabus, decided that—

"There existed no power of Congress, or in either House thereof, on the allegation that an insolvent debtor of the United States was interested in a private business partnership, to investigate the affairs of that partnership, and consequently no authority to compel a witness to testify on the subject."

In the course of his opinion Mr. Justice Miller said (p. 195): "What was this committee charged to do? To inquire into the nature and history of the real-estate pool. How indefinite. What was the real-estate pool? Is it charged with any crime or offense? If so,

the courts alone can punish the members of it. Is it charged with a fraud against the Government? Here, again, the courts, and they alone, can afford a remedy."

And again (p. 196):

We are of opinion, for these reasons, that the resolution of the House of Representatives authorizing the investigation was in excess of the powers conferred on that body by the Constitution; that the committee, therefore, had no lawful authority to require Kilbourn to testify as a witness beyond what he voluntarily chose to tell; that the orders and resolutions of the House and the warrant of the Speaker under which Kilbourn was imprisoned are, in like manner, void for want of jurisdiction in that body, and that his imprisonment was without any lawful authority."

Under this ruling it is very clear that had a committee been appointed under House resolution No. 255, introduced by Mr. LILLEY, it would have been powerless. No witness could have been compelled to answer a single question or produce a paper, save by his own voluntary act. The resolution charged nothing, but proposed merely the appointment of a special committee "to investigate the conduct of the Electric Boat Company of New Jersey and their predecessor, the Holland Boat Company, respecting the methods employed by said companies in connection with past or proposed legislation before Congress." There was not even an allegation that there had been any conduct, and certainly none that it had been improper, and there was no reference whatever to the conduct of Members of the House with regard to legislation. Such an investigation would therefore have been entirely outside of and beyond the jurisdiction of the House itself, and, of course, beyond that of any committee of the House.

But, by newspaper interview and in his statement before the Committee on Rules, Mr. LILLEY did make very serious charges which led the Committee on Rules to bring forth a resolution of their own, No. 288, which, having been passed by the House, is the one under which this committee is now proceeding. That resolution sets forth the charges by Mr. LILLEY that the companies named "have been engaged in efforts to exert corrupting influence on certain Members of Congress in their legislative capacity and have, in fact, exerted such corrupting influence." The resolution charges this committee "to investigate the charges made by said General L. L. LILLEY of corrupt practices on the part of said companies and Members of Congress with respect to legislation."

The investigation of alleged corrupt conduct on the part of Members of the House in respect to legislation was clearly within the power of the House, and it is probable that the conduct of a private corporation in its dealings with Members of Congress in respect to legislation may also be the subject of investigation, under certain circumstances, or at least may be considered in an investigation of the conduct of Members themselves. Be that as it may, this appears to be the first case in which either branch of Congress has attempted by resolution specifically to investigate the affairs of a private corporation.

Representative LILLEY having demanded that subpoena duces tecum be issued to the officers of the Electric Boat Company, such subpoenas were made out in blank and delivered to him to be filled out as he thought proper to accomplish the desired purpose. They were made out, as it subsequently appeared, by the counsel of the Lake Torpedo Boat Company and are, in terms, very sweeping. The one served upon Mr. Isaac L. Rice, president of the Electric Boat Company, reads as follows:

"The said Isaac L. Rice to bring with him all books of accounts, showing payments made to attorneys and employees for work performed or to be performed at Washington or in any Congressional district of the United States. Also all vouchers covering expenses of that character. Also all checks, check books, check stubs, showing all such checks issued for such employment. Also all vouchers and memoranda showing payments to Elihu B. Frost for expenses of every kind and character at Washington or elsewhere in promoting the interests of legislative enactments of appropriation and for the procurement of contracts. All books, records, vouchers, checks or check stubs, drafts, or other evidences of any money contributed by Isaac L. Rice personally to the campaign fund of any political party in the United States. Also certified list of all stockholders of the Electric Boat Company at the present time. Also certified list of all stockholders of the Lake Torpedo Boat Company, as well as those who have ever at any time owned or held stock of either of those companies."

The others may not be considered, as Mr. Rice gathered the books of the company together in his own control and came to Washington. He did not refuse to produce them before the committee, but by such able counsel as Martin W. Littleton, esq., and John D. Lindsay, esq., presented argument in support of the proposition that the committee ought not to insist upon their production, no ground having been laid and neither the committee nor the House itself having authority to investigate the purely private books and papers of a private corporation in the absence of positive evidence that they contained anything relating to the conduct of Members, but, on the contrary, in the face of positive evidence that they did not.

It must be conceded that in any event the subpoena is altogether too broad. The evidence shows that the company operates several manufacturing plants and has several hundred employees. The demand to produce the books and documents showing payments to them "for work performed, or to be performed, in Washington or in any Congressional district of the United States" would include the services of attorneys in the trial of litigation and of mechanics engaged in boat building anywhere in the United States, all of which is clearly beyond the scope of this inquiry, and equally beyond the power of the House itself.

In other particulars the subpoena is too broad. What has this House or this committee to do with "the procurement of contracts," unless in some way the conduct of Members in regard to legislation is involved? It is true that a new subpoena might be issued or this one, limited in scope so as to call only for books, check stubs, vouchers, etc., showing payments to campaign funds for the election or defeat of Members of Congress, conditioned upon their agreement to vote for certain legislation, but all through the most thorough and exhaustive examination each and every one of the officers, agents, and attorneys of the company have sworn that there are no such books and papers to be produced because there were no such payments.

The question is whether, in the face of such positive and uncontradicted testimony, and in the absence of any specific charge pertaining to any particular year, or any particular Congress, or any particular Congressional district, or any particular campaign fund of any particular party, but merely upon indefinite and general charges shown to have been based entirely upon rumor, the committee is authorized to examine books, papers, and accounts relating to the private affairs of this private corporation merely for the purpose of determining whether or not in their testimony the officers have lied. If they have told the truth, there is nothing in their books and papers into which this committee or the House itself has authority to inquire.

In 1864, there having been made charges of corruption in the Senate in connection with the passage of the sugar schedule in the tariff bill, that body passed a resolution under which a select committee was appointed for the purpose of investigating and reporting, *inter alia*, "whether a Senator has been or is speculating in what is known as 'sugar stocks' during the consideration of the tariff bill now before the Senate." Mr. Elverson R. Chapman, a member of a firm of stock brokers in New York, dealing in the stock of the American Sugar Refining Company, was asked whether his firm had, during certain months, bought or sold any sugar stocks for or in the interest of any United States Senator, and whether the said firm was at that time carrying any sugar stock for the benefit of any United States Senator. Mr. Chapman refused to answer either one way or the other. His refusal was certified to the district attorney of the District of Columbia under section 102 of the Revised Statutes, and he was thereupon indicted. Chief Justice Alvey, of the court of appeals of the District of Columbia, in a very elaborate opinion, reported in Senate Miscellaneous Document No. 278, page 822, sustained the indictment, holding that the case was entirely different from Kilbourn's case, and that the inquiry was within the power of the Senate and the question pertinent to the inquiry. The case finally reached the Supreme Court, where the unanimous opinion of that body was delivered by Chief Justice Fuller. After commenting upon the Kilbourn case and declaring the case at bar to be entirely different, because specific charges publicly made against Senators had been brought to the attention of the Senate, and that the subject-matter as affecting the Senate was within the jurisdiction of the Senate, he said:

"The questions were undoubtedly pertinent to the subject-matter of the inquiry. The resolutions directed the committee to inquire 'whether any Senator has been or is speculating in what are known as sugar stocks during the consideration of the tariff bill now before the Senate.' What the Senate might or might not do upon the facts when ascertained we can not say, nor are we called upon to inquire whether such ventures might be defensible, as contended in argument, but it is plain that negative answers would have cleared that body of what the Senate regarded as offensive imputations, while affirmative answers might have led to further action on the part of the Senate within its constitutional powers."

Suppose, however, that Mr. Chapman, instead of standing mute, had answered and sworn positively that no Senator had at any time been speculating in stock through the medium of his firm; that he was not carrying any and not at any time carried any stock for any Senator; then the case of Chapman would have been like the present case of Rice, except that in the Chapman case there were specific and positive charges, while in the present case there is neither evidence nor specific charge. Had Mr. Chapman answered "no," would then the Senate have been justified in examining his books to ascertain whether or not he had lied? Such answer, it would seem, would have brought him within the ruling in Kilbourn's case and protected the private books and papers of his firm from examination.

The requirement of the books and papers seems to have been desired chiefly to prove payments to campaign funds. Prior to the passage of the act of 1907 there was no Federal law making such contributions illegal. That act makes it an offense to contribute to political funds for the election or defeat of Congressmen, and makes it an offense punishable, not by the House, but through the instrumentality of the proper court. It is conceivable, however, that in a proper case where there was a specific allegation that such contribution had affected the conduct of a Member of the House, testimony as to such contribution by a corporation might properly be demanded by the House, not for the punishment of the corporation, but as a basis of proper action against the Member. In this case there is no allegation that any Member has been corrupted, and there is positive evidence that no contribution whatever has been made, and that there are no books showing any payment of any character having a tendency to affect legislation.

Furthermore, the subpoena, like the charges of Mr. LILLEY, has no relation to any particular date or dates, but covers all time from the incorporation of the company to the present moment. There is no allegation anywhere that any candidate for a seat in the present House was either elected or defeated by the use of campaign funds contributed by this corporation. It may well be asked, What jurisdiction has this present House to inquire into allegations against Members of any preceding House? In 1875 the Committee on the Judiciary, in a report submitted by Mr. William F. Lynde, of Wisconsin, declared that—

"The committee are of the opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is purely a legislative body and is entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes 'each House to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.' This power is evidently given to enable each House to exercise its constitutional function of legislation unobstructed. It can not vest in Congress a jurisdiction to try a Member for an offense committed before his election; for such offense a Member, like any other citizen, is amenable to the courts alone. Within four years after the adoption of the first ten amendments to the Constitution Humphrey Marshall, a Senator of the United States from Kentucky, was charged by the legislature of his State with the crime of perjury, and the memorial was transmitted by the governor to the Senate for its action. The committee to whom it was referred reported against the jurisdiction of the Senate."

In *Hale v. Henkel* (201 U. S., p. 43) the United States Supreme Court decided, as stated, that—

"A corporation is but an association of individuals with a distinct name and legal entity, and an organization itself as a collective body it waives no appropriate constitutional immunities, and although it can not refuse to produce its books and papers, it is entitled to immunity under the fourth amendment against unreasonable searches and seizures, and where an examination of its books is not authorized by an act of Congress a subpoena duces tecum requiring the production of practically all of its books and papers is as indefensible as a search warrant would be if couched in similar terms."

Subpoena duces tecum were, at the instance of this committee, served upon Mr. Simon Lake, president, and other officers of the Lake Torpedo Boat Company, who thereupon placed themselves in the same position as the officers of the Electric Boat Company. Their counsel, who had prepared the subpoena duces tecum under which the Electric Boat Company's officers were required to produce their books and papers, now took the position that they could not be required to do so. He stated to the committee that he adopted the argument of counsel for the Electric Boat Company and considered it sound.

The fact that the Lake Company is not mentioned in the resolution of the House, under which this committee was appointed, does not



affect the liability of its officers to testify and produce the books and papers of the corporation in the investigation of charges of corrupt conduct on the part of Members of the House. There is fully as much, if not more, reason to infer from the facts appearing upon the record in this case that the books of the Lake Company would show payments for the influencing of legislation as there is that the books of the Electric Boat Company should so show, but there is no positive, direct, specific, or tangible charge against either, and the officers of both companies have positively testified that they have made no such payments and consequently can not produce any books or papers showing such payment, because having been no such payments there can be no such books and papers.

Many authorities might be cited in addition to those herein mentioned, but they are sufficient to convince us that under all the facts of this case if we were to persist in our demands and positive refusals to comply being made the House should certify the fact to the district attorney of the District of Columbia under the law, the courts would not sustain an indictment against the officers of these corporations for failure to produce their books and papers.

It is perhaps not strange that the Electric Boat Company objected to the examination of its private books, papers, and accounts at the behest and upon subpoena prepared by its bitter rival, the Lake Torpedo Boat Company. Neither is it strange that the latter did object to an examination of its books, papers, and accounts which might result in disclosing the secrets of its private business to the public. But your committee was somewhat surprised when Mr. LILLEY, having demanded and insisted upon the production and examination of the books, papers, and accounts of others, should be the first to object to the authority of the committee to compel the production. This committee is charged with the investigation of the conduct of Members with reference to legislation. The adoption of the resolution itself, under which we are proceeding, was, in a sense, legislation. The passage of the naval appropriation bill was, of course, an act of legislation.

The pending inquiry of this committee touches legislation. It seems, therefore, to us that the conduct of Mr. LILLEY relating to these matters might be proper for investigation, and that he of all persons insisting upon an investigation into the acts of others should not seek immunity at his own. It appearing that he had been in correspondence with some officials of the Lake Torpedo Boat Company touching the matter, and that the company had inaugurated a "propaganda" to influence Members, we desired that correspondence or copies thereof. A newspaper published in his home town, and in which he or members of his family are financially interested, published articles making very serious charges against Members of the House in matters affecting or likely to affect legislation. It appeared in evidence that that newspaper had no Washington correspondent and that Mr. LILLEY had addressed at least one letter to the editor thereof. We desired a copy of that letter and of any other letter or letters which might have been written by him tending to shape the course of that newspaper in regard to Members of this House.

It developed also in evidence that a letter signed with his name, severely criticising and unjustly aspersing Members of the House, had been published in a newspaper, and that he, knowing such publication, had not disavowed the genuineness of the letter. After it had been in print for some thirty days he was asked concerning it and testified that it had been written by his secretary without his knowledge. His secretary testified that he had written the letter and had signed Mr. LILLEY's name thereto in accurate imitation of Mr. LILLEY's signature. He also admitted that he had written and signed Mr. LILLEY's name in a similar manner to twelve or fifteen other letters commenting upon and criticising this inquiry. A copy of the one letter which was published was produced from Mr. LILLEY's letter-press book. We desired copies of the others. If they were not written by Mr. LILLEY, and his name was affixed to them without his knowledge, we did not see that they constituted such private correspondence as to be immune from investigation. Instead of producing them, however, he, through his counsel, Senator Brown, made the very first argument against the authority of this committee.

Among other propositions he asserted that having used Mr. LILLEY as a witness it was not competent for the committee to attempt to impair his testimony, as upon cross-examination, by the production of his books and papers. If that argument of Mr. LILLEY's counsel is valid, it affords a clear defense for the officers of the two boat companies, the only purpose of the investigation of whose books could be to contradict their oral testimony.

We are not convinced by the arguments of Mr. LILLEY's counsel that Mr. LILLEY having waived the privileges of the fifth amendment to the Constitution, the compelling of the production of the documents above indicated would be so unreasonable as to violate either the letter or the spirit of the fourth amendment.

The committee suspended all further action with reference to the demand for these documents on account of Mr. LILLEY's health, which prevented his further attendance or examination before your committee.

#### CONCLUSIONS OF THE COMMITTEE.

The hearings before this committee began on March 9 and closed on April 30. Testimony was taken in Washington, New York, and New Orleans. The evidence, which is hereby submitted as part of this report, covers 2,000 pages. Many points of law and methods of procedure were subjects of difference of opinion among the members of the committee, but, after discussion and reflection, every step taken, every opinion rendered, and every decision made was the unanimous act of the committee.

After a careful examination and analysis of all the evidence and an exhaustive review of all the legal and parliamentary decisions bearing upon the questions involved, your committee unanimously find and report:

First. That House resolution 255, introduced by Mr. LILLEY, was an impotent resolution, and no evidence could have been compelled thereunder, and that this investigation required the adoption of House resolution 258 of the Committee on Rules, under which the inquiry has proceeded.

Second. That Mr. LILLEY's resolution was not introduced in good faith.

Third. That Mr. LILLEY had no information to justify his charges made before the Committee on Rules.

Fourth. That Mr. LILLEY acted in bad faith in making his charges before the Committee on Rules.

Fifth. That Mr. LILLEY acted in bad faith in stating before this committee that he had made no charge reflecting upon Members of the House before the Committee on Rules.

Sixth. That Mr. LILLEY allowed himself to be used as an instrument of the Lake Torpedo Boat Company in its rivalry and attack upon a competing company.

Seventh. That Mr. LILLEY's real object in introducing his resolution and making his charges was the same as the purpose of the "propaganda" of the Lake Torpedo Boat Company, namely, the defeat of the clause in the Naval Committee's bill relating to submarines.

Eighth. That Mr. LILLEY acted in bad faith in concealing from your committee the real parties in interest who were behind this investigation and furnishing him with information and evidence.

Ninth. That the charge that the four battle-ship proposition was defeated by the adoption of the submarine clause in the Naval Committee's bill was false; that Mr. LILLEY, as a member of the Naval Committee, knew that the charge was false, and that he refused to maintain the charge before this committee.

Tenth. That Representative LOUD was made the object of anonymous charges that were without any foundation in fact.

Eleventh. That Mr. LILLEY violated his obligation as a Member of this House in formulating and urging before this committee the groundless charges against Representative LOUD.

[Applause.]

Twelfth. That Mr. LILLEY acted in contempt of this House in destroying the forged letter from Webster to Edinburgh instead of delivering it to this committee.

Thirteenth. That Mr. LILLEY violated his obligations as a Member of this House in permitting his clerk to send out letters in Mr. LILLEY's name reflecting upon the honor and integrity of Members of this House.

Fourteenth. That Mr. LILLEY acted in contempt of this House in not disavowing openly upon the floor of the House the letter to Goff, published over his signature, reflecting upon the honor and integrity of Members of this House.

Fifteenth. That no official of the Navy has been induced by the officers of the Electric Boat Company, or anyone else, to act in his official capacity from corrupt or improper motives.

Sixteenth. That Mr. LILLEY's charge of excessive profits in the submarine contracts was based on fictitious figures, composed by an agent of the Lake Torpedo Boat Company by a perversion of the testimony of Admiral Bowles in 1902.

Seventeenth. That the charge that an excessive profit in the submarine contracts was due to special and exclusive legislation in favor of one company was false, and Mr. LILLEY knew that the charge was false when he made it.

Eighteenth. That no representatives of the press have been bribed or corrupted by the Electric Boat Company.

Nineteenth. That no member of the Committee on Naval Affairs has been induced by the officers of the Electric Boat Company or anyone else to act in his official capacity from corrupt or improper motives.

Twentieth. That no Member of this House has been induced by the officers of the Electric Boat Company or anyone else to act in his official capacity from corrupt or improper motives.

Twenty-first. That the only two attorneys employed by the Electric Boat Company in the districts of members of the Naval Committee, and remote from the business of said company, did not exercise a corrupting influence upon either Mr. LILLEY or Mr. LOUD, in whose districts they lived.

Twenty-second. That no campaign or other contributions were made by the Electric Boat Company to any Member of this House or to any campaign committee or fund of any political party.

Twenty-third. That Mr. LILLEY has sworn repeatedly, including his last appearance before this committee, that he had no further suggestions, facts, or sources of information, and that he had withheld from the committee nothing that would tend to sustain his charges.

HENRY SHERMAN BOUTELL,  
FREDERICK C. STEVENS,  
MARLIN E. OLINSTEAD,  
WILLIAM M. HOWARD,  
R. F. BROUSSARD.

Mr. PAYNE. Mr. Speaker, I offer the following resolution and move its adoption.

The Clerk read as follows:

*Resolved*, That the report of the select committee appointed under House resolution 288 to investigate charges made by GEORGE L. LILLEY, a Representative of the State of Connecticut, is hereby approved, and the conclusions of said committee are hereby adopted as the conclusions of the House of Representatives of the Congress of the United States, and that the said committee be discharged from further consideration of said charges.

Mr. PAYNE. Mr. Speaker, I now yield ten minutes to the gentleman from Connecticut [Mr. HIGGINS].

Mr. HIGGINS. Mr. Speaker, the Connecticut delegation, after conferring with each other and having been in telegraphic communication with Mr. LILLEY, do not propose to actively oppose the adoption of this report. The Connecticut delegation, however, will vote against its adoption. A service in this body in two Congresses has impressed at least one fact upon my mind, and that is the integrity of this House. In a service upon its committees and in attendance upon its sessions here I have been impressed with the fact that this House is above venal and improper influences, and it would take very positive and direct evidence for me to change that opinion.

I shall vote against adopting this report which has just been read, as will my colleagues from Connecticut. This, however, is not to be taken in any sense as disagreeing to the findings of this special committee, so far as the tenth paragraph and its conclusions are concerned. I do not in any sense wish to dissent from that part of its conclusions, so far as it affects the gentleman from Michigan [Mr. LOUD]. I am free to say, and it is but due me to say, that I freely here and now express my confidence in him as an able, honest, and just legislator, free from any suspicion of corruption, and I know that that is his reputation among his colleagues and Representatives, justly

one which he may be well jealous of and anxious to see sustained and preserved. [Applause.]

Membership in this body carries obligations, not only to one's constituency and to the country, but to this body itself. I do not want to penalize an honest effort to get at any and all facts that may show either a conspiracy on the part of anyone outside or inside of this House to secure any advantage by questionable and improper motives seeking to influence the judgment and action of this House.

The charge has been made by my colleague that one the Electric Boat Company has received contracts from the Government for the construction of submarines, and has contracts now, and has been engaged in efforts to exert corrupting influences on the Members of this House. This was substantially the subject-matter of the investigation. My colleague honestly believed, as shown upon the record made up in the case and now before us, that it was his duty to bring about this investigation. I sincerely regret that on account of his physical condition he can not be present during the consideration of the motion to adopt this report. Upon the advice of his physician he has left the city to recover his health, broken as it has been by the demands of this investigation.

Those who know my colleague can not accept the findings of this committee that he was either guilty of bad faith, willfully and knowingly made any misstatements intended to deceive, or that he had any other than a proper and absolutely right motive in attempting to reach the ultimate truth of the subject-matter of this investigation. Certain facts were within the personal knowledge of the gentleman who brought about this investigation. The resolution under which the committee acted stated that these charges were preferred upon his responsibility as a Representative. The responsibility was surely upon my colleague, having been the mover of the resolution, but it is equally true that this responsibility shifted from him to this special committee when he indicated, as he did, how he wanted witnesses called and was prepared to furnish able counsel at his own expense to direct the presentation of the facts as he believed them capable of proof.

There can be no doubt of the right of the committee and its power to conduct the investigation in such manner as to them seemed fit. After the refusal of the committee to accept my colleague's suggestions as to the method of conducting the investigation, how and when witnesses should be called, then the committee relieved, it seems to me, Mr. LILLEY of further responsibility and assumed it themselves. The record discloses that the issue was clouded with much that is immaterial and irrelevant. The committee was appointed to investigate a certain corporation and its relation to legislation. Still, sixteen of the twenty-three conclusions of the committee are devoted to the mover of the resolution, and I for one can not accept those conclusions as true. It is not fair to construe technical and parliamentary defects as evidence of bad faith. My candid judgment, based upon a long acquaintance with my colleague, is that this report does not represent his attitude toward this subject-matter or the House. [Applause.]

Mr. PAYNE. Mr. Speaker, I yield one minute to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Speaker, by telegraphic request of my colleague, Mr. LILLEY, not to antagonize the report of the committee, I refrain from so doing, but I feel it my duty to express my confidence in his integrity and sincerity of purpose, and shall vote "no" on this resolution. [Applause.]

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I do not rise to do more than to explain why I can not vote for this motion. I do not attack the great committee that has made this report. I do not undertake to say whether all its findings are justified or not. I have not read or heard even the whole of the report. I have read substantially nothing from the above 1,800 printed pages of testimony, but I am not prepared to condemn anybody by my vote when I am not fully advised. The report, so far as I have examined it, is a brief against Mr. LILLEY, first, because he made the charges; second, because he was a witness, and the findings are substantially all against him and not against or in favor particularly of anybody that was charged with something in his resolution.

The matter referred to this committee had no relation to charges against Mr. LILLEY, and the result of the findings are all against him. I read from the first page of the report, being a portion of the resolution authorizing the Speaker to appoint the investigating committee:

*Resolved, That a committee of five members be appointed to investigate the charges made by the said George L. LILLEY of corrupt practices on the part of said company and Members of Congress with respect to legislation, and that said committee shall have authority to send for persons and to take testimony, etc.*

The findings are many in number and are not confined in any sense to the resolution or the charges the committee was appointed to investigate, but are findings against Mr. LILLEY as the man who made the charges, and who was only a witness. In so far, Mr. Speaker, as it was necessary to weigh the effect of any testimony, whatever it was, of Mr. LILLEY, the committee had a right to comment upon his conduct, but when that was through, it could only be done for the purpose of showing its bearings upon the real charges referred to the committee, unless it found him guilty as a Member of this House "of corrupt practices," and I can not vote for the motion for the reason that it had no jurisdiction to investigate him or his motives otherwise than I have just stated. We are not called on here to do anything with reference to Mr. LILLEY, and if he has been guilty—and he may have been, so far as I know, for I am not familiar enough with the testimony to pass upon the question and must accept, in a large sense, the report of the committee—if he has been guilty of anything, let him be charged with it and investigated, and let him be heard. I know of no man so humble in life in this country that he is not entitled to a hearing before being condemned. [Applause.]

Mr. PAYNE. Mr. Speaker, no one else has asked me for any time. I do not know whether any gentleman desires any time. If not, I have but one word to say. Mr. Speaker, I have kept in touch with the evidence as it was taken by the committee, from the copies that were sent to me from time to time. I read carefully this report before it was brought into the House, and I think the committee was justified in making the able report they have made and in drawing the conclusions they have drawn from that report. Therefore I offer this resolution, and I now move the previous question upon its adoption.

Mr. WILLIAMS. Mr. Speaker, before the gentleman moves the previous question I will ask him to yield to me for a little while.

Mr. PAYNE. I withhold the motion, and will yield to the gentleman from Mississippi, Mr. Speaker.

Mr. HOBSON. Mr. Speaker, I will ask the gentleman to yield two minutes to me.

Mr. WILLIAMS. Mr. Speaker, before the gentleman yields to me, I would ask him to yield to the gentleman from Alabama.

Mr. PAYNE. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I expect to vote against the resolution. I shall not attempt to enter into any discussion of the subject, but desire simply to read the following from the testimony taken before the committee and bearing upon the investigation. I read from the testimony of Mr. Lawrence Spear, contained on page 237 of the hearings. Mr. Spear is the vice-president of the Electric Boat Company:

Q. Would you say, then, that Representative Honson, when he voted on the Naval Committee for eight boats, that that action of his could be referred by any fair means to his interest in or relation to you, or as the result of any possible solicitation from you to him, or any promise from you to him of any benefit?—A. Certainly not, sir; certainly not.

Q. In view of the conflict between you, his testimony contrasted with yours on the matter of your interview on the subject, I will ask you if you and Representative Honson entered the Naval Academy in the same year?—A. No, sir; I entered the year after.

Q. You were then three years together?—A. We then were there three years together.

Q. And were in the same corps?—A. In the same corps afterwards.

Q. Both naval constructors?—A. We were, sir.

Q. Can you tell me the year he went out of the service of the United States?—A. It must have been 1902 or 1903.

Q. Can you tell me the year you went out?—A. 1902, sir.

Q. He quit the active service of the Navy and particularly the branch of naval construction to go into private life?—A. Yes, sir.

Q. For his private business?—A. Yes, sir.

Q. And you quit the active service of the Navy, the construction department, to go into private life, your private business?—A. Yes, sir.

Q. Did you derive from your careers in this time any reason for supposing that either of you have an advantage of the other for credibility?

Mr. Speaker, a credible witness testified to the accuracy of my statements as against those of Mr. Spear, though a member of the court in these questions parallels our credibility.

That is all, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I now yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, this is, or is supposed to be, a free Government controlled and administered by the "representatives of the people." The representatives of the people are as a rule tolerably fair representatives of the people who send them here. If they are not, it is the fault of the people who send them here. If there is any breakdown in representative institutions, it is because the people themselves are incapable of self-government. If so, they are incapable of selecting wise, intelligent, and honest representatives. If so, they are likewise incapable of governing themselves wisely, honestly, and intelligently. The very worst form of treason to a Government like ours consists in corrupt practices upon the part of representatives of the people. Any man upon this floor who is



guilty of corrupt practices, or would be, is an enemy to the American people themselves; not only an enemy, but a traitor to the American people. He is not a gentleman, because no gentleman betrays a trust. The very next worst possible form of treason to the American people is to stigmatize as being guilty of corrupt practices fellow-representatives of the people who are not guilty of them. [Applause.] I have no hesitancy in saying that any man who wantonly and without due cause—at least probable cause—accuses an elected representative of the people of the very highest possible form of treason under a free Government, to wit, corrupt practice, is himself so guilty that he ought not to be a member of this body, and this body ought to be purged of his association—unless he shows a reasonable ground for his charge.

Mr. HIGGINS. Mr. Speaker—

Mr. WILLIAMS. Now, Mr. Speaker, this committee—I will yield in a minute—

The SPEAKER. Does the gentleman yield to the gentleman from Connecticut?

Mr. WILLIAMS. I will in a second. This committee has brought in a resolution. The friends of the gentleman from Connecticut [Mr. LILLEY] who has been treated so leniently by the committee do not seem to appreciate the leniency of the committee. They do not seem to appreciate the fact that one of two things is true—and I quote the language of the gentleman from Ohio [Mr. KEFFER] in reading the resolution containing the charge of the gentleman from Connecticut [Mr. LILLEY]—"corrupt practices of Members." Either the charge of "corrupt practices upon the part of Members," as made by the gentleman from Connecticut [Mr. LILLEY] is true or else upon the other ground the charge itself was absolutely false, wanton, and unprovoked. If the charge had been proven against a single Member of this House he ought to have been expelled from this body, and any Member who will make an unproven charge of this sort against a fellow Member ought to be expelled from this body [applause], unless he had a reasonable right to make it and probable cause to make it and shows his cause. In that event, he ought to be honored as a very hero in the front of American life. Gentlemen who are defending the gentleman from Connecticut do not seem to appreciate the leniency of the select committee of the House.

I presume that the reason why the committee did not recommend the expulsion of the gentleman from Connecticut [Mr. LILLEY] is because he is, or is reported to be, sick and absent. On that account I had not proposed to say a word. No man ought to be arraigned and visited with a heavy penalty in his absence and without opportunity to be heard here. [Applause.] I suppose that was the reason why the committee did not make this recommendation and carry out to its logical conclusion the finding of facts in this case, a charge clearly made of corrupt practices upon the part of fellow Members, and equally clearly not supported. Mr. Speaker, I am tired of the degradation of the representatives of the people; I am tired of my own association with that degradation. It has reached a point where simply because a man has been elected by the people of the United States to fill a place upon this floor he becomes "suspect." A man who is a gentleman the day before and the day on which he is elected a Member of Congress becomes "suspect" the day after that. On Monday he is a gentleman, upon Tuesday he is elected a Member of the House of Representatives, and upon Wednesday he is "suspect." Suspect! and becomes an open, palpable, plain victim of yellow journals and self-inter-viewing Members of Congress.

If there be rotten men amongst you, for God's sake find them out and put them out of this House. Purge the House, and if any man dare wantonly, unprovokedly, without cause, with no support of testimony, to break down the very reverence that the American people owe to their own institutions, their respect for their own elected and selected representatives, let the man who does it be visited with the penalty that is due to the crime. It is treason not against the House of Representatives, it is treason against the American people who elect the Members of the House of Representatives.

I am surprised at the argument made by the gentleman from Ohio [Mr. KEFFER]. He said that the committee did not find somebody guilty on the charge of the gentleman from Connecticut of "corrupt practices by Members of the House." Why were they not found guilty? Simply because nobody was guilty, so far as the evidence shows. And then the gentleman from Ohio seems to be surprised that a special committee of this House should reflect upon the honor and integrity of the man who made the charge without any proof. Would he like me to arise here and accuse him or anybody else in general language, in interviews and in a hearing before the Committee on Rules, and

in a hearing before a special committee, of all sorts of dishonesty, and then decline to furnish the proof? How could he outlive it? Do you not know that a lie travels faster than the truth? The truth may outlive it, travel longer, but the lie travels faster. I am peculiarly susceptible to this sort of argument, because I am the minority leader of this House.

I could have been the sewer of conveyance for all sorts of miserable, unsupported charges against mighty near everybody on the Republican side of this Chamber, from the Speaker down to the whip, because no lack of men will come to the minority leader as the representative of all sorts of opposition to government and organizations, with all sorts of stories about all sorts of men, good, bad and indifferent. Suppose I had really gone into the press? Suppose I had really made charges? Do you realize how long it would have taken a whole lot of the very best men in the opposition ranks to outlive them? Suppose a newspaper man here, or a Member of Congress here, comes out tomorrow and says that the gentleman from Kansas, Mr. SCOTT—I happen to be looking at him, and that is the only reason why I mention him, a man honest and true, and straight, and a gentleman, every inch of him [applause]—suppose a man came out tomorrow and said he was a corporation agent or corporation attorney, or a railroad attorney, or a lobbyist for somebody, God knows what not, and sent me a whole lot of truck to vump upon the press, and suppose I vamped it—it might be a lie, or it might not be; and in this particular supposed case it would be a lie, of course—how long would it take him to live it down? Now, Mr. Speaker, one word more, and I am through, if the gentleman will yield to me.

Mr. PAYNE. I yield.

Mr. WILLIAMS. I say, as a gentleman, as a man, as a Democrat, as a Representative, that there is no worse form of treason to the American Republic than encouraging the idea that men are corrupt and dishonest merely because they have received the fiat of approval of the American people by election to office. [Applause.]

Mr. PAYNE. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, I have a very high regard for the committee that has made this investigation. Their findings would have great weight either for or against anybody according as they condemned or approved; but when we are asked as Members of the House by this resolution to make those findings our own findings, then, as honest men, we must first look into the testimony ourselves and it is certainly our duty carefully to read the report which they have presented to the House. I can not honestly pronounce such conclusions my own without first studying the case.

Mr. PARSONS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Massachusetts [Mr. McCALL] yield to the gentleman from New York [Mr. PARSONS]?

Mr. PAYNE. For a parliamentary inquiry?

Mr. PARSONS. A parliamentary inquiry. Would it not be in order to move to postpone consideration?

The SPEAKER. Does the gentleman from Massachusetts [Mr. McCALL] yield?

Mr. McCALL. I yield to the gentleman. He desires to make a parliamentary inquiry.

Mr. PARSONS. Would it be in order to move to postpone consideration of the resolution until the first Monday in December?

The SPEAKER. The Chair will not at this time answer that parliamentary inquiry, because conditions have not yet arisen to make the inquiry in order.

Mr. McCALL. Mr. Speaker, this report finds a Member of this House guilty of bad faith, of a breach of the privileges of a Member, of making charges which he knew to be false, and also, it seems to me, of perjury, and if we vote these conclusions as our own, then we compel ourselves out of self-respect to expel that Member from the House of Representatives. [Applause.] There is no man here who can vote to make those charges his own and not make it his duty to do all he can to drive that man from our midst. I do not propose to condemn a man upon testimony which I have not read, since the pending resolution makes it necessary for me, if I vote for it, to make the conclusions of the committee my own, I shall have to vote against the resolution of the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I move the previous question.

Mr. PARSONS. Mr. Speaker—

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves the previous question.

Mr. PARSONS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?  
Mr. PARSONS. I desire to move to postpone the consideration of the resolution until the first Monday in December.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves the previous question under the rule. The motion of the other gentleman from New York [Mr. PARSONS] is not in order.

Mr. PARSONS. Mr. Speaker, I ask that the gentleman from New York [Mr. PAYNE] withdraw his motion.

Mr. PAYNE. I do not withdraw it for that purpose.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. PARSONS. Division, Mr. Speaker.

The House divided, and there were—ayes 143, noes 80. So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. HOBSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 159, nays 82, answered "present" 36, not voting 110, as follows:

## YEAS—159.

Adamson	Currier	Johnson, Ky.	Randall, Tex.
Aiken	Dalzell	Jones, Va.	Ransdell, La.
Alexander, N. Y.	Davidson	Kahn	Richardson
Ames	Dawes	Kellher	Roberts
Andrus	Dawson	Kennedy, Iowa	Robinson
Ashbrook	De Armond	Knapp	Rodenberg
Barchfeld	Denver	Knopf	Rothermel
Barclay	Diekema	Lafcan	Rucker
Bartholdt	Durey	Law	Russell, Tex.
Bartlett, Nev.	Dwight	Leo	Ryan
Bates	Edwards, Ky.	Legare	Scott
Beale, Pa.	Ellis, Mo.	Lever	Sherman
Beede	Ellis, Oreg.	Lloyd	Sherwood
Bell, Ga.	Englebright	Longworth	Sims
Bonyng	Fairchild	Loud	Smith, Mich.
Boutell	Finley	Loudenslager	Snapp
Bowers	Floyd	McKinley, Ill.	Southwick
Bradley	Focht	McKinney	Sparkman
Brantley	Fordney	McLachlan, Cal.	Spight
Broussard	Foster, Ill.	McLaughlin, Mich.	Stanley
Brownlow	Foulkrod	McMillan	Sterling
Brundidge	Fuller	Macon	Stevens, Minn.
Butler	Gaines, W. Va.	Madden	Sulloway
Caldre	Garner	Mann	Sulzer
Caldwell	Graff	Maynard	Tawney
Candler	Graham	Miller	Taylor, Ala.
Carlin	Greene	Moore, Pa.	Taylor, Ohio
Carter	Hamilton, Mich.	Moore, Tex.	Thistlewood
Chaney	Hardwick	Mouser	Thomas, N. C.
Chapman	Harrison	Nye	Tirrell
Clark, Mo.	Hawley	O'Connell	Tou Velle
Clayton	Hay	Olcott	Townsend
Cocks, N. Y.	Helm	Olmsted	Underwood
Cook, Colo.	Henry, Tex.	Overstreet	Watkins
Cook, Pa.	Hinslaw	Page	Wheeler
Cooper, Pa.	Holliday	Patterson	Williams
Cooper, Tex.	Howard	Payne	Wilson, Ill.
Coudrey	Huff	Pollard	Wolf
Cox, Ind.	Hughes, N. J.	Pou	Young
Crumpacker	Jenkins	Rainey	

## NAYS—82.

Acheson	Fowler	Humphrey, Wash.	Parker, N. J.
Adair	French	James, Olie M.	Parsons
Alexander, Mo.	Fulton	Jones, Wash.	Prince
Anthony	Gaines, Tenn.	Kelfer	Rauch
Beall, Tex.	Gillespie	Kimball	Reeder
Booher	Gillett	Kiistermann	Rhinoek
Burnett	Godwin	Lamb	Russell, Mo.
Burton, Del.	Granger	Landis	Shackelford
Campbell	Hackney	Lassiter	Sherley
Capron	Hamilton, Iowa	Lawrence	Smith, Mo.
Cockran	Haskins	Lindsay	Sperry
Cooper, Wis.	Henry, Conn.	Littlefield	Stafford
Craig	Hepburn	Lovering	Steenerson
Cushman	Higgins	McCall	Stephens, Tex.
Davis, Minn.	Hill, Conn.	McGuire	Sturgiss
Denby	Hitchcock	Moon, Tenn.	Waldo
Dixon	Hobson	Murdock	Wanger
Draper	Houston	Needham	Wood
Driscoll	Howland	Nelson	Woodyard
Fassett	Hubbard, W. Va.	Nicholls	
Ferris	Hull, Tenn.	Norris	

## ANSWERED "PRESENT"—36.

Bennet, N. Y.	Foss	Hayes	Murphy
Caldrehead	Garrett	Heflin	Padgett
Cary	Goebel	Howell, Utah	Porter
Caulfield	Goldfogle	Kennedy, Ohio	Reynolds
Cole	Gordon	McGavin	Riordan
Douglas	Gregg	McKinlay, Cal.	Sabath
Each	Hamill	McMorran	Smith, Cal.
Fitzgerald	Hamlin	Madison	Talbott
Flood	Haugen	Moon, Pa.	Webb

## NOT VOTING—110.

Allen	Fornes	Kinkaid	Perkins
Ansberry	Foster, Ind.	Kipp	Peters
Bannon	Foster, Vt.	Kitchin, Claude	Powers
Bartlett, Ga.	Gardner, Mass.	Kitchin, Wm. W.	Pratt
Bennett, Ky.	Gardner, Mich.	Knowland	Pray
Bingham	Gardner, N. J.	Lamar, Fla.	Pujo
Birdsall	Gilham	Lamar, Mo.	Reid
Bryd	Gill	Langley	Saunders
Brodhead	Glass	Laning	Sheppard
Brumm	Goulden	Leake	Slayden
Burgess	Griggs	Lenahan	Slomp
Burke	Gronna	Lewis	Small
Burleigh	Hackett	Lilly	Smith, Iowa
Burleson	Haggott	Lindbergh	Smith, Tex.
Burton, Ohio	Hale	Livingston	Thomas, Ohio
Byrd	Hall	Lorimer	Volstead
Clark, Fla.	Hammond	Lowden	Vreeland
Conner	Harding	McCreary	Wallace
Cousins	Hardy	McDermott	Washburn
Cravens	Hill, Miss.	McHenry	Watson
Crawford	Howell, N. J.	McLain	Weeks
Darragh	Hubbard, Iowa	Malby	Weems
Davenport	Hughes, W. Va.	Marshall	Weisse
Davey, La.	Hull, Iowa	Mondell	Wiley
Dunwell	Humphreys, Miss.	Morse	Willett
Edwards, Ga.	Jackson	Mudd	Wilson, Pa.
Ellerbe	James, Addison D.	Parker, S. Dak.	
Favrot	Johnson, S. C.	Pearre	

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. FOSS with Mr. BARTLETT of Georgia.

Mr. GRONNA with Mr. KIPP.

Mr. MUDD with Mr. TALBOTT.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. HARDING with Mr. PETERS.

Mr. MCCREARY with Mr. EDWARDS of Georgia.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. DUNWELL with Mr. LAMAR of Florida.

Mr. WASHBURN with Mr. McLAIN.

Mr. MADISON with Mr. GLASS.

Mr. THOMAS of Ohio with Mr. WILSON of Pennsylvania.

Mr. WEEKS with Mr. WILLETT.

Mr. VREELAND with Mr. WILEY.

Mr. VOLSTEAD with Mr. WALLACE.

Mr. PARKER of South Dakota with Mr. PRATT.

Mr. SMITH of Iowa with Mr. WEISSE.

Mr. SMITH of California with Mr. SMITH of Texas.

Mr. SLEMP with Mr. SMALL.

Mr. GILHAMS with Mr. HEPLIN.

Mr. ROBERTS with Mr. SLAYDEN.

Mr. REYNOLDS with Mr. SAUNDERS.

Mr. POWERS with Mr. SABATH.

Mr. PERKINS with Mr. REID.

Mr. PEARRE with Mr. MURPHY.

Mr. MOON of Pennsylvania with Mr. MCHENRY.

Mr. MONDELL with Mr. LEWIS.

Mr. MARSHALL with Mr. LENAHA.

Mr. MALBY with Mr. LEAKE.

Mr. MCGAVIN with Mr. CLAUDE KITCHIN.

Mr. LOWDEN with Mr. JOHNSON of South Carolina.

Mr. LINDBERGH with Mr. RIORDAN.

Mr. LANING with Mr. HAMMOND.

Mr. KNOWLAND with Mr. HAMILL.

Mr. KENNEDY of Ohio with Mr. HACKETT.

Mr. HULL of Iowa with Mr. HAMLIN.

Mr. HUGHES of West Virginia with Mr. GRIGGS.

Mr. HOWELL of New Jersey with Mr. GREGG.

Mr. HAYES with Mr. GOULDEN.

Mr. HALE with Mr. GORDON.

Mr. GOEBEL with Mr. GOLDFOGLE.

Mr. GARDNER of New Jersey with Mr. GILL.

Mr. GARDNER of Michigan with Mr. GARRETT.

Mr. FOSTER of Indiana with Mr. FAVROT.

Mr. ESCH with Mr. ELLERBE.

Mr. DARRAGH with Mr. DAVEY of Louisiana.

Mr. CONNER with Mr. DAVENPORT.

Mr. COLE with Mr. CRAWFORD.

Mr. CARY with Mr. CRAVENS.

Mr. CALDERHEAD with Mr. CLARK of Florida.

Mr. BURTON of Ohio with Mr. BYRD.

Mr. BURKE with Mr. BURLESON.

Mr. BANNON with Mr. BURGESS.

Mr. BURLEIGH with Mr. BRODHEAD.

Mr. ALLEN with Mr. ANSEBERRY.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. HUBBARD of Iowa with Mr. HILL of Mississippi.

For the session:

Mr. COUSINS with Mr. FLOOD.



Mr. WATSON with Mr. SHEPPARD.

Mr. McMORRAN with Mr. PUJO.

Mr. BENNET of New York with Mr. FORNES.

For the balance of the day:

Mr. CAULFIELD with Mr. HARDY.

On this vote:

Mr. HAUGEN with Mr. HOWELL of Utah.

The result of the vote was then announced as above recorded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3153) to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act.

The message also announced that the Senate had passed, with amendment, bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18618. An act fixing the status of the Porto Rico Provisional Regiment of Infantry;

H. R. 21410. An act granting condemned ordnance to certain institutions.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7006. An act granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups, tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments;

S. 6418. An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes;

S. 3956. An act authorizing a credit in certain accounts of the Treasurer of the United States; and

S. 7111. An act to authorize the construction of four bridges across navigable waters in the District of Alaska.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, and further insisted upon its amendments, disagreed to by the House of Representatives, had asked a further conference with the House, and had appointed Mr. ALLISON, Mr. HALE, and Mr. TELLER as the said conferees on the part of the Senate.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's desk and referred to their appropriate committees as indicated below:

S. 7111. An act to authorize the construction of four bridges across navigable waters in the district of Alaska—to the Committee on Interstate and Foreign Commerce.

S. 3956. An act authorizing a credit in certain accounts of the Treasurer of the United States—to the Committee on Claims.

S. 7006. An act granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments—to the Committee on Foreign Affairs.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 7653. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection

for owners of patents of the United States, and for other purposes:

H. R. 15841. An act to amend section 4896 of the Revised Statutes;

H. R. 17703. An act to amend section 4885 of the Revised Statutes; and

H. J. Res. 124. Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 3153. An act to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes; and

S. R. 51. Joint resolution providing for additional land for Idaho under the provisions of the Carey Act.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the sundry civil appropriation bill and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the sundry civil bill and asks that the statement be read in lieu of the report. Is there objection?

Mr. UNDERWOOD. Let us hear what the report is.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report.

Mr. UNDERWOOD. Has it been announced what report it is?

The SPEAKER. The sundry civil appropriation bill.

Mr. UNDERWOOD. The conference report has not been reported.

Mr. WILLIAMS. I understand the request to be that the statement be read in lieu of the report.

The SPEAKER. The request is to read the statement in lieu of the report.

Mr. WILLIAMS. To that I object.

The SPEAKER. The Clerk will read the conference report. The conference report was read as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 11, 18, 19, 21, 28, 31, 32, 34, 35, 53, 54, 55, 58, 73, 77, 80, 81, 88, 95, 97, 99, 100, 104, 115, 116, 117, 125, 126, 132, 134, 136, 142, and 159.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 10, 12, 20, 23, 24, 25, 27, 30, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 87, 89, 90, 91, 93, 94, 96, 103, 105, 106, 109, 110, 118, 119, 120, 121, 122, 123, 124, 129, 130, 133, 137, 138, 139, 140, 141, 143, 145, 146, 147, 149, 150, 151, 152, 153, and 157, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Clarinda, Iowa, post-office: For completion of building, twenty thousand dollars."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out all after the word "six," in line 8 of said amendment, down to and including the word "fire," in line 11, and after the word "dollars" at the end of said amendment insert the following: "Provided, That the amount allowed said Thomas Butler shall not be sufficient to enable him to make any profit out of the making and execution of said contract;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"New Haven, Connecticut, public building, now used for a post-office, and for other purposes: To enlarge, extend, or remodel said building, including all necessary changes in, additions thereto, alterations thereof, repairs to the present building, and of the heating and plumbing systems therein, and drainage

and approaches thereto, which may be incident to such extension and enlargement or remodeling of said building, fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the word "Journals" in said amendment insert the words "published abroad;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-two thousand dollars;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Repair, and so forth, of 'The Hermitage.' For repairing buildings and improving the grounds of 'The Hermitage,' the home of President Andrew Jackson, situated in Davidson County, Tenn., five thousand dollars."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert as a separate paragraph the following:

"Hereafter no light-ship shall be removed from the place designated for its station, in the act authorizing its construction, and be stationed elsewhere except upon express authority of Congress.

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: In line 4 of said amendment, after the word "May," insert the word "fourteenth," and in line 5 of the amendment strike out the word "For" where it first occurs and insert in lieu thereof the words "Toward construction of," and in lieu of the sum named in the amendment insert "one hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million one hundred and sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 2 of said amendment insert before the word "document" the word "Senate;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the name "Colorado" where it occurs in lines 1, 3, and 10 of said amendment; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: On page 80 of the bill, in line 7, after the word "buildings," insert the words "not including hospital buildings;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the last two words of said amendment and insert in lieu thereof the words "for the fiscal year nineteen hundred and nine;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert as a separate paragraph the following:

"The officer in charge of public buildings and grounds is authorized to grant licenses, revocable by him, without compensation, to erect temporary structures upon reservations used as children's playgrounds, under such regulations as he may impose."

And the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the repair and reconstruction of the buildings and for

the replacement of furniture and equipment destroyed in whole or in part by the cyclone on the twelfth day of May, nineteen hundred and eight, at Fort Crook military post in Nebraska, to be immediately available, one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the word inserted by said amendment insert the word "two-thirds;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand three hundred and thirty-three dollars and thirty-four cents;" and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the word inserted by said amendment insert the word "two-thirds;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand three hundred and sixty-six dollars and sixty-seven cents;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fifty-nine thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million five hundred and ten thousand three hundred dollars;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Jurors and witnesses in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico and Arizona shall be entitled to receive for actual attendance at any court or courts and for the time necessarily occupied in going to and returning from the same, three dollars a day, and fifteen cents for each mile necessarily traveled over any stage line, or by private conveyance, and five cents for each mile by any railway or steamship in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned as both a witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof."

And the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: Restore the matter stricken out of said amendment amended to read as follows:

"SEC. 6. All funds realized during the fiscal year nineteen hundred and nine by the Isthmian Canal Commission from the performance of services by the Commission, or from the sale of materials and supplies upon the Isthmus under the custody and control of the Commission, are hereby reappropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering, and a full and separate report in detail of all transactions hereunder shall be made to Congress."

And the Senate agree to the same.

The committee of conference has been unable to agree on the amendments of the Senate numbered 9, 13, 14, 15, 16, 22, 26, 33, 36, 38, 78, 79, 82, 83, 84, 86, 101, 102, 107, 131, 144, 148, 154, 155, 156, 160, 161, 162, and 163.

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,

*Managers on the part of the House.*

W. B. ALLISON,  
EUGENE HALE,  
H. M. TELLER,

*Managers on the part of the Senate.*



The statement is as follows:

STATEMENT.

The managers at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On amendment No. 1: Strikes out the appropriation of \$12,500 proposed by the Senate for the public building at Bedford, Ind.

On amendment No. 2: Appropriates \$20,000 instead of \$25,000, as proposed by the Senate, for the public building at Clarinda, Iowa.

On amendment No. 3: Appropriates \$30,000, as proposed by the Senate, for the mint building at New Orleans.

On amendment No. 4: Appropriates \$10,000, as proposed by the Senate, for rent of building at Richmond, Va.

On amendment No. 5: Inserts a provision proposed by the Senate to pay the contractor for the construction of the custom-house at San Francisco, Cal., in addition to the contract price therefor such sum as may be equitable and just to reimburse him for work and material destroyed by the earthquake and fire in 1906, such reimbursement not to include any profits because of making and execution of said contract.

On amendment No. 6: Appropriates \$6,000, as proposed by the Senate, for completion of public building at Wichita, Kans.

On amendment No. 7: Appropriates \$50,000 for enlargement of the public building at New Haven, Conn.

On amendment No. 8: Authorizes payment in advance by the Supervising Architect's Office for periodicals and journals published abroad.

On amendment No. 10: Appropriates \$157,564.74 for increased pay of Revenue-Cutter Service under the Army appropriation act.

On amendment No. 11: Strikes out appropriation of \$10,000 proposed by the Senate for a launch for the customs service at Los Angeles, Cal.

On amendment No. 12: Appropriates \$3,000, as proposed by the Senate, for a launch for the customs service at Portland, Oreg.

On amendment No. 17: Appropriates \$42,000, instead of \$40,000 as proposed by the House and \$45,000 as proposed by the Senate, for the Bureau of America Ethnology.

On amendment No. 18: Appropriates \$22,000, as proposed by the House, instead of \$25,000, as proposed by the Senate, for heating and lighting the National Museum.

On amendment No. 19: Strikes out the appropriation of \$60,000 proposed by the Senate for fitting up the upper hall in the Smithsonian building for exhibition purposes.

On amendment No. 20: Authorizes the expenditure of \$3,000, as proposed by the Senate, instead of \$1,500, as proposed by the House, for purchase of books and periodicals for the Interstate Commerce Commission.

On amendment No. 21: Strikes out the appropriation of \$75,000 proposed by the Senate for the transportation of silver coin.

On amendments Nos. 23, 24, and 25: Appropriates for the general inspector of supplies for public buildings, the inspector of furniture and other furnishings for public buildings, and an assistant inspector of furniture, as proposed by the Senate.

On amendments Nos. 27 and 28: Makes a verbal correction in the text of the bill and strikes out the provision inserted by the Senate with reference to specimen coins for the mint at Philadelphia.

On amendment No. 29: Appropriates \$5,000 instead of \$25,000, as proposed by the Senate, for repair of The Hermitage, the home of President Andrew Jackson.

On amendment No. 30: Appropriates \$65,000, as proposed by the Senate, for dredging channel for immigration station at Ellis Island.

On amendment No. 31: Strikes out the appropriation of \$250,000 proposed by the Senate for the immigration station at Boston, Mass.

On amendment No. 32: Strikes out the appropriation of \$50,000 proposed by the Senate for the Staten Island and West Bank light stations, New York.

On amendment No. 34: Strikes out the appropriation of \$5,000 proposed by the Senate for additional aids to navigation on the Potomac River.

On amendment No. 35: Restores to the bill the provision proposed to be stricken out by the Senate with reference to acceptance of land for St. Joseph light-house depot, Michigan.

On amendment No. 37: Appropriates \$115,000, as proposed by the Senate, for a light-ship on the knuckle of the Frying Pan Shoal, North Carolina, and inserts a provision prohibiting future removal of light-ships from stations designated by law.

On amendment No. 39: Appropriates \$100,000 instead of \$200,000, as proposed by the Senate, for a light-house tender in the first light-house district.

On amendments Nos. 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51: Provides for the construction of aids to navigation authorized by the act approved May 14, 1908, and as proposed by the Senate.

On amendments Nos. 52, 53, 54, 55, and 56, relating to the Light-House Establishment: Appropriates \$1,160,000 instead of \$1,000,000, as proposed by the House, and \$1,180,675, as proposed by the Senate, for the salaries of keepers of light-houses; \$900,000, as proposed by the House, instead of \$1,000,000, as proposed by the Senate, for expenses of buoyage. Strikes out the provision proposed by the Senate to light the Pasquotank River, North Carolina, and the Hillsboro, Halifax, and Matanzas rivers, in Florida, and inserts the provision proposed by the Senate for lighting Lake Winnebago and connecting lakes and channels.

On amendment No. 57: Appropriates \$25,000 as proposed by the Senate for biological station in the Mississippi River Valley for the propagation of mussels.

On amendment No. 58: Strikes out the appropriation of \$166,500 proposed by the Senate for compensation of examiners and others in the Bureau of Immigration and Naturalization.

On amendment No. 59: Appropriates \$7,700 as proposed by the Senate to complete the records of the surveyors-general offices in Minnesota, North Dakota, and Florida.

On amendment No. 60: Makes the provision for a card-index system in the Pension Office available during the remainder of the present fiscal year.

On amendment No. 61: Appropriates \$20,000 as proposed by the Senate for heating apparatus for Interior Department buildings.

On amendments Nos. 62, 63, 64, 65, 66, 67, 68, and 69: Appropriates as proposed by the Senate \$120 for marble bracket in the Supreme Court room, \$7,000 for filing cases in the Senate document room, \$1,800 for repairs to the Senate document room, \$10,500 for bronze doors for the west entrance of the Capitol building, \$1,249,761 for the Senate Office Building, and \$300,500 for furnishing the Senate Office Building.

On amendments Nos. 70, 71, and 72: Increases the compensation of the superintendent of gas and electric meters in the District of Columbia from \$1,200 to \$1,600, as proposed by the Senate, and makes a verbal correction in the text of the bill.

On amendment No. 73: Strikes out the appropriation of \$5,000 proposed by the Senate for protection of national monuments.

On amendment No. 74: Inserts a provision allowing an additional 1,000,000 acres of arid lands to each of the States of Idaho and Wyoming, striking out from said provision the State of Colorado, proposed to be included by the Senate.

On amendment No. 75: Inserts the provision, proposed by the Senate, fixing the rates for surveying of public lands in certain States.

On amendments Nos. 76 and 77: Appropriates \$50,000, as proposed by the House, instead of \$55,000, as proposed by the Senate for surveying public lands in certain counties in Utah.

On amendment No. 80: Strikes out the appropriation of \$10,000 proposed by the Senate for making petroleum tests.

On amendment No. 81: Strikes out the provision proposed by the Senate relating to Idaho, Montana, and California with reference to surveying of public lands therein.

On amendment No. 85: Appropriates \$200,000 as proposed by the Senate, instead of \$175,000, as proposed by the House, for education in Alaska.

On amendment No. 87: Appropriates \$6,000, as proposed by the Senate, to suppress the traffic in intoxicating liquors among the natives of Alaska.

On amendment No. 88: Appropriates \$3,000, as proposed by the House, instead of \$10,000, as proposed by the Senate, for the Crater Lake National Park, Oregon.

On amendment No. 89: Limits the amount that may be expended for furnishings for the assembly hall of the Government Hospital for the Insane to not exceeding \$7,000.

On amendments Nos. 90 and 91: Increases the amount for subsistence and other expenses for the Freedmen's Hospital from \$10,500 to \$15,000, as proposed by the Senate.

On amendment No. 92: Makes available for 1909 the appropriation which has been made for furniture for the Freedmen's Hospital building.

On amendment No. 93: Reappropriates and makes available certain appropriations for the San Juan Plute Indians.

On amendment No. 94: Reappropriates and makes available certain appropriations for the North Cheyenne and Arapahoe Indians.

On amendment No. 95: Strikes out the appropriation of \$6,000 proposed by the Senate for the Augusta Arsenal, Ga.

On amendment No. 96: Appropriates \$9,350, as proposed by the Senate, for repairs to the Moline bridge.

On amendment No. 97: Restores to the bill the provision proposed by the House transferring the testing machines at the Watertown Arsenal to the Department of Commerce and Labor.

On amendment No. 98: Inserts a provision proposed by the Senate authorizing the erection of temporary structures for children's playgrounds on certain reservations in Washington.

On amendments Nos. 99 and 100: Strikes out the appropriations proposed by the Senate of \$7,500 for paving of roadway around the Washington monument and \$3,000 for children's playgrounds on public reservations in Washington.

On amendment No. 103: Appropriates \$200,000, as proposed by the Senate, instead of \$86,000, as proposed by the House, for lock and dam No. 11 on the Ohio River.

On amendment No. 104: Strikes out the provision proposed by the Senate with reference to repairing the roadways to cemeteries within corporate limits.

On amendments Nos. 105 and 106: Makes a verbal correction in the text of the bill and extends the limitation proposed by the House as to quarters for officers of the Army to barracks and quarters for the artillery.

On amendment No. 108: Appropriates \$100,000, as proposed by the Senate, for reconstruction of buildings at Fort Crook, Nebr.

On amendment No. 109: Appropriates \$36,707.50, as proposed by the Senate, for land for Fort Sheridan, Ill.

On amendment No. 110: Appropriates \$110,000 for Fort Logan, Colo.

On amendments Nos. 111, 112, 113, and 114: Reduces the proportionate part of certain expenses on the Fort Monroe Reservation by civilian interests there from one-half to one-third.

On amendments Nos. 115 and 116: Appropriates \$65,000, as proposed by the House, instead of \$85,000, as proposed by the Senate, for the Yellowstone National Park and strikes out the provision proposed by the Senate stipulating how certain of the appropriations shall be expended.

On amendment No. 117: Strikes out appropriation of \$20,000 proposed by the Senate for the Platt National Park.

On amendment No. 118: Appropriates \$26,000, as proposed by the Senate, for repair of buildings and removal of fallen trees at the Chickamauga and Chattanooga National Park.

On amendment No. 119: Makes the appropriation for the Vicksburg National Military Park available for pay to a historian as proposed by the Senate.

On amendment No. 120: Appropriates \$24,430, as proposed by the Senate, instead of \$19,430, as proposed by the House, for the Garfield Memorial Hospital.

On amendment No. 121: Appropriates \$30,000, as proposed by the Senate, for the Emery gun carriage.

On amendments Nos. 122, 123, 124, 125, 126, 127, and 128, relating to the Soldiers' Home at Milwaukee: Appropriates, as proposed by the Senate, \$5,500 for dormitories for nurses, \$5,000 for iron fence, and \$6,000 for curbing and gutters and strikes out appropriations proposed by the Senate of \$5,000 for telephone system and \$4,000 for chaplain's quarters.

On amendments Nos. 129 and 130: Appropriates, as proposed by the Senate, \$75,000 instead of \$45,000, as proposed by the House, for defense of suits before the Spanish Treaty Claims Commission and \$25,000 instead of \$12,500, as proposed by the House, for taking testimony under the Spanish Treaty Claims Commission.

On amendment No. 132: Appropriates \$150,000, as proposed by the House, instead of \$250,000, as proposed by the Senate, for assistants to the Attorney-General in naturalization proceedings.

On amendment No. 133: Provides that fees to the clerks of the courts in Montana shall be the same as those in Oregon.

On amendment No. 134: Strikes out the provision proposed by the Senate providing for expenses of travel of United States district judges.

On amendment No. 135: Fixes, as proposed by the Senate, the fees for jurors and witnesses in United States courts in certain States and Territories.

On amendment No. 136: Strikes out the appropriation of \$500, as proposed by the Senate, for a safe for a United States Commissioner in Alaska.

On amendments Nos. 137, 138, 139, 140, and 141, relating to the Reform School for the District of Columbia: Provides, as proposed by the Senate, for two foremen at \$1,500 and for one additional watchman at \$360.

On amendments Nos. 142 and 143: Strikes out the appropriation of \$20,550, proposed by the Senate, for the navy-yard at Portsmouth, N. H., and makes a verbal correction.

On amendment No. 145: Appropriates \$10,000, as proposed by the Senate, for an international conference at London to formulate rules for the International Prize Court.

On amendment No. 146: Appropriates \$10,000, as proposed by the Senate, for a fisheries convention, United States and Canada.

On amendment No. 147: Appropriates \$100,000, as proposed by the Senate, for the Northeastern Fisheries Arbitration.

On amendments Nos. 149 and 150: Makes appropriation of \$2,625 for payments to certain Senate employees.

On amendments Nos. 151, 152, and 153: Increases the allotment for printing to the Smithsonian Institution from \$33,000 to \$34,000, as proposed by the Senate.

On amendment No. 157: Appropriates \$10,000, as proposed by the Senate, to compensate an employee on the Isthmian Canal for injuries received.

On amendments Nos. 158 and 159: Restores to the bill the section proposed by the House, limiting its operation to the fiscal year 1909, relating to the use of funds received by the Canal Commission for services or from the sale of materials and supplies.

The committee of conference have been unable to agree on the following amendments:

No. 9, page 11, land for building for Departments of State, Commerce, and Labor.....	\$3,000,000
No. 13, page 18, revenue cutter for coast of Oregon.....	250,000
No. 14, page 18, revenue cutter for Narragansett Bay.....	225,000
No. 15, page 19, revenue cutter for New York Harbor.....	80,000
No. 16, page 19, wharf and storehouse, Neah Bay, Wash.....	24,000
No. 22, page 31, custodian for building in St. Paul, Minn.....	2,200
No. 26, page 35, forbidding payment of details from Secret Service Division.....	
No. 33, page 43, anchorage buoys in the port of New York.....	10,000
No. 36, page 45, tender for light-house depot, San Francisco, Cal.....	215,000
No. 38, page 45, light vessel for St. Johns River Bar, Fla.....	125,000
No. 78, page 93, survey of Fort Keogh Military Reservation, Mont.....	4,200
No. 79, page 93, boundary line between Idaho and Washington.....	
No. 82, page 96, geological surveys in the United States.....	100,000
Nos. 83 and 84, page 97, proviso relating to the examination of fuels by the Geological Survey.....	
No. 86, page 100, reindeer for Alaska.....	6,500
No. 101, page 124, surveys of Galveston Harbor.....	
No. 102, page 126, for strengthening the levees along the west bank of the Mississippi River between Flint Creek and Iowa River.....	10,000
No. 107, page 135, erecting barracks and quarters.....	750,000
No. 131, page 170, fixing salary of United States attorney for the eastern district of Pennsylvania.....	
No. 144, page 185, international investigation of opium evil.....	20,000
No. 148, page 186, International Commission at Rio de Janeiro.....	20,000
No. 154, No. 155, and No. 156, page 190, purchase of two steamships of American registry for use Isthmian Canal Commission.....	1,600,000
No. 160, page 204, requiring National Academy of Sciences to make report on scientific surveys.....	
No. 161, section number.....	
No. 162, page 205, Alaska-Yukon-Pacific Exposition.....	700,000
No. 163, page 216, International Exposition Albuquerque, N. Mex.....	50,000
Total amount involved.....	7,191,900

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,  
Managers on the part of the House.



Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and adopt the following order.

The Clerk read as follows:

Ordered, That the conference report on the sundry civil appropriation bill be, and hereby is, agreed to; that the House hereby insists on its disagreement to Senate amendments numbered 13, 14, 15, 16, 22, 26, 33, 36, 38, 78, 79, 82, 83, 84, 86, 101, 102, 107, 131, 144, 148, 154, 155, 156, 160, 161, 162, 163, and agrees to the Senate's request for a conference; and that on Senate amendment numbered 9 there be twenty minutes of debate, after which the question shall be taken without further debate.

Mr. WILLIAMS. Upon that I demand a second.

Mr. FITZGERALD. I want to make a parliamentary inquiry. Would this order provide for limiting the time to twenty minutes to be used on a side only?

The SPEAKER. On amendment No. 9 there will be ten minutes' debate on each side.

Mr. FITZGERALD. I wish to suggest to the Chair that the motion is to suspend the rules and to agree to the conference report, and to insist on the House disagreement to the other amendments. Under the rule there is twenty minutes' debate on a side.

The SPEAKER. Oh, undoubtedly.

Mr. FITZGERALD. Then we have the same under the motion to suspend the rules.

The SPEAKER. The order provides that on amendment No. 9 the House shall have an opportunity to vote after twenty minutes' debate, ten minutes on each side. That is the effect of it.

Mr. FITZGERALD. I demand a second.

The SPEAKER. It is segregated from the other amendments.

Mr. WILLIAMS. I have demanded a second.

The SPEAKER. But the gentleman from New York is a member of the committee and has demanded a second.

Mr. WILLIAMS. That is all right; let the gentleman from New York be recognized as demanding a second. I did not understand that the Chair was cognizant of the fact that a second had been demanded—I do not care who demanded it.

The SPEAKER. The Chair understands that the gentleman from Mississippi did not know that the gentleman from New York had demanded a second. Under the rules a second is ordered. The gentleman from Minnesota [Mr. TAWNEY] is entitled to twenty minutes and the gentleman from New York [Mr. FITZGERALD] is entitled to twenty minutes.

Mr. TAWNEY. Mr. Speaker, the Senate amendments added to the sundry civil bill between eleven and twelve million dollars in the aggregate. The conferees on the part of the House and on the part of the Senate have disposed of all of these amendments, with the exception of those enumerated in the rule or the order that is now pending, and as to these amendments we ask that the House further insist upon its disagreement, with the exception of No. 9, and as to that amendment we propose a separate vote in favor of the proposition of further insisting upon the disagreement of the House.

Mr. GAINES of Tennessee. Will the gentleman kindly tell us what the amendments are as he goes along?

Mr. TAWNEY. I will. No. 9, on page 11 of the sundry civil bill, as it comes to us from the Senate, is the amendment authorizing the purchase of a block of property at the other end of Pennsylvania avenue at a cost of \$3,000,000, to be used as a site for the erection of one or two departmental buildings. It is the same proposition that has been proposed by the Senate at both sessions of the last Congress, and it is the same proposition that the House on a direct vote has rejected heretofore by almost a unanimous vote.

Mr. PAYNE. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. PAYNE. I desire to ask the gentleman if they propose to take the property by condemnation proceedings?

Mr. TAWNEY. They propose to take it by condemnation proceedings or by purchase.

Mr. PAYNE. So that \$3,000,000 is not the limit?

Mr. TAWNEY. Three million dollars is not the limit of cost for the site for the buildings. It is also proposed in the public-building bill, as that bill will come to the House, to carry an appropriation of \$2,500,000 for the location of a building upon this proposed site, and in addition to that there has been placed upon the public-building bill an appropriation and authority for the purchase of this same site at a cost of at least \$3,000,000, the same amount that is carried in this amendment. It is for the purpose of giving the House an opportunity to again express its disapproval of this proposition that I have asked that the opportunity be given for the House to vote separately upon this proposition.

I will call attention to the principal items that are in disagreement. There are a number of items in disagreement that perhaps there will be very little difficulty in reaching a final agreement, because some of them are entirely new propositions, unauthorized by law, or are new legislative propositions which under the rules which govern the conferees, the House proposing them ultimately recedes in the event that the other House insists on its disagreement.

No. 13 is for the construction of a revenue cutter for the coast of Oregon, a proposition that is not authorized by law, and the limit of cost is \$250,000.

No. 14 is for a revenue cutter for Narragansett Bay, at a cost of \$225,000, which is not authorized by law.

No. 15, on page 19 of the bill, is for a revenue cutter for New York Harbor, at a cost of \$90,000, which is not authorized by law. The amendments between Nos. 14 and 36 are of comparatively little consequence.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. TAWNEY. I will yield to the gentleman from New York.

Mr. GOLDFOGLE. The gentleman said that the revenue cutter for the harbor of New York was not authorized by law, but I wish to suggest that it is absolutely necessary that we should have a good, first-class revenue cutter. For a long time we have not had a proper revenue cutter there that was adequate and sufficient. I speak from experience.

Mr. MANN. I will suggest to the gentleman from New York that we have just turned over to the Light-House Department, at the request of the department, the duty of caring for the anchorage in New York Harbor, and the Light-House Department has plenty of tenders for that purpose.

Mr. GOLDFOGLE. But this is for the Revenue-Cutter Service.

Mr. MANN. This says that it is for anchorage patrol duty, and the Revenue-Cutter Service will not have anything to do with that.

Mr. FITZGERALD. The law charges the Treasury Department with the enforcement of that act.

Mr. MANN. No; it is the Department of Commerce and Labor.

Mr. FITZGERALD. I think the gentleman from Illinois is mistaken. The act of 1888 expressly puts it under the authority of the Secretary of the Treasury.

Mr. MANN. I understand that, but so far as the anchorage is concerned, the anchorage buoys and all that has just been turned over to the Light-House Service, and nobody knows what will be required.

Mr. GOLDFOGLE. Will not the revenue cutter provided for in the amendment be used as other revenue cutters are, for the purpose of sending inspectors aboard vessels and doing that work?

Mr. MANN. The item says not; if the gentleman will look at the item in the bill.

Mr. TAWNEY. The next item in disagreement is amendment No. 36, on page 45 of the bill, authorizing the construction of a tender for light-house depot at San Francisco, Cal., at a cost of \$15,000. That is not authorized by law. The same is true of amendment 38, authorizing a light-vessel for St. Johns River bar, Florida, for \$25,000, which is not authorized by law.

The next is 82, being an addition made to the Geological Survey in the United States of \$100,000. Two hundred thousand dollars is the total amount that the Geological Survey has had for the service for the last ten or twelve years, and it is proposed now to increase this appropriation to the extent of 50 per cent, which the House conferees have not agreed to, and, in my judgment, should not agree to. The revenues of the Government do not justify this new service at this time.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. I understand that the conferees have reduced the Senate amendment of \$25,000 for the maintenance, and so forth, of the Hermitage to \$5,000.

Mr. TAWNEY. No; we have not.

Mr. GAINES of Tennessee. That amendment was made.

Mr. TAWNEY. We have not reduced the appropriation for the maintenance of the Hermitage at all. We have not given any appropriation for the maintenance of the Hermitage. We have agreed, however, to appropriate \$5,000 for the repair of the buildings, the home of Andrew Jackson, and for the improvement of the grounds. There is nothing allowed for maintenance and nothing allowed for investment for future maintenance. In other words, there is no donation to the people who own this home, or the association which owns it, but it is proposed to

repair the building which was the home of Andrew Jackson and to improve the grounds within a limit of cost not exceeding \$5,000.

Mr. MANN. The building and tomb.

Mr. TAWNEY. We do not say the tomb.

Mr. GAINES of Tennessee. I have not the language here—

Mr. TAWNEY. If the gentleman will turn to the conference report, he will see the exact language.

Mr. GAINES of Tennessee. I have read that, but I have not the language of the bill.

Mr. TAWNEY. The language in the bill is the language now in the conference report. That is, it is the language that will become the law in the event that the conference report is finally agreed upon and accepted.

Mr. GAINES of Tennessee. Does the gentleman think that this great Government which has not contributed one cent for the purpose of this Hermitage association should contribute no more than \$5,000?

Mr. TAWNEY. I will say that the gentleman thinks—not only thinks, but states as a fact—that in appropriating \$5,000 for the repair of the home of Andrew Jackson we are appropriating more than we have ever appropriated toward the care and maintenance of the home of any man who has ever occupied the office of President of the United States. We have never contributed a dollar toward the maintenance of the home of George Washington. We have never contributed a dollar toward the maintenance of the home of Thomas Jefferson, or of any other President of the United States, and we are in this instance doing what we have never done for any other President, by appropriating \$5,000 to repair the buildings. Owing to the peculiar financial circumstances of the people who do own the building, the conferees on the part of the House felt constrained to repair the building and defray the expense from the Treasury of the United States.

Mr. GAINES of Tennessee rose.

Mr. TAWNEY. I can not yield any more of my time.

Mr. GAINES of Tennessee. But the gentleman does not wish to say the people own it. No people own it.

Mr. TAWNEY. Well, the organization.

Mr. GAINES of Tennessee. They control it.

Mr. TAWNEY. If they are not people, they are an organization. The next item in the disagreement, Mr. Speaker, of any importance is amendment No. 107, for the erection of barracks and quarters, \$750,000. Your conferees have resisted this amendment for the reason that when the Bureau Chief was before the Committee on Appropriations we made a careful estimate of how much money would be required to meet the necessities of the service during the next fiscal year, and the amount agreed upon and the amount carried in the bill and adopted by the House was agreed upon with the consent of the Chief of this Bureau; but for some reason that has not yet been explained to the conferees on the part of the House, this amount was increased in the Senate to the extent of \$750,000.

The next is amendment No. 154 for the purchase of two steamships of American register for use in the Isthmian Canal Commission, \$1,600,000.

Mr. SULZER. Mr. Speaker, will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. SULZER. I wish to ask the gentleman what became of Senate amendment No. 136?

Mr. TAWNEY. Is that for the safe in Alaska?

Mr. SULZER. Yes.

Mr. TAWNEY. It has gone out.

Mr. SULZER. It ought not to have gone out.

Mr. TAWNEY. That may be.

Mr. OLMSTED. I would like to ask about the amendment transferring the testing laboratory at the Watertown Arsenal to the Bureau of Commerce and Labor.

Mr. TAWNEY. The Senate has receded from its amendment, and it is in the agreement. Amendment No. 162, the Alaska-Yukon-Pacific Exposition, is still in disagreement. They propose to appropriate \$700,000 for that exposition. Also amendment No. 163, for an international exposition at Albuquerque, N. Mex., which is an irrigation exposition, as near as I can ascertain. They propose to appropriate \$50,000 for the purpose of aiding the people of Albuquerque to defray the costs of the exposition. I should say, in justice, however, that \$25,000 of that is for that purpose, and \$25,000 is for the purpose of paying the expenses of the Government exhibit, which is not described and is not definite. I reserve the balance of my time.

Mr. CUSHMAN. Will the gentleman permit a question?

Mr. TAWNEY. I have no more time.

Mr. CUSHMAN. I would like to ask the gentleman one question.

Mr. TAWNEY. I have not the time. I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to my colleague from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I want to take advantage of this opportunity to speak in favor of the Senate amendment in the pending sundry civil bill, making an appropriation of \$700,000 for the Alaska-Yukon-Pacific Exposition, to be held in Seattle in 1909, and to urge the House conferees to agree to the same when the bill goes back to conference. The committee of the House has reported favorably a similar measure, which is now on the Calendar. I believe the House is overwhelmingly in favor of this appropriation for this desirable exposition and would vote in favor of the Senate amendment by more than three to one if an opportunity were now offered. It is a worthy project, and commands our earnest support and commendation.

This Alaska-Yukon-Pacific Exposition, Mr. Speaker, will exhibit not merely the wonderful resources of the States of the Pacific slope, but also the material resources of Alaska, the Yukon territory, British Columbia, the Philippines, and Hawaii. Its object is to demonstrate the progress and the development and the resources of the entire region of the Pacific and to forecast its mighty future possibilities. It means much to us all. The Alaska-Yukon-Pacific Exposition is peculiar among enterprises of this character, because it will comprehend not only the resources of the Pacific possessions of this country, but also the Canadian territory of British Columbia and the far-famed Yukon, thus affording the unusual spectacle of two countries under different flags joining forces and uniting in interest in one great exposition.

The Yukon territory and British Columbia, under the Dominion of Canada, are to be as much a part of this exhibition as Alaska, Hawaii, and the Philippines, under our own Government, and it is destined to be an exposition expressive of harmony and of good will and of international comity, and speaking much for the continuance of the amicable relations between us and our English-speaking neighbors. It is estimated that 10,000,000 people now live within a radius of 1,000 miles of the section of our country and Canada where this exhibition is to be held, all of whom are directly interested in this exposition and welcome an opportunity to show the material resources and the wealth and the development of their respective sections.

Mr. Speaker, the people of the Pacific and the Great Northwest take a deep interest in this exposition. They intend to make it a success. They are determined to demonstrate the progress they are making in all that tends to the advancement of humanity. They ask the Government for no help. They want no gift. They appeal for no loan. All they ask is that the Government recognize the importance of this exposition, lend its official indorsement to it, take part in it, build its own buildings, and make its own exhibits, and do so at its own expense. The States and the Territories are doing their part. They are all doing what is right. Why should the Government, so deeply interested, lag behind? The Government has aided financially and participated in every exposition of a national character ever held in this country. No Government aid is asked for this exposition—not a dollar is asked for, directly or indirectly—only suitable participation.

The exposition is in the interest of all the people. It will materially benefit all the people. In an educational way it will be a blessing to all the people in a thousand ways. Then why should the Government refuse to take part in this magnificent display of the natural resources of our great Northwest and wonderful Pacific possessions? I can not believe that we shall be so blind to our own best interests as to permit this appropriation to fail. Congress should lend a friendly hand to the enterprising and progressive people on our Pacific borders. They are entitled to it. They are doing a great work that benefits all the people of our country. They have already secured beautiful and suitable grounds for the exposition. It is to be held on the campus of the State University at Seattle. The sum of \$432,000 has already been expended in the improvement of the grounds and in the construction of buildings, and many of the structures are already well toward completion. This exposition will bring to the attention of the world the great commercial resources and possibilities of the countries bordering the Pacific and strengthen the friendly and trade relations of the nations on this ocean. As I have already said, the great Yukon territory is to be a part of this exposition. Thus, two nations under two flags will unite in one exposition, something never before known in our day. This exposition will not only tend to strengthen national comity with our English-speaking neighbors on the north, but it will go far



to promote harmony and good will with all nations of the Pacific, and especially with the countries of the Orient.

Mr. Speaker, I am a friend of these expositions. All things considered, they cost little and do much good. It is money wisely expended. It benefits all. These expositions are milestones marking great epochs in our onward progress. They diffuse knowledge, educate the people, and exhibit the wonderful resources of our country and the constructive genius of our people. They mean ocular demonstration; they are great object lessons; they are historical and educational and industrial and mechanical and commercial; they mean progress and advancement and enlightenment. They emphasize our greatness and our grandeur and our glory. They illustrate our marvelous growth in every line of human effort, and they demonstrate the giant strides the race is making along every avenue of industry.

Mr. Speaker, the money for the Government buildings and exhibits is to be wisely expended under the provisions of this Senate amendment. One hundred thousand dollars is to enable Alaska to make an exhibit. This is not too much. The wonderful resources of this vast territory are beyond the appreciation of the finite mind, and as yet but little is known. We are only on the threshold of the door of Alaska's greatness. Alaska has already produced over \$300,000,000 worth of products. She has paid taxes to the Federal Government of over \$11,000,000. She only cost us \$7,200,000. Alaska has no power to tax herself to benefit herself. The Federal Government taxes her and absorbs the taxes. She asks \$100,000 of this eleven million of her own taxes to exploit her own varied and marvelous resources. This is really her exposition. The Government should listen to her appeal.

The sum of \$25,000 is for an Hawaiian exhibit. Hawaii is paying over \$1,000,000 annually to the Government. Only a small portion of this sum is spent for her benefit. This insignificant sum of \$25,000 should be given to her.

The sum of \$25,000 is for the Philippines. This is a small amount to enable these newly acquired islands to show their wonderful material resources. The State of Washington has given for this exposition \$1,000,000; the counties in the State, \$278,000. The exposition managers asked the people of Seattle to subscribe \$500,000. The first day the books were open \$625,000 were subscribed. Of this amount every dollar has already been paid. This amount is to be increased to \$800,000. The sum of over \$2,000,000 is therefore now absolutely provided for by these vigorous, up-to-date, go-ahead, enterprising people. They ask that the Government shall spend only \$700,000, and this for its own exhibit and for the exhibits of our Pacific possessions. Is this asking too much? Let the Members of this House answer by an emphatic and an overwhelming vote in favor of the Senate amendment.

Now, just a word in conclusion, as my time is nearly exhausted. I hope that the conferees on the part of the House will agree to the Senate amendment for this exposition. I want to see this exposition a success, I want to do all I can to make it a success. I want the Government to make a creditable exhibition—one worthy of all that we are and all that we hope to be. It will have a beneficial effect on all the people—especially, I hope, on some Members of Congress who at present often exhibit a woeful lack of knowledge concerning the material resources and the greatness and the grandeur and the glory of our Pacific possessions, especially of Alaska and the great Northwest, and enable them to get information through its agency that will aid them in the future to legislate a little more intelligently regarding the wants and the needs and the hopes and the aspirations of the progressive people on the Pacific side of our God-favored land. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. CUSHMAN].

Mr. CUSHMAN. I would like to call to the attention of the House and the members of the Appropriations Committee two items in this sundry civil appropriation bill, both of which items are now in conference and not agreed to at this time.

The first is Senate amendment No. 16, on page 9 of this bill. This item, which is not yet agreed to, seeks to appropriate \$24,000 for the construction of a wharf and storehouse at Neah Bay, in the State of Washington. What makes this item more important, in my judgment, than anything else is that the wharf and storehouse designed to be constructed under this appropriation are to be used in connection with the ocean-going life-saving tug, which tug we appropriated for some two years ago. In my judgment, it is most important that we have this appropriation to build the wharf at that point, because without the necessary wharf it will be difficult, if not impossible, to properly

use this tug. The rugged character of the coast and shore line at that point tend to make the tug very nearly useless without the necessary wharf—

Mr. TAWNEY. The tug is not there. The tug has not yet started for the Pacific Ocean, and there will be no use for a dock until next year, and the dock can be constructed by the time the tug gets there. That is the reason we have not agreed to it. There will be no trouble about building the dock ultimately. It is only a question of whether it should be built before it is needed or not.

Mr. CUSHMAN. I am glad to hear the gentleman from Minnesota [Mr. TAWNEY] say that. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Washington has two minutes remaining.

Mr. CUSHMAN. Mr. Speaker, I wish to say a word about Senate amendment number 162 in this sundry civil bill, which is one of the items yet in dispute between the Senate and House conferees. This is the item that relates to the Alaska-Yukon-Pacific Exposition, which is to be held in the city of Seattle, in the State of Washington, in the summer of 1909. It is worse than useless for me to attempt in this little time to try to make any adequate statement regarding this great matter. The Senate amendment provides for the appropriation of \$700,000 in relation to this great exposition. When I say I hope the conferees will agree to this item, I speak for not only myself and my two colleagues in this House, but for the great body of the people in the State of Washington, who are preparing to make this one of the greatest expositions ever held in America. In this connection I wish to emphasize two things: First, the Government of the United States will never be called upon to loan any money to this exposition or to make good any deficit. That is provided for in the amendment itself, and is backed up by our people at home, who propose not only to make this exposition a success, but further than that to make their word good in relation to it.

Second, I wish to emphasize the fact that the people who are behind this great exposition are not asking or expecting the United States Government to finance it. I firmly believe that there has never been held an exposition in the United States where the people have furnished so much in proportion to what they ask of the Government as in this instance. There will be spent, in my judgment, on the shores of Puget Sound on that great exposition by the people not less than \$10,000,000. That great contribution represents the people; it represents the private enterprise of that region. That represents what the people themselves will do to make this exposition a success. In return they ask the United States Government to contribute the small sum of \$700,000. They do not ask the Government for this \$700,000 to finance the exposition, but merely that this amount be appropriated to cover the expense of the Government exhibit at that fair, and also that out of this amount may be set aside a sum to enable Alaska to make her exhibit, to enable Hawaii to make her exhibit, and to enable the Philippine Islands to make their exhibit. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. FITZGERALD. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, there is an amendment to this bill that I am very earnestly interested in and of much importance to the people I represent. But I think that the rule that has just been proposed for the agreement to this conference report in part and disagreement to other parts shows the absurdity of this House attempting to legislate under the present Republican organization of the House. It is supposed that a conference is appointed for the purpose of attempting to reach an agreement between the two Houses that shall be ratified by the Houses after they shall have reached an agreement. But the conference committee, in this instance, come before the House with a bill containing 163 Senate amendments. To these Senate amendments they propose to agree in toto except 29, but 29 of these Senate amendments they propose to disagree to.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. They have reached an agreement on all but 29. We do not yield to the Senate on all of them.

Mr. UNDERWOOD. That is what I intended to say.

Mr. MANN. That is very different from what the gentleman did say.

Mr. UNDERWOOD. I did not mean that the House has lain down on all the amendments. I know it is customary for the House conferees to lie down on most amendments, and it has been for a number of years, but I did not intend to say that

they had lain down on them all. But what I meant to say was that the House and the Senate have agreed to all but twenty-nine of these amendments, and the other twenty-nine may want to disagree to them. Now, it has been customary for the conferees on a conference report, when they could not agree to an amendment, to bring the matter before the House and to submit the question as to whether the House would agree to the Senate amendments before they acted in reference to the matter. But the way this conference report is presented to the House to-day it is absolutely impossible for any man on the floor of the House to vote intelligently as to whether he will agree or disagree to these twenty-nine Senate amendments that are now in dispute. He may be in favor of one, he may be opposed to the others, but the conferees through this rule expect us to vote all up or all down, or to disagree to them all or agree to them all. More than that, under these rules they pick out these special amendments that they are interested in the House voting on, and decline to give the membership of this House the opportunity to vote on those amendments that the House itself has insisted on.

Now, there is an amendment here, No. 83, to the sundry civil bill that is of vast importance to a very large number of people in the United States. It is not a question involving money. There is no dispute between the two Houses as to the amount of money that shall be expended, but it is a difference in reference to procedure.

Mr. TAWNEY. Does the gentleman refer to the provision that is to authorize the Geological Survey to test the coal of Alabama, Indiana, Pennsylvania, and other States, owned by private individuals?

Mr. UNDERWOOD. I refer to that amendment.

Mr. TAWNEY. That is what I thought.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I will ask now the gentleman from Iowa [Mr. SMITH], if he has this bill, to please read the language of the amendment with reference to the Hermitage, if the gentleman will accommodate me.

Mr. SMITH of Iowa. I have not the language before me. The amendment, as agreed to, gives \$5,000.

Mr. GAINES of Tennessee. Of course I have read everything in the Record, and so forth. I do not know whether you make it payable to the governor of the State or the Ladies' Hermitage Association, or what.

Mr. SMITH of Iowa. It is not payable to anybody. It is payable for repairs—

Mr. TAWNEY. Repairs to be made by the proper department of the Government.

Mr. GAINES of Tennessee. Well, Mr. Chairman, the House committee reported \$30,000 and the Senate committee \$25,000 for this undertaking; that is, to aid the Ladies' Hermitage Association to care for the Hermitage. The State of Tennessee has spent about \$165,000 on this Hermitage farm—500 acres—and the Ladies' Hermitage Association has spent about \$28,000, to buy and preserve what is known as the "Hermitage," the home of Andrew Jackson, situated in 25 acres of the land controlled by the association. The Government of the United States has never paid one cent toward this patriotic undertaking. From the time Andrew Jackson was 13 years old down until he died he was a public factor—both a State and national benefactor in war and peace.

From the time he was 13 he was a soldier, was wounded; and two of his brothers died in the war of the Revolution. Their graves are unknown, and the burial place of the mother is unknown. His father is buried somewhere in a graveyard in North Carolina, but they do not know exactly the spot where he is buried.

So, laying aside the public services of Jackson to the State and the United States, there is some reason why we should take care of the Hermitage and tomb of Jackson, and, I think, Mr. Speaker, with all sincerity—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FITZGERALD. I will yield two minutes more.

Mr. GAINES of Tennessee. I do think, in all sincerity, for the great American Congress, representing nearly 90,000,000 of people, a Government that Jackson fought for from the time he was 13 until old age and disease took him away, to make this appropriation of \$5,000 is an act that is not creditable to Congress, and I deeply regret the fact, and say so. I am almost tempted to say—

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. The gentleman is aware, I suppose, that the Senate amendment only contemplated the appropriation of \$25,000, of which \$20,000 was to be invested in bonds?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. So that under this amendment all the money that will be expended is appropriated?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. This appropriates as much money as the Senate amendment, or as far as the present expenditure of money is concerned.

Mr. GAINES of Tennessee. That is true.

Mr. MANN. Why is not the gentleman just as well off under this as he would be under the Senate amendment, with the opportunity afforded hereafter of getting more than the amount of the \$20,000 investment in bonds would be every year? And if he stays in Congress I think undoubtedly he will secure every year a larger sum of money.

Mr. GAINES of Tennessee. Well, Mr. Speaker, I thank my friend for speaking as kindly as he does of this proposition, and thank him for what he says of me. I am not here begging, nor is anybody else begging; it is something that the Federal Government has not done and should take a pride in doing.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FITZGERALD. I will yield to the gentleman one more minute.

Mr. GAINES of Tennessee. I thank the gentleman.

Mr. Speaker, I can not believe that future Congresses will, if it is necessary, agree that \$5,000 is the limit that the American Congress has of love and respect for Jackson. It can not be weighed or measured in dollars and cents, of course, but \$5,000 to be given by this great Government, when Tennessee and her people have spent about \$180,000, is a matter that I can not exactly reconcile. I am not prepared right now—

Mr. TAWNEY. Will the gentleman from Tennessee permit an interruption?

Mr. GAINES of Tennessee. I have only a minute.

Mr. TAWNEY. Do you think the American people measure their love and respect for their Presidents in dollars and cents?

Mr. GAINES of Tennessee. No, indeed; but we ought to show—

Mr. TAWNEY. That is the effect of your statement.

Mr. GAINES of Tennessee. We ought to sufficiently show in a practical way that we really have that proper regard that they should have. But, as my friend from Illinois [Mr. MANN] suggests, Congress can complete its offering at a future day.

Mr. FITZGERALD. Mr. Speaker, there were in disagreement between the two Houses 163 amendments. The conferees have reached an agreement upon 134. There are still 29 amendments upon which no agreement has been reached. They involve expenditures of \$7,100,000. While I have no sympathy with the method by which the House is asked to adopt the report, yet I do believe that the report should be agreed to, and that the House should further insist upon its disagreement to the amendments upon which an agreement has not been reached.

The SPEAKER pro tempore. The gentleman from Minnesota has four minutes remaining.

Mr. TAWNEY. I yield that, and any other time that remains, to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, just a word on the amendment to appropriate \$3,000,000 to purchase a site for a Department building on the south side of Pennsylvania avenue in this city. I hope the House will insist on its opposition to that item for two reasons: First, because it does not belong to this bill, and, secondly, because the same matter will come up and be thrashed out in connection with the public buildings bill. I do not care at this time to express an opinion upon the merits of the proposition. I hope the House will instruct the committee to insist upon its disagreement to that amendment for the additional reason that if there was no public buildings bill pending at this time and there was a great public emergency there might be a justification for putting this item on the sundry civil bill; but under the circumstances, since the matter is bound to come up in connection with the other bill, I hope the House will unanimously vote to instruct its conferees to insist on its opposition.

Mr. MANN. Why not vote on the merits now? It will help.

The SPEAKER pro tempore (Mr. Olcott). The question is on suspending the rules and agreeing to the order.

Mr. CLARK of Missouri. Yeas and nays!

The yeas and nays were ordered.



The question was taken, and there were—yeas 173, nays 80, answered "present" 12, not voting 122, as follows:

## YEAS—173.

Acheson	Douglas	Hubbard, W. Va.	Olcott
Adair	Draper	Huff	Olmsted
Alexander, Mo.	Durey	James, Ollie M.	Parker, N. J.
Alexander, N. Y.	Edwards, Ky.	Jenkins	Parker, S. Dak.
Ames	Ellis, Mo.	Johnson, Ky.	Payne
Andrus	Ellis, Oreg.	Keifer	Pearre
Anthony	Englebright	Kennedy, Iowa	Perkins
Ashbrook	Esch	Kennedy, Ohio	Pollard
Barchfeld	Fairchild	Kinkaid	Reeder
Bartholdt	Fassett	Knapp	Reynolds
Bates	Fitzgerald	Knowland	Riordan
Bonyuge	Focht	Lafean	Rodenberg
Boutell	Fordney	Landis	Scott
Boyd	Foss	Lawrence	Sherman
Brownlow	Foster, Ind.	Lee	Slemp
Brumm	Foulkrod	Lindbergh	Smith, Cal.
Brundidge	French	Lindsay	Smith, Iowa
Burleigh	Fuller	Littlefield	Smith, Mich.
Burton, Del.	Gardner, Mich.	Longworth	Snapp
Burton, Ohio	Gardner, N. J.	Lorimer	Southwick
Calder	Gilham	Loud	Sperry
Calderhead	Gillett	Loudenslager	Stafford
Caldwell	Glass	Lovering	Steenerson
Campbell	Godwin	McCall	Stephens, Tex.
Capron	Goebel	McDermott	Sterling
Carter	Graff	McGavin	Stevens, Minn.
Cary	Graham	McGuire	Sturgiss
Chaney	Granger	McKinley, Ill.	Sulloway
Chapman	Greene	McKinney	Tawney
Cocks, N. Y.	Hackney	McLachlan, Cal.	Taylor, Ohio
Conner	Hale	Madden	Thistlewood
Cook, Colo.	Hall	Madison	Thomas, N. C.
Cook, Pa.	Hamilton, Mich.	Mann	Townsend
Cooper, Pa.	Haskins	Miller	Volstead
Cooper, Wis.	Hawley	Mondell	Waldo
Coudrey	Hayes	Moore, Pa.	Wanger
Crumpacker	Henry, Conn.	Morse	Weeks
Currier	Higgins	Mouser	Wilson, Ill.
Dalzell	Hinsshaw	Murdock	Wood
Davis, Minn.	Hitchcock	Needham	Woodyard
Dawes	Holliday	Nelson	Young
Dawson	Howell, N. J.	Nichols	
Denby	Howell, Utah	Nye	
Diekema	Howland	O'Connell	

## NAYS—80.

Adamson	Floyd	Johnson, S. C.	Richardson
Aiken	Foster, Ill.	Jones, Va.	Robinson
Bartlett, Nev.	Fulton	Jones, Wash.	Rothmel
Beall, Tex.	Garner	Kellher	Rucker
Bell, Ga.	Garrett	Kimball	Russell, Mo.
Booher	Goldfogle	Lamb	Russell, Tex.
Bowers	Hamill	Lassiter	Sabath
Burleson	Hamilton, Iowa	Lloyd	Saunders
Burnett	Hartwick	Macon	Shackleford
Candler	Harrison	Maynard	Sherley
Clark, Mo.	Hay	Moon, Tenn.	Sims
Clayton	Hedlin	Moore, Tex.	Slayden
Cooper, Tex.	Helm	Murphy	Smith, Mo.
Cox, Ind.	Henry, Tex.	Padgett	Stanley
Craig	Hobson	PAGE	Sulzer
Cushman	Houston	Rainey	Tou Velle
Denver	Howard	Randell, Tex.	Underwood
Dixon	Hughes, N. J.	Ransdell, La.	Watkins
Ferris	Hull, Tenn.	Rauch	Webb
Finley	Humphrey, Wash.	Rhinock	Williams

## ANSWERED "PRESENT"—12.

Bennet, N. Y.	Gaines, Tenn.	Lever	Pujo
Butler	Gordon	McMorran	Small
Flood	Haggott	Parsons	Talbot

## NOT VOTING—122.

Allen	Dunwell	Kahn	Peters
Ansberry	Dwight	Kipp	Porter
Bannon	Edwards, Ga.	Kitchin, Claude	Pou
Barclay	Ellerbe	Kitchin, Wm. W.	Powers
Bartlett, Ga.	Favrot	Knopf	Pratt
Beale, Pa.	Fornes	Küstermann	Pray
Bede	Foster, Vt.	Lamar, Fla.	Prince
Bennett, Ky.	Fowler	Lamar, Mo.	Reid
Bingham	Gaines, W. Va.	Langley	Roberts
Birdsall	Gardner, Mass.	Laning	Ryan
Bradley	Gill	Law	Sheppard
Brantley	Gillespie	Leake	Sherwood
Brodhead	Goulden	Legare	Smith, Tex.
Broussard	Gregg	Lenahan	Sparkman
Burgess	Griggs	Lewis	Splight
Burke	Gronna	Lilley	Taylor, Ala.
Byrd	Hackett	Livingston	Thomas, Ohio
Carlin	Hamlin	Lowden	Tirrell
Caulfield	Hammond	McCreary	Vreeland
Clark, Fla.	Harding	McHenry	Wallace
Cockran	Hardy	McKinlay, Cal.	Washburn
Cole	Haugen	McLain	Watson
Conins	Hepburn	McLaughlin, Mich.	Weems
Cravens	Hill, Conn.	McMillan	Weisse
Crawford	Hill, Miss.	Malby	Wheeler
Darragh	Hubbard, Iowa	Marshall	Wiley
Davenport	Hughes, W. Va.	Moon, Pa.	Willett
Davey, La.	Hull, Iowa	Mudd	Wilson, Pa.
Davidson	Humphreys, Miss.	Norris	Wolf
De Armond	Jackson	Overstreet	
Driscoll	James, Addison D. Patterson		

So the order was adopted.

The following additional pairs were announced:

For the session:

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. WEEMS with Mr. WEISSE.  
 Mr. TIRRELL with Mr. WALLACE.  
 Mr. POWERS with Mr. TAYLOR of Alabama.  
 Mr. PORTER with Mr. SPARKMAN.  
 Mr. PARSONS with Mr. SMITH of Texas.  
 Mr. OVERSTREET with Mr. SMALL.  
 Mr. NORRIS with Mr. SHERWOOD.  
 Mr. McMILLAN with Mr. RYAN.  
 Mr. McLAUGHLIN of Michigan with Mr. REID.  
 Mr. McKINLAY of California with Mr. PRATT.  
 Mr. LAW with Mr. PATTERSON.  
 Mr. LANGLEY with Mr. McLAIN.  
 Mr. KÜSTERMANN with Mr. McHENRY.  
 Mr. LOWDEN with Mr. LEGARE.  
 Mr. KNOPF with Mr. CLAUDE KITCHIN.  
 Mr. ADDISON D. JAMES with Mr. HACKETT.  
 Mr. HILL of Connecticut with Mr. GREGG.  
 Mr. HEPBURN with Mr. GORDON.  
 Mr. HAUGEN with Mr. GILLESPIE.  
 Mr. GAINES of West Virginia with Mr. GAINES of Tennessee.  
 Mr. FOWLER with Mr. LAMB.  
 Mr. FOSTER of Vermont with Mr. POU.  
 Mr. DWIGHT with Mr. ELLERBE.  
 Mr. DRISCOLL with Mr. DE ARMOND.  
 Mr. DAVIDSON with Mr. COCKEAN.  
 Mr. ROBERTS with Mr. BROUSSARD.  
 Mr. BURKE with Mr. CLARK of Florida.  
 Mr. BENNETT of Kentucky with Mr. CARLIN.  
 Mr. BEDE with Mr. BYRD.  
 Mr. BEALE of Pennsylvania with Mr. BRODHEAD.  
 Mr. BARCLAY with Mr. BRANTLEY.  
 Mr. PRINCE with Mr. WOLF.  
 Mr. JACKSON with Mr. WILLET.  
 For the balance of the day:  
 Mr. PRAY with Mr. SPIGHT.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore (Mr. OLCOTT). Under the order the Clerk will read Senate amendment No. 9, upon which there are twenty minutes' debate; the gentleman from Minnesota [Mr. TAWNEY] is entitled to ten minutes and the gentleman from New York [Mr. FITZGERALD] to ten minutes.

The Clerk read as follows:

9. Land for buildings for the Departments of State, Justice, and Commerce and Labor: To enable the Secretary of the Treasury, in his discretion, to acquire by purchase, condemnation, or otherwise, the whole of square Nos. 226, 227, 228, 229, and 230, in the city of Washington, and toward the erection of one or two buildings thereon, \$3,000,000. That part of C street, Ohio avenue, D street, and E street lying between the squares named herein is hereby made a part of the site authorized by this provision. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stats. L., vol. 20, ch. 837).

That a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, which is hereby created, shall report to Congress preliminary plans and an estimate of cost for one or two buildings to be erected on said site for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, said preliminary plans and estimate of cost to be paid for out of the appropriation herein made.

Mr. TAWNEY. Mr. Speaker, I would like the attention of the House just a minute to state the proposition. This is the item, amendment number 9, to which I called attention in presenting the conference report. It involves the appropriation of \$3,000,000 for the purchase of a site for departmental buildings at the other end of Pennsylvania avenue upon which is now located the Regent Hotel, Chase's Theater, and a number of other buildings in the block back of that toward the Mall. I do not care to discuss the merits of the proposition at this time. This House has twice practically, by unanimous consent, voted to reject this proposition, and a vote in favor of the motion to further insist upon our disagreement is a negative vote on the purchase of this proposed site. I will now yield one minute to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the gentleman from Missouri opening the discussion upon the order gives as a reason for voting for the motion which is against the appropriation the fact that this same item was in the public building bill as a Senate amendment. I hope, Mr. Speaker, that the Members of this House will vote according to their sentiments upon the merits of this proposition, if they are going to vote against it, and not merely vote against it because it happens to be in this bill in order to fight the same thing in the other bill. If the House is

opposed to this proposition at this time, let us say so upon its merits now and have no further dispute about it with the Senate.

Mr. TAWNEY. I now yield one minute to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I understand that in the public buildings bill a provision has been made in line with this Senate amendment, and I hope, and I dare even to express the hope, that the House of Representatives may prove itself not altogether absolutely impotent in conference, but that the House conferees may vote against this proposition; and I hope they will vote against it upon its merit, or rather upon its demerits, because I accept the challenge of the gentleman from Illinois upon that question. I do not see any reason why at this particular time the Government of the United States should pay \$3,000,000 for the Regent Hotel and for this theater.

Mr. MANN. Will the gentleman from Mississippi yield?

Mr. WILLIAMS. Certainly.

Mr. MANN. Did the gentleman from Mississippi understand me to favor the \$3,000,000 appropriation?

Mr. WILLIAMS. I did.

Mr. ROBINSON. So did I.

Mr. MANN. Oh, not at all. [Laughter.] I said I favored the motion, which was to disagree to the Senate amendment, and I favored the motion to disagree on the merits of the proposition.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. FITZGERALD. I will yield to the gentleman one minute more.

Mr. WILLIAMS. Mr. Speaker, if I had not been so deaf physically, or so stupid mentally, one or the other, I do not know which, as to misunderstand the gentleman from Illinois, I would not have made this speech at all. I agree with the gentleman from Illinois, as he explains himself, absolutely. I agree with the gentleman from Minnesota, and I think the House conferees ought to stand for the House upon this proposition. And, by the way, while I am talking about that, Mr. Speaker, I am tired of the House giving way to the Senate on everything.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. FITZGERALD. I will yield to the gentleman two minutes more.

Mr. WILLIAMS. Of course, Mr. Speaker, I recognize that the House of Representatives has been made utterly ridiculous and absolutely impotent as a branch of the legislative power of the Federal Government. I know that that has occurred as a result of special rules that have been adopted by the House, in which the House has virtually confessed that the minority controls the House and that the majority can not control it with intelligent regard in its rules to the public business and the public welfare. It affords me so much pleasure, therefore, to stand with the gentleman from Minnesota and the gentleman from Illinois, now and then, upon a proposition that is made intelligible to the House by subsequent explanation and which has been finally comprehended by the House, that I do not know how sufficiently to thank the Republican majority for the opportunity that is given me to express my desire and accord with the gentleman from Illinois, so badly misunderstood a moment ago, and the gentleman from Minnesota, not because of any lack of explicit statement by either, but because of the lack of complete understanding by me.

Mr. MANN. The gentleman is extremely modest—much more than he deserves to be.

Mr. FITZGERALD. Mr. Speaker, I simply want to explain the situation to this side of the House. The Senate has put on an amendment appropriating \$3,000,000 to buy several parcels of land on the south side of Pennsylvania avenue, and the \$3,000,000 are appropriated not only for the purchase of the ground, but to be applied to the erection of one or two public buildings. Nobody knows what the land will cost. No buildings have been authorized. If this land is to be bought, it should be authorized in a definite and proper way. I do not think that at this time we should purchase in the District any large tracts of land for public buildings. The motion before the House is to further insist on disagreeing to the Senate amendment, and I hope this side of the House, in order to emphasize the position of the House, will vote "aye" on this motion.

Mr. TAWNEY. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, I trust that the House conferees will adhere to the last to their disagreement on Senate amendments 101 and 102. Amendment 101 provides for an extensive and elaborate survey of Galveston Harbor and vicinity.

Amendment No. 102 provides for the diversion of a certain amount of the appropriation for that part of the Mississippi River between the mouth of the Missouri and Minneapolis to the repairing of a levee on the west bank. Both of these items belong in a river and harbor bill, and it is a fact, which three score Members of this House know, that surveys have been refused at this session. To allow such an amendment as this would be to make of the sundry civil bill a river and harbor bill.

The adoption of either of these amendments would be a decided interference with the prerogatives of this House. Had either of them been proposed here at the time the sundry civil bill was under consideration, a point of order would have been immediately sustained. In order that we may have legislation on rivers and harbors that is fair to both Houses and judicious for the country, the rule should be the same in both Houses. I submit there could be no worse tendency than to allow these items to be taken up by another committee, and that committee not a committee of the House, but the Appropriations Committee of the Senate. I want to say further that the second item is one of a class that has been considered by the House Committee on Rivers and Harbors many times and has been rejected.

Mr. WILLIAMS. Will the gentleman yield?

Mr. BURTON of Ohio. Yes.

Mr. WILLIAMS. Mr. Speaker, I understand the gentleman's objection to be that the Committee on Rivers and Harbors of the House is set aside in regard to this matter, upon the merits of which he differs—

Mr. BURTON of Ohio. Not set aside. It is as if a question belonging to the Committee on Foreign Affairs should be reported upon by the Committee on the Alcoholic Liquor Traffic.

Mr. WILLIAMS. I understand; and he reinforces that objection by the remark he has just made. I want to ask him what the distinction is between the case he is now presenting to the House and the case he the other day presented to the House. The other day, I believe, he advocated setting aside the Committee on—

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. BURTON of Ohio. Mr. Speaker, I do not believe I will ask for further time as I do not think the question is of sufficient importance to justify my asking an extension.

Mr. WILLIAMS. Then I ask of the gentleman from Minnesota [Mr. TAWNEY] time enough to complete the question and to receive a reply from the gentleman from Ohio, if he wishes to give it.

Mr. TAWNEY. The gentleman from Minnesota has only two minutes remaining and I would like to say something myself on that matter.

Mr. WILLIAMS. Then in view of the fact that the House is to be enlightened later on, by promise at any rate, by the gentleman from Minnesota [Mr. TAWNEY] I shall not insist on the question.

Mr. FITZGERALD. I yield three minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, just a few words, to say that I am in favor of the House concurring in Senate amendment No. 9, now before the conferees, authorizing the Government to acquire the land mentioned for suitable buildings for the Departments of State and Justice and Commerce and Labor. It is high time this was done. These great Departments of the Government should be suitably housed and housed in proper buildings of their own. The Government pays every year hundreds of thousands of dollars for rent for offices for governmental officials in the District of Columbia. The saving of this great rent expense for a few years would total the cost of the purchase of the land and the construction of the necessary buildings now contemplated. We should do this now, and it will be wise economy in the end.

The conferees on the part of the House in their parsimonious attitude to this commendable project seem to be penny wise and pound foolish. Sooner or later this land must be acquired. It can be purchased cheaper now than hereafter. Sooner or later these buildings must be erected. It strikes me that now is the best time to do it. The longer we wait the more it is going to cost. It is real economy to do it now.

The House passed a day or so ago an omnibus public-buildings bill carrying between twenty and thirty millions of dollars for Government buildings in the States. Much of this money will be spent at way cross stations. Much of it was entirely unnecessary. Much of it could be saved. Much of it will be squandered. I am glad to say I did not vote for the bill. Much of the vast sum carried in that bill could be saved, if we legislated for the best interests of all the people, and could be spent for necessary Government buildings in the District of Columbia.



The Government is paying too much rent to-day for office room to owners of private property in Washington. We should stop it. The Government should erect and own suitable buildings for all its officials in the capital. I believe it to be the wisest policy, and I know it will be economy in the long run. The Department of State should have a home of its own. The Department of Justice should have a temple that will be a credit to all the people, and an object of beauty forever to the capital. The Department of Commerce and Labor should be housed in a suitable Government building. I trust the day is not far distant when the Government will own all the property on the south side of Pennsylvania avenue from the White House to the Capitol grounds, and build on it great and enduring and magnificent public buildings that will be a credit to the Government, that will command the admiration of the people, and that will go far to make Washington the glorious capital it is destined to be—the greatest and the grandest and the most beautiful city in all the world.

These buildings should be up to date, sanitary, fireproof, and as beautiful in an artistic sense as the constructive genius of America can make them. Let me call the attention of the House to one department of the Government—the Geological Survey. It is cramped and crowded in dingy, unsuitable, private-owned buildings—unsafe, unsanitary, and far from being fireproof. The Government has spent millions of dollars to get the data and gather the information now stored and filed in this Department. Its loss would be a catastrophe—a national calamity—and all this invaluable material is stored in an old rat-trap of a building, wholly unsuited for the purpose, that is liable to take fire and burn down any day or any night; and if all this information, and all this data, all these priceless records, and all the work of years and years of human effort, at the cost of millions of dollars, should be destroyed by fire, the loss would be incalculable and the material of years of industry could never be replaced.

The very contemplation of delay in a matter so important as this is criminal. This great Geological Department should have a fireproof building for its home and to safeguard its priceless work. I want to see this appropriation go through, and I do not care what bill carries it through. I am now, always have been, and always will be a friend of wise economy in the expenditure of the people's money, but I have no sympathy with the economy, or rather parsimony, proclaimed by the conferees of the House in their policy of straining at a gnat and swallowing a camel, and all to the detriment of the public welfare. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, ordinarily I should regard this amendment with more favor than I feel it ought to be regarded at this time. Some day, in a proper way, I hope to see Congress adopt a scheme that will make of Pennsylvania avenue the greatest thoroughfare in the world, but I believe that should be done, not by putting the buildings, as is suggested here, upon the south side, but by extending the Mall to Pennsylvania avenue, and then place your buildings on the north side, facing the Mall, and have a street that will outrival the Ringstrasse of Vienna or Prince's street in Edinburgh, "the noblest street of Europe." But the proposition that the House is confronted with now is whether we should appropriate \$3,000,000 in furtherance of an undigested plan, one not fully considered, put on an appropriation bill in the closing days of Congress and at a time when we are likely to have a deficiency in the public revenues. To my mind the voting of such an expenditure upon the slight consideration that is possible to this House at this time would be the doing of not only a very unwise and unjustifiable thing, but would amount to a disregard of our plain duty. This House ought to insist that matters of this kind are not to be rushed through at the ninth hour by the Senate putting them upon appropriation bills with the idea that, inasmuch as the appropriation bills must be passed, therefore the House can be whipped into receding from its position. If this had been offered or brought in by the Committee on Appropriations of this House it would have been subject to the point of order. If it had been offered by any Member upon this floor it would have been subject to the point of order, and, to my mind, for the House to surrender now is simply to encourage legislation of the most extravagant character. If we could have an analysis made of the expenditures of this Government it would be surprising to see the amount that is added by the other branch and to see how much is put on in the closing days of Congress. The House of Representatives was expected to be the guardian of the Treasury of the country.

I speak for no parsimonious policy, but I do believe that this House will never rise to its full dignity, will never occupy that place of importance in the country's affairs or in the judgment of the people that was contemplated by the makers of the Constitution until it asserts, and emphatically asserts, its right to control the great appropriation bills and the other bills spending the money of the nation [applause], and we can not do it any too soon, and I hope that the vote of every Member will be an affirmative vote to insist upon the disagreement to the Senate amendment. [Applause.]

Mr. TAWNEY. Mr. Speaker, the gentleman from New York [Mr. SULZER] a few moments ago spoke about the parsimonious way in which we have treated the city of Washington, or the District of Columbia, in the public buildings bill, and I want to call to his attention and to the attention of the House the fact that the city of Washington, or the District of Columbia, during the last six or eight years has received a great deal more than its proportionate share of the money expended for public buildings throughout the States. We have expended, and are now expending, in the construction of public buildings, more than \$12,000,000 in this city. No one can complain, therefore, that the Congress of the United States is discriminating against the city of Washington in favor of the rest of the country.

I believe that the time is coming when the Government should provide more room, more departmental buildings for the transaction of the public business, but I submit that this is no time for us to consider a proposition that has not the support of any testimony in regard to the terms and conditions under which this property is now held, or in regard to the value of the property that it is proposed to buy. A proposition like this has never been presented to the House of Representatives except as an amendment coming to the House from the Senate, and I trust that the House on this occasion will, as it has on two previous occasions, vote unanimously to further insist upon its disagreement to this Senate amendment, and I move, Mr. Speaker, that the House do now further insist upon its disagreeing vote to Senate amendment No. 9. [Applause.]

The SPEAKER pro tempore. The motion is that the House do further insist upon its disagreement to Senate amendment No. 9.

Mr. TAWNEY. Mr. Speaker, I call for a division.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 229, nays 2, answered "present" 10, not voting 146, as follows:

## YEAS—229.

Adair	Davis, Minn.	Hawley	Madison
Adamson	Dawes	Hay	Mann
Alken	Dawson	Hayes	Miller
Alexander, Mo.	De Armond	Helm	Mondell
Ames	Denby	Henry, Conn.	Moon, Tenn.
Ansherry	Denver	Henry, Tex.	Moore, Pa.
Anthony	Dickema	Higgins	Moore, Tex.
Ashbrook	Dixon	Hinsshaw	Morse
Barchfeld	Durey	Holliday	Mouser
Bartholdt	Edwards, Ky.	Houston	Murdock
Bartlett, Nev.	Ellis, Oreg.	Howard	Murphy
Beall, Tex.	Esch	Howell, N. J.	Nelson
Bede	Fairchild	Howell, Utah	Nicholls
Bell, Ga.	Fassett	Howland	Norris
Booher	Ferris	Hubbard, W. Va.	Nye
Bowers	Finley	Huff	O'Connell
Boyd	Fitzgerald	Hull, Tenn.	Olcott
Brantley	Floyd	Humphrey, Wash.	Olmsted
Brownlow	Focht	James, Ollie M.	Padgett
Brundidge	Fordney	Johnson, Ky.	Page
Burgess	Foss	Johnson, S. C.	Parker, N. J.
Burleigh	Foster, Ill.	Jones, Wash.	Parsons
Burleson	Foster, Ind.	Kahn	Payne
Burnett	Foulkrod	Keifer	Perkins
Burton, Ohio	French	Keliher	Pollard
Calderhead	Fuller	Kennedy, Iowa	Pou
Campbell	Fulton	Kennedy, Ohio	Rainey
Candler	Gaines, Tenn.	Kimball	Randell, Tex.
Capron	Gaines, W. Va.	Kinkaid	Ransdell, La.
Carter	Gardner, Mich.	Küstermann	Rauch
Cary	Gardner, N. J.	Lafean	Reeder
Chaney	Garner	Landis	Reynolds
Chapman	Garrett	Lassiter	Rhinock
Clark, Mo.	Gillhams	Lawrence	Riordan
Cocks, N. Y.	Gillespie	Legare	Robinson
Cole	Glass	Lever	Rothermel
Conner	Godwin	Lindbergh	Rucker
Cook, Colo.	Goldfogle	Lindsay	Russell, Mo.
Cook, Pa.	Graft	Lloyd	Russell, Tex.
Cooper, Pa.	Graham	Longworth	Ryan
Cooper, Tex.	Granger	Lorimer	Sabath
Coudrey	Greene	Loudenslager	Saunders
Cox, Ind.	Hackney	Lovering	Scott
Craig	Hale	McCall	Shackleford
Crumpacker	Hall	McGavin	Sherley
Currier	Hamill	McKinney	Sherman
Cushman	Hamilton, Iowa	McLachlan, Cal.	Sims
Daizell	Hamilton, Mich.	McLain	Slayden
Darragh	Hardwick	Macon	Slomp
Davidson	Harrison	Madden	Smith, Cal.

Smith, Iowa	Stephens, Tex.	Townsend	Wheeler
Smith, Mo.	Stevens, Minn.	Underwood	Williams
Snapp	Sturgiss	Volstead	Wood
Southwick	Sulloway	Waldo	Woodyard
Sparkman	Tawney	Wanger	Young
Stafford	Taylor, Ohio	Watkins	
Stanley	Thistlewood	Webb	
Steenerson	Tou Velle	Weeks	

NAYS—2.

McMillan

Sulzer

ANSWERED "PRESENT"—10.

Bennet, N. Y.	Cooper, Wis.	Gillett	Talbott
Barton, Del.	Davenport	McMorran	
Butler	Flood	Small	

NOT VOTING—146.

Acheson	Ellerbe	Jones, Va.	Patterson
Alexander, N. Y.	Ellis, Mo.	Kipp	Pearre
Allen	Englebright	Kitchin, Claude	Peters
Andrus	Favrot	Kitchin, Wm. W.	Porter
Bannon	Fornes	Knapp	Powers
Barclay	Foster, Vt.	Knopf	Pratt
Bartlett, Ga.	Fowler	Knowland	Pray
Bates	Gardner, Mass.	Lamar, Fla.	Prince
Beale, Pa.	Gill	Lamar, Mo.	Pujo
Bennett, Ky.	Goebel	Lamb	Reld
Bingham	Gordon	Langley	Richardson
Birdsall	Goulden	Lanning	Roberts
Bonyne	Gregg	Law	Rodenberg
Boutell	Griggs	Leake	Sheppard
Bradley	Gronna	Lee	Sherwood
Brodhead	Hackett	Lenahan	Smith, Mich.
Broussard	Haggott	Lewis	Smith, Tex.
Brum	Hamlin	Lilley	Sperry
Burke	Hammond	Littlefield	Spight
Byrd	Harding	Livingston	Sterling
Calder	Hardy	Loud	Taylor, Ala.
Caldwell	Haskins	Lowden	Thomas, N. C.
Carlin	Haugen	McCreary	Thomas, Ohio
Caulfield	Hedlin	McDermott	Tirrell
Clark, Fla.	Hepburn	McGuire	Vreeland
Clayton	Hill, Conn.	McHenry	Wallace
Cockran	Hill, Miss.	McKinlay, Cal.	Washburn
Cousins	Hitchcock	McKinley, Ill.	Watson
Crawens	Hobson	McLaughlin, Mich.	Weems
Crawford	Hubbard, Iowa	Malby	Weisse
Davey, La.	Hughes, N. J.	Marshall	Wiley
Douglas	Hughes, W. Va.	Maynard	Willert
Draper	Hull, Iowa	Moon, Pa.	Wilson, Ill.
Driscoll	Humphreys, Miss.	Mudd	Wilson, Pa.
Dunwell	Jackson	Needham	Wolf
Dwight	James, Addison D.	Overstreet	
Edwards, Ga.	Jenkins	Parker, S. Dak.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. RODENBERG with Mr. DAVENPORT.

Mr. KNAPP with Mr. HUGHES of New Jersey.

Mr. WILSON of Illinois with Mr. THOMAS of North Carolina.

Mr. MCKINLEY of Illinois with Mr. MAYNARD.

Mr. LOUD with Mr. McDERMOTT.

Mr. JENKINS with Mr. LEE.

Mr. DRAPER with Mr. JONES of Virginia.

Mr. DOUGLAS with Mr. HOBSON.

Mr. GILLETT with Mr. HITCHCOCK.

Mr. BOUTELL with Mr. GRIGGS.

Mr. ANDRUS with Mr. CLAYTON.

Mr. ALEXANDER of New York with Mr. CALDWELL.

Mr. GARDNER of Massachusetts with Mr. HEFLIN.

For the balance of the day:

Mr. HASKINS with Mr. LAMB.

Mr. BURTON of Delaware with Mr. RICHARDSON.

The result of the vote was announced as above recorded.

The SPEAKER announced the following conferees: Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD.

## EXTENSION OF RAILWAY LINES, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. I call up the conference report on the bill (S. 902) authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, and ask to have the statement read.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company in the District of Columbia, and for other purposes, hav-

ing met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the language proposed by the House insert the following:

"That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and directed to construct a double-track connection with its tracks on E street south, thence northwardly along First street east to East Capitol street, there to connect with the tracks of the Washington Railway and Electric Company; also a double-track extension from Delaware avenue and C street northeastwardly along Delaware avenue to the plaza in front of the Union Station, together with a double-track loop located as near as may be to the exterior circumference of said plaza and passing in front of and near to the Union Station; also a double-track connection with existing tracks on G street near New Jersey avenue NW. and thence eastwardly to and along Massachusetts avenue, with such northerly deviations as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, to junctions with an existing track at Third and D streets NE. and at the northwest corner of Stanton square.

"SEC. 2. That the City and Suburban Railway of Washington be, and it is hereby, authorized and directed to extend its double tracks on North Capitol street southwardly from the intersection of G street to Massachusetts avenue, there to connect with the tracks hereinbefore authorized on Massachusetts avenue.

"SEC. 3. That the Capital Traction Company of the District of Columbia be, and it is hereby, authorized and directed to construct and extend, by double tracks, the lines of its underground electric railroad from Florida avenue and Seventh street NW. southeastwardly along Florida avenue to its intersection with Eighth street east, thence southwardly along Eighth street to Pennsylvania avenue, there to connect with existing tracks of the Capital Traction Company; also a double-track extension from the tracks hereinbefore authorized on Florida avenue southeastwardly along New Jersey avenue to its intersection with Massachusetts avenue and First street west, thence along said Massachusetts avenue southeastwardly to the said plaza, and with such northerly deviations as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, thence by such route as may be determined by the Commissioners of the District of Columbia to the corner of Second and F streets NE., thence east on F street north to Eight street east to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from Seventh and T streets NW. eastwardly along T street to Florida avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from C street and Delaware avenue NE. along Delaware avenue to the plaza in front of the Union Station, together with a double-track loop passing in front of the station on said plaza; also a double-track connection from First and B streets SE. northwardly along First street east to B street north.

"SEC. 4. That the companies hereinbefore named be, and they are hereby, permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines to be approved by the Commissioners of the District of Columbia, and the cost thereof and all the other costs and expenses of construction, removal of tracks, repairs, and restoration in this act mentioned shall be borne and paid solely by said street railway companies, and they shall be solely liable for all damages to persons and property occasioned by any construction or work authorized by this act.

"SEC. 5. That the said street railway companies mentioned in this act be, and they are hereby, authorized and required, within eighteen months from the date of the passage of this act, and it shall be the duty of each of them, to remove their respective railway tracks and appurtenances from the following streets, and at the time of their removal to repair, restore, and make good in all respects the space now occupied by said railway tracks and appurtenances to the satisfaction and written approval of the Commissioners of the District of Columbia, namely: G street NW., from North Capitol street to New Jersey avenue; C street north, from First street east to Fourth street east; D street north, from First street east to Massachusetts avenue; First street west, from C street north to G street north; Sixth street west, from Louisiana avenue to B street north, and Louisiana avenue, from Fifth street west to Sixth street west; and upon neglect or refusal of said com-



panies to remove their respective tracks and to repave, repair, restore, and make good said space to the satisfaction of the said Commissioners within the time above limited, any said street railway company so neglecting or refusing shall be deemed guilty of a misdemeanor and shall be subject to the penalty provided in section 710 of the Code of Laws for the District of Columbia regarding the removal of abandoned tracks, and said Commissioners are authorized, without notice, to remove said tracks and to repave the space occupied by same and charge the cost thereof to such railroad company, whatever may be the manner or cost of doing said work, and to collect the cost thereof in the manner provided in section 5 of an act of Congress entitled 'An act to provide a permanent form of government for the District of Columbia,' approved June 11, 1878.

"Sec. 6. That the construction of the underground electric street railway lines in this act hereinbefore mentioned shall be commenced within thirty days and completed on or before May 1, 1909; and in default of such commencement or completion within said time or within the extension of time by this section specified, all corporate rights, franchises, and privileges of any street railway company so in default shall immediately cease and determine: *Provided*, That the Commissioners of the District of Columbia may, for good cause shown in writing, extend the time for completion; but the said Commissioners shall in no case grant such extension for a longer period than six months.

"Sec. 7. That where the route or routes provided for in this act coincide with each other or with the route or routes of existing street railways or street railways hereafter authorized to be operated or constructed, one set of double tracks only shall be constructed and shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give notice and hearings to the interested parties and to fix and finally determine the terms of the joint trackage: *Provided*, That there shall be two sets of double tracks immediately in front of the main entrance to the Union Station, facing Massachusetts avenue, the most northerly rail being not less than seventy feet from the axis of the south portion of said station.

"Sec. 8. That authority is hereby given the Commissioners of the District of Columbia to use such portions of reservation No. 77 as may in their judgment be necessary for sidewalks and roadways and for street railway use. And authority is hereby given said Commissioners to acquire by purchase or to condemn, in accordance with existing law, for street purposes, so much of square No. 626, lying north of the north building line of square No. 567, extended, as they may deem necessary, and the cost of acquiring said property as above shall be paid by the Anacostia and Potomac River Railroad Company: *Provided*, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square No. 567, extended, to become the property of said Anacostia and Potomac River Railroad Company as soon as the entire cost of acquisition as above specified shall be paid by it.

"Sec. 9. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which said track or tracks are to be laid, such widening shall be done by said Commissioners, the cost and expense of such widening, including the laying of new sidewalks, the adjustment of all underground construction, and of every public apportionment, shall be borne by the railway company constructing such tracks, and the said railway company shall deposit with the collector of taxes of the District of Columbia in advance the estimated cost of changing or widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized, said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad, and for a distance of two feet exterior to such track or tracks is collectible, under the provisions of section 5 of an act entitled 'An act to provide a permanent form of government for the District of Columbia,' approved June 11, 1878.

"Sec. 10. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners of the District of Columbia, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to

the new grade of the street or streets, the cost thereof to be borne by the said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies as referred to in the preceding section.

"Sec. 11. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of construction and extension herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia and under a permit or permits from said Commissioners.

"Sec. 12. That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, a corporation of the District of Columbia, shall not be terminated, except by authority of Congress; and unless said Metropolitan Coach Company shall, within one year after the passage of this act, substitute motor vehicles to be approved by the Commissioners of the District of Columbia, for the herxies now used by it, its right to operate its line shall cease and determine: *Provided further*, That all transfers issued by the Metropolitan Coach Company shall be properly dated and punched as to time limit as provided by rules and regulations to be made, altered, and amended from time to time by the Interstate Commerce Commission, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them.

"Sec. 13. That the Anacostia and Potomac River Railroad Company and the Capital Traction Company be, and they are hereby, authorized and required, jointly, to construct, maintain, and operate, by overhead trolley, temporary railway tracks for passenger service from the Union Station to the intersection of Delaware avenue and C street north, said tracks to be constructed within sixty days from the date of the approval of this act, in accordance with plans approved by the Commissioners of the District of Columbia, said tracks to be maintained by said companies to the satisfaction of said Commissioners, and to be removed by said companies after the construction of the permanent street railway tracks herein provided for within thirty days after notice from said Commissioners so to do: *Provided*, That the companies herein named may, at their option, substitute permanent underground for temporary overhead construction on Delaware avenue from C street to the southern edge of the plaza, and thence by temporary underground construction to the north line of Massachusetts avenue; such temporary construction to be removed within thirty days from the date of operation of cars over the permanent construction provided for in section 1 of this act.

"Sec. 14. That the railway companies affected by this act shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges as they respectively have or hereafter may have by law over and respecting their other routes, and shall be subject in respect thereto to all the other provisions of their charters and of law.

"Sec. 15. That no transfer ticket or written or printed instrument giving or purporting to give the right of transfer to any person or persons from a public conveyance operated upon one line or route of a street railroad, or from one car to another car upon the line of any street railroad, shall be issued, sold, or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell, or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage shall be punished by a fine not exceeding twenty-five dollars.

"Sec. 16. That every street railroad company or corporation owning, controlling, leasing, or operating one or more street railroads within the District of Columbia shall on each and all of its railroads supply and operate a sufficient number of cars, clean, sanitary, in good repair, with proper and safe power, equipment, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious passage, not to exceed fifteen miles per hour within the city limits or twenty miles per hour in the suburbs, to all persons desirous of the use of said cars, without crowding said cars. The Interstate Commerce Commission is hereby given power to require and compel obedience to all of the provisions of this section, and to make, alter, amend, and enforce all needful rules and regulations to secure said obedience; and said Commission is given power to make all such orders and regulations necessary to the exercise of the powers herein granted to it as may be reasonable and proper; and such railroad companies or corporations, their officers and employees, are hereby required to

obey all the provisions of this section, and such regulations and orders as may be made by said Commission. Any such company or corporation, or its officers or employees, violating any provision of this section, or any of the said orders or regulations made by said Commission, or permitting such violation, shall be punished by a fine of not more than one thousand dollars. And each day of failure or neglect on the part of such company or corporation, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commission made thereunder, shall be regarded as a separate offense.

"Sec. 17. That prosecutions for violations of any of the provisions of this act shall be on information of the Interstate Commerce Commission filed in the police court by or on behalf of the Commission.

"Sec. 18. That Congress reserves the right to alter, amend, or repeal this act."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

S. W. SMITH,  
P. P. CAMPBELL,  
*Managers on the part of the House.*  
J. H. GALLINGER,  
CHESTER I. LONG,  
THOMAS S. MARTIN,  
*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) "authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company in the District of Columbia, and for other purposes," submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the agreed amendment to the House amendment, namely:

Sections 1 and 2 provide for the arrangement and location of tracks unanimously recommended by the Engineer Commissioner of the District of Columbia, the architects and engineers of the Terminal Company, and the engineers and traffic experts of the various street railway companies, and the House recedes.

Section 3 provides for the extension of lines by the Capital Traction Company from Florida avenue and Seventh street NW., along Florida avenue to Eighth street east, and thence to Pennsylvania avenue SE.; from Florida avenue along New Jersey avenue to Massachusetts avenue to the Union Station plaza; from the Union Station plaza on F street NE. to Eighth street east; from Seventh and T streets NW. eastwardly along T street to Florida avenue; from First and B streets SE. northwardly along First street east to B street north; also provides the Capital Traction Company with the necessary right to occupy Delaware avenue to the Union Station plaza. The Senate recedes on the extensions along Florida avenue, New Jersey avenue, Eighth street east, and F street NE.; and the House recedes on extensions along Delaware avenue to the plaza, and First street east from First and B streets SE. to B street north.

Section 4 provides for the laying of duct lines by the various companies, and is as passed by both Houses.

Section 5 provides for the removal of tracks which by reason of the extensions and changes set forth in sections 1, 2, and 3 will necessarily be abandoned, and the Senate recedes.

Section 6 provides that the date of completed construction of the underground electric street railway lines authorized be extended from February 1, 1900, to May 1, 1909, and the House recedes.

Section 7 provides for the customary occupation of tracks in common, and is as passed by both Houses.

Section 8 provides that the cost of acquiring certain necessary private property shall be paid by the Anacostia and Potomac River Railroad Company instead of by the City and Suburban Railway of Washington, as amended by the House, and the House recedes.

Section 9 grants the Commissioners of the District of Columbia authority to widen, if necessary, the roadway of any street or streets in which tracks are to be laid, and is as passed by both Houses.

Section 10 provides for possible changes of grade, and is as passed by both Houses.

Section 11 provides for approval of all construction work by the Commissioners of the District of Columbia, and is as passed by both Houses.

Section 12 provides for the continuance of existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company in language immaterially amended in conference.

Section 13 provides for the construction of temporary tracks with a proviso permitting the companies to substitute permanent underground for temporary overhead construction from Delaware avenue and C street to the north line of Massachusetts avenue, and the House recedes.

Section 14 is as passed by both Houses.

Section 15 is as passed by the House, and the Senate recedes.

Section 16 confers upon the Interstate Commerce Commission authority to make effective all of the provisions of the section which deals with the character of service to be furnished by the street railway companies of the District of Columbia, and the Senate recedes.

Section 17 provides that prosecutions for violations of any of the provisions of this act shall be on information furnished by the Interstate Commerce Commission and filed in the police court by or on behalf of the Commission, and the Senate recedes.

Section 18 is as passed by both Houses.

S. W. SMITH,  
P. P. CAMPBELL,  
*Managers on the part of the House.*

Mr. SMITH of Michigan. Mr. Speaker, I move to agree to the conference report.

RECESS.

Mr. PAYNE. Pending that, I move that the House take a recess until 11 o'clock a. m. to-morrow.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy gentlemen are present—not a quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as favor the motion will, as their names are called, answer "yea;" as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 137, nays 67, answered "present"—11, not voting 172, as follows:

#### YEAS—137.

Ames	Douglas	Jones, Wash.	Pearre
Barchfeld	Driscoll	Kahn	Pollard
Bartholdt	Ellis, Oreg.	Kelser	Pray
Beale, Pa.	Esch	Kennedy, Ohio	Ralney
Bede	Fassett	Kinkaid	Reeder
Bonyng	Focht	Kustermann	Reynolds
Booher	Fordney	Lafean	Rodenberg
Boyd	Foss	Landis	Russell, Mo.
Brownlow	Foster, Ind.	Law	Sabath
Burleigh	Foukrod	Lindbergh	Saunders
Calderhead	French	Lindsay	Scott
Campbell	Fuller	Loud	Sherman
Capron	Gaines, W. Va.	Loudenslager	Slemp
Cary	Gardner, Mich.	Lovering	Smith, Iowa
Caulfield	Gardner, N. J.	McCall	Smith, Mich.
Chaney	Gilham	McKinney	Southwick
Chapman	Gillett	McLaughlin, Cal.	Sperry
Cocks, N. Y.	Glass	McLaughlin, Mich.	Steenerson
Cole	Graff	McMillan	Stevens, Minn.
Conner	Greene	Mann	Sturgiss
Cook, Colo.	Hamilton, Iowa	Miller	Sulloway
Cook, Pa.	Hamilton, Mich.	Moon, Tenn.	Tawney
Cooper, Pa.	Hawley	Moore, Pa.	Taylor, Ohio
Cooper, Wis.	Hayes	Mouser	Thistlewood
Coudrey	Henry, Conn.	Murdock	Townsend
Crawford	Higgins	Murphy	Volstead
Crumpacker	Hinshaw	Needham	Waldo
Currier	Holliday	Norris	Wanger
Cushman	Howard	Nye	Wheeler
Dalzell	Howell, N. J.	Olcott	Wilson, Ill.
Darragh	Howell, Utah	Olmsted	Woodward
Dawes	Howland	Padgett	Young
Dawson	Hubbard, W. Va.	Parker, N. J.	
De Armond	Huff	Parsons	
Diekema	Humphrey, Wash.	Payne	

#### NAYS—67.

Adair	Burleson	Finley	Hackney
Adamson	Burnett	Fitzgerald	Harrison
Aiken	Candler	Floyd	Hay
Alexander, Mo.	Carter	Foster, Ill.	Helm
Ashbrook	Clark, Mo.	Fulton	Henry, Tex.
Beall, Tex.	Cox, Ind.	Gaines, Tenn.	Houston
Bell, Ga.	Craig	Garner	Hughes, N. J.
Bowers	Denver	Garrett	James, Oile M.
Brantley	Dixon	Gillespie	Johnson, Ky.
Burgess	Ferris	Godwin	Johnson, S. C.



Jones, Va.	Nicholls	Riordan	Stephens, Tex.
Kimber	O'Connell	Robinson	Tou Velle
Kimball	Page	Rothermel	Underwood
Lloyd	Pou	Russell, Tex.	Watkins
McLain	Ransdell, La.	Ryan	Webb
Macon	Rauch	Sherley	Williams
Moore, Tex.	Rhinock	Sims	

## ANSWERED "PRESENT"—11.

Bennet, N. Y.	Davenport	Jenkins	Small
Burton, Del.	Granger	Lamb	Talbott
Butler	Haggott	McMorran	

## NOT VOTING—172.

Acheson	Ellis, Mo.	Kipp	Patterson
Alexander, N. Y.	Englebright	Kitchin, Claude	Perkins
Allen	Fairchild	Kitchin, Wm. W.	Peters
Andrus	Favrot	Knapp	Porter
Ansberry	Flood	Knopf	Powers
Anthony	Fornes	Knowland	Pratt
Bannon	Foster, Vt.	Lamar, Fla.	Prince
Barclay	Fowler	Lamar, Mo.	Pujo
Bartlett, Ga.	Gardner, Mass.	Langley	Randell, Tex.
Bartlett, Nev.	Gill	Laning	Reid
Bates	Goebel	Lassiter	Richardson
Bennett, Ky.	Goldfogle	Lawrence	Roberts
Bingham	Gordon	Leake	Rucker
Birdsall	Goulden	Lee	Shackleford
Boutell	Graham	Legare	Sheppard
Bradley	Gregg	Lenahan	Sherwood
Brodhead	Griggs	Lever	Slayden
Broussard	Gronna	Lewis	Smith, Cal.
Brumm	Hackett	Lilley	Smith, Mo.
Brundidge	Hale	Littlefield	Smith, Tex.
Burke	Hall	Livingston	Snapp
Burton, Ohio	Hamill	Longworth	Sparkman
Byrd	Hamlin	Lorimer	Spight
Calder	Hammond	Lowden	Stafford
Caldwell	Harding	McCreary	Stanley
Carlin	Hardwick	McDermott	Sterling
Clark, Fla.	Hardy	McGavin	Sulzer
Clayton	Haskins	McGuire	Taylor, Ala.
Cockran	Haugen	McHenry	Thomas, N. C.
Cooper, Tex.	Hedlin	McKinlay, Cal.	Thomas, Ohio
Cousins	Hepburn	McKinley, Ill.	Tirrell
Cravens	Hill, Conn.	Madden	Vreeland
Davey, La.	Hill, Miss.	Madison	Wallace
Davidson	Hitchcock	Malby	Washburn
Davis, Minn.	Hobson	Marshall	Watson
Denby	Hubbard, Iowa	Maynard	Weeks
Draper	Hughes, W. Va.	Mondell	Weems
Dunwell	Hull, Iowa	Moon, Pa.	Weisse
Durey	Hull, Tenn.	Morse	Willey
Dwight	Humphreys, Miss.	Mudd	Willott
Edwards, Ga.	Jackson	Nelson	Wilson, Pa.
Edwards, Ky.	James, Addison D.	Overstreet	Wolf
Ellerbe	Kennedy, Iowa	Parker, S. Dak.	Wood

The Clerk announced the following additional pairs:

On this vote:

Mr. HALE with Mr. SULZER.

Mr. KENNEDY of Iowa with Mr. HARDWICK.

Mr. NELSON with Mr. GRANGER.

Mr. LOVERING with Mr. SLAYDEN.

Mr. BATES with Mr. BARTLETT of Nevada.

Mr. BURTON of Ohio with Mr. RANDELL of Texas.

Mr. DAVIS of Minnesota with Mr. LASSITER.

Mr. DENBY with Mr. ANSBERRY.

Mr. ELLIS of Missouri with Mr. BRUNDIDGE.

Mr. FAIRCHILD with Mr. COOPER of Texas.

Mr. HALL with Mr. GOLDFOGLE.

Mr. ALLEN with Mr. LEVER.

Mr. LONGWORTH with Mr. HULL of Tennessee.

Mr. MADDEN with Mr. RUCKER.

Mr. SNAPP with Mr. SHACKLEFORD.

Mr. STERLING with Mr. SMITH of Missouri.

Mr. KNAPP with Mr. STANLEY.

The SPEAKER. On this vote the ayes have 137, noes 67, answering "present" 11, a quorum.

The ayes have it, and the Doorkeeper will open the doors.

Accordingly (at 6 o'clock and 36 minutes p. m.) the House took a recess until 11 o'clock a. m. to-morrow, May 21, 1908.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Elk River, Tennessee (H. R. Doc. 951)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Appomattox River, Virginia (H. R. Doc. 952)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of water-

way connecting Puget Sound with Lakes Union and Washington (H. R. Doc. 953)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of South River, North Carolina (H. R. Doc. 954)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor of Gary, Ind. (H. R. Doc. 955)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Roberson, administrator of estate of Joseph W. Roberson, against The United States (H. R. Doc. 956)—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the acts and resolutions of the second session of the fourth legislative assembly of Porto Rico (S. Doc. 479)—to the Committee on Insular Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7091) to grant to the State of Mississippi certain lands for the use of the common schools of that State, reported the same with amendments, accompanied by a report (No. 1715), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 11325) authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes, reported the same without amendment, accompanied by a report (No. 1716), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARSONS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19914) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, reported the same with amendment, accompanied by a report (No. 1717), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 22013) to establish a naval militia and define its relations to the General Government, and for other purposes, reported the same without amendment, accompanied by a report (No. 1718), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the joint resolution of the Senate (S. R. 78) establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 1726), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6805) to encourage the development of coal deposits in the Territory of Alaska, reported the same with amendment, accompanied by a report (No. 1728), which said bill and report were referred to the House Calendar.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 3433) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region, reported the same without amendment, accompanied by a report (No. 1729), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 6335) to establish a fish-cultural station in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 1730), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8448) to pay Velvia Tucker arrears of pension due her father, William N. Tucker, reported the same without amendment, accompanied by a report (No. 1719), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9617) for the relief of Joseph Swisher, reported the same without amendment, accompanied by a report (No. 1720), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21571) for the relief of John T. Freeman, reported the same without amendment, accompanied by a report (No. 1721), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21781) for the relief of William F. Smithey, reported the same without amendment, accompanied by a report (No. 1722), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21782) for the relief of Joseph S. Muster, reported the same without amendment, accompanied by a report (No. 1723), which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18639) for the relief of George W. Wickes, reported the same with amendments, accompanied by a report (No. 1724), which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 22017) for the relief of William Parker Sedgwick and others, and for other purposes, reported the same without amendment, accompanied by a report (No. 1725), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 22026) authorizing a survey of the West Fork of White River, Indiana—to the Committee on Rivers and Harbors.

By Mr. BURKE: A bill (H. R. 22027) to authorize inscriptions to be made on the tombstones of officers or enlisted men of the United States Army, Navy, or Marine Corps of the regular or volunteer forces who may be buried in any of the national cemeteries, using the highest lineal and brevet rank held in the militia, Naval Militia, or National Guard of any of the States, Territories, or District of Columbia—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 22028) authorizing a survey of Black Fish Bayou, in St. Francis County, Ark., from its mouth of Fifteen-Mile Bayou, with a view to improving the navigation thereof—to the Committee on Rivers and Harbors.

By Mr. KAHN: A bill (H. R. 22029) to incorporate the Congressional Club—to the Committee on the District of Columbia.

By Mr. COCKRAN: A bill (H. R. 22030) creating a special commission to devise a method of ending delays in the disposal of causes by courts of the United States, frequently amounting to denials of justice and tending to impair public confidence in the judicial department of this Government—to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 22031) to establish a fish hatchery and biological station in the State of Oklahoma—to the Committee on the Merchant Marine and Fisheries.

By Mr. REYNOLDS: A bill (H. R. 22032) to regulate the granting of injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: A bill (H. R. 22033) to fix a license fee and regulate soliciting orders, making sales, or exhibits of women's wearing apparel or headgear, by sample, picture, or

model of any description, by nonresidents within the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURTON of Delaware (by request): Joint resolution (H. J. Res. 187) proposing an amendment to the Constitution acknowledging the Delity in this foundation document of the Government—to the Committee on the Judiciary.

By Mr. CLAYTON: Resolution (H. Res. 420) providing for the publication of 2,000 copies of plan of the Constitution by Pelatiah Webster, and so forth—to the Committee on the Library.

By Mr. HASKINS, from the Committee on War Claims: Resolution (H. Res. 421) referring to the Court of Claims the bill H. R. 21781—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 422) referring to the Court of Claims the bill H. R. 21782—to the Private Calendar.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRANTLEY: A bill (H. R. 22034) for the relief of the State of Georgia—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 22035) granting an increase of pension to Thomas Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22036) granting an increase of pension to Jesse Toney—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 22037) for the relief of Robert B. Rodney—to the Committee on Military Affairs.

By Mr. CAULFIELD: A bill (H. R. 22038) granting a pension to John H. McBride—to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 22039) for the relief of the widow of Frederick W. Baether—to the Committee on Claims.

Also, a bill (H. R. 22040) for the relief of Patrick Powell—to the Committee on Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 22041) granting an increase of pension to Charles B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22042) granting an increase of pension to Stephen H. Chew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22043) granting an increase of pension to Daniel Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22044) granting an increase of pension to Cephas Applebee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22045) granting an increase of pension to Edward G. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22046) granting an increase of pension to Thomas B. Coles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22047) granting an increase of pension to William H. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22048) granting an increase of pension to Richard Gennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22049) granting an increase of pension to Theodore Ranigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22050) granting a pension to Thomas S. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22051) to correct the military record of Bernard Rodgers—to the Committee on Military Affairs.

Also, a bill (H. R. 22052) to correct the military record of Patrick McClafferty—to the Committee on Military Affairs.

Also, a bill (H. R. 22053) to correct the military record of Daniel O'Sullivan—to the Committee on Military Affairs.

By Mr. GILHAMS: A bill (H. R. 22054) granting an increase of pension to August C. Hartwig—to the Committee on Pensions.

By Mr. HITCHCOCK: A bill (H. R. 22055) for the relief of A. H. Nichols—to the Committee on War Claims.

By Mr. HUFF: A bill (H. R. 22056) granting an increase of pension to Gabriel Duffy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22057) granting an increase of pension to Thomas H. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22058) granting an increase of pension to Jacob Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22059) granting an increase of pension to William S. Dontt—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 22060) for the relief of the State of Kentucky—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 22061) for the relief of M. L. George—to the Committee on War Claims.



Also, a bill (H. R. 22062) granting a pension to Reuben P. Dennis—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 22063) granting an increase of pension to Franklin Spurgeon—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 22064) for the relief of the heirs of Jabez Tanner, deceased—to the Committee on Claims.

By Mr. ROBINSON: A bill (H. R. 22065) for the relief of the heirs of R. A. Crutcher, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 22066) for the relief of William M. Helveston and others—to the Committee on Military Affairs.

By Mr. STURGISS: A bill (H. R. 22067) granting a pension to Stockton Sponseller—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 22068) for the relief of the heirs of George Lloyd Raley—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of District No. 5, United Mine Workers of America, favoring Senate bill appropriating \$195,000 for protecting lives of miners—to the Committee on Mines and Mining.

Also, petition of H. P. Dougherty, representing Division No. 565, Brotherhood of Locomotive Engineers, of Newcastle, Pa., for the Rodenberg anti-injunction bill and Graff ash-pan bill (H. R. 17137 and H. R. 19795)—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petitions of Louis Picard and Henry Moses, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. BARTLETT of Nevada: Petition of citizens in mass meeting at Tekamah, Nev., for the Acheson bill to dam the liquor traffic at every State line by prohibiting all interstate commerce in liquor—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Goldfield Typographical Union, No. 105, of Goldfield; Union No. 1417, of Tonopah, and Union No. 1581, of Rhyolite, United Brotherhood of Carpenters and Joiners of America; Tonopah Trades and Labor Council, of Tonopah; Tonopah Union, No. 34, Brotherhood of Painters, Decorators, and Paper Hangers of America; H. E. Wilson, John W. Brooks, and A. L. McFadden, of Goldfield; Union No. 1326, United Brotherhood of Carpenters and Joiners of America, of Ely; A. H. Ruffles, J. J. Dranger, and W. H. McNulty, of Tonopah; Local Union No. 301, Amalgamated Sheet Metal Workers' International Alliance, of Tonopah, all in the State of Nevada, for amending Sherman antitrust law by passage of Wilson bill (H. R. 20584) and for passage of Pearre bill (H. R. 94) relating to injunctions, employers' liability bill, and eight-hour Government employee bill—to the Committee on the Judiciary.

By Mr. BURKE: Petition of citizens of Pittsburgh, Pa., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

Also, petition of Pittsburgh Construction Company, against any anti-injunction legislation—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of citizens of Madison, Me., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: Petition of Lodge No. 132, Brotherhood of Railway Trainmen, favoring the Rodenberg anti-injunction bill and the Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

Also, petitions of United Trades and Labor Council of Cuyahoga County; Amalgamated Wire Weavers' Protective Association; citizens of Bellaire; Local No. 77, I. L. M. and T. A., of Cleveland; citizens of Cleveland and New Straitsville, and I. H. C. and B. L. U. of A., Local No. 10, all in the State of Ohio, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BUTLER: Petition of the Building Association League of Pennsylvania, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

By Mr. CALDER: Petition of Lewis H. Campbell and other citizens of Brooklyn, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of United Master Butchers' Association of America, for repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Ode & Gerbereux, of New York City, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of citizens of Philadelphia, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), and the employers' liability bill.

By Mr. COOPER of Wisconsin: Petition of citizens of Racine and Kenosha, Wis., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Milton S. Harrington, of Elkhorn, Wis., for reimbursement by the Government for property taken and destroyed by the Bannock Indians on August 31, 1859, near Fort Hall, Oreg., in the Miltmore massacre—to the Committee on Claims.

By Mr. DAVIS of Minnesota: Petition of Stoneware Potters' Union of Red Wing, Minn., against any constitutional amendment intended to extend the right of naturalization—to the Committee on Immigration and Naturalization.

Also, petition of labor organization of Red Wing, Minn., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Hand in Hand Lodge, No. 183, Brotherhood of Railway Trainmen, of Clinton, Iowa, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Dr. George Giles, of Earleville, Ill., for S. 4432, for betterment of Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the James R. Foard Company, of Baltimore, Md., against restriction of carrying material and supplies to the Panama Canal to American ships—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Branch No. 3, Glass Bottle Blowers' Association, of Streator, Ill., for amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Commercial Telegraphers' Union of America, of Chicago, Ill., for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

Also, petition of National Grange, for the creation of a national highways commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

Also, petition of Association for the Protection of the Adirondacks, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. FULTON: Petition of legislature of Oklahoma, for amendments to the Constitution—to the Committee on the Judiciary.

By Mr. GARDNER of Michigan: Memorial of Calhoun Lodge, No. 84, Division of Locomotive Firemen and Engineers, of Battle Creek, Mich., favoring the Rodenberg anti-injunction bill—to the Committee on the Judiciary.

By Mr. GRAHAM: Paper to accompany bill for relief of Pembroke B. Banton—to the Committee on Claims.

Also, petition of Dickerson Run Lodge, No. 632, for Rodenberg anti-injunction bill (H. R. 19795) and for the Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

Also, petition of Carpenters' District Council and citizens of Pittsburgh, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Builders' Exchange League and Master Builders' Association, of Pittsburgh, Pa.; Thomas W. Irwin Manufacturing Company, Builders' Exchange League, and Master Builders, of Allegheny County; Union Steel Castings Company,

and United Engine and Foundry Company, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of George N. Capp, delegate of Brotherhood of Locomotive Engineers, Divisions Nos. 411 and 452, favoring the Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills—to the Committee on the Judiciary.

By Mr. GRANGER: Petitions of officers and members of the Sarah E. Doyle Club, of Providence, R. I., and the Rhode Island Sorosis, urging the passage of H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local No. 632, United Brotherhood Carpenters and Joiners of America, of Providence, R. I., urging passage of Wilson bill, to amend the Sherman antitrust law, the Pearre bill, the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of Minnesota State Association of Builders' Exchanges, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. HAYES: Petition of Carpenters' Union, No. 483, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

Also, petition of citizens of San Jose, Cal., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HOWLAND: Petition of Lodge No. 32, Brotherhood of Railway Trainmen, of Cleveland, Ohio, for the Rodenberg anti-injunction bill—to the Committee on the Judiciary.

By Mr. HUFF: Papers to accompany bills for relief of Gabriel Duffy, Thomas H. Campbell, Jacob Kelley, and William S. Douthett—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Petition of citizens of Paterson, N. J., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of citizens of Oswego, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. LAFÉAN: Petition of citizens of the Twentieth Congressional District for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of Cigarmakers, Printers, Weavers, and Shoe Workers' unions of North Adams, Mass., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of Mary Saylor, heir of Henry Pritchard, deceased, late of Whitfield County, Ga.—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of Minnesota State Association of Builders' Exchanges, against the passage of anti-injunction bills now pending—to the Committee on the Judiciary.

By Mr. REYNOLDS: Petition of Local Union No. 2200, United Mine Workers of America, of Sixmile Run, Pa., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SPIGHT: Paper to accompany bill for relief of heirs of Thomas Duty—to the Committee on War Claims.

By Mr. SULLOWAY: Petition of E. A. Scott and others, for the Rodenberg anti-injunction bill and Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of United Master Butchers' Association of America, of Brooklyn, N. Y., for removal of tariff on wood pulp—to the Committee on Ways and Means.

Also, petition of Agrarian League of Cuba, favoring an increase of freedom of trade between the island of Cuba and the States—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of Trades League of Philadelphia, favoring the Fowler credit-currency bill, and for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of Robert E. Jackson, for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination for President by any political party—to the Committee on the Judiciary.

## SENATE.

THURSDAY, May 21, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the said bill upon which the committee of conference were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD managers at the conference on the part of the House.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by sundry Polish-American citizens of St. Joseph County, Ind., expressing their disapproval of the expropriation law enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

Mr. PILES presented a petition of sundry citizens of Tacoma, Wash., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. HOPKINS presented petitions of sundry labor organizations of Bruce, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust bill," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Villa Park Lodge, No. 303, Brotherhood of Locomotive Firemen and Engineers, of Kankakee, Ill., praying for the passage of the so-called "Rodenberg anti-injunction" and the "Hemenway-Graff ash-pan" bills, which was referred to the Committee on the Judiciary.

Mr. WARNER presented a petition of sundry citizens of Coldspring, Cheney, Denlow, Springfield, Veracruz, and Brushy-knob, all in the State of Missouri, praying for the enactment of legislation to correct the military record of Richard A. Hodges, private, Company A, Twelfth Missouri Volunteer Cavalry, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Ashland, Mo., praying for the enactment of legislation granting a pension to Clara J. Sitton, wife of Felix G. Sitton, on account of his services rendered in the war with Mexico, which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Westminster Presbyterian Church, of St. Joseph, Mo., praying for the enactment of legislation to prohibit the sale and importation of opium into the United States and insular possessions, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Springfield, Mo., praying for the enactment of legislation providing for the construction of all the new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Clever, Mo., praying for the enactment of legislation to prohibit the manu-



facture and sale of intoxicating liquors in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Gentry County, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

Mr. SCOTT presented petitions of sundry labor organizations of Bluefield and Huntington, in the State of West Virginia, and of Columbus, Ohio, praying for the passage of the so-called "Rodenberg anti-injunction" and "Hemenway-Graff safety ash-pan" bills, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and labor organizations of Grafton, Clarksburg, and Wheeling, all in the State of West Virginia, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Wheeling and Benwood, in the State of West Virginia, praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. ANKENY presented a petition of Lynden Grange, No. 170, Patrons of Husbandry, of the State of Washington, praying for the passage of the so-called "rural parcels post" and "postal savings bank" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON (for Mr. KITTREDGE) presented the petition of A. M. Urquhart, of Huron, S. Dak., praying for the passage of the so-called "Rodenberg anti-injunction" and "Hemenway-Graff safety ash-pan" bills, which was referred to the Committee on the Judiciary.

Mr. DIXON presented petitions of sundry citizens and labor organizations of Anaconda and Stockett, in the State of Montana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 6889) granting a pension to Catherine Mastick, which were referred to the Committee on Pensions.

Mr. DICK presented petitions of sundry labor organizations of Cleveland, Columbus, Toledo, Cincinnati, Chillicothe, Sandusky, and Canton, all in the State of Ohio, praying for the passage of the so-called "Rodenberg anti-injunction" and the "Hemenway-Graff safety ash-pan" bills, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry business firms of Cleveland, Columbus, Toledo, Warren, Springfield, Fostoria, and Leetonia, all in the State of Ohio, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. NEWLANDS presented petitions of sundry citizens and labor organizations of Rhyolite, Ely, Tonopah, and Goldfield, all in the State of Nevada, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of South Norwalk, Bridgeport, and Bristol, all in the State of Connecticut, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bridgeport, Conn., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. BEVERIDGE presented a memorial of Post V, Travelers' Protective Association of America, of La Porte, Ind., remonstrating against the repeal of the duty on leaf tobacco, which was referred to the Committee on Finance.

He also presented resolutions of the Shelbyville Civic Association and of the Indiana State Federation of Clubs, approving the action of the President in calling a conference of the governors to consider the question of the conservation of the natural resources of the United States, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Howell and Evansville, in the State of Indiana, praying for the enactment of legislation providing for the investigation and the develop-

ment of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Boilermakers' Union No. 10, of Indianapolis, Ind., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Frankfort and Middletown, in the State of Indiana, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of West Grove Grange, No. 2117, Patrons of Husbandry, of Pennville, Ind., and a petition of Union Grange, No. 938, Patrons of Husbandry, of Pimento, Ind., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the Commercial Club of Goshen, Ind., indorsing the action of the President in calling a conference of the governors on the conservation of the natural resources of the United States, which were referred to the Committee on Forest Reservations and the Protection of Game.

#### REPORTS OF COMMITTEES.

Mr. HALE. I report back from the Committee on Appropriations with sundry amendments the bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, and I submit a report (No. 684) thereon.

I wish to say to the Senate that I have asked the Printing Office to expedite the printing and send the bill to the Senate some time this afternoon, and when it reaches here, in order to expedite business, I shall ask the Senate, when it has possession of copies of the bill, to take it up to-day and, I hope, pass it.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 7114) to correct the military record of Stephen Feather, deceased, reported it with amendments and submitted a report (No. 686) thereon.

Mr. BAILEY. I am directed by the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, to whom was referred the letter of the Secretary of Commerce and Labor transmitting a schedule of documents and papers in the Department of Commerce and Labor not necessary for the transaction of the public business, to submit a report (No. 688) thereon.

The VICE-PRESIDENT. The report will be printed and lie on the table.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, to report it with amendments, and I submit a report (No. 687) thereon. I give notice that I shall call up the bill at the very earliest moment.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 5329) to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes, reported it with an amendment and submitted a report (No. 689) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 21957) relating to affairs in the Territories, reported it with amendments and submitted a report (No. 690) thereon.

#### FIRE IN CHELSEA, MASS.

Mr. ALLISON. From the Committee on Appropriations I report back favorably without amendment the bill (H. R. 21927) to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes, and as it is a brief bill and local in its object, I ask unanimous consent for its immediate consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 7197) granting an increase of pension to Luther C. Wright, which was read twice by its title and referred to the Committee on Pensions.

Mr. BULKELEY introduced a bill (S. 7198) granting an increase of pension to James M. Perkins, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRANDEGEE introduced a bill (S. 7199) for the relief of the heirs of Jenkins & Havens, which was read twice by its title and referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 7200) granting an increase of pension to Fenton Bagley, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7201) to establish a Board of Visitors to the United States Naval Academy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. FOSTER introduced a bill (S. 7202) for the relief of the heirs of Dr. T. H. Maddox, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. TALIAFERRO introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7203) for the relief of the estate of Alfred L. Shotwell; and

A bill (S. 7204) for the relief of the estate of Nathan A. Davis.

Mr. DANIEL introduced a bill (S. 7205) for the relief of Willoughby L. Wilson, administrator of the estate of Willoughby Wilson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7206) conferring jurisdiction on the Court of Claims to adjudicate the rights of persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Ind. T., which have been taken for a United States reservation, and for other purposes; and

A bill (S. 7207) for the refunding of certain moneys.

He also introduced a joint resolution (S. R. 91) proposing an amendment to the Constitution of the United States, which was read twice by its title.

Mr. OWEN. I ask that the joint resolution lie on the table.

The VICE-PRESIDENT. The joint resolution will lie on the table.

## UNCLE SAM OIL COMPANY.

Mr. OWEN submitted the following resolution, which was read:

*Resolved*, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, directed to investigate the matters set forth in the memorial presented to the Senate by the Uncle Sam Oil Company and to report its findings and conclusions with reference thereto and the testimony produced before the said committee. Said committee is hereby directed to inquire into and investigate the whole subject of said memorial, and particularly the following matters:

(1) What means, if any, have been used by the Standard Oil Company to subsidize or influence the public press in favor of the Standard Oil Company and against the Uncle Sam Oil Company or to prevent the Uncle Sam Oil Company engaging in the business of producing, refining, and marketing oil in competition with the Standard Oil Company.

(2) What connection or relation, if any, exists between the Standard Oil Company and the railroad companies doing business in the States of Kansas and Oklahoma and what discriminations have been made by any of said railroad companies against the Uncle Sam Oil Company and in favor of the Standard Oil Company, and what efforts any of said railroad companies have made to influence or prejudice the judges of the United States district court for the district of Kansas.

(3) What means, if any, have been used to influence the officers of the Post-Office Department to interfere with the officers of the Uncle Sam Oil Company by withholding the mail from said company and its officers and refusing to pay to said company or its officers postal money orders payable to said company or its officers and to circulate untrue reports concerning said company.

(4) What means, if any, have been used to influence the Department of Justice to prosecute any officer of said Uncle Sam Oil Company, and why the manager of said company was three times indicted by the grand jury in the United States district court for the district of Kansas on a charge of which he was innocent.

(5) What means, if any, have been used to secure the incarceration of the manager of said Uncle Sam Oil Company in a common jail for the period of three months for making an application for a change of trial judges in the United States circuit court for the district of Kansas, and what means, if any, were used to influence the Department of Justice to advise the President to refuse to pardon said officer.

(6) What reason exists for the low price of crude oil in the Kansas-Oklahoma oil fields, and why the price of refined oil in the United States has not decreased in proportion with the decrease in the price of crude oil.

The said committee is hereby authorized to send for persons and papers, administer oaths to the witnesses, and sit during the recesses of Congress at such places as shall be most accessible to the witnesses. It shall have the testimony reported in full for the information of the Senate.

Mr. OWEN. I ask that the resolution may lie on the table. The VICE-PRESIDENT. The resolution will lie on the table. Mr. OWEN submitted the following resolution, which was read:

*Resolved*, That the Postmaster-General, the Department of Justice, and the President be, and they are hereby, requested to lay before the Senate all information in their possession concerning the issuance of a fraud order against H. H. Tucker, jr. or the Uncle Sam Oil Company, the prosecution of said H. H. Tucker, jr., in the United States district court for the district of Kansas, his incarceration in jail for making an application for a change of trial judges in the United States circuit court for the district of Kansas, and the printing and circulation of a report by R. P. Goodwin to the Postmaster-General as a basis for said fraud order, and why said fraud order has not been revoked since the acquittal of said H. H. Tucker, jr.

Mr. OWEN. I ask that the resolution may lie on the table. The VICE-PRESIDENT. The resolution will lie on the table.

Mr. CARTER. I wish to inquire if the resolutions just read go over, under the rule, or whether it is intended to call them up during the day?

The VICE-PRESIDENT. The resolutions were ordered to lie on the table. The Senator from Oklahoma made no further request.

Mr. CARTER. I suggest that the resolutions be referred to the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. The Senator from Montana moves that the resolutions be referred to the Committee on Post-Offices and Post-Roads.

Mr. OWEN. That course will be agreeable to me.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. OWEN subsequently said: I present a memorial of the Uncle Sam Oil Company requesting that the conduct of the Post-Office Department and the other official offices touching the litigation and affairs of that company be investigated by Congress. I ask that the memorial be printed as a document for the information of the Senate.

The VICE-PRESIDENT. Is there objection to the request for the printing of the memorial as a document? The Chair hears none, and that order is made.

Mr. OWEN. I ask that the memorial when printed be referred to the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. That reference will be made, in the absence of objection.

## QUAPAW AGENCY, OKLA.

Mr. CURTIS submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

## CHOCTAW AND CHICKASAW INDIAN ROLLS.

Mr. CLAPP. On January 20 I submitted a resolution calling on the Secretary of the Interior to transmit to the Senate a list of the rolls which have been prepared since 1830 of the Choctaw and Chickasaw Indians, and so forth. Since that time I have received a number of communications from the Department of the Interior relative to this matter. I move that these communications be printed as a document.

The motion was agreed to.

## CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. CLAPP. I present a paper by Arthur McDonald, being hearings on bills to establish a laboratory for the study of the criminal, pauper, and defective classes. I move that the paper be printed as a document.

The motion was agreed to.

## REPORT ON DISEASES OF CATTLE.

Mr. DANIEL. Mr. President, there is in the Senate at this time House joint resolution 176, which provides for printing the Special Report on Diseases of Cattle. It provides for printing 100,000 copies of this excellent work.

I will state in this connection that there only three members of the Committee on Printing, and all three are absent, and unless the process is taken which I shall suggest the joint resolution is likely to fail, while there is a very general desire for its passage. I move to discharge the Committee on Printing from the further consideration of the joint resolution (H. J. Res. 176) providing for the printing of the Special Report on the Diseases of Cattle, and I shall then ask unanimous consent to put the joint resolution on its passage. I have talked to members of the Committee on Agriculture and Forestry, including the acting chairman [Mr. WARREN], whom I do not see in his seat at the moment, and they have expressed themselves—

Mr. KEAN. What is the joint resolution?



Mr. DANIEL. It provides for printing the Special Report on the Diseases of Cattle.

The VICE-PRESIDENT. The Senator from Virginia moves that the Committee on Printing be discharged from the further consideration of the joint resolution (H. J. Res. 176) providing for the printing of the Special Report on the Diseases of Cattle, and asks unanimous consent that the motion may be now considered. Is there objection?

Mr. KEAN. I do not see any member of the Committee on Printing present.

Mr. DANIEL. I beg leave to state—

Mr. KEAN. Did the committee agree to this action?

Mr. DANIEL. Will the Senator permit me to make a statement in that regard? All three members of the Committee on Printing are absent. It is not likely that they will be here at the present session, and I think every Senator—

Mr. KEAN. I think that if the Senator from Virginia would communicate with the Senator from West Virginia [Mr. ELLIS], who is a member of the committee, his consent might be obtained.

Mr. DANIEL. I do not think there is any objection at all to the joint resolution.

Mr. KEAN. Personally, I have no objection to it, but I think it is a very bad practice to discharge any committee.

Mr. DANIEL. It would be except in such a case as this.

Mr. MONEY. If the Senator from Virginia will excuse me, I want to say to the Senator from New Jersey that this is a reprint of an extremely valuable book to farmers on diseases of cattle.

Mr. DANIEL. It is out of print.

Mr. MONEY. It is out of print.

Mr. KEAN. I will say to the Senator from Mississippi that I myself should like to have the document very much, but I do not believe in the practice of discharging committees from the consideration of measures which have been referred to them.

Mr. MONEY. I hope the Senator will consider the circumstances for a moment. Congress is about to adjourn, and the members of the committee will not be here again. They are all of them absent and two of them are sick. So the committee not being here to act upon the measure, I think the motion of the Senator from Virginia should prevail. This very valuable book should be printed, for there is an extraordinary demand for it. It is extremely valuable to the farmers. It is one of the best bulletins, I think, ever issued by the Department. I hope the Senator from New Jersey will not, on account of some technicality, object to the reprint.

Mr. KEAN. I am as anxious for the book as any of the Senators here. There are a great many farmers in my State, and they are very fond of these reports on the diseases of the horse and the diseases of cattle. I should like to distribute the book among them, but I should like to observe the rules of the Senate, and I do not think it ought to be done without some consultation with at least one member of the Committee on Printing.

The VICE-PRESIDENT. Is there objection to the present consideration of the motion of the senior Senator from Virginia?

Mr. KEAN. I object.

The VICE-PRESIDENT. Objection is made.

Mr. DANIEL. Mr. President—

Mr. GALLINGER. I beg to submit a conference report and ask for its present consideration.

The VICE-PRESIDENT. The Senator from New Hampshire.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 8, 9, 15, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 34, 38, 40, 41, 45, 49, 50, 54, 55, 56, 61, 62, 68, 69, 70, 71, 75, 76, 78, 85, 88, 93, 94, 95, 96, 100, 104, 109, 113, 115, 118, 119, 122, 124, 125, 127, 129, 130, 137, 164, 166, 192, 193, 197, 201, 203, 211, 212, 213, 215, 218, 219, 220, 222, 224, 229, 237, 239, 241, 243, 244, 247, 248, 252, 253, 255, 256, 261, 267, 269, 278, 286, 289, 293, 296, 297, 298, 302, 308, 313, 319, 320, 324, and 328.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 10, 11, 12, 13, 14, 16, 20, 24, 33, 36, 37, 42, 43, 44, 46, 47, 48, 52, 53, 57, 59, 60, 63, 64, 65, 66, 67, 72, 73, 74, 77, 79, 81, 82, 83, 86, 87, 89, 90, 91, 92, 97, 98,

99, 101, 102, 103, 105, 107, 110, 114, 116, 123, 126, 128, 132, 133, 134, 138, 139, 140, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 156, 157, 159, 160, 161, 162, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 195, 196, 198, 200, 202, 204, 205, 206, 207, 208, 209, 210, 214, 216, 221, 223, 227, 232, 233, 238, 245, 249, 250, 254, 257, 259, 260, 262, 264, 265, 268, 271, 273, 274, 275, 276, 277, 282, 283, 284, 285, 290, 291, 292, 295, 299, 301, 304, 305, 306, 307, 309, 311, 312, 321, 322, 323, 327, 329, 331, 333, 334, and 335; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment amended as follows: On page 2 of the bill, in line 9, strike out the words "five hundred" and insert in lieu thereof "two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand four hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and two thousand and fifty-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 5 of the bill, in lines 3 and 4, strike out the words "assistant superintendent, who shall be a stenographer, one thousand dollars" and insert in lieu thereof the following: "clerk and stenographer, one thousand two hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "one dynamo tender, eight hundred and seventy-five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-two thousand eight hundred and ninety-five dollars," and on page 5 of the bill, in line 18, after the word "dollars," insert ": Provided, That the employees herein authorized for the care of the District building shall be appointed by the assistants to the Engineer Commissioner with the approval of the Commissioners;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-two thousand two hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand eight hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and eighty-nine thousand four hundred and sixty-two dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand two hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-eight thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: On page 24 of the bill, in line 25, after the word "avenue," insert the word "only;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Omit the amended paragraph by striking from page 27 of the bill lines 1 to 11, inclusive; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "one hundred and thirty-eight thousand four hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "Naval" and insert the word "Potomac;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "eighty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Toward constructing Fourth street SE. relief sewer from Pennsylvania avenue and Fourth street to Virginia avenue and Second street SE, fifteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "electrical inspector, two thousand dollars; electrical inspector, one thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: On page 36 of the bill, in line 17, after the word "dollars," insert the following: *Provided*, That hereafter the Washington Terminal Company, its successors, or transferees shall pay to the District for the lighting of the streets, avenues, alleys, and grounds over and under which its right of way may cross, as well as for the lighting of those streets, avenues, alleys, and grounds bordering on its right of way, under the direction and control of the Commissioners; and in case of default of payment of such bills, actions at law may be maintained by the District of Columbia against said Terminal Company or its successors or transferees therefor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: On page 38 of the bill, in line 9, after the word "dollars," insert the following: *Provided*, That hereafter the Washington Terminal Company, its successors, or transferees shall pay to the District for the lighting of the streets, avenues, alleys, and grounds over and under which its right of way may cross, as well as for the lighting of these streets, avenues, alleys, and grounds bordering on its right of way, under the direction and control of the Commissioners; and in case of default of payment of such bills, actions at law may be maintained by the District of Columbia against said terminal company or its successors or transferees therefor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For teachers of the normal, high, and manual training schools promoted for superior work, group B of class six, seven in all, at a minimum salary of one thousand nine hundred dollars each: *Provided*, That hereafter no teacher shall be eligible to group B, class six, who has not attained the maximum of group A: *And provided further*, That hereafter teachers employed in normal, high, and manual training schools may be placed in group A, class six, and receive their longevity increase according to their number of years of experience in teaching in accredited normal, high, or manual training schools: *Provided further*, That hereafter no more than seven teachers shall be promoted in any one year from group A, class six, to group B, class six."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an

amendment as follows: In lieu of the number proposed in said amendment insert "one hundred and eighty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million two hundred sixty three thousand and twenty-five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$146,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "eighteen thousand" and insert in lieu thereof the words "twelve thousand five hundred;" and in line 9 strike out the word "five" and insert in lieu thereof the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$105,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand two hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For additional amount for 'Repairs and improvements to school buildings and grounds' for the purpose of replacing wooden stairs in brick buildings with those of fireproof construction, removal of old and unsuitable fire escapes, and erection of improved fire escapes, and improvement of approaches thereto, improving exits, and for such miscellaneous alteration and repair work as may be necessary to secure protection against fire in existing school buildings owned by the District of Columbia, \$50,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine hundred and fifteen thousand five hundred and ninety-three dollars and thirty-five cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided further*, That within thirty days after the passage of this act and every two years thereafter persons on the pension rolls in the District of Columbia for disabilities incurred while in the service of the police department or fire department of the District of Columbia shall undergo a medical examination, and as a result of such examinations, the Commissioners shall determine whether the pension being paid in each case shall continue in whole or in part;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$20,000;" and the Senate agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$65,280;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,380;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,380;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$492,270;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$111,530;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-nine thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 258, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine thousand two hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-seven thousand four hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 266, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-eight thousand six hundred and seventy-six dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 272, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The President is authorized to appoint three commissioners, one of whom may be nominated by the Attorney-General and one by the Commissioners of the District of Columbia, who shall investigate the condition of the jail of the District of Columbia, now under the control of the Attorney-General, and of the workhouse within said District and other buildings adjacent to said jail; and in connection with the investigation the commissioners, under the direction of the Attorney-General, may visit and inspect similar institutions in other cities within the United States; and they shall report to the President on or before December thirty-first, nineteen hundred and eight, concerning said condition and the expediency of removing said jail, workhouse, and other buildings to other sites more appropriate for their needs and located so near to railroad lines as to secure suitable facilities for the delivery thereto of material suitable or necessary for industries to be therein carried on; and shall also make such other recommendations on the subject as may seem to them expedient; for the expenses of the commissioners there is hereby appropriated the sum of one thousand five hundred dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 279, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For necessary fire protection, water mains, plugs, and the necessary piping connections, and laying and installing the same, to be immediately available, \$1,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,968;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,633;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 288, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 300, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$37,140;" and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For necessary tiling and pipes, \$500."

And the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 315, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 316, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,360;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 317, and agree to the same with an amendment as follows: After the word "school," at the end of said amendment, insert the following words: "during the fiscal year nineteen hundred and nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That any of the moneys appropriated for the fiscal years nineteen hundred and eight and nineteen hundred and nine for the District of Columbia Militia may be used to supplement specific appropriations or allotments which may be found insufficient for the purposes for which made, and authority is hereby given to supplement the regular ration by purchase of such additional articles of subsistence as may be deemed necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 326, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "shall" and insert in lieu thereof the word "may;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 330, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand one hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 332, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "sixty-six thousand dollars;" and the Senate agree to the same.

J. H. GALLINGER,  
MURPHY J. FOSTER,  
*Managers on the part of the Senate.*  
WASHINGTON GARDNER,  
MARTIN P. MADDEN,  
ALBERT S. BURLESON,  
*Managers on the part of the House.*

The report was agreed to.

DATE ON CANNED MEAT, ETC.

Mr. BEVERIDGE. Mr. President, I ask the acting chairman of the Committee on Agriculture and Forestry whether he contemplates any report upon Senate bill 912. It is the bill providing for the date being placed upon cans of meat.

Mr. WARREN. Mr. President, responding to the inquiry of the Senator from Indiana, I will state that the Committee on Agriculture and Forestry had a special meeting last Saturday morning, and the bill referred to by the Senator was considered at that meeting. Laid before the committee at that time were requests from societies of wholesale grocers, retail grocers, packers, and others, respectfully requesting a hearing, short or long, and at any time the committee might designate.

Those of the committee present, I think, voted unanimously, or nearly so—and there was a quorum present—that the time was too short in which to properly consider that measure or to grant the hearings which they felt were due to the societies that had requested them before adjournment. Therefore it is not the intention of the committee to report the bill during the present session.

Mr. BEVERIDGE. Mr. President, this measure has been considered by the Senate for two years. It has twice passed this body and was rejected by the House conferees in the House. The House last year was given no chance to vote upon it. With reference to the hearings, very extensive hearings were had upon this particular subject when the original meat-inspection bill, which included this point, was before Congress a little more than two years ago. Those hearings embraced every argument that can be adduced against this measure. All of the facts were presented elaborately by the representatives of the packers.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Of course.

Mr. WARREN. Mr. President, I want some information. As I recall the legislation which the Senator from Indiana mentions, it was put in on the floor of the Senate upon an appropriation bill, without any notice whatever to anybody. I will say that as a member of that committee I sat in all its meetings in considering the appropriation bill up to the time it was decided that it should be reported to the Senate as we had up to that time passed upon it. I went West to my home, to be gone a week or such a matter, and when I came back the amendment was in conference, having been placed by unanimous consent upon the bill. I ask the Senator if I am correct?

Mr. BEVERIDGE. The Senator is entirely correct in his statement.

Mr. WARREN. Was the dating of the cans a part of the original measure included in the appropriation bill when it was first proposed?

Mr. BEVERIDGE. It was.

Mr. WARREN. May I ask a little further? When were these hearings had?

Mr. BEVERIDGE. The hearings were held before the House committee, not by the Senate committee.

Mr. WARREN. It seems, from the statement of the Senator from Indiana, that no hearings have been held by any Senate committee. Were not those hearings directed entirely to the matter of meat inspection and not to the general subject of dating the cans of meat and other products?

Mr. BEVERIDGE. Both, Mr. President. Every possible objection to the original measure was considered, including this provision, which was one of the two points out of some twenty points in the bill on which the Senate was defeated. All of those points were considered in that hearing. The report of those hearings was printed. That report was at the time in the hands of nearly every Senator, and it has been at the command of the Senate Committee on Agriculture and Forestry and of every member thereof.

The measure itself has passed the Senate twice, both times as an amendment to the appropriation bill. I should have offered it this year again were it not for the fact that the Senator from Wyoming informed me that he would do with

reference to it what was done by him the last time with reference to the other provision—that he would make a point of order against it. That point of order was made the last time, and the Chair sustained the point of order, and the amendment was rejected upon that ground.

Now, Mr. President, in view of the fact that this has been before Congress for two years, in view of the fact that it has passed this body twice without a dissenting vote, in view of the fact that full hearings were had when the original bill was up before the House, which hearings were printed, and in view of the very grave nature of this particular provision—I am talking about the date on the cans—in view of the number of people whose lives have been endangered and are daily endangered by reason of keeping the date off of the cans, I think it too serious a question for the committee at the end of a five months' session in the closing days of the session to hold a meeting to consider it for the first time and then postpone the measure itself upon the ground that some person has asked to be heard. If some person asked to be heard, after the Senate had passed the measure twice, why were they not heard five months ago, four months ago, three months ago?

At least two or three members of this body have been seriously affected in their health by the failure to have the date upon the cans of meat or meat food products. I remember when the original measure was up—I mean my meat-inspection bill, which is now the law—the Senator from New Hampshire [Mr. GALLINGER], speaking from his wide and careful experience as a physician, said that most of the cases of ptomaine poisoning in this country, fatal and otherwise, had come from this very fact. It was stated, if I remember correctly, when the hearing was had before the House committee, that one reason why the packers did not want the date on the cans was that they had an accumulation of old goods, and that if the date went on the cans it would be difficult to dispose of those goods.

Mr. McLAURIN. Is it a House bill?

Mr. BEVERIDGE. No; this is an original Senate bill. It is before the Senate committee now.

Mr. President, I shall not detain the Senate any longer. It is a piece of legislation demanded by the American people. No reason has yet been assigned except the reasons assigned before the House committee why it should not pass. It has passed the Senate.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. BEVERIDGE. Certainly.

Mr. BURKETT. I think some member of the Committee on Agriculture ought to call the attention of the Senator to one fact in reference to the work of the Committee on Agriculture, brought out by the suggestion that it might have had a hearing some time ago. The Senator of course realizes that perhaps no committee has had the great misfortunes that the Committee on Agriculture has had. While I am a member of it, it is only recently, and it was brought about by the series of misfortunes that have come about.

The Senator will recall that the chairman of the committee, who served a number of years and had all these matters in hand and in his grasp, as almost no other Senator ever had, died. Then when his successor was appointed, misfortune came to him, and he has been in the committee room but one day since he has been chairman of the committee.

Mr. BEVERIDGE. That is all true.

Mr. BURKETT. The other members of the committee had to take up the appropriation bill, and the Senator from Wyoming performed the part of acting chairman, and this, added to all his other duties, has made it practically impossible for the committee to take up several things that they should have taken up.

I will say that I myself had a bill pending before that committee and had some hearings on it at the last session and expected to have those hearings finished at this session and to complete it and have it recommended for passage. There was an educational measure also that I had before the committee and we had hearings just before the chairman, Senator Proctor, died. On account of the misfortunes that have come we have not been able to complete those hearings, and I have not been able to get the bill before the Senate.

I am not saying to the Senator that this bill has not had consideration enough to make it proper that it should be taken up at this time, but I do not want the impression to go out that the Committee on Agriculture has been more derelict in this matter than it has been in a great many other important matters; and the Senator having stated it broadly, as he has done, without any intention, as he says, of criticising the committee, I do not want it to go out to the country that that committee has



been negligent in anything. But it has been the result of misfortunes, the death of its chairman, which left the committee naturally in a chaotic condition, and the prolonged and present illness of its new chairman, who has been in the committee room but once since he was appointed chairman, and it is also owing to the great amount of work that has devolved on the other members. That is the reason why the consideration of that bill has not been completed, and why at least two bills that I have before the committee and in which I am very much interested—one of them an educational matter and the other the grazing-land proposition—we have not been able to take up and have a hearing on and give them final consideration.

Mr. BEVERIDGE. I am very glad indeed to hear the Senator from Nebraska make that statement, which is entirely just. I was going to make it in a weaker way, of course, myself, but it would not have come with so much authority or weight as from a member of the committee. I recognize those facts. I recognize the singular concurrence of misfortunes that have afflicted that committee and how hard worked all its members are. The present chairman of the committee, who, as we all know, has been ill, authorized me to say that so far as he is concerned he wants to have the bill reported out and wants to vote for it.

Mr. President, in view of the fact that the committee has not been able to consider the bill by reason of these various things, in view of the fact that the Senate has considered it for two years, in view of the fact that the Senate twice passed it without a dissenting voice, in view of the fact that the committee has been so placed that perhaps it has had too much work on hand, with the series of misfortunes that have occurred, and in view of the great public necessity for this measure, I think no member of that committee—I have spoken to one or two of them—will take it as at all offensive to them or in anywise reflecting upon them if the Senate should discharge the committee; and therefore I move that the Committee on Agriculture and Forestry be discharged from the further consideration of Senate bill 912.

Mr. WARREN. Mr. President, I shall be perfectly willing to vote with the Senator on a motion to take the bill from the Committee on Agriculture and Forestry and refer it to some other committee, if he considers the Committee on Agriculture and Forestry an improper one.

Mr. BEVERIDGE. I do not.

Mr. WARREN. There can be, of course, but two objects in the Senator's mind. It must be one of two. He either wishes to have the bill considered by some other committee without the consent of the Committee on Agriculture, or he wishes to have it considered without committee action.

The VICE-PRESIDENT. The Chair will call attention to the fact that unanimous consent will be necessary for the present consideration of the motion. Is there unanimous consent that the motion may be now considered?

Mr. SCOTT. I object to its consideration.

The VICE-PRESIDENT. Objection is made.

Mr. BEVERIDGE. Pardon me, Mr. President. I wish to say to the Senator from Wyoming, in view of what the Senator has just said, that I do not desire that the bill shall be referred to any other committee. I regard the Committee on Agriculture and Forestry as one of the best committees in either House and all the members thereof. I explained very clearly that there is no reflection on the committee, and I understand the members of the committee do not consider it so. The reason why I made the motion, which, upon the objection of the Senator from West Virginia, will go over to come up to-morrow, because I shall ask action upon it then, is that the bill ought to be passed. That is the only reason and the only motive. The reason and motive are to get the bill enacted into law.

Mr. BEVERIDGE's motion was subsequently reduced to writing, as follows:

*Resolved*, That the Committee on Agriculture and Forestry be discharged from the further consideration of the bill (S. 912) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," approved March 4, 1907; and to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906.

JENNIE CARROLL AND MABEL H. LAZEAR.

Mr. SCOTT. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 21884) granting an annuity to Jennie Carroll and Mabel H. Lazear, to report it favorably without amendment, and I submit a report (No. 685) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SCOTT. I ask that the report be printed in the RECORD. There being no objection, the report was ordered to be printed in the RECORD as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 21884) granting an annuity to Jennie Carroll and Mabel H. Lazear, have examined the same and report as follows:

A similar bill (S. 6350) granting an increase of pension to the above beneficiaries was favorably reported by your committee this session and passed the Senate March 30, 1908. The Senate report, No. 431, contains a very full statement of the services of the officers and their discoveries. This bill went to the House, but was objected to there on the grounds that the pension of \$125 per month was in excess of the amount allowed the widow of any other officer. The bill H. R. 21884 was introduced and referred to the Committee on Military Affairs of the House of Representatives. It was favorably reported by that committee and passed the House May 12, 1908.

This bill directs the Secretary of War to place on the rolls of the War Department the names of Jennie Carroll and Mabel H. Lazear and pay them an annuity, in lieu of all pension they now receive, of \$125 each per month, and a provision has been inserted in the general deficiency bill, anticipating the passage of this bill, to provide the necessary funds for the payment of this annuity by the Secretary of War for the ensuing year.

In view of the extraordinary services rendered by the officers and the important discoveries made by them, as set forth in the report on the Senate bill, your committee believe these services should receive recognition and the widows of those officers should receive aid from the Government in the amount set forth in the bill.

Your committee report the bill back favorably and recommend that it do pass.

The bill was reported to the Senate, ordered to be engrossed, was read a third time, and passed.

#### COLLECTION OF THE REVENUES.

Mr. ALDRICH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

On page 5, lines 17, 18, 19, 20, 21, and 22, of said Senate amendment strike out the following words: "When a case has been remanded to the Board of General Appraisers as above provided, the United States attorney for the district in which the appeal is pending may appear in the proceedings had before the Board under the order remanding the case."

And on page 8, in line 5, of said Senate amendment strike out the word "ten" and insert in lieu thereof the word "nine."

And the Senate agree to the same.

NELSON W. ALDRICH,

W. B. ALLISON,

JOHN W. DANIEL,

*Managers on the part of the Senate.*

SERENO E. PAYNE,

JOHN DALZELL,

*Managers on the part of the House.*

The report was agreed to.

#### HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

Mr. CULBERSON. I desire to ask leave to print a document, and in order that the request may be understood it will be necessary for me to make a statement, for which I ask the indulgence of the Senate.

On January 23 I introduced a resolution, No. 81, with reference to a temporary injunction granted by one of the United States district judges for West Virginia. That resolution suggested that on October 24, 1907, a temporary restraining order had been granted and a hearing set down for January 14, 1908. There was in the temporary injunction, as I think, a purpose to extend the judicial power of the United States to the question as to whether or not an attempt to unionize a mine was an offense, or at least an act which was actionable in equity. In addition to that, the injunction carried with it, in my judgment, a suggestion that the circuit court of the United States could by injunction interfere with the freedom of speech and freedom of action of citizens of the United States. Among other things the defendants in this case were "enjoined from interfering and from combining, conspiring, or attempting to interfere with the employees of the plaintiff for the purpose of unionizing plaintiff's mine, without plaintiff's

consent, by representing or causing to be represented in express or implied terms, to any of plaintiff's employees, or to any person who might become an employee of plaintiff, that such person will suffer or is likely to suffer some loss or trouble in continuing in or entering the employment of plaintiff, assigning, representing, or causing to be represented in express or implied terms to such employee or employees that such loss or trouble will or may come by reason of plaintiff not recognizing the United Mine Workers of America, or because plaintiff runs a nonunion mine."

That resolution a few days after its introduction was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and notwithstanding repeated personal efforts on my part to secure some character of report from that committee with reference to the resolution it still lies in that committee unacted upon, so far as I am advised.

I have caused to be prepared a statement from the decisions of the courts, the Supreme Court of the United States, the circuit and district courts of the United States, and some of the supreme courts of the States of the Union, showing the extent to which the courts have gone or attempted to go in enjoining the freedom of speech of laboring men under such circumstances as indicated in the bill of complaint in this West Virginia case.

I ask, Mr. President, that this statement which I have caused to be prepared may be printed as a Senate document.

The VICE-PRESIDENT. The Senator from Texas asks that the paper submitted by him may be printed as a Senate document. Is there objection?

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. CULBERSON. I yield.

Mr. HOPKINS. I should like to ask the Senator from Texas if the case he refers to is the decision of Judge Dayton, formerly of the House of Representatives and now a Federal judge in West Virginia?

Mr. CULBERSON. It is.

Mr. HOPKINS. I should like to ask the Senator from Texas if he has further investigated the order made by Judge Dayton beyond the investigation he had made up to the time that he called the attention of the Senate to that order?

Mr. CULBERSON. I will state to the Senator from Illinois that I have carefully examined the injunction issued in the case to which he refers.

Mr. HOPKINS. Does the Senator contend that the order which was issued is an order that is out of the ordinary, or that it goes beyond what the Supreme Court of the United States has held is a proper order?

Mr. CULBERSON. I think, Mr. President, that fairly considered, it is beyond any order ever issued by the Supreme Court of the United States.

Mr. HOPKINS. Mr. President, I think that anybody who will look at the bill of complaint that was filed, upon which the restraining order was issued, will find that it was simply to restrain the parties from breaking a contract—that is the real gravamen of the charge—and that the decision of Judge Dayton was along the line of the decisions of the Supreme Court and various other Federal courts in the country.

I will state further to the Senator from Texas that I understand the contention was not made by counsel for the defendant in that case that there was anything extraordinary in the issuance of that order.

Mr. President, if agreeable to the Senator from Texas, in order that those who read the statement made by the Senator may know just what Judge Dayton has done in the premises, I ask that the bill of complaint and the order that was issued by Judge Dayton may be printed, in connection with the paper now presented by the Senator, as a public document. I say this much, Mr. President—

Mr. CULBERSON. Mr. President, in that connection I invite the attention of the Senator from Illinois to the fact that the resolution which embodies the complaint and the order of Judge Dayton has already been printed as a Senate document and in the CONGRESSIONAL RECORD as well.

Mr. HOPKINS. So that the whole question is before the public?

Mr. CULBERSON. That is my purpose—that this question may be fairly presented to the American public.

Mr. HOPKINS. I also rose, Mr. President, for the purpose of defending, in a way, Judge Dayton. I had the honor of serving with him for many years in the House of Representatives, and I always found him a fair-minded, honorable man; I always found him, upon questions that affected the interests of labor, a man quick to respond to such a call; and when the Senator from Texas raised this question some weeks ago,

I confess that I was somewhat shocked at some of the statements made. I therefore gave a little more attention to the subject than I otherwise would have done; and I have found, from the investigation I have made, that the order is one that is clearly within the decisions, not only of the various Federal courts of the country, but of the Supreme Court of the United States; and, as I stated a moment ago, as I understand, the learned counsel who represent the interest of labor in that particular case have stated publicly and privately that the order which Judge Dayton made in that case was not out of the ordinary and was strictly within the limits of the law.

Mr. CULBERSON. Mr. President, it is not to my purpose to discuss this resolution or the action of the district judge in this particular case. I have no personal acquaintance with Judge Dayton; I have no reason to suppose that he is other than an upright and honorable official of the United States, but I think, Mr. President, his action has gone beyond the precedents, and that, if acquiesced in and it should become the law of the United States, it would have the effect to interfere with the freedom of speech and the freedom of action of laboring people to right their wrongs.

I now submit, Mr. President, my request that the document sent to the desk may be printed as a Senate document.

Mr. HOPKINS. Mr. President, I should like to ask the Senator from Texas a question.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. CULBERSON. Certainly.

Mr. HOPKINS. I wish to ask the Senator from Texas if any appeal has been taken by the defendants from the order of Judge Dayton?

Mr. CULBERSON. I understand the case is still pending.

Mr. HOPKINS. Was there an appeal taken from the order?

Mr. CULBERSON. My statement was, and I repeat it, that the case is still pending undetermined—

Mr. HOPKINS. Unappealed from?

Mr. CULBERSON. And of course no appeal has been taken.

Mr. HOPKINS. It is pending in the same court where the order was made?

Mr. CULBERSON. Yes.

Mr. HOPKINS. Mr. President, I think the Senator from Texas has answered my question.

Mr. CULBERSON. Very well. I submit my request, Mr. President.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent that the papers submitted by him may be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULBERSON. Now, Mr. President, I am requested to ask that the papers which I hold in my hand, being injunctions granted by various State courts in labor cases, may be printed as a separate document, my purpose being to show the tendency of the courts of the country, Federal and State, to interfere with the freedom of action of laboring people.

The VICE-PRESIDENT. The Senator from Texas asks that the papers sent to the Secretary's desk may be printed as a Senate document.

Mr. CULBERSON. As a separate document from the one just submitted.

The VICE-PRESIDENT. And as a separate Senate document. Is there objection? The Chair hears none, and it is so ordered.

#### NATIONAL MONETARY COMMISSION.

Mr. ALDRICH. I am directed by the Committee on Finance to report a joint resolution to create a commission to be called the "National Monetary Commission." I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from Rhode Island reports from the Committee on Finance an original resolution and asks unanimous consent for its present consideration. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 92) to create a commission to be called the "National Monetary Commission" was read the first time by its title and the second time at length, as follows:

*Resolved, etc.,* That a commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the Commission shall be filled by the same official who made the original appointment and in the same manner.

SEC. 2. That it shall be the duty of the Commission to inquire into and report to Congress, at the earliest date practicable, what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attend-



ance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

SEC. 3. That a sum sufficient to carry out the purposes of this act and to pay the necessary expenses of the Commission and its members is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of the said Commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of such Commission.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ALDRICH. Mr. President, the managers of the committee of conference on the part of the Senate and the House of Representatives on the bill (H. R. 21871) to amend the national banking laws have so far been unable to agree upon a report. If Congress is to adjourn at an early date, it is evident that no agreement can be reached at this session. In order that there may be a thorough investigation of all the subjects contemplated in that bill, the managers of the conference on the part of the Senate and of the other House have unanimously agreed that the joint resolution which I have reported, providing for the creation of a commission, should be passed. It is the same in terms as the provision which was included in the currency bill as it passed the Senate, which was adopted as a substitute for the House measure.

Mr. BRANDEGEE. As the resolution was read I did not understand that it named any time when the commission should report.

Mr. ALDRICH. At the earliest date practicable.

Mr. BRANDEGEE. I ask the Senator from Rhode Island whether the intention is that the commission shall be appointed before the adjournment of this session of Congress?

Mr. ALDRICH. Certainly.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COL. WILLIAM F. STEWART.

Mr. HEMENWAY. I desire to call up the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, and ask for its immediate consideration.

The VICE-PRESIDENT. Before the Chair recognizes the Senator from Indiana [Mr. HEMENWAY], the Chair will lay before the Senate a resolution coming over from yesterday. Morning business is closed, and the Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. RAYNER on May 20, 1908, as follows:

*Resolved*, That Col. William F. Stewart, of the Coast Artillery, United States Army, is, in the opinion of the Senate, entitled to be heard, together with his witnesses, upon the charges that have been made against him and that are contained in a report to the President, and that the President is requested to convene a court of inquiry for the purpose of giving him and his witnesses the opportunity to be heard, and that the said court render its opinion upon the facts submitted after the hearing, as is usual in the proceeding of courts of inquiry.

Mr. RAYNER. Mr. President, I ask for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. WARREN. Mr. President, I move that the resolution be referred to the Committee on Military Affairs.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. CULBERSON. I thought the Senator had concluded. I do not desire to interrupt him.

Mr. WARREN. I have not concluded. I wish to make a brief statement.

Mr. President, this resolution is the same in general intent as the joint resolution presented some days ago, which was referred to the Committee on Military Affairs. The Senator from Maryland [Mr. RAYNER], on yesterday, made some remarks upon this resolution, indulged in sarcasm, of which he is master, and referring to the chairman of the Military Committee, insinuated, or rather asserted, that he could not expect any action, and indicated that there had been no action.

This matter came before the Senate one week ago. The Senator from Maryland discussed it on Wednesday. The joint resolution was ordered sent to the Committee on Military Affairs, and the chairman of that committee did not wait until

the papers had reached the committee from the presiding officer's desk before writing a letter to the President of the United States and another to the Secretary of War, which included a carbon copy of the one to the President, asking for all the papers in the case. On Thursday morning, which was the morning of the following day, the Committee on Military Affairs had its first meeting, and granted to the Senator from Maryland all the time he wished to present and argue this matter. I will say in this connection that the letters to the President and the Secretary of War were sent by a special messenger. It was after hours and the messenger had trouble in finding the proper party at the White House offices to whom to deliver his message, but nevertheless he did deliver the letter, which was promptly responded to by the President. The messenger found the private secretary to the Secretary of War at his home and delivered the letter to the Secretary there. On the following day some hundreds of pages of matter, possibly three or four hundred pages, were received by the committee from the President, and matter has been received from day to day since that time as fast as it could be arranged, the last package coming to me last night at nearly 11 o'clock to my committee room by private messenger.

Members of the Committee on Military Affairs have had access individually to these papers. I have examined them as carefully as I could with the other duties I have had to perform. The Committee on Military Affairs is composed of gentlemen on both sides of this Chamber who take an active interest in other legislation and occupy important places upon other committees, and they have been compelled, as a matter of course, to serve as conferees on the great supply bills and on other bills. So that there can not be alleged against that committee any inattention to the evidence that has been brought before it.

I hold in my hand here a portion of that evidence, possibly eight hundred or a thousand pages, more or less, so that the Senate may see its volume. It is largely on thin paper. For instance, here [exhibiting] is a bunch of about 500 pages in typewriting, closely written, and there is yet much more of it here on my desk, as Senators can see. So far as the members of the Military Committee are concerned, to my knowledge many of them have worked late at night over these matters. The chairman of the committee has not been in his bed until after 2 o'clock at night a single night since this matter was referred to it, and did not leave this building until nearly 4 o'clock this morning, after a long and dreary night spent in the examination of these papers.

Mr. President, fine speeches and sarcasm may amuse the galleries, but when it comes down to the business of this Senate, it strikes me that every committee has the privilege to stand upon its rights as a committee and the individual rights of its members.

The Committee on Military Affairs has had this matter referred to it, and has the right to insist upon proper time during which to investigate it.

As I have said before, I honor the man who loves his friend; but this is not a matter of one man. This is a matter affecting the discipline of the Army. This is a matter that, presented as it has been here, can not, should this resolution pass, be other than a rebuke to the President of the United States and every general officer of the Army who has passed upon this case.

All this talk about exile and about punishment is nothing more nor less than sentimentalism—sentimentalism gone mad, indeed, at that. Fort Grant is one of the posts of the United States Army. It has good buildings; it is located in as healthy a country as any post of the United States, and I will except none; it is a fairly well-built post; and, indeed, the matter is before the Secretary of War to-day whether they will not re-invest this post and give it a garrison.

As to Colonel Stewart, as I said heretofore on this floor, and I repeat it now, that I do not intend to discuss the merits of his particular case nor him as an individual while this matter is before the committee; but it is purely a matter of whether this officer shall have a command or not. There are Fort Assiniboine, Fort Keogh, and one or two posts in the South that are not at present garrisoned with troops. There were left these posts which an officer of the grade of colonel might command. This officer was first sent to Fort Grant by his superior officers, with no knowledge, as I understand, on the part of the President of his being sent there.

The President had nothing to do with it in the first instance; and I want to say, before going further, that, notwithstanding the insinuations of the brilliant Senator from Maryland, I have not even seen the President of the United States since this matter came up, save once, and then I was in his presence probably less than three minutes and did not discuss the merits of this case, and I have not even been in the War Department nor have

I discussed it with a single Army officer. I am discussing, as far as I go, this case upon what lies before us in the papers and what I know of certain facts surrounding it, gained from reliable sources other than the Executive or the Army.

Fort Grant, as I said before, is in fit condition to-day to receive any officer of the Army with any number of troops that it can shelter. It has a good sewer system; it has a good water system; it has substantial buildings. It is true that this officer found fault with one of the buildings, but the shortages were promptly made good, and the repairs were all attended to without delay. This officer is there, receiving full pay, which is now \$5,000 a year. He had his choice whether he should have a buckboard or other style of carriage. He is furnished with horses and a driver. He has every privilege that the commander of any post in the United States usually has. All of his friends can go there. His wife and family can be there. There is a regular United States mail which goes there twice a week, and there is nothing in the comparison between that post and any other that makes it seem like punishment except the fact that he is there alone without command.

Mr. President, it is true that officers of the Army may like the routs, the dances, and dinners of Washington and Baltimore, but the Army does not contract that its officers shall have all of the social advantages that men about town, so called, are addicted to and arrogate to themselves. Sherman said that "war is hell." So it is, and the Army must always be prepared for hell, if hell comes. If an officer is sent to the very farthest ends of the earth, it is his business to go without questioning his orders.

As to the matter of retirement, how did it come up? The officer in 1906 made a request before anything had been said to him about retirement, as these papers will show, to be appointed a brigadier-general. His case was considered, and the indorsements show that he was not considered fit for command, and consequently he was not made a brigadier-general, and the counter offer went back that he could retire and leave the service if he so desired, but otherwise he would be sent to some post without command. This same condition of affairs has existed many times heretofore. I recall that a major in the artillery when in command of post in Massachusetts was considered to be temperamentally unsound for the time being, and he was relieved of command and sent to one of those small artillery posts where he had no command. He was afterwards reinstated to position and since promoted, and is now an honored and trusted officer. This man, Colonel Stewart, was sent to Fort Grant by his superior officers. From there he was later sent to a Southern post, probably because he had requested it; he was taken from that Southern post because the post had been committed in some way to the State of Florida, in which it was situated, and he was then sent back to Fort Grant. He can be taken, to-morrow or any other day, from Fort Grant and sent to any other place. He can be put in command or left without command.

Now, as to a court of inquiry, the statutes and the papers show very plainly there are two ways to bring it about. A commanding officer can call a court of inquiry, provided that the officer about whom he proposes to make the inquiry is willing or will appear before it. On the other hand, the President has power at any time to call a court of inquiry without restriction. Had the Senator from Maryland asked me, had the Senator from Maryland asked the members of the Committee on Military Affairs to use their influence to try to relieve this officer, I feel sure they would have investigated as far as they could and joined him in that purpose. Instead the Senator has brought the matter in here and—I leave it to Senators to say whether I am right or not—has made one of the most, if I may use the term, vicious speeches against the President of the United States, and incidentally it must apply to such commanders as Generals Grant and Duvall and Murray and Davis and Wade, and all the others who passed upon this question and acted upon it long before the President knew anything especial about it, as the papers show.

Returning again to the matter of the Military Committee, the members of that committee are now on this floor, and I want the members of the committee to rise—any one or all of them—if I make a wrong statement. I want to ask whether or not the Committee on Military Affairs has neglected this case. If any member of the committee thinks so, I want him to rise now and say so, and I pause for such expression. [After a pause.] Since no one responds, I will proceed.

There are other ways of reaching things than by attacking the President because of acts done by Army officers of long standing and untarnished reputation. The duty of this committee, before it asks the President to do anything about this man, is to examine thoroughly the papers, to acquaint itself

with the law and the Constitution, as we have been commanded to do, and to see what the effect will be upon the discipline of the Army. I had hoped we might make a report at this session. The Senator from Maryland has not made it any easier for the committee to make a report. These attacks made in this way do not help the committee to consider the question. If it so be that we do not report at this session, and it is left until December, and in December we make a finding and bring it in here, what will happen? This officer of the Army occupies a location, a home which I would love to have my brother or father or son occupy if he wanted to spend a pleasant and restful summer. He receives everything due him as colonel, which is his position in the Army, except that he is not charged with the responsibility of handling troops. He reports to headquarters; yes. So does every commander of every post. Will we put ourselves on record here in the Senate by passing a resolution, which has never been sent to a committee, that will open the doors for every Army officer, if he happens to get a post he does not like, to come here and ask some Senator whom he knows to rise in his place and move that his station be changed or that he have a court of inquiry?

Does the Senate want to take that responsibility? If this man were a prisoner, if he were under sentence, if he were an exile such as the Senator from Maryland would have us believe, it would be another question. But, without wishing to use offensive language, I want to say that such sensational appeals as have been made by him are, in my judgment, simply maudlin. What is going to happen to this man? You might make the same statement regarding the man in charge of Fort Ethan Allen, Vt., because he might want to go to San Antonio, where the weather is warmer, or the one in San Antonio because he might not want to go to the frozen regions of Vermont. It simply comes down to this: Shall the Army be commanded by its proper officers, educated for that purpose, having had long experience? And if the matter comes up, as sometimes it does, where it must be passed upon by the Commander in Chief, shall the Army be run and commanded across the desk of the presiding officer of the Senate upon the caprice of any one Senator, even though he may be a brilliant, eloquent, and thrilling speaker?

It is a matter of the discipline of the Army on the one hand, and it is also a matter of the rights and duties of the United States Senate. It is a question whether we will proceed properly and conduct business as we have always conducted it, or enter upon a new departure and run the Government upon the wishes of a single Senator, one at a time.

Mr. RAYNER. Mr. President, I had not intended this morning to say a word about this resolution. I think I have said quite enough. I have said almost everything I could say. But the address of the Senator from Wyoming [Mr. WARREN], with some of its rather distasteful observations, compels me to reply very briefly.

There is no amusement to me about this case, nor is there any comedy about it, as the Senator seems to intimate. It strikes me as a tragedy rather than a comedy. The Senator from Wyoming speaks about applause in the galleries. There is no one in the Senate who cares less about applause in the galleries or applause from any quarter than I do. When I concluded what I had to say yesterday, I heard no applause from the galleries. The Senator from Wyoming is traveling entirely outside of the sphere of this argument, I think, in making any allusion or observation of that sort.

I want to say this in passing: There is no one in the Senate for whom I have greater respect and esteem than I have for the distinguished Senator from Wyoming, and by nothing that I have said, by no intimation that I have made, have I charged either the Committee on Military Affairs or any member of that committee with evading its or his duty in reference to this resolution. If I thought for one moment, Mr. President, that the record which the Senator from Wyoming has produced this morning, or the smallest fraction of that record, was properly before his committee, I would not have asked for the adoption or the rejection of the resolution during this session. My whole contention has been, and it is now—and the Senator from Wyoming does not seem to pay the slightest attention to it—that it is not a question of the man's record. I submit to the Senator from Wyoming that he has not touched upon the proposition on which I addressed the Senate. It is not what the record of Colonel Stewart is. It is the question whether he has not the right to be heard in self-defense upon the record that his enemies have made against him.

Mr. President, I care not what that record is. I do not know what it is. I know the President read to me extracts from the record, and I have no doubt he read the severest charges. But the charges may be as severe and serious as



you can possibly formulate. The question now is this: Those are charges made against Colonel Stewart. Has he not the right, in self-defense, to be heard before a proper tribunal of the country to vindicate himself from those charges? The Senator from Wyoming has not touched upon that point.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. RAYNER. I do.

Mr. WARREN. Charges, as understood in Army affairs, are specific charges that can be presented before a court of inquiry or a court-martial. I have stated—and the Senator should admit, if he has examined these papers—that the Department has acted not upon charges regarding this man, but upon general information it has had by way of inspections, and so forth, as to his conduct, and has concluded that he can be spared from more active service and ought not to be in charge of troops at the present time. That is all there is about it.

Mr. RAYNER. I will admit all that, and in legal phrase I will file a demurrer to the indictment. I will admit every word that these officers have stated. But if the demurrer is overruled is not the man entitled to be heard in his own defense? What is the answer to that proposition here in the Senate of the United States?

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. RAYNER. Yes; I will submit.

Mr. WARREN. I will not interrupt the Senator again.

Mr. RAYNER. No; I do not object to interruptions. I made a mistake yesterday in not permitting the Senator to interrupt me.

Mr. WARREN. I am very sorry I have interrupted the Senator, and I will not do so further.

Mr. RAYNER. I do not object. I want to be perfectly courteous.

Mr. WARREN. I know, but I am breaking the thread of the Senator's remarks, and I will desist.

Mr. RAYNER. No, not at all. Of course if the Senator does not desire to interrupt me, very well.

I said it is not a question of depriving him of command. That is not the proposition. The Senator asks whether I have looked into the papers. How could I have looked into papers that I have not seen? How can Colonel Stewart answer charges of which he has never been notified? When Senators discuss this matter I should like them to discuss the proposition before the Senate and not a proposition that is not before the Senate. The proposition I have advanced before the Senate is not in reference to the sewerage at Fort Grant or similar propositions; that is not the proposition. Nor whether or not it is a station where anyone would be willing to spend a summer; that is not the proposition. Nor the proposition whether the President is punishing Colonel Stewart or whether he has a right to punish him; that is only a corollary of the proposition I am arguing. The proposition I have argued before the Senate for the fourth time is that certain charges have been made against this officer, and he is entitled to be heard in his own defense to contradict the charges that have been made against him.

Mr. WARREN rose.

Mr. RAYNER. Now, if the Senator wants to interrupt me upon that, or if any other Senator does, I will gladly submit to any interruption. Here are a thousand pages, I understand. Colonel Stewart has never seen one of them. Here is charge after charge. He has never seen one of these charges. Here are accusations, so many of them that the Military Affairs Committee—and I will admit that that is a true statement—would not possibly have time during this session, and probably not during the next session, to investigate them fully. Colonel Stewart has never seen them.

Mr. WARREN. Part of the papers are his own letters and statements.

Mr. RAYNER. Part of it is in his own writing? I will be very glad if the Senator will give me the part that is in his own writing.

Mr. WARREN. It runs all through these papers and occurs in perhaps scores of places.

Mr. RAYNER. This is the first notice I have had of it. What is the nature of it? The nature of it is that Colonel Stewart calls for a court of inquiry, and the President has denied it to him. The nature of that writing, I suppose, is that he asks for two or three months' leave of absence, and the President has denied it to him.

I am not attacking the President here. The Senator from Wyoming is mistaken. He talks about a vicious attack. I am talking about an act the President has committed and not about

the President. Nobody in this body has a higher opinion of him than I have, personally and otherwise. But when he commits an act of injustice I propose to follow it to the end. He has denied to a man the right to be heard in self-defense. That is the proposition before the Senate. You must separate the two propositions. The Senator from Wyoming must not confound the punishment of this man with the right of this man to be heard upon charges made against him.

I have intended no reflection upon the Military Affairs Committee. Not one word that has fallen from me reflects upon the chairman of that committee or any member of the committee. I have intended, and no words of mine will bear any other interpretation, no reflection upon the President. My purpose is to bring the resolution before the Senate, and the resolution reads as follows:

*Resolved*, That Col. William F. Stewart, of the Coast Artillery, United States Army, is, in the opinion of the Senate, entitled to be heard, together with his witnesses, upon the charges that have been made against him and that are contained in a report to the President, and that the President is requested to convene a court of inquiry for the purpose of giving him and his witnesses the opportunity to be heard, and that the said court render its opinion upon the facts submitted after the hearing as is usual in the proceedings of courts of inquiry.

The Senator from Wyoming has not touched upon this point. I should like to ask him or any other Senator if these charges are as grave as he says they are, and as many as he claims them to be, why is not this officer entitled to the same right to be heard in self-defense that a criminal has under the Constitution of the United States?

Mr. WARREN. The Senator from Maryland asks me the question. Shall I answer it?

Mr. RAYNER. I have no objection.

Mr. WARREN. I have not stated that any charges were made against him. Quite the contrary.

Mr. RAYNER. I should like to ask the Senator, then, what is in these thousand pages, if there are no charges?

Mr. WARREN. I have reason to believe that if the Senator had referred to him this whole matter—this whole stack of papers—he would either never read all this stuff or else, having read it, he would drop it where it is.

Mr. RAYNER. I would never drop it. What is in it? The man has not been heard. If the Senator from Wyoming can satisfy me the man has been heard, I am willing to abandon the proposition, but the man has never had a tribunal before which he has had the right to be heard. Now, do not let us make any mistake about that. I will not wander away from the main proposition before the Senate. I will not go into the question whether it is a detail or punishment. I think it is punishment. And I do not think the President of the United States or any commanding officer has the right to inflict punishment before he gives the accused a right to be heard in his own defense before a tribunal. But that is only a corollary from the proposition that I am advancing to the Senate. The proposition I am advancing to the Senate—and I hope the Senator from Wyoming or the Senator from Massachusetts [Mr. Lodge], who appears to be getting ready to answer my argument, will pay attention to the proposition that I am making now—

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. RAYNER. I do.

Mr. HOPKINS. I want to ask the Senator from Maryland if he thinks that every time a subordinate officer in the Army of the United States receives an order from his superior he has a right to contest that order and have a court of inquiry to determine whether it shall be obeyed by him or not?

Mr. RAYNER. I think that question answers itself. I do not think anybody would advance any such proposition as that.

Mr. WARREN. That is the whole case.

Mr. RAYNER. I do not think any man would advance any such proposition.

Mr. HOPKINS. If the question answers itself, it ends any argument the Senator can make in the premises, because all there is to this is that the superior officer issued an order to Colonel Stewart, and Colonel Stewart, through the Senator from Maryland, is resisting the obeying of that order.

Mr. RAYNER. With all deference, that shows how little the Senator from Illinois knows about the question which has been argued here.

Mr. HOPKINS. Whether "the Senator from Illinois" knows much or little, he knows enough to know that in the Army and in the Navy subordinates are supposed to obey orders without question. We could not have an army, we could not have a navy, unless that rule prevailed.

Mr. RAYNER. The Senator again has not touched upon this question. I am not arguing against the order of the President. I am arguing for the right of this man to a court of inquiry.

Mr. HOPKINS. Mr. President—

Mr. RAYNER. Just let me finish this sentence. It matters not where this man is. Suppose he were not at Fort Grant. Suppose he were at the most delightful place to which the President could send him. This question would still be before the Senate—I have tried to argue it, it seems in vain, at least so far as concerns the Senator from Illinois, for the fourth time—whether, outside of the place where this man is stationed, entirely apart from the question whether he is being punished, he is not entitled to a court of inquiry.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. RAYNER. I will yield if it has anything to do with the subject, but please do not get off on something that has nothing to do with it.

Mr. HOPKINS. The trouble with the Senator from Maryland is that he discusses everything on earth aside from the very proposition that involves the rights of Colonel Stewart. He has talked about what has been said here in order to determine the rights of Colonel Stewart. We go to the order issued, not to any letters written. We take the official order. If the Senator can find any fault with that, I should like him to discuss that instead of to "tear a passion to tatters."

Mr. RAYNER. Suppose there is no order in this case?

Mr. HOPKINS. But there is an order.

Mr. RAYNER. But I am not discussing now the order, except as a corollary from the main proposition. I discussed that matter before the Senate, and I do not think the Senator from Illinois could have heard the first argument I made.

Mr. HOPKINS. I will not speak of an argument. I heard the speech.

Mr. RAYNER. I have never heard very much of an argument made by the Senator from Illinois on anything, if it comes to that.

Mr. HOPKINS. I am not trying to argue. I am merely calling attention to a fact.

Mr. RAYNER. Mr. President, I shall not submit to any further interruption. I think I have acted very courteously. If the Senator has not understood the argument, it is simply because he can not understand an argument when one is addressed to him.

The VICE-PRESIDENT. The Senator from Maryland declines to yield further. The Senator from Maryland has the floor.

Mr. RAYNER. I will yield to anybody, but I will not yield for a statement of that sort. It is not fair. I am trying to discuss this proposition in an orderly way, and I want to put it before the Senate. I admit it is susceptible of discussion; most decidedly. The two propositions I have advanced are, first, that this officer is entitled to a court of inquiry. That is one proposition, distinct from the order, distinct from the punishment the President has inflicted upon him. There may have been no punishment; there may have been no order; but Colonel Stewart has had accusations and charges made against him, and owing to the gravity of the charges he is entitled to have them inquired into. The President has charged him with being disqualified for the military service of the United States. Has he the right to have that question examined into? That is the proposition, and the only answer to it is that if he has the right, then every other officer has the right.

I deny the truth of that proposition. I think every case must stand upon the environment that surrounds it. I think it is a matter of discretion whether an officer, when charges are made against him, has the right to a court. I will say that every criminal has the right to ask for a court. A man who has committed the greatest crime in the calendar of crimes has the right under the Constitution of the United States to be confronted by his accusers, to have witnesses summoned in his behalf, and to a speedy trial by an impartial jury. Under the Constitution of the United States you give to every criminal the right to a trial, and yet you deny a trial to this man, who claims to have been charged with things that unfit him for the military service.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. RAYNER. Certainly.

Mr. BEVERIDGE. I wish to ask the Senator's opinion upon a question of law in reference to his proposition. He has studied the matter and can answer. Suppose a court of inquiry

were awarded this officer, and it should make a report and recommendation. Does the Senator think the Commander in Chief would be bound by that report or recommendation?

Mr. RAYNER. I do not, and I so told the Senator from Indiana the other day. I do not think so. I do not think the President—and I so stated in the first argument I made—would be bound by any opinion that a court of inquiry rendered. A court of inquiry merely advises the President as to the facts, and it is still for the President to act upon the findings of the court of inquiry. There seems to be an unbroken current of authorities upon that proposition.

Mr. BEVERIDGE. That being true as a matter of law, does it not follow when the President says, as the Senator from Maryland said the other day he had said, that he (the President) had been advised upon this case very thoroughly by two or three or four commanding generals and a large number of other officers, and having himself a great mass of testimony, that a court of inquiry would not make upon his mind as Commander in Chief any other impression than that which he had arrived at upon the recommendations and the advice of these eminent officers?

Mr. RAYNER. I think decidedly not, because the President has neither heard the officer nor heard any witnesses in his defense. How many times must I state that proposition in the Senate? The President has heard the charges made by the commanding officers, but this officer has upon three different occasions asked him for the privilege of being heard; and he has been denied that right. Does the Senator think it fair for the President to deny this officer the right to be heard in his own defense?

Mr. BEVERIDGE. The Senator asks me the question, and I think it is a very important question and goes to the heart of this controversy, and I will answer it in just one moment. Not only as a matter of law, but also as a matter of policy, I do not think that, in the command of the Army and the maintenance of its discipline, any officer or soldier, as a matter of right, can ask to be heard upon the question where he shall be sent, what duty he shall perform, what command he shall have, or the division of the Army to which he shall belong. I do not think—and I think it goes to the heart of the whole controversy, since the Senator asks me—that he has a right under the law to any such thing. If such a doctrine were accepted, it would be totally destructive not only of the discipline of the Army, I will say to the Senator, but of the whole philosophy that underlies military organization.

Mr. RAYNER. The Senator from Indiana has not answered the question. I will admit that the question of duty and the question where an officer is to be sent are questions to be determined in the regular course of military discipline. Has not a man a right to be heard in defense of the charges made against him, so as to relieve his character from imputation? I read to the Senate the other day—I do not remember whether the Senator from Indiana was present or not—a parallel case to this, an exact precedent, where men perhaps not so great as some of the Senators arguing this question now debated this whole proposition in the Senate of the United States. Mr. Thurman debated it; Mr. Conkling debated it. Mr. Morton debated it. Logan debated it from the military point of view. It was discussed in the House, and Mr. FAYE, now a Senator from the State of Maine, was a Member of the House of Representatives. They proceeded to discuss the whole question, and the Senate and House unanimously held that General Howard had a right to a court of inquiry to relieve his character. If I could only get Senators to understand that, there would be no further difficulty in the argument of this question.

Mr. FULTON, Mr. BEVERIDGE, and Mr. WARREN addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Maryland yield?

Mr. RAYNER. Yes; I do. I yield to all of them.

Mr. BEVERIDGE. Mr. President—

Mr. RAYNER. I yield to all of you. Distribute it among yourselves.

The VICE-PRESIDENT. Does the Senator from Maryland yield the floor?

Mr. RAYNER. I yield for an interruption. I do not yield the floor.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. RAYNER. For an interruption.

Mr. FULTON. I suggest to the Senator from Maryland that the question here is not whether a man is entitled to a hearing. We all agree, I think, that every man is entitled to a hearing.



on charges preferred against him in a formal way, whether it be a military matter or in civil life. But the question here is whether the Senate is to adopt a resolution directing a court of inquiry until it has carefully investigated the matter itself in order to ascertain whether or not it is a proper case in which to order an inquiry.

The discipline of the Army is involved. While we will all of us say a man is entitled to a hearing, yet I think no one will be prepared to say that on a mere suggestion that an officer of the Army has been treated unfairly and unjustly we will order an investigation or a court of inquiry. If we were to do that, everybody will concede that we would destroy all possibility of maintaining discipline in the Army or in the Navy.

The proposition here is to refer this matter to a committee and give the committee an opportunity to investigate the facts in the case and say whether or not there is sufficient behind it to justify a court of inquiry. I take it the committee will go into the investigation fairly and fully and report to the Senate the facts. Then we will be advised whether or not it is one of those cases where we ought to provide that a court of inquiry shall be held in order that justice may be done to this officer.

But, Mr. President, the committee has not had time to consider it. It says it has not. It has had the case before it for only a week, and in the closing hours of the session, when everybody is rushed and the Senate is crowded with work. To relieve a committee of the investigation of an important matter of this character, that has been before it for only a week, and take upon ourselves the responsibility of saying that we will order this inquiry, that we will enter upon the domain of another branch of the Government without any preliminary investigation ourselves is assuming a very great responsibility, and one that I do not wish to assume.

I subscribe to all that the Senator says in the abstract about the right of every individual to a hearing. That is true. But are we, without investigating the matter, to presume that the other branch of the Government has been derelict in its duty? There are very great principles involved here, and matters of deep public concern.

I do not mean to say that if it shall appear on investigation that injustice has been done a citizen it is not our duty to provide that he shall have an opportunity to be heard. I will agree to that. The question is, How shall we approach the discharge of that duty? Shall we not take order, in the first instance, to see that we have sufficient ground upon which to base our action? And how can we know that until this matter has been carefully inquired into by a committee?

If the committee, on inquiry, shall develop facts which to my judgment show that this man is being unjustly treated, then I shall vote for a court of inquiry or for some substantial measure of relief; but I am not ready to do that until it has been inquired carefully into. I do not think that the committee has yet had the time or the opportunity to give it that investigation which the importance of the principle involved requires should be given.

Mr. RAYNER. Mr. President, the Senator from Oregon is too capable and experienced a lawyer not to draw the distinction between the punishment that is being awarded to this man and the right of this man to be heard in his own defense against the charges and accusations that are made against him. Those two propositions are entirely distinct. The right of the President to punish him is one thing. Has the President or has any commanding officer the right to punish without a court of inquiry? I say not. I have just sent for the War Regulations and I will have them here in a few moments.

Mr. FULTON. Mr. President—

Mr. RAYNER. I will yield in a moment. In one article after another provision is made for a court-martial, where the officer is charged with certain offenses, and the offenses are enumerated.

Now, the question which arises is an interesting one. I may be wrong about all this, but I have my own views about it, and I shall press it to a conclusion, notwithstanding the impatience of the Senator from Massachusetts. I shall go on with this argument, and I shall show that the question whether a commanding officer has a right to punish is a question entirely distinct from the right of an officer to have charges that are made against him examined into.

Mr. FULTON. Mr. President—

Mr. RAYNER. One moment. If the Senator from Oregon will read the splendid argument of the Senator who some time ago preceded the Senator from Massachusetts in this body, Senator Sumner, he will find an answer to the very proposition he has put to me. The proposition was put to Sumner and to Conkling in that case that there are no charges against this

officer, and the answer was made, "The character of the officer is involved in the charges that are made against him."

Mr. FULTON. Mr. President—

Mr. RAYNER. Let me finish the sentence. The direct point that is in the Senator's mind came up before the Senate as to whether an officer of the United States had a right to a court of inquiry to relieve himself from charges and imputations against his official character. A court of inquiry in Howard's case was ordered. The court of inquiry convened and General Howard received, I will not say an honorable acquittal, but, as I said the other day, an honorable vindication at its hands. That is an entirely distinct question from the question whether the President has a right to punish. Make no mistake about that. The President's right to punish depends upon certain principles of law. The right of officers to demand a court of inquiry depends upon an entirely different set of principles. I am satisfied that the Senator from Oregon can draw easily the distinction between the two.

Now I will yield to the Senator from Oregon.

Mr. FULTON. What I wish to say to the Senator from Maryland is this: I can see a distinction between the two propositions. The Senator says the question is, Has the President the power to punish? My answer is, How does it come that the President has inflicted any punishment? I do not know. The Senator says he does, but we have no official knowledge whatever that any punishment has been imposed upon this man. That is why I want a report from the committee, so that we may know what has been done, why and under what circumstances the steps were taken. Simply because a Senator, great as our confidence in him may be, shall come on the floor and state that he understands punishment has been inflicted on an officer of the Army or Navy and demands a court of inquiry, this body can not afford to proceed along any such lines. We must proceed in an orderly manner, give the committee the subject in hand, and let the committee investigate it and report what the facts are. The Senator says that this officer is being punished. How does the Senator know that?

Mr. RAYNER. I will tell the Senator from Oregon how I know it. It is because the President five times in his letter stated that he was punishing him.

Mr. WARREN. The President said "incidentally" every time.

Mr. RAYNER. Five times did the President state in the communication that this is punishment inflicted upon Colonel Stewart, and I do not want any better authority than that.

Mr. FULTON. Suppose the President said that to the Senator, the question is whether or not there is any official order showing it. Has the President said that to the Senate? No. I say we must proceed in an orderly manner and refer this matter to the committee. If the committee reports the fact showing that, then we will determine it. I am not willing to proceed simply because the Senator comes here and says he has a letter from the President saying that this man is being punished. I wish to have further knowledge as to why, under what circumstances, and what was the evidence on which he proceeded and the circumstances under which he contended he had a right to inflict punishment. All these matters we must know before we should presume to interfere with the conduct or business of another branch of the Government.

Mr. TALIAFERRO. Mr. President—

Mr. FULTON. I yield to the Senator from Florida if he wishes to ask me a question.

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. I yield to the Senator from Florida.

Mr. TALIAFERRO. Mr. President, I wish to call the attention of the Senator from Oregon and the Senate to the fact that there is a letter in the Record from the President of the United States in which he distinctly states that no question of punishment in this case has concerned him in the slightest degree; that if there were punishment it was purely incidental; and that this man had not been sent to Fort Grant for the purpose of punishment.

Mr. FULTON. All those are matters that go to support my position and contention that the only way we can proceed with any accurate knowledge, the only way by which we may safely proceed, is to have the subject fully investigated by the committee, and get a report from the committee. Then we can act intelligently and know what we ought to do.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Montana?

Mr. RAYNER. Certainly.

Mr. CARTER. I observe that the Senator from Maryland [Mr. RAYNER] has a copy of the Articles of War in his possession at this moment, and before he refers to the articles to which he desires to direct attention I desire to call his attention particularly to the issue here presented, to the end that he may in addressing himself to the subject hereafter give such attention to the view I have obtained of this matter as he may think proper.

As I understand the case which is presented here on the floor of the Senate Chamber, this officer has not been charged with any crime known to the law or the Articles of War. It is alleged that the inducing cause leading to a certain assignment is traceable to a quarrelsome disposition and certain mental and temperamental infirmities.

I recall very distinctly that many years ago when the selection of officers for duty in connection with the Spanish-American war was a subject of interest to the country Army officers and the President, as Commander in Chief, discussed in my presence, not once, but repeatedly, the temperamental features of an officer, his mentality, his prudence or the lack of it, his courage, his strength, his age, and in many, many cases officers were pronounced temperamentally unfit, mentally unfit, physically unfit for the discharge of a particular duty. Does that constitute a charge against the officer cognizable before a court of inquiry?

Mr. President, I think the Senator from Maryland will find that the Articles of War do not cover and no statute applies to data with reference to character, courage, temperament, and mentality generally, by which the Commander in Chief of the Army determines the particular post where an officer or enlisted man may best serve the Government he has sworn to serve.

Mr. BEVERIDGE. Will the Senator permit me just there?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. In addition to what the Senator has so clearly stated, even if it did justify any of the things the Senator pointed out; if it justified a court of inquiry, which, of course, it does not, is it within the proprieties that the Senate of the United States should express its opinion as to an Army officer, as to whether we think he should have a court of inquiry, and as to whether that was a sufficient cause?

Mr. CARTER. The Senate, of course, will not engage in a futile work. The Senate will not put itself upon record as volunteering an opinion which no one is bound to respect.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. I ask that the unfinished business be temporarily laid aside.

Mr. HALE. I ask that the unfinished business be temporarily laid aside in order that the Senate may proceed to the consideration of the deficiency appropriation bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside, in order that the Senate may proceed to the consideration of the general deficiency appropriation bill.

Mr. LODGE. I desire merely to make a parliamentary inquiry. The resolution goes over and comes up to-morrow at the conclusion of the morning business, I understand.

The VICE-PRESIDENT. It will go to the Calendar. It loses its day.

Mr. LODGE. It goes now to the Calendar?

The VICE-PRESIDENT. It does.

Mr. LODGE. Then I will take occasion to say what I have to say in connection with the general deficiency bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. Certainly.

Mr. CARTER. I thank the Senator from Maine, and I certainly will not abuse his courtesy by continuing long.

Mr. HALE. Several Senators have indicated a desire to continue this debate, but I think I must insist on going on with the deficiency appropriation bill.

Mr. LODGE. I for one do not desire to detain the deficiency appropriation bill a moment, and I am perfectly willing to stand aside and let the whole matter go over until to-morrow, but I should like the unanimous consent stated to allow the resolution to come up to-morrow.

Mr. ALDRICH. It could be printed and lie on the table.

Mr. LODGE. I ask that it lie on the table, so that it can be taken up to-morrow after the morning business.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that the resolution may lie on the table.

Mr. LODGE. Otherwise, of course, I can say what I have to say on the deficiency bill which would leave it in that connection.

Mr. CULBERSON. What resolution is it?

The VICE-PRESIDENT. The resolution that has been under consideration.

Mr. CULBERSON. The resolution offered by the Senator from Maryland?

The VICE-PRESIDENT. The resolution offered by the Senator from Maryland. Does the Senator from Massachusetts withdraw his request for unanimous consent?

Mr. LODGE. I want to relieve the passage of the general deficiency bill. If I can have unanimous consent that the resolution will be taken up to-morrow after the morning business, I will say nothing now, of course.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that the resolution lie on the table, to be taken up after the close of the routine morning business to-morrow.

Mr. RAYNER. Before the question is put over, I should like to know about my right to the floor. I had the floor until 2 o'clock and I suppose I will have the floor to-morrow.

Mr. LODGE. Oh, no.

Mr. RAYNER. I have not yielded the floor. I yielded to one interruption after another, until the hour of 2 o'clock arrived. When the resolution comes up to-morrow I suppose I will have a right to finish my argument, which will be very brief.

The VICE-PRESIDENT. The resolution can come up to-morrow only by motion or by unanimous consent.

Mr. RAYNER. I shall object to unanimous consent unless the Senator from Massachusetts agrees that I may finish my argument, which will be very brief, I suppose. I submitted to one interruption after another. Two-thirds of my time was taken up by interruptions.

Mr. LODGE. I did not interrupt the Senator from Maryland, and I had no intention of doing so.

Mr. RAYNER. I know, but you would have had the right to do so. Several other Senators interrupted me.

Mr. LODGE. I only desire, at the proper time, when the Senator shall have concluded—I do not know when that will arrive—that I shall have an opportunity to say a few words in behalf of the Military Committee, of which I am a member.

Mr. HALE. Now, let us go on with the deficiency bill.

Mr. BURKETT. Is the question pending on a request for unanimous consent to-morrow?

The VICE-PRESIDENT. Is there objection to the request?

Mr. BURKETT. I object to making a special order for to-morrow.

The VICE-PRESIDENT. Objection is made.

Mr. HALE. Let us go on with the deficiency appropriation bill.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of the general deficiency appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered, and the Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in the item "Department of State," on page 2, line 11, after the word "Institution," to strike out "the Commissioners of the District of Columbia;" in line 15, after the words "National Museum," to strike out "Municipal;" and in line 23, after the word "provisions," to insert "and the sum of \$40,000, or so much thereof as may be necessary, to be expended in accordance with the directions of the President for the payment of expenses in connection with the suitable temporary prepara-



tion of said buildings for such purposes, is hereby appropriated," so as to make the clause read:

That the President be, and he is hereby, empowered and requested to direct the Secretary of the Smithsonian Institution and the Secretary of Agriculture to place at the disposition of the International Tuberculosis Congress, under such terms and conditions as the President may authorize or prescribe, such space, not now occupied, in the new National Museum and Agricultural buildings, respectively, as may be needed to properly provide for the meeting of such International Tuberculosis Congress, including exhibits, to be held in September and October of the present year, and the use of said buildings for such purposes is hereby authorized; and permanent occupancy of such buildings, respectively, shall be postponed in so far as may be necessary to carry out the foregoing provisions; and the sum of \$40,000, or so much thereof as may be necessary, to be expended in accordance with the directions of the President for the payment of expenses in connection with the suitable temporary preparation of said buildings for such purposes, is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert:

To pay to the owners of the Norwegian steamship *Nicaragua* in full for compensation for damage to said owners by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in the year 1894, \$4,926.67.

The amendment was agreed to.

The next amendment was, in item "Treasury Department," on page 3, after line 19, to insert:

Office of the Auditor for the Navy Department: For the following additional force in the office of the Auditor for the Navy Department for the balance of the fiscal year 1908, namely: Two clerks of class 4; two clerks of class 3; two clerks of class 2; in all, \$800.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to insert:

For rent of the third and fourth floors of the Union Building, located on G street, between Sixth and Seventh streets NW., Washington, D. C., including light, heat, janitor, and elevator service, and repairs, for offices of Auditor for the Interior Department, for the fiscal year 1909, \$13,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

For shelving and transferring records, furniture, and files from the Treasury building, including the personal services of laborers and skilled mechanics in connection therewith, for the fiscal year 1909, \$10,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 22, to insert:

Payment to Walter Hunnewell, administrator of Samuel Welles: The sum of \$5,999.22, heretofore appropriated to be paid to H. Hollis Hunnewell, administrator of Samuel Welles, in the act entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the 'Bowman Act,' and for other purposes," approved May 27, 1902 (p. 232, vol. 32, U. S. Stat. L.), be now paid to Walter Hunnewell, as administrator of Samuel Welles: *Provided, however,* That the same shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator, Walter Hunnewell, represents the next of kin of said Samuel Welles, on whose estate he has administered, and the court which granted the administration to the said administrator shall certify that he has given adequate security for the legal disbursement of the sum herein appropriated.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 13, line 6, before the word "cents," to strike out "thirty-five" and to insert "fifty-five," so as to make the clause read:

The accounting officers of the Treasury are directed to credit in the accounts of Thomas J. Hobbs, late disbursing clerk of the Treasury Department, the sum of \$131.55 standing against him on the books of the Treasury Department under the appropriation "Plans for public buildings, 1908."

The amendment was agreed to.

The next amendment was, under the subhead "Under the Smithsonian Institution," at the top of page 14, to insert:

Washington Statue: For the transfer of the marble statue of Washington, by Greenough, from the plaza in front of the Capitol to the Smithsonian Institution, under the direction of the Secretary of the Smithsonian Institution and the Superintendent of the Capitol Building and Grounds, including the construction of a foundation and a marble base, \$5,000.

Mr. BURKETT. I should like to ask the Senator in charge of the bill whether this item with reference to moving the statue of Washington was not carried in another bill. I have a recollection that we had it up in some other bill.

Mr. HALE. That bill contained no appropriation to carry it out. This money is needed for a base and for the statue when removed.

Mr. BURKETT. I thought the subject had been covered somewhere.

Mr. HALE. Yes; but no appropriation was made.

The amendment was agreed to.

The next amendment was, in the item "District of Columbia—Contingent expenses," on page 23, line 22, to increase the appropriation for an additional amount required for provisions, fuel, forage, harness, and vehicles and repairs to same, etc., at the Washington Asylum from \$6,000 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 25, line 25, after the word "cents," to insert "and for additional judgments amounting to \$96.95, in all, \$20,945.85," so as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Document No. 880, of this session, \$20,848.90 and for additional judgments amounting to \$96.95, in all, \$20,945.85, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, on page 26, after line 15, to insert:

Reimbursement of Philadelphia, Baltimore and Washington Railroad Company: For reimbursement of the Philadelphia, Baltimore and Washington Railroad Company for the cost of maintenance of the Long Bridge from February 12, 1906, to December 18, 1906, \$6,418.16.

Mr. BURKETT. Mr. President, I should like to ask the Senator from Maine in charge of the bill something with reference to that item. I have had it called to my attention somewhere else, but I consulted the chairman of the Committee on the District of Columbia [Mr. GALLINGER], and we could not recall that the matter had been before that committee. If the Senator from Maine has any information in regard to the subject, I should be glad to have it.

Mr. HALE. I have a memorandum before me in regard to it which states:

The Philadelphia, Baltimore and Washington Railroad Company, at its own cost, although it had discontinued the use of the bridge on August 28, 1901, maintained and operated the same from the time it should have been removed, namely, February 12, 1905, to February 12, 1906, for the reason that during this period it was receiving rental from the Washington, Alexandria and Mount Vernon Railroad Company, which rental would be an offset against the cost of maintenance and operation. The Washington, Alexandria and Mount Vernon Railroad stopped running over the bridge February 11, 1906, and the rental ceased. The Philadelphia, Baltimore and Washington Railroad Company then proposed to remove the bridge in accordance with the provisions of the act to which I have referred.

At a conference between Mr. Macfarland, president of the Board of Commissioners of the District of Columbia, Mr. Babcock, chairman of the House District Committee, and Col. John Cassels, acting for the Philadelphia, Baltimore and Washington Railroad Company, it was agreed that if the bridge was not removed, the cost of operation and maintenance until the new highway bridge could be utilized should be defrayed by the District government.

I have the items here under which the agreement was made, and it is on that basis that the appropriation has been put into the bill. The items that make up the cost are given, but the committee did not examine into them at all, taking this statement for them. That is all the committee has upon the subject.

Mr. BURKETT. Mr. President, as I understand the Senator, the committee have no evidence, nothing further with reference to that agreement which was entered into, than the statement which has been furnished?

Mr. HALE. We have the items as to what the expenditures are for maintaining the bridge, amounting to the sum named.

Mr. BURKETT. I recall, of course, as the Senator does, when we built these bridges there. It seems rather an unusual item, and it is almost two years old now. It really ought to be presented in the nature of a claim, I think.

Mr. HALE. No; it is in the regular estimates of the Department, who have been over the whole matter and estimated for it as a deficiency.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the item "Military establishment—Miscellaneous," on page 29, after line 23, to insert:

The accounting officers of the Treasury be, and they are hereby, authorized and directed to allow the sum of \$321.67 in the accounts of Maj. G. S. Bingham, Quartermaster's Department, on account of charges paid for the storage of baggage of officers on duty with the forces in military occupation of the island of Cuba during the interval between their return to New York on May 20, 1902, and their subsequent assignment to stations in the United States.

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to insert:

The proper accounting officers of the Treasury are authorized and directed to credit the following-named officers with the sums set opposite their respective names in the settlement of their accounts for furniture purchased by them by authority of the Secretary of War for public buildings at posts, including expenditures for the equipment of messes for bachelor officers:

Capt. Charles C. Ballou, Twelfth Infantry, assistant quartermaster, Presidio of Monterey, Cal., \$98.61.

Capt. Leon S. Roudiez, assistant quartermaster, Fort Riley, Kans., \$784.83.

Capt. George C. Barnhardt, Fort Ethan Allen, Vt., \$1,635.62.

Lieut. William J. Davis, Eighth Infantry, assistant quartermaster, Fort Slocum, N. Y., \$1,563.57.

Lieut. Willis C. Metcalf, Coast Artillery Corps, Fort Washington, Md., \$206.77.  
Capt. Courtland Nixon, quartermaster's department, Fort Oglethorpe, Ga., \$1,382.90.

The amendment was agreed to.

The next amendment was, on page 31, after line 9, to insert:

To reimburse First Lieut. Charles E. Morton, Sixteenth United States Infantry, the amount refunded by him to the United States Government to cover loss of public funds for which he was accountable and which were stolen at Echague, province of Isabela, Luzon, P. I., without fault or neglect on his part, \$186.

The amendment was agreed to.

The next amendment was, on page 31, after line 16, to insert:

The sum of \$60,000 appropriated for the erection and completion of a military hospital at San Juan, P. R., under construction and repair of hospitals in the act approved March 2, 1907, for the support of the Army for the fiscal year ending June 30, 1908 (34 Stats., p. 1172), is hereby reappropriated and made available during the fiscal year ending June 30, 1909, for the erection and completion of said hospital.

The amendment was agreed to.

The next amendment was, on page 32, after line 13, to insert:

For payment of certain claims approved by the Auditor of the War Department for damages done to private property by the firing of heavy guns at Forts Heath and Banks, Winthrop, Boston Harbor, Massachusetts, \$1,250.

The amendment was agreed to.

Mr. HALE. Connected with that amendment, I offer the amendment on behalf of the committee, which I send to the desk.

The PRESIDING OFFICER (Mr. KEAN in the chair). The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 32, after line 18, it is proposed to insert:

For payment of twenty-five approved claims for damages to and loss of private property belonging to citizens of the United States and the Philippine Islands, estimated for on page 406, House Document No. 12, Sixtieth Congress, first session, \$4,705.45.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 32, after line 18, to insert:

Claims for property taken from Confederate officers and soldiers after surrender: For payment of claims filed with the Quartermaster-General under act of February 27, 1902, and amendments thereto, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, \$20,000. The time for filing these claims under the provisions of the above-entitled act and amendments thereto and for the payment thereof is extended for twelve months from the passage of this act; and all claims not presented within this time shall be forever barred.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert:

Payment to the State of Texas: To reimburse the State of Texas, in full settlement of all claims of any nature whatever on account of moneys actually expended by that State after June 20, 1860, from appropriations made by the legislature of the State of Texas before that date in payment of State volunteers or rangers called into service by authority of the governor of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States, as ascertained under the act of Congress approved March 3, 1905, and certified in Senate Document No. 160, first session Fifty-ninth Congress, \$21,395.95.

The amendment was agreed to.

The next amendment was, on page 33, after line 19, to insert:

General Depot for United States Army Supplies at Fort Mason, Cal.: The Secretary of War is hereby authorized to proceed with the construction of the general depot for the supply departments of the United States Army at Fort Mason, Cal., authorized by the Army appropriation act approved June 12, 1906, without waiting for the completion of the condemnation proceedings which have been instituted with a view to the acquisition of certain submerged lands which are necessary for the construction of the wharves and buildings constituting said depot; and the requirements of section 355 of the Revised Statutes of the United States are hereby suspended in their application to this case.

The amendment was agreed to.

The next amendment was in the item "Navy Department, Office of the Secretary," on page 34, line 13, before the word "nineteen," to strike out "year" and insert "years;" and in the same line, after the word "six," to insert "and nineteen hundred and seven," so as to make the clause read:

The Secretary of the Navy is authorized to pay from the appropriations for library, Navy Department, for the fiscal years 1906 and 1907, voucher in favor of Ballantyne & Sons, Washington, D. C., for city directories, amounting to \$29, purchased for the library of the Navy Department, the Comptroller of the Treasury having decided, after the obligation was incurred, that the appropriation for library, Navy Department, being for "professional and technical books and periodicals," was not available for said payment.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to insert:

#### NAVAL OBSERVATORY.

For repairs to buildings, fixtures, and fences; furniture, gas, chemicals, and stationery; freight (including the transmission of public documents through the Smithsonian exchange), foreign postage, and expressage; plants, fertilizer, and all contingent expenses, \$300.

The amendment was agreed to.

The next amendment was, on page 35, after line 12, to insert:

For fuel, oil, grease, tools, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, \$407.50.

The amendment was agreed to.

The next amendment was, in the item "Naval establishment," on page 35, after line 20, to insert:

#### PAY OF THE NAVY.

To supply a deficiency in the appropriation "Pay of Navy," for the fiscal year ending June 30, 1908 (act of March 2, 1907, vol. 34, p. 1176, sec. 1), \$457,363.50.

The amendment was agreed to.

The next amendment was, in the item, "Marine Corps," on page 46, after line 16, to insert:

For the fiscal year 1908, \$12,000.

The amendment was agreed to.

The next amendment was, in the item, "Interior Department," on page 48, after line 9, to strike out:

For salary, traveling and other miscellaneous and emergency expenses, including a per diem in lieu of subsistence not exceeding \$4 per day, of expert agents appointed by the Secretary of the Interior, whose employment shall be limited to the examination and inspection of the various offices and bureaus and the work and business methods in the offices and bureaus under the control of the Department of the Interior, and to be expended at his discretion and under his authority and approval.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

To reimburse B. R. Rhees for services and expenses incurred during the last half of August, 1906, while engaged upon duty connected with the Interior Department, \$193.26.

The amendment was agreed to.

The next amendment was, in the item, "Capitol building and repairs," on page 49, line 3, after the word "seven," to strike out "and nineteen hundred and seven," so as to read:

The unexpended balances of the appropriations of the fiscal years 1907 and 1908 is hereby reappropriated and made available for the fiscal year 1908, for payment of the items disallowed and suspended by the Auditor for the Interior Department against the appropriation "Capitol building and repairs," 1907 and 1908, amounting to \$2,005.91.

The amendment was agreed to.

The next amendment was, on page 50, after line 11, to insert:

The unexpended balance of the appropriation for the necessary improvements in the Senate kitchen, etc., provided for in the deficiency act approved June 30, 1906, is hereby reappropriated and made available for work at the Capitol and for general repairs thereof for the fiscal year 1909.

The amendment was agreed to.

The next amendment was, in the item "Public Land Service," on page 51, after line 16, to insert:

To pay Howard B. Carpenter the balance due him for survey of boundary line between the States of Idaho and Montana, under contract dated February 10, 1904, \$2,446.34.

The amendment was agreed to.

The next amendment was, in the item "Bureau of Immigration and Naturalization," on page 54, after line 14, to insert:

For refund to the Compagnie Generale Transatlantique of an amount erroneously collected from said company for hospital treatment of the aliens Ofenau and Sarquis Persigian, from January 31, 1907, to June 30, 1907, inclusive, to be paid from the appropriation "Expenses of regulating immigration," \$273.

The amendment was agreed to.

The next amendment was, on page 54, after line 22, to insert:

#### COAST AND GEODETIC SURVEY.

To reimburse J. S. Hill, chief of party, Coast and Geodetic Survey, for amount expended in replacing a sail skiff lost in a storm at Beaufort, N. C., which was rented in connection with a survey by the Coast and Geodetic Survey, on the North Carolina coast, during February, 1908, \$20.

The amendment was agreed to.

The next amendment was, in the item "United States courts," on page 56, after line 15, to insert:

For salaries of district attorneys and marshals for Oklahoma, from November 16, 1907, to June 30, 1908, at the rate of \$4,000 per annum each, \$10,000.

The amendment was agreed to.

The next amendment was, in the item "Court of Claims," on page 59, after line 10, to insert:

For payment to Lucien B. Howry for services rendered the Court of Claims during the month of May, 1908, \$108.

The amendment was agreed to.

The next amendment was, in the item of "Out of the postal revenues," on page 61, after line 10, to insert:

To close the account of the Doremus Machine Company for canceling machines furnished during the fiscal year 1903, \$26,950: Provided, That said sum shall be accepted by said company in full of all claim and demand against the United States arising under their contract with the United States, dated May 6, 1902.

The amendment was agreed to.



The next amendment was, in the item "Legislative," on page 62, after line 2, to insert:

## SENATE.

To pay Sara Alice Latimer, widow of Hon. Asbury C. Latimer, late a Senator from the State of South Carolina, \$7,500.

The amendment was agreed to.

The next amendment was, on page 62, after line 6, to insert:

To pay Emily J. Proctor, widow of Hon. Redfield Proctor, late a Senator from the State of Vermont, \$7,500.

The amendment was agreed to.

The next amendment was, on page 62, after line 9, to insert:

To pay Janet G. A. Bryan, widow of Hon. William James Bryan, late a Senator from the State of Florida, \$7,500.

The amendment was agreed to.

The next amendment was, on page 62, after line 12, to insert:

To pay to Joseph Whyte and Clymer Whyte, sons, and to William Pinkney Whyte, Charles G. Whyte, Mary T. Wallbrecht, and William Hollingsworth Whyte, grandchildren, of Hon. William Pinkney Whyte, late a Senator from the State of Maryland, \$7,500.

The amendment was agreed to.

The next amendment was, on page 62, after line 18, to insert:

To pay to Ida Mallory, Stephen R. Mallory, Kathleen Mallory, Ruby Mallory Fisher, Cora Mallory, Nellie Mallory Pasco, and Stephen R. Mallory Kennedy, nephews and nieces of Hon. Stephen R. Mallory, late a Senator from the State of Florida, \$7,500.

The amendment was agreed to.

The next amendment was, at the top of page 63, to insert:

For salaries and mileage of Senators, \$8,440.62.

The amendment was agreed to.

The next amendment was, on page 63, after line 2, to insert:

For miscellaneous items, exclusive of labor, \$25,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 4, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1907, to March 4, 1908, for clerk hire and other extra clerical services, \$4,740.

The amendment was agreed to.

The next amendment was, on page 63, after line 9, to insert:

To pay William M. Malloy for reporting hearings before the Committee on Foreign Relations on wireless telegraph treaty and consular bill, \$187.50.

The amendment was agreed to.

The next amendment was, on page 63, after line 13, to insert:

To pay Robert W. Farrar, for indexing and for extra services as clerk to the Committee on Pensions, \$1,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

To pay Dennis M. Kerr, for services as assistant clerk by detail to the Committee on Pensions, \$1,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 18, to insert:

To pay for extra services rendered to the Committee on Military Affairs during the investigation of the Brownsville affray, from January 23, 1907, during the recess of the Senate, and until March 11, 1908, as authorized by Senate resolution No. 208, Fifty-ninth Congress, second session, as follows: To L. M. Wells, \$2,000; to J. A. Breckons, \$1,200; to C. E. Lane, \$600; to Ray Colwell, \$100; to Joseph Carter, \$100; in all, \$4,000.

Mr. HALE. Mr. President, as an amendment to that amendment I offer what I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 64, line 4, after the word "dollars," where it first occurs, it is proposed to insert "to E. L. Cornelius, \$600; Peter Reiley, \$100; John R. Williams, \$100;" and on line 4, after the word "thousand," to insert "eight hundred," so as to make the total \$4,800.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 64, after line 4, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith \$100 for the first session of the Sixtieth Congress.

The amendment was agreed to.

The next amendment was, on page 64, after line 8, to insert:

To pay N. M. Wakefield for service rendered in preparing a tracer of legislation, and notifying the members of the Senate of the movements of the Senate bills, \$1,000.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," on page 65, line 23, after the word "for," where it occurs the second time, to strike out "first" and insert "last," so as to make the clause read:

For telephone service for House Office Building for last half of the fiscal year 1908, \$2,760.

The amendment was agreed to.

The next amendment was, in the item "Public printing and binding," on page 70, after line 8, to insert:

To pay William S. Rossiter, for services in conducting, by direction of the President, an investigation of the affairs and operations of the Government Printing Office, and reporting thereon, \$1,000.

The amendment was agreed to.

The next amendment was, in the item "Judgments, Court of Claims," on page 70, line 17, after the words "eight hundred and eighty-eight," to insert "and Senate Document No. 498," so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 888 and Senate Document No. 498.

The amendment was agreed to.

The next amendment was, on page 70, line 20, after the word "Department," to strike out "\$54,368.52" and insert "\$77,389.86," so as to make the clause read:

Under War Department \$77,389.86.

The amendment was agreed to.

The next amendment was, on page 70, line 24, after the word "Department," to strike out "\$27,462.67" and insert "\$28,154.14," so as to make the clause read:

Under Navy Department \$28,154.14.

The amendment was agreed to.

The next amendment was, on page 71, line 4, after the word "and," to strike out "\$7,203.77" and insert "\$7,258.20," so as to make the clause read:

Under Post-Office Department, \$7,258.20.

The amendment was agreed to.

The next amendment was, on page 71, line 7, before the word "dollars," to strike out "one hundred and thirty-three" and insert "two hundred and fifty-eight," so as to make the clause read:

Under Department of Justice, \$2,258.75.

The amendment was agreed to.

The next amendment was, on page 71, line 16, after the word "all," to strike out "\$894,465.84," and insert "\$918,358.08," so as to make the clause read:

Under Department of Interior, \$788,866.87; in all, \$918,358.08: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, in the item "Judgments in Indian depredation claims," on page 71, line 26, after the words "eight hundred and seventy-eight," to insert "and Senate Document No. 500," and on page 72, line 1, after the word "hundred," to strike out "\$114,449," and insert "\$144,094," so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document No. 878 and Senate Document No. 500, \$144,094; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891.

The amendment was agreed to.

The next amendment was, in the item "Judgments, United States courts," on page 73, line 4, after the word "session," to strike out "by the Attorney-General," and in line 5, after the words "eight hundred and eighty-four," to insert "and Senate Document No. 499," so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session in House Document No. 884 and Senate Document No. 499, and which have not been appealed.

The amendment was agreed to.

The next amendment was, on page 73, after line 7, to insert:

Under the War Department, \$222.54.

The amendment was agreed to.

The next amendment was, on page 73, line 11, after the word "dollars," to insert "in all, \$1,267.54," so as to make the clause read:

Under the Navy Department, \$1,045; in all, \$1,267.54, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, on page 73, line 22, after the word "session," to strike out "by the Attorney-General;" and in line 24, after the word "principal," to strike out "for" and insert "of," so as to make the clause read:

For the payment of interest at the rate of 4 per cent per annum, in accordance with section 10 of the act of March 3, 1887, upon the final judgments and decrees, including costs of suit, certified to Congress at its present session in Senate Document No. 195, the principal of which was provided for in the deficiency act approved February 15, 1908, so much money therefor as may be necessary.

The amendment was agreed to.

The next amendment was, on page 74, after line 9, to strike out:

SEC. 2. After June 30, 1908, where the salary or compensation of any officer, agent, clerk, or employee in the service of the United States is at an annual or monthly rate the following rules shall be followed in computing the amount due: An annual salary or compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payment for a fractional part of any calendar month there shall be paid such proportion of one of such installments, or of the amount of the monthly salary or compensation, as the number of days in the fractional part of that month bears to the actual number of days in that month.

The amendment was agreed to.

The next amendment was, on page 74, after line 21, to strike out:

SEC. 3. Hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the Executive Departments and other Government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of Commerce and Labor, instead of by the several Departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section 3709 of the Revised Statutes as amended, composed of officers, one from each such Department and other Government establishment in Washington, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all Departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such Departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that, in his judgment, can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one Department or Government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No Department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their Department or establishment: *And provided further*, That telephone service, electric light and power service purchased or contracted for from companies or individuals shall be so obtained by him. All laws and parts of laws inconsistent with this section are hereby repealed.

The amendment was agreed to.

The next amendment was, in the item "Claims allowed by the Auditor for the Navy Department," on page 79, after line 24, to strike out:

For payment of certain claims approved by the Auditor of the War Department for damages done to private property by the firing of heavy guns at Forts Heath and Banks, Winthrop, Boston Harbor, Massachusetts, \$1,250.

The amendment was agreed to.

The next amendment was, on page 83, after line 14, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1905 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 407, reported to Congress at its present session, there is appropriated as follows:

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For payment of judgments against internal-revenue officers, \$2,610.40.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, \$695.34.  
For encampment and maneuvers, organized militia, \$253.35.  
For subsistence of the Army, \$77.  
For transportation of the Army and its supplies, \$388.23.  
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, \$86.69.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, \$4,705.14.  
For pay, miscellaneous, \$3.52.  
For contingent, Navy, \$76.  
For pay, Marine Corps, \$381.65.  
For contingent, Marine Corps, \$742.95.  
For gunnery exercises, Bureau of Navigation, \$21.75.  
For equipment of vessels, Bureau of Equipment, \$6,234.62.  
For construction and repair, Bureau of Construction and Repair, \$2,953.56.  
For indemnity for lost property, naval service, act March 2, 1895, \$503.20.  
For destruction of clothing and bedding for sanitary reasons, \$6.95.  
For enlistment bounties to seamen, \$308.34.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For surveying the public lands, \$14,571.81.  
For incidentals in New Mexico, 1907, \$21.01.  
For payment to estate of Wyatt Gilchrist, deceased, for stock stolen from him by Comanche Indians in 1866, \$300.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Treasury Department: To pay the State of Oklahoma the amount found due by the accounting officers as interest at 3 per cent per annum on the sum of \$5,000,000 appropriated by section 7 of the act approved June 16, 1906 (34 Stats., p. 267), from June 16, 1906, to December 17, 1907, in accordance with the decision of the Comptroller of the Treasury dated May 11, 1908, \$225,409.84.  
Department of Agriculture: For protection of forest reserves, \$60.  
Department of Commerce and Labor: For repairs and incidental expenses of light-houses, \$42.75.  
Department of Justice: For fees of clerks, United States courts, 1907, \$263.63.  
For fees of commissioners, United States courts, \$31.40.  
For prosecution of Indians in Arizona, act of March 4, 1907 (Apache County), \$3,626.06.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. NELSON. I offer the amendment which I send to the desk, to come in at the end of line 12, on page 64.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 64, after line 12, it is proposed to insert:

To enable the Secretary of the Senate to pay for extra services rendered in transferring, rearranging, remarking, cleaning, and reeling the papers of the Senate: To Bayard C. Ryder, \$700; Ansel Wold, \$400; R. R. Dutton, \$300; George Payne, \$50; Christopher Woodlen, \$50.

Mr. HALE. I make the point of order that the amendment is not recommended by any standing committee of the Senate.

The VICE-PRESIDENT. The Chair will inquire if that is so?

Mr. NELSON. I think it is.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and therefore sustains the point of order.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 48, after line 23, it is proposed to insert the following:

To enable the Secretary of the Interior to continue negotiations for the establishment of international methods of testing petroleum and for making the necessary tests, \$5,000.

Mr. HALE. I will ask if that is recommended by any standing committee?

Mr. GALLINGER. The Senator from Maine inquires if that is recommended by any standing committee. I do not know that it is necessary for it to be recommended by a standing committee. It is a matter that the Senate is familiar with. There was in the last bill a small appropriation for this purpose. It is a very important matter, as it deals with an international conference on this great question. Other governments have discriminated against our Government in this important matter, and it is of exceeding consequence that we should have a representative to protect the interests of the United States. That is all there is to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New Hampshire.

The amendment was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk, to come in on page 48, after line 8.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 48, after line 8, it is proposed to insert the following:

That the sum of \$215,393.28 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the unsettled expenses of the constitutional convention of Oklahoma and for the elections held thereunder; said deficit to be paid upon vouchers approved by the governor and secretary of state of the State of Oklahoma, in such manner and form as may be prescribed by the Secretary of the Treasury.

Mr. HALE. I make the point of order that the amendment proposes general legislation.

Mr. OWEN. I call the attention of the Senate to the fact that this has been reported by one of the standing committees of the Senate—the Committee on Territories—it has been acted on by the Senate itself, and the Committee on Appropriations last year reported on this bill \$135,000 for this purpose and it passed the Senate. I call attention to the fact that in the case of Wyoming the appropriations were made for the expenses of the constitutional convention and for the elections held thereof and thereunder; that in the case of Utah the funds were appropriated in like manner for paying the expenses of the constitutional convention and for elections held thereof and thereunder. So we have the precedents of Congress; and the sum



proposed to be appropriated for Oklahoma for this purpose is not an excessive amount, judged by the precedents, because in Wyoming the sum for holding the convention amounted to 50 cents per capita, and on that basis for Oklahoma it would amount to \$720,000. I think, therefore, the Senate ought to follow the precedents, ought to follow the report of the Committee on Territories, ought to follow the action of the Committee on Appropriations of last year, and ought to follow the action of the Senate of last year.

I hope the Senator from Maine will not insist upon the point of order.

Mr. HALE. The committee has had no opportunity to examine this matter, and I must insist upon the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. GUGGENHEIM. I propose the amendment I send to the desk, to be inserted on page 5, after line 2.

The SECRETARY. On page 5, after line 2, it is proposed to insert:

**TRANSPORTATION OF STANDARD SILVER DOLLARS.**

For transportation of standard silver dollars, by registered mail or otherwise, \$10,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, standard silver dollars, to June 30, 1908, when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants; and the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. HALE. I make the point of order that the amendment proposes general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the amendment proposes general legislation, and therefore is in contravention of paragraph 3 of Rule XVI. The Chair sustains the point of order.

Mr. HALE. To establish a basis of appropriations for public buildings, I report from the committee the amendment I send to the desk.

The SECRETARY. On page 9, after line 22, under "Public buildings," it is proposed to insert:

For acquisition of sites and additions to sites for and to begin the construction of public buildings and the extension of public buildings during the first session of the Sixtieth Congress, so much thereof as may be necessary is hereby appropriated.

The amendment was agreed to.

Mr. HALE. I think that is all.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

**HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.**

Mr. SCOTT. Mr. President, during my absence from the Senate I understand the Senator from Texas [Mr. CULBERSON] brought up the case in regard to Judge Dayton's restraining order.

I desire to read the following, in order that it may go into the Record:

Hon. C. E. LITTLEFIELD,  
Washington, D. C.

WHEELING, W. VA., April 23, 1908.

DEAR SIR: Replying to your favor of March 28, 1908, we appeared in the United States circuit court as counsel for the defendants in the case of National Telephone Company v. Keat et al. No contempt proceedings grew out of the injunction case. We have no criticism whatever to make of the action of Judge Dayton in awarding the restraining order or in granting the preliminary injunction. Our clients directed us to discontinue their defense, and no motion to dissolve or to modify was ever made. The injunction was made permanent as to our clients.

We took no part in the injunction suit brought by the Hitchman Coal Company.

Very truly, yours,

DOVENER & FISKEISEN.

It is the same case referred to by the Senator from Texas.

**EFFICIENCY OF THE MILITIA.**

Mr. HEMENWAY. I desire to call up the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The VICE-PRESIDENT. The bill has been read. The amendments will be stated.

The first amendment of the Committee on Military Affairs was, on page 4, after line 15, to insert "through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which

State, Territory, or District such troops may be called," so as to read:

SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.

The amendment was agreed to.

The next amendment was, on page 7, line 4, after the word "procure," to insert "by purchase or manufacture," so as to read:

That the Secretary of War is hereby authorized to procure, by purchase or manufacture, and issue from time to time to the organized militia.

And so forth.

The amendment was agreed to.

The next amendment was, on page 8, line 14, after the words "and the," to strike out "governor thereof" and insert "governors of the States and Territories and the commanding general of the militia of the District of Columbia;" and in line 17, before the word "returns," to strike out "his" and insert "their," so as to read:

When the organized militia is uniformed as above required, the Secretary of War is authorized to fix an annual clothing allowance to each State, Territory, and the District of Columbia for each enlisted man of the organized militia thereof, and thereafter issues of clothing to such States, Territories, and the District of Columbia shall be in accordance with such allowance, and the governors of the States and Territories and the commanding general of the militia of the District of Columbia shall be authorized to drop from their returns each year as expended clothing corresponding in value to such allowance.

The amendment was agreed to.

The next amendment was to add at the end of section 8 the following:

*Provided*, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of \$2,000,000 in any fiscal year: *Provided also*, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section.

The amendment was agreed to.

The next amendment was, on page 12, line 23, after the word "authorized," to insert "together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War;" and on page 13, after the word "Columbia," in line 5, to insert: "and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report," so as to read:

The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section 1661, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

**PAY OF CAPITOL EMPLOYEES.**

Mr. ALLISON. From the Committee on Appropriations I report a joint resolution, which I should be glad to have considered.

The joint resolution (S. R. 93) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of May, 1908, on the day of adjournment of the present session of Congress was read the first time by its title and the second time at length as follows:

*Resolved, etc.*, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay all officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of May, 1908, on the day of adjournment of the present session of Congress.

Mr. ALLISON. For the convenience of the employees of the Senate and House, I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I ask the Senate to proceed to the consideration of the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. SCOTT. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendments, and that the committee amendments be first considered.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary proceeded to read the bill.

The first amendment to the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 3, before the word "thousand," to insert "and sixty," so as to read:

For pay of cadets, \$360,000.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "dollars," to insert:

*Provided*, That section 4 of an act approved June 6, 1900, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1901, and for other purposes," be amended to read as follows:

The corps of cadets shall consist of one from each Congressional district, one from each Territory, one from the District of Columbia, four from each State at large, and forty from the United States at large. They shall be appointed by the President, and shall, with the exception of the forty cadets appointed from the United States at large, be actual or legal residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they are appointed: *And provided further*, That hereafter cadets shall be entitled to rations, or commutation therefor, as hitherto allowed under the act approved June 28, 1902, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes."

The amendment was agreed to.

Mr. BACON. I want to offer an amendment, but I desire to find out first the point in the bill at which it is to be offered, because, as the Senator knows, we have no printed copies of the bill as proposed to be amended. I was about to ask the Chair to state the line where the last amendment which has been acted upon was offered.

Mr. SCOTT. I will ask the Senator from Georgia to allow the bill to be read through, and I will accept his suggestion after the bill has been read for committee amendments.

The VICE-PRESIDENT. Does the Senator from Georgia desire to offer an amendment?

Mr. BACON. I withdraw it on the suggestion of the Senator from West Virginia and will wait until the committee amendments shall have been acted upon.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 3, line 2, to increase the total appropriation for the permanent establishment from \$331,800 to \$391,800.

The amendment was agreed to.

The next amendment was, on page 3, line 13, to increase the appropriation for pay of one professor of ordnance and science of gunnery from \$1,000 to \$1,100.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to strike out:

"That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor to teach military hygiene." *Provided* such officer receives no extra compensation therefor.

And insert:

For pay of one professor of military hygiene (lieutenant-colonel), in addition to pay as major, \$500.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to insert:

For pay of one professor of English and history, to be selected and appointed by the Secretary of War, and to be on the same basis of rank, pay, and allowances as the other professors of the Military Academy, \$3,500.

The amendment was agreed to.

The next amendment was, on page 4, in line 10, before the word "artillery," to strike out "cavalry," and in line 11, before the word "engineering," to insert "military," so as to make the clause read:

For pay of four senior assistant instructors of artillery and infantry tactics and ordnance and gunnery and practical military engineering (captains), in addition to pay as first lieutenants, \$1,000.

The amendment was agreed to.

The next amendment was, on page 4, in line 21, after the word "quartermaster's," to strike out "depot" and insert "department," so as to make the clause read:

For pay of one line officer, on duty in quartermaster's department at academy, in addition to pay as first lieutenant, \$400.

The amendment was agreed to.

The next amendment was, on page 5, line 9, to increase the total appropriation for extra pay of officers of Army on detached service at Military Academy from \$31,000 to \$34,600.

The amendment was agreed to.

The next amendment was, on page 5, line 17, before the word "dollars," to strike out "forty" and insert "forty-five," and in line 19, before the word "dollars," to strike out "four thousand seven hundred and sixty" and insert "six thousand four hundred and eighty," so as to make the clause read:

Twelve enlisted musicians, at \$45 per month, \$6,480.

The amendment was agreed to.

The next amendment was, on page 5, line 20, before the word "dollars," to strike out "thirty-six" and insert "forty," and in line 22, before the word "dollars," to strike out "four hundred and eighty-four" and insert "seven hundred and sixty," so as to make the clause read:

Twelve enlisted musicians, at \$40 per month, \$5,760.

The amendment was agreed to.

The next amendment was, on page 5, line 23, before the word "dollars," to strike out "twenty-four" and insert "thirty," and in line 25, before the word "dollars," to strike out "four thousand six hundred and eight" and insert "five thousand seven hundred and sixty," so as to make the clause read:

Sixteen enlisted musicians, at \$30 per month, \$5,760.

The amendment was agreed to.

The next amendment was, on page 6, line 8, after the word "sergeant," to strike out "with pay of first-class musicians," so as to make the clause read:

For pay of field musicians: One sergeant, \$600.

The amendment was agreed to.

The next amendment was, on page 6, after line 19, to insert:

Hereafter the monthly pay during the first enlistment of enlisted men of the band and field musicians of the United States Military Academy shall be as hereinbefore stated, and the continuous-service pay of all grades shall be the same as provided in the act approved May 11, 1908, entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1909:" *Provided*, That the band or members thereof and the field musicians of the Military Academy shall not receive remuneration for furnishing music outside the limits of the military reservation when the furnishing of such music places them in competition with local civilian musicians.

The amendment was agreed to.

The next amendment was, on page 7, line 17, to increase the appropriation for additional pay for length of service from \$14,784 to \$17,172.

The amendment was agreed to.

The next amendment was, on page 8, line 9, before the word "corporals," to strike out "six" and insert "eight," and in line 10, before the word "dollars," to strike out "one thousand five hundred and twelve" and insert "two thousand and sixteen," so as to make the clause read:

Eight corporals, \$2,016.

The amendment was agreed to.

The next amendment was, on page 8, line 16, before the word "privates," to strike out "Seventy-nine" and insert "Seventy-seven," and in line 18, before the word "dollars," to strike out "fourteen thousand two hundred and twenty" and insert "thirteen thousand eight hundred and sixty," so as to make the clause read:

Seventy-seven privates (cavalry), \$13,860.

The amendment was agreed to.

The next amendment was, on page 8, line 20, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand three hundred and sixty-four," so as to make the clause read:

Additional pay for length of service, \$5,364.

The amendment was agreed to.

The next amendment was, on page 13, in line 2, before the word "cents," to strike out "fifty" and insert "thirty-five;" and in the same line, after the word "and," to strike out "eighty-two dollars and fifty cents" and insert "twenty-seven dollars and seventy-five cents," so as to make the clause read:

For extra pay of one first sergeant (artilleryman), at 35 cents per day, \$127.75.

The amendment was agreed to.

The next amendment was, on page 13, line 14, before the word "cents," to strike out "fifty" and insert "thirty-five;" and in the same line, after the word "and," to strike out "eighty-two



dollars and fifty cents" and insert "twenty-seven dollars and seventy-five cents," so as to make the clause read:

For extra pay of one first sergeant (cavalryman), at 35 cents per day, \$127.75.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to insert:

For extra pay of one sergeant (cavalryman) in charge of stables and horses, at 50 cents per day, \$182.50.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

For extra pay of one enlisted man employed in the department of modern languages, at 50 cents per day, \$156.50.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to insert:

For extra pay of one sergeant of engineers, acting first sergeant, \$108.

The amendment was agreed to.

The next amendment was, on page 14, after line 12, to insert:

For extra pay of two cooks of engineers, at \$12 per month each, \$288.

The amendment was agreed to.

The next amendment was, on page 14, line 19, after the word "and," to strike out "\$78,259.87" and insert "\$84,729.37," so as to make the clause read:

In all, for pay of Military Academy Band, field musicians, general Army service, cavalry detachment, artillery detachment, enlisted men on detached service, and extra pay of enlisted men on special duty at the Military Academy, \$184,729.37.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of civilians," on page 18, after line 11, to strike out:

For pay of engineer of steam, electric, and refrigerating apparatus for the cadets' mess, \$1,200.

The amendment was agreed to.

The next amendment was, on page 19, line 4, to increase the appropriation for pay of one chief engineer of power plant from \$2,000 to \$2,400.

The amendment was agreed to.

The next amendment was, on page 19, line 5, before the word "engineers," to strike out "four" and insert "three," and in line 6, before the word "dollars," to strike out "four thousand" and insert "three thousand six hundred," so as to make the clause read:

For pay of three engineers for power plant, \$3,600.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to insert:

For pay of two oilers for power plant, \$1,440.

The amendment was agreed to.

The next amendment was, on page 19, line 10, to increase the total appropriation for civilians employed at Military Academy from \$68,580 to \$69,320.

The amendment was agreed to.

The next amendment was, on page 19, line 14, to increase the total pay for the Military Academy, from \$609,639.87 to \$680,449.37.

The amendment was agreed to.

The next amendment was, on page 19, after line 15, to insert:

All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by officers of the Pay Department as pay of the Military Academy, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to strike out:

*Provided*, That section 1427 of the Revised Statutes be, and it is hereby, amended so as to read as follows: That hereafter the Board of Visitors to the Military Academy shall consist of the members of the Committee on Military Affairs of the Senate and the House of Representatives, respectively, who shall constitute a joint committee which shall annually visit the Military Academy between the 1st day of November and the 1st day of March of the ensuing year, the actual expenses of such committee to be paid out of the contingent fund of each House proportionately: *Provided*, That the actual expenses for travel shall only be paid from Washington to West Point and return: *Provided further*, That so much of sections 1328 and 1329 as is inconsistent with the provisions of this act is hereby repealed.

And in lieu thereof to insert:

*Provided*, That hereafter the Board of Visitors to the Military Academy shall consist of four members of the Committee on Military Affairs of the Senate and five members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, and three persons to be appointed by the President, who shall annually visit the Military Academy on such date as may be fixed by the chairman of the said committees; and the President, the Superintendent of the academy, and the members of the Board of Visitors shall be notified of such date by the chairman of the said committees, acting jointly, at least thirty days before the meeting. The expenses of the Board shall be their actual expenses while engaged upon their duties as members of said Board, and their actual expenses for travel by the shortest mail routes: *Provided further*, That so much of sections 1328 and 1329, Revised Statutes of the United States, as is inconsistent with the provisions of this act is hereby repealed.

For expenses of the members of the Board of Visitors and for pay and expenses of stenographer and clerk for the Board, \$3,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 22, to increase the appropriation for gas pipes, gas and electric fixtures, electric lamps, telephone and lighting supplies, etc., at the Military Academy, from \$2,500 to \$6,500.

The amendment was agreed to.

The next amendment was, on page 22, line 11, to reduce the appropriation for fuel for cadets' mess hall, shops, and laundry from \$14,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

For the preparation of topographical relief models, \$100.

The amendment was agreed to.

The next amendment was, on page 28, line 14, to increase the total appropriation for current and ordinary expenses, Military Academy, from \$115,268 to \$118,868.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 28, line 22, before the word "wicking," to strike out "and;" and in the same line, before the word "for," to insert "and electric lamps and supplies," so as to make the clause read:

For gas-coal, oil, candles, lanterns, matches, chimneys, wicking, and electric lamps and supplies for lighting the academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables and riding hall, sidewalks, camp, and wharfs, \$10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 18, to increase the appropriation for the policing of barracks, bath houses, supplying light and plain furniture to cadet barracks, from \$9,500 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 18, to insert:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, \$3,520.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

For plaster and other models, relief plans and maps to illustrate the facts of geology, physiography, geography, hydrography, the processes and results of the useful arts, of the arts of war, fortification, artillery, and the like, to be displayed on the walls of the new building of the academy, \$5,000.

The amendment was agreed to.

The next amendment was, on page 31, line 12, to increase the total appropriation for miscellaneous items and incidental expenses from \$46,910 to \$57,930.

The amendment was agreed to.

The next amendment was, on page 31, line 14, to increase the total appropriation for the maintenance of the Military Academy from \$771,817.87 to \$857,247.37.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 34, line 6, to increase the appropriation for one garbage crematory and installation of same from \$2,000 to \$2,200.

The amendment was agreed to.

The next amendment was, on page 34, after line 12, to insert:

For repainting, \$1,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 5, to insert:

For material and labor to continue the work of forestry improvement on the United States Military Reservation at West Point, \$2,000.

The amendment was agreed to.

The next amendment was, on page 35, line 15, to increase the total appropriation for maintenance of buildings and grounds from \$54,520 to \$57,720.

The amendment was agreed to.

The next amendment was, on page 35, after line 16, to insert:

No pay shall be withheld from Maj. G. S. Bingham, Quartermaster's Department, United States Army, because of the acceptance of the quartermaster's steamer Joseph E. Johnston.

The amendment was agreed to.

The next amendment was, on page 35, after line 20, to insert:

The Secretary of War is hereby authorized to permit not exceeding seven Filipinos, to be designated by the Philippine Commission, to receive instruction at the United States Military Academy at West Point: *Provided*, That the Filipinos undergoing instruction, as herein authorized, shall receive the same pay, allowances, and emoluments as are authorized by law for cadets at the Military Academy appointed from the United States, to be paid out of the same appropriations: *And provided further*, That said Filipinos undergoing instruction on graduation shall be eligible only to commissions in the Philippine Scouts. And the provisions of section 1321, Revised Statutes, are modified in the case of the Filipinos undergoing instruction, so as to require them to engage to serve for eight years, unless sooner discharged, in the Philippine Scouts.

Mr. NEWLANDS. I ask unanimous consent to insert in the RECORD certain remarks of William J. Bryan on the subject of imperialism.

Mr. SCOTT. I object.

Mr. KEAN. Let it be published as a separate document.

Mr. SCOTT. The Senator can have it published as a document, but I hope it will not go in the RECORD.

Mr. NEWLANDS. We have an amendment here regarding the Filipinos. The question of imperialism, therefore, becomes a legitimate matter of discussion. I wish, as preliminary to what I shall say, to have the Secretary read the remarks of William J. Bryan upon this subject.

Mr. SCOTT. I suggest to the Senator from Nevada to have it put in the RECORD and not delay the passage of the bill.

The VICE-PRESIDENT. Is there objection to the insertion of the remarks without reading?

Mr. GALLINGER. Mr. President, I will not object if there is no objection to my putting in the RECORD an article from the New York World treating of Mr. William J. Bryan from a Democratic standpoint. I ask unanimous consent to insert it in the RECORD.

The VICE-PRESIDENT. Is there objection to the request?

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. Yes.

Mr. NEWLANDS. I will inquire whether I did not have the floor when the Senator from New Hampshire interrupted me?

The VICE-PRESIDENT. The Senator from Nevada did not have the floor. The Chair understands that his request was granted.

Mr. GALLINGER. No; it was not granted, except upon condition that the article which I sent to the desk should likewise be inserted in the RECORD.

The VICE-PRESIDENT. The Senator from Nevada asks that the remarks mentioned by him shall be inserted in the RECORD without reading. The Senator from New Hampshire asks, if this consent is granted, that then the communication submitted by him shall also be inserted in the RECORD.

Mr. WARREN. May I interrupt the Senator from New Hampshire?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. I do.

Mr. WARREN. I wish to suggest that the request that these matters go in the RECORD may delay the consideration of the bill, and in conference we want to have the debate in such shape that the RECORD will show its continuous consideration by the Senate. I therefore suggest that if the papers are to be inserted they follow the passage of the bill.

Mr. GALLINGER. Certainly.

The VICE-PRESIDENT. Is there objection to the insertion of the two communications in the RECORD following the close of the consideration of the pending bill?

Mr. NEWLANDS. May I ask the Senator from New Hampshire what is the nature of the publication he submits?

Mr. BEVERIDGE. Mr. President, I object to both.

The VICE-PRESIDENT. Objection is made.

Mr. GALLINGER. Then I ask unanimous consent that the paper I send to the desk be printed as a document.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the paper submitted by him be printed as a document. Is there objection?

Mr. CULBERSON. No person, so far as I am advised except the Senator from New Hampshire, knows what the paper is.

Mr. GALLINGER. It is an article from the New York World, a Democratic newspaper, treating of Mr. William J. Bryan as a Democratic candidate for the Presidency. It is very interesting.

Mr. GORE. Mr. President, if to-day's RECORD is to be made a campaign book, I want to insert an extract from the testimony of Hon. Paul Morton given before the Interstate Commerce Commission, in which he admits that his railroad had been granting rebates; that he knew it was going on; that it was done under his department, and that it amounted to between half a million and a million dollars during the year of which he was speaking.

The VICE-PRESIDENT. The Senator from Oklahoma asks that the communication submitted by him be printed in the RECORD without reading. Is there objection?

Mr. BEVERIDGE. Mr. President, I withdraw my objection to all of them.

The VICE-PRESIDENT. The objection is withdrawn. The Chair will again put the request of the Senator from Nevada and the Senator from New Hampshire.

Mr. SCOTT. I hope the Senator from New Hampshire will yield to me for a moment.

Mr. GALLINGER. Yes.

Mr. SCOTT. I certainly object to this political debate being injected into the consideration of the appropriation bill. I am trying in this bill to provide appropriations to take care of the young men whom Senators and Members have appointed to West Point, so that they may become in the future commanding officers of our Army. As I understand it, there is no politics in the Army. Consequently I object most seriously to the insertion of these papers, and I hope the Senators who are trying to make political capital out of it will refrain until the bill is passed. Then let the matter follow this bill, but I hope it will not be injected into the consideration of the bill.

The VICE-PRESIDENT. Objection is made.

Mr. GALLINGER. They are to follow the bill, I will say to the Senator from West Virginia.

The VICE-PRESIDENT. Objection is made by the Senator from West Virginia to the insertion of any of the articles in the RECORD. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, on page 36, after line 10, to insert:

The Secretary of War is hereby authorized to permit Colon Eloy Alfaro, of Ecuador, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Colon Eloy Alfaro shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction: *And provided further*, That in the case of the said Colon Eloy Alfaro the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The amendment was agreed to.

The next amendment was, on page 36, after line 22, to insert: Officers of the Army, Navy, and Marine Corps on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

The amendment was agreed to.

Mr. BACON. I move an amendment on page 4 of the bill, lines 16 and 17. I move to strike out the three words "as second lieutenant," and to insert in lieu thereof the words "of his grade."

Mr. WARREN. Will the Senator from Georgia yield to me for a moment?

Mr. BACON. I will.

Mr. WARREN. The intent of the Senator is evidently to put in place of second lieutenant a captain. If that is true, the Senator wants to change the \$700 to \$600.

Mr. BACON. Very well. Let it be "six," then, instead of "seven." That is the rank of the officer and has been for the last ten years.

Mr. SCOTT. I will accept the amendment as the amendment of the committee.

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia will be read.

The SECRETARY. On page 4, lines 16 and 17, strike out the words "as second lieutenant" and insert the words "of his grade;" and in line 17, before the word "hundred," strike out "seven" and insert "six," so as to read:

For pay of one adjutant, in addition to pay of his grade, \$600.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. CULBERSON. Before the passage of the bill, in order that the situation may be cleared up as far as I may be able to contribute to that end, I desire to ask if any of the matters suggested to be inserted in the RECORD of a quasi political nature were inserted?

The VICE-PRESIDENT. They were not inserted, objection having been made.

Mr. CULBERSON. I desire to say that if they had been inserted I intended to offer an article in the New York World entitled "Deal with the Steel Trust," and have it printed also.

The bill was passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 21986) to enable any State to cooperate with any other State, or States, or with the United States, for the conservation of the navigability of navigable rivers, and to



provide for the appointment of a commission, in which it requests the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 16743) for the removal of the restriction on alienation of the lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4639. An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912;

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 17874. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and other wars and to certain widows and dependent relatives of such soldiers and sailors; and

H. R. 21884. An act granting an annuity to Jennie Carroll and to Mabel H. Lazear.

#### HOUSE BILL REFERRED.

H. R. 21986. An act to enable any State to cooperate with any other State or States, or with the United States, for the conservation of the navigability of navigable rivers, and to provide for the appointment of a commission, was read twice by its title and referred to the Committee on Commerce.

#### EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. DOLLIVER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4512) to regulate the employment of child labor in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same as amended, so that it will read as follows:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no child under fourteen years of age shall be employed or permitted to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph or telephone office, restaurant, hotel, apartment house, club, theater, bowling alley, laundry, boot-black stand, or in the distribution or transmission of merchandise or messages. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of six o'clock in the morning or after the hour of seven o'clock in the evening: *Provided,* That the provisions of this section shall not apply to children employed in the service of the Senate: *And provided further,* That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend of said child, issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support or for the assistance of a disabled, ill, or invalid father or mother, or for the support, in whole or in part, of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

"Sec. 2. That no child under sixteen years of age shall be employed or permitted to work in the District of Columbia in any of the establishments named in section one, unless the person or corporation employing him procures and keeps on file and accessible to the inspectors authorized by this act and the truant officers of the District of Columbia an age and schooling certificate, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed.

"Sec. 3. That an age and schooling certificate shall be approved only by the superintendent of public schools, or by a

person authorized by him in writing, who shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

"Sec. 4. That no age and schooling certificate shall be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth or the affidavit of the parent or guardian or custodian of a child, which affidavit shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not procured and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor.

"Sec. 5. That the age and schooling certificate of a child under 16 years of age shall be in the following form:

#### "AGE AND SCHOOLING CERTIFICATE.

"This certifies that I am the (father, mother, guardian, or custodian) of (name of child) ———, and that (he or she) was born at (name of town or city) ———, in the county (name of county, if known) ——— and State (or country) ———, on the (day and year of birth) ———, and is now (number of years and months) ——— old.

"Signature of (father, mother, guardian, or custodian).

"(Date.)

"There personally appeared before me the above-named (name of person signing) ——— and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ———; complexion (fair or dark), ———; hair (color), ———; having no sufficient reason to doubt that (he or she) is of the age therein certified, I hereby certify that (he or she) can read at sight and can write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to applying for such school record, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, and arithmetic.

"This certificate belongs to (name of child in whose behalf it is drawn) ——— and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools.

"(Signature of person authorized to approve and sign, with official character of authority.)

"(Date.)

"A duplicate of each age and schooling certificate shall be filled out and kept on file by the superintendent of public schools. Any explanatory matter may be printed with such certificate, in the discretion of said superintendent: *Provided,* That in exceptional cases the judge of the juvenile court, upon the recommendation of the superintendent of public schools or the person authorized to act for him, may, in writing, waive the necessity of the schooling certificate provided for in this act, and in such cases the age certificate shall entitle the holder to be employed without a violation of this act.

"Sec. 6. That whoever employs a child or permits a child to be employed in violation of sections one, two, eight, or nine of this act shall be deemed guilty of a misdemeanor, and for such offense be fined not more than fifty dollars; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector authorized by this act, or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not more than twenty dollars. A failure to produce to an inspector authorized by this act, or a truant officer of the District of Columbia, any age or schooling certificate or list required by this act shall be prima facie evidence of illegal employment of any person whose age and schooling certificate is not produced or whose name is not listed. Any corporation or employer retaining any age and schooling certificate in violation of section five of this act shall be fined not more than twenty dollars. Every person authorized to sign the certificate prescribed by section five of this act who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars.

"Sec. 7. That the inspectors authorized by this act and the truant officers of the District of Columbia shall visit the estab-

lishments named in section one and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of public schools and the corporation counsel of the District of Columbia. The inspectors authorized by this act and the truant officers of the District of Columbia shall require that the age and schooling certificates and lists provided for in this act of minors employed in the establishments named in section one shall be produced for their inspection.

"SEC. 8. That no minor under sixteen years of age shall be employed, permitted, or suffered to work in any of the establishments named in section one more than eight hours in any one day, or before the hour of six o'clock a. m., or after the hour of seven o'clock p. m., and in no case shall the number of hours exceed forty-eight in a week.

"SEC. 9. That every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspectors authorized by this act and the truant officers of the District of Columbia, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section.

"SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding one thousand two hundred dollars each per annum.

"SEC. 11. That no male child under 10, and no girl under 16 years of age shall exercise the trade of bootblackening, or sell or expose or offer for sale any newspapers, magazines, periodicals, or goods, wares, or merchandise of any description whatsoever, upon the streets, roads, or highways, or in any public place within the District of Columbia.

"SEC. 12. That from and after July 1, 1908, no male child under 16 years shall exercise the trade of bootblackening or sell or expose or offer for sale any newspapers, magazines, periodicals or goods, wares or merchandise of any description whatsoever upon the streets, roads, or highways, or in any public place within the District of Columbia unless a permit and badge as hereinafter provided shall have been issued to him by the superintendent of public schools of the District of Columbia, or by a person authorized by him in writing for that purpose upon the application of the parent, guardian, or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian, or custodian, then on the application of his next friend, being an adult.

"SEC. 13. That such permit and badge shall be issued free of charge to the applicant, but shall not be issued until an age and schooling certificate shall have been issued as provided in this act.

"SEC. 14. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian, or next friend, as the case may be, and describe the color of hair and eyes, the height and weight, and any distinguishing facial mark of such child, and shall further state that the age and schooling certificate has been duly examined and filed, and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. The badge provided for herein shall be worn conspicuously at all times by such child while so working, and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person, nor be engaged in the District of Columbia in any of the trades or occupations mentioned in this section without having conspicuously upon his person such badge, and he shall exhibit the same upon demand to any police or truant officer or to the inspectors in this act provided for.

"SEC. 15. That no child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers, magazines, or periodicals or goods, wares, or merchandise of any description whatever after ten o'clock in the evening or before six o'clock in the morning.

"SEC. 16. That nothing in this act contained shall apply to the employment of any child in a theatrical exhibition, provided

the written consent of one of the Commissioners of the District of Columbia is first obtained. Such consent shall specify the name of the child, its age, the names and residences of its parents or guardians, together with the place and character of the exhibition.

"SEC. 17. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act."

And the House concurs in said Senate amendments to the House amendment.

J. P. DOLLIVER,

BOIES PENROSE,

JNO. W. DANIEL,

*Managers on the part of the Senate.*

J. VAN VECHTEN OLCOTT,

E. L. TAYLOR, Jr.,

*Managers on the part of the House.*

Mr. NELSON. I ask that the report be printed and lie on the table until to-morrow.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. NELSON subsequently said: Mr. President, I have had a brief opportunity of examining the child-labor bill; and while it does not come up to what I think it ought to be, yet it is a much better bill than I thought it would be. Therefore I withdraw my objection and consent to the consideration of the report at this time.

Mr. DOLLIVER. Mr. President, I will state briefly that the bill agreed upon by the conferees reserves the important amendments which were adopted by the Senate, particularly the amendment submitted by the Senator from Washington [Mr. PILES] and the amendment presented from the other side of the Chamber in respect to emergencies which sometimes warrant the waiving of schooling certificates. It changes the hour at which newsboys may begin the delivery of newspapers from 8 o'clock to 6 o'clock, it preserves the rights of the pages of the Senate in their present employment, and it involves the House amendment relative to the employment of children of tender years upon the streets, which is an exact copy, I am informed, of the statute of New York.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

#### REPORT ON DISEASES OF CATTLE.

Mr. DANIEL. The members of the Committee on Printing are absent, and I have been requested by them in their behalf to submit a favorable report on the joint resolution (H. J. Res. 176) providing for the printing of the Special Report on the Diseases of Cattle. It provides for the publication of 100,000 copies of this very valuable book. There is a large call for it. It is now out of print. I ask that the joint resolution may be read, and I ask unanimous consent for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that there shall be printed and bound 100,000 copies of the Special Report on the Diseases of Cattle, the same to be first revised and brought to date under the supervision of the Secretary of Agriculture; 30,000 copies for the use of the Senate, 60,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Department of Agriculture.

Mr. BEVERIDGE. I wish to ask the Senator from Virginia one or two questions. What is the purpose of the distribution of this book?

Mr. KEAN. It is the same resolution that we have always passed. The Members of the Senate and House and the Department will distribute it.

Mr. BEVERIDGE. To whom is the book to go ultimately? Mr. DANIEL. Ultimately to the people to whom it is sent by Senators and Representatives and the Secretary of Agriculture.

Mr. BEVERIDGE. I take it, then, it is meant for general distribution throughout the country, probably to farmers.

Mr. DANIEL. Yes.

Mr. BEVERIDGE. To inform them concerning the diseases of cattle. That being true, I wish to ask the Senator from Virginia what constitutional authority he thinks exists for the expenditure of the nation's money for this purpose?

Mr. DANIEL. Whatever authority exists, if it is not found in the Constitution—and the Senator of course knows whether it is or not, as he knows all about the Constitution.

Mr. GALLINGER. The public-welfare clause, I think, covers it.

Mr. BEVERIDGE. I think so, too.



Mr. DANIEL. It has been the habitual practice of the Government. It is a road that has been worn in a rut by constant practice and acquiescence. Whether or not there is specific authority, expressed in so many words, the Senator can judge of as well as I can. I am satisfied to vote for it.

Mr. BEVERIDGE. Well, I am, too.

Mr. DANIEL. I would rather not argue a national child-labor question on a measure for printing a report on diseases of cattle.

Mr. BEVERIDGE. I think it is a rather important point, as will develop later. As a matter of principle, I desire to ask the Senator whether, if we have authority to appropriate the nation's money for the purpose of publishing and distributing a book among the farmers to instruct them on the diseases of cattle, on the same principle we would not have the authority to publish and distribute books among children to instruct them on physiology?

Mr. DANIEL. I would like to answer that question when I had longer time, but I would rather not detain the Senate in the closing hours of the session to listen to any discourse of my own on the subject.

Mr. GALLINGER. We have printed a portion of the Bible.

Mr. BEVERIDGE. I am informed by the Senator from New Hampshire that we printed a portion of the Bible.

I wish to ask a further question, because these are very important points. They do not appear to be important when we have a subject like this, but on other legislation they are made to be important. I ask the Senator whether he does not think that the question of education, whether of children or of farmers, whether upon arithmetic or upon the diseases of cattle or horses, is not one of the rights of the States.

Mr. GORE. Mr. President—

Mr. DANIEL. If I thought as the Senator does on the subject I would not take the roundabout way of getting at it by loading up all the railroad trains with freight to go by interstate commerce.

Mr. GORE. Mr. President—

Mr. BEVERIDGE. No; but, as a matter of fact—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Oklahoma?

Mr. DANIEL. Certainly.

Mr. GORE. I want to suggest to the Senator from Virginia, if he will permit me, it might be in order to have the children who are employed in factories provided with purer milk.

Mr. BEVERIDGE. My point is this: We have heard so very much for the last two years about the violation of the rights of the States by the nation, the encroachment upon their province, and so forth; and yet, when a question of this kind arises, which in principle goes to the heart of the whole question, where it is the very extreme of the exercise of national powers that ever has been claimed by anybody; where we are actually appropriating the money of the nation for the purpose of publishing and distributing among the farmers of the country literature to educate them upon the diseases of cattle; when last year we did the same thing with reference to diseases of the horse, not one word was said then or is said now about "the violation of the Constitution" or "stretching our constitutional powers," or any of those phrases that have become so familiar. Nobody sees that the rights of the States are thus being attacked. Nobody perceives any "dangerous tendency toward centralization;" and yet it goes to the ultimate and extreme of anything that anybody has ever claimed for the power of the nation under the Constitution.

When I asked the question of the Senator, neither the Senator from Virginia [Mr. DANIEL] nor any other Senator who takes that view answered or will answer that there is any constitutional authority for it. From my view point, I think there is abundant constitutional authority for it; and I do not, of course, intend to obstruct this bill—not for a moment—but I merely took this occasion to call attention to the fact that, after all, when Senators want to do a thing they do not see very many specters concerning the "destruction of the rights of the States" or "the dangerous tendencies toward centralization," even when, from their view point, there is no constitutional authority whatever for it and when it is the ultimate and extreme exercise of national power.

Mr. DANIEL. I wish to say only a few words, Mr. President. This publication is in the nature of an official report from the officials of the Government at Washington upon a matter which has already been taken jurisdiction of by the Federal Government. The diseases of cattle, like the diseases of men, are things which are transmitted by wind and wave, and through all of those agencies of creation which pass State lines and go all over the country in a way that can hardly be detected. I shall not undertake now to draw the lines of differentiation

on a subject that has been a matter of discussion since this Government was founded; but this is to be observed, that it invades no rights secured by either Federal or State constitutions; it does not interfere with the domestic affairs of any locality, and he who can see an equality of questions between this and the regulation of child labor by interstate commerce has a different kind of vision from myself.

Mr. BEVERIDGE. I did not mention the latter subject, I will say to the Senator.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 36, 43, 44, 45, 51, 52, 54, 60, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 81, 82, 88, 89, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 39, 40, 41, 42, 47, 48, 53, 55, 56, 57, 58, 59, 61, 62, 70, 76, 77, 80, 84, 86, 87, 91, 94, 95, 96, 97, and 98; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Page 5, line 15, strike out the words "And provided further" and insert in lieu thereof the word "Provided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Page 10, line 16, strike out the words "and fifty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Page 10, lines 15 and 16, strike out the words "four hundred and ninety-seven" and insert in lieu thereof the words "five hundred and forty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Page 11, lines 12 and 13, strike out the words "twenty-nine million" and insert in lieu thereof the words "twenty-eight million seven hundred and twenty-six thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Page 13, line 21, strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Page 14, line 13, strike out the word "twelve" and insert in lieu thereof the word "eleven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Page 14, line 19, strike out the words "thirty-eight thousand six hundred" and insert in lieu thereof the words "thirty-seven thousand four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Page 18, after the word "actual," insert the word "simultaneous;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Page 20, after the word "annum," add the words "and to defray the expenses of said headquarters the sum of twenty thousand dollars is hereby appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Page 25, after the word "national," insert the words "or State;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an

amendment as follows: Page 25, strike out the amendment, and insert in lieu thereof the following: "That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"And the term 'indecent' within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 27, line 1, strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

BOIES PENROSE,  
J. C. BURROWS,  
A. S. CLAY,

*Managers on the part of the Senate.*

JESSE OVERSTREET,  
J. J. GARDNER,  
JOHN A. MOON,

*Managers on the part of the House.*

We agree to this report except action on Senate amendments 43, 44, 51, 76, and 77, the latter two known as "ship-subsidy amendments."

A. S. CLAY,  
JOHN A. MOON.

The report was agreed to.

#### INJURIES TO GOVERNMENT EMPLOYEES.

Mr. DEPEW. I ask unanimous consent for the present consideration of House bill 21844.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. DEPEW. I desire now to offer some amendments to the bill. In section 1, line 6, after the word "harbor," I move to insert "or fortification."

The VICE-PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. In section 1, page 1, line 6, after the word "harbor," it is proposed to insert the words "or fortification," so as to read:

That when, after the passage of this act, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor or fortification work or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment.

The amendment was agreed to.

Mr. DEPEW. In section 1, page 2, line 4, after the word "injured," I move to insert "or unless it shall continue for more than fifteen days."

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New York.

Mr. BAILEY. Has unanimous consent been given for the present consideration of this bill, Mr. President?

The VICE-PRESIDENT. Unanimous consent for its consideration was given. The Senator from New York proposes an amendment, which will be stated by the Secretary.

The SECRETARY. In section 1, page 2, line 4, after the word "injured," it is proposed to insert "or unless it shall continue for more than fifteen days," so as to read:

Provided, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured or unless it shall continue for more than fifteen days.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. DEPEW. In section 2, page 2, at the end of line 11, I move to strike out "equal" and insert "such;" and in line 12, after the word "portions," to insert the word "and."

The VICE-PRESIDENT. The amendments proposed by the Senator from New York will be stated.

The SECRETARY. In section 2, page 2, line 11, before the word "portions," it is proposed to strike out "equal" and insert

"such;" and in line 12, after the word "portions," to strike out the comma and to insert the word "and," so as to read:

That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under 16 years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Commerce and Labor may prescribe, the same amount, for the remainder of the said year, that the husband, or father, or son would be entitled to receive as pay if he were alive and continued to be employed.

The amendment was agreed to.

Mr. DEPEW. I offer an additional amendment, in section 4, on page 4, line 3, before the word "days," to strike out "thirty" and insert "fifteen."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, on page 4, line 3, before the word "days," it is proposed to strike out "thirty" and insert "fifteen," so as to read:

In the case of incapacity for work lasting more than fifteen days, the injured party or his legal representatives desiring to take the benefit of this act shall—

And so forth.

The amendment was agreed to.

Mr. DEPEW. In section 9, on page 5, line 18, I move to strike out the word "July" and insert "August."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 9, on page 5, line 18, before the word "first," it is proposed to strike out the word "July" and insert "August," so as to make the section read:

Sec. 9. That this act shall only take effect as to the right to receive compensation for any damage from accidents as to those occurring on and after August 1, 1908.

The amendment was agreed to.

Mr. BEVERIDGE. Mr. President—

Mr. FULTON. I should like to offer an amendment to the bill.

Mr. BEVERIDGE. I wish to offer an amendment to strike out all after the enacting clause and insert what I send to the desk.

Mr. GALLINGER. Mr. President, that being a substitute, had not the Senator from Indiana better withhold it until the amendments that are to be offered to the bill itself shall be acted upon?

Mr. BAILEY. I thought the amendments had all been agreed to.

Mr. BEVERIDGE. I thought so, too.

Mr. GALLINGER. The Senator from Oregon [Mr. FULTON] has just said that he desires to offer an amendment.

Mr. FULTON. If the Senator from Indiana proposes to offer a substitute, I should like to offer an amendment, if the Senator will yield to me.

Mr. BEVERIDGE. Certainly; I yield.

The VICE-PRESIDENT. The Senator from Indiana withholds his amendment.

Mr. FULTON. I offer an amendment on page 1, line 6, after the word "work," to insert "or work in the reclamation of arid lands."

Mr. DEPEW. There is no objection to that.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 6, after the word "work," it is proposed to insert "or work in the reclamation of arid lands."

Mr. CLARK of Wyoming. Let me suggest to the Senator from Oregon—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. Certainly.

Mr. CLARK of Wyoming. If the Senator is going to offer that amendment, would it not be proper to say "in construction work in the Reclamation Service?"

Mr. FULTON. I thought the word "construction," as it applies to river and harbor work, would also apply to my amendment.

Mr. CLARK of Wyoming. I do not understand the Senator.

Mr. FULTON. I thought the word "construction," in the same line, applying to river and harbor work, would cover that.

Mr. CLARK of Wyoming. Of course, I do not suppose the Senator would want to include all the employees of the Reclamation Service.

Mr. FULTON. I will be glad to accept the suggestion of the Senator. How does the Senator suggest that the amendment be worded?

Mr. CLARK of Wyoming. I think the amendment, if adopted at all, should apply only to those engaged in the construction work.



Mr. HOPKINS. I should like to ask the Senator from Wyoming what is the character of the construction work in that Service that would make it extrahazardous or would make it expedient for Congress to take such action as is proposed here?

Mr. CLARK of Wyoming. I myself have not expressed any opinion as to the amendment proposed, but construction work in the Reclamation Service is exactly the same as construction work upon river and harbor improvements and fortifications.

Mr. HOPKINS. It was extrahazardous work, then?

Mr. FULTON. I call the attention of the Senator to the reading of the text of the original bill as it is:

That when, after the passage of this act, any person employed by the United States as an artisan or laborer—

It must be in the employment of the Government and not under contract.

Mr. CLARK of Wyoming. Yes.

Mr. FULTON. It continues:

In any of its manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor work—

I suggest that we add there "or work in the reclamation of arid lands."

Mr. CARTER. "Construction work."

Mr. CLARK of Wyoming. I think the word "construction" ought to be inserted.

Mr. CARTER. It should read "or in construction work in the reclamation of arid lands."

Mr. FULTON. Very well. I am satisfied that the amendment shall be modified to read "or construction work in the reclamation of arid lands."

The VICE-PRESIDENT. The amendment as modified will be stated.

Mr. BAILEY. Mr. President—

Mr. FULTON. Let us get the amendment worded right first.

Mr. BAILEY. Very well.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 1, line 6, after the word "work," it is proposed to insert "or construction work in the reclamation of arid lands."

Mr. BAILEY. Mr. President, I simply want to observe that, when they have included under the provisions of this bill all of the various works of every kind undertaken by the Government, the Secretary of Commerce and Labor will have absolutely no time for the performance of any other duty when he finishes the trial of all these damage suits.

This is the most remarkable proposition, I think, ever presented to an assembly composed largely of lawyers. It is a proposition to submit one of the most difficult questions with which the courts are required to deal to the decision of a man who need not be a lawyer and who, as a matter of fact, generally is not a lawyer. The present Secretary of Commerce and Labor is not a lawyer, and yet, under the terms of this bill, he is required to be both the judge and the jury and to determine some of the nicest questions that arise in the court room upon the trial of cases.

The lawyers of this body all know that one of the most perplexing questions with which a jury must deal is the question of negligence in its various degrees and character, contributory and otherwise, and yet all of these questions are by this bill committed to a man who may have no training in the law, and who generally has none. I am rather inclined to think that the more a man knows about commerce and labor the less he is apt to know about the law, and the man who is experienced in business and whose general knowledge best qualifies him for the ordinary duties of that Department generally will be found to be less qualified to discharge this particular duty.

The time is past, Mr. President, when we regard a Cabinet officer as a constitutional adviser to the President. Men are selected for Cabinet positions now, not because they are supposed to be profoundly versed in a knowledge of the law, beginning with the fundamental of all law, which is the Constitution, but they are chosen rather because of their business and varied experience.

Mr. HOPKINS. Will the Senator allow me to interrupt him there?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. BAILEY. Certainly.

Mr. HOPKINS. I would suggest to the Senator that the first section, relating to the question of negligence, is one that is drawn in the spirit of modern decisions and modern law on the question of negligence. The old common-law rule was that negligence was a question of law to be determined by the court. In the State of Illinois in all the damage suits that are litigated in the various courts the question of negligence has become a

question of fact to be determined by the jury, and our courts have held that it is error for the court now to take a case from the jury on a pure question of negligence. It is to be left for the jury to determine as a matter of fact whether the party was negligent or not.

While it is true that the present Secretary of Commerce and Labor is not a lawyer, everybody recognizes him as a man of great business ability, and the questions that will be presented to him can be presented in the same spirit that this class of cases is presented to the courts in Illinois, and, in fact, in most of the States of the Union at the present time.

Mr. BAILEY. Mr. President, the Senator from Illinois is not accurate when he says that the question of negligence was, under the common law, always a question of law. That has been true in a very few jurisdictions. The question of negligence was always largely left to the determination of the jury under the instruction of the court.

I have no objection to the Secretary of Commerce and Labor acting as a jury, although I would rather have twelve men than one man, but I object to him being the judge and the jury both.

The Senator is right when he says that the modern tendency is to commit all questions of negligence to the decision of the jury, yet we have not reached the point where the judge is exempted from the duty and the necessity of delivering instructions to the jury in cases involving personal injury. I maintain that as this is a new departure in governmental policy, and a very violent departure, too, it looks to me like the simple, orderly, and proper way would be to allow these injured employees to bring suit in the courts of the country. If you tell me that the litigation produced in that way will encumber the dockets of the courts, I answer that, with the great number of courts in every part of the country, it would not be so serious an embarrassment to them as it would be to the one Department here at Washington.

Moreover, sir, these accidents and these injuries will occur in every part of the country. Under the provisions of this bill the beneficiaries in the case of death, or the employee himself in the case of injury, must arrange to come to Washington to try the case. The inconvenience of that is obvious to every Senator. It is inconvenient enough for him to have to go to the nearest United States court to have his rights adjudicated; but if the Government has determined to allow its employees to present and have adjudicated their claims arising out of these injuries, then I repeat that the orderly, sensible, and proper way is to remit them to the courts, where the rules of evidence are understood and enforced and where the rules of law are presumed to be understood. I use the word "presume" advisedly, because, I regret to say, they are not always understood in all the Federal courts, even within my knowledge and my experience, but they are at least presumed to be understood, and there the injured man, asserting a right under the law, has his twelve peers, instead of one superior officer, to decide his case.

At the proper time, after the Senator from Indiana shall have proposed his amendment, the nature of which I do not know now, I intend to move to recommit this bill to the committee with instructions to provide for a trial in court instead of a trial by the Secretary of Commerce and Labor.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. Certainly.

Mr. BACON. In connection with what the Senator from Texas is saying as to the particular purpose in view in the selection of what may be called by courtesy a Cabinet officer, I wish, with his permission, to read from the Constitution what is the office of the head of a Department that we call a Cabinet officer and the function as an adviser that he performs. I will read the language of the Constitution—and they are the only words in the Constitution which make any reference to the head of a Department.

There is of course no such officer under the law, as we know, as a Cabinet officer. The only reference made is in this language. Speaking of the powers of the President and his duties the Constitution says:

He may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices.

That is the scope contemplated by the Constitution of their duties as advisers.

Mr. BAILEY. The Senator from Georgia is, of course, exactly correct about that. We have, however, gone far beyond, and much further than it was wise to go; but I never supposed we would go to the extent of constituting one of these Cabinet

officers, or, more properly described, the head of one of these Departments, as a judge to try a case. Analyze it as you please, and describe it as you please, this is nothing more and this is nothing less than the trial of a lawsuit—John Smith v. The Government of the United States. If the Government of the United States was not a sovereign, John Smith could sue it in the courts and have his case determined under the law and upon its merits.

The Government of the United States, being sovereign, can only be sued with its own consent, and the consent that it gives here is that the case of Smith against it shall be tried by a man who may not be a lawyer and may know nothing about the law, may know nothing about the rules of evidence, and may be burdened with a thousand other details of more or less importance. It simply remits John Smith to the tender mercy of some \$1,800 clerk. I do not mean to disparage the \$1,800 clerk, because I have known \$1,800 clerks who knew more law and had as much judgment as some Cabinet officers.

But after all the Congress would not commit this directly to the clerk, and yet every Senator in this body knows perfectly well that the result will and must be that there is where it goes at last. You are establishing a judiciary department in the Department of Commerce and Labor. If you are going to commit it to any Department, send it to the Department of Justice, where every man connected with it is presumed to have a knowledge of the law. This is such an inexcusable and indefensible proposition that it looks to me like the Senate will not hesitate to send it back to the committee and let there be a proper provision, if any provision is to be made at all.

Mr. GALLINGER. I should like to ask the Senator from Texas a question.

Mr. BAILEY. Certainly.

Mr. GALLINGER. We can understand that if a man is injured in the service of a corporation and negligence exists or is asserted, the corporation will make a contest, but if a person is injured in the service of the Government, who is going to make the contest? Is it not the probable fact that every one will go to the Department of Commerce and Labor, there will be no contest, and damages will be allowed, whether there has been negligence or not?

Mr. BAILEY. If that would be true, it would be true at one place just as well as at the other.

But my opinion is that the district attorney representing the Government in the district where the suit is brought should be required to defend the suit in the interest of the Government, as he is required to defend any other suit brought against the Government.

Mr. GALLINGER. I quite agree with the Senator in his criticism of making the Secretary of Commerce and Labor a judge in cases of this kind. But it seems to me there will not be any suits. A man is injured in a navy-yard, and his case goes to the Department of Commerce and Labor. Who is going to assert that he did not exercise due care?

Mr. BAILEY. That is true. In other words, there is a plaintiff and there is a defendant, in effect, and the defendant's attorney may know nothing about it.

Mr. GALLINGER. That is it exactly.

Mr. BAILEY. And he is a long way from the scene of action. Are you to bring all of the employees associated with him to Washington; or you may say their depositions may be taken? The trouble with that, however, is that a lawyer finds it exceedingly difficult to determine from a deposition so well as from oral testimony whether the witness is telling the truth or not; and as sure as this bill passes in this form almost every man who makes a claim against the Government will have that claim allowed.

Mr. GALLINGER. There is no question about it.

Mr. BAILEY. And the Government will be mulcted without mercy and without reference to the facts.

Mr. HOPKINS. Will the Senator from Texas allow me to interrupt him again?

Mr. BAILEY. Certainly.

Mr. HOPKINS. I desire to call the attention of the Senator to section 3 of the bill, which provides that in case of an accident a report shall be made by the superior of the injured employee, and that that report, through the proper channels, shall be sent to the Secretary of Commerce and Labor, and upon that the Secretary is authorized to act. The Senator will see from that section that it is not contemplated by the enactment of this legislation that there shall be any lawsuit or that the person who is injured shall make a claim against the Government or have any rights other than is provided in the bill. The rights provided here emanate with Government officials—the superior of the party injured—and there will be no taking

of depositions, no hiring of lawyers, no requirement to bring witnesses to Washington.

Mr. BAILEY. Then that makes it worse.

Mr. HOPKINS. Wait a moment.

Mr. BAILEY. That is a simple proposition to give every man injured in the employment of the Government recourse against the Federal Treasury.

Mr. HOPKINS. Not at all, because the report comes from the superior officer, who is supposed to represent the interest of the Government. This officer is to gather all the information relating to the accident and make a full report regarding it.

Mr. BAILEY. Then does the Senator from Illinois understand that the injured employee is not permitted to furnish the Secretary of Commerce and Labor with a presentation of his side of the case?

Mr. HOPKINS. He would undoubtedly be permitted to present to the officer whose duty it was to make out the report all the facts connected with the accident.

Mr. BAILEY. The Senator from Illinois is a lawyer of long experience, and for years has been connected with the public service. He knows that even the best men, when the recovery comes out of the Public Treasury, are not so tender with their consciences as they ought to be. There is—and I do not say it is discreditable to human nature—in the heart of every man a disposition to do the generous thing to one man when what he receives is contributed by all men.

Mr. HOPKINS. Now, if the Senator will allow me—

Mr. BAILEY. There is amongst us a belief that if it comes out of the Government nobody is damaged very much.

Mr. HOPKINS. I think the Senator from Texas has properly stated the principle upon which this legislation is suggested. Everybody recognizes the fact that a poor man who is injured so that he is unable to support himself and his family after an injury must go to the poorhouse or be the subject of charity of some kind.

The framers of this legislation have believed that where such an employee was in the service of the Government and was injured it is better for the Government immediately to give him a certain allowance for that injury than to let him go through the heart-breaking experiences that many of these men do under existing law.

Mr. BAILEY. That kind of philosophy, if carried to its ultimate and proper conclusion, would make all the men who can work work and divide what they make with those who can not work. In other words, we would soon have an ideal state—a socialistic republic. That day may come. I pray God He may postpone its coming until I am gone. I believe in a government under which every man takes the consequences of his own folly, and if a man working for the Government or working for an individual or working for a corporation brings upon himself an injury, nobody ought to be compelled to pay him any sum of money to recompense him for the consequences of his own folly. You ought to teach men in the employ of the Government that they must be prudent; that they must be careful; that they must practice no negligence, because, be it remembered, they are not the only sufferers from their negligence. The injury under which they suffer sometimes falls on others besides themselves, and mere dollars and cents can not compensate for many injuries.

Instead of framing this legislation upon the idea of benevolence—and that is exactly what it is here—let us frame it upon the idea of justice. Let us give to every man who has been injured without his fault a recovery. Let us deny it to every man who is injured through his fault.

When you come to determine whether or not a man has been at fault there are rules of law and rules of evidence which ought to be followed, and a man who, under those rules of evidence and under those rules of law, is not entitled to recover ought not to be made a charge upon the Public Treasury, and the man who is entitled to recover ought to have fair compensation.

I do not subscribe to the theory that the Government shall be permitted to injure men and make no atonement for it.

Mr. HOPKINS. I will say to the Senator that he states the rule of law in its harshest form.

Mr. BAILEY. No.

Mr. HOPKINS. The tendency of the courts everywhere is to modify that harsh rule.

Mr. BAILEY. The old and harsh rule of fellow-servant as it obtained in the common law has been practically abolished in every State of the Union. I will agree with the Senator from Illinois and provide that the recovery in each case shall be governed by the laws of the State in which the case is tried.



Mr. HOPKINS. Yes.

Mr. BAILEY. Surely in this enlightened age nobody would defend the harsh rule of the common law.

Mr. HOPKINS. I desire to call the Senator's attention to the fact that in the first section it is provided—

That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured.

So the Government is protected in that respect.

Mr. BAILEY. That is a little indefinite and unsatisfactory. I prefer myself that if the negligence of the injured employee was slight as compared with the greater negligence that produced the injury, it should be considered in mitigation of the damages and not as a bar to recovery. That is the more humane and just rule; and I would prefer it. But, rather than to devolve upon the committee the duty of working out a Federal liability bill, I would provide that in each case the court trying it should try it according to the State law existing in the jurisdiction where the case is tried.

Mr. BANKHEAD. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Alabama?

Mr. BAILEY. Certainly.

Mr. BANKHEAD. The bill includes labor employed on river and harbor work. In a great many instances labor on river and harbor work in this country is done by contract. Some individual corporation makes a contract with the Government to do the work, and in that case the contractor has control and direction of the labor. What I want to ask the Senator is who, under the provisions of this bill, if a laborer employed on such work was injured and the injury should be the result of gross negligence on the part of the contractor who has control, would be liable for damages?

Mr. BAILEY. In that case the contractor would be liable and not the Government.

Mr. BANKHEAD. I should like to have that made clear.

Mr. BAILEY. Yes; I think myself this section could be clarified in that respect because it uses the words "and control." The Government may be said always to be in control of its public works—

Mr. BANKHEAD. That is true.

Mr. BAILEY. Although they are being done under contracts. I will say to the Senator—and I owe the Senate an apology for the fact—that I have not read the bill. Yesterday afternoon when it was read the first thing that struck me was the establishment of a judicial tribunal in the Department of Commerce and Labor. I did intend to take the bill home with me last night and examine it. But I did not. It passed out of my mind.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. NELSON. I want, if the Senator will permit me, to call his attention to lines 3 and 4 on page 1. The Senator from Texas, as well as the Senator from Alabama, will see that the Government of the United States could not be liable to anybody employed by a contractor. The bill limits it to an artisan or laborer employed by the United States. If the laborer or artisan is employed by a contractor engaged in Government work, the Government would not be liable. It would be a question between the laborer and the contractor.

Mr. BAILEY. That is true, except that I can not quite understand—and I say for the second time that I have not carefully examined the bill—why it is that in the sixth line, beginning with the last words, there should be the words "or the management and control of the same." That seems to relate to some work which might not be prosecuted directly by the Government itself. But wholly apart from that, the rule undoubtedly would be that when an employee was working for a contractor he would not be working for the Government of the United States, and his remedy would be against the contractor and not against the Government. That remedy now exists, and of course it needs no legislation. If a laborer is injured in any work being constructed under contract, the laborer can call to the bar of the court the contractor to answer for any damages that may have been occasioned to him by the negligence of the contractor or the contractor's other servants.

Mr. CULBERSON and Mr. MONEY addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Texas yield?

Mr. BAILEY. My colleague desires to make a suggestion.

Mr. CULBERSON. I desired to call attention to the provision in the first section to which the attention of my colleague was invited by the Senator from Minnesota.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. BAILEY. Certainly.

Mr. MONEY. I desire to say that I concur in what the Senator from Texas [Mr. BAILEY] has said—that the liability should be determined by the *lex loci*—but what I ask him now is whether that is the meaning of this bill? It strikes me as being a very vague bill. I have not read it; I can not read it; but I have had it read to me. Does it not undertake to fix the responsibility upon the Government, whether the employment is directly by the Corps of Engineers or by contractors, corporate or individual? Is that the intent of this bill?

Mr. BAILEY. Mr. President, a hasty glance at the bill leads me to fear that this might relieve the contractor and impose the burden on the Government, or else I can not, upon one moment, find any meaning to give to the words "or the management and control of the same." I will read it, with the permission of the Senate.

Mr. CLARK of Wyoming. Will the Senator from Texas allow me for a moment?

Mr. BAILEY. Certainly.

Mr. CLARK of Wyoming. I think a careful reading of the first section will clear up any doubt the Senator may have in his mind. It applies only to persons who are employed by the United States, without reference—

Mr. BAILEY. To where they are employed or how.

Mr. CLARK of Wyoming. Yes.

Mr. BAILEY. I think that is probably true.

Mr. McLAURIN. Mr. President, I support the position taken by the Senator from Texas, that there should be a court to determine this. I think this very provision ought to have a lawyer to decide it. It says:

Any person employed by the United States as an artisan or laborer—

It should read, continuing—

in any of its manufacturing establishments, arsenals, or navy-yards, or employed by the United States in the construction of river and harbor work, or employed by the United States in the management and control of the same.

I think a first-class jurist would give that construction to it; and for that reason I concur in the suggestion made by the Senator from Texas that there should be a court to decide this, presided over by a lawyer, and not a layman.

Mr. BAILEY. I believe we ought to pass a bill of this kind as an act of justice and not of benevolence. I believe if any man in this world, compelled to work for a daily wage in order to support himself and family, is injured while at that work, and without his fault or negligence, somebody ought to pay for the injury. The old idea that you could not call a government into court was purely technical and, I had almost said, mythical. There is nothing sacred about a government, as we view them to-day. But I waive all questions of that kind, and I put it on this ground: If the Government is going to answer, let it answer according to the rules of law, which not only include rules by which men's rights are measured, but also the rules of evidence under which rights are established.

Let us say to the men who are working for the Government of the United States in certain kinds of employment, that if they are injured without their fault they can step into court and call the Government to answer them there just as they can call any other employer. I infinitely prefer that to this other system of doing them some sort of charity or extending them some sort of benevolence.

It is the business of government to be just, and not to be benevolent. A benevolent government in the end is a bad government, because the benevolence which the government bestows upon one man it is compelled to take from other men. But when a government does justice no man under its flag can complain about it. Let us treat these men not as children or wards deserving our charity, but let us treat them as citizens of the United States, entitled to justice at our hands.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. FULTON], which will again be stated.

The SECRETARY. On page 1, line 6, after the word "work," insert "or construction work in the reclamation of arid lands."

The amendment was agreed to.

Mr. BEVERIDGE. I offer the amendment I send to the desk. The VICE-PRESIDENT. The Senator from Indiana proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert—

Mr. GALLINGER. I have two or three small amendments I should like to offer before the substitute is proposed.

Mr. BEVERIDGE. Very well. I withhold it for the time being.

Mr. GALLINGER. On page 1, line 3, I move to strike out "passage" and insert "approval," so as to read: "That when, after the approval of this act."

The amendment was agreed to.

Mr. GALLINGER. After the word "navy-yards," in line 6, page 1, I move to insert "or as postal clerks on railroad trains."

Mr. CLARK of Wyoming. I call the attention of the Senator from New Hampshire to the fact that we already have a special law about postal clerks.

Mr. GALLINGER. When was that enacted?

Mr. CLARK of Wyoming. About four or five years ago.

Mr. GALLINGER. Do they get compensation for injuries?

Mr. CLARK of Wyoming. There is compensation to the heirs in case of death. It also applies to the Life-Saving Service.

Mr. GALLINGER. I do not think they get compensation for injuries.

Mr. CLARK of Wyoming. It applies to—

Mr. GALLINGER. I would suggest that the amendment be agreed to and let it go into conference.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. After the word "navy-yards," in line 6, page 1, it is proposed to insert "or as postal clerks on railroad trains."

Mr. FULTON. I ask the Senator from New Hampshire whether he does not think that the remedy these employees have against the railway company is ample? They can now recover for any negligence which arises as to the conduct of the train. I can not understand where any negligence on the part of the Government could result in injury to railway mail clerks.

Mr. BAILEY. There could not be any doctrine of fellow-servant there. They would have recourse against the railroad company. The Government could not be responsible for such an injury.

Mr. DEPEW. I will say to the Senator from New Hampshire that the law in regard to railway mail clerks as it is now and as it has existed for five years is that a postal clerk is paid his wages for one year unless he is sooner able to resume work, and if he is killed or dies within a year his estate receives \$1,000.

Mr. GALLINGER. I did not know that that law existed. I had the impression that there was a law covering his death. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. GALLINGER. Section 5 provides—

That the employees shall, whenever and as often as required by the Secretary of Commerce and Labor, submit himself to medical examination, to be provided and paid for under the direction of the Secretary.

I take it that the Secretary of Commerce and Labor is not going to follow these injured persons and be able to determine whether they ought to be reexamined. But it is evident that they ought to be reexamined from time to time. I move to insert after the word "Labor," in line 22, the words "at least once in three months."

Mr. CLARK of Wyoming. If the Senator will turn to section 5 of the bill I think he will find perhaps that his view is covered. Section 5 of the bill provides "that the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, submit himself to medical examination."

Mr. GALLINGER. That is precisely what I object to. The Secretary of Commerce and Labor never will do that of his own volition, and I think it is but proper that there should be an examination at stated times.

The VICE-PRESIDENT. The Senator from New Hampshire will again state his amendment.

Mr. GALLINGER. On page 4, line 13, after the words "Secretary of Commerce and Labor," I move to insert "at least once in six months."

The amendment was agreed to.

Mr. McLaurin. On line 5, page 2, I move to strike out the words "Secretary of Commerce and Labor" and to insert the words "court of the district in which the injury is inflicted."

Mr. HOPKINS. I suggest to the Senator from Mississippi that that is entirely too indefinite. For example, suppose a Government employee in the city of Chicago was injured there. There are probably sixty or seventy judges in the district, and there would be no means of determining which court the injured party should go to.

Mr. McLaurin. Surely there is some jurisdiction.

Mr. HOPKINS. The Senator could say the Federal court.

Mr. McLaurin. I would understand, when passing a law, that it means the Federal court. I am willing to adopt the suggestion of the Senator from Illinois and say "court of the United States in which the injury is inflicted."

Mr. BEVERIDGE. I can not yield further if this matter is going to be debated.

The VICE-PRESIDENT. The Senate has a right to perfect the bill before an amendment is made to strike out and insert.

Mr. BEVERIDGE. Of course I have no objection, but at the same time I understood that I had offered an amendment, and I was withholding it in order that other Senators might offer amendments.

Mr. LODGE. The Senator's amendment is a substitute.

Mr. BEVERIDGE. You can call it an "amendment" or a "substitute;" it is immaterial.

Mr. McLaurin. The reason I proposed to insert "court" was because I understood the word "court" would imply a United States court. I have no objection to the words "of the United States" being put in after "court."

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. On page 2, line 5, strike out the words "Secretary of Commerce and Labor" and insert "court of the United States in which the injury is inflicted."

Mr. PERKINS. I prepared a bill which applies to the employees of navy-yards, and after consulting with one of my legal colleagues he suggested the following language, which I will read and suggest to my friend from Mississippi:

The employee so injured, or, in case the injury results in death, the legal representatives of such employee, shall have a right of action, in any United States court having jurisdiction over like cases arising between individuals, for the recovery from the United States of compensation for such injuries or death.

Mr. McLaurin. I have no objection to that part.

Mr. BAILEY. I suggest, with the permission of both Senators, that instead of "individuals" you say "persons," so as to include corporations as well as individuals.

Mr. HOPKINS. I would suggest to the Senator from California that the adoption of the amendment suggested by him changes the entire spirit of the act; and if it should be adopted, every section in the bill would have to be remodeled.

Mr. PERKINS. That is the object I have in view.

Mr. HOPKINS. Then, if the Senator wants to defeat the bill, let him state it without offering the amendment.

Mr. PERKINS. I have had a great deal of experience in the transportation business and in claims for injuries. When I was connected with the management of the company, I always made a compromise when it was practicable to do so, but I believe in giving the court jurisdiction over those injured in the employ of the Government, as well as those who have claims against corporations or individuals on account of injuries received.

Mr. CULBERSON. Mr. President, I take advantage of the latitude of debate allowed to-day to say a word about a matter that occurred in my absence from the Senate.

The Senator from West Virginia [Mr. SCOTT] had read a letter dated Wheeling, W. Va., April 23, 1908, addressed to Mr. LITTLEFIELD, and he stated at the close of the letter that this is "the same case referred to by the Senator from Texas." I sent for the stenographer's notes containing the statement of the Senator from West Virginia, and I ask that it be incorporated as a part of what I am saying. I take this opportunity to say that the letter addressed to Mr. LITTLEFIELD refers to the case of the National Telephone Company v. Kent and others, and the case to which I referred and the bill which I presented is that of the Hitchman Coal and Coke Company v. John Mitchell and others. As far as I am concerned, I never heard before of the case of the National Telephone Company v. Kent.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Mr. SCOTT. Mr. President, during my absence from the Senate I understand the Senator from Texas [Mr. CULBERSON] brought up the case in regard to Judge Dayton's restraining order.

I desire to read the following, in order that it may go into the RECORD.

WHEELING, W. VA., April 23, 1908.

Hon. C. E. LITTLEFIELD,  
Washington, D. C.

DEAR SIR: Replying to your favor of March 28, 1908, we appeared in the United States circuit court as counsel for the defendants in the case of National Telephone Company v. Kent et al. No contempt proceedings grew out of the injunction case. We have no criticism whatever to make of the action of Judge Dayton in awarding the restraining order or in granting the preliminary injunction. Our clients directed us to discontinue their defense, and no motion to dissolve or to modify was ever made. The injunction was made permanent as to our clients.

We took no part in the injunction suit brought by the Hitchman Coal Company.

Very truly, yours,

DOVENER & FISKEISEN.

It is the same case referred to by the Senator from Texas.

Mr. CLARK of Wyoming. I hope the Senator from Mississippi will not insist upon his amendment. Either the amendment proposed by the Senator from Mississippi or the one suggested by the Senator from California would defeat the very



purpose for which the bill was drawn. The purpose of this particular bill is to avoid, if possible, the necessity of sending a man into court to receive compensation for his injuries.

Mr. BAILEY. Will the Senator permit me? I remind the Senator from Wyoming that laborers in the employment of individuals and corporations have to resort to the courts to secure their rights in cases just like this, and I can not understand why a man in the employment of the Government, if given the right to recover, might not be expected and required to recover according to the same course of procedure that his fellow-citizens engaged in other employments have to pursue. I suggest that for the Senator's consideration.

Mr. CLARK of Wyoming. The suggestion is pertinent; but, Mr. President, I have an idea that a lesson might be taught or an example set to other corporations employing large numbers of workmen or to individual employers employing large numbers of workmen by which they would be shown that an easier and a less expensive and a quicker compensation for injury might be realized. This bill may perhaps set an example of that sort.

Mr. President, I do not know what we might call the bill. Perhaps it is an administrative bill. It is simply for the purpose of determining, without expense to the beneficiary, whether the injury received by a man in the employ of the Government, in a hazardous employment, has been received in such a way that the Government ought to compensate him either for his time when he is laid up or compensate his family in a measure in the case of death.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. CLARK of Wyoming. Certainly.

Mr. BACON. I did not happen to be present when the Committee on the Judiciary considered this bill, and I desire to make an inquiry of the Senator from Wyoming as to how far the committee made an investigation of the practical features of the administration of the bill. I should like to inquire of the Senator, in the first place, if the committee considered the question as to how great a number of employees would be beneficiaries under the bill?

Mr. CLARK of Wyoming. Yes; the committee had that under consideration.

Mr. BACON. How many employees of the Government did the committee estimate would be beneficiaries of the bill?

Mr. CLARK of Wyoming. The estimate of the committee may be found in the report that was submitted. That report contains the information that was gathered by the House committee. It contains a compilation from each of the Departments to be affected with the exception, I understand, of the War Department, that Department having been unable to collate their records in time to fill the purpose.

Mr. DEPEW. I will state that the House committee made an exhaustive investigation of this subject—in fact, they have been all session on it—and they find that the total number of employees of the Government is 337,751 connected with the classified and unclassified service, and of that number (337,751) the number who would be affected by the bill is 71,600.

Mr. BACON. I desire to ask my colleague upon the committee if the committee, after the estimate had been made as to the number of employees of the Government who would be the beneficiaries under the bill, went further and made an estimate as to the number of casualties which would call for the exercise of this judicial power by the Secretary of Commerce and Labor?

Mr. CLARK of Wyoming. The only information the committee had on that point, I will say to the Senator, was the accidents and deaths that had been reported upon Government work. Of course there would be probably some accidents that were not reported to the different Government Departments which would come under the bill, for instance, minor injuries, where the accident might not perhaps lay a man up for more than thirty days. But the committee had in its possession information as to the number of accidents and deaths that had been reported in certain Departments, not in all of them, I will frankly say to the Senator.

Mr. BACON. How many were there?

Mr. CLARK of Wyoming. I could state if I had the report of the committee.

Mr. LODGE. I have it right here.

Mr. CLARK of Wyoming. The Senator from Massachusetts has it.

Mr. LODGE. The report states that—

There are approximately 6,600 artisans and laborers employed in arsenals, armories, and other manufacturing establishments of the War Department, and during the past ten years eight were killed and forty-one more or less seriously injured.

They have not the statistics for the navy-yards.

During the calendar year 1907, under the Isthmian Canal Commission, there were 142 accidents resulting in death, and approximately 1,300 were treated in the hospitals. In the river and harbor work, since the year 1894, there were about 75 casualties, and of those 2 were killed and 1 died.

Mr. BACON. That is very good, as far as it goes.

Mr. LODGE. It covers everything but the navy-yards.

Mr. BACON. It does not cover a great many accidents to which the Senator from Wyoming has alluded. The language of the report is as to serious accidents.

Mr. LODGE. It covers everything.

Mr. BACON. In dealing with the practical purposes contemplated by the bill, it is very important to know the effect of it when we devolve upon the Secretary practically the control of every one of these cases, because in every case of accident under the law as it now exists in the States, where individuals and corporations are concerned, the great question is the question where the negligence has been, and those questions would have to be considered by the Department of Commerce and Labor as carefully as they would be considered by a court. It is the purpose of my inquiry to ascertain whether the committee, when they recommended the bill, in which it is prescribed that the Secretary of Commerce and Labor shall practically be the judge and the jury for the trial of the crucial questions in the case, had such information as to the probable number of these accidents as would lead them to the conclusion that the Secretary of Commerce and Labor could himself—not through a clerk, but himself—consider and determine the question whether there had been negligence in that vast number of accidents.

Mr. CLARK of Wyoming. I do not suppose the Secretary of Commerce and Labor himself individually could, by any possibility, in view of his other duties, consider them.

Mr. BACON. Then certainly no one else than the Secretary of Commerce and Labor under the bill would have the authority to do it. He can not delegate it to anybody else any more than a judge on the bench can delegate to a subordinate the power to hear and try a case. It is true that under our machinery of judicial procedure there are delegations to masters in chancery, referees, and so forth, but that is always by authority of law—express authority of law, and not implied authority.

Here the bill provides that it shall be determined by the Secretary of Commerce and Labor. The point I have in mind in making the inquiry is to demonstrate the fact, as stated by the Senator himself, that it would be a practical impossibility for the Secretary of Commerce and Labor to discharge the duty which the bill would devolve upon him.

Mr. HOPKINS. Will the Senator allow a question? Suppose the bill should become a law and the Secretary of Commerce and Labor had an able lawyer there in his Department and had him investigate and make his report. If the Secretary of Commerce and Labor signed the order, it would be the act of the Secretary, would it not?

Mr. BACON. And so it would be if a judge on the bench should have a lawyer make up a decision and the judge signed the order.

Mr. HOPKINS. That is a different proposition.

Mr. BACON. That would be in compliance with law.

Mr. HOPKINS. That is entirely different; that is a judicial proceeding. I will say to the Senator from Georgia. This is not proposed to be such. This is only such an investigation as a manager of a great corporation would give where an employee was injured to find out the facts without the technicalities of the law surrounding him.

Mr. BACON. It does not make any difference as to technicalities; the duty would be upon the Secretary of Commerce and Labor to ascertain with all the accuracy and all the solemnity of a judge whether the party had been negligent.

Mr. HOPKINS. Not at all, under the bill, if the Senator please. I called the attention of the Senate a little while ago to section 3 of the bill, which provides for an entirely different procedure than at law. The report is sent up by the superintendent in charge and the member of the Cabinet having this matter in charge acts upon that report.

Mr. BACON. Undoubtedly. It simply provides the means by which he may get the facts, but when he has secured the facts the obligation is upon him to come to a correct conclusion upon those facts as certainly as it is upon a judge to come to a correct conclusion upon testimony submitted to him.

Mr. CLARK of Wyoming. Some time ago the Senator from Georgia asked me a question. The question directed to me was as to whether the Secretary of Commerce and Labor could himself personally investigate all these matters. My reply was that

it would be beyond the range of human possibility for him to do that in connection with his other duties. Whereupon the Senator from Georgia expressed the belief in effect that a personal investigation of all matters connected with accidents would be necessary in order to carry out the provisions of this proposed law and give the relief which the proposed law seeks to give.

I do not care to enter into a legal discussion; it would take too long; but upon that point, being in favor of the bill, I am obliged to differ with the Senator from Georgia. My own belief is that the Secretary of Commerce and Labor can act upon this matter the same as any other head of a Department can act upon matters coming before his Department. He can render a decision, not upon an investigation which he has made personally, but upon investigations which have been made or upon legal points that have been suggested to him. He can act in his official capacity upon the information thus gathered for him by those in the Department and under his control. That is the answer which I personally give to the question. I presume from what the Senator said it would not satisfy his legal mind.

Mr. President, addressing myself once more to the amendment of the Senator from Mississippi, the adoption of that amendment, as I stated, would absolutely make impossible a bill constructed upon the lines which this is constructed upon. The purpose of the committees of the two Houses of Congress in constructing the bill and presenting it has been, as I said before, to relieve the employees of the necessity of going through the long, tedious, and expensive determination of the court, and it becomes rather an administrative measure than a judicial measure. I think the Senator can see that.

Of course, if the Senator in a general way desires to provide for it, he may do it in another bill. He might remove in four lines the bar of sovereignty so far as the employees of the Government are concerned, and then let them sue in a court of justice. But unless we do that, if we are seeking to give some definite advantage to the employee at this time upon which he can act, upon which his family can be supported during the duration of his injury, or upon which they can derive some immediate benefit at his death, let the bill go along the line upon which it has been constructed, to wit, a measure more administrative than anything else.

Mr. BEVERIDGE. I wish now, if it will not greatly inconvenience Senators, to ask that at this juncture for the information of the Senate, the amendment which I intend to offer to the bill after the bill has been perfected may be read for the information of the Senate.

Mr. CLARK of Wyoming. I do not like to interpose an objection, but it seems to me that the bill should first be perfected.

Mr. BEVERIDGE. I am not offering it now, I will say to the Senator. What I am now proposing to do I think may change the course of the discussion a good deal. Most certainly it will eliminate a very large portion of the discussion that we have had this evening or rather the questions that aroused it, although perhaps on the contrary it may raise other questions.

The only thing I ask now is that for the information of the Senate, as is frequently done, the amendment which I intend to propose at the proper time be read.

Mr. CLARK of Wyoming. Of course we understand very well that if the amendment is read now it will simply postpone another day the discussion of this question.

Mr. BEVERIDGE. That will have to be done in any event. It is perfectly clear that we can not conclude this matter tonight. I hope the Senator will permit me to have the amendment read for the information of the Senate.

Mr. CLARK of Wyoming. I will not object, but I throw upon the Senator the burden of the delay of the bill now under consideration.

Mr. BEVERIDGE. Well, I accept that, Mr. President.

Mr. NELSON. I wish the Senator from Indiana would yield for a moment. I think there is a misapprehension about the nature of this bill, and I should like to make a brief explanation of it. Then the Senator from Indiana can offer his substitute.

Mr. BEVERIDGE. All that I am asking, I will say to the Senator from Minnesota, is that I do not wish now to discuss it or any portion of the bill, but merely that the amendment may be read for the information of the Senate. I merely ask for the reading of the amendment for the information of the Senate; that is all.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment proposed by the Senator from Indiana.

The SECRETARY. Strike out all after the enacting clause and insert:

That the United States shall be liable to its civilian employees whose compensation is or probable earnings are less than at the rate of \$2,500 per annum, including as well those employed under the Isthmian Canal

Commission and by the Panama Railroad and Steamship Line, for an injury or death by accident arising out of or in the course of the injured person's employment. No compensation shall be paid under this act for the first thirty days of incapacity from such injury or where the injury is due to serious and willful misconduct on the part of the employee injured. All questions of misconduct shall be determined by the Secretary of Commerce and Labor.

Sec. 2. That when death results from the injury provided against in the first section of this act, compensation shall be made by the United States, as follows:

(a) If the employee leaves any relatives wholly dependent on his earnings, a sum equal to such earnings during the period of five years next preceding his injury, but not less than \$2,000 nor more than \$5,000 shall be allowed. If the period of his employment has been less than five years, the amount to be paid shall be computed as for five years, on the basis of his average earnings during the period of such employment, but subject as to amount to the foregoing limitation.

(b) If the employee leaves any relatives partially dependent on his earnings, a sum not exceeding such earnings during the two years next preceding his injury, but not more than \$1,800 shall be allowed, the total amount of such payments to be determined by the Secretary of Commerce and Labor and to be proportioned to the degree of dependence he shall find. If the period of his employment has been less than two years, the amount to be paid shall not exceed his average earnings computed as for two years during the period of such employment, but subject as to amount to the foregoing limitation.

(c) Payments made to dependent relatives shall be divided among them in such proportions as may seem equitable to the Secretary of Commerce and Labor under the circumstances of the case.

(d) If the employee leaves no relatives dependent upon him, the reasonable expenses of his medical attendance and burial, not exceeding \$150, shall be paid.

Sec. 3. That where incapacity for work results from such an injury as is referred to in section 1 hereof, the employee so injured shall be entitled to receive a monthly payment during the entire period of incapacity, computed at a rate equal to 60 per cent of his average daily or monthly earnings during such part of the preceding twelve months as he may have been employed, but such monthly payment shall not exceed \$50. Where incapacity for work resulting from an injury described in section 1 of this act has continued for twelve months, the Secretary of Commerce and Labor shall cause an examination to be made, as hereinafter provided for, and, if it appear to him that such incapacity is then permanent, he shall direct that the monthly payments cease, and that in place thereof the injured employee be paid a sum equal to ten times the annual amount payable to the employee at the rate received by him at the time of such examination.

Sec. 4. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the origin and nature of the accident and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to serious and willful misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports.

Sec. 5. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate satisfactorily accounted for. In the case of incapacity for work lasting more than thirty days, the injured party or his legal representatives desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of his attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.

Sec. 6. That the Secretary of Commerce and Labor shall have power, whenever satisfied a change should be made, to increase or diminish, in accordance with the provisions hereof, the payment made, or to discontinue compensation altogether. The employee shall, whenever and as often as required by the Secretary of Commerce and Labor, submit himself to medical examination, to be provided and paid for under the direction of the Secretary, and if he refuses to submit to or obstructs such examination his right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

Sec. 7. That to seek to obtain by fraudulent means or to accept benefits under this act to which the person is not entitled shall be deemed a misdemeanor on his part and punishable by a fine of not more than \$1,000 or by imprisonment for not more than two years, or both.

Sec. 8. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees and shall not be subject to the claims of creditors.

Sec. 9. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

Sec. 10. That the Secretary of Commerce and Labor shall, immediately upon the approval of this act, proceed with the necessary work incident to the putting of it into operation, and there is hereby appropriated the sum of \$10,000, out of any money in the Treasury of the United States not otherwise appropriated, to be immediately available for the payment of cost of administering and executing this law.

Sec. 11. That this act shall only take effect as to the right to receive compensation for any damages from accidents as to those occurring on and after July 1, 1908.



SEC. 12. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

Before the reading of the amendment was concluded,

Mr. BEVERIDGE said: Mr. President, it is perfectly clear that, regardless of the amendment which is now being read by the indulgence of the Senate at my request, we can not conclude the bill itself to-night. That has been clear for the last hour. Therefore, in order to save time, I ask that the amendment which I have offered may be printed, so that it may be on the desks of the Senators to-morrow morning.

Mr. ALDRICH. And printed in the Record.

Mr. BEVERIDGE. Let it be printed in the Record and also in the ordinary way. That will save time to-night.

I want to say just one word more while I am on my feet. It is called out by the kindly suggestion of the Senator from Wyoming [Mr. CLARK]—and I took it as such—which is that this amendment might delay the bill. It has been perfectly clear, as I said once before, for the last hour that it was out of the question to conclude to-night the consideration of the original bill that we are now perfecting, and therefore there was no delay so far as to-day is concerned occasioned by the reading of the substitute.

The truth about it is that the amendment which I have proposed as a substitute, if it had been proposed in the first instance, would have eliminated from discussion nearly all of the principal questions that have consumed this afternoon. I will not say that it does not nor that it does raise other questions. I merely wanted to say these words by way of explanation, and I now ask that the further reading of the amendment be dispensed with.

Mr. HOPKINS. I should like to ask the Senator from Indiana—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. BEVERIDGE. Certainly.

Mr. HOPKINS. I should like to ask the Senator from Indiana what committee has reported his proposed substitute?

Mr. BEVERIDGE. No committee reports it. It is an original proposition.

Mr. HOPKINS. An original proposition?

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oregon?

Mr. BEVERIDGE. Certainly.

Mr. FULTON. I merely want to say to the Senator from Indiana that, in my judgment, if he hopes to get any legislation along the line of the original bill, he ought not to press the amendment he has offered, because it is going to cause so much discussion and take so much consideration that it will be utterly impossible at this late hour in the session to pass any measure on the subject if his amendment is to be fully discussed.

Mr. BEVERIDGE. Mr. President—

Mr. FULTON. In my judgment, Mr. President, there are so many objections to the propositions embodied in the amendment offered by the Senator from Indiana that, when Senators have read it and considered it, it is going to give rise to a good deal of discussion, and far more time will be required than it will be possible to give to it in these closing hours.

Mr. BEVERIDGE. Mr. President, in answer to that I have to say two things. First, the Senator says it would require more time than could be given to it in these closing hours. What closing hours? No resolution from either House has been reported or adopted as to final adjournment; there has been no official determination of either body to adjourn. Here is a piece of legislation immediately at hand, which requires our action one way or the other. Certainly the great questions and the large human interests involved in this bill, whether one side or the other side be wrong, deserve consideration enough for Congress to remain in session a day or two days longer, if necessary.

I assume that what the Senator from Oregon had in mind was the report—the rumor—that we are going to adjourn on Saturday. Well, I am as anxious as any other Senator to adjourn when we get our work done; but that we shall fix upon an arbitrary date to adjourn, regardless of whether our work is completed or uncompleted, and that a proposition should not be considered merely because it might hold us here one or two days longer is, I think, incorrect in theory. Now, the other answer—

Mr. FULTON. I want to say that whatever may be the Senator's views or mine as to whether these are the closing hours of the session, I think a few days will demonstrate the fact that we are now in the closing hours.

Mr. BEVERIDGE. Well, I think perhaps that is quite true, but ought it to be true. Why not do our work before we adjourn?

Mr. FULTON. And now, so far as these two bills are concerned, I want to say that personally I do not favor the bill that is pending—

Mr. BEVERIDGE. The Senator from Oregon asked me a question.

Mr. FULTON. I understood the Senator from Indiana had yielded to me.

Mr. BEVERIDGE. I did yield to the Senator, but not entirely.

Mr. FULTON. I did not want the Senator to yield to me entirely. I do not want to take him off his feet.

Mr. BEVERIDGE. Just another word in answer to the other suggestion that the Senator from Oregon made to me, and that is, the endangering of the bill itself by any delay caused by the discussion of this substitute. First, at least in theory, everybody will have to admit that there can not be any danger, because there has been no time fixed for adjournment, and therefore we have plenty of time to consider the question. That is the first thing. The second consideration is that it does not need any more discussion than the Senate sees fit to give it. So far as I am concerned, I expect to submit some remarks to the Senate to-morrow, not longer than fifteen minutes, perhaps, and after that time, so far as I am concerned, I will be ready to vote, or would be ready to vote before. So that no more time is needed than the Senate sees fit to give to the measure. We can vote upon it within twenty minutes from the time the amendment is offered. If that does not carry, I shall have other amendments to offer.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. Mr. President, I hope the Senator from Rhode Island will withhold his motion for a moment, at least for a parliamentary inquiry.

The VICE-PRESIDENT. Does the Senator from Rhode Island withhold his motion?

Mr. ALDRICH. I withhold the motion for a moment.

Mr. BEVERIDGE. Mr. President, I understand the parliamentary situation with reference to this bill is as follows: That the Senate has proceeded to the consideration of this measure by unanimous consent. Is that correct?

The VICE-PRESIDENT. That is true.

Mr. GALLINGER. For the present day.

Mr. BEVERIDGE. It was not for the present day, Mr. President.

The VICE-PRESIDENT. The pending bill does not become the unfinished business.

Mr. BEVERIDGE. That is what I wished to inquire about. Does the Chair say that the agreement only applied to to-day?

The VICE-PRESIDENT. It was only for to-day.

Mr. LODGE. It requires a motion to make it the unfinished business.

The VICE-PRESIDENT. That is correct.

Mr. BEVERIDGE. Then, Mr. President, before the Senator from Rhode Island renews his motion that the Senate proceed to the consideration of executive business, I ask unanimous consent that we proceed to the consideration of this measure to-morrow morning immediately after the close of the morning business.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the pending bill be taken up for consideration immediately after the routine business to-morrow morning.

Mr. ALDRICH. I think that at this stage of the public business it is important that no unanimous-consent agreement of that kind should be made by the Senate.

Mr. BEVERIDGE. Subject to appropriation bills, then.

Mr. ALDRICH. Subject to appropriation bills and conference reports.

Mr. BEVERIDGE. Subject to appropriation bills and conference reports; yes.

Mr. NEWLANDS. Mr. President, I am exceedingly desirous of bringing up as soon as possible the inland-waterways bill. Can the Senator from Indiana provide for that in some way in his motion?

Mr. BEVERIDGE. I am very much afraid that I can not.

Mr. McLAURIN. I am very much afraid that the pending bill has not been provided for yet.

Mr. BACON. I should like to inquire whether the granting of this request would make the pending bill the unfinished business?

The VICE-PRESIDENT. It would not.

Mr. BEVERIDGE. There is unfinished business now.

Mr. BACON. It would simply come up in the morning hour.

The VICE-PRESIDENT. It would come up in the morning hour.

Mr. McLAURIN. I think we had better let this go over. "Sufficient unto the day is the evil thereof."

The VICE-PRESIDENT. Objection is made by the Senator from Mississippi.

Mr. BEVERIDGE. I hope the Senator will not object.

Mr. McLAURIN. To-morrow we can see about getting the bill up.

Mr. ALDRICH. Mr. President—

Mr. McLAURIN. I hope the Senator from Rhode Island will withhold his motion for a moment until I can make a request in reference to this bill.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Mississippi?

Mr. ALDRICH. I do.

Mr. McLAURIN. I request that the bill, with amendments as far as they have been adopted, be reprinted, so that we can see to-morrow what we are to act upon.

Mr. GALLINGER. Let the amendments be printed in italics. I made a similar request the other day, and the bill was printed in Roman, and it was impossible to see what the amendments were.

The VICE-PRESIDENT. The Senator from Mississippi asks that the pending bill be reprinted with the amendments which have been adopted, the amendments to be in italics. Is there objection? The Chair hears none, and that order is made.

Mr. BEVERIDGE. I wish merely to say that I have now made a request for unanimous consent that we should proceed to the consideration of this measure after the morning business to-morrow, subject to appropriation bills and conference reports, and, having in mind what the Senator from Wyoming [Mr. CLARK] says, I wish to call particular attention to the fact that, so far as I have been able to do so, I have furthered the consideration of this bill, and that delay must not be laid even for a moment at my door. And I repeat that we have all the time necessary to consider this bill; why should we adjourn before we finish our work? The responsibility for killing this measure and other measures will be on those who refuse to consider them—not on those who wish to consider them.

Mr. McLAURIN. So far as I am concerned, any delay that I shall cause I will be responsible for. I merely want to wait until to-morrow to see what comes up, and then we can tell better whether or not we shall be prepared to consider this bill.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 20883) to establish in the Department of the Interior a Bureau of Mines, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTHOLOMEW, Mr. BURLEIGH, and Mr. BRANTLEY managers at the conference on the part of the House.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 21927) to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes, and it was thereupon signed by the Vice-President.

#### HOUSE BILL REFERRED.

H. R. 20883. An act to establish in the Department of the Interior a Bureau of Mines was read twice by its title and referred to the Committee on Mines and Mining.

#### EXECUTIVE SESSION.

Mr. ALDRICH. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. OWEN. I ask the Senator to yield to me for a moment to secure the consideration of a bill.

Mr. ALDRICH. I must insist on my motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 22, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 21, 1908.*

##### POSTMASTERS. COLORADO.

Ella New<sup>2</sup> to be postmaster at Delta, Delta County, Colo., in place of Ella New. Incumbent's commission expired April 12, 1908.

##### CONNECTICUT.

Augustus G. Ising to be postmaster at Danbury, Fairfield County, Conn., in place of Augustus G. Ising. Incumbent's commission expired February 22, 1908.

George K. White to be postmaster at East Hampton, Middlesex County, Conn., in place of Delos D. Brown, deceased.

##### DELAWARE.

Benjamin I. Shaw to be postmaster at Harrington, Kent County, Del., in place of William B. Fleming. Incumbent's commission expired January 18, 1908.

##### INDIANA.

Eugene F. Cummings to be postmaster at Cannelton, Perry County, Ind., in place of Charles T. Miller, removed.

##### MICHIGAN.

Bangs F. Warner to be postmaster at Paw Paw, Van Buren County, Mich., in place of Bangs F. Warner. Incumbent's commission expired January 11, 1908.

##### MISSOURI.

Philip G. Wild to be postmaster at Spickard, Grundy County, Mo., in place of Philip G. Wild. Incumbent's commission expired March 16, 1908.

##### NEW YORK.

William H. Allen to be postmaster at Farmingdale, Nassau County, N. Y. Office became Presidential October 1, 1907.

William D. Smith to be postmaster at Northville, Fulton County, N. Y., in place of Charles G. Bacon. Incumbent's commission expired April 19, 1908.

Francis Worden to be postmaster at Cocksackie, Greene County, N. Y., in place of Francis Worden. Incumbent's commission expired April 27, 1908.

##### NORTH CAROLINA.

S. Arthur White to be postmaster at Mebane, Alamance County, N. C., in place of Stephen A. White, deceased.

##### OHIO.

William R. Tyler to be postmaster at Huron, Erie County, Ohio, in place of William R. Tyler. Incumbent's commission expired November 24, 1907.

##### PENNSYLVANIA.

Harry L. Cooper to be postmaster at Edinboro, Erie County, Pa., in place of Harry L. Cooper. Incumbent's commission expired April 27, 1908.

Henry F. Hershey to be postmaster at Steelton, Dauphin County, Pa., in place of Henry F. Hershey. Incumbent's commission expired April 27, 1908.

George E. Renshaw to be postmaster at Scenery Hill, Washington County, Pa. Office became Presidential January 1, 1908.

##### SOUTH CAROLINA.

Lawrence O. Harper to be postmaster at Honea Path, Anderson County, S. C., in place of Lawrence O. Harper. Incumbent's commission expired March 12, 1908.

##### WEST VIRGINIA.

Isaiah Stephens to be postmaster at McMechen, Marshall County, W. Va. Office became Presidential October 1, 1907.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 21, 1908.*

##### RECEIVER OF PUBLIC MONEYS.

Thomas V. McAllister, of Mississippi, to be receiver of public moneys at Jackson, Miss., his term having expired December 17, 1907.

##### APPOINTMENT IN THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Capt. Joseph A. Sladen, United States Army, retired, to be placed on the retired list of the Army, with the rank of major, from May 12, 1908.

##### PROMOTIONS IN THE ARMY.

##### Infantry Arm.

Capt. Daniel B. Devore, Twenty-third Infantry, to be major from May 15, 1908.

##### CAVALRY ARM.

##### To be first lieutenants.

Second Lieut. Robert W. Leshner, Third Cavalry, from April 14, 1908.



Second Lieut. George Grunert, Eleventh Cavalry, from April 16, 1908.

Second Lieut. William R. Pope, Second Cavalry, from April 30, 1908.

Second Lieut. Olney Place, Sixth Cavalry, from May 6, 1908.

Second Lieut. Thomas H. Cunningham, Eighth Cavalry, from May 10, 1908.

#### Medical Corps.

Maj. Henry P. Birmingham, Medical Corps, to be lieutenant-colonel from May 1, 1908.

Capt. Albert E. Truby, Medical Corps, to be major from May 1, 1908.

Maj. W. Fitzhugh Carter, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law.

Maj. Rudolph G. Ebert, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law.

Maj. Robert J. Gibson, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law.

Maj. William H. Arthur, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law.

Maj. George E. Bushnell, Medical Corps, to be lieutenant-colonel from April 23, 1908, subject to the examination required by law.

Capt. Henry Page, Medical Corps, to be major from April 23, 1908, subject to the examination required by law.

Capt. Bailey K. Ashford, Medical Corps, to be major from April 23, 1908.

Capt. Henry A. Webber, Medical Corps, to be major from April 23, 1908, subject to the examination required by law.

Capt. Jere B. Clayton, Medical Corps, to be major from April 23, 1908, subject to the examination required by law.

Capt. Weston P. Chamberlain, Medical Corps, to be major from April 23, 1908.

Capt. Edward R. Schreiner, Medical Corps, to be major from April 23, 1908.

Capt. Ira A. Shimer, Medical Corps, to be major from April 23, 1908.

Capt. Frederick M. Hartsock, Medical Corps, to be major from April 23, 1908, subject to the examination required by law.

Capt. Douglas F. Duval, Medical Corps, to be major from April 23, 1908, subject to the examination required by law.

Capt. Clarence J. Manly, Medical Corps, to be major from April 23, 1908, subject to the examination required by law.

Capt. David Baker, Medical Corps, to be major from April 23, 1908, subject to the examination required by law.

#### Corps of Engineers.

Capt. George P. Howell, Corps of Engineers, to be major from May 8, 1908.

First Lieut. Ernest D. Peek, Corps of Engineers, to be captain from May 8, 1908.

#### MEDICAL CORPS.

##### To be captains after three years' service.

First Lieut. William A. Duncan, Medical Corps.

First Lieut. Earl H. Bruns, Medical Corps.

First Lieut. Herbert C. Gibner, Medical Corps.

First Lieut. Clarence Le R. Cole, Medical Corps.

#### POSTMASTERS.

##### NEW YORK.

Harry W. Roberts to be postmaster at Utica, Oneida County, N. Y.

##### SOUTH DAKOTA.

George N. Breed to be postmaster at Brookings, Brookings County, S. Dak.

Robert E. Grimshaw to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota.

#### REJECTIONS.

##### Executive nominations rejected by the Senate May 21, 1908.

#### POSTMASTERS.

##### GEORGIA.

John T. A. McCullom to be postmaster at Conyers, in the county of Rockdale and State of Georgia.

T. W. Scott to be postmaster at Toccon, in the county of Stephens and State of Georgia.

##### TEXAS.

Everet Johnson to be postmaster at Jacksboro, in the county of Jack and State of Texas.

## HOUSE OF REPRESENTATIVES.

THURSDAY, May 21, 1908.

[Continuation of legislative day of Tuesday, May 12, 1908.]

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I call up the conference report on the agricultural appropriation bill.

The SPEAKER. The gentleman calls up the conference report on the agricultural bill. The Clerk will read the report. The Clerk read the report as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10158) making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 16, 21, 40, 43, 44, 53, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 11, 12, 13, 14, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 36, 37, 41, 42, 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and thirty-two thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and five thousand dollars;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "eight hundred and fifty-two thousand dollars;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million six hundred and sixty-two thousand two hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million three hundred and forty-one thousand six hundred and seventy-six dollars;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "six hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "three million eight hundred and ninety-six thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "seven hundred and sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "eight hundred and twenty-six thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and thirty-nine thousand seven hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and seventy-nine thousand seven hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "eleven million six hundred and seventy-two thousand one hundred and six dollars;" and the Senate agree to the same.

CHAS. F. SCOTT,  
GILBERT N. HAUGEN,  
JOHN LAMB,

*Managers on the part of the House.*

F. E. WARREN,  
J. P. DOLLIVER,  
H. D. MONEY,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H. R. 19158, an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

#### *Office of the Secretary.*

Amendment No. 1 increases the salary of the solicitor from \$3,500 to \$4,500. The Senate recedes, with an amendment fixing the salary at \$4,000, the sum named in the bill as it was first reported to the House.

Amendment No. 2, to which the House agrees, restores to the bill the language stricken out upon a point of order on the floor of the House providing for the addition of \$500 to the salary of the chief clerk as custodian of buildings.

Amendments Nos. 3 and 4 rearrange the engineering force so as to give one assistant engineer a salary of \$1,400, and two assistant engineers, \$1,000 each, instead of providing for three assistant engineers, at \$1,000 each; and the House recedes.

#### *The Weather Bureau.*

Amendment No. 8 provides not to exceed \$2,000 of the sum appropriated to be immediately available for the pay of observers and employees engaged in evaporation investigations; and the Senate recedes.

Amendment No. 9 restores the word "establishment," which was always carried in the bill until last year, when it was stricken out in connection with amendments offered in relation to Mount Weather; and the House recedes.

Amendment No. 10 increases the appropriation for new buildings for the use of the Weather Bureau from \$45,000 to \$120,000. The Senate recedes with an amendment fixing the sum at \$105,000.

Amendment No. 12 provides for the erection of temporary buildings for living quarters for observers engaged in evaporation work, but it causes no increase in appropriation; and the House recedes.

Amendment No. 14 increases the sum which may be used for the maintenance of the printing office in the city of Washington to \$30,000, but involves no increase in the total appropriation; and the House recedes.

Amendment No. 16 provides that not to exceed \$10,000 should be immediately available for evaporation investigations; and the Senate recedes.

#### *Bureau of Animal Industry.*

Amendment No. 18 strikes out the following: "Provided also, That the Secretary of Agriculture is authorized to expend not to exceed \$5,000 of the amount hereby appropriated to especially investigate hemorrhagic septicaemia, infectious cerebrospinal meningitis, and malignant catarrh, prevalent among domestic animals in the State of Minnesota and adjoining States, to work out, if possible, in cooperation with the Minnesota experiment station, the problem of prevention by developing antitoxin or preventive vaccines, and to secure and diffuse information along these lines;" and the House recedes.

#### *Bureau of Plant Industry.*

Amendment No. 20 inserts the word "farm" so as to limit the study of water contaminations; and the House recedes.

Amendment No. 22 provides a sum not to exceed \$10,000, to be immediately available, for cotton boll-weevil work; and the House recedes.

Amendment No. 24 increases the appropriation for the purchase and distribution of valuable seeds from \$248,000 to \$258,000; and the House recedes.

Amendment No. 25 designates the use that shall be made of the increased appropriation for the purchase of seeds by providing that \$56,000 (instead of \$46,000) may be used by the Secretary of Agriculture for the collection and introduction of rare and valuable seeds, etc.; and the House recedes.

#### *Forest Service.*

Amendment No. 29 inserts the proviso that the prevention of the exportation of dead and insect-infested timber from the Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects are practically checked, but in no case after July 1, 1910; and the House recedes.

Amendment No. 30 inserts the following language: "And hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department;" and the House recedes.

Amendment No. 33 strikes out the language: "Provided, That no part of this appropriation shall be paid or used for the purpose of paying in whole or in part the preparation of any newspaper or magazine article" and inserts the following: "Provided further, That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public;" and the House recedes.

Amendment No. 34 strikes out the words "And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred thousand dollars, to be expended as the Secretary of Agriculture may direct, for the proper and economical administration, protection, and development of the national forests" and inserts the following: "And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one million dollars, to be expended as the Secretary of Agriculture may direct, for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests." The Senate recedes, with an amendment which leaves the language of the paragraph as passed by the Senate, but reduces the appropriation from \$1,000,000 to \$600,000.

Amendment No. 36 inserts a new paragraph, as follows:

"That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe, for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: Provided, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein."

And the House recedes.

#### *Bureau of Chemistry.*

Amendment No. 37 inserts the following language: "to continue collaboration with other Departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer or associations of farmers;" and the House recedes. The first part of this amendment simply restores to the bill language which has been carried for many years, but which was left out of the House bill under the impression that it was not necessary. The second provision is new matter; the language explains its purpose.



Amendment No. 38 increases the appropriation for the miscellaneous expenses of the Bureau from \$725,000 to \$810,000, and the Senate recedes with an amendment which leaves the appropriation \$760,000.

#### Bureau of Soils.

Amendment No. 40 strikes out the language "to investigate, with the view of improving, the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the Government;" and the Senate recedes.

Amendment No. 41 reduces the appropriation for general expenses of the Bureau from \$230,460 to \$200,000; and the House recedes.

#### Division of Accounts and Disbursements.

Amendment No. 43 reduces the salary of the custodian of records and files from \$1,200 to \$1,000; and the Senate recedes.

#### Division of Publications.

Amendments Nos. 45, 46, 47, 48, 49, 50, and 51 provide a readjustment of the number, classes, and salaries of the clerks, involving a total increase in appropriation of \$2,900; and the House recedes.

Amendment No. 53 increases the appropriation for the general expenses of the division from \$40,000 to \$45,000; and the Senate recedes.

#### Bureau of Statistics.

Amendment No. 55 increases the number of clerks in class 1 from thirteen to fourteen; and the House recedes.

Amendment No. 56 decreases the number of clerks at \$1,000 each from nine to eight; and the House recedes.

#### Contingent expenses.

Amendment No. 59 inserts the following language: "For rent in the District of Columbia, not to exceed \$8,000; for the construction of a suitable building for shops, stables, and storage, including labor and other expenses, work to be done under the supervision of the Secretary of Agriculture, not to exceed \$25,000;" and the House recedes. The purpose of this amendment is to permit the Secretary of Agriculture to pay the rent of necessary buildings in the District of Columbia and also to construct a suitable building for shops, stables, and storage out of the material of certain buildings which it is necessary to remove from their present locations to lessen the danger of fire.

#### Office of Experiment Stations.

Amendment No. 61 corrects a clerical error by reducing the appropriation from \$843,000 to \$833,000; and the House recedes.

Amendment No. 63 inserts the language, "and the Island of Guam;" and the House recedes. The purpose of this amendment is to permit the Secretary of Agriculture to maintain an agricultural experiment station in the island of Guam, and amendments 64 and 68, to which the House recedes, are the changes in language made necessary to carry amendment No. 63 into effect.

Amendments Nos. 69 and 70 provide for the completion of the apparatus used in nutrition investigations and increases the appropriation for that purpose from \$3,000 to \$7,000; and the House recedes.

Amendment No. 77 inserts the following language: "To enable the Secretary of Agriculture to inquire into the destruction of forests by the production of turpentine and resin, and the sources and methods of said industry, and in cooperation with the Bureau of the Census to report upon the production of the naval stores industry, \$10,000, or so much thereof as may be necessary, including the employment of labor in Washington or elsewhere;" and the House recedes.

Amendment No. 78 inserts a new paragraph as follows:

"National bison range: The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed 12,800 acres of said lands, near the confluence of the Pend Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society. And there is hereby appropriated the sum of \$30,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the act of Congress approved April 23, 1904, entitled 'An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment.' And the Secretary of Agriculture is hereby authorized and directed

to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of \$10,000 or so much thereof as may be necessary; in all, \$40,000."

And the House recedes.

Amendment No. 79 inserts a new paragraph as follows:

"Mount Tabor Industrial and Manual Training School: That out of the sum of money hereafter annually paid to the State of New York pursuant to the provisions of the acts of Congress relative to agricultural colleges, approved, respectively, July 2, 1862, and August 30, 1870, and of the agricultural appropriation bill approved March 4, 1907, there shall hereafter annually be paid to the Mount Tabor Industrial and Manual Training School for colored youths the sum of \$5,000."

And the Senate recedes.

All amendments not noted in this statement are merely verbal or other corrections not affecting the meaning of the bill or the amount of the appropriations under it.

The total appropriation carried by this bill as it left the House was \$11,508,806. As amended in the Senate it carried \$12,152,406, an increase over the House bill of \$643,600. As agreed upon by the conferees the sum appropriated is \$11,672,106, a net increase over the amount carried in the bill when it passed the House of \$163,300.

CHAS. F. SCOTT,  
GILBERT N. HAUGEN,  
JOHN LAMB,

Managers on the part of the House.

Mr. SCOTT. I move the adoption of the conference report. The SPEAKER. The gentleman moves the adoption of the conference report.

The question was taken.

Mr. WILLIAMS. Yeas and nays.

Mr. PAYNE. I make the point of no quorum.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as are in favor of agreeing to the conference report will, as their names are called, answer "yea;" as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 237, nays 1, answered "present" 12, not voting 137, as follows:

#### YEAS—237.

Acheson	Davis, Minn.	Heflin	Madison
Adair	De Armond	Helm	Mondell
Adamson	Denver	Henry, Tex.	Moon, Pa.
Alken	Diekema	Hinsaw	Moon, Tenn.
Alexander, Mo.	Dixon	Holliday	Moore, Pa.
Ames	Douglas	Houston	Moore, Tex.
Anthony	Draper	Howell, N. J.	Morse
Ashbrook	Durey	Howland	Mouser
Barchfeld	Dwight	Hubbard, Iowa	Murdock
Barclay	Ellerbe	Hubbard, W. Va.	Murphy
Bartoldt	Ellis, Oreg.	Huff	Needham
Bartlett, Nev.	Englebright	Hughes, N. J.	Nelson
Bates	Esch	Hull, Tenn.	Nicholls
Beale, Pa.	Fairchild	Humphrey, Wash.	Norris
Beall, Tex.	Favrot	James, Addison D.	Nye
Bell, Ga.	Ferris	James, Ollie M.	O'Connell
Bonyngs	Finley	Jenkins	Olcott
Booher	Floyd	Johnson, Ky.	Olmsted
Bowers	Focht	Johnson, S. C.	Overstreet
Boyd	Fordney	Jones, Va.	Padgett
Brodhead	Foss	Jones, Wash.	Page
Brownlow	Foster, Ill.	Kahn	Parker, N. J.
Brumm	Foster, Ind.	Kelifer	Parsons
Burleigh	Foulkrod	Kennedy, Iowa	Patterson
Burleson	French	Knapp	Payne
Burnett	Fuller	Knapp	Perkins
Burton, Del.	Fulton	Knopf	Pollard
Burton, Ohio	Gaines, Tenn.	Kuftermann	Porter
Caldwell	Gaines, W. Va.	Lafcan	Pray
Campbell	Gardner, N. J.	Lamb	Prince
Candler	Garner	Langley	Pujo
Capron	Garrett	Lassiter	Rainey
Carter	Gilliams	Lawrence	Randell, Tex.
Cary	Gillespie	Legare	Reeder
Caulfield	Gillett	Lever	Reynolds
Chaney	Godwin	Lindbergh	Rhinock
Chapman	Gordon	Lindsay	Richardson
Clark, Mo.	Graham	Longworth	Riordan
Clayton	Granger	Loud	Robinson
Cockran	Greene	Loudenslager	Rodenberg
Conner	Gregg	Lovering	Rothermel
Cook, Pa.	Hackney	McCall	Russell, Mo.
Cooper, Pa.	Hale	McDermott	Russell, Tex.
Cooper, Tex.	Hall	McGuire	Sabath
Cooper, Wis.	Hamilton, Iowa	McKinlay, Cal.	Scott
Cox, Ind.	Hamilton, Mich.	McKinley, Ill.	Shackelford
Craig	Hamlin	McKinney	Sherley
Crumpacker	Hardy	McLachlan, Cal.	Sherman
Currier	Harrison	McLain	Sherwood
Cushman	Haskins	McMillan	Sims
Dalzell	Hawley	Macon	Slayden
Davenport	Hay	Madden	Small

Smith, Cal.	Sulzer	Volstead	Williams
Smith, Mich.	Taylor, Ala.	Vreeland	Wilson, Ill.
Smith, Mo.	Thistlewood	Wanger	Wilson, Pa.
Sparkman	Thomas, N. C.	Washburn	Wood
Spight	Tirrell	Webb	Woodyard
Stephens, Tex.	Tou Velle	Weeks	
Sturgiss	Townsend	Wheeler	
Sulloway	Underwood	Willett	

## NAYS—1

Hardwick

## ANSWERED "PRESENT"—12.

Bennet, N. Y.	Butler	Haggott	Roberts
Boutell	Flood	Lorimer	Sperry
Broussard	Fowler	McMorran	Talbott

## NOT VOTING—137.

Alexander, N. Y.	Edwards, Ga.	Jackson	Pou
Allen	Edwards, Ky.	Kennedy, Ohio	Powers
Andrus	Ellis, Mo.	Kimball	Pratt
Ansberry	Fassett	Kinkaid	Ransdell, La.
Bannon	Fitzgerald	Kipp	Rauch
Bartlett, Ga.	Fornes	Kitchin, Claude	Reid
Bede	Foster, Vt.	Kitchin, Wm. W.	Rucker
Bennett, Ky.	Gardner, Mass.	Knowland	Ryan
Bingham	Gardner, Mich.	Lamar, Fla.	Saunders
Birdsall	Gill	Lamar, Mo.	Sheppard
Brady	Glass	Landis	Slemp
Brantley	Goebel	Langing	Smith, Iowa
Brundidge	Goldfogle	Law	Smith, Tex.
Burgess	Goulden	Leake	Snapp
Burke	Graff	Lee	Southwick
Byrd	Griggs	Lenahan	Stafford
Calder	Gronna	Lewis	Stanley
Calderhead	Hackett	Lilley	Steenerson
Carlin	Hamill	Littlefield	Sterling
Clark, Fla.	Hammond	Livingston	Stevens, Minn.
Cocks, N. Y.	Harding	Lloyd	Tawney
Cole	Haugen	Lowden	Taylor, Ohio
Cook, Colo.	Hayes	McCreary	Thomas, Ohio
Coudrey	Henry, Conn.	McGavin	Waldo
Cousins	Hepburn	McHenry	Wallace
Cravens	Higgins	McLaughlin, Mich.	Watkins
Crawford	Hill, Conn.	Malby	Watson
Darragh	Hill, Miss.	Mann	Weems
Davey, La.	Hitchcock	Marshall	Welsse
Davidson	Hobson	Maynard	Wiley
Daves	Howard	Miller	Wolf
Dawson	Howell, Utah	Mudd	Young
Denby	Hughes, W. Va.	Parker, S. Dak.	
Driscoll	Hull, Iowa	Pearre	
Dunwell	Humphreys, Miss.	Peters	

So the conference report was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. COUSINS with Mr. FLOOD.  
 Mr. BUTLER with Mr. BARTLETT of Georgia.  
 Mr. WATSON with Mr. SHEPPARD.  
 Mr. BOUTELL with Mr. GRIGGS.  
 Mr. BENNET of New York with Mr. FORNES.  
 Until further notice:  
 Mr. MILLER with Mr. MAYNARD.  
 Mr. ANDRUS with Mr. WOLF.  
 Mr. WALDO with Mr. WILEY.  
 Mr. THOMAS of Ohio with Mr. WATKINS.  
 Mr. TAWNEY with Mr. WEISSE.  
 Mr. TAYLOR of Ohio with Mr. WALLACE.  
 Mr. STEVENS of Minnesota with Mr. SAUNDERS.  
 Mr. STERLING with Mr. STANLEY.  
 Mr. STEENERSON with Mr. SMITH of Texas.  
 Mr. SOUTHWICK with Mr. RYAN.  
 Mr. SNAPP with Mr. RUCKER.  
 Mr. SMITH of Iowa with Mr. REID.  
 Mr. SLEMP with Mr. RAUCH.  
 Mr. PEARRE with Mr. RANSDELL of Louisiana.  
 Mr. PARKER of South Dakota with Mr. POU.  
 Mr. MARSHALL with Mr. MCHENRY.  
 Mr. MANN with Mr. LLOYD.  
 Mr. MALBY with Mr. LEWIS.  
 Mr. MCLAUGHLIN of Michigan with Mr. LENAHA.  
 Mr. LOWDEN with Mr. LEE.  
 Mr. LANDIS with Mr. LEAKE.  
 Mr. KNOWLAND with Mr. KIMBALL.  
 Mr. KENNEDY of Ohio with Mr. HOWARD.  
 Mr. HULL of Iowa with Mr. HOBSON.  
 Mr. HUGHES of West Virginia with Mr. HITCHCOCK.  
 Mr. HEPBURN with Mr. HILL of Mississippi.  
 Mr. GRAFF with Mr. HAMMOND.  
 Mr. GOEBEL with Mr. HAMILL.  
 Mr. GARDNER of Michigan with Mr. HACKETT.  
 Mr. FOSTER of Vermont with Mr. GOLDFOGLE.  
 Mr. FASSETT with Mr. GLASS.  
 Mr. ELLIS of Missouri with Mr. GILL.  
 Mr. DENBY with Mr. DAVEY of Louisiana.  
 Mr. DAVIDSON with Mr. CRAWFORD.  
 Mr. COUDREY with Mr. CRAVENS.  
 Mr. COCKS of New York with Mr. CLARK of Florida.  
 Mr. CALDERHEAD with Mr. CARLIN.

Mr. CALDER with Mr. BYRD.  
 Mr. BURKE with Mr. BURGESS.  
 Mr. ROBERTS with Mr. BROUSSARD.  
 Mr. BRADLEY with Mr. GOULDEN.  
 Mr. DAWSON with Mr. FITZGERALD.  
 Mr. BANNON with Mr. BRUNDIDGE.  
 Mr. ALLEN with Mr. BRANTLEY.  
 Mr. ALEXANDER of New York with Mr. ANSBERRY.  
 Mr. GRONNA with Mr. KIPP.  
 Mr. MUDD with Mr. TALBOTT.  
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
 Mr. BINGHAM with Mr. LIVINGSTON.  
 Mr. HARDING with Mr. PETERS.  
 Mr. MCCREARY with Mr. EDWARDS of Georgia.  
 Mr. BIRDSALL with Mr. LAMAR of Missouri.  
 Mr. DUNWELL with Mr. LAMAR of Florida.  
 Mr. LORIMER with Mr. HUMPHREYS of Mississippi.  
 Mr. MCKINNEY with Mr. CLAUDE KITCHIN.  
 Mr. POWERS with Mr. PRATT.  
 The result of the vote was then announced as above recorded.  
 The doors were opened.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21735. An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law existing or hereafter enacted, and for other purposes.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

## EXTENSION OF RAILWAY LINES, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I desire to give notice that at the close of one hour I shall move the previous question, and I ask that one half of the time be controlled by myself and the other half by the gentleman from Tennessee [Mr. SIMS].

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Speaker and gentlemen, after weeks and months of time spent in conference upon what is known as "the proposition to secure tracks to the Union Station," we come to consider and adopt, if possible, the conference report. The report is signed by the three members of the Senate conferees, and it has been adopted by the Senate without a dissenting vote.

Upon the part of the conferees of the House, it is signed by two Members, and it now remains for the House of Representatives to say whether or not we shall have tracks to the Union Station at this time. I want to say for my fellow Members, the conferees of the House, that they have done their utmost to carry out the wish and will of the House.

Gentlemen, there were five important matters in contention. First, supervision; second, universal transfers; third, the tracks upon the plaza; fourth, cross-town service; fifth, service down New Jersey avenue.

I believe I quote each member of the conferees of the House correctly when I say, if we could have obtained favorable action for universal transfers we would have come here to-day with a unanimous report, and all of us would have said that we yielded our judgment concerning the number of tracks on the plaza because it was largely, if not wholly, an engineering scheme. It is only fair to say of the conferees of the Senate that at no time have they claimed that the plaza proposition was their own, but that they put it in the Senate bill because it was the judgment of the engineers, after two years of work and the preparation of twenty or more different plans. That being the case, gentlemen, there remained four things for us to try to agree upon. The House has secured three of the four remaining things, namely, service down New Jersey avenue, cross-town extension, supervision by the Interstate Commerce Commission; and I want to say in this connection that I would have been entirely satisfied with the District Commissioners, for I have come to regard them as men of unquestioned character and ability, and who have at all times to me seemed desirous of doing that which was for the best interests of the District.

It became apparent to me at least three weeks ago that we were not going to be able to get universal transfers and supervision. I then made it my business to inquire of the Members



on both sides of the Chamber and get their judgment as to which they thought the more material, universal transfers or supervision, and I want to say to the House, that with three exceptions, so far as I was able to confer with the Members, that they said to me, "secure supervision by all means in preference to universal transfers, for they can come later."

I know the claim will be made that if we do not get universal transfers to-day, that we will never secure them, but I hardly think this is a fair conclusion.

Since I have been a member of this committee the claim has been made that we would never get the cross-town service, and yet, gentlemen, we have secured it by the provisions of this bill, and there is no reason whatever if we fail at this time in securing universal transfers that we can not secure the same at the coming session of this or some future Congress.

Mr. SLAYDEN. Will it disturb the gentleman if I ask him a question in that connection?

Mr. SMITH of Michigan. No.

Mr. SLAYDEN. I would like to know what provision for service has been promised, or partially promised, to the committee to that part of the city lying west of Fourteenth street over to Connecticut avenue, where the herdies run?

Mr. SMITH of Michigan. We have a clause in the bill for herdie service up H and Sixteenth streets. There has been no other service provided.

Mr. SLAYDEN. Has anything been said that leads the committee to believe that there will be decent service given to that part of the city in lieu of the obsolete and almost exhausted service?

Mr. SMITH of Michigan. Yes; I think there will be better service.

Mr. SLAYDEN. Speedily?

Mr. SMITH of Michigan. Yes; I hope before the next session of this Congress.

Now, Mr. Speaker, I want to say one other thing in connection with the railroads. I know the claim will be made that the railroads ought of their own accord to have consented to the provision for universal transfers. When this bill was first brought to the attention of the House earlier in the session, I was asked by the gentleman from Iowa [Mr. HEPBURN] whether in my judgment the street railways could stand universal transfers.

I replied then that I believed the Capital Traction Company could, but that I did not know about the Washington Railway and Electric Company. One has a trackage of forty-odd miles, and the other of one hundred and forty-odd miles. There would seem on the face to be an injustice in demanding universal transfers between these two different companies, but of course I would have been glad to have secured this service had it been possible and right, for there is no blessing that can come to the people of the District that will not receive my hearty approbation, and it may be possible to secure it even sooner than we expect, especially if there should be a consolidation of the lines, which, I hope, may be accomplished in the near future. Gentlemen must remember that a considerable burden is being placed upon the railroads, even under the provisions of this bill, if we adopt the report. We must not forget that the electric railroads adjusted their tracks to the two old stations—one on Sixth street, off Pennsylvania avenue, and the other at the Baltimore and Ohio station.

A new station has been built in the Capital City, and one that we are all proud of. We now ask the railroads not simply to change their trackage and go to the new Union Station, but we impose additional burdens upon them by the provisions of this bill. The Capital Traction Company will have to advance \$1,400,000—as much money as it cost to build a steam railroad 100 miles long in my State from my home city to Caseville twenty-odd years ago. The Washington and Electric Railway will have to spend \$475,000, making a total sum of \$1,875,000, almost \$2,000,000, and the burden that we put upon them, in addition to getting the tracks to the station, by reason of the service down New Jersey avenue and the cross-town service, amounts in round numbers to about \$1,000,000.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. UNDERWOOD. Are we asking the street railways to go to the Union Station, or are they asking for the privilege of going there?

Mr. SMITH of Michigan. I think I am safe in saying that we are not simply asking, but practically compelling them to go there.

Mr. UNDERWOOD. I had not seen any proposition originated by which they were asked to go there.

Mr. SMITH of Michigan. I certainly do not know that either one of the companies have ever asked for the service to the Union Station.

Mr. UNDERWOOD. From what I have heard and seen of the officers and managers of the companies they seem to be anxious to have this bill passed.

Mr. SMITH of Michigan. I think every member of the committee will bear testimony to the effect that the railroads have not asked for this service.

Mr. UNDERWOOD. Then why do you grant it? Why do not you authorize an automobile company to carry passengers in and out? It would be just as serviceable as railroad tracks.

Mr. SMITH of Michigan. The committee and Congress evidently think this a better way.

Mr. DOUGLAS. Will the gentleman yield for a question? I would like to ask the gentleman what is meant by universal transfers? Do you mean the giving of one transfer upon a single ticket, or do you mean a transfer upon a transfer?

Mr. SMITH of Michigan. We mean this, that the Capital Traction Company shall give transfers to the Washington Railway and Electric Company and its subsidiary companies.

Mr. DOUGLAS. One transfer?

Mr. SMITH of Michigan. Yes.

Mr. DOUGLAS. Upon a single ticket?

Mr. SMITH of Michigan. On different lines.

Mr. CUSHMAN. Are both railroads owned by the same company?

Mr. SMITH of Michigan. No; they are not.

Mr. CUSHMAN. Has the bill stated that we have legal authority to force separate and distinct companies to give universal transfers?

Mr. SMITH of Michigan. The gentleman will recall, I think, that I put into the RECORD a short time ago an opinion that was written in answer to a letter of Senator GALLINGER, chairman of the District of Columbia Committee of the Senate, to the effect that universal transfers were unconstitutional.

Mr. CUSHMAN. I doubt very much if we have legal authority to do it.

Mr. NORRIS. Will the gentleman permit a question?

Mr. SMITH of Michigan. If it is a short question.

Mr. NORRIS. I want to ask the gentleman if his committee has investigated whether or not the Interstate Commerce Commission—I believe you have given them power to control these questions—will have sufficient time to give the matter consideration.

Mr. SMITH of Michigan. Yes; they will be able to as provided for in this bill.

Mr. NORRIS. With this added to the duties they have in regard to looking after interstate roads—

Mr. SMITH of Michigan. I think they will have the time.

Mr. NORRIS. It seems to me they have much more than they can do already.

Mr. SMITH of Michigan. I think the Commission will properly look after the business as contemplated in this bill.

Mr. McCALL. May I ask the gentleman a question?

Mr. SMITH of Michigan. I will speak later and will be glad to answer the question at that time.

Mr. SIMS. Mr. Speaker, I yield ten minutes to the gentleman from Illinois, who introduced the free-transfer bill.

Mr. MADDEN. Mr. Speaker, I regret very much to find that the House committee of conference found it necessary to yield on the most important provision of the bill for the extension of the street railways of this District. The brazen effrontery with which the street railway companies of this city dictate the policies under which street railways are allowed to be operated surpasses the impudence of any public-service corporation that I have ever known. Senator BURKETT a few days ago on the floor of the Senate publicly stated—

Mr. PAYNE. Mr. Speaker, I call the gentleman to order for referring to what a member of the other branch—

Mr. MADDEN. Very well, if it is out of order to mention a Senator—

Mr. PAYNE. It is out of order for the gentleman to state what a Senator has said on the floor of the Senate.

Mr. MADDEN. It is a matter of public record.

The SPEAKER. The gentleman from Illinois will proceed in order.

Mr. MADDEN. I have not the page of the RECORD here or I would read what he said. [Laughter.] However, I wish to say to the House that a distinguished member of the Senate stated on the floor of the Senate—

The SPEAKER. The Chair will state to his colleague it is not in order under the rules to refer to what a Senator—

Mr. MADDEN. Well, I will say a distinguished member of the Senate made the statement—I will make the statement that it has been stated somewhere under the Dome of this Capitol that no legislation—

Mr. PAYNE. Mr. Speaker, I again call the gentleman to order.

Mr. MADDEN (continuing). That no legislation could be enacted regulating street railroads within the District unless that legislation was approved by the street railway companies of the District. [Applause.]

The SPEAKER. The gentleman from Illinois will please suspend for a moment. The gentleman from Illinois knows the rules of the House. The Chair trusts the gentleman will proceed in order.

Mr. MADDEN. I desire, Mr. Speaker, to be understood as wishing to proceed in order, but I also desire to state the facts as I understand them, so that the Members of the House will understand what they are.

The SPEAKER. But the gentleman must confine himself in his statement of facts—

Mr. MADDEN. That is what I am endeavoring to do.

The SPEAKER (continuing). Within the rules of the House, and the gentleman knows the rules.

Mr. MADDEN. Now, the chairman of the Committee on the District of Columbia, one of the conferees on this bill, stated to the House a moment ago that the House secured three provisions in the bill which were sought by the House, and that they receded only on one or two provisions which the House sought to have incorporated in the bill. What were the provisions secured by the House conferees? Crosstown transportation, a line of street cars on New Jersey avenue, and supervision. Supervision by what? Supervision by the Interstate Commerce Commission; supervision by the Interstate Commerce Commission of a street railroad running five or six miles within the city of Washington. What business has the Interstate Commerce Commission to be charged with the regulation of street cars in this city? The regulation needed for these cars is such as to call for the service of a man whose duty it is to conduct the affairs of the city. The Interstate Commerce Commission is not charged with the conduct of the affairs of this city, and to turn the regulation of these street cars over to the Interstate Commerce Commission is an insult to the intelligence of this House, and I am surprised that the gentlemen representing the House on the conference would do such a thing. Everybody knows that the Interstate Commerce Commission will not regulate these cars. The manner of their operation, the kind of regulation they need is to compel them to run at regular intervals, to compel the use of clean cars, of decent cars, to compel them to put on automatic air brakes. Why, you can not get on a car now without being thrown on your face the very moment the car starts, or they attempt to start it. The motor-man of the car can not stop it within a half a block, and if he undertakes to stop it suddenly, every passenger is thrown out of his seat.

The cars that are being operated on some of the streets of this town look as if they were made from the fragments of Noah's Ark after it went to pieces. The kind of regulation we need is to compel these street car companies to understand that the people of Washington are entitled to some kind of decent, respectable service, and that kind of regulation will not be and can not be imposed upon them by the Interstate Commerce Commission.

They can not afford to give universal transfers, they say. Ah, but they can afford to capitalize these companies for four times the amount of money they put into them, and they can pay dividends on this capitalization. The people of Washington, through Congress, give these street car companies the streets, and the streets are the greatest part of the capital invested.

Mr. BATES. Mr. Speaker—

The SPEAKER. Will the gentleman from Illinois [Mr. MADDEN] yield to the gentleman from Pennsylvania [Mr. BATES]?

Mr. MADDEN. I will.

Mr. BATES. Have you made an effort to get 3-cent fares in this bill, as well?

Mr. MADDEN. No, sir. I am not a believer in 3-cent fares, but I am a believer in this, that the public, giving the greatest value that exists in the capital of these railroad companies, is entitled to some consideration, and I believe that no franchise whatever should be given to the street car companies to extend these tracks to the Union Station until the street railway companies recognize the right of the public to participation in the privileges that the railroad companies are permitted to enjoy. I believe that when we give the use of the public streets to these railroad companies they should be given upon such terms as will enable the public to understand that they are participants in the benefits to be derived from the exercise of the privileges granted to the railway companies. It is not of so much importance that we have railroad tracks laid to the Union Station as it is that we compel the railroad companies to un-

derstand that there are principles of vital import to the people involved which they must recognize, one of which is that for the privileges given to these railroad companies by the people the railroad companies in return must recognize the right of the people to have something to say and to have the right to enjoy a part, at least, of the privileges which have been given to them. [Applause.]

Mr. SIMS. Mr. Speaker, I will ask the gentleman from Michigan [Mr. SMITH] if he wants to use some of his time now?

Mr. SMITH of Michigan. I will yield two minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I shall support the report of the conference committee, and I believe it is the duty of the House to do so, and thereby secure the extension of the several railway tracks to the new Union Station. This legislation was under consideration in the early part of 1907, during the Fifty-ninth Congress, it being the hope at that time to secure the construction of these tracks by the time the new station was opened to the public in December last. Since the convening of this present session of Congress on the first Monday in last December this proposition has been again under consideration, and it is to be hoped we have now reached the stage of action, so that the people of the District may not longer be subjected to the present inconvenience in reaching the station.

As originally presented, the purpose was simply to authorize the laying of these tracks to the new station. When the bill was reported to this House by the District of Columbia Committee it was encumbered with other provisions not necessarily involved in the original proposition. As stated by the chairman of the committee, the most important of these were: The more rigid supervision of the railways; second, universal transfers; third, cross-town service; fourth, service down New Jersey avenue. This House agreed to the amendments proposed by our committee, and the bill was sent to conference, and then came the serious controversy between the two Houses.

The main differences were upon the question of supervision and of universal transfers. After a disagreement was reported, the question was again submitted to the House, and the conferees were directed to insist upon all the House amendments. After weeks and months of delay in trying to adjust the differences, the conferees have at last reported an agreement to this House. The agreement provides substantially for all the contentions of the House, except as to universal transfers. The question of supervision was settled by placing the street railways of the District under the supervision of the Interstate Commerce Commission, who have authority to enforce existing laws and also to make such general regulations as may be needful to compel the performance of their duties in the interest of a satisfactory service. This is a very valuable provision and one which will prove of great value to the people of the District. I have heretofore voted to instruct the conference committee to insist upon universal transfers, and while no evidence has been presented showing that such a provision was valid and within our power under all the circumstances, yet the House has been willing to follow the judgment of the committee upon this point.

If universal transfers are really essential in the public interests, and if Congress can and ought to enforce such a condition upon the several companies, then there will be another opportunity to discuss that proposition and to enact appropriate legislation. For the present, at any rate, there appears to be an irreconcilable difference between the Senate and the House upon this question.

There is every indication that the House conferees have observed the utmost good faith and diligence in their effort to carry out the will of this body. The distinguished chairman of the committee, Mr. SMITH of Michigan, not only enjoys the confidence of the House generally, but it is well known that he entertains rigorous views upon the duty to the people upon the part of public-service corporations, and of the necessity of wise regulation. It appears to be conceded that the bill, as agreed upon, contains wise and meritorious propositions, the only objection being that it does not include a provision for universal transfers. While I have favored this provision, it is proper to say that there is some doubt as to whether it ought to be enacted, both because there has been no sufficient investigation to determine the extent to which revenues of the company would be affected and because serious doubt has been expressed as to the power of Congress to compel the several independent companies of the District of a different length and different financial ability to assume this additional burden.

Having secured a good bill, the question it now squarely presents to the House whether we will reject the conference report and send the bill back to conference. If such shall be our



action, it is practically certain that there will be no legislation at this session of Congress. This will mean that another summer, and particularly another winter, will pass without street car facilities to the new Union Station. This magnificent and convenient structure is a credit to the national capital, and every facility should be afforded for the convenience of travelers. While the people of the District ought naturally to have the first consideration, yet they are not alone interested in this bill. The national capital has become more and more a political center of the country and a veritable mecca for sight-seers and tourists. The large majority of travelers do not patronize carriages or other vehicles upon leaving or entering a city. With scarcely an exception, the street car lines in every city either converge at the union station or are convenient of access. More and more women and young people travel alone and ordinarily with more or less hand baggage. In order to reach this station from the present car line involves a walk of more than a quarter of a mile, involving many discomforts during inclement weather.

The primary consideration at the inception of this legislation was to secure the extension of tracts to the Union Station, but some Members seem to have lost sight of this purpose in their struggle to secure universal transfers. One would almost suspect that some gentlemen are more anxious to attack street car companies, and at the same time to acquire notoriety, than they are to serve the people of the District. I have received a letter from Mr. Alexander Britton, chairman of committee on railroads of the Washington Board of Trade (and I suppose each Member received a similar letter), stating that there was no local demand for universal transfers, and that the people wished better and not cheaper service. I shall insert this letter in the Record at the close of my remarks.

The government of the District of Columbia is under the control of Congress. We are, if you please, the board of aldermen of this capital city. In legislation upon District matters we ought to remember that we are legislating not from the viewpoint of our own sections and States, but from the viewpoint of and for the good of the District of Columbia. I believe that a board of aldermen of a city elected by a popular vote who, under the same conditions, should refuse longer to provide this convenience for the people of their city would receive just and merited criticism at the hands of the voters. I believe that we will merit like criticisms if we longer delay favorable action upon this bill. I hope the conferees' report will be accepted, and in so doing we will discharge a plain duty to the people of the District and to those who visit the city. [Applause.]

WASHINGTON BOARD OF TRADE,  
Washington, D. C., May 18, 1908.

HON. JOHN H. SMALL,  
Washington, D. C.

DEAR SIR: In pursuance of specific and forceful directions by the Washington Board of Trade, I have the honor to urge prompt and favorable action on the report of the conferees on the bill providing for the extension of street railway lines to the Union Station.

Statements have appeared in the public prints which indicate opposition in the House when the report comes up for consideration, the opposition insisting upon universal transfers.

The Board of Trade (consisting of nearly 700 business and professional men) fairly represents the spirit of the community when it reiterates the statement that there is no local demand whatever for universal transfers, nor for reduction of fares in any form. The people want better, not cheaper service.

Herewith are recent editorials from Washington newspapers substantiating our statements with respect to the real desires of the residents of Washington.

Hoping you will support the conference report (already adopted by the Senate) and thus enable the public to comfortably reach the Union Station at an early date, I am,

Very, respectfully,

ALEX. BRITTON,  
Chairman Committee on Railroads.

Mr. McGAVIN. Mr. Speaker, as one member of the District Committee I am opposed to the adoption of this conference report. Throughout the hearings that were had on this track-  
age bill every member of the District Committee sought to give the street railway companies and everybody interested in this proposition fair and honest treatment. We called the presidents and representatives of these street railway companies and gave them an opportunity to show some reason why they could not give the people of the District of Columbia universal transfers. Their attitude throughout the whole hearings that were had was one of brazen misstatement, intolerable indifference, and skilful evasion. [Applause.] Every time a question was put to them as to their ability to give universal transfers in the District of Columbia the questions of the different members of the committee were met with the same responses.

Now, it is not a question with me as to whether or not they ought to have universal transfers in the District of Columbia so much as it is a question of principle involved here as to whether or not the District of Columbia shall be run by the street railway companies of this District and by the Commis-

sioners of this District, and only give to Congress the right to make necessary appropriations for carrying on the business. [Applause.]

The gentleman from North Carolina [Mr. SMALL] put the matter very plainly and very accurately when he stated that it was all the concessions that could be had from the street car companies. [Applause.] That was all the question that there was involved in this case—the question as to what concessions we could get from the street railway companies. Imagine it! The Congress of the United States getting concessions from the street railway companies! [Applause.] The principle involved in this is worth fighting for. Now, if the people of the District of Columbia can not walk two blocks for a while in order to secure some rights which they ought to have and which the street railway companies are bound to respect, then it does not speak very well for the people of this District. And if the newspapers, instead of pointing their darts at the Members of Congress here, would direct their attention to the street railway companies perhaps they might get for the people more concessions. [Applause.] Why, every bill that comes before the District Committee of late has given to the District Commissioners some power—absolute power, rather—either to enforce or abridge the law, whatever they might see fit to do, and when the committee, after looking over the situation down there, concluded that it was dangerous to have four tracks in front of the Union Station, where crowds of people were coming in and out and cars would be going in opposite directions—that four tracks would be imperiling the limbs and lives of the people—every member of the committee thought that two tracks were sufficient; yet when they go back into conference they make some more concessions to the street railway companies.

Mr. SMALL. May I interrupt the gentleman a moment?

The SPEAKER. Does the gentleman yield?

Mr. McGAVIN. Certainly.

Mr. SMALL. I was not listening just a moment ago, but I understand the gentleman interprets my remarks as saying that the conference committee had endeavored to obtain concessions from the street railway companies. The gentleman is wrong in that. I was referring to concessions from the Senate.

Mr. McGAVIN. If the gentleman has made an error, his apology is accepted. [Laughter.]

Mr. JOHNSON of Kentucky. Mr. Speaker, as a member of the District of Columbia Committee, I wish to say that I have not heard anybody who has discussed this subject discuss it except from one standpoint, and that is from the standpoint of the citizen or the resident of the District of Columbia. The gentleman who has just preceded me has taken his text from that standpoint, and he has said that the people of the District of Columbia would no doubt be willing to continue to walk the distance between the station and the street cars in order that they may yet get the universal transfers. I speak from the standpoint of my constituents and yours, who come here throughout the year by the hundreds and thousands, and they are compelled, and not the citizens of the District of Columbia, to walk between the railroad station and the street car tracks. More than that. In the interest of the citizen of the District of Columbia you ask this universal transfer that he may be benefited a few pennies, and at the same time you ask to impose upon my constituent and upon yours that he be compelled to pay from 50 cents to a dollar to find his way to a hotel, the location of which he knows not, by hiring a cab, instead of finding a street car at the door of the station. It has been said also, and then corrected, that a concession is asked of the railroads. I do not stand for the street railroads; I stand for the people. But I say that when Congress comes and asks that the street car people surrender a constitutional privilege, if they grant it, it is then a concession upon their part. But I say to you that from my investigation into this matter I find the street car people do not want to go to the Union Station. I say to you that, in my belief, it will cost them three-quarters of a million of dollars to get there, and when they have gone there they will not be benefited to the extent of one-tenth of 1 per cent on their additional investment. [Applause.]

Mr. SIMS. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the question before the House is somewhat similar to a question with which, in a modest way, I was identified in my own home city; a contest which began some years ago, to ascertain whether the street railways owned the city or whether the people were in control. That contest in the city of Chicago has resulted in the granting of franchises, taken most eagerly by the capitalists, giving not only universal transfers, under which you can ride for more than 25 miles, but in addition 55 per cent of the net receipts to the city of Chicago. [Loud applause.]

Mr. CAMPBELL. Will the gentleman yield to a question?

Mr. MANN. No; I will not. The gentleman knows that that will only consume my time.

Mr. CAMPBELL. The question is as to securing an extension of the street railway tracks.

Mr. MANN. The gentleman will pardon me. The question is whether we will sell our birthright, which is control of the street railways, for the mess of pottage which the gentleman from Kansas proposes, a little line extending to the Union Station.

The citizens of Chicago, who were more vitally interested in that question than the citizens of Washington are, for years "stood pat," refusing to give away their control of the question, insisting that they should control the franchises which would be granted. The street car service ran down there as it has run down here. The street railway companies insisted that no better service could be given, or would be given, unless they obtained franchises on their own terms. They refused to extend tracks unless they could obtain franchises on their own terms; but in the end, when they were met with the determined resistance of the people and the municipal authorities, they seized eagerly those franchises, which provided not only for universal transfers, not only for the 55 per cent of net receipts, but many other provisions, including the expenditure of millions of dollars. Can we not do as much as the city of Chicago did? [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Michigan. I yield three minutes to the gentleman from Kansas.

Mr. CAMPBELL. Mr. Speaker, the street railway companies of this city should be required at the earliest possible day to begin the extension of the service provided for in this conference report.

After all, it is important that street railway service be extended to the Union Station and in the sections of the city that now ask such service. We provide for this extension in this conference report.

It is little short of an outrage to the people of Washington and those who in large numbers daily visit the capital city that these transportation companies are not now carrying the people to all parts of the city and to the Union Station.

One day some two weeks ago I stood at the junction of Delaware avenue and C street, under an umbrella, in a cold, drizzling rain for half an hour watching these street railway companies dump passengers for the Union Station off in the mud and rain a quarter of a mile from their destination.

I saw young girls, with large and heavy suit cases; I saw mothers with a baby in one arm and a bundle in the other; I saw old, gray-haired women, with heavy satchels, all get out into the mud and rain and find their way as best they could to the station.

For the same fare of 4½ cents all these unhappy passengers should have been carried by these companies to the portico of the station, where they could get off the cars in the shelter of the station.

As I left the scene, where these unhappy and unpardonable incidents are multiplied in some form every hour in the day, I said, "I shall do my part before this Congress adjourns to stop this and to require these street railway companies to carry these passengers and such bundles as they may have with them to their destination, at the door of the Union Station—with universal transfers, if I can; without universal transfers, if I must."

The House conferees have insisted for months on the position of the House. We have held out for universal transfers and supervision especially. We got all we could get. The Senate refused to yield on the transfer question. We yielded in the last moment, in order that in the closing hours of this session we might require these companies to do what they have never asked to do, to do what they do not to-day want to do, to build tracks to the Union Station and in other directions as provided in the conference report.

We require them to expend about \$2,000,000 of money in making these extensions provided for. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. SIMS. Mr. Speaker, I now yield two minutes to my colleague on the committee, the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Speaker, as a member of the District of Columbia Committee I am in favor of universal transfers and thoroughly believe that it is the only proper way to handle the people of this District in the matter of transportation. I have had my attention called to several lines in the city where passengers pay two fares to reach a certain point. Only the other

day several gentlemen spoke to me about getting on a yellow car in front of the Capitol and riding up to Eighth street or Fourteenth street and asking for a transfer to the same car line to reach the Buffalo Bill show at Fifteenth and H streets NE. They were refused, and told that they would have to pay another fare. It was the same line, and I can not understand why the people of the District of Columbia should pay two fares when they ought to ride for one. For this reason I insisted on universal transfers being put in this bill.

I asked General Harries, who is president of the Washington Railway and Electric Company, if he was willing to give a transfer on a straight 5-cent fare, and he said "Yes, if people would ask for the transfer when they paid the fare." I said, "Then they would get the tickets and the straight 5-cent fare mixed." He replied he did not know about that. I said, "When a man gets on a car, he sometimes forgets to ask for the transfer, and about the time he does ask for it the conductor would have punched his ticket and he couldn't pay the extra penny."

General Harries said "No." To this I answered that we would have to increase the police force of Washington—just about double it—to attend to the disputes that would take place on the street cars. Yet some gentlemen say that the people of the city of Washington do not ask for universal transfers. I say that they do, and that they should have them. [Applause.]

I told General Harries at this time that a man with two tickets in his pocket would use them both before he would pay a nickel, my idea being that the cash looked larger in his eyes than the ticket, and that the company would be the gainer by the transaction. General Harries admitted that this might be so, but that the auditing and accounting of the transfers would be quite an expense. I admit that I can not understand the logic of General Harries's position, for one would naturally imagine that the company had rather receive the equivalent of 8 cents in tickets than a straight fare of 5 cents, the more especially as General Harries has repeatedly said that he would not oppose the universal-transfer system. However, the ways of corporations and corporation managers are past finding out; at least for plain people who are not familiar with corporation methods.

Closely allied to these corporation interests, apparently, is the Washington Board of Trade, which busied itself when the conference report on the extension of the street railway lines to the Union Station was expected to come before the House. On the 18th instant a letter bearing the signature of Alexander Britton, as "chairman of committee on railroads," was sent to each Member of this body. In the course of this letter Mr. Britton said that the board of trade, consisting of nearly 700 business and professional men, "fairly represents the spirit of the community when it reiterates the statement that there is no local demand whatever for universal transfers, nor for reduction of fares in any form. The people want better, not cheaper, service."

I fully agree with Mr. Britton in part but not all of the sentence last quoted. The people do want a better service, but they want also a cheaper service, and it is an insult to the intelligence of this House to expect it to believe otherwise. The "700 business and professional men" who form the Board of Trade of Washington are, with few exceptions, men of means, to whom a nickel more or less is a matter of no earthly consideration. These gentlemen have their private carriage or automobile, or both, and are not dependent upon the service of the street cars or affected by the price they pay for it. In these circumstances they have little, if any, interest in a universal-transfer system, but it should not be forgotten that Washington contains many thousands of men and women employed at nominal salaries who have need of every nickel they possess, and in their philosophy it can truly be said that a nickel saved is a nickel earned.

On the day that Mr. Britton's letter was received by Members of the House the Central Labor Union of this city placed itself on record as favoring universal transfers. President Lorch, in his address to the delegates, pointed out the necessity for legislation of this character. "Hundreds of our members," he said, "reside just within the District limits and are forced to pay a double fare to reach their work. This means that 20 cents daily, at least, is taken from the families of these laboring people and placed in the pockets of the corporations. I favor trackage to the Union Station also, but believe I am voicing the sentiments of the 50,000 men of the District when I say that the universal-transfer provision is to be preferred to any other regulation relative to the street-car system."

The machinists' union, representing 1,500 families, has gone on record for this provision, and I am quite certain that the 30,000 employees in the Executive Departments of Washington also favor it.



How feebly then, Mr. Speaker, compares the "700 business and professional men," who compose the Washington Board of Trade, with this vast army of organized labor and departmental employees who desire the universal-transfer system, and whose interests I am trying to represent. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SMITH of Michigan. Mr. Speaker, I now yield one minute to the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Mr. Speaker, I visit the city of Chicago frequently, and I must confess to this House that I was much edified by the addresses of the gentlemen from Illinois, all of whom have heaped maledictions on the street car people and the street car service of the District of Columbia—presenting a spectacle of representatives from a city that for years has had the worst street car system in the world [laughter and applause] abusing the service in a city which, in my judgment, has the best street car system in the world.

I opposed the bill brought in here some time ago for placing temporary tracks to the Union Station, because I felt that it would hinder and postpone the laying of the permanent tracks. The result of that opposition, it seems, which was participated in by other gentlemen of the committee, has been to obtain an arrangement for laying permanent tracks to the Union Station. That is what we were contending for.

I am heartily in sympathy with this measure. I do not believe that there is any demand, either from the outside or from the citizens of the District of Columbia, for universal transfers. I have never heard of it myself. I want these tracks laid to the Union Station in order that the 100,000 Republicans who will come here at the next inauguration will have means by which they can get from the station to their destination by the street car lines. [Applause.]

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. SMITH of Michigan. Mr. Speaker, I now yield one minute to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I want to corroborate the statement of my colleague from Indiana [Mr. LANDIS] in relation to the comparative efficiency of the street-car service of the city of Chicago and of the capital city of the Government. I am frequently in the city of Chicago, and I undertake to say that Washington, with its 300,000 population, has infinitely better, cleaner, and cheaper service than the great city of Chicago with its 2,000,000 of people. [Applause.]

Now, I am for this conference report. This question has been held up and has been in controversy for three months, and I would have been glad if we could have gotten universal transfers. We could not do it, and the question is now, Shall we vote down the conference report and withhold from the public in and out of the city of Washington this important convenience and carry this wrangle over to be renewed during the next session of Congress, or shall we end the controversy now? I think the conference report ought to be agreed to, and let the question of universal transfers be taken up in the future. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. Mr. Speaker, I want to answer the last two gentlemen from Indiana [Mr. CRUMPACKER and Mr. LANDIS], who cast aspersions on the street-car service in the city of Chicago. I do not live in Chicago, and I do not know about the facts, but one thing I do know and that is that the people of my district are not taxed to help pay the bills of the city of Chicago, like yours and mine are for the people of the District of Columbia. [Applause.] If the Government paid one-half the bills of the city of Chicago, then they might have a great deal more than they have. Thank God, they have got some men on the floor of this House who do not bow and cringe every time a corporate whip is cracked in their presence. [Applause.]

Mr. Speaker, talk about holding up the tracks! Who held them up? Four years ago a bill was introduced in this House and in the Senate to permit the Great Falls and Old Dominion Railroad Company, a corporation of the State of Virginia, to put tracks to the Union Station, and tracks all over East Washington, and tracks to the navy-yard.

And provided that—

The said Great Falls and Old Dominion Railroad Company, and all other street railways in the District of Columbia, shall reciprocally issue free transfers at all connecting or intersecting points on their respective lines.

Four years ago that bill had the indorsement of this House, but not its action. Who were the stockholders, who were the promoters, who are the owners of that railroad away out in Virginia with \$2,000,000 of capital, as reported by a sworn statement to Congress? Senator S. B. ELKINS, who owns 9,135 shares; Hon. John R. McLean, Washington, 10,351 shares—

men of great financial resources. They came here and knocked at the door of Congress for permission to go to the Union Station to lay tracks to keep "the poor children" referred to by my friend and conferee from Kansas [Mr. CAMPBELL] from walking to the station. [Applause and laughter.]

Those tracks would have been there now if it had not been for the autocratic power of the street railway companies in the city of Washington to hold up the Congress of the United States in its desire to pass that bill. The House committee never had strength enough to report it. What happened? They say they can not give free transfers here in the city, in the crowded, congested parts of it. Well, if they can not, what did they do in this particular case in order to defeat a bill to put tracks to the station? Turned around and gave that company of these great millionaires a universal transfer over the Capital Traction lines, which remains a fact to-day. If you want to go to church from the navy-yard 4 miles out in Virginia, the Capital Traction Company will send you there on 4½ cents, the cost of a ticket. If you want to go from this Capitol down to the Catholic Cathedral, on Ninth street, or any other church on Ninth street, the Capital Traction Company has a rake-off of one ticket and the Washington and Electric Railway Company a rake-off of another. [Why did they make this rebate? It is nothing else. Nobody can go from here to the Aqueduct Bridge and connect with the Old Dominion line except on the Capital Traction. Nobody can go out on the Virginia line of the Old Dominion except to go on its lines. In other words—

Mr. HENRY of Texas. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. HENRY of Texas. I have heard it stated that to grant universal transfers would bankrupt and confiscate the property of one of the companies. I have great confidence in the judgment of the gentleman from Tennessee [Mr. SIMS], and I know that he is informed on these questions. I would like to hear his opinion on that.

Mr. SIMS. Mr. Speaker, any man who says that and knows anything about it has already bankrupted his veracity. [Applause and laughter.] Of course this remark does not apply to the gentleman from Texas.

Mr. DOUGLAS. Will the gentleman yield? Will the gentleman please define what he means by universal transfers before he gets through.

Mr. HENRY of Texas. I would like to have a little more light on that.

Mr. SIMS. I must proceed in my own way, because I have so much to cover. To prevent competition and prevent these great capitalists who had the money from building tracks to this station the Capital Traction Company made a rebate which they are giving to-day to the Old Dominion Company by way of a free transfer by which they take you from the navy-yard to the end of the line in Georgetown for 2½ cents. Having no law to force them to give universal transfers they use that power to throttle competition and keep other companies out of this city which might enjoy these charity franchises which we give them. To-day, when you vote for this conference report, you vote to ratify present conditions. What else did our conferees do? When we spoke of providing for a free transfer, the railroad people said, "Oh, there will be a whole lot of fraud, people will get the transfers and sell them." We put in a provision when we provided for the transfer to make it a crime to sell or give away a transfer, because we made it a crime not to issue or receive one. When my noble conferees knocked out the free transfer provision, they kept in the provision creating the crime. What will you think of the gentleman from Indiana [Mr. LANDIS] and his 100,000 Republicans when they come here to see Uncle Joe inaugurated? [Applause.] What will they think if this bill becomes a law, and they go down to the police station and see some poor negro or some poor white person in the workhouse because he has violated the provision making it a crime to give away a contemptible little piece of paper called "a transfer?"

I know you want "Uncle Joe" nominated, therefore I am speaking in reference to the sentiment of the House. If you nominate and elect your heart's choice, and the Senate refuses to concur and send the tracks down to the station after pulling out of the pockets of the people about \$6,000,000 in money and property to help build this station, we will walk in the mud up to our shoulders to help inaugurate the old commoner from North Carolina, for he looks like he is not afraid of a little mud anyway. He has been here thirty four or five years and never yet has he surrendered to a corporation. If we elect W. J. Bryan, we will feel so good that we will not care whether

there are any tracks to the station or not, just so the road to heaven is left unobstructed. I ask every man to vote against this ignoble surrender.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. SMITH of Michigan. How much time have I left?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. SMITH of Michigan. I yield one minute to a member of the committee [Mr. NYE].

Mr. NYE. Mr. Speaker, I shall support this conference report because I dare not take the responsibility of standing in the way of securing important legislation at this session. I shall support this report because I believe the conference committee have used every honest and faithful effort to secure something that should be beneficial to the people of Washington and of all the people, and I do not believe that any man in this House should take the responsibility to cut off legislation entirely. I do not understand that by adopting this report we concede anything. The law remains the same. We have the right to alter, amend, or repeal charters at any time; we can deal with the question of universal transfers as an independent question at the next session. We waive no right, we lose no right, and I think we should secure what we can secure in the interest of the people at this time. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, it seems to me that this is a very clear and plain question. The conference report comes here with all its provisions satisfactory to all of the conferees, as I understand from the discussion, save the one proposition of universal transfers, a proposition, as I understand it, of doubtful constitutionality. I do not plume myself, Mr. Speaker, as a constitutional lawyer; fortunately we have gentlemen in this House who are such admittedly. Now, the only proposition on which the gentleman from Tennessee opposes the confirmation of this report is that it has been impossible to compel one railroad, one corporation, to give universal transfers for the carrying of a passenger upon the cars of another corporation, and in his earnest desire to accomplish this questionable constitutional provision he overlooks the rights, he overlooks the needs and requirements not alone of the Members of this House, who need to use the railroads constantly, but of all our constituents, and it seems to me, Mr. Speaker, it is perfectly plain that the railroad companies, as the gentleman from Michigan has stated, are asking nothing of Congress. They have not asked the privilege of laying further tracks. It is rather unusual for corporations to ask the privilege of paying out a couple of million dollars, but we are asking them and propose under proper restrictions that they be permitted to lay tracks to the Union Station for the accommodation of tens of thousands of citizens of this Republic, who are coming here every day, every week, all the time, and when the simple proposition is a question of doubtful constitutionality, shall we subject all the people of the country who visit this beautiful capital to constant inconvenience for months to come? [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SMITH of Michigan. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, gentlemen seem to forget that the Senate is a coordinate branch of Congress and that we can not pass legislation unless that legislation meets with the assent of the majority of that body. Now, we have had four points in difference in this bill, every one of them in favor of the people of this District and against the railroad companies. The conferees on the part of the House, after weeks of effort, have gained three of those points. They come in with a report that they are unable to get the Senate to agree on the fourth one, in my opinion one of the least important.

They have preserved in this bill the sixteenth section, which provides that these railroad companies shall furnish clean and healthy cars to transport the people without crowding as fast as possible, not exceeding 15 miles per hour in the city, and shall have safe and proper appliances and all that sort of thing, and then refers the question to the Interstate Commerce Commission to make proper rules and regulations to enforce the provisions of that section; and, in addition to that, it imposes a fine, I think, of \$1,000 for every violation of these rules and regulations. That is accomplishing a great deal. I have heard much in the years that have passed about the cars being overcrowded, about the companies furnishing more frequent service, running the cars more frequently to accommodate the people. Now, we leave this question subject to the rules that shall be imposed on these railroad companies by the Interstate Commerce Commission as to the running of these cars, as to the

proper appliances for the safety of the passengers, as to the cleanliness and the accommodations for all the people that desire to ride. I hope the report will be agreed to.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, there has been a great deal said that I think is not germane to this question. We have had the pleasure of listening to the gentleman from Tennessee [Mr. SIMS] in one of his usual speeches about corporations. But the only question to be considered is as to whether we will, as expeditiously as we can, give the people who live here in the District of Columbia, and the people who are constantly visiting here, better car service than we have now. Remember that the railroad companies never asked to make these extensions. They say they do not want to make them, are quite desirous to let things stand exactly as they are, and have not any particular care as to whether we can get to the Union Station or not. The only possible advantage to the railroad companies is that perhaps a few people who now use cabs will use cars afterwards, and the amount of money involved in that is so trivial as to be scarcely worthy of consideration. When the bill was before the committee in the House I was opposed to the present system of trackage provided for the new plaza, and we in the House committee had mapped out an entirely different plan. Notwithstanding all the engineers, the engineers of the District of Columbia, the engineers employed by the railroad, and outside engineers, said that our plans were not practicable, we said that we were going to insist upon them, as anything in these days was practicable in the present condition of the science of engineering. The House receded and adopted this Senate plan. The Senate plan is strictly against the railroads' interests in that regard, because it provides for more tracks, and certainly costs the railroads more money. In order to secure proper, convenient, and respectable treatment to this great capital this conference report should be accepted.

Mr. SMITH of Michigan. Mr. Speaker, I want to make one suggestion in conclusion, and that is this: I repeat that the conferees on the part of the House have sought in the utmost good faith to carry out what the House has asked us to do. It is rarely ever that conferees are expected to secure a favorable report on all the matters in dispute. We have not been able to secure universal transfers for reasons already given. This bill provides that the Interstate Commerce Commission is to have charge of the street railways of the District. The Commission will have time during the coming vacation to investigate the subject of universal transfers; and if, in their judgment, it is feasible and legal, they can so report to Congress at the coming session next December; and I say to you, as a member of this committee, that if the Commission so reports, I for one will favor the passage of a bill for universal transfers. I want to say one thing further. In my judgment, unless you adopt this conference report, it means that there will be no tracks to the Union Station for some time to come.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seem to have it.

Mr. MADDEN. Division, Mr. Speaker.

Mr. SIMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 165, nays 123, answered "present" 7, not voting 92, as follows:

#### YEAS—165.

Acheson	Crumpacker	Gardner, Mich.	Kahn
Alexander, N. Y.	Currier	Gardner, N. J.	Kelley
Barclay	Cushman	Gill	Kelher
Bartholdt	Dalzell	Gillett	Kennedy, Ohio
Bates	Darragh	Godwin	Knapp
Beale, Pa.	Davidson	Goebel	Kistermann
Bede	Dawes	Graff	Lafau
Bell, Ga.	Denby	Graham	Lands
Bonyng	Diekema	Greene	Lanning
Bradley	Douglas	Hale	Lassiter
Brantley	Drapeer	Hall	Law
Brodhead	Driscoll	Hamilton, Mich.	Legare
Brownlow	Durey	Hammond	Lindsay
Burke	Dwight	Harrison	Longworth
Burling	Ellerbe	Haskins	Loud
Burton, Del.	Englebright	Hawley	Loudenslager
Burton, Ohio	Fairchild	Hay	Lovering
Calder	Fassett	Hayes	McCall
Calderhead	Flood	Henry, Conn.	McGuire
Campbell	Focht	Higgins	McKinley, Cal.
Capron	Fordney	Hill, Conn.	McKinley, Ill.
Chaney	Foss	Holliday	McKinney
Cocks, N. Y.	Foster, Ind.	Howard	McLachlan, Cal.
Cole	Foulkrod	Howell, N. J.	McMorrin
Cook, Pa.	Fowler	Hubbard, W. Va.	Macon
Cooper, Pa.	French	Huff	Madison
Coudrey	Fuller	Jenkins	Malby
Crawford	Gaines, W. Va.		Mondell



Moon, Pa.	Pearre	Smith, Cal.	Townsend
Moore, Pa.	Perkins	Smith, Iowa	Volstead
Mouser	Pollard	Smith, Mich.	Vreeland
Murdoch	Porter	Southwick	Waldo
Needham	Pujo	Sperry	Wanger
Nye	Reynolds	Spight	Washburn
Olcott	Richardson	Steenserson	Weeks
Olmsted	Rothermel	Sterling	Williams
Overstreet	Ryan	Sulloway	Wood
Page	Scott	Sulzer	Woodyard
Parker, N. J.	Sherman	Tawney	Young
Parsons	Slayden	Taylor, Ala.	
Patterson	Slomp	Taylor, Ohio	
Payne	Small	Thistlewood	

## NAYS—123.

Adair	De Armond	Houston	Pou
Adamson	Denver	Hughes, N. J.	Rainey
Aiken	Dixon	Hull, Tenn.	Randell, Tex.
Alexander, Mo.	Ellis, Mo.	Humphrey, Wash.	Rauch
Ames	Ellis, Oreg.	James, Addison D.	Reeder
Anthony	Esch	James, Ollie M.	Rhinock
Beall, Tex.	Ferris	Johnson, S. C.	Riordan
Boehrer	Finley	Jones, Va.	Robinson
Bowers	Fitzgerald	Jones, Wash.	Rucker
Boyd	Floyd	Kennedy, Iowa	Russell, Mo.
Brundidge	Foster, Ill.	Knopf	Russell, Tex.
Barleson	Fulton	Lamb	Sabath
Barnett	Gaines, Tenn.	Lawrence	Saunders
Caldwell	Garner	Lever	Shackelford
Candler	Garrett	Lindbergh	Sherry
Carter	Gilham	McDermott	Sherwood
Cary	Gillespie	McGavin	Sims
Caulfield	Glass	McHenry	Smith, Mo.
Chapman	Gordon	McLain	Snapp
Clark, Fla.	Granger	Madden	Sparkman
Clark, Mo.	Hackney	Mann	Stafford
Clayton	Hamilton, Iowa	Miller	Stephens, Tex.
Cockran	Hamlin	Moon, Tenn.	Thomas, N. C.
Conner	Hardwick	Moore, Tex.	Tou Velle
Cook, Colo.	Hardy	Morse	Underwood
Cooper, Tex.	Haugen	Murphy	Watkins
Cooper, Wis.	Heflin	Nelson	Webb
Cox, Ind.	Helm	Nicholls	Willett
Craig	Henry, Tex.	Norris	Wilson, Ill.
Davenport	Hinshaw	O'Connell	Wilson, Pa.
Davis, Minn.	Hitchcock	Padgett	

## ANSWERED "PRESENT"—7.

Bennet, N. Y.	Butler	Lorimer	Talbott
Boutell	Haggott	Prince	

## NOT VOTING—92.

Allen	Favrot	Kinkaid	Parker, S. Dak.
Andrus	Fornes	Kipp	Peters
Ansherry	Foster, Vt.	Kitchin, Claude	Powers
Ashbrook	Gardner, Mass.	Kitchin, Wm. W.	Pratt
Bannon	Goldfogle	Knowland	Pray
Barchfeld	Goulden	Lamar, Fla.	Ransdell, La.
Bartlett, Ga.	Gregg	Lamar, Mo.	Reid
Bartlett, Nev.	Griggs	Langley	Roberts
Bennett, Ky.	Gronna	Leake	Rodenberg
Bingham	Hackett	Lee	Sheppard
Birdsall	Hamill	Lenahan	Smith, Tex.
Broussard	Harding	Lewis	Stanley
Brumm	Hepburn	Lillie	Stevens, Minn.
Burgess	Hill, Miss.	Littlefield	Sturgiss
Byrd	Hobson	Livingston	Thomas, Ohio
Carlin	Howell, Utah	Lloyd	Tirrell
Cousins	Hubbard, Iowa	Lowden	Wallace
Cravens	Hughes, W. Va.	McCreary	Watson
Davey, La.	Hull, Iowa	McLaughlin, Mich.	Weems
Dawson	Humphreys, Miss.	McMillan	Weisse
Dunwell	Jackson	Marshall	Wheeler
Edwards, Ga.	Johnson, Ky.	Maynard	Wiley
Edwards, Ky.	Kimball	Mudd	Wolf

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. McMILLAN with Mr. STANLEY.

Mr. THRELL with Mr. CLAUDE KITCHIN.

Mr. RODENBERG with Mr. JOHNSON of Kentucky.

Mr. HUBBARD of Iowa with Mr. GREGG.

Mr. HENRY of Connecticut with Mr. FAVROT.

Mr. GARDNER of Massachusetts with Mr. ASHBROOK.

Mr. DAWSON with Mr. LLOYD.

Mr. BARCHFELD with Mr. GOULDEN.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7184. An act for the relief of citizens of the United States and the Philippine Islands;

S. 7172. An act concerning the transportation of passengers coastwise;

S. 1508. An act granting an increase of pension to Lydia P. Wint;

S. 671. An act to construct a road along the south bank of the Anacostia River; and

S. 565. An act to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6190. An act authorizing a resurvey of certain townships in the State of Wyoming.

The message also announced that the Senate had agreed to the report of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 20120. An act to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes;

H. R. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 565. An act to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America—to the Committee on the Judiciary.

S. 671. An act to construct a road along the south bank of the Anacostia River—to the Committee on the District of Columbia.

S. 7172. An act concerning the transportation of passengers coastwise—to the Committee on the Merchant Marine and Fisheries.

## APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVATION.

Mr. SCOTT. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 21986, to suspend the rules, and pass the bill.

The SPEAKER. The gentleman from Kansas moves to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, to suspend the rules, and pass the same. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21986) to enable any State to cooperate with any other State or States, or with the United States, for the conservation of the navigability of navigable rivers, and to provide for the appointment of a commission.

Be it enacted, etc., That the consent of the Congress of the United States is hereby given to each of the several States of the Union which may wish to do so to enter into such agreement or compact, not in conflict with any law of the United States, as it may deem desirable or necessary with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, by supplying expert advice on forest preservation, utilization, and administration, and on the reforestation of denuded areas. And the Secretary of Agriculture is hereby authorized, on such conditions as he deems wise, to stipulate and agree with the owner or owners thereof to administer and protect, for a definite term of years, any private forest lands situated upon the watershed of any navigable river; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

SEC. 3. That a commission is hereby appointed, to be called the National Forest Commission, and to be composed as follows: Five members of the Senate, to be appointed by the presiding officer thereof, and five members of the House of Representatives, to be appointed by the Speaker.

SEC. 4. That the duties of said commission shall be to investigate all questions tending to show the direct and substantial connection, if any, between the preservation of the forests within the watersheds of the navigable rivers having their sources in the White Mountains and Southern Appalachian Mountains, and the navigability of said rivers. And in case the commission shall determine that such direct and substantial connection exists, it shall then be its duty to ascertain to what extent, if at all, it may be necessary for the Government of the United States to acquire land within the watersheds referred to, the number of acres of such land, and the probable cost, or whether it may be advisable, if within the power of the United States, to exercise, without purchase, such supervision over such watersheds as may be necessary to conserve the navigability of the rivers proceeding therefrom.

SEC. 5. That the National Forest Commission, herein established, shall report to the President of the United States not later than January 1, 1909, and their report shall be forthwith transmitted by the President to Congress, with such recommendations as he may deem proper.

SEC. 6. That said commission may expend not to exceed \$20,000, which sum is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, for the employment of

such stenographers and clerical assistants as may be needed, and for the actual necessary expenses of the members and employees while engaged in the performance of their duties, and also for the actual necessary expenses of such experts as may be requested, by a vote of the commission, to appear before them.

The SPEAKER. Is a second demanded?

Mr. LAMB. I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from Kansas is entitled to twenty minutes, and the gentleman from Virginia is entitled to twenty minutes.

Mr. WILLIAMS. I would like to ask the gentleman from Kansas what this bill virtually does—appoint a commission to consider the matter, or do what?

Mr. SCOTT. Mr. Speaker, the gentleman from Mississippi asks me what this bill virtually does. In reply, I will say briefly that it provides, in the first section, that the consent of the United States is given to any State to enter into any compact or agreement, not in violation of the law of the United States, with any other State or States. The second section makes an appropriation of \$100,000 to enable the Secretary of Agriculture to enter into cooperative arrangements with the States or with owners of private woodlands for the administration and utilization of the same. The remaining sections of the bill provide for the appointment of a commission of ten Members, five to be appointed by the Speaker of the House, and five to be appointed by the presiding officer of the Senate; these ten to take into consideration all the questions relating to the proposed forest reservations of the White and Appalachian Mountains.

Mr. WILLIAMS. The main object of my question was to ascertain whether—and I thought it was probably—it was to provide that, or whether the Republican Congress was simply going out into creating another commission.

Mr. SCOTT. Then the gentleman is satisfied with the answer I have given.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. SCOTT. I desire to close the debate myself, and I would prefer gentlemen having questions to ask to defer them until that time. I desire to yield five minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, this is the third Congress which has given careful consideration to the question of the advisability of entering upon a national forestry policy which shall include other territory than that set aside for forestry purposes taken from the public domain. A bill was passed by the Senate in the Fifty-ninth Congress, and a similar bill has been passed by the Senate during this session of the Sixtieth Congress, providing for a broad general policy of establishing these reservations. The Fifty-ninth Congress appropriated \$25,000 for the purpose of making investigations and reporting them to this Congress. That appropriation was expended under the direction of the Secretary of Agriculture, and a voluminous report was made, which recommended the purchase of 600,000 acres of land in the White Mountain region and 5,000,000 acres in the Southern Appalachian Mountain region. Several bills were introduced at or soon after the convening of this Congress proposing, in different ways, to establish this policy and make an appropriation to put it into effect. These bills were considered by the Committee on Agriculture, and hearings were given, at which appeared a large number of people interested in protecting the forests, in the conservation of water power, and in developing and maintaining the navigability of streams. At one of these hearings there were present representations from sixteen States, including the governors of two States and delegations having not only full authority to represent officially the other fourteen, but also to represent many of the largest industries located in them. I refer to this hearing and those who attended it to indicate the interest which is being taken in this movement—that it is in no sense local, but is practically as widespread as the country itself.

The hearing to which I have just referred was given while the Committee on Agriculture was considering the bill providing for appropriations for that Department, and while this work was going on a resolution was introduced by Mr. BARTLETT of Georgia questioning the constitutionality of the General Government purchasing lands and setting them apart for the purposes defined in the forestry programme. This resolution was referred to the Committee on the Judiciary and remained in its hands nearly two months, so that it was not until the 20th of April that the Committee on Agriculture was enabled to take up this work and consider it on its merits. This was due to the fact that it was necessary to rewrite and reintroduce the bills which had already been presented, so that they would comply with the finding on the subject which was made by the Judiciary Committee. The opinion rendered by that committee was, in effect,

that the United States could not constitutionally purchase lands for the express purpose of creating forestry reservations or conserving water power or for any other purpose than to develop and maintain the navigability of streams, and that this connection should be clearly defined.

After considering the revised bills referred to for a considerable time, it became apparent that there was much difference of opinion in the committee, not only as to the advisability of undertaking a forestry policy, but also as to the methods of bringing it about. It has been suggested that, as far as possible, forests should be protected by the States or by an association of States covering the particular forests under consideration; others have believed that the Federal Government should cooperate with the States or with individual owners in protecting and conserving the forests, and a third party has contended that the Federal Government should undertake a general system of buying lands, not only for the purpose of protecting watersheds, but for general forestry purposes, contending that the preservation of the forests would not only protect the navigability of streams, conserve and give uniformity to water powers, but that it would be a source of material profit to the Government for all time to come.

The bill which has been given most attention, not only by the officials of the Forestry Bureau, but by others who have been heartily interested in this work, is known as the Currier-Lever bill. The committee, by a small majority, voted adversely on reporting this bill, but the sentiment in favor of doing something was so strong that it was decided to appoint a special subcommittee to prepare and report a substitute bill. The result of that action is the bill H. R. 21986, which was reported to the House and is now under consideration. This bill provides for three distinct purposes: First, it enables the States in which forests are located—

Mr. SHERLEY. Right at that point will the gentleman tell the House whether the question was considered of the power of Congress to give blanket right to the States to enter into such an agreement? If the gentleman will permit me to suggest, the Constitution provides that no State shall, without the consent of Congress, enter into any agreement or compact with another State. Now, I am not going to take the gentleman's time unnecessarily.

Mr. WEEKS. I am not a lawyer, and it will be idle for me to indulge in a constitutional argument, but I believe that States may enter into agreements which would enable them to take up a forestry policy in cooperation, as well as individually.

Mr. SHERLEY. There is no question as to the right of the Government to ratify such an agreement, but the question is whether you can give a blanket agreement in advance.

Mr. WEEKS. I can not answer that question definitely, but I think we can.

Mr. ALEXANDER of New York. I would like to ask the gentleman from Massachusetts if that matter was considered in the committee.

Mr. WEEKS. It was so considered, and I believe it is the opinion of the committee that it can be done.

Mr. ALEXANDER of New York. That we can give blanket consent in advance without knowing what the agreement will be?

Mr. WEEKS. I think so.

To continue what I was about to say when interrupted by the gentleman from Kentucky, the committee decided to insert section 1 of this bill. Personally, I do not believe that it will be in any way operative or effective. Such a programme has never been undertaken by States acting together, and it seems to me that the best opinion indicates that any project of this kind should be undertaken by the General Government rather than by a few States cooperating for such purpose. I do not hesitate to say that I believe this legislation should be made general in character rather than applicable to the two regions constantly referred to in proceedings which have taken place heretofore and in this bill. The present necessity seems to be greater in these regions than elsewhere, but there is no reason why the navigation of rivers rising in other States should not be protected as well as those located in New England or in the Southern Appalachian region, and when this forestry policy is properly determined it will, in my judgment, include every section of the United States. I would have preferred this bill without section 1, and should have so written it if I could have done so.

In its second section the bill provides for an appropriation of \$100,000 to enable the Secretary of Agriculture to cooperate with any State or group of States or with individuals, supplying them with expert advice and undertaking with them a policy of administration of forestry lands. The Secretary is authorized to enter into agreements making regulations for the



manner of cutting and removing timber and for protecting forestry lands against fires, but it very properly provides that in no case shall the United States be liable for damages in case fire results. This idea has been a part of practically every bill which has been introduced, and without doubt it should become a part of the permanent policy of the Government when this programme is worked out in all its details. The same general benefits may be obtained from the protection of watersheds through private ownership as through Government ownership, provided the Government can stipulate the methods used in removing timber.

Section 3 of the bill provides for a National Forest Commission, to be composed of ten members—five to be appointed by the President of the Senate and five by the Speaker of the House. It is desirable, in my judgment, that this be done. Every Member of Congress knows how difficult it is to properly consider 1 per cent of the legislation which is proposed for Congressional action. Even many of the members of the Committee on Agriculture, who have given considerable attention to this subject, have not yet determined in their own minds just how this policy should be undertaken to bring about the desired results and at the same time protect the Government.

I think it will be difficult to understand the necessities for the inauguration of this policy without visiting the sections referred to and giving much time on the ground to the whole question. Even those members of the committee who are familiar with these regions and with the damage which is being done through the unscientific and destructive manner in which timber is being removed are not absolutely sure in what way the Government can provide for the purposes of this programme, which eventually will mean appropriations involving at least a hundred millions of dollars, and probably much more, without incurring the liability of purchasing lands which are not necessary or desirable or involving the Government in expenditures which should not under any circumstances be made. Therefore I say when we are instituting a new policy of as great future significance as I hope this will be, it is eminently wise that the fullest investigations be made before any considerable appropriations are made. It is proposed that the National Forest Commission authorized in this bill shall report to the President of the United States not later than January 1, 1909, and the bill provides a suitable appropriation to pay the expenses of the investigation.

One of the most significant movements which have been made during this Administration was the calling together of the governors of all the States to consider the conservation of our natural resources. There is no doubt in the mind of any person who has given the subject the slightest consideration that we have been extremely prodigal in the past, and that we are approaching the time when it will be necessary to carefully conserve water powers and other means of replacing power which has heretofore been furnished by fuel supplies. This movement is simply an incident of this broader policy which was advanced at the recent conference at the White House, only it is an incident which preceded the undertaking of the broader policy, and there is no doubt in my mind about our establishing a forestry policy which will not only preserve the natural beauties of the mountain region, conserve the water powers on our streams, protect—to a certain degree, at least—their navigability, but will also prove a source of large profit to the Government. While I regret that this bill does not take a more decided stand, does not mean a longer step in advance; while it is apparent to anyone that it is inadequate to supply a suitable basis for this policy as it will finally be undertaken, still I consider it a step in advance, a means to keep before the public the desirability of the whole question. It will have an educational effect on Congress itself, and through it, or as a result of it, at the next session of Congress or in some early future Congress we will have instituted this most beneficent and useful public policy. For those reasons I am going to give the bill my support, regretting, as I do, that it does not furnish greater encouragement to the friends of our national forests.

Mr. LAMB. Mr. Speaker, I yield three minutes to the gentleman from New Hampshire [Mr. CURRIER].

Mr. CURRIER. Mr. Speaker, this bill comes as a great disappointment to the friends of the forest preservation in the East, but it is a step in the right direction, and I shall vote for the proposition. We shall not relax our efforts, however, to bring about the policy in this House of purchasing tracts of forest land for the purpose of preserving the navigability of the navigable streams. One reason which leads me to support this bill is a provision in the bill which reads that the commission shall report what lands ought to be acquired within the

watersheds of the country, the number of acres of such lands, and the probable cost to conserve the navigability of the rivers.

The forest reserves in the West are said to be worth \$1,500,000,000, all located west of the Mississippi River. The bill which the gentleman from South Carolina [Mr. LEVER] and myself introduced calls for an appropriation of one-tenth of 1 per cent of that amount to establish reserves for the purpose of preserving the navigability of streams east of the Mississippi River, and, in our belief, the ultimate expenditure necessary to acquire the proper land would not exceed 1 per cent of the value of the lands held in forest reserve west of the Mississippi River.

It is said that we have never acquired lands for forest-reserve purposes by direct purchase from the Treasury. That is true. But what difference does it make to the taxpayers of this country whether you appropriate money directly from the Treasury to secure the lands, or take property easily convertible into cash and appropriate that? If these lands were sold, they would be sold for the benefit of all the taxpayers in the country, and \$1,500,000,000 would be put into the Treasury.

It would have been infinitely better, in thousands of cases, had the Government purchased lands for forest purposes in the Far West, instead of allowing private owners to exchange lands for similar lands in other sections. [Applause.] Under that provision tens of thousands and hundreds of thousands of acres of cut-over land have been exchanged for virgin timber growth. The Government would have saved millions if it had purchased directly from the Treasury instead of allowing this exchange of lands. The rivers flowing into the Pacific have their headwaters protected by vast tracts of land included in national forest reserves, but the rivers flowing into the Atlantic, though of tenfold greater value for navigable purposes, are without protection.

Opposition in Congress to the well-settled policy of improving the rivers and harbors of the country no longer exists. Many fail to realize that in no way can money be spent more wisely to that end than in preserving the forests on the great mountain ranges—forests which are nature's own storage reservoirs. Millions of dollars could be dispensed with in every river and harbor bill but for the fact that rivers and harbors, year by year, are filled up with silt brought down by freshets from the deforested slopes of mountain ranges. The most economical way in the world to preserve the navigability of your rivers is to preserve your mountain forests. How can any reasonable man insist that it is a constitutional, proper, and wise expenditure of money from the Federal Treasury continually to dredge the rivers and harbors located in the various States to remove the silt carried down by the floods caused largely by the destruction of the forests, and unconstitutional, improper, and unwise to appropriate money from the Federal Treasury to keep the silt from going into the rivers by establishing forest reserves which will, to a great extent, prevent these floods? Proper to dredge out a channel, but improper to prevent its filling up again. The mere statement of such a proposition refutes it. [Applause.]

Mr. SCOTT. Mr. Speaker, I yield three minutes to the gentleman from Nebraska [Mr. POLLARD].

Mr. POLLARD. Mr. Speaker, while this bill does not entirely express my views as to what action Congress should take, yet I propose to support it. The Committee on Agriculture has been devoting time more or less all winter to the consideration of this subject. Shortly after we began consideration of the appropriation bill, at the opening of Congress, we temporarily set aside that bill and devoted one day to the consideration of this subject and invited the people living in sections affected by this bill to come before us and be heard. We have since had hearings covering parts of three days on the subject. Before our committee there were presented three distinct propositions—one looking toward the purchase of the watersheds of these streams in order to conserve the flow of water of navigable streams, from the Treasury another looking to the purchase of the watersheds of these streams out of the earnings of the forest reserves, and another proposition looking to the supervision by the Government over these watersheds without the necessity of purchasing them. The last Congress appointed a commission and appropriated \$25,000 to investigate the watersheds of these two mountain ranges and was directed to report back to Congress their findings. In their report, on page 32, the Commission states that there are 75,000,000 acres of land in that area that ought to be acquired in order to give full protection to the watersheds in the Southern Appalachians. This same report goes on to say that the average price of that land will be \$3.50 per acre. The report also states that there are approximately two and one-quarter millions of acres in the White Mountains that can be purchased for \$6 per acre.

Mr. Speaker, I believe that the adoption of any of the bills looking to the purchase of these areas ultimately will lead to the expenditure of hundreds of millions of dollars. It will cost the Government before we get through more than we will expend in the construction of the Panama Canal. Consequently, this committee felt that before we launched the Government on a policy looking to the expenditure of vast sums of money we should first go down there and look the ground over for ourselves, so that when we brought the bill before Congress we would be in a position to state with authority from our own investigation what the facts were and how much it would be necessary to purchase in order to accomplish the object sought. For that reason I am in favor of the pending bill.

Mr. Speaker, I will, with the permission of the House, submit herewith as a part of my remarks the bill that I introduced on this subject (H. R. 21767) to create forest reserves outside of existing national forests in order to conserve the waters of the navigable streams, and for other purposes, which is as follows:

*Be it enacted, etc.,* That the President of the United States is hereby directed to appoint a commission of five men, whose duty it shall be to make an investigation of the watersheds of the United States not included in existing national forests which contain the sources of navigable streams and report to him by particular description what parts of these watersheds have a direct and substantial connection with the conservation and improvement of the navigability of rivers actually navigable in whole or in part.

Sec. 2. That the President of the United States is hereby authorized to declare, by proclamation, such parts of these watersheds having a direct connection with the conservation and improvement of the navigability of navigable streams as may be particularly described by the commission, provided for in section 1 of this act, as parts of the forest reserves of the United States. The Secretary of Agriculture is hereby authorized to make all needful rules and regulations for the supervision of said forest reserves. The object of such supervision shall be to conserve and improve the navigability of navigable streams by preserving the growth of immature timber, by preventing an unwarranted destruction of timber by wasteful methods of cutting the same, by reforesting cut-over or denuded lands best suited for forest purposes in such manner as may be agreed upon with the owner thereof, and to protect the same from the ravages of fire. Any person, firm, or corporation that violates any of the provisions of this act, or the rules and regulations prescribed by the Secretary of Agriculture as herein provided, shall be subject to a fine of not less than \$1,000 or imprisonment for not less than six months for each and every offense.

Sec. 3. That whenever any owner of forest lands sustains any financial loss as a result of the application of the provisions of this act to his property or seriously injure the value of his property, he may make application to the chief forester having supervision over the forest reserve of which his forest lands may be a part, or to the Chief of the Bureau of Forestry, Washington, D. C., for compensation therefor. Upon the receipt of such application for compensation the chief forester, or such person as the Chief of the Bureau of Forestry may direct, shall make a careful investigation of all the facts in question, and if possible make an amicable settlement with the owner, and report to the Chief of the Bureau of Forestry the terms of settlement. If settlement is agreed upon, together with a detailed statement of all the facts in the case, or where it is impossible to reach an agreement, what, in his opinion, would be a fair compensation to the owner. If the Secretary of Agriculture approves said terms of settlement, he shall cause warrants to be drawn in favor of said owner upon the Treasurer of the United States, to be paid out of any funds appropriated by Congress for the maintenance of the Forest Service. If the owner of said forest lands and the representative of the Forest Service are unable to agree upon the amount of compensation that should be allowed, or if, in his opinion, the amount of compensation is excessive, the Chief of the Bureau of Forestry shall direct the appointment of a board of three appraisers, one to be appointed by the Chief of the Bureau of Forestry, one to be appointed by the owner of the forest lands in question, and the two appraisers thus selected to choose the third; and said board of appraisers shall determine what, in their opinion, would be fair compensation to the owner of the forest. When a majority of the appraisers agree upon the amount of compensation that should be allowed, they shall report the same to the Chief of the Bureau of Forestry, who, subject to the approval of the Secretary of Agriculture, shall cause a warrant to be drawn in favor of the owner for the amount of compensation as determined by the board of appraisers: *Provided, however,* That when the owner is dissatisfied with the amount of compensation allowed by the appraisers he shall have the right to appeal from their decision to any district court of the United States for review.

Sec. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to pay the expenses of the Commission herein provided for and for carrying into effect the terms of this act during the fiscal year ending June 30, 1909.

Mr. LAMB. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, some weeks since the rivers were in flood at Pittsburg. The accounts of consequent damage, loss, and suffering were heartrendering. Miles of territory in Greater Pittsburg were submerged.

Many persons were driven from their homes and places of business. Thousands of cellars were flooded. The streets were navigated in skiffs. Live stock perished in considerable numbers. Disease and death followed the hardships imposed upon the people during the flood period, while the money loss ran into the millions. Under present conditions, other floods, with even more disastrous results, will continue to occur in different sections of our country in the years to come.

The public is anxiously asking the question, whether the causes of these floods are known, and if known, whether they can be corrected and controlled by human activities.

Science and experience are agreed on the causes and the remedy.

The most potent cause is deforestation, the remedy for which is reforestation.

Every country which has destroyed its forests has paid the inevitable penalty in silted streams, ravaged hillsides, water courses which are roaring torrents at times and dwindling rivulets at others, barren deserts, and destructive droughts.

The Holy Land was once a country of rivulets and gushing fountains. The evidences of this are abundant. Her hills and mountains were stripped of verdure. What followed? The gushing fountains ceased to flow, the streams either disappeared or dwindled to mere threads, drought and desolation settled on the land, and ages will be required to restore the country to its ancient fertility.

Nor are other historic illustrations lacking to make good the assertion that water in a country and uniform stream flow depend upon the number of its trees.

When the Dutch took possession of the Spice Islands, they were covered with a dense growth of spice trees. Rainfall and water courses were abundant. In the interest of their monopoly, the Dutch destroyed an immense number of trees. By this shortsighted policy they converted the islands into savage and barren wastes.

The hills and mountains of Greece have been shorn of their forests, and in consequence, many famous fountains now "flow only in song, while rivers of historic fame have shrunk into scanty brooks."

The same story is told of France, Portugal, Asia Minor, central Asia, Italy, and many portions of the New World. In a word, these results have followed in every country where shortsighted man has destroyed the forests that clothe the everlasting mountains.

When Cortez conquered Mexico, the city of that name was like Venice—a city of waters. Now it is far inshore, and the explanation of this recession of the lake is found in the destruction of the forests which clothed the neighboring hills.

In South America the famous Humboldt noted that Lake Valencia had fallen 5 or 6 feet in a century, and its shores advanced many miles. Later the forests, which had been largely cut away, were allowed to grow again, and with this growth the waters in the lake continued to rise until they attained their former volume.

In Portugal drought, famine, and destitution have followed the destruction of her forests.

But we need not draw all of our illustrations from the past. Recently Consul Harris, of Smyrna, reported as follows upon the effects of forest depletion in Syria:

The disappearance of the forests in this country, especially in the vilayet of Smyrna, has been marked by greater degrees of heat and cold. The date palm has practically become extinct in these parts. In the winter and spring there are usually floods, which are destructive of life, property, and crops. In the summer there is not sufficient moisture in the soil of many districts, for the reason that the rain passes away at once, down the woodless ravines, without being absorbed by the ground. As a result large tracts have become sterile. Creeks and brooks which formerly retained considerable water, even in the heat of summer, are now completely dried up a few weeks after the spring rains. These same creeks and brooks are becoming deeper each year by the process of floods, so that not only is the surface of the country greatly disfigured, but no bridges can be built strong enough to withstand the annual rush of waters. It thus becomes impossible to get the crops and fruit to market at the proper time.

Crop failures and famine in Asia Minor may therefore be traced to the lack of forests.

But if the influences of deforestation are certain, are the benefits of reforestation equally assured? The answer is again in the affirmative.

Wherever the experiment has been tried on any rational, extended, and scientific plan, the results have conformed to the predictions of science.

In the little island of St. Helena, reforestation has doubled the supply of water since the time of the great Napoleon.

In France, where reforestation has cost over \$40,000,000, the results have been equally happy.

In transmitting a report concerning the methods employed in securing the highest possible returns from the cultivation of pine in France, Consul Murphy writes as follows from Bordeaux during the present year:

Prior to 1803 the 2,500,000 acres comprised in the Department of the Landes were little more than shifting sand dunes and disease-breeding marshes. This section is now one of the richest, most productive, and healthful in France. This marvelous change has been brought about by the intelligent cultivation of pine forests. Immense forests now cover the country, the sand dunes and marshes have long since disappeared, and the wood, charcoal, turpentine, rosin, and kindred industries have



brought wonderful prosperity to the entire department, which was formerly the most barren and miasmatic in France. The climate is now mild and balmy, the great change being wrought by the forests. The thin layer of clay beneath the sandy surface, formerly impervious to water, has been so pierced by the roots of the pine, that there is now thorough drainage to the spongy earth below.

The manufacture of rosin, tar, turpentine, pitch, pyroligneous acid, wood vinegar, etc., is conducted about the same as in Georgia and the Carolinas.

The trees destined for "short life," are bled as soon as they are big enough to stand bleeding, when they have a circumference of a foot or 15 inches, the sapping of young trees being the only production of a new forest for a time, and when the "thinning out" time comes, they are "bled to death," and the timber used largely for pit props, the English demand guaranteeing a steady and profitable market. The "standing trees," those giving promise of most vigor, are never tapped until they are about 3 feet in circumference. When these have reached the age of 50 or 60 years, they are cut down and utilized for telegraph poles, railway ties, etc.

According to recent reports, about 2,000,000 acres of the forests belong to private individuals and corporations, and 125,000 acres to the Government. The Government now derives a handsome revenue from the forests, \$95,811 in 1905, the last year for which statistics are available, against \$640 in 1885, the first year showing any revenue therefrom, since which it has grown steadily.

To prevent the spread of forest fires, wide trenches are dug about limited areas, and the space kept clear.

In this country reforestation is in its infancy, but deforestation has gone on apace. There is nothing in the history of the world, that furnishes a parallel to the slaughter of our forests. With our inventive genius spurred to action by the immense returns promised from the conversion of timber into lumber, we have produced new and wonderful appliances for this great work of forest destruction. An immense acreage of stately trees has been converted into savage, fire-swept wastes, and the work goes steadily ahead, "entailing on posterity two great evils, a scarcity of timber—whether for lumber or fuel—and a scarcity of water."

In the last few years, coincident with our disappearing forests, and increasing uses for water power and lumber, a portion, at least, of the public has begun to awaken to the fact that we are killing the goose that lays the golden eggs.

In New England, where so many industrial towns are dependent upon the steady flow of her streams, it has been found that the destruction of the forests has had its effect in disastrous floods at one time, and equally disastrous droughts at others. Hence the demand for a "White Mountain Forest Reserve." In the South, in the States of North Carolina, South Carolina, and Georgia, the wonderful development of their industrial enterprises have made them students of water power, and water supply. They have been quick to learn two lessons: First, that their industries are dependent on water power, and, second, that water power is equally dependent on forests at the sources of the streams. Hence the demand for an "Appalachian Forest Reserve." These movements have received the valuable aid and enthusiastic support of President Roosevelt, and of Mr. Gifford Pinchot, Chief of the Forestry Service.

Nor has the country at large been slow to realize that what is to be done in this respect must be done quickly. Boards of Trade, Civic Organizations of many kinds, Farmers' Alliances, Women's Clubs, Forest Associations, Mountain Clubs, Institutes of Engineers, Federation of Women's Clubs, Associations of College Presidents, Associations for the Advancement of Science; these are some of the factors in the present movement to establish a great forest reserve in the White Mountains and Southern Appalachians.

At the present session of Congress Mr. LEVER, of South Carolina, introduced a bill to acquire "national forests in the Southern Appalachians and the White Mountains." This bill, which was duly referred to the Committee on Agriculture, provides that the Secretary of Agriculture shall, in his discretion, acquire for the purposes of national forests by purchase, or by gift, not by condemnation, lands more valuable for the regulation of stream flow than for other purposes, and situated on the watersheds of the navigable streams in the Southern Appalachian Mountains within the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, and Tennessee, and in the White Mountains within the States of New Hampshire, and Maine.

This acquisition may, in many cases, be conditioned upon the exception and reservation to the owner from whom title passes to the United States, of the minerals and of the merchantable timber, or either, or any part of them, within, or upon such lands at the date of conveyance, but in every such case such exception and reservation, and the time within which such timber shall be removed, and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the timber and min-

erals so excepted and reserved, shall be done only under, and in obedience to, the rules and regulations so expressed.

SEC. 2. That the Secretary of Agriculture shall advertise in the several States named in section 1, for lands to be acquired under the provisions hereof; and as between lands of equal value, the lowest bids shall be accepted: *Provided*, That the Secretary of Agriculture shall have the right to reject any, and all bids.

SEC. 3. That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act, until the legislature of the State in which the land lies shall have consented to the acquisition of such lands by the United States for national forest purposes.

SEC. 4. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such land, until the title shall be satisfactory to the Attorney-General, and shall be vested in the United States.

That portion of this reserve which begins in Georgia, South Carolina, and North Carolina, enters Virginia in the counties of Grayson, Carroll, and Patrick and proceeds through Franklin, Bedford, and the tier of counties lying along the Blue Ridge, until the Potomac River is reached. The other portion of the reserve is found in the eastern portion of the States of Tennessee, Kentucky, and West Virginia, reaching likewise to the Potomac, and going slightly into Maryland.

In this great forest area is found the largest body of hard wood in the United States—in fact, it is stated that the future hard-wood supply hinges on the control of the Appalachian Mountains. "Forty-eight per cent of the hard wood of the country was produced in the Appalachians in 1906, and they must be counted on for a much larger proportion in the future."

While the demand for hard wood has been steadily growing, the cut has been as steadily declining, and the end is in sight, unless some wise methods of conservation are put into effect without delay.

Including the timber in the Appalachians, the present supply of hard wood will last for about sixteen years, according to the latest statistics.

It will be seen from these figures that the bill for this great reserve was not introduced a moment too soon, nor should there be any delay in its passage. A similar measure was passed by the Senate in 1907, so that if the bill now before us passes the House, it may be reasonably presumed that it will become a law at the present session.

Should this be done, unborn generations will rise up to bless us.

Nor will the attendant cost of this great scheme be excessive. The lands are to be secured by peaceful negotiations with the owners, and not by condemnation. Much of this land is rough and valueless for any purpose, save for growing trees. Clearing for cultivation has been going on in these mountains for years. On the lower slopes and foothills there is, or rather was, some shallow, but fertile soil. This soil has long since been gullied out, and washed away, so that the owners have abandoned the lower clearings, for clearings higher up on the face of the mountains. And so the process ever goes on from year to year, as the settlers push their way toward the steeper, and more rugged portions of the mountains.

The movement is always toward the higher lands, those lower down having finished their course.

But all of these abandoned areas are "fundamentally forest lands," and under a comprehensive and properly administered system, the forests will be readily replaced.

It is true that scattered here and there throughout this vast area, and entirely within its confines, are some good farming lands, the homes of contented and prosperous people. But the establishment of the forest reserve will in no wise interfere with the conduct and operation of these farms, or, indeed, of any farms, whose owners do not care to voluntarily part with their possessions at an agreed price. The process of acquisition will make a market for lands that are not salable, in the main, for agricultural, or other purposes, and, on the whole, a considerable expenditure of money will be required, but, in comparison with the certain results to be secured, this expenditure will be comparatively insignificant.

Few people realize the capital, the population, and the industries, that are dependent upon the maintenance of steady stream flow in the rivers that head in the Southern Appalachians.

In the Piedmont regions of North Carolina, South Carolina, and Georgia, water power operates sawmills, planing mills, woolen mills, knitting mills, furniture factories, and cottonseed oil mills to an extent equal to that used in the cotton factories. Hence, the preservation of the Appalachian forests is a matter of vital importance to these industries.

The following figures relating to the cotton factories in these States will be of interest:

THE IMPORTANCE OF THE APPALACHIAN FOREST RESERVE TO THE COTTON MILLING INDUSTRY OF THE SOUTH—STATISTICS OF THE COTTON MILLS OPERATED BY WATER POWER IN THE PIEDMONT REGIONS OF NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA, WHOSE INTERESTS AND OPERATION ARE VITALLY INVOLVED IN THE PRESERVATION OF THE APPALACHIAN FORESTS.

The accompanying table gives a list of the cotton mills which are being operated in the Piedmont regions by water power. It gives other data, as exhibited by the heading of each column. The table is compiled to show what interests are involved in the maintenance of the regular flow of water in the various streams on which the power is made. It shows the cotton consumed, the operatives, the number of spindles and the number of looms. The number of operatives should be multiplied by at least three in order to show how many people are dependent upon this resource. It seems that it would be entirely fair to assume that the water power used for all other manufacturing, such as operating sawmills, planing mills, woolen mills, knitting mills, furniture factories, cotton-seed oil mills, etc., would make an additional amount equal to that employed in the operation of the cotton mills and would involve the interest of as many people in respect to employment.

Therefore it is seen that the preservation of the mountain forests, which is the main influence in regulating the flow of these streams from the mountains, is a matter of the most vital importance. It has been said that when the mountains of Lebanon were covered with cedars and other forest trees Palestine supported in affluence a population of 10,000,000. After and since the denudation of the mountains of Lebanon, Palestine has scarcely supported 500,000 people, and these, in the main, in poverty.

The following aggregate figures are the totals taken from the table:

Capital stock.....	\$44,226,100
Number spindles.....	2,759,201
Number looms.....	63,308
Number employees.....	60,710
Number horsepower.....	120,516
Number bales per year.....	820,395

Counting eleven-hour day.

The total value of the annual production of the mills enumerated is approximately \$86,504,644.

In the table North and South Carolina and Georgia are considered.

Virginia, Kentucky, and Tennessee have extensive interests, not comprehended in this enumeration, which must be added to swell the grand total given.

The cotton manufactured in these factories is worth over \$70,000,000 in its final form. Over 60,000 hands are given employment, and counting families, something like 240,000 people are dependent on these mills.

In the White Mountains will be found the sources of four important streams, the Connecticut, the Merrimac, the Saco, and the Androscoggin. These streams furnish a very large amount of water power, and support a considerable population engaged in industrial operations.

It is stated that the Merrimac alone, supports a population of 350,000 people, with property assessed at \$240,000,000, and drives mills worth \$100,000,000, employing 80,000 people, who earn annually in wages \$37,000,000.

All of these great industries, North and South, are menaced by the continued deforestation of our mountains. Their continued operation and prosperity, depend upon the sustained and orderly flow of the streams which furnish the water power necessary to drive their wheels.

Cut away the trees, and the streams become mere threads at times, and destructive torrents at others. These torrents, in their roaring progress, sweep away dams and buildings, spread sand and gravel over fertile fields, and later silt up the lower reaches of navigable rivers.

This is no fanciful picture, or overdrawn statement. It is estimated that each year the flood damages in the United States exceed \$100,000,000.

"Our inland waters are our greatest national resource. The water flowing down our Western mountains, far exceeds in value the fabulous wealth represented by all the metals and minerals lying between the Rockies, and the Pacific. To-day most of this resource is wasted."

Is this the nation to idly allow this vast wealth to be annually lost to us when a wise system of reforestation and forest maintenance will save a large portion of it, not at once, but in increasing proportions from year to year?

Should we hesitate to enter upon a comprehensive policy of forest preservation and maintenance, when the experience of all other countries points the way in that direction?

We are investing hundreds of millions in the Panama Canal, and are prepared to invest other hundreds of millions in our internal waterways, all upon the idea that, in a certain large sense, these investments will pay. Now, it is just as certain that forest reserves will pay.

Are we not all agreed as to the terrible effects that deforestation has caused in China, in the Mediterranean states, and in many other countries?

If torrential overflows, destructive droughts, barrenness, and desolation have resulted from the destruction of the forests, is

it not a clear case that fertility, rainfall, and uniformity of stream flow will return when we replace the trees?

The process may be a slow and tedious one, for it is far easier, in this case as in many others, to destroy than to build up, but the results are certain and definite. Other countries have learned by sad experience what it means to destroy that precious national asset, the stately forest, which has been the growth of ages.

Speaking from the experience of his own country, Mr. Jusserand, the French ambassador, made the following statement at the National Rivers and Harbors Congress in Washington on December 4, 1907:

It is an absolute principle: No forests, no waterways. Without forests regulating the distribution of waters, rainfalls are at once carried to the sea, hurried sometimes, alas! across the country. After having devastated the neighboring fields, the rivers find themselves again with little water and much sand; and with such rivers, how will you fill your canals? \* \* \* The question is as clear as can be: Do you want to have navigable rivers, or do you prefer to have torrents that will destroy your crops and never bear a boat? If you prefer the first, then mind your forests. We can tell you, for we know. \* \* \*

If the Mississippi is the "Father of Waters," the forest is the father of the Mississippi.

He might have added that two-thirds of the torrents of Europe are in France, and that the losses which they have caused, are almost incalculable. These torrents are now largely under control, as the result of a comprehensive system of reforestation, and scientific forestry.

The situation with us is one of rapidly vanishing forests, increasingly destructive floods, and irregular and diminishing water power.

Such is the diagnosis of the case, by common agreement.

The prognosis is, that the evil will increase, unless some remedy is applied. At this point the Forestry Department offers a remedy which has been tried, with the happiest results, in other countries. This remedy is simple in statement, and simple in practice. Conserve existing forests, and plant new ones.

"Many people in this country think that forestry had never been tried, until the Government began to practice it upon the national forests. Yet forestry is practiced in every civilized country in the world, except China and Turkey. It gets results which can be got in no other way, and which are necessary to the general welfare.

"Forestry is not a new thing; it was discussed two thousand years ago, and has been studied and applied with increasing thoroughness ever since. The principles of forestry are everywhere the same. They rest on natural laws which are at work everywhere, and all the time. It is simply a question of how best to apply these laws to fit local needs, and conditions. No matter how widely countries may differ in size, climate, population, industries, or government, provided only they have forests, all of them must come to forestry at some time, as a matter of necessity. The more advanced and progressive countries arrive first, and go farthest in forestry, as in other things. Indeed, we might almost take forestry as a yardstick with which to measure the height of a civilization. On the one hand, the nations which follow forestry most widely and systematically, would be found to be the most enlightened nations. On the other hand, when we applied our yardstick to such countries as are without forestry, we could say, with a good deal of assurance by this test alone, 'Here is a backward nation.'

"The countries of Asia and Europe, taken together, have passed through all the stages of forest history, and applied all the known principles of forestry. They are rich in forest experience. The lessons of forestry have been brought home to them by hard knocks. Their forest systems have been built up gradually, as the result of hardship. Every step of the way toward wise forest use, the world over, has been made at the sharp spur of want, suffering, or loss. As a result, the science of forestry is one of the most practical, and most directly useful, of all the sciences. It is a serious work, undertaken as a measure of relief, and continued as a safeguard against future calamity. It is a living science.

"The United States, then, in attacking the problem of how best to use its great forest resources, is not in the position of a pioneer in the field. There is no need for years of experiment with untried theories. The forest principles which hundreds of years of actual practice have proved to be right, are at its command."

In the management of our national forests, the Government is not working in the dark. It is merely putting into experience principles tried, and found to be correct.

In the German Empire are about 350,000,000 acres of forest lands. A diminishing wood supply and a need of forests to protect agriculture and conserve streams drove Germany to take up forestry. The results of this undertaking have been very satisfactory. A great improvement in the stream flow, and a



large increase in the yield of wood, both for fuel and timber, have resulted from the systematic administration of the German forests.

"Starting with forests in as bad shape as our own, forestry in Germany has raised the average yield of wood per acre from 20 cubic feet in 1830, to 65 cubic feet in 1904. In the same period of time it trebled the proportion of saw timber got from the acreage cut, which means that through the practice of forestry, the timber lands of Germany are of three times better quality to-day than formerly, and in fifty-four years it increased the money returns from an average acre of forest, seven-fold."

It must not be supposed, however, that there is no scientific forestry in the United States, or that no systematic efforts have been made to repair the ravages of the lumbermen, and to conserve one of our greatest national assets. Fortunately for the country, Mr. Gifford Pinchot, in 1898, was asked to take the head of the new Bureau of Forestry, and from that time he has been steadily pushing its work, in the face of many discouragements, and in spite of many difficulties. The results secured have been astonishing.

The acreage of our national forests has been enlarged by over 100,000,000 acres, and the number of foresters has been increased from twelve, to twelve hundred, all trained men, experts in their line of work.

The public attitude has been completely reversed, active interest has replaced apathetic indifference, while tree planting has been taken up the country over.

What has brought about this wonderful change in the public attitude, this acute, popular interest in the work of the Bureau?

In part it has been induced by the intelligent and well-directed activities of Mr. Pinchot's department, and in other and larger part it has been caused by observation of the stupendous results of forest destruction.

An impressive statement of these results was recently made by the League of Improvement Societies of Rhode Island.

First. Floods upon the rivers, which even now are estimated to cost the nation one hundred millions a year, and which are constantly becoming more disastrous.

Second. Loss of soil, valued at many millions of dollars a year, and amounting to at least a billion tons, which fills up and destroys storage reservoirs and navigable rivers and chokes harbors along the whole eastern and southern coast line of the country.

Third. Extinction of the nation's supply of hard wood, together with the great industries dependent on it.

Fourth. Increased cost of building materials, placing a burdensome additional tax on every property owner and rent payer in the United States.

Fifth. Loss of agricultural production, by the destruction of soil fertility.

Sixth. Destruction of recreation places, needed for the health and enjoyment of the people.

Seventh. Devastation of thousands of square miles of national domain, which are being rendered wholly unfit for habitation, or any other public use.

Eighth. Failure of navigation and water power, caused by the floods of springtime, and the increasing severity of the summer droughts, destroying navigation on scores of rivers, and annihilating the possibilities of future water power for industries now producing \$500,000,000 a year. Side by side with this statement I put that of Mr. Pinchot:

When the forests fall, the lumber business, now the fourth greatest industry in the country, will of course disappear. Suffering among all building industries will immediately follow; mining will become vastly more expensive; then naturally the price of coal, iron, and all other minerals will rise; by this the railroads will be directly affected, and the cost of transportation and water power for lighting, manufacturing, and transportation will immediately increase. All goods made from products of these mines will increase in price, which will hamper not only agriculture, but the cost of production generally. In fact, when the forests fall every man, woman, and child in the United States will feel the pinch. And through misuse the forests are falling rapidly.

We know what will happen when the forests are gone. We know that if the present processes of destruction continue unchanged, our rivers, in time, will run dry, and "the barren, ghastly Appalachians will rear their scarred and ravaged sides" above silent deserts.

These things are not on us as yet. There is still a rich heritage to waste, a heritage that will yield "wealth beyond the dreams of avarice," but the end is in sight.

"Shall we continue the waste and destruction of our national resources, or shall we conserve them?" This is the pregnant question, put by President Roosevelt, and to this question there can be but one answer.

We must, and will conserve them.

We will not wait until the last hard lesson is learned, until waste and ruin admonish us that we must begin the slow and

painful process of restoration and replenishment. In advance of that time, this nation will acquire those great domains in which the rivers of twelve Eastern and Southeastern States have their sources. We will conserve them for ourselves and for posterity. In these great forests a host of active and busy men will be at work. New forests will be planted. Old forests will be intelligently cut. Barren hillsides will be restored. The old and destructive processes of lumbering will be abolished.

Taking the forest principles which have been approved by the experience of centuries, we will not blindly follow precedents, but will evolve a system truly American in its spirit, and its adaptation to our conditions, while it conserves all that is best in the systems of the Old World. Nor is it to be supposed that these forests are to be a burden on the Government. They will be more than self-supporting. They will yield an annual revenue which, if we may accept the experience of other nations, will increase from year to year. Germany, France, Austria, Switzerland, and many other countries of Europe, all show "how great a yield of wood and money may be brought about by the systematic, coherent, and continued application of scientific forestry."

It is an illuminating experience for an American to travel over the continent of Europe, and to see the care and scientific skill with which the governments there look after the woods.

I know of communities in Germany where the forests, owned in common by the municipality, pay the entire taxes by their annual yield under a system by which they are kept unimpaired. Happily for Switzerland, the early inhabitants, over a thousand years ago, saw the effects upon their valleys and hillsides, of the destruction of the forests. After visiting deforested mountain sides, and devastated valleys in the United States, it is a liberal education to see the Swiss mountains cultivated up to the snow line, the farmhouses perched so high that they look like fairy cabins in the air, and the trees growing so as to catch and hold the water from the melting snows. Except for this intelligent care, Switzerland would to-day be uninhabitable, these farms would have long ago disappeared from the mountain sides, the valley farms would have been destroyed by torrents, and the streams rendered useless by the uneven fall of water. There is almost as much care in Switzerland, France, and Germany, of the tree, as of the human being, to prevent injury, or to punish injury."

This direct return of lumber and revenue from our national forests will be something distinct from and in addition to their effect upon climate, rainfall, and stream flow.

The time may well come in the near future, as predicted by a distinguished engineer, when the water of our rivers, secured by dams at short intervals, may furnish the homes of our people with the warmth which we now derive from burning coal or wood.

If our homes are to be heated by the falling waters of our rivers, as this scientist predicts, then we can not begin too soon to take the steps necessary to maintain the steady supply and needed volume in these streams. In a word, we must conserve our forests.

The pithy statement of Mr. Jusserand is true: "No forests, no streams."

The project is not one in which the East or the South is exclusively interested. Apart from the other benefits that inure to the entire country, from the establishment of this great reserve, the preservation of the hard woods of the Appalachians will insure the continued existence in the Middle West of many wood-working establishments, which will derive their raw material from this quarter. These establishments represent millions of capital, and employ thousands of men. Hence they are vitally interested in a project that, if carried out, assures them not only a regular, but an increasing, supply of the material so essential to the maintenance and steady conduct of their business.

So far the forest reserves of the United States have been confined to the Far West. In the East we have but little idea of what a great forest reserve is. Somehow most of us picture it as a wilderness, a solitude uninvaded by man, where through the age-long centuries, the monarchs of the grove flourish untouched, until at last the whole vast area will be clothed with trees as stately and as mighty as those which formed the "forest primeval." And yet nothing could be farther from the reality. Such a reserve will be a hive of industry. Trees will be falling all the time. Every form of timber will be sold or put to some use. The whole adjacent country will reap immediate advantage from its proximity to such a forest.

The establishing of a national forest—

Says the president of the Appalachian National Forest Association—

Instead of taking the region and its products from the public, converts the territory into public domain of such a character that the surround-

ing States, directly or indirectly, reap every advantage. Timber suitable for lumbering is annually disposed of; where the land is fitted for pasturage, grazing permits are issued; if there be mineral wealth, the mines may be developed by any citizen; hotels, resorts, residences, stores, power plants, and mills may be built; the streams may be fished, the lands hunted, and campers may take their holidays in the forest solitude at will. In short, a great national park, self-supporting, fostering home industries, preserving our highways of commerce, our water power and supply, the fertility of our soil, the salubrity of our climate, and the general welfare of our section, and giving to our mountain counties a steady source of income, is the purpose of the proposed Appalachian national forest.

Mr. Speaker, a most impressive conference has recently adjourned in this city. Called to consider the great question of the conservation of our national resources, this conference has presented to the country in its discussion of subjects related to this great theme an impressive mass of pregnant facts and fruitful suggestions.

We are justly proud of our greatness, but this greatness, in a measure, has been thrust upon us. Such has been the plenitude of our resources, that it has required no special effort, no notable struggle, on our part to become great. We have seen no end to our riches, but have treated our resources as an inexhaustible storehouse, and in the enjoyment of the present, have apparently taken no thought of the future.

But this attitude is not only unphilosophical, it is unpatriotic. We must begin to build for the future, to arrange for posterity. As parents we should transmit an ample, if not an undiminished, inheritance to our children.

The establishment of this forest reserve is only one phase of this great policy of conservation, of taking thought for the morrow.

The time has come—

To quote the striking words of the President—

to inquire seriously what will happen when our forests are gone; when the coal, the iron, the oil, and the gas are exhausted; when the soils shall have been still further impoverished and washed into the streams, polluting the rivers, denuding the fields, and obstructing navigation. These questions do not relate only to the next century or to the next generation. It is time for us now as a nation to exercise the same reasonable foresight in dealing with our great natural resources that would be shown by any prudent man in conserving and wisely using the property which contains the assurance of well-being for himself and his children.

We at least have all the facts squarely before us in the matter of our forests. We know that we face their exhaustion before the middle of the century is reached.

We know that the growth of our forests is but one-third of the annual cut. We know what a timber famine will mean. We know into how many homes and industries the effects of this famine will penetrate. We know, unless the experience of the Old World countries is at fault, what forestry has done, and what it can do. We know that like causes, under the same conditions, will produce like effects everywhere. We know that we are not exempt from the operation of natural laws, and that a treeless country, in time, will be a waste and desolate country. And knowing all of these things, which reveal our plain duty to the people of the plains, and of the mountains, to the people of the sections immediately affected and, in the larger view, to the people of the entire country, should we hesitate to pass a bill which will establish this great forest reserve, and turn it over to the custody and fostering care of the nation, so long as it shall endure? [Applause.]

[Mr. SMITH of California addressed the House. See Appendix.]

Mr. SCOTT. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, while I do not approve of all of the provisions of this bill, and I concur somewhat in the view with regard to some of its provisions expressed by the gentleman from California [Mr. SMITH], particularly with regard to the effect of section 2, which, I agree with him is dangerous and likely to lead to the rankest sort of paternalism if not carefully administered, yet this legislation is so conservative compared with the extravagant ideas of paternalism and federalism run mad which have been promulgated widely with regard to forestry legislation, that I shall vote for it as possibly the best compromise to be had. I am one of those who believe that the States, if they will and desire to, if there is a proper public spirit among their citizens, can and ought to care for the forests within their borders. I believe it is the duty of the States, and I can not give my assent to the ideas of the establishment of Federal forest provinces covering vast areas of sovereign States which have been so widely promulgated.

The first section authorized agreements among the States which may be helpful in securing needed cooperation among them not only for forest preservation in the East, but to settle vexed questions of water rights in the West. The provision for a commission is, in my opinion, a wise one and will, I trust,

lead to recommendations which will point the way to proper forest preservation by the individuals and the States with proper encouragement by the National Government and without embarking on the extravagant, unwise, and dangerous experiment of the purchase and control by the nation of vast areas of woodland. Mr. Speaker, if this measure shall be carefully and conservatively administered, it may accomplish good results, and I hope it will.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. LAMB. That is, on the subject-matter.

The SPEAKER. Without objection, the request is granted. [After a pause.] The Chair hears no objection.

Mr. LAMB. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, if the provisions of the bill, known as the "Lever-Currier bill," are as important to the people of the United States as its advocates contend, and if the Government ought to expend many millions—probably hundreds of millions—of dollars in acquiring title to many millions of acres of worthless land for the alleged purpose of preserving and conserving the forest in that vast territory and maintaining the water flow in section covered in that bill, then we ought to meet the issue squarely and courageously and enact the Lever-Currier bill. If we are not willing to do that, we should not compromise on this measure, which fails to meet the demands and expectations of the supporters of the Lever-Currier bill, but which, I fear, will commit the Government to a policy which will result in the ultimate enactment of such legislation. At present I am opposed to the Lever-Currier bill. This bill will involve the Government in the administration of the private business of thousands of private citizens, entail enormous expense, and, in my judgment, result in endless litigation, without producing any corresponding or substantial benefits to the people, hence I shall vote against it.

Mr. SULZER. Mr. Speaker, this bill to create a forest commission to investigate something and report next year nothing regarding the protection of the forests within the watersheds of the White Mountains and the Southern Appalachian range is a sad disappointment to the real friends of genuine forest preservation. It means more delay—and procrastination has been the order of the day—in this momentous matter. We had indulged the hope that the Appalachian forest reservation bill would be reported and passed before this session of Congress adjourned; but, alas, our fondest expectations are again destined to be shattered by this little apology for the real legislation so earnestly demanded by the far-seeing people of the country.

Now, I want to say that I am opposed to this delay. I look with suspicion on this makeshift. Instead of the House of Representatives responding to the appeals of the people and meeting this great question in a broad and statesmanlike way, the powers that be in this House direct that the committee bring in this bill to delegate away our legislative rights to a perfunctory commission. It is a great mistake. The people are being humbugged. The pretext will not answer. We are sent here to legislate on this question, and on all other questions, and we should not seek to escape the responsibility. The Congress is the lawmaking body of this Government. The people elected us to legislate, and if we are too indolent or too ignorant or too incompetent to do it, we ought to be manly enough to say so and resign and go home and let the people elect Members who are capable enough and competent enough and industrious enough to legislate, not only on this matter, but on all other matters.

I am opposed to delegating away the powers of the legislative branch of the Government to irresponsible commissions. I am against legislation by commission. I do not like too much commission-made law. I am opposed to this legislative commission business—to a commission to investigate the tariff schedules, to a commission to report on banking and currency, to a commission to look into this matter of forest preservation, and to commissions to do various other things. It is all wrong. It all means delay—more procrastination. These commissions to do this, and to do that, and to do something or other, are merely excuses for delay and for junketing parties, called into being to have a good time, created to spend the people's money, and nine times out of ten utterly useless and barren of beneficial results. We are sent here to do the people's business. Let us obey their mandates and endeavor to meet their expectations.

I am in favor of preserving our forests by intelligent forestry legislation. I am in favor of protecting our watersheds, and utilizing to the utmost our numerous rivers as they flow from the mountains to the seas; and I believe that now is as good a time to begin as some time in the future. We must preserve



our forests; we must protect our watersheds; we must promote the utilities of our rivers from source to sea. This is the plain duty of the hour; and if we fail to do it, we invite the deluge and create the desert. This is a great economical question. I warn the House that delay in this matter is dangerous. Let us do our duty now and not endeavor to escape responsibility by delegating our powers to this commission that will be impotent to accomplish permanent results.

Now, what does this little commission bill do? Briefly, it provides, in the first section, that the consent of the United States is given to any State to enter into any compact or agreement, not in violation of the law of the United States, with any other State or States. The second section makes an appropriation of \$100,000 to enable the Secretary of Agriculture to enter into cooperative arrangements with the States or with owners of private woodlands for the administration and utilization of the same. Just what the result of that will be I know not. The remaining sections of the bill provide for the appointment of a commission of ten members, five to be appointed by the Speaker of the House and five to be appointed by the presiding officer of the Senate; these ten to take into consideration all questions relating to the proposed forest reservations of the White and Appalachian mountains.

The action of the committee in this matter—from the bill to do something, now pending in the committee, to this commission bill, just sprung on us, to do nothing—is the merest kind of a makeshift—the rankest kind of an apology—intended only for delay and to escape responsibility; and the whole proceeding is most deplorable. I regret it exceedingly, and I appeal to the wisdom and to the sagacity and to the patriotism of the Members of Congress to do something substantial now before it is too late. We are behind the age on this all-important question of the conservation of our natural resources. We have received a mighty heritage and with it a corresponding responsibility. We are the trustees for future generations; and we will be false to ourselves, false to our country, and false to our trust if we do not do our duty and preserve, in so far as we can, what we enjoy for the benefit of those that come after us. Let us be true to our trust and true to the ages yet to come, and always bear in mind that willful waste makes woeful want.

Mr. Speaker, we must preserve our forests; we must protect our watersheds; we must look after our rivers, from their source to the sea. It is one of the most important questions of the day, and further delay is criminal. We must wake up before our forests are denuded and our rivers destroyed. After the forests are gone this is what will happen: The soil dries up, loses its fibrous life, and by erosion is rapidly washed down into the rivers, where it is deposited to the detriment of navigation, necessitating millions of dollars of Government money each year for dredging. The heavier forest debris, which is not removed, dries up and becomes a tangled mass of timber, that takes fire from the hunter's or the woodman's match, or when the lightning strikes it. The fires, beginning in this debris, spread to the forests that are left and every year do incalculable damage; then the springs and the multitude of tiny brooks that feed the rivers are dried up, and the latter in the dry season get very low, causing enormous loss of the water power which runs the great mills; then the snows melt and the heavy later rains begin. There is no soil now to hold back and distribute equably this downfall on the steep slopes, and so we have the devastating floods, which annually entail enormous losses.

And so, sir, it follows like the night the day that after the devastation of the forests comes the deluge and then a barren waste and then death to all living things and then the rainless desert. It is thus that annihilation has come upon some of the greatest empires and richest domains that the world has ever seen. Once upon a time, before the mountain forests of Lebanon were destroyed, Palestine blossomed like a rose and supported in much affluence a population of 10,000,000. The mountains have long been denuded. Forbidding slopes, barren and ugly, rear their weird forms sharply above dismal and desolate valleys. Scarcely 400,000 people remain in all the region, and most of these are in hopeless and abject poverty.

The valley of Babylon, where once stood the metropolis of the world, is abandoned and forlorn. Nineveh, the magnificent city of the ancients, is buried beneath the shifting sands of time. Desert wastes cover the sites of Carthage and Tyre and Sidon, yet bountiful nature once provided for these places its richest gifts of fertility and abundance. Antioch is gone and all Syria is a scene of irreparable ruin. The destruction of her forests, followed by the disappearance of her soil and the decay of her industries, foreshadowed the inevitable result. Man destroyed the forests, and the lands which once flowed with milk and honey were transformed into desert wastes. One-

third of China, it is said, has been rendered uninhabitable, and the ruined hills of southern Italy will no longer support their population, and testify in mute eloquence the consequence of forest slaughter. Is such a mournful record of devastation and destruction, of decay and annihilation, to be repeated in America? I trust not. But I warn my fellow-countrymen that if the carnival of loot of our natural resources is not stopped, and speedily stopped, and the forests administered for perpetual use, history will repeat itself, and the inevitable must follow here as in other lands. We can not escape if we destroy principal and interest. Let us do our duty now or sooner or later this will be a national issue that will sweep all opposition aside.

The intelligent conservation of our wonderful natural resources means much to our glorious country now, and much more in lasting benefits to future generations. The willful waste of these natural resources—the devastation of our forests, the destruction of our watersheds, the elimination of our rivers—means decay and death and desert wastes, means in the centuries yet to come the conditions we now witness in northern Africa, in western Asia, in Italy, and in Spain. The world is learning by experience. We must learn in the same school. We can not have our cake and eat it, too. We can not violate natural laws with impunity; we can not neglect fundamental principles and escape the consequences; we can not decimate our forests and have our rivers, too, and without them our fertile fields will ere long be barren wastes. Shall the history of the ancients repeat itself here? Shall we never take heed? In the story of the past let us realize the duty of the present, and by intelligently responding to the essential demands of the hour we will be true to our trust, true to humanity, true to ourselves, and future generations appreciating our work will rise up and call us blessed. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAMB. Mr. Speaker, please notify me when I have consumed seven minutes. Mr. Speaker, I regard it as exceedingly unfortunate that we are not permitted to bring in here as a substitute for this bill the Currier-Lever bill, which was considered so long and carefully by the Committee on Agriculture. This parliamentary situation is of course embarrassing. I want to give some reasons why gentlemen on both sides of this Chamber should not support this measure. I have often heard it said that no speech in the House of Representatives ever secured a vote. If you will give me your attention I think I will win some votes from both sides against this makeshift bill that has been reported by a majority of the Committee on Agriculture. In the first place, gentlemen, read the first section of the bill. In your boyhood days you have heard the comment of the cart being put before the horse.

That is what this section does. I am not going to discuss it any further than to make this observation and to say I turn it over to the lawyers on both sides of this Chamber. In the next place the only section in this bill that can be defended from any reasonable standpoint is the second section. If you will take the Currier-Lever bill and read one section of their bill you will see that the only good thing that is contained in this measure is copied almost identically from the Currier-Lever bill. The milk in the cocoanut, if I may call it so, is in the suggestion of a commission appointed by the Speaker of this House and the President of the Senate to go through these mountains and report facts. Save the second section there is nothing else in the bill as we know this work has already been well done.

The report of the Secretary of Agriculture will convince any man who will read Senate Report No. 91 that this has been well done by the Commission that was appointed at the last Congress. We gave, when the Senate bill was passed, \$25,000 to form a commission to report. That Commission has reported, and here it is. The committee report we have here criticizes this Commission report and attempts to show that it is not full enough. Read this report, together with the full and able introduction by the Secretary of Agriculture, and see how this work has been done. Then, if that be a fact—and it is indisputable—I ask you in all candor and frankness, What is the use of this bill that has been brought in here? What is it? It is a measure to formulate an idea of "how not to do it;" that is it.

It is a measure to delay this work another year. It is upon the same principle that a lawyer acts in court when he sees he has got a bad case and asks for a continuance until the next term of court. That is just what this bill is, and all it is.

Mr. Speaker, there is no politics in the Lever-Currier bill that we would like to be able to offer here as a substitute for this one. Let me call your attention to this fact, that there has been but very little politics in the Agricultural Committee. On a vote on the Lever-Currier bill, which has been re-

ferred to here by the gentleman from Missouri [Mr. RUCKER], there were seven votes for it, and four were from Members of the majority side and three from Members of this side. And it is a pity, a huge pity, that that measure could not have been brought in here. What would have been the result?

It would pass this House, and in conference with the Senate, on a measure they passed the other day, the only difference being the amount of money carried there, this measure would have been enacted into law during this session of Congress. It would have met a demand that is coming up from twenty-seven States of this Union.

Mr. CRAWFORD. I understand that the gentleman concedes that it is impossible to get the Lever bill passed at this session?

Mr. LAMB. Oh, I said we could not get it passed in this House; yes.

Mr. CRAWFORD. That being so, do the forestry people oppose the bill now before the House?

Mr. LAMB. I do not know what the forestry people think. I oppose it for the reason that I am trying to give you—because it does not meet the necessities of the case, because it appoints a commission to do what has already been done, and done better than any commission of Congress will be able to do. And then, it does not recognize the burning principle of all these measures save this one, that in order to do anything you must acquire possession of these lands by the General Government; and if you read the opinion of the Judiciary Committee on this matter you will find that we can do it; that if you can clean out the rivers you can conserve the waters of the rivers that have their source in these mountains.

Mr. CRAWFORD. It is a step in the right direction.

Mr. LAMB. The step has been taken before. We have an able report now.

Mr. BEALL of Texas rose.

The SPEAKER. Will the gentleman from Virginia [Mr. LAMB] yield to the gentleman from Texas [Mr. BEALL]?

Mr. LAMB. Yes.

Mr. BEALL of Texas. The gentleman says that we have information enough to act upon this proposition. Can he give the information to the House as to whether, under the provisions of the Lever bill, it would be necessary to buy 3,000,000 5,000,000, 10,000,000, 50,000,000, or 75,000,000 acres of land?

Mr. LAMB. Yes, sir.

Mr. BEALL of Texas. And can the gentleman tell whether the cost would be \$10,000,000, \$50,000,000, \$75,000,000, or \$300,000,000?

Mr. LAMB. If my colleague had read this report as carefully as I had hoped he had done—

Mr. BEALL of Texas. I have read it.

Mr. LAMB. He would have found those questions answered by the Commission we appointed last year. There is one point that has been made for the bringing in of this measure here, that the new members of the Agricultural Committee—

The SPEAKER. Seven minutes of the gentleman's time have expired. The gentleman has five minutes more.

Mr. LAMB. I want to say here now—

Mr. HEFLIN. Will the gentleman permit a question?

Mr. LAMB. Yes, sir.

Mr. HEFLIN. Did the majority of the committee express a desire to go for themselves and visit these forests in order that they might report and do whatever is necessary to be done?

Mr. LAMB. Oh, the majority of the committee reported this bill, and that does it. Certainly, I will answer that question.

Mr. HEFLIN. And did not the gentleman from Virginia [Mr. LAMB] and the gentleman from South Carolina [Mr. LEVER] oppose that?

Mr. LAMB. I did, and Mr. LEVER did also, I think.

Now, Mr. Speaker, I said, and I again declare, that this bill is an intellectual freak. That is what it is, and if it were not for the affection I bear my colleagues on the committee I would unhesitatingly declare what the country will declare and what intelligent men and women in twenty-seven States of this Union will declare, that it is a legislative trick. The country will call it a flimflam bill. Now, I do not know about flimflam. I know the meaning of it as it was given in the dictionary when I was a boy, and it means a freak and a trick. I say that the country will pronounce it a flimflam bill. I do wish that the substitute we offered in the Agricultural Committee could be brought before the House. Twenty-seven States of this Union demand some such measure as has passed the Senate. The debate in the Senate on the 16th instant shows the necessity for sane legislation.

The hearings before the Committee on Agriculture have shown the importance of it, and the press of the country and every chamber of commerce and every business men's league all

over this country are demanding some legislation. They ask you for bread, and you give them a stone. They ask for a fish, and you give them a serpent.

I yield one minute to the gentleman from South Carolina [Mr. LEVER].

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. LAMB. Yes.

Mr. HENRY of Texas. I would like to ask the gentleman if he does not think that if you would strike out section 2 of the bill it would improve it considerably?

Mr. LAMB. I said that was all there was in it. If you strike out section 2, you would have a roving commission and nothing more. Section 2 invites cooperation with the States. The bill appropriates only \$100,000. It is inadequate and, in my judgment, worthless.

I yield a minute to the gentleman from South Carolina [Mr. LEVER].

Mr. SCOTT. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman from Kansas has eight minutes remaining and the gentleman from Virginia [Mr. LAMB] has one minute remaining.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. SCOTT. I yield two minutes to the gentleman from South Carolina.

The SPEAKER. That gives the gentleman from South Carolina [Mr. LEVER] three minutes in all.

Without objection the request of the gentleman from Virginia to extend his remarks in the Record is acceded to.

There was no objection.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEVER. Mr. Speaker, the bill before the House does not meet my views nor my wishes. If we had the opportunity to submit the so-called "Lever-Currier bill" to a vote of this House, I should be glad to take such opportunity to present it and to test the opinion of the House upon this proposition as against the bill before the House. But those of us on the committee are familiar with the fact that the majority of the Committee on Agriculture are opposed to the propositions and the provisions involved in the Lever-Currier bill, and the best that we could do was to force from the committee this compromise introduced by the chairman of the Agricultural Committee. So that, therefore, as a friend of the proposition to set aside forest areas in the White Mountains and Southern Appalachian region, I feel that the only thing for us to do is to take this proposition—which is, in a measure, nothing—as the best that we can get.

Mr. HASKINS. Say that it is an abortion.

Mr. LEVER. My friend from Vermont [Mr. HASKINS] suggests that it is an abortion. It is to some extent an abortion, but it is the best that we could get out of the committee, and as far as I am concerned I intend to vote for it and I trust that the friends of the proposition on this subject will join with us. I had hoped to get a full-grown child from that committee in the shape of the Lever-Currier bill.

Mr. Speaker, I yield back my time.

Mr. SCOTT. Mr. Speaker, I yield one minute of my time to my colleague from Kansas [Mr. REEDER] to make a request.

Mr. REEDER. Mr. Speaker, so intimate is the subject of forest conservation with irrigation, navigation, and the water power, that I have been considering the subject ever since we passed the national irrigation law. And I wish to call attention, now, to a bill for forest conservation reported from the Committee on Irrigation recently after years of effort.

The time is so short for the consideration of this bill that I rise simply to ask that I may extend my remarks in the Record on this subject.

The SPEAKER. Without objection the leave will be granted.

There was no objection.

Mr. REEDER. Mr. Speaker, this nation is becoming so great as to demand of Congress so much in the way of routine work as to cause us not to give proper heed to matters that do not absolutely demand present attention, however important they may be, viewed as to their future consequence to the Republic. Viewing it as to the far-reaching benefits to accrue, I will concede that I take considerable pride in the fact that I had something of a prominent part in the passage of a law which comes clearly within the category of provisions that are of vastly more importance in their effects for the future than for any benefit to result for the present. I refer to the national irrigation law.



Before I proceed to call your attention to some matters I hope to see looked after by Congress in the not distant future, I desire to occupy a few moments of your time in calling your attention to the work that is being accomplished under this law and that will be accomplished by it if it is permitted to remain in operation.

We are at the present time putting under irrigation about 1,000,000 acres of land which in its present condition will scarcely furnish sustenance for a single family.

When this land is transformed by the application of water it is quite safe to state that it will directly and indirectly furnish homes for 250,000 people, most of whom will live under more benign influences than is possible for any set of citizens under present conditions, as far as I have any knowledge.

They will have the privilege of rural environment, with the assurance of ample provision for all their needs, for a minimum of labor. The density of population in these settlements will give them most of the advantages of an urban settlement, and they will be relieved of many of the undesirable features of city life.

With the telephone, rural mail delivery, and the centralized public schools these people will have fully as good an opportunity for information for themselves and their children as the most favored citizen, with even a better opportunity to utilize it. The circumstances of their existence will practically insure that none of them will become either abnormally rich or degradingly poor, from which two classes come nearly all of those citizens who are a menace to our peace as a nation. It will require about sixteen years to complete the irrigation of this 1,000,000 acres with the \$40,000,000 now in the fund set apart for that purpose and to get the settlers located thereon and the money repaid into the fund, as provided in the law.

Six such periods of sixteen years will make a century. Thus you will see we can with the present munificent fund reclaim 3,000,000 acres of our desert each century.

It is estimated by those who have opportunity to know that we have more than 60,000,000 acres of arid and semiarid land that we may by means of this law make suitable for homes.

If it requires a century to prepare and dispose of 6,000,000 acres, but little calculation is required to ascertain that unless our fund increases more rapidly than the difficulties of irrigation it will require ten centuries to consummate the task we succeeded in inducing the Fifty-seventh Congress to commence. But if we thus make homes for fifteen to twenty thousand human beings annually, who will be so environed as to insure a first-class citizenship where practically no one could exist before, we will be satisfied that we have conceived a good method of using the proceeds of what many regard as a worthless portion of our public domain. Some denominate it the land that God forgot.

Permit me to indulge a prophecy: That this same section of our country is, by means of rural environment and centralized country schools, to develop the greatest citizenship yet known on this old world of ours.

When the task is completed we have the satisfaction of looking forward to a population of good citizens, equal in number to one-fourth of the present population of the United States and sustained on soil that without some such preparation would support but few.

Exactly the same may be said as to swamp drainage. But the matter I have taken the floor to call your attention to is the advisability of giving more attention to the conservation of our national resources. Since the passage of the national irrigation law I have been observing from day to day the destruction of our national resources, with seemingly no opportunity to stay the prodigality of the waste. My observation of this waste was probably accelerated by watching the funds, which the Fifty-seventh Congress so kindly turned over to us with which to reclaim the desert, gradually disappearing into the pockets of the land speculators until \$100,000,000 at least has so disappeared by means of a law now on our statute books, which permits the sale of our timber lands at the rate of \$2.50 per acre regardless of their value. Since the passage of the national reclamation law we have sold at this figure 6,800,000 acres of this timber for about \$17,000,000. Some of this timber would have cut 50,000 feet, board measure, to the acre. If you will get a publication called "Forest Conditions," edited by Dodwell and Dixon, and published in 1902, and examine the map attached you will see that considerable of the timber on the Western slope will cut 50,000 feet, board measure, or more. If it will average 5,000 feet per acre, and is worth, say, \$2.50 per thousand feet, or \$12.50 per acre, the net loss to the irrigation fund is nearly \$70,000,000 already, or nearly double the vast sum now in that useful fund, and if we sell the balance of the timber on the public domain outside of the forest reserves as we

have sold our timber in the past instead of at something near its value, we will lose at least \$200,000,000 more to the irrigation fund. See Professional Papers, by Henry Gannett, published in 1902, page 13; also Professional Papers, No. 5, page 12. The publications here referred to are Government publications. I also base my estimate on letters inserted below.

DEPARTMENT OF THE INTERIOR,  
Washington, March 19, 1908.

Hon. W. A. REEDER,  
House of Representatives.

Sir: I reply to your letter of the 6th instant, I have the honor to call attention to the fact that according to table furnished you March 4, 1908, showing the number and acreage of timber and stone entries made from July 1, 1900, to June 30, 1907, was 50,041 entries, embracing 6,801,970.32 acres, for which the Government received \$17,017,844.91. The value of each claim was estimated at \$1,500. It would appear, therefore, that there was paid \$17,017,844.91 for timber and stone lands, which have an estimated value of \$75,061,500.

It is not practicable for this Department to give the average stumpage of the timber upon the lands so disposed of with any greater degree of exactness than heretofore indicated.

As to the amount of public timber lands yet undisposed of, you are advised that this Department, by reason of the fact that no classification of such lands has been made, except the return of the surveyor who executed the survey of such lands as have been included within the lines of the public surveys, and which is necessarily not accurate, as such surveys are confined to the exterior lines of townships and sections. However, it may be roughly estimated that there are within the territory of the United States, exclusive of Alaska, between twenty and twenty-five million acres of undisposed-of timber and stone lands. Twenty million acres would equal 125,000 claims of 160 acres each, which, if disposed of at \$2.50 per acre, the present price of timber and stone lands, would bring \$60,000,000, whereas the value of same may be estimated at about \$187,500,000. This estimate is based upon a valuation of \$1,500 per claim, which it is believed is a fair one when it is considered that while to a large extent the choicest timber has already been disposed of, that remaining possesses a greater value because of the increasing scarcity of timber and the increasing demand therefor.

In connection with this matter attention is directed to the fact that if the timber were disposed of upon a stumpage basis, and the title to the land retained by the Government, this acreage could be retained by the United States for reforestation, or could be disposed of under appropriate land laws, and it may be estimated that for either of these purposes the land should, after the timber has been removed, be worth in the neighborhood of \$10,000,000.

Very respectfully,

FRANK PIERCE,  
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., March 19, 1908.

Hon. W. A. REEDER,  
House of Representatives.

MY DEAR MR. REEDER: With reference to value of timber on lands disposed of under the timber and stone act during the past ten years, I have a rough estimate from the Forest Service which indicates that the value is, at a conservative figure, not less than \$25 per acre.

In a previous letter I made a rough estimate on the basis of \$10 per acre, but I think that you can safely increase this rate to \$25 per acre.

Very truly, yours,

F. H. NEWELL, Director.

The loss of one hundred millions to the irrigation fund, when so much could be done with this vast amount in the way of making homes for a class of our people who so much need homes and would utilize them for the sustenance of themselves and their families, is bad enough to cause every Member of Congress to cast his vote to stop this waste.

I note in the circular called "An Appeal of the West to the East" this statement, referring to the public domain:

The East has had its cake and eaten it; in turn the West, too, desires to munch its cookie in its own way.

The Denver public-lands convention, which met last summer, seemed called to emphasize the right of the West to "munch its own cookie." These lands and this timber do not belong to the West more than to the East, in my opinion. A prominent Western man at the national irrigation congress at Boise, Idaho, declared from the platform his purpose to educate the people of the nation up to his notion, which is well expressed in the words here quoted, "Our own cookie, to be munched in our own way."

This theory is absolutely wrong. The young man in Pennsylvania, New England, or elsewhere who desires to secure a home on the public domain has, in my opinion, a better right to that 160 acres of the public domain which he needs for a home than has the whole Denver land convention when he is ready to take him a wife and establish a home thereon. Further, if a certain tract of land contains timber to the value of \$40 per acre, no one citizen has a right to that land for \$2.50 per acre, thus getting \$37.50 of value for nothing, which belongs to his neighbor as much as to himself. Our land laws are absolutely wrong where they permit either of these citizens to lose their right in land by the Government turning the same over to other persons.

No agriculturist who lives in a city or town and gains wealth farming the farmers has any moral right to exact from such farmer a bonus when he wishes to go upon the public domain to improve the country by building a home for himself and family thereon. The safest foundation for our civil institutions

is a citizenship who own the soil they cultivate for a sustenance, and Congress has no more important duty than to look after and preserve for the people this national resource—the public domain.

At the Boise convention I took the ground—which I regard as the only just position—that the public lands, including the timber, minerals, and waters, are the heritage of the whole people, but that I thought it not only was right, but advisable, that persons in the West should have the use of all the resources of the soil and the mines, but not to the extent of ruthlessly destroying their value for those who may in the future desire to go to the West to make homes.

Nor to the extent of putting into the pockets of land speculators vast sums in the way of title to the public domain or the products thereof, which any poor boy of the East or the South has an interest in if he desires to go West and make a home therewith. Such placing of the wealth of all in the pockets of a few we not only have a right to question, but as lawmakers we are criminally negligent of our duty if we do not stop it, and to-day I find myself with the first opportunity I have been able to get in the nine years I have been a Member of this body to offer you a plan that will save a balance of this one cocky—the timber on the public domain—which consists of the difference between \$2.50 per acre and a fair value for this timber. I refer to H. R. 21140 and the report thereon, and can assure you if you will assist in passing this bill and thus keeping this wealth out of the hands of the speculators, it will, by means of the national irrigation law, forestry conservation, and drainage, be used for making homes for settlers, whether these settlers live in the West or come from the North, South, or East.

H. R. 21986, in the consideration of which I am permitted to set these facts before the House and the country, most of which I had hoped to present during the consideration of H. R. 21140, which can not now be considered owing to the lateness in the session, seems to shy at purchasing mountain lands for forest reservations, which has caused me to conceive the idea that H. R. 21140, when it comes up for passage next term, should be so amended that one-fourth of what we save by selling the balance of the timber on the public domain outside of the forest reserves at its value instead of the \$2.50 per acre at which it has been sold in the past be used to purchase the necessary land for the Appalachian and the White Mountain forest reserves and for the reforestation of Government land where advisable, one-fourth for the drainage of swamp lands, and one-half to go into the irrigation fund.

The estimates of this Department as to what this saving will amount to vary from one hundred and twenty-seven to four hundred and forty million dollars (see letters inserted above), which warrants the statement that at least fifty millions would thus go toward forest establishment, and not deplete the Treasury a dollar.

Forestry is a more important work than either irrigation or drainage, because every day's delay of a proper forestry policy adds to the difficulties of its consummation, while, except for the loss of water storage caused by the destruction of the forests, irrigation can be done at one time as well as another.

This legislation will prove very wise and far-reaching if we buy and manage our forests with one-fourth of the savings of a single law, especially if our care of the forests prove as successful as has the forest policy of Prussia.

The Prussian method of management adopted calls for a sustained yield—that is, no more wood is cut than the forest produces. Under this management the growth of the forest, and consequently the amount cut, has risen sharply. In 1830 the yield was 20 cubic feet per acre; in 1865, 24 cubic feet; in 1890, 52 cubic feet, and in 1904, 65 cubic feet. In other words, Prussian forest management has multiplied the rate of production threefold in seventy-five years, and the quality of the product has improved with the quantity. Between 1830 and 1904 the percentage of saw timber rose from 19 per cent to 54 per cent.

It is a striking fact in this connection that in the United States at the present time we are using about three times as much timber as our forests grow. If we were everywhere practicing forestry with a resulting improvement equal to that made in Prussia, our forests would be growing as much as we use.

The financial returns in Prussia make an even better showing. Net returns per acre in 1850 were 28 cents. In 1865 they were 72 cents; in 1900, \$1.58, and in 1904, \$2.50. They are now nearly ten times what they were sixty years ago, and they are increasing more rapidly than ever.

In Saxony, which has about 430,000 acres of State forests, the increase of cut under forest management, which always means also a corresponding increase in wood produced, has been nearly as marked as in Prussia. The yield rose 55 per cent between 1820 and 1904, and is now 93 cubic feet per acre—greater than that of the Prussian forests. Since the chief wood is spruce, which yields more saw timber than the average of trees making up the Prussian forests, the increase in the percentage of saw timber in Saxony naturally exceeds the increase in Prussia. It increased from 26 per cent in 1830 to 66 per cent in 1904. The net yearly revenue is \$5.30 per acre. The yearly expense is \$3 per acre. Our forests, 190,000,000 acres, at the same rate would produce \$900,000,000 annual net revenue.

These figures are in striking contrast with the corresponding ones for the United States. We spent on our national forests last year 9¢ mills per acre, and our net revenue from them was less than 1 mill per acre.

A number of the private forests of Germany are managed with great success. As a result of a canvass of 15,000,000 acres of State, municipal, and private forests it was found that the average net revenue per acre, from good, bad, and indifferent land, was \$2.40 a year.

What, then, has forestry done in Germany? Starting with forests which were in as bad shape as many of our own which have been recklessly cut over, it raised the average yield of wood per acre from 20 cubic feet in 1830 to 65 cubic feet in 1904. During the same period of time it trebled the proportion of saw timber got from the average cut, which means, in other words, that through the practice of forestry the timber lands of Germany are of three times better quality to-day than when no system was used, and in fifty-four years it increased the money returns from an average acre of forest sevenfold.

Have we a right to sit idly by and see men from pure greed destroy the forests, when they might be made a source of such profit, and especially when they are the greatest source of water necessary to transform our deserts into homes, especially when these national resources are placed in our care for the use of any citizen who desires to make a home therewith?

Out of over \$140,000,000 worth of the wealth that Eastern men helped to take out of the Treasury to assist in this commendable work of transforming the West, one hundred millions have been turned into the hands of speculators through the influence of these same men whom we sought to assist, and many of them now urge that we should take other millions out of the Treasury, direct, to make up that which has been thus wrongly diverted. It was with difficulty that a resolution demanding \$100,000,000 of an appropriation from Congress was defeated in the Boise irrigation convention. When one hundred millions of this fund, generously set apart by Congress to improve the West, is thus despoiled, surely it is high time we as guardians of the people's inheritance should take cognizance.

And in another part of the circular, "An Appeal of the West to the East," we find the following, which emphasizes what I have been stating. It says:

It is entirely right that the press should devote much space to the work and benefits concerned with forest reserves; it is proper enough that the nation should be educated to a startling realization of how we have recklessly squandered our heritage of forest, soil, and other natural resources for over a hundred years. Our prodigality has been shameful and criminal; no doubt about that.

Yet this is the least of several species of folly we are committing by the present means of disposing of the timber on the public domain. A worse feature lies in the fact that the timber on the land sold under this law at \$2.50 per acre is cut so closely as to leave the hillsides bare of trees to reseed the land for a future crop of timber, and much of this land is fit for nothing else.

Then the brush is strewn about in such a way as to insure the spread of fires over vast areas, which so completes the devastation as to leave nothing to prevent the rainfall from washing the soil from the surface, which precludes a future reforestation, while if taken hold of by the Government, the matured timber can be used and the lands reforested.

#### FORESTS FOR PERPETUAL USE.

The forests must be administered for perpetual use and for an annual crop instead of a grand carnival of loot preceding their everlasting destruction. Properly developed, they can be made to produce many times their present annual crop of usable lumber. We can not survive if we destroy principal and interest.

#### PROPER FOREST REGULATIONS PAY.

A leading lumberman of Wisconsin recently, in advocating the Appalachian bill and the Government control of forests, said: "The Government regulations are thoroughly practical and but moderately expensive. We have demonstrated that by several years' experiment. If during all those former years in which we have been denuding this valley we had operated on the same plan, piling the brush and burning it to prevent forest fires, we should now be growing upon the same land three times as much timber as we took out." "This is a practical answer," says Forestry and Irrigation, "to those who think that the national forests should continue to be looted in the good old-fashioned way."

History shows us that torrents and drougths follow these devastations of the forest.

#### MATURE TIMBER USED—FOREST GROWN—MORE TIMBER CAN BE GROWN.

An attempt was made in France to check torrents by sodding instead of planting. This, however, proved a failure, and recourse was again had to planting, by the law of 1882, which provides that the State shall bear the costs. Since then the excellent results of planting have completely changed public sentiment. The mountaineers are most eager to have the work go on and are ready to offer their land for nothing to the forest department. In addition to lands secured by gift the State acquires 25,000 or 30,000 acres a year. Over 500,000 acres have been acquired and more than one-half of this area has been planted. Already 163 of the torrents have been entirely controlled and 654 are beginning to show the controlling effects of the forests on their watersheds. Thirty-one of the torrents now entirely controlled were considered hopelessly bad half a century ago.

It is expected that \$50,000,000 will have been spent before the work of reforesting for protection is complete in France. The sand dunes on the coast of France, mainly in Gascony, which the winds drove farther and farther inland, wasting the vineyards, have now largely been fixed in place by forest plantations which were begun in 1793. Of the 350,000 acres of sand dunes, 275,000 have been planted in forest, and the dunes, instead of being a constant menace to the neighboring farmers, now are growing crops of pine which produce valuable wood and resin. In all, about \$2,000,000 was spent in the work; and an additional \$700,000 was laid out in bringing the forests



under administration. Now, though about one-half of the lands have been acquired by private persons and the State retains only about 125,000 acres, the State has received \$120,000 above all expenses and possesses a property worth \$10,000,000, acquired virtually for nothing.

Some 2,000,000 acres of shifting sands and marshes toward the interior of the country, a triangular territory known as the "Landes," has been changed from a formerly worthless condition into a profitable forest valued at \$100,000,000. Reforestation was begun about the middle of the last century. This work was done principally by the communes, aided and imitated by private owners, and encouraged by the State. The resulting forest produces both pine timber and resin, upon the yield of which the present valuation is based.

In the little island of St. Helena reforestation has doubled the supply of water since the time of the great Napoleon.

In France, where reforestation has cost over \$40,000,000, the results have been equally happy.

In transmitting a report concerning the methods employed in securing the highest possible returns from the cultivation of pine in France, Consul Murphy writes as follows from Bordeaux during the present year:

"Prior to 1803 the 2,500,000 acres comprised in the Department of the Landes were little more than shifting sand dunes and disease-breeding marshes. This section is now one of the richest, most productive, and healthful in France. This marvelous change has been brought about by the intelligent cultivation of pine forests. Immense forests now cover the country, the sand dunes and marshes have long since disappeared, and the wood, charcoal, turpentine, resin, and kindred industries have brought wonderful prosperity to the entire department, which was formerly the most barren and miasmatic in France. The climate is now mild and balmy, the great change being wrought by the forests. The thin layer of clay beneath the sandy surface, formerly impervious to water, has been so pierced by the roots of the pine that there is now thorough drainage to the spongy earth below.

"The manufacture of resin, tar, turpentine, pitch, pyroligneous acid, wood vinegar, etc., is conducted about the same as in Georgia and the Carolinas."

#### FAILURE OF NAVIGATION.

We shall see the failure of navigation upon scores of rivers that are now very useful for transportation, and this will be accomplished by the freshets of springtime, by the droughts of midsummer, and by the filling up of the channels with silt and debris from the denuded hills.

As ex-Governor Pardee, of California, has said, "The rivers and harbors begin in the mountains." The navigable rivers of the South practically all have their rise in the Appalachians, and the four principal rivers that rise in the White Mountains are navigable in their lower reaches, yet the removal of the forests has so disturbed the laws of nature that serious difficulty is being experienced by the season of low water, which is constantly lengthening.

#### NO USE TO DIG OUT.

"The Government has expended \$30,000,000 to deepen these streams, and expects to spend \$26,000,000 more, but that investment will be rendered useless in a few years unless something is done to regulate the drainage." The forest is the one natural factor that equalizes the flow, and with the forest supplemented by storage-reservoir systems, the depth of many streams could be properly maintained. "Thirty-five per cent of the Monongahela may be economically stored. That would almost eliminate flood damage at Pittsburg and Wheeling and secure the coveted height of water to Cincinnati." This is impossible of accomplishment except by the maintenance of the watershed forests, to equalize the flow and prevent the filling of both reservoirs and rivers with soil waste from the hillsides.

#### MULTIPLIED MILLIONS WASTED.

Instead of spending "multiplied millions" to dig out the rivers and the harbors, would it not be better policy for an "economical Congress" to attack the root of the difficulty and remove the chief cause of trouble?

"The present process involves dredging, and more dredging, until kingdom come," testifies Mr. Leighton, of the United States Geological Survey. "It is cheaper to keep soil out of the top than to dig it out of the bottom, and a private corporation that handled such a situation in the manner that the Government does would be a fit candidate for a receivership."

#### REPORT OF SENATE COMMITTEE, APRIL 1, 1906.

The loss of the forest is followed by that of the soil and by recurring floods, the devastation of property, the obstruction of navigable rivers. Alternate high and low water periods and Government expenditures for dredging and harbor improvements follow. Yet deforestation is only in its first stage. Eventually the stripped mountains will become so inimical to the public welfare that the Government must reforest them.

Fourth. The creation of these reserves is in the interest of agriculture.

Erosion is so rapid that within five or ten years there is not enough fertile soil to bear crops. All the land that is truly agricultural is now exposed by denudation of the forests to severe floods. In the distant lowlands the effect of forest destruction is felt in floods, which sweep away bridges, dams, and houses and spread barren sand over acres of fertile fields.

Fifth. The creation of these reserves is important to manufactures. The water power of these two reserves is of vast importance and will be more so with the development of electricity. The present course with the forests will entail a severe blow and lasting detriment to the entire country.

#### FLOODS FOLLOW FOREST DESTRUCTION—ALL ENGINEERS AGREE.

Professor Swain spoke for the American Civil Engineers' Society, which has a membership of over 5,000 and includes nearly all the engineers of the country. They had never memorialized Congress before. "The fact is," he said, "there is absolutely no difference of opinion among scientific men." "They are all very apprehensive about the timber supply," he continued. "Despite the use of concrete and other substitutes, there is more timber needed than ever before. The soil is being carried more and more into the valleys. The destructiveness of floods is not only much increased by their greater volume and velocity, but by the cutting power of the sand which they are bringing down. The river channels are being filled, the streams spread over

more acres of fields, rivers are becoming less navigable, water powers less valuable, agriculture less possible. Appropriations for dredging are more and more needed. There is no question but all these disasters are rapidly increasing."

I have known the Connecticut for over thirty-six years. Until recently the wooded hills kept the flow of the river even. Now, in the spring, we have floods, while in the summer the water sometimes will not run our mills.

THEOPHILUS PARSONS,  
New England Manufacturer.

#### DESTROYING THE SOURCES.

"What is the use to try and make rivers navigable," asked Doctor White, "if the sources are all going to dry up? You cannot keep commerce between Pittsburg and Cincinnati without that belt of timber on the Southern Appalachians." "Upon a single river," said Professor Glenn, "the Government is spending \$8,000,000 to remove debris from the steep slopes of distant States that ought never to have been cleared."

#### COTTON MANUFACTURERS ALARMED.

"One thousand members of the National Association of Cotton Manufacturers," said Mr. Woodbury, secretary of that association, "are becoming thoroughly alarmed." He said that the Connecticut River had diminished in its summer volume at least 20 per cent in the last ten years.

#### STORAGE RESERVOIRS DESTROYED.

Mr. A. M. Schoen, Mr. W. S. Lee, Mr. Waddell, and electrical engineers told how the storage reservoirs were quickly destroyed by mud from the denuded hillsides in far-away States. As for the American Institute of Electrical Engineers, Mr. Schoen said: "When the subject of forest preservation was first brought up some of the members had been a little skeptical as to the gravity of the situation. They had appointed a special committee, who have been studying the matter for three years.

"They agree now that the perpetuation of power depends absolutely upon the preservation of headwater forests."

Electric transmission had been looked forward to as the great hope of Southern industry, and great systems of storage reservoirs have been planned to improve the navigation of hundreds of miles of inland rivers, but the reservoirs would be useless unless the forests were cared for. "Yes, sir," replied Mr. Lee. "Perhaps you could wash out a reservoir if you wanted to spend as much as the whole plant was worth, and then the silt would fill up the next one beyond, and the next one, and so on. Then it would destroy the river below for navigation; also the harbor at its mouth, and the Government would spend a few millions on jetties to push the stuff into the ocean."

#### DREDGING MONEY WASTED.

Mr. Leighton, who has been in charge of investigations for the River and Harbor Commission, spoke of the futility of dredging operations as conducted by the Government. He spoke also of the permanent depreciation of waterside property from Pittsburg to the Gulf of Mexico as far exceeding the \$100,000,000 damage that the floods themselves had caused.

Mr. Waddell compared the even flow of the French Broad River, which rises in the protected forests of Biltmore, with the erratic variation of rivers coming from deforested country. One of these streams, that had been measured, in a single season had brought down 12,000 cubic feet of sediment to a single pond, from but fourteen miles of drainage area. "That river," he said, "dries up each summer."

Where streams are subject to severe droughts or great floods, commercial development is practically impossible. Nature has provided for the uniformity of flow by covering the watersheds at the headwaters of these streams with forests. When these forests are cut, great freshets result. (Charles A. Stone, Stone & Webster, electrical engineers.)

From the standpoint of those who know floods are superfluous. There is no more need of the periodical inundation of great areas of fertile land, the sweeping away of mills, factories, railway tracks, and residences and the destruction of lives by river overflows than there was need for water pouring, at every rain, through the roof of the patient native interrogated by the "Arkansas Traveler." The up-to-date man mends his roof before the rain comes. When, as a nation, we get up to date, we will mend our river systems before the floods come.

No informed man claims that forests alone will completely prevent all floods. The forest, however, is a potent factor in flood prevention. Reservoir systems, well understood by engineers, are other factors. Here, as in the case of the roof and the pestilence above referred to, the remedy is incomparably less expensive than the disease. Which shall we have?

#### FLOOD DISASTERS TO CITIES.

The floods of 1907, which caused a damage of \$9,900,000 at Pittsburg and Cincinnati and Louisville, were but a hint of future disasters to many cities. These freshets are forever menacing all the riverside towns along the Ohio and Mississippi, as well as those on the rivers within the Appalachian region, and if the menace continues to increase it will scarcely be possible to maintain cities except on the hilltops. Already the flood damage in the United States exceeds \$100,000,000 per year. "With our water controlled and utilized, this sum might be saved and fourfold greater value produced."

#### MANUFACTURES THREATENED.

Professor Shaler once remarked that "the future of manufactures in our country will depend upon water power transmitted by electricity." Nearly every drop of water that can turn a wheel in the South comes from the mountains. Upon the principal streams of the Southern Appalachian region there is nearly 5,000,000 horsepower for development. If 1 horsepower is worth \$20 per year, which is the commonly estimated rate, it will be seen what a mighty factor are the mountain brooks for the future industrial development of this country in furnishing the possibility for vast development in manufacturing, in lighting, and in transportation. It is estimated that the capital invested in the manufacturing enterprises which utilize about two-thirds

of the power of the four principal rivers flowing from the White Mountains amounts to \$400,000,000. The industries dependent upon the power of these rivers in five New England States and nine or ten Southern ones certainly produce an annual output of nearly or quite half a billion dollars, but the floods of springtime and the ever-increasing severity of the midsummer droughts offer a constant menace to their prosperity, and instead of the vast future development that would otherwise be looked for it is feared that decay will set in and that the diminished streams of summer will barely trickle past a few abandoned wheels that have managed to escape the springtime freshets.

#### SWITZERLAND.

In Switzerland, which has 2,000,000 acres, or 20.6 per cent of its area, in forest, the communal forests are the largest, and make up 67 per cent of the total; the cantons own 4.5 per cent; and private persons own 28.6 per cent. The communal holdings are constantly growing by the purchase of private lands. The general Government, or Bund, owns no forests. From \$6,000,000 to \$8,000,000 worth of wood (300,000 tons) and wooden ware are annually imported. This comes mainly from Austria-Hungary, southern Germany, and France.

The state forests yield about 64 cubic feet per acre, the corporation forests 42 cubic feet; the average yield of both together is about 45 cubic feet. The average wood growth per acre has been estimated to be 50 cubic feet. In the state forests of Bern the figures show a growth of 60 cubic feet for the plateau country, 73 cubic feet for the middle country, and 75 cubic feet in the Jura. Wood prices, which are higher than in Germany, have been rising for forty years.

The expenditures in forest management vary greatly among the Cantons, ranging from \$1.50 to \$7 per acre. The net annual returns range from \$3 per acre in the forests, where least is expended to \$8 or \$9 per acre in the city forests, where most is expended.

Forest regulations came very early in Switzerland. The first forest ordinance of Bern was issued six hundred years ago. The city forest of Zurich, famous as the Sihlwald, has been managed under a working plan since 1680, and is to-day one of the most perfectly managed and most profitable forests in the world. It yields, on the average, a clear annual profit of \$12 an acre. From time to time, as the evidence shows, the Swiss people stood in dread of a timber famine. Ordinances were passed forbidding the reduction of the forest area, the making of clearings, and the exportation of wood from one Canton to another. In the middle of the eighteenth century, as modern industrial life began, various Cantons sought to follow the examples which Bern and Zurich had set in forestry. A severe flood in 1830 brought home the need of more vigorous measures in guarding against torrents. The floods of 1834 and 1868 further enforced the lesson. An investigation of Swiss forest conditions was ordered by the Bund in 1857, and the same year provision was made for an annual appropriation of \$2,000 to the Swiss Forestry Association for engineering and reforestation work in the Alps. In 1871 the Bundesrath was empowered to carry on this work, with an annual appropriation of \$20,000. After the flood of 1868 \$200,000 of the collections made for the relief of the sufferers was devoted to reforestation. In 1876 the Bund assumed supervision of the water and forest police in the High Alps above a certain elevation, and undertook to give aid in the work of engineering and reforestation for the control of the Alpine torrents. Since 1898 the Bund has supervised all this work, and in 1902 the present forest policy was firmly fixed by a revision of the existing law.

All the Swiss forests comprised in the Bund are now classified as protection and nonprotection forests. Whether public or private they are all controlled by the Government. In protection forests all cuttings must be such as to preserve the protective value of the forest cover intact, and for this reason clean cutting is usually forbidden. In such forests stumpage sales are forbidden, and all wood must be felled and measured under the direction of a forest officer. Otherwise, privately owned protection forests are supervised in the main as are those publicly owned. Nonprotection forests are also subject to a number of regulations. When they are in private hands clearings may be made only with consent of the Canton, logged areas must be reforested within three years, and existing forest pastures must be maintained.

Where protection forests can be created by planting, this may be ordered, and where forests are converted to farming land or pasture an equal area may be ordered reforested. Where barren ground is required to be forested for protective purposes, the Bund assists by paying from 30 to 50 per cent of the cost. Between 1876 and 1902 16,000 acres were reforested at a cost of \$1,000,000, in round numbers, the Bund having paid one-half.

Grazing has been regulated for centuries. In protection forests it is entirely prohibited; but on all the rest of the forests great success has attended the efforts of the forest service to safeguard both pasturage and the forest by supervision and range improvement. Despite differences in local conditions, the experience of Switzerland in forest grazing is, therefore, strongly in support of the policies which are directing the efforts of our own Forest Service. Indeed, the experience of all Europe shows the necessity of controlling the public range.

To sum up, forestry in Switzerland, where every foot of agricultural land is of the greatest value, has made it possible for the people to farm all land fit for crops, and so has assisted the country to support a larger population, and one that is more prosperous, than would be the case if the valleys were subjected to destructive floods. In a country as small as Switzerland, and one which contains so many high and rugged mountains, this is a service the benefits of which can not be measured in dollars. It is in Switzerland also, in the Sihlwald, that forestry demonstrates beyond contradiction how great a yield in wood and money it may bring about if applied consistently for a number of years.

The fires then come, and then the soil is soon washed away.

WILLFUL WASTE MAKES WOEFUL WANT—ANNUAL SOIL WASTE A BILLION DOLLARS.

The waterways of the United States annually sweep from land to sea a billion tons of earth. Of this, 90 per cent is chiefly soil matter. In weight it is comparable with the total annual tonnage of all our railroads and river and lake vessels. Applied as a fertilizer, it would cover to the depth of a quarter of an inch an area of about 340,000 square miles, or the land surface of all the Atlantic States from Maine to South Carolina, inclusive, with Vermont, New York, Pennsylvania, West Virginia, and one-third of Georgia thrown in. Its value may be estimated as at least a billion dollars. Its loss is the heaviest impost borne by the American farmer.

Soil wash and river ravage are largely to be traced to the absence of forests from slopes on which rivers rise.

W. J. MCGEE,

United States Inland Waterways Commission and Bureau of Soils.

#### SOIL WASHED AWAY—PITIFUL FLIGHT WITHOUT POWER.

Of our great sources of power, by which we operate our industries, our means of transportation, our light, and the heat of our houses, there are three—coal, wood, and water. The first is irreplaceable, and the world's stock will not last for long. Wood we can raise as an annual crop if we adopt intelligent means, but water is the great future source of power. We must preserve its sources. Pitiful, indeed, would be our condition if it were gone.

If we are to have waterways, we must have trees on the hillsides, and the future of this country undeniably rests upon the preservation of those trees.

#### HOW DESOLATION STARTS.

After the forest is gone, this is what happens: The humus or soil dries up, loses its fibrous life, and by erosion is rapidly washed down into the rivers, where it is deposited to the detriment of navigation, necessitating millions of dollars of Government money each year for dredging. The heavier forest debris, which is not removed, dries up and becomes a tangled mass of timber that takes fire when the hunter's or the woodman's match falls into it. In some cases lightning strikes it. The fires, beginning in this debris, spread to the forests that are left, and every year do incalculable damage.

#### DROUGHT AND DELUGE.

After this process is complete and the watersheds are left bare, comes death and the deluge. First, the springs and the multitude of tiny brooks that feed the rivers are dried up, and the latter in the dry season get very low, causing enormous loss of the water power which runs the great mills of the Connecticut, Merrimac, and Saco rivers. Then the snows melt and the heavy later rains begin. There is no soil now to hold back and distribute evenly this downfall on the steep slopes, and so we have the devastating floods, which annually entail enormous losses. And what goes on in New England pertains with far more serious consequences on both sides of the Appalachian Mountain Ranges from Pennsylvania down.

#### WHY FOREST PRESERVATION IS VITAL—SPEEDY RUIN IN DISTANT STATES FOLLOWS DESTRUCTION OF MOUNTAIN-SIDE FORESTS—THE PROCESS OUTLINED—ARE WE THE CHAMPION SLEEPERS?

"Floods and forest fires do damage annually in New England, Pennsylvania, Ohio, and the Southern States amounting to hundreds of millions of dollars. This loss is very directly traceable to the enormous denudation of the forests on the mountain sides." The speaker was Mr. Charles S. De Forest and the occasion was a meeting of the New Haven Chamber of Commerce a few nights ago.

#### HARBORS AND SOIL WASTE.

Vast sums are spent each year in raising the levees and digging out the channels of the Mississippi and its tributaries and upon the harbors of the Gulf and ocean coast. We are told that a billion tons of the most fertile topsoil of the land goes off each year into the sea, and that it is worth a billion dollars. That is as much as it costs each year to run the Government of the United States. It is said to be twice the value of all the lumber products of the country, and surely is a tremendous lot more than the lumber products will be worth if present conditions continue.

There is no other question now before the nation of equal gravity with the question of the conservation of our natural resources; and it is the plain duty of us who for the moment are responsible to take inventory of the natural resources which have been handed down to us, to forecast the needs of the future, and so handle the great sources of our prosperity as not to destroy in advance all hope of the prosperity of our descendants.

Facts which I can not gainsay force me to believe that conservation of our natural resources is the most weighty question now before the people of the United States. If this be so, the proposed conference, which is the first of its kind, will be among the most important gatherings in our history in its effects upon the welfare of all our people. (President Roosevelt.)

#### THE EXPERIENCE OF FRANCE.

If we wait until forest and soil are gone before beginning a sound policy of handling these mountains, we shall invite the bitter experience of France, who, at infinite pains and an expenditure of \$40,000,000 within her limited area, is endeavoring to restore both soil and forest to her mountains after a course of destruction such as ours at present.

The streams of the Appalachians are of enormous value to the nation for water power and navigation. If the forests are removed from the mountains, this value will be reduced to a fraction, because the soil from the denuded watersheds will so rapidly fill reservoirs and channels that even the resources of the Government itself will be insufficient to keep them clear.

JAMES WILSON,  
Secretary of Agriculture.

The following statement in reference to the James River appears in the Report of the Chief of Engineers, United States Army, for the year 1885, part 2, page 947:

"It has been estimated that at least 275,000 cubic yards of solid matter pass Rocketts Reef in twenty-four hours when there is a freshet not higher than 10 feet. No account is taken in this estimate of the heavy material rolling along the bottom. It is probably far within limits to say that in such a freshet not less than 300,000 cubic yards pass in twenty-four hours. Large quantities of the lighter particles held in suspension are carried far down the river, but the heavier pieces that roll along the bottom move only by a rapid current and stop as soon as the freshet subsides and must be taken out by dredging. It is therefore believed that it will be necessary in the future, as it has been in the past, to keep on hand a dredging plant ready for emergencies."

This is a significant statement. It means that, year after year, the expense of maintaining and operating a dredging plant must be kept up in connection with James River navigation; and while the cost in any single year may not appear great, a succession of years will produce a total expense far in excess of the cost of providing reservoir capacity sufficient to prevent the silting up of the lower channel. Up to July 1, 1905, the Government had expended in round numbers \$1,250,000 on the James River, and the total estimate for the finished improvement of that river is \$5,375,000. But, even with this expenditure, high



maintenance charges will continue so long as freshets continue to bring down material that must be dredged from the navigable channel. The same is true of the Potomac River. The conditions upon the drainage areas of both rivers with reference to the possibilities of water conservation may be summarized as follows:

"In the Potomac basin, topographic surveys reveal six reservoir sites of sufficient capacity for the storage of the entire annual discharge from 1,350 square miles. That is, if these reservoirs were constructed and the gates closed, a year would pass before the water would spill over the tops. These reservoirs would thus place under control 12 per cent of the entire drainage area of the Potomac above Great Falls. Many other reservoir sites might be designated on more careful survey. The total capacity of these reservoirs is 58,510,000,000 cubic feet."

The low-water stage of rivers could be augmented and the reservoirs made ready for the next freshet by emptying the reservoirs into the river as the flood recedes. History shows that deforested regions become almost uninhabitable for human beings.

#### PALESTINE HAS BECOME A DESERT—WHY SHOULD NOT NORTH CAROLINA AND NEW HAMPSHIRE?

The intelligent use of our resources means for the United States a great and happy future. The waste of these resources means that we shall repeat the conditions we see in northern Africa, in Greece, in Spain, and Palestine. We are not beyond the operation of natural laws, and neglect of the fundamental basis of land and water will bring upon us and our descendants the same results that have desolated those countries.

GIFFORD PINCHOT,  
Chief of Forest Service.

#### REGION BECOMES UNINHABITABLE.

In 1896, Prof. N. S. Shaler, of Harvard University, said: "South of Pennsylvania there is, according to my reckoning, based on observations in every State in that upland country, an aggregate area of not less than 3,000 square miles where the soil has been destroyed by the complete removal of the woods and the consequent passage of the earthy matter to the lowlands and to the sea. "The rapidity of this destruction has recently been greatly accelerated. Faster than was considered possible eleven years ago, these regions are moving toward a forestless, soilless condition." (From Report of Secretary of Agriculture, December 11, 1907.)

#### THE SOIL.

Through deforestation the very soil itself is being washed away. Says Mr. W. J. McGee, of the United States Inland Waterways Commission and Bureau of Soils:

"The waterways of the United States annually sweep from land to sea a billion tons of earth. Of this 90 per cent is chiefly soil matter. In weight it is comparable with the total annual tonnage of all our railroads and river and lake vessels. Its bulk is one-fifth of a cubic mile. It equals a block 1 mile square and over a thousand feet high. Applied as a fertilizer it would cover, to the depth of a quarter of an inch, an area of about 340,000 square miles, or the land surface of all the Atlantic States from Maine to South Carolina, inclusive, with Vermont, New York, Pennsylvania, West Virginia, and one-third of Georgia thrown in. Its value may be estimated as at least a billion dollars. Its loss is the heaviest impost borne by the American farmer."

"This soil waste is sapping a resource richer than all others combined save one, namely, our inland waters. These, immeasurably our richest resource, are, in great measure, perverted from a blessing into a curse. And both soil wash and river ravage are largely to be traced to the absence of forests from slopes on which rivers rise."

In a century such an amount as this equals the bulk and weight of a range of mountains a mile high and 40 to 50 miles long, quite enough, doubtless, to considerably depress the earth's surface along the coast line. Faster and faster the relentless waves are eating into New Jersey's shores, and the whole coast from New England to the Gulf is said to be more and more rapidly sinking. Must we augment the process? And yet, if the coast line does not sink to make up for all this waste poured down from the hills, will not the result be yet more serious in the filling up of every bay and harbor of our whole ocean and Gulf front? Evidently we are using up a billion dollars' worth of good material each year for the purpose of destroying our harbors and our rivers, choking our fertile valleys, annihilating manufactures that depend on water power, producing a hard-wood famine, and sinking our coast cities beneath the sea.

Are there any people who call themselves intelligent who can find economy in this?

#### BITTER LESSON FROM CHINA.

In northern China the mountains have been swept as bare of forests as are our city pavements. Floods have devastated the valleys. Wood has become so rare as to be confined largely to the making of coffins, for which purpose it is borne on human backs down rugged slopes and defiles in journeys of some ten days or two weeks. Grass, dug up by the roots from remote mountains, and stubbled raked clean from harvested fields constitute the chief forms of fuel. Rivers go dry in summer. "Little wonder that the traveler passes through successive villages absolutely destitute of human inhabitants, and that, even in the more favored regions, the parent, upon the birth of a female child, frequently debates whether to drown it outright, or leave it to be carried away by the next famine."

#### DESTRUCTION OF EMPIRES.

Once upon a time, before the mountain forests of Lebanon were destroyed, Palestine supported in much affluence a population of 10,000,000. The mountains have long been denuded. Forbidding slopes, barren and ugly, rear their weird forms sharply above dismal and desolate valleys. Scarcely 400,000 people remain in all the region, and most of these are in hopeless and abject poverty. The valley of Babylon, where once stood the metropolis of the world, is abandoned and forlorn. Desert wastes cover the sites of Carthage and Tyre and Siden, yet bountiful nature once provided for these places its richest gifts of fertility and abundance. Antioch is gone, and all Syria is a scene of irreparable ruin. "The destruction of her forests, followed by the disappearance of her soil and the decay of her industries," foreshadowed the inevitable result. "Man destroyed the forests, and lands which once flowed with milk and honey were trans-

formed into deserts." One-third of China, it is said, has been rendered uninhabitable, and the ruined hills of southern Italy will no longer support their population. Is such a mournful history of so-called civilization—that is really but a record of devastation and destruction—to be repeated in America?

Hundreds of years ago Spain allowed the great mass of her forestry, on her central table-lands, to be destroyed, and has since crystallized her sad experience into the famous proverb, "The tree is the father of the fountain." (Ex-Governor Pardee, of California.)

#### MUCH WORSE THAN WAR.

The devastation of war is but for a brief time, after all. There have been broad strips of smiling country laid waste by the invader even in our own land, and ruin for the time being seemed complete, yet another generation comes upon the scene and those of us who belong to it look in vain for the scars that were inflicted.

It is different when natural resources instead of artificial creations have been destroyed, and this destruction of the forest and the mountain side, the valleys and the rivers, means ruin of States instead of counties; ruin that will last a thousand years instead of a generation; ruin that will be complete and overwhelming; a calamity brought on by human ignorance and greed. It is a ruin clearly foreseen by those who have the knowledge to foresee, clearly preventable by human means if we have the will to prevent. It is probably within the truth to say that a city like San Francisco might be destroyed every three or four months without bringing greater loss of the national wealth than is now going on all the time in the destruction of our forests.

This same appeal of the West to the East, which claims the right to munch its own cooky in its own way—the public lands and what is contained thereon or therein, also says:

Much of the publication appearing now in the press and magazines with reference to forest reserves is but the outward and visible sign of the healthy reaction, penitence, and alarm that accompanies our awakening sense of what has been squandered. Still, much of the publication is due to the activity of the Forest Service's press bureau maintained from Washington. The slips sent out by the Forest Service make fine, readable "fillers," and it is free "copy" for editors.

But there is another side to this matter of forest reserves which the people should have an opportunity to view. It is a side the East knows nothing about. There is only a vague impression in the East that, for some reason, away out in the West where the forest reserves are, there is a strong opposition to this institution.

This impression is wholly incorrect; nowhere in the world are forest reserves so enthusiastically commended and appreciated as an institution as in this arid Western country. In the two years that the writer has lived in the Far West, he has never yet heard a word of opposition to forest reserves voiced by any representative citizen.

Such a statement from such a source creates wonder in our minds when we observe some of the criticisms of the Forest Service and the Chief Forester on the floor of Congress.

Our present policy as to the handling of our forests is purely and solely the result of greed.

EXTRACTS FROM REPORTS OF THE PRESIDENTS OF THE PUBLIC LANDS COMMISSION (S. DOC. NO. 189, FIFTY-EIGHTH CONGRESS, THIRD SESSION).

The conclusion regarding the timber and stone act given on page 3 is—

"Our conclusion is that the law is defective, because even when properly administered it may be used for purposes for which it was never intended, and we recommend its repeal."

In the second report of the Commission, given in the same document on page 13, it is stated:

"In addition to the direct loss to the Government from the sale of the lands far below their real value, timber lands which should have been preserved for the use of the people are withdrawn from such use and the development of the country retarded until the corporations which own the timber see fit to cut it. The bona fide settler who comes into a country the timber resources of which have thus been absorbed, may thus be seriously hampered by inability to secure timber except from foreign corporations. All of the timber land has often passed beyond his reach and the development of his farm may be greatly retarded and his expenses greatly increased, because he can no longer obtain the necessary supply of fuel, rails, posts, and lumber."

#### THE PRESIDENT'S VIEW.

President Roosevelt has repeatedly expressed himself on this vital theme. At Raleigh, N. C., on October 19, 1905, he said:

"The preservation of the forests is vital to the welfare of every country. China and the Mediterranean countries offer examples of the terrible effect of deforestation. Neither State nor nation can afford to turn these mountains over to the unrestrained greed of those who would exploit them at the expense of the future. We can not afford to wait longer before assuming control, in the interest of the public, of these forests."

#### UTILIZING THE WATERS.

Our inland waters are our greatest natural resource. The water flowing down our Western mountains far exceeds in value the fabulous wealth represented by all the metals and minerals lying between the Rockies and the Pacific.

To-day most of this resource is wasted. Each year at least 1,000,000 horsepower runs over Federal Government dams. Capitalized at 3 per cent, it represents an investment of \$1,066,000,000 now wholly wasted.

Further, uncontrolled water is a curse. Flood damage in the United States exceeds \$100,000,000 per year. With our water controlled and utilized, this sum might be saved and a fivefold greater value produced.

A plan for Federal action is essential, and it must infallibly include the conservation of forests upon the slopes on which rise important streams. (M. O. Leighton, chief hydrographer United States Geological Survey.)

#### NERO'S CARELESSNESS.

Nero fiddled while Rome burned, and he has been much criticised for his carelessness; but how much better are we behaving? We are pretty patriotic when we get sufficiently aroused, and quite excited while the band wagon is going by. We would respond gaily to the call to arms if we knew that a foreign invader was crossing our frontier. With such unintelligent patriotism, many empires and rich domains of former years have faded from the map of the world and are now buried be-

neath the sands of the desert. It was thus that Babylon and Tyre and Sidon and Antioch have perished—that one-third of China has become uninhabitable.

But that sort of thing takes time. Perhaps most of us will be gone before the country begins to pay its severest penalty for forest devastation. So why should we care for the future of our Eastern States? Let us eat, drink, and be merry, for to-morrow we die; and when we die, hooray for the overwhelming deluge and the municipal policy of the great Nero.

Nothing more important than the preservation of our forests can claim the attention of Congress. No other portion of our citizenship can remedy this matter, while it is clearly *our duty* and a *most important* duty to do so.

Most important because if left undone for a very few years the damage can never be made good. If left undone, soon it can not be done at all.

Addressing the National Rivers and Harbors Congress at Washington, D. C., on December 4, 1907, Mr. J. J. Jusserand, French ambassador, said:

"It is an absolute principle: No forests, no waterways. Without forests regulating the distribution of waters, rainfalls are at once carried to the sea, hurried sometimes, alas, across the country. After having devastated the neighboring fields, the rivers find themselves again with little water and much sand; and with such rivers how will you fill your canals? \* \* \* The question is as clear as can be: Do you want to have navigable rivers, or do you prefer to have torrents that will destroy your crops and never bear a boat? If you prefer the first, then mind your forests. We can tell you, for we know."

"If the Mississippi is the 'Father of Waters,' the forest is the father of the Mississippi."

The question of water power alone, and of electric power derived therefrom, involves millions of dollars.

Says Mr. M. O. Leighton, chief hydrographer, United States Geological Survey:

#### POWER.

"Our inland waters are our greatest natural resource. The water flowing down our Western mountains far exceeds in value the fabulous wealth represented by all the metals and minerals lying between the Rockies and the Pacific."

"President Roosevelt says that the one item of flood disaster would make this matter of preserving our forests a question of the very first importance."

The money already spent in diking and dredging our rivers is ample to stop our floods by means of forests and reservoirs, and we have just spent enough to commence to realize that to control a flood you should commence at the source, not after it becomes a raging torrent.

TO CONTROL A FLOOD COMMENCE AT SOURCE—HOW TO CONTROL THE RIVERS—FORESTS AT THEIR HEADWATERS THE ONLY PROTECTION FOR NAVIGATION AND WATER POWER—NO FORESTS, NO WATERWAYS.

It is an absolute principle—no forests, no waterways. Without forests regulating the distribution of waters, rainfalls are at once carried to the sea, hurried sometimes, alas, across the country. After having devastated the neighboring fields, the rivers find themselves again with little water and much sand; and with such rivers, how will you fill your canals? \* \* \* The question is as clear as can be: Do you want to have navigable rivers or do you prefer to have torrents that will destroy your crops and never bear a boat? If you prefer the first, then mind your forests. We can tell you, for we know."

If the Mississippi is the "Father of Waters," the forest is the father of the Mississippi. (M. Jusserand, ambassador from France.)

#### WITHOUT FORESTS STORAGE RESERVOIRS ARE FUTILE.

The building of storage reservoirs to take the place of the natural storage of the forest will be quite futile. As Secretary Wilson's report sets forth, "Any reservoir system in the Southern Appalachians is foredoomed to failure unless the watersheds which feed it are kept under forest." Examples of reservoirs completely filled are on almost every stream. If the silt can be "sluiced" out of the highest reservoir, it gathers in the next below, and if perchance it passes the last reservoir it is free for deposit in the navigable reaches of the streams, whence its removal may only be by a steam dredge at the expense of the Government. Yet, if these storage reservoirs could be maintained, not only manufactures but inland navigation would be possible on thousands of miles of rivers.

The Merrimac, "Rhine of America," supports a population of 350,000, with property assessed at \$240,000,000. It drives mills worth \$100,000,000, employing annually 80,000 people earning \$37,000,000 annually in wages.

This industry is menaced by the destruction of the White Mountain forests.

Speaking, on May 15, 1907, of the dependence of New England upon her factories run by water power, and the floods and droughts occasioned by deforestation in the White Mountains, Mr. Theophilus Parsons, a prominent New England manufacturer, said: "This is a question in which every manufacturer on the Eastern coast of the United States is interested."

The governor of Massachusetts, Hon. Curtis Guild, jr., added his testimony, on April 20, 1906, in the following language: "Stripping the hills of trees means floods and freshets in the spring and water famines during the remainder of the year. It means a threat to property, if not, indeed, to life. It means an enforced idleness for many of our people."

The following statement by Mr. Augustine T. Smythe, of Charleston, S. C., made on May 17, 1907, indicates graphically the situation in the South:

"In the Carolinas and Georgia there is invested in cotton mills run by water power alone over \$40,000,000. The horsepower utilized is 105,895. The spindles turned number 2,711,375. They consume annually 892,357 bales of cotton, worth, when manufactured, over \$70,000,000. The hands employed number 60,000. Counting families, 240,000 people are dependent upon these mills. This vast industry faces destruction. The cutting of the Appalachian forests means its end. A national forest reserve in the Appalachians is the only salvation."

Prof. N. S. Shaler, of Harvard, is one of the foremost students of forestry in this country. In 1896 he said:

"South of Pennsylvania there is, according to my reckoning, based on observations in every State of that upland country, an aggregate area of not less than 3,000 square miles where the soil has been destroyed by the complete removal of the woods and the consequent passage of the earthy matter to the lowlands and to the sea. At the rate at which this process is going on the loss in arable and forestable land may fairly be reckoned at not less than 100 square miles per annum. In other words, we are each year losing to the uses of man, through unnecessary destruction, a productive capacity which may be estimated as sufficient to sustain a population of 1,000 people."

The process which Professor Shaler observed has been greatly accelerated since that time, and it is not unlikely that at this time chances of subsistence are being withdrawn from at least 2,000 people in the Southern Appalachians alone. A peculiarity of that country is that it gullies easily, so that when the forest cover is removed entirely, which is usually done by the settlers, but often by lumbermen through careless logging, the heavy rains wash out gullies until a whole mountain slope may be made absolutely bare, with all the thin surface soil, which will furnish sustenance for trees or crops, carried off; to be deposited, not where it is needed, but on top of the rich bottom lands, which in turn are made valueless, or in the beds of streams.

Again, he says:

"If we wait until forest and soil are gone before beginning a sound policy of handling these mountains, we shall invite the bitter experience of France, which at infinite pains and an expenditure of \$40,000,000 is endeavoring to restore both soil and forest to her mountains after a course of destruction such as are ours at present."

The damage from the floods of the Missouri and the Mississippi, below where the Missouri enters it, are yearly so vast as to go far toward forest retention where advisable and the reservoir building necessary to control a large per cent of the floods.

The diking is another great expense, and together they will often cost as much in one year as would be necessary to retain the waters near the sources in sufficient quantities to lower the crest of every flood in these rivers at least 12 to 20 inches.

Under the national irrigation law passed June 2, 1902, sufficient reservoirs are now building on the headwaters of the Missouri River to impound enough water to cover 2,500,000 acres of land 12 inches deep, and this will be increased every year for many years to come. This added to what could readily and comparatively cheaply be kept out of the floods by means of reservoirs built for that especial purpose, and this added to the waters which could be retained by forest preservation, would lower the crest of every flood on the Missouri enough so that if taken from the high stages of all floods on these rivers would decrease the damage caused by these floods at least 75 per cent, and the silt carried by them to even a greater extent. The expenses of dikes added to the damage by floods for any five-year period on the Mississippi and Missouri would furnish the funds necessary to practically stop flood damage and also stop the necessity for any large future expense on the dikes.

If the cities along these streams will expend in controlling the floods at their source one-half the money Chicago has spent for her ditch and is willing to add to the cost of it to enlarge the same, they will have a great highway of transportation to the Gulf that will carry one-half the cereals of the United States to market, together with a vast and constantly growing amount of other commodities. Yet, instead of pursuing this common-sense plan they, like the tenderfoot when you set him to irrigating crops, get to the flood end of the stream and spend their energy at the impossible task of controlling the volume of water when it has become a raging torrent, instead of going to the source and directing it with comparative ease. If we could but get the men who are using so much money and energy to make the Missouri River navigable to use their ingenuity and wealth where something can be accomplished that will be permanent, by seeing that all the hillsides of the watershed are covered with timber and every feasible place made into a permanent reservoir, the crest of the flood could thus be lowered so, as to prevent nearly all damage from high water. These reservoirs could be emptied as soon as the waters commence to recede, and thus have less water at flood and more during the ebb of the streams.

Then a channel once prepared could be kept intact at small expense.

Yet probably the worst feature of this forest destruction lies in the loss of our water powers.

We are evidently nearing the necessity of a greatly augmented source of supply of heat and light, as well as of motive power. If the ancients could not inhabit their lands after they had destroyed the timber on their mountains and hills, how can we hope to do so when one of the important results is the loss of water power, which they could not utilize and that we can scarcely get along without? Our rapid use of our fuels and our constantly increasing demand for them, coupled with our daily increase of knowledge as to how to derive power and light from our water powers and transmit it to great distances, points unmistakably to our ability when the necessity arises to propel all our means of transportation, to furnish power for our machinery, and furnish us our light and heat with the water



powers, unless we destroy them. Will we by our votes continue a process of the destruction of the forests covering our hills and mountains, thus daily destroying these valuable assets, the water powers, at a rate that will leave us but a pitance of what we have had so lavishly bestowed upon us and that we will so much need in the near future, especially when all that we are doing with the proceeds is putting a few more dollars into the pockets of a few land speculators who have no real use for these dollars?

Let me present this phase of the situation to you for your consideration: Suppose you vote with the friends of this measure and later conclude we had better change back to the present policy, we will still have the timber and we can do so, whereas if we continue our present methods of handling our timber supply, the damage will soon be such as can not be remedied. This feature will result from the total destruction of the forest and the burning over of large areas which are of no value except for the growth of trees which they will support.

H. R. No. 21140, which we succeeded after five years of effort in getting reported to the House, and to which I wish to call your attention, does not provide for the disposition of an acre of our public domain, and does not in any way change the method of disposing of a particle of our timber, except in those cases where the present method disposes of it at clearly less than its value. Surely no friend of irrigation can oppose such a saving to this valuable fund, unless perchance it goes to himself or some very close friend. Especially when we at the same time save the navigability of our rivers, save the flood waters for irrigation, save our water powers, which must in the near future furnish our only source of power to draw our trains, drive our machinery, and furnish us our heat, as well as our light. Especially when we thus at the same time preserve a greater system of reservoirs than man could possibly build, for the forests retain a vast amount of water.

It seems to me clear that, as I have stated earlier, there can be no reason assigned for continuing this policy of the destruction of our forests which does not spring from avarice. I must again before closing call your attention to the fact that to sell the remainder of the timber on the public domain outside of forest reserves, under this bill instead of as we have been selling it under the present law, will save not less than \$200,000,000, which may be used in forest perpetuation, drainage, and irrigation, thus making homes on what is now worthless land for millions of human beings. Besides we will thus always have something of a supply of timber, whereas under the present method that supply will totally and forever disappear as far as the lands thus disposed of are concerned, and the soil of the hillsides will be cast into our rivers, navigation be impeded and our water powers very much lessened in value, while if you vote for H. R. 21140, you have all of these left and can turn it over to speculators at any time we so desire. I really hope that when we get time to consider this bill no one will vote against it.

Mr. HEFLIN. Mr. Speaker, this bill to preserve the forests is not what it ought to be, but it is better than no bill at all.

Representative STANLEY, of Kentucky, offered in the committee a resolution which, in my judgment, would have been the best step to take at this session under the circumstances. He wanted the Forester, accompanied by the Agricultural Committee, to go and inspect in person the forests sought to be protected, so that each member could see for himself the necessity for this legislation. If this course had been pursued, we would have had at the next session of Congress an enthusiastic committee on the side of forest protection. But for the opposition of Representative LEVER, of South Carolina, and Representative LAMB, of Virginia, the forests would have been investigated this summer, and the proper legislation would have followed. This legislation is a step in the right direction and will lead to better legislation later.

Mr. SCOTT. Mr. Speaker, I wish to ask unanimous consent to include in my remarks, without reading, the report of the committee upon this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

[House Report No. 1700, Sixtieth Congress, first session.]

The Committee on Agriculture, to which was referred House bill 21986, has had the same under consideration and reports as follows:

At the beginning of the present session a number of bills were introduced and referred to the Committee on Agriculture having for their general purpose the purchase of certain tracts of land in the White Mountains and in the Southern Appalachian Mountains with a view to preserving the forests on said lands and conserving the flow in the rivers having their sources therein. The committee considered its most pressing duty to be, first, to prepare the appropriation bill for the Department of Agriculture. Before the consideration of this bill had been completed a resolution was introduced by Representative BARTLETT of Georgia, providing that the bills above mentioned, commonly known as

the "White Mountain and Appalachian Park forest reserve bills," be referred to the Committee on the Judiciary with the request that that committee render an opinion as to the constitutionality of the proposed measures. This resolution was adopted by the House, and the bills were referred accordingly. Pending the report of the Committee on the Judiciary, the Committee on Agriculture was of the opinion that it could not properly give consideration to these measures.

On April 20, 1908, the Committee on the Judiciary rendered an opinion to the effect that the United States would have no right to purchase lands for the purpose of creating a forest reserve, but that Congress might appropriate for the purchase of lands having a direct and substantial connection with the navigability of navigable rivers. As a result of this decision, Representatives who had introduced the bills which had been referred to the Committee on the Judiciary modified and reintroduced them, and they were again referred to the Committee on Agriculture, which took up the consideration of them at the earliest possible date. After hearing testimony and considering the bills for several days, it became evident that the committee, with the information then before it, was unwilling to favorably recommend any measure committing the United States to the policy of purchasing forest lands. The whole matter was therefore referred to a subcommittee, with instructions to recommend to the full committee such action as it was deemed proper to take. As a result of the deliberations of this subcommittee, the bill H. R. 21986 was reported to the full committee and by its action is herewith reported to the House.

It is a matter of common knowledge that the forests in the White Mountains and in the Southern Appalachian Mountains are being rapidly destroyed, and the desirability of preserving what remains of them, or at least of introducing methods of lumbering which will prevent the destruction of immature timber and will protect the forests from fire, is universally conceded, not only for the perpetuation of the timber supply, but also for the conservation of the flow of water in the streams having their source within these forests. The problem as to how this desired end should be reached has been widely discussed and has awakened profound interest throughout the entire country. As a result of this discussion four distinct methods have been suggested.

First. It has been held by many that the problem was one belonging exclusively to the States concerned. Those holding this view have argued that the Federal Government has no constitutional authority to purchase lands for the purpose of conserving the forests upon them, even though such preservation may conserve the supply of water in navigable streams. They hold that the matter is one over which the States have exclusive jurisdiction, and that if the right exists it is the duty of the State to assume the responsibility of meeting it.

Second. Another view is that while it is neither the right nor the duty of the Federal Government to purchase the forests it may properly cooperate with the States or with private owners in their preservation by furnishing expert advice and assistance in their proper utilization and administration.

Third. Still another view is that when it is shown that the forests of a given watershed have a direct and substantial connection with the navigability of the navigable rivers flowing from that watershed the Federal Government has the right to exercise jurisdiction over the forests therein, although they remain in private ownership, and prescribe the method which shall be followed in utilizing the forests within such watershed.

Fourth. The last, and doubtless the most generally advocated plan, proposes that the Federal Government shall buy all the land that may be necessary to protect the watersheds of navigable rivers and exercise over the forests growing upon them all the rights and privileges of absolute ownership.

The bill now before the House was drawn with a view to meeting, in a measure at least, each of these four proposed plans. The first section proposes to give the consent of Congress to each of the several States of the Union which may wish to do so to enter into such agreement or compact, not in conflict with any law of the United States, as it may deem desirable or necessary, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact. It has been often urged, by those who insist that the Federal Government should purchase the forests under consideration, that the problem is interstate, and in view of the constitutional inhibition against a State entering into any agreement or compact with another the proper treatment of the problem is made impossible to the States alone. If section 1 of this bill becomes a law, this obstacle to cooperation between and among the States will be removed.

Section 2 of the bill appropriates the sum of \$100,000 to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, by supplying expert advice on forest preservation, utilization, and administration, and upon reforestation of denuded areas. It also authorizes the Secretary of Agriculture to enter into agreement with the owners of any private forest lands situated upon the watershed of a navigable river, to administer and protect such forest land upon such terms as the Secretary of Agriculture may prescribe. It is believed that under the authority given in this section many thousands of acres of forest lands will be brought as effectually within the jurisdiction of the United States for all the purposes of scientific forestry as if these lands were actually owned by the Government.

Section 3 of the bill provides for the appointment of a commission to be composed of five members of the Senate, to be appointed by the presiding officer thereof, and five Members of the House of Representatives, to be appointed by the Speaker.

Section 4 makes it the duty of this commission to investigate all questions tending to show the direct and substantial connection, if any, between the preservation of the forests within the watersheds of the navigable rivers having their sources in the White Mountains and Southern Appalachian Mountains, and the navigability of said rivers. And in case the commission shall determine that such direct and substantial connection exists, it shall then be its duty to ascertain to what extent, if at all, it may be necessary for the Government of the United States to acquire land within the watersheds referred to, the number of acres of such land, and the probable cost, or whether it may be desirable, if within the power of the United States to exercise, without purchase, such supervision over such watersheds as may be necessary to conserve the navigability of the rivers proceeding therefrom. Under the provisions of this section all the questions arising out of the proposal that the Federal Government purchase the forests or that it exercise jurisdiction over them without purchase, may be carefully studied and fully considered. It is true that by an act of the last Congress the Secretary of Agriculture was authorized to report and did report upon the watersheds of the Southern Appalachian and White mountains, the purpose of the report being to present to Congress "the area and natu-

ral conditions of said watersheds, the price at which the same can be purchased by the Federal Government, and the advisability of the Government purchasing and setting aside the same as national forest reserves for the purpose of conserving and regulating the water supply and the flow of said streams in the interest of agriculture, water power, and navigation."

Without intending any reflection upon those who prepared this report, it may be fairly said that it does not present such detailed and accurate information as any careful business man would insist upon having before entering upon a policy which was to involve the expenditure of many millions of dollars. It does not indicate the extent of the navigable portions of the rivers whose navigability it is desired to protect, nor the value of the forests upon them. It presents no data showing to what extent, if at all, the volume or the steadiness of stream flow has been influenced by the destruction of the forests. It shows in only the most general way the location, area, and probable cost of the lands it is proposed to purchase. While it recommends (p. 37) that the Government acquire an area of 600,000 acres in the White Mountains and 5,000,000 acres in the Southern Appalachian Mountains, it states also (p. 32) that an area of 75,000,000 acres will have to be given protection "before the watersheds and important streams are adequately safeguarded," suggesting the thought that while less than 7,000,000 acres are to be purchased at once, 75,000,000 acres must ultimately be acquired if the watershed of the important streams are to be "adequately safeguarded." Your committee is of the opinion that if a commission of ten members of the legislative body, responsible to their constituents and to the country for whatever report they may make, is directed to investigate the subject, the information presented in its report will be sufficiently comprehensive and exact to enable Congress to intelligently legislate upon the subject. The commission is given authority to employ experts and such clerical assistants as may be needed, and is required to report to the President not later than January 1, 1909.

Believing that this bill, by opening the way for the States to cooperate with one another, puts it within their power to contribute much to the solution of this important problem; that the provision it makes for cooperation between the United States, the States, and private owners of forest lands must contribute greatly to the rapid extension of scientific forestry; and that by means of the commission for which it provides the most careful study of the whole problem with a view to future legislation is made possible, and that for these reasons the proposed legislation will be of great public advantage, your committee respectfully reports the bill back to the House with the recommendation that it do pass.

Mr. SCOTT. Mr. Speaker, I have made this request because I desire the record to show the history of the bills that have been introduced in this session of Congress for the acquisition of the White Mountain and Appalachian forest reserves. This report will show that the Committee on Agriculture has not been derelict in its duty touching the consideration of these bills, but has followed the matter up as rapidly as was within its power. In this connection I wish also to state that no official of this House has attempted in any way to delay the consideration of these bills or to induce the committee to bring in an adverse report upon any of them.

Now, I yield to the gentleman from New York for a short question.

Mr. HARRISON. For what purpose is the \$100,000 appropriated in the second section of the bill?

Mr. SCOTT. I will come to that in the discussion of the bill.

Mr. Speaker, it is a matter of common knowledge that the timber supply of our country is rapidly disappearing, and that our mountain ranges, particularly upon the Atlantic coast, are being rapidly denuded of their forests. It is a most deplorable fact. There is no question but that the destruction of forests destroys also the natural beauty of the landscape, that it has a great deal to do with the destruction of agricultural lands, and that it has much to do with impairing stream flow, thereby imposing loss and damage upon manufacturing enterprises which are seeking to use water power, and interfering seriously with navigation. It is therefore, without doubt, extremely desirable that the mountain ranges, particularly those which include the watersheds of important rivers, should not be ruthlessly denuded of their forests, and where such denudation has taken place the forests should, if possible, be restored.

But there is a great difference between admitting the desirability of a project and demanding that the United States Government should take that project in hand. A great many people lose sight of the fact that a proposition may have great merit and yet that it may not be the duty of the United States to take up that proposition, and that it may not be within the constitutional power of the United States to do it. There are many people, therefore, who believe that in this matter of forest preservation the States have been derelict in their duty; that they have not exercised the power they have, but are seeking to shoulder off upon the Federal Treasury a burden which they should bear themselves. It is to meet the views of those who hold such an opinion, in some degree at least, that the committee in this bill has made a provision giving the consent of the United States to each of the several States of the Union which may wish to do so the right "to enter into such agreement or compact not in conflict with any law of the United States as it may deem desirable or necessary with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such an agreement or compact."

This will put it up to the different States to do their duty, so far as their own powers will permit them, and will also take the shackles from their hands, so that they may cooperate with one another, if it is seen to be desirable.

Then there is another class of our citizens, who believe that while the Government should not go to the extent of purchasing forests for the sake of preserving them, yet it may very fairly and properly make a liberal appropriation to cooperate with the States in the preservation of those forests and help private owners of woodlands to administer and utilize them in such a way as to preserve and protect them. To meet that view, we have provided in the second section for an appropriation of the sum of \$100,000 "to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, by supplying expert advice on forest reservation, utilization, and administration, and on the reforestation of denuded areas," and also to agree with the owner or owners of private woodlands to administer and protect them for a definite term of years. That brings me to the question asked me by the gentleman from New York. Replying to it, I wish to say it is the hope of the committee, in the event this bill becomes law, that under section 2 a very large area in the aggregate of the forest lands along our eastern coast range may be brought substantially under Government control, so that all the benefits of Federal ownership in the way of forest preservation may be realized without incurring too many of its burdens.

Mr. HARRISON. As the bill is drawn, the appropriation is merely to enable the Secretary of Agriculture to give his advice.

Mr. SCOTT. It goes further than that.

Mr. HARRISON. Not as the bill reads.

Mr. SCOTT. It enables the Secretary of Agriculture not only to supply expert advice, but to stipulate and agree with the owners of the forests in the Appalachians or the White Mountains for a definite term of years to provide for the administration and protection of them.

Mr. HARRISON. I think the gentleman will admit that lawyers may disagree with him in that interpretation.

Mr. SCOTT. I am not stating how the lawyers interpret it or how it may be interpreted by the courts. I am only giving the gentleman my own opinion of the meaning of the bill and the interpretation placed upon it by the committee.

Mr. HARRISON. I think that is a serious objection to the bill as it is drawn.

Mr. WEBB. Will the gentleman yield?

Mr. SCOTT. I will yield to the gentleman.

Mr. WEBB. There are those who think that the passage of this bill means the killing of the whole project for the White Mountain and Appalachian reserves. Will the gentleman give his opinion upon that?

Mr. SCOTT. In reply to that I wish to say, speaking for myself and I think for a majority of the committee, that we are in hearty sympathy with the main purpose of all these bills. That is to say, we realize the great damage that may be inflicted upon the agricultural, manufacturing, and navigation interests of the country by the complete deforestation of our Eastern mountains, and we are anxious to have such a calamity averted. But in studying the proposal that the Federal Government should purchase and protect the watershed of all the navigable rivers flowing out of these mountains we have come to realize what a tremendous project it is, and the thought of it fairly staggers us. It is true that the bills we have been considering contemplate an initial appropriation of but a small amount of money, and that the report of the Secretary of Agriculture suggests the purchase at this time of less than 7,000,000 acres of land.

But this same report, as the gentleman from Nebraska has just stated, declares also that there are 75,000,000 acres of land in these mountains that must be given protection before the watersheds on the more important streams are adequately safeguarded. At the lowest average price at which anybody has estimated these lands may be bought, this would mean an expenditure of \$250,000,000 merely for the purchase of the lands. Estimating the cost of maintenance of these reservations by the cost of administering the national forests we already possess, there would be added to this initial outlay a yearly expense of at least \$1,000,000. The project, therefore, contemplates an undertaking which in its cost to the country and in many other features can only be compared in importance and magnitude to the Panama Canal. Such a project ought not to be undertaken without first obtaining every scrap of information that would help us to reach an intelligent conclusion and without the most deliberate and painstaking consideration.

I know that a great many people, ardent and earnest advocates of the proposed policy, insist that we already have sufficient information to warrant immediate and favorable action.



But can those who hold to this opinion tell us how much land we will ultimately have to buy, whether 7,000,000 or 70,000,000 acres? Can they tell us where that land lies except in a most general way? Can they tell us how much it would cost? Can they tell us the length of the navigable rivers whose water flow the forests would conserve? Can they tell us the value of the commerce upon those rivers? All these are questions the committee has asked and to which no answers have been given. Certainly a committee of this House would be derelict in its duty if it recommended the passage of a bill which was to commit the Government to a policy involving the expenditure of vast sums of money without knowing what was going to be bought with the money or what price was going to be paid or what was the value of the interests to be protected.

Your committee is not ready to say that it may not be proper and wise for the Government to enter upon this policy. On the other hand, it certainly is not ready to recommend that such a policy be entered upon with the information it now possesses. It has therefore recommended in this bill the appointment of a commission, consisting of members of this House and the Senate, whose duty it shall be to investigate every phase of the problem and report the information it gathers and the conclusions it reaches to the President, by him to be transmitted to the next session of Congress. We believe that a report made by members of the legislative body, who will be responsible to their constituents, to their colleagues, and to the country for the work they do and the recommendations they make will be of far more practical value than a report made by a bureau official, who, however able and honest, was already an enthusiastic advocate of the project he was deputed to investigate, and whose report is more in the nature of an argument in support of that project than of information relating to it.

This bill is not a makeshift, therefore, as my distinguished colleague from Virginia has a little more than intimated, nor is it brought in here for the mere purpose of delay. On the contrary, it was prepared in good faith; it was brought here in good faith, and those of us who favor it believe that its passage will be a long step in the direction of the preservation of our Atlantic coast watershed and the conservation of the water supply in the streams that flow from them. [Applause.]

The SPEAKER. The time of the gentleman has expired. All the time has expired. The question is upon the motion of the gentleman from Kansas to suspend the rules and pass the bill.

Mr. LAMB. And upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 205, nays 41, answered "present" 17, not voting 124, as follows:

## YEAS—205.

Acheson	Dawson	Haskins	McKinley, Ill.
Adair	Denby	Haugen	McKinney
Adamson	Denver	Hawley	McLachlan, Cal.
Aiken	Diekema	Hayes	McLaughlin, Mich.
Ames	Dixon	Heflin	McMorran
Andrus	Douglas	Henry, Conn.	Macon
Anthony	Draper	Henry, Tex.	Madden
Ashbrook	Durey	Hepburn	Mondell
Barelay	Dwight	Hinschaw	Moon, Pa.
Bartholdt	Edwards, Ky.	Hitchcock	Moore, Pa.
Bates	Ellerbe	Hobson	Moore, Tex.
Beale, Pa.	Ellis, Mo.	Holliday	Monser
Beall, Tex.	Ellis, Oreg.	Howell, N. J.	Murdock
Bede	Englebright	Howland	Murphy
Boonyne	Esch	Hubbard, W. Va.	Nicholls
Boyd	Fairchild	Huff	Norris
Brantley	Fassett	Hughes, N. J.	Nye
Broadhead	Favrot	Humphrey, Wash.	O'Connell
Brownlow	Finley	Johnson, S. C.	Olcott
Burke	Floyd	Jones, Wash.	Page
Burleigh	Focht	Keller	Parker, N. J.
Burleson	Fordney	Kellher	Parsons
Burton, Del.	Foster, Ill.	Kennedy, Iowa	Patterson
Burton, Ohio	Foulkrod	Kennedy, Ohio	Payne
Calderhead	French	Kinkaid	Pollard
Caldwell	Fuller	Kipp	Pou
Campbell	Fulton	Knopf	Pray
Capron	Gardner, Mich.	Kustermann	Prince
Carter	Gilliams	Lafean	Pujo
Chapman	Gill	Langley	Rainey
Cocks, N. Y.	Gillespie	Law	Randell, Tex.
Cole	Godwin	Lawrence	Ransdell, La.
Conner	Goebel	Legare	Reeder
Cook, Colo.	Graft	Lenahan	Reynolds
Cook, Pa.	Graham	Lever	Richardson
Cooper, Pa.	Granger	Lindbergh	Roberts
Cooper, Tex.	Greene	Lindsay	Rodenberg
Coudrey	Gregg	Longworth	Rothermel
Crawford	Hackney	Loud	Sabath
Crumacker	Hale	Loudenslager	Saunders
Currier	Hall	Lowering	Scott
Cushman	Hamilton, Iowa	Lowden	Sherwood
Dalzell	Hamilton, Mich.	McCall	Slayden
Darragh	Hardwick	McHenry	Slemp
Dawes	Harrison	McKinlay, Cal.	Small

Smith, Iowa  
Smith, Mich.  
Southwick  
Stafford  
Steensson  
Stephens, Tex.  
Stevens, Minn.

Sturgias  
Sulloway  
Sulzer  
Taylor, Ohio  
Thistlewood  
Thomas, N. C.  
Tou Velle

Underwood  
Volstead  
Vreeland  
Waldo  
Wanger  
Washburn  
Wheeler

Willett  
Wolf  
Wood  
Woodyard

## NAYS—41.

Bartlett, Nev.  
Boober  
Bowers  
Brundidge  
Candler  
Clark, Mo.  
Clayton  
Cox, Ind.  
Craig  
De Armond  
Ferris

Fitzgerald  
Gaines, Tenn.  
Garner  
Garrett  
Glass  
Hamlin  
Hardy  
Hay  
Helm  
Higgins  
Houston

Howard  
James, Ollie M.  
Johnson, Ky.  
Jones, Va.  
Lamb  
Lee  
Lloyd  
McLain  
Padgett  
Riordan  
Rucker

Russell, Mo.  
Russell, Tex.  
Shackelford  
Smith, Cal.  
Smith, Mo.  
Spight  
Williams  
Wilson, Pa.

## ANSWERED "PRESENT"—17.

Bennet, N. Y.  
Boutell  
Bradley  
Butler  
Carlin

Cary  
Cockran  
Cooper, Wis.  
Flood  
Haggott

Lorimer  
Morse  
Nelson  
Olmsted  
Talbot

Watkins  
Webb

## NOT VOTING—124.

Alexander, Mo.  
Alexander, N. Y.  
Allen  
Ansberry  
Bannon  
Barchfeld  
Bartlett, Ga.  
Bell, Ga.  
Bennett, Ky.  
Bingham  
Birdsall  
Broussard  
Brumm  
Burgess  
Burnett  
Byrd  
Calder  
Caulfield  
Chaney  
Clark, Fla.  
Cousins  
Cravens  
Davenport  
Davey, La.  
Davidson  
Davis, Minn.  
Driscoll  
Dunwell  
Edwards, Ga.  
Fornes  
Foss

Foster, Ind.  
Foster, Vt.  
Fowler  
Gaines, W. Va.  
Gardner, Mass.  
Gardner, N. J.  
Gillett  
Goldfogle  
Gordon  
Goulden  
Griggs  
Gronna  
Hackett  
Hamill  
Hammond  
Harding  
Hill, Conn.  
Hill, Miss.  
Howell, Utah  
Hubbard, Iowa  
Hughes, W. Va.  
Hull, Iowa  
Hull, Tenn.  
Humphreys, Miss.  
Jackson  
James, Addison D.  
Jenkins  
Kahn  
Kimball  
Kitchin, Claude  
Kitchin, Wm. W.

Knapp  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Landis  
Lanning  
Lassiter  
Leake  
Lewis  
Lilley  
Littlefield  
Livingston  
McCreary  
McDermott  
McGavin  
McGuire  
McMillan  
Madison  
Malby  
Mann  
Marshall  
Maynard  
Miller  
Moon, Tenn.  
Mudd  
Needham  
Overstreet  
Parker, S. Dak.  
Pearre  
Perkins  
Peters

Porter  
Powers  
Pratt  
Rauch  
Reid  
Rhinoek  
Robinson  
Ryan  
Sheppard  
Sherley  
Sherman  
Sims  
Smith, Tex.  
Snapp  
Sparkman  
Sperry  
Stanley  
Sterling  
Tawney  
Taylor, Ala.  
Thomas, Ohio  
Tirrell  
Townsend  
Wallace  
Watson  
Weeks  
Weems  
Weisse  
Wiley  
Wilson, Ill.  
Young

So the motion was agreed to.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. PEARRE with Mr. WATKINS.

Mr. ALEXANDER of New York with Mr. DAVENPORT.

Mr. MANN with Mr. SIMS.

Mr. CAULFIELD with Mr. MOON of Tennessee.

Mr. JENKINS with Mr. HULL of Tennessee.

Mr. TAWNEY with Mr. RHINOCK.

Mr. OLMSTED with Mr. SHERLEY.

Mr. SHERMAN with Mr. SPARKMAN.

Mr. STERLING with Mr. SMITH of Texas.

Mr. TOWNSEND with Mr. TAYLOR of Alabama.

Mr. OVERSTREET with Mr. ROBINSON.

Mr. NEEDHAM with Mr. McDERMOTT.

Mr. MALBY with Mr. LASSITER.

Mr. KNAPP with Mr. RAUCH.

Mr. KAHN with Mr. HAMMOND.

Mr. GAINES of West Virginia with Mr. GORDON.

Mr. FOSTER of Indiana with Mr. COCKRAN.

Mr. FOSS with Mr. BURNETT.

Mr. DAVIS of Minnesota with Mr. CLARK of Florida.

Mr. CHANEY with Mr. BELL of Georgia.

Mr. CARY with Mr. ALEXANDER of Missouri.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was announced as above recorded.

## BUREAU OF MINES.

Mr. HUFF. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House from the further consideration of the bill (H. R. 20883) to establish in the Department of the Interior a Bureau of Mines, and pass the same, which bill I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby established in the Department of the Interior a bureau, to be called the Bureau of Mines, and a commissioner of said Bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall re-

ceive a salary of \$6,000 per annum; and there shall also be in the said Bureau such clerks, agents, experts, and other employees as may be necessary to carry out the provisions of this act.

SEC. 2. That it shall be the province and duty of said Bureau and its commissioner, under the direction of the Secretary of said Department, to foster, promote, and develop the mining industries of the United States; to make diligent investigation of the methods of mining, the safety of miners, the possible improvement of conditions under which mining operations are carried on, the treatment of ores, the use of explosives and electricity, the prevention of accidents, the values of mineral products and markets for the same, and of other matters pertinent to said industries, and from time to time to make such public reports of the work, investigations, and information obtained as the Secretary of said Department may direct, with the recommendations of such Bureau.

SEC. 3. That the Secretary of the Interior shall provide the said Bureau with furnished offices within the city of Washington, with such books, records, stationery, and appliances, and such assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such Bureau, fixing the compensation of such clerks and employees within appropriations made for that purpose.

Mr. FOSTER of Illinois. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Pennsylvania is entitled to twenty minutes and the gentleman from Illinois to twenty minutes.

Mr. HUFF. Mr. Speaker, I have nothing to say upon this bill except that it is generally demanded by all of the mining interests of the country, and I will ask the gentleman from Illinois to consume some of his time.

Mr. FOSTER of Illinois. Mr. Speaker, the establishment of a Bureau of Mines and Mining seems to me a very important matter for this Government. During the last year more than a thousand men lost their lives in the mines in one month, not taking into account at all the great loss of property. It seems to me that the establishment of such a bureau, where the best methods of mining might be ascertained and where we might investigate and discover means of conserving life in the mines, is of great importance, and that the Government should take some steps to bring about better conditions of the affairs of mining generally. The business of mining is next in importance to that of agriculture in this country. We find that last year the value of the mining properties of our country was over \$2,000,000,000. In 1862 this Government gave to every Representative and Senator then in Congress 30,000 acres of land each, and has added to it very largely since that time, in order that agricultural colleges might be established for the teaching of scientific agriculture. There is no one in the country to-day who believes that any mistake was made when our Government made this concession to agriculture, and yet here is a great industry like mining, which stands next to agriculture, and to which our country has given very little.

Many times experiments that are made in one place, looking to an investigation of better methods of mining, are lost because the knowledge is not known in other parts of the country where it might be taken advantage of and other people might avoid the same mistakes that all were making. Laying aside all property considerations, I believe that for the safety of the life and limb of the men who go down into the earth and bring forth the coal and the precious metals it is our duty to do what we can for them. [Applause.] If the establishment of this bureau will save human lives I am sure none will regret the cost.

It is for the men who work in the mines, whose calling is so dangerous that I plead for the establishment of this bureau. Let us begin a scientific investigation of the safest means of mining. Let us see if we can not do something that will save the awful suffering and loss of life that has occurred in mines.

Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, it may be said by some of the Members who may be opposed to this bill—although I hope there are none such—that the amendment in the legislative, executive, and judicial appropriation bill provided for an investigation. I agree that it did, and I am glad to say that we are very thankful for that appropriation for the benefit of the miners. But that amendment provides only for temporary investigation and is limited to an investigation of the causes of mine explosions. This bill provides for a permanent institution and its jurisdiction of all of the accidents and the investigation as to the causes of all of the accidents which may occur in coal mines and in all the other mines of the country, and it will therefore be of greater benefit because of its continuing and permanent character. The industry, as a whole, taking in mining of coal and other minerals, is certainly of such great importance as to warrant Congress in establishing a bureau the duty of whose officers will be to look after the interest and to build up in efficiency the mining industries of the country, and to look after, last but not least, and really most important of all, the health and the lives of those who are compelled to work in mines in order to earn their living.

I want to read from a report of the Daily Consular and Trade Reports of April 22, 1908:

#### INCREASE IN COAL-MINING DEATHS.

According to J. A. Holmes, chief of the technological branch of the United States Geological Survey, reports regarding coal-mine accidents of 1907 show an increase of about 50 per cent in the number of men killed as compared with 1906. From the information already received, Mr. Holmes says:

"It seems probable that an increase of 25 per cent in the number of fatal accidents will be shown for the year 1907 over the figures for 1906, without taking into consideration the disasters of last December, in which 694 men were killed. Counting the big disasters, the deaths will be more than 3,000, which will be a 50 per cent increase over the year 1906."

The disasters referred to in that report are those at Naomi, Pa., on December 1, 37; on December 6 at Monongah, W. Va., 346; on December 16 at Yolande, Ala., 63; on December 18 at Jacobs Creek, Pa., 250. Out of each thousand men employed by the railroad there are 2½ killed per annum. Out of each thousand men working in coal mines in this country there are 3½ killed per annum.

I want to read for your information an editorial in the Wilkes-Barre Record, situate in the heart of the anthracite region, of May 15, 1908. It is as follows:

[From the Wilkes-Barre Record, May 15, 1908.]

#### AN APPALLING RECORD.

Within the past week twenty-three men have been killed in the mines of Wilkes-Barre and vicinity and thirty have been injured more or less seriously. The deaths have come in horrible and excruciating form. Half a dozen miners lay in a dark tunnel suffering torture from burns, fatally hurt. Others were crippled by a fall of rock and lay in terrible suspense until another fall came and crushed out their lives. One had his back broken and will be compelled to remain motionless, perhaps for several years, until death ends his misery. Another suffered a fracture of the skull and may be an invalid for life. Other poor human beings are in the hospitals and in their homes hovering between life and death.

It is all horrible, heartrending. If that many people had been killed or injured on the public streets or in the various occupations on the surface in Wilkes-Barre and vicinity in a single week, the community would be startled and the reckless sacrifice of life would be made the subject of drastic inquiry. But this story of the mines goes on day after day, not always with such a fearful record as that enacted during the present week, but yet with its daily toll of one, two, three, or four lives, with a secondary record of broken bones and lacerations.

The nineteenth annual convention of the United Mine Workers of America, which met in Indianapolis last January, adopted the following resolution:

Whereas the mining interests of the United States yielded during the year 1907 an increase to the nation's wealth of nearly \$2,000,000,000, and employed 600,000 or more men in the various States of the Union; and

Whereas in 1906 nearly 7,000 men were killed and injured in coal mining alone; and

Whereas this number is rapidly increasing and is now greater than in any other mining country of the world; and

Whereas every important mining country, except the United States, maintains a bureau of mines for the study of mining and the protection of life in the mines; and

Whereas it is desirable that more adequate recognition should be given the industry by the investigation of mining and metallurgical methods with a view to better protection of life and the better utilization and conservation of these mineral resources: Therefore be it

Resolved, That the United Mine Workers of America in their nineteenth annual convention assembled recommend the establishment at this time of a national bureau of mines, with adequate authority and funds to make the necessary investigations to carry into effect the purposes herein stated and to make recommendations to Congress as to any needed legislation: Be it further

Resolved, That the international officers are hereby instructed to appear before the proper Congressional committees in Washington urging the enactment of such legislation.

Signed on behalf—

J. H. WALKER,  
JOHN P. WHITE,  
District Presidents.

The following extracts from the preliminary report of the joint select mine investigating committee, appointed by the legislature of West Virginia to investigate mine disasters and report, show that there are matters connected with accidents in mines the facts of which are not agreed upon:

Your committee is of the opinion that the explosion of the Monongah Mines Nos. 6 and 8 was a dust explosion, and it seems to be the consensus of opinion of the experts who made an examination of the mine that the initial point of explosion was in Mine No. 8, and many of the inspectors and experts believe that the cause was a blown-out shot. Yet Chief Paul, together with others, is of the opinion that the runaway cars, numbering twenty-one, and wrecking at the bottom of the slope, was a great factor in causing the explosion. Inasmuch as the experts who spent weeks examining this mine are divided in opinion as to the initial cause of the explosion, your committee feels that it must refrain from attempting to give you the initial cause of the explosion.

Your committee is of opinion that the Stuart mine explosion was a gas explosion. There seems, however, to be a difference of opinion as to the cause of this explosion. On the one hand, it is claimed that the initial cause was a blown-out shot which ignited gas that seemed to have been present in the mine or that was developed by the shot causing the explosion. On the other hand, it is the opinion of the chief mine inspector that the ignition of gas occurred in room No. 4, off of third left entry, commonly known as "Dick Lee" entry, and that it was caused by a blown-out shot, but that the gas was ignited by an open lamp.



MONONGAH MINE, December 6, 1907.

This is given as an illustration of the fact that in our most modern equipped mines lurks a danger which science has yet to discover. This explosion immediately attracted the attention of operators, chemists, and scientists not only in the different States of the Union, but of the Federal Government, and even foreign countries sent experts to ascertain, if possible, the cause of the explosion and to discover a method of preventing similar explosions.

It was conceded that this explosion was a dust explosion; yet it seems that no one has been able to give all the elements that may be present to create a dust explosion. This reference to the Monongah mines and to the conditions that were thought to exist there at that time are especially made for the purpose of impressing upon the legislature the fact that the legislature can not reach the cause or provide a remedy which will prevent explosions until that cause is known. This must be the result of future study and experiment.

Your committee respectfully again calls attention to the fact that the legislature has asked the committee to solve the greatest problem of the century. This is said because not only the legislature of this State, but the world in general, is trying to solve the problem. Efforts are now being made by the National Government to create a bureau for the purpose of experimenting to determine the hidden causes of mine explosion such as the Monongah explosion.

I do not believe the American people are any less sympathetic than the people of the countries which have, by careful investigation and necessary legislation, reduced the number of fatalities in mines to one-third of what they are in the mines of this country. We are really thoughtless, and do not even ask, Am I my brother's keeper? Let us take thought here at this time and provide ways and means for reducing the awful death roll of the mining industry in this country.

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Mr. Speaker, this is a very important measure and, as I understand it, the friends of the bill control all the time. I want to ask if it is not possible for somebody who is not in favor of the bill to speak in opposition to it.

The SPEAKER. Well, the Chair will answer that question by saying that the gentleman from Pennsylvania [Mr. HUFF] moved to suspend the rules and pass the bill; that the only gentleman who addressed the Chair was the gentleman from Illinois [Mr. FOSTER] demanding a second, and the Chair recognized him for that purpose. Now, the Chair will state this thing has happened before. If it be true that both gentlemen are in favor of the passage of the bill—that has arisen heretofore, and has generally been settled by one or both of the gentlemen extending the time equitably to those who are opposed to the bill.

Mr. TAWNEY. Mr. Speaker, I would ask unanimous consent that those opposed to the bill may have twenty minutes. That would give those in favor of the bill forty minutes, and twenty minutes to those opposed to the bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that those opposed to the bill may have twenty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NICHOLLS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on this subject.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record on this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. ENGLEBRIGHT. Mr. Speaker, I would ask that the same courtesy be extended to other speakers on this bill.

The SPEAKER. The gentleman from California asks unanimous consent that the same courtesy be extended to all gentlemen who shall speak upon this bill, the remarks to be confined to the bill under consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. HUFF. Mr. Speaker, I now yield eight minutes of my time to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, the chairman of our committee has asked me to say a few words, presenting this bill to the House. He was kind enough to suggest this because the bill prepared by our committee was based upon the bill introduced by myself on February 3, and because I prepared the short report which accompanies this bill.

I am quite well aware that many of the Members of the House, Members, too, who take a most thoughtful and intelligent interest in legislation, view with settled disfavor the multiplication of Government departments and bureaus. They have learned by experience that Government expenses increase in direct ratio to the increase of these agencies of government. Personally, I sympathize with this feeling and approve it; but it certainly does not therefore follow that we are to have no more bureaus, and I confidently submit that the demands and the reasons for the passage of this bill are cogent and unanswerable.

The mine operators and the mine workers of the country have for many years united in appealing for either a department or a bureau of mines. Second only to agriculture, the mines of America are her most fruitful source of wealth. Eight hundred thousand men in America daily go down into the dark and dangerous recesses of the ground to toil for their families and to produce this wealth for the nation. Twenty men is about the present average number of those who daily meet death at their task. Ten thousand of them have thus lost their lives in the past five years. The fuel resources of the country are being rapidly depleted and are being fearfully wasted by unscientific methods of mining. And yet, in spite of all this, the Government of the United States has done next to nothing to investigate, to promote, or to help this great industry. As a government, we have paid substantially no attention to it.

I shall not undertake to reiterate the arguments or the startling statistics which you have all heard on this floor at this session of Congress. The well-informed gentleman from Pennsylvania [Mr. WILSON] and the gentleman from California, my colleague on the committee [Mr. ENGLEBRIGHT], have made most earnest and convincing appeals upon this subject. By them and by other gentlemen no less earnest and well informed the facts and figures bearing upon this subject have been detailed in a manner and with an effect to appeal most strongly to the sympathy, the humanity, the patriotism, and the sound sense of every one who heard them.

But there are one or two considerations to which I do desire to call the especial attention of the House. Much has been said of the enormous and shocking loss of life due to mine explosions; but I desire to remind you that far more men have lost their lives by rock, slate, and coal falling from the roofs of mines than even by actual explosions; more, indeed, than from all other causes combined. The very first clause of that portion of this bill which defines the duties of this bureau provides for "diligent investigation of the methods of mining; and, indeed, if the bill stopped here it might be enough. But it goes on to provide for "the possible improvement of conditions under which mining operations are carried on, the treatment of ores, the use of explosives and electricity, the prevention of accidents, the value of mineral products and markets for the same, and of other matters pertinent to said industry." Surely a wise, useful, and comprehensive programme.

Some one may suggest that all of this is a proper field for State or for individual or corporate activity and not a proper region of Federal activity. To this I can not, perhaps, do better than to quote the language used on this floor some days since, during the consideration of the sundry civil appropriation bill, by the gentleman from Kentucky [Mr. SHERLEY], who so rarely fails to interest and inform the House:

Of course there is a boundary line where men may be in doubt; but, generally speaking, the function of a government in regard to research is to do those things that relate to the fundamentals and which, by reason of their cost, are beyond the power of the individual to do, and not to do those things that simply relate to the ordinary work of commercial corporations and companies and which they would naturally do without governmental aid.

And I may also quote this language from the report which accompanies this bill:

Much valuable work has been, is being, and will be done by the State governments to investigate and foster the local mining interests within their own borders; but many of the States have not the means to do this adequately. None of them covers the entire field, nor is any one State interested in all branches and departments of this great industry.

But perhaps the most impelling argument for the prompt undertaking of this work by our own Government is the emphatic and convincing success that other governments have achieved in the same field. It is, indeed, inconceivable that such appalling loss of life as the facts disclose can not be prevented. The experience of other countries demonstrates that it can be prevented. While the mortality in our mines has increased at a fearful rate, the ratio of mortality in other countries has, under government investigation and regulation, wonderfully diminished.

If France and Belgium have reduced their ratio of mortality by two-thirds, why can not we? We have only by careful and persistent investigation to show our miners and operators how to do it, and it will be done.

Let me further assure the House that there is no duplication of work contemplated by this measure. There is no place under the Government where the technological work contemplated by this bill is now being carried on. There need be and is no rivalry between the agency created by this bill and the Geological Survey. The scientific work done and being done by the Survey is of the greatest value and importance. But the stat-

ute under which alone the Geological Survey is maintained and operates limits its field. The organic law creating what we know as the "Geological Survey" provides that the Director of the Geological Survey—

Shall have the direction of the Geological Survey and the classification of public lands, and examination of the geological structure, mineral resources, and products of the national domain.

It has nothing to do with the technical industry of mining. The present efficient Director, Mr. Smith, has freely and frankly admitted this, and has encouraged the bill now before you. Indeed, in a recent conversation he said to me, "That any appropriations already made for objects coming directly within the scope and purview of this Bureau, he would gladly see turned over to it, should this bill become a law."

The committee thought it best, so earnest were we all to secure the establishment of this Bureau, that no direct appropriation should be made by this bill. We hope that this has already been made in the \$150,000 appropriated by the legislative, executive, and judicial appropriation bill the other day, or, in any event, it can be estimated for by the Secretary of the Interior and provided in the future.

In conclusion let me earnestly urge you to come to the rescue of this great industry; to come to the rescue of the mining methods of America; to come to the rescue of the wasting resources of America, and above all and most appealing of all, to come to the rescue of the men who, in darkness and danger, pursue this toilsome vocation. [Applause.]

Mr. HUFF. Mr. Speaker, if the gentleman from Minnesota [Mr. TAWNEY] or any gentleman speaking on that side desires to use some of the time, I will be glad if they will do so.

Mr. TAWNEY. I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I do not feel myself prepared to vote for a measure like this, because I think the House has been inadequately supplied with information about it. I am under the impression that in some respects the bill transgresses the rights of the States and intrudes itself into the operation of private business in an unnecessary way.

Mr. NICHOLS. Do you know that this bill provides in any way for supervision of mines?

Mr. SLAYDEN. Mr. Speaker, I do not understand enough about the bill to answer the gentleman's question definitely, yes or no, but I am advised in a general way that it undertakes to exercise a sort of supervision that hitherto has fallen within the province of the police regulations of the States or the commercial regulations of the enterprises themselves.

I am in perfect sympathy with the most extreme development of the very useful work done by the Geological Survey, and if I could be convinced that this bill is necessary, and that it will do enough good to balance the evil exercise of a doubtful power, I should support it; but it has been brought into the House without any previous suggestion, to me at least, that it was to be considered in so brief a time at a late hour of the session.

I object to the creation of any more bureaus of the Government. If this work is important enough to have it done, then, sir, it might well be delegated to the Geological Survey, an important bureau in the Department of the Interior, already established, and having connected with that Survey a division directly devoted to the study of coal mining and allied industries. I believe there is back of this—as there is back of all such schemes, however good may be the intentions of those who support them—an influence that is working from a selfish point of view. It means a multiplying of officials; it means tremendous increase of expense, the extent of which no man has yet suggested in this debate so far as I have been able to hear. I do not believe there is a man on the floor of the House supporting the proposition to create an additional bureau, the work of which may well be done by the Geological Survey, who can give us any idea of the number of officials to be employed or what they will cost the taxpayers.

Now, Mr. Speaker, gentlemen may be charged, and usually are charged, with demagoguery when they stand up here and try to protect the Public Treasury against this multiplication of officials, but somebody must now and then protest in behalf of the forgotten man, the man who pays for it all, and if it be true, as I believe that it is, that we already have established in the Geological Survey a corps of officials who can do the work, then I think, in the interest of all the people, we should leave it to them and not add an indefinite number of officials at an unknown compensation.

This proposed bureau will duplicate work being done by the Geological Survey. There ought not to be any such duplication of work, and particularly there should not be a multiplication of high-priced officials whose services are not required by the public service or in the interest of humanity.

The SPEAKER. The time of the gentleman has expired. The gentleman from Pennsylvania [Mr. HUFF] has twenty-three minutes remaining, and the gentleman from Minnesota [Mr. TAWNEY] seventeen minutes remaining.

Mr. ENGLEBRIGHT. Mr. Speaker, as I understood the time, it was that twenty minutes of it was under the control of the gentleman from Illinois [Mr. FOSTER] and twenty minutes on this side.

The SPEAKER. The Chair understood the gentleman from Illinois [Mr. FOSTER] yielded his time to the gentleman from Pennsylvania [Mr. HUFF]. Is that correct?

Mr. FOSTER of Illinois. No, sir; I did not mean to do so.

The SPEAKER. Then, between the two there are twenty-three minutes remaining. The gentleman from Illinois [Mr. FOSTER] has twelve minutes and the gentleman from Pennsylvania [Mr. HUFF] has eleven minutes.

Mr. HUFF. Mr. Speaker, I yield two minutes of my time to the gentleman from Montana [Mr. PRAY].

Mr. PRAY. Mr. Speaker, in the time allotted to me I desire to say a few words in favor of the passage of this bill, because I believe it to be a most important and necessary measure and one which, if enacted into law, will result in inestimable benefit to the people generally throughout the country and especially to all those persons engaged in mining in whatsoever capacity in the various States. It is a matter of common knowledge that in most of the States mining is an important industry—in about thirty-seven States, as I recollect. Therefore I say that the passage of this measure is bound to affect a large proportion of the people of this country. The purpose of the bill is to foster, promote, and develop the mining industries throughout the Union.

Now, it may be said by some in opposition to the measure that such matters should be left to the control of the various States, but at the hearings held before the Committee on Mines and Mining, at which a large number of men interested in and having knowledge of the mining industry and all its varied phases in all parts of the Union appeared and submitted testimony in reference to this subject, it appeared from that testimony, for instance, that the States had in various ways and for years attempted to solve the difficult problems growing out of mining disasters and had been unable to do so, and it was the unanimous opinion that it was about time to clothe the Federal Government with power to act. [Applause.]

And perhaps I should also state in this connection that it is likewise the unanimous opinion of the members of the Committee on Mines and Mining of the House that appropriate action should be taken at this session, based upon the recommendations of the President of the United States and the evidence submitted at the hearings before the committee that continued during the greater part of the month of March.

The hearings were published in pamphlet form and contain the testimony of mine owners, operators, foremen, inspectors, miners, members and officers of various labor organizations, newspaper articles, and letters and telegrams from various sources throughout the United States, all favoring the establishment of a mining bureau as proposed by this bill. After the information thus obtained had been duly considered the present bill was drafted and unanimously adopted by the committee.

The bill provides that diligent inquiry and investigation shall be made into the methods of mining, as to the safety of miners, the use of explosives, the prevention of accidents, the improvement of conditions under which operations are carried on, the treatment of ores, the value of mineral products, the markets for the same, and all other matters that have a bearing upon such industries. It shall be the duty of the commissioner in charge of the Bureau to issue from time to time public reports of the investigations and work carried on by him, with his recommendations, in such manner and under such regulations as the Secretary of the Interior may prescribe. It will be seen from what I have just said in reference to the provisions of the bill that the interests of the men who actually do the work in the mines are to be safeguarded in every possible manner; at least such was the intention of the members of the committee in reporting the bill.

The recent disasters in the coal mines of the East had thoroughly awakened the public conscience to a realization of the necessity for the creation of a permanent bureau or commission, under a Department of the Federal Government, clothed with ample authority and means to make intelligent and searching investigation into the causes of such catastrophes and all attending circumstances.

The States have enacted legislation from time to time for the purpose of protecting the miners from unnecessary hazard. Under these laws the mines were required to be inspected at regular intervals by men commissioned by the State for that



purpose, and the installation of fans and other appliances was also required, but notwithstanding these so-called "precautionary measures" the death roll increased year by year until the maximum was reached in 1906, when 1,500 lives were sacrificed and about 4,000 women and children left in mourning and poverty.

Perhaps the chief cause of failure on the part of the States to furnish an adequate remedy for such conditions was the lack of sufficient scientific information. Although it is contended that the Federal Government could have no direct control over the mines, nevertheless a scientific investigation into causes of such disasters, the study of fire damp and other menaces of human life in the mines, would at least, it is thought, have a tendency to minimize the danger, and the Government in cooperation with the States could make recommendations from time to time that would no doubt render State regulation and inspection much more efficient.

Following the recommendations of the President last December many bills and resolutions were presented to Congress, all having in view the improvement of mining conditions. From a perusal of these various measures it is apparent that the authors were all deeply impressed with the imperative duty resting upon Congress to provide some expedient at once for the protection of the mine workers of the country. There was some diversity of opinion as to what Department of the Government should have supervision and control of this bureau. Some were in favor of placing it under the control of the Secretary of Commerce and Labor, while others thought it should be operated under the Secretary of the Interior and in conjunction with the Geological Survey. Everyone who appeared at the hearings of the committee was in favor of placing the bureau under the Secretary of the Interior because of the superior advantages offered for scientific research.

Were the bureau placed in the Department of Commerce and Labor there would perhaps be danger of duplication of work along certain lines, and it was thought the tendency there might be to conduct investigations of an industrial rather than of a scientific and technical character.

It will be observed from the bill and report that all branches of the mining industry will be benefited, the gold, silver, and copper mines of the Far West, as well as the coal mines of the East, and it is confidently predicted by the friends of the measure that what the Department of Agriculture has accomplished for the farmer the Bureau of Mines, if you pass this bill, will surely accomplish for the miner.

The SPEAKER. The time of the gentleman has expired.

Mr. HUFF. Mr. Speaker, I desire that the gentleman from Minnesota [Mr. TAWNEY] use part of his time now.

The SPEAKER. The gentleman from Pennsylvania has nine minutes; the gentleman from Illinois has twelve minutes, and the gentleman from Minnesota has seventeen minutes.

Mr. TAWNEY. I yield three minutes to the gentleman from New York.

Mr. WALDO. Mr. Speaker, I agree that the mining resources of the country ought to be largely developed, but I am strongly opposed to increasing the number of bureaus in this Government. Every new bureau created here increases enormously the number of officials and the consequent expenses of the Government. There is no necessity for any such bureau. The Geological Survey practically covers the work that any such bureau as proposed by the bill could do. Now, at this time, when there is a deficit of over \$63,000,000, when we have already provided for the expenditure of more than \$100,000,000 in excess of what we spent last year, it seems to me a very poor time to add a new bureau and new expenses to the already too large expenses of this Government. I do not think this bill ought to pass. If it is desired to give any larger power to the Geological Survey, I should be willing to vote for it. I yield back the remainder of my time.

Mr. FOSTER of Illinois. I yield two minutes to the gentleman from Nevada [Mr. BARTLETT].

Mr. BARTLETT of Nevada. Mr. Speaker, it is a surprise to me to find that opposition to the passage of this bill has developed, as I had been led to believe that but little, if any, would be manifested and that, possibly, only from the ever-watchful chairman of the Committee on Appropriations in his zealous desire to protect the Treasury from what he might believe to be an unwarranted expenditure.

A more careful examination and consideration of the bill by the gentleman from Texas [Mr. SLAYDEN], whom I know to be always fair, will, I feel sure, convince him that there is not a single provision upon which to hang a fear of Federal usurpation of the rights of the States.

Briefly stated, the bill simply proposes the creation of a Bureau of Mines in the Department of the Interior, the head

of which shall be a commissioner, to be appointed by the President, such commissioner to be assisted by such clerks, agents, experts, and other employees as may be necessary to carry out the provisions of the act, and section 2 of the act, which contains the principal purposes of the Bureau, merely provides:

Sec. 2. That it shall be the province and duty of said Bureau and its commissioner, under the direction of the Secretary of said Department, to foster, promote, and develop the mining industries of the United States; to make diligent investigation of the methods of mining, the safety of miners, the possible improvement of conditions under which mining operations are carried on, the treatment of ores, the use of explosives and electricity, the prevention of accidents, the value of mineral products and markets for the same, and of other matters pertinent to said industries, and from time to time make such public reports of the work, investigations, and information obtained as the Secretary of said Department may direct, with the recommendations of such Bureau.

It will be noted that none of these provisions in anywise invade the rights of the States, they being as free to legislate upon the very matters set forth in the foregoing section as though this Bureau were never created. The purpose of this act is to aid and assist in bringing about, by investigation and suggestion, a uniformity of State legislation that will lessen the terrible loss of life incident to mining, and to further aid in the development of the vast mineral resources of the country. The States are doing their utmost in this behalf, but it can not be doubted that a Government bureau provided with the means and sources of research suggested by this bill would be able to furnish invaluable assistance.

It would seem that but little argument were necessary to convince this House of the wisdom of enacting a law for which there is a practically universal demand.

For a number of years the American Mining Congress and other organizations representing the mining industries have been adopting resolutions calling upon the Congress to create a Department of Mines and Mining, and the President in his message to this Congress upon its convening last December recommended legislation looking to the creation of a bureau in the following language:

A Bureau of Mines should be created under the control and direction of the Secretary of the Interior; the Bureau to have power to collect statistics and make investigations in all matters pertaining to mining, and particularly to the accidents and dangers of the industry. If this can not now be done, at least additional appropriations should be given the Interior Department to be used for the study of mining conditions, for the prevention of fraudulent mining schemes, for carrying on the work of mapping the mining districts, for studying methods for minimizing the accidents and dangers in the industry; in short, to aid in all proper ways the development of the mining industry.

I take it that the message of the Chief Executive of the nation may be reasonably presumed to reflect in most instances an observation of the popular attitude on suggested remedial and constructive legislation.

The Committee on Mines and Mining, having under consideration a number of bills looking to the creation of a Bureau of Mines and the investigation of coal-mine accidents, appointed a subcommittee to conduct hearings, at which the representatives of the large coal and metal mining operators and the representatives of the large mine workers' organizations stood shoulder to shoulder, unanimously demanding the establishment of a bureau, and with great earnestness showed the terrific loss of life and almost shameful waste of many mineral substances, particularly in coal mining, due to an imperfect understanding and in some cases actual ignorance of the causes of accidents, means of prevention, methods of mining and conservation of the minerals, their reduction and treatment.

I am prompted to insert at this point an extract taken from the introduction to a preliminary statistical report of the Geological Survey, by Clarence Hall and Walter O. Snelling, the portion of the introduction appearing below being by Mr. Joseph A. Holmes, in charge of the technologic branch of said Geological Survey:

The figures given in this report indicate that during the year 1906 nearly 7,000 men were killed or injured in the coal mines of this country, and that the number of these accidents caused directly or indirectly by mine explosions has been steadily increasing. It is also indicated that this increase has been due, in part, to the lack of proper and enforceable mine regulations; in part to the lack of reliable information concerning the explosives used in mining and the conditions under which they can be used safely in the presence of the gas and dust encountered in the mines; and in part to the fact that in the development of coal mining not only is the number of mines increasing, but many areas from which coal is being taken are either deeper or farther from the entrance, where good ventilation is more difficult and the dangerous accumulations of explosive gas more frequent.

The increase both in the number and in the seriousness of mine explosions in the United States during past years may be expected to continue unless, through investigations made in the United States such as have proved effective in other coal-producing countries, information can be obtained and published concerning the explosives used, the conditions under which they may be used safely in the presence of coal dust or gas, and

the general conditions which make for health and safety in coal-mining operations. Such information, obtained through comprehensive and impartial investigations, may serve in this, as in other countries, as an intelligent basis both for legislative enactments and for agreements among persons associated with mining operations.

One after another of these terrible underground disasters awakens the sympathies of the nation and arouses an earnest desire that they may be entirely prevented. Experience in the deeper and more dangerous coal mines of Belgium and other countries not only indicates that these mine accidents may be reduced to less than one-third their present number in the United States, but also gives promise of results which in the future may at least approach complete prevention.

I take the following information from the excellent report above referred to.

*Statistics relating to accidents in coal mines.*

**FATAL ACCIDENTS IN THE UNITED STATES.**

In the coal mines of the United States in 1906, 6,861 men were killed or injured, the number killed being 2,061, and the number injured being 4,800.

The number of men killed in the coal mines of the United States for each year from 1890 is shown in the following table:

*Number of men killed in the coal mines of the United States, 1890-1906.*

1890	701
1891	1,070
1892	859
1893	965
1894	957
1895	1,057
1896	1,120
1897	947
1898	1,049
1899	1,243
1900	1,493
1901	1,594
1902	1,828
1903	1,794
1904	1,999
1905	2,097
1906	2,061

Total..... 22,840

The total number of men killed since 1880, as shown above, is 22,840. It will be noted that as many violent deaths have occurred in the coal mines of the United States during the last six years as during the preceding eleven years, the number of fatal accidents having practically doubled within that time.

*Number of men killed for each thousand employed.*

**INCREASE IN THE UNITED STATES.**

The great increase in the production of coal during the last decade and the related increase in the number of men employed in the industry may seem to account for the increase in the number of fatal accidents. But the following table, giving the number of men killed for each 1,000 employed, shows that the increase can not be accounted for in this way:

*Number of men killed in the coal mines of the United States for each 1,000 men employed.*

1895	2.67
1896	2.79
1897	2.34
1898	2.59
1899	2.98
1900	3.24
1901	3.24
1902	3.49
1903	3.14
1904	3.38
1905	3.53
1906	3.40

**Decrease in European countries.**

**PROTECTIVE LEGISLATION.**

In all the European coal-producing countries the output of coal has increased greatly during the last ten years, but the number of deaths per 1,000 miners, instead of increasing as in this country, has undergone a marked and decided decrease. This decrease has been due to the effect of mining legislation in those countries for the safeguarding and protection of the lives of the workmen, and has been made possible by government action in establishing testing stations for the study of problems relative to safety in mining, including the use of explosives.

**BELGIUM.**

The decrease in Belgium is shown in the following table:  
*Number of men killed for each 1,000 men employed in the coal mines of Belgium for each decade since 1839.*

1831-1849	3.19
1841-1850	3.18
1851-1860	3.28
1861-1870	2.60
1871-1880	2.36
1881-1890	1.99
1891-1900	1.39
1901-1906	1.02

It will be seen from the above table that the study of mining conditions in Belgium has resulted in a reduction of the death rate per 1,000 men employed to one-third of the ratio now existing in the United States. It seems certain that if a similar study of mining conditions were to be made in the United States and proper legislation could be secured to enforce the conditions found to be necessary for a better safeguarding of the lives of the miners, the death rate

for mine accidents would be greatly reduced. The following table gives the death rate from accidents in the coal mines of Belgium in the years 1895-1906:

*Number of lives lost in the coal mines of Belgium for each 1,000 men employed.*

1895	1.40
1896	1.15
1897	1.03
1898	1.04
1899	.97
1900	1.05
1901	1.16
1902	1.07
1903	1.14
1904	.93
1905	.91
1906	.94

**GREAT BRITAIN.**

The number of men killed in the coal mines of Great Britain for each 1,000 men employed is shown for each year since 1890 in the following table:

*Number of men killed in the coal mines of Great Britain for each 1,000 men employed.*

1891	1.50
1892	1.49
1893	1.55
1894	1.60
1895	1.49
1896	1.48
1897	1.34
1898	1.28
1899	1.26
1900	1.30
1901	1.36
1902	1.24
1903	1.27
1904	1.24
1905	1.35
1906	1.29

**PRUSSIA.**

The number of men killed in the coal mines of Prussia for each 1,000 men employed is shown for a number of years in the following table:

*Number of men killed in the coal mines of Prussia for each 1,000 men employed.*

1861-1866	2.66
1867-1880	2.94
1881-1890	2.93
1891	2.89
1892	2.21
1893	2.62
1894	2.21
1895	2.54
1896	2.58
1897	2.35
1898	2.86
1899	2.31
1900	2.25
1901	2.34
1902	1.99
1903	1.92
1904	1.80

**FRANCE.**

In France the number of lives lost per 1,000 men employed has been very low for a number of years, but since the publication of the last available report an explosion has occurred at the Courrières mine in that country, causing the death of more than 1,000 miners, and this would materially affect the result of any tabulation. The number of lives lost per 1,000 men employed for each year for which statistics are available is as follows:

*Number of lives lost in the coal mines of France for each 1,000 men employed.*

1901	1.63
1902	.95
1903	.86
1904	.89
1905	.84

**COMPARATIVE SUMMARY.**

On comparing the average death rates from accidents in coal mines for each 1,000 men employed in different countries the full significance of the figures already given may be seen.

In the following table, giving the average ratio for the last period of five years for which statistics are at hand, the position of the United States may be compared with that of the principal European coal-producing countries:

<i>Number of men killed for each 1,000 men employed—averages for five years.</i>	
France (1901-1905)	0.91
Belgium (1902-1906)	1.01
Great Britain (1902-1906)	1.24
Prussia (1900-1904)	2.05
United States (1902-1906)	3.39

Belgium maintains the most thoroughly equipped testing station in the world, and for a number of years has carried out extensive experiments to devise means to prevent accidents and to increase the safety of workers in the mines. The success of these experiments will be better realized when it is stated that at the beginning of the investigations the number of men killed each year for each 1,000 men employed was 3.2, or very nearly that now shown for the United States, while at present it is less than one-third of that number.

Great Britain and Germany also maintain testing stations, where every question relating to the testing of explosives, safety lamps, rescue devices, and all similar matters may be submitted to experimental studies. As the result of this foresight great reductions have been made in the number of accidents in the coal mines of those countries.

When we reflect upon the fact that two billions of dollars annually are produced from the mineral resources of this coun-



try—virgin wealth turned into the channels of trade and commerce, enabling expansion of vast industrial enterprises—it seems almost incredible that the United States is the last of the great nations to establish a Bureau of Mines providing for scientific investigation and research, so as to prompt a proper care for the lives of men engaged in producing this vast wealth and enabling a better development and possibly greater increased production.

That a recognition of the necessity of the conservation of our natural resources and their more intelligent production and use is coming home to our people has recently been made manifest in most striking manner by the conference of governors called by the President, probably the most important gathering that has ever assembled in the far-reaching effect its first labors promise. The mineral resources played a prominent part in the deliberations of the conference, and it is matter for hearty congratulation that the present strong tendency toward a proper recognition of the value of our great soil and mineral resources is developing a great educational cooperation that will make for a healthier condition in our material growth.

It does not seem too much to hope that, with the greater stimulus which government might give to metal mining by reason of its possible discoveries in the treatment of ores under the scientific investigations of a Bureau of Mines, our production of the money metals—gold and silver—may so increase as to banish all further fear of necessity to resort to "faith currency," and our real faith be founded in actual, not merely assumed, worth.

Mr. Thomas F. Walsh, whose prominence in the mining world has been established for years, and whose wide experience and observation entitles his suggestions to utmost respect, has drawn particular attention, both in his statements at the hearings of the subcommittee and in his supplemental letter, to the importance of the development and production of the rarer minerals, and his whole letter is so interesting and valuable a contribution to the present subject that I am taking the liberty of adding it to my remarks:

*Letter from Thomas F. Walsh, of Washington, D. C., favoring the establishment of a Bureau of Mines and Mining and referring to the importance of the development and production of the rarer minerals—radium, platinum, vanadium, columbite, etc.*

SOME ADDITIONAL REASONS FOR THE ESTABLISHMENT OF A BUREAU OF MINES.

To the honorable Chairman and Members of the House Committee on Mines and Mining.

GENTLEMEN: In the hearings before your honorable committee on the question of the establishment of a Bureau of Mines, the fields of coal mining, iron mining, and precious-metal mining were well and ably covered by representatives of these respective industries, and the great benefits that a Bureau of Mines would confer upon them were pointed out in an able and intelligent manner. However, a great field of undeveloped mineral wealth, to which I beg to call your attention, was scarcely touched upon. I refer to the development and production of what is classed as the rarer minerals, such as radium, platinum, vanadium, uranium, tungsten, columbite, and others, all of which are much needed in our manufacturing and chemical industries.

Owing to a lack of knowledge of their properties and treatment, we are to-day producing practically none in America, but import them in large quantities from Europe at an expense of millions of dollars. Incredible as it seems, no effort has been or is being made to produce these valuable commodities of commerce. I believe we have them in paying quantities in the vast area of the mineralized portions of our country. More knowledge on this subject will prove that these little-known minerals are not as rare as they are supposed to be. Aluminum when first used was thought to be a scarce metal, yet when energetic efforts were directed toward its production it was found in quantities and in the common clays. I believe the same relative results will follow a thorough search for the rarer minerals. The proposed bureau, in its educational work in this particular line—by disseminating directly through the schools of mining, as well as through the public press, a knowledge as to how to recognize and find those minerals and how to treat and market them when found—would give such an impetus to its development and production as would probably result in an output of a new wealth greater than that of the precious minerals of to-day.

To give some idea of the great value of those minerals, I will, for illustration, take vanadium, one of the rarer of the economic class. As an alloy in the making of the highest grade of steel, vanadium is the best ever discovered. It is the most prized ingredient the steel manufacturers can have. If it could be mined and sold at a reasonable price, our steel makers would gladly buy all that could be produced. As it is now, when they need it they have to import it from Europe and pay \$3 per pound, or \$10,000 per ton. The same is, in a measure, true of the other rarer minerals. There is a pressing and constant demand for them, but none is produced because it is a sphere of our mining activities that, principally for the want of knowledge on the subject, we have heretofore ignored, content to pay a great tribute to other nations for those things which we have at home.

Take another illustration—radium, the rarest of all minerals. Because of the small amount produced it has not yet passed from the scientific and physical to the economic. If we want an atom of it we must beg for it from the Austrian Government. Notwithstanding the small mineral area of that country, it has, because of its research work, a monopoly on it and its associated mineral, uranium. The production of the other rarer minerals will undoubtedly result in the production of radium, for we have reason to believe they go together. The dream of the ages has been the finding of perpetual motion. We seem to have it in radium. The proposed mining bureau, without interfering with its more utilitarian duties, can direct and foster the production of this

most valuable mineral; it can investigate its properties and potentialities and, perhaps, apply it to the service of humanity in ways that will be as great in their benefits as radium is enduring.

It may be asked, Can those rarer minerals be found in our country? I have the best of reasons for believing they can. Some prospecting recently made in this direction, in Colorado, promises good results. I have been over the mining districts of Bohemia, Austria, where many of them, especially uranium and radium, have been found. I have been over every mineralized State of our Union. So far as I could see we have the same conditions, the same character and class of baser minerals in which the rare ones are found. We have a mineralized area far greater than that of Europe, and in which we have found every mineral that we have heretofore searched for. The fact that we have not found certain ores is no evidence that they do not exist, but rather a proof that we have not looked for them. If it should be ascertained that, in accordance with our previous knowledge of the minerals and with their well-known affinity for each other, the rarer ones will be found associated with the baser ones in iron, zinc, copper, and lead sulphides, then we are apt to find them in broad areas and in many unsuspected places—in the sulphide deposits of Virginia, the Carolinas, Georgia, Arkansas, and Missouri, as well as in the great mining States of the West.

An opinion prevailed that they would not be found in sulphides. But last year I had a piece of sulphide ore tested for radio activity and received a report that it possessed it in as strong a degree as the pitchblend ore of Bohemia, which was conclusive proof of the presence of both uranium and radium.

Throughout our mining districts there are billions of tons of low-grade sulphide mineral on the dumps of mines awaiting the application of science to bring them into use. Whilst it can not be expected that all of these ores carry the rarer minerals, if they are found in a fraction of them the wealth they can be made to yield will be incalculable.

It may seem strange that this field of wealth should remain so long untouched, yet the explanation is simple. In mining, as in other things, we followed the line of least resistance, the course that with the simplest efforts led to the quickest and most direct results in the extraction and treatment of the ores—first, the rocker, then the sluice box, then the mill and smelter. We mined only the ores we could treat with these methods. If we noticed some strange mineral, which we often did, we either did not give it a thought or wished it well away because of its refractory influences in the treatment of the minerals we were after. This, as stated, was due to a want of knowledge of those rarer minerals and a consequent want of market for them, and this is why we are not producing any of them to-day, but instead paying out millions annually to Europe because we must have them. The importations will give but a faint idea of their enormous value to us, for if we were producing them ourselves our own industries would use a hundred times more than they do now. Their development and extraction will create a new industry that in turn will create new homes, new occupations, and new wealth for our own people. A great interest is awakening on this subject. Since I had the honor of addressing your committee I have had over a dozen letters asking for information and advice on every feature of the question. They are all of the same tenor. I will quote an extract from one, written from the southwest portion of New Mexico by a mining engineer:

"I inclose a newspaper clipping and trust the bill referred to—the bill creating the Bureau of Mines—will soon become a law. It is one of the most needed enactments of the present day. I believe that radium and several other of the rarer minerals exist in this locality, but so little is known about them that the ordinary individual does not even know how they occur, much less how to extract, nor where to get them treated. Please give me such information on the subject as will help me to look for and develop these ores."

The great national industry of mining is worthy of the same governmental encouragement and protection that is given the other industries, especially in the saving of life. The coal miner takes his life in his hands and toils all day in the darkened dusty caverns of the coal mines, looking forward with pleasure to the hour that will reunite him to his little family. It is only too often he is brought back in the cold stillness of death, the victim of an explosion, in most cases brought about by some hidden force of nature which is not yet understood. Surely the lives of the vast army of these brave toilers should be the serious concern of the National Government.

The prospector, who braves the terrors of the snowy avalanche, climbs over precipitous rocks in high altitudes, in search of nature's treasures, is as much deserving of the nation's help as is his brother on the safe and tranquil farm.

Mining in all of its branches is worthy of recognition and help from our General Government, for the highest humanitarian and most important economic reasons. This it has not yet received. The time has come when the same beneficent helping hand that is given to agriculture should be extended to the more complicated and difficult industry of mining, for one is at least as necessary to the nation's prosperity as the other.

It has been asked under what head should the new Bureau be placed. I believe that it should be placed in the Department of the Interior and be at least the coequal of all other bureaus. It should be under the direct control of the Secretary of the Interior. It should be composed of the ablest experts that could be secured, men fully informed upon every feature of operative mining and who could advise with the Secretary upon the many perplexing questions relating to mineral interests and mineral lands.

The work of this Mining Bureau will be of the highest technical and scientific character. In no department of our Government will work of more importance be undertaken nor more beneficial and enduring results be accomplished. Through its well-equipped laboratories and trained experts it will help to solve the perplexing problems now confronting and baffling the mine operators of our land; to stop the deplorable loss of human life now going sadly on, and to show us how to conserve and economize our mineral resources and guide and lead us to the development of greater wealth for the nation's enrichment. Year by year it will grow in importance and achievement, and will be regarded with just confidence and pride by every American citizen.

I beg to remain, respectfully, yours,

THOMAS F. WALSH.

Mr. FOSTER of Illinois. I yield two minutes to the gentleman from Wisconsin.

Mr. MURPHY. Mr. Speaker, in behalf of the industry that first drew the civilization of this nation from the seashore to the Alleghenies, the industry that drew civilization up the Mis-

Mississippi to the lead mines of Missouri, Wisconsin, Illinois, and Iowa, in behalf of the industry that drew civilization across the plains to the mountains, across the mountains to the Pacific slope, an industry that for a generation has been contributing more to the wealth of the country than any other, I ask you to support this measure.

The basic industries of this country, which bring the wealth of the country into existence and pay the expenses of government, are agriculture, the fisheries, lumbering, and the mining industry.

You have abundantly supported all the others. Now I ask you to do something for that one which has been asking for recognition for a generation, but has never received any support at your hands whatever.

If you had ever stood at the door of a mine and watched with trembling nerves as the cage came up laden with the mangled forms of your men who worked in the mines, if you had stood there and had seen women wringing their hands and children crying and shrieking for the ones they would not see any more in their homes, you would understand why so many connected with that industry can come before you and ask you to do something to prevent the deplorable loss of life we have every year in the mines of this country, which can be done by the scientific investigation that we ask for here. [Loud applause.]

Mr. HUFF. I yield one minute to the gentleman from Utah [Mr. HOWELL].

[Mr. HOWELL of Utah addressed the House. See Appendix.]

Mr. TAWNEY. Mr. Speaker, I can scarcely believe that the Members of this House realize what they are called on to vote for, especially those who are expected because of their political necessities to vote in favor of this proposition. It is proposed to create a new bureau in one of the great Departments of the Government, a bureau that will soon grow and expand into a Department of Government, the extent of which is not defined and the number of people that may be employed is limited only by the scope of the service and the authority which this bill proposes to vest in that bureau. And what is that authority? The purpose of the act as stated in the bill is to create a Bureau of Mines and Mining. What for? To investigate the cause of mine explosions in the interest of the employees in mines? No. That has already been provided for in legislation enacted at this session of Congress. We have already authorized the Geological Survey to make an investigation of the causes of mine accidents and mine explosions and have given that Bureau \$150,000 to conduct that investigation during the next fiscal year.

Therefore, we have taken care of the operatives in the mines; we have taken care of the men who work below the surface or in the mines. This bill proposes to take care of the corporations that own the mines. How? By creating this Bureau of Mines and Mining for the purpose of "fostering, promoting and developing the mining industries of the United States." Fostering, promoting, and developing the mining industries of the States. If this industry must be fostered, promoted, or developed by the aid of Government, are the States too poor to do this? Are the corporations that own the mines too poor to improve their methods of mining, and the conditions under which their business is carried on? If they are, under the provision of the Constitution does Congress get the power to vote from the people's Treasury the money to aid the coal trust in this respect? There has never been a piece of legislation proposed in this House which, upon its face, was for the sole purpose of developing a single industry in this country that was owned and controlled by a few individuals.

Mr. DOUGLAS. Will the gentleman yield?

Mr. TAWNEY. I decline to yield now. They go further and say that they want to make diligent investigations into the methods of mining, the safety of the miners and for the improving of the conditions under which mining operations are carried on.

Now mark you, in the legislation we have enacted at this session we have taken care of this proposition in so far as it proposes to provide for the safety of the miners. Now, you propose to establish a bureau here at Washington for the purpose of fostering and developing the mining industry and improving the methods of mining.

For whose benefit? For the benefit of those who own the mines? Great God, are not the owners of the coal mines of the United States, out of the profits on their product wrung from the people, capable of developing their industry and improving their methods for their own benefit? You propose to give to this Bureau authority to go into the States to improve conditions under which mining operations are carried on. If we once embark upon this sea of legislation, where are we to draw the

line at which we must stop? Gentlemen may say, as frequently has been said heretofore, that we have enacted legislation for the development of the agricultural industry. That is true, and in that respect we have gone far beyond our constitutional authority. But the people interested in agriculture are the individual citizens all over our land; they are not the corporations confined to one industry in a few States. I venture to say that if the business of agriculture was carried on by corporations, as the mining industry is, or by a collection of individuals rather than by the individual citizen himself, there would have been no proposition of that kind presented to Congress in the interest of that industry, and Congress would never have been asked to promote the development of agriculture for the benefit of the corporations engaged in that industry.

Mr. Speaker, having taken care to enact legislation at this session of Congress looking to the safety and protecting the lives of the operatives in the mines, it is no part of the business of Congress, it is no part of the business of our Government, to appropriate money or create a Federal service for the purpose of improving the methods or the conditions under which the owners of these mines carry on their business. But beyond this, we should recognize the fact that the beneficiaries of this proposed new service are only a few, and those few the corporations that own practically all the coal-bearing lands of the States. The industry is wholly within the States. The Federal Government has no control over them whatever and can not exercise control or enforce obedience to any rule or regulation it may prescribe.

I want to call attention to another fact, and that is that there is no limit in this bill to the number of clerks that may be employed under the authority the bill vests in this Bureau. We have a statute which expressly prohibits the employment of clerks at the seat of government without specific authority and specific appropriations made for that purpose. But there is no limit here either on the number of clerks or the amount of compensation that the Secretary of the Interior may see fit to pay.

Mr. HACKNEY. Will the gentleman allow an interruption?

Mr. TAWNEY. I will yield to the gentleman.

Mr. HACKNEY. Is it not true that the bill carries no appropriation whatever?

Mr. TAWNEY. None whatever; but it carries the authority to make the appointments, within the discretion of the Secretary of the Interior, and imposes upon the head of that Department the duty of performing this service. To execute this authority, he must have clerks and other employees. The appropriations must follow as a matter of course.

Mr. HACKNEY. Could he do it before Congress made the appropriation?

Mr. TAWNEY. You authorize him to do it; he could not do it under any other law, but he can under this. The language of the bill is "the President is authorized to appoint a commissioner as a bureau chief at \$6,000 a year." There never has been a bureau created that had authority at its inception for the appointment of a chief at a compensation of \$6,000 a year.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. TAWNEY. I will yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. The gentleman says that the Federal Government has no power to develop the mining industries in the United States. The gentleman means that Congress has no right to go into the limits of a State and develop the industry, and so forth, but he does not mean that Congress could not go into the public lands or the Territories and other places belonging to the Government of the United States within its jurisdiction and develop those industries?

Mr. TAWNEY. Oh, certainly; but I concede that the Government of the United States can develop the mineral resources within the public domain. This, however, is not a proposition of that kind.

Mr. GAINES of Tennessee. Why do you not limit it to that?

Mr. TAWNEY. Why, I am not in charge of the bill. We are considering the bill under suspension of the rules, and there is no opportunity to limit it to that. Under existing law the Department of the Interior, through the Geological Survey, has ample authority, and appropriations have been made for the purpose of classifying the mineral resources of the United States.

Mr. GAINES of Tennessee. Where are those?

Mr. TAWNEY. In the Geological Survey appropriation. This proposition goes beyond the public domain. It takes in the mining industries of the United States. We have appropriated \$250,000 for the purpose of testing the coal belonging to private individuals or private corporations, and now you propose to



carry on and conduct investigations for the purpose of improving the methods and improving the conditions under which these private owners produce their coal.

The SPEAKER. The gentleman has consumed ten minutes.

Mr. TAWNEY. I reserve the balance of my time.

Mr. DOUGLAS. Will the gentleman yield for a single question?

Mr. TAWNEY. I will, if the gentleman from Pennsylvania [Mr. HUFF] gives me the time.

Mr. GAINES of Tennessee. I would like to ask the gentleman one question.

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. TAWNEY. I reserve the balance of my time, Mr. Speaker.

Mr. HUFF. Mr. Speaker, I yield to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Speaker, in the limited time at my disposal I can not offer the argument that I would like in behalf of the establishment of a Bureau of Mines, but as a member of the Committee on Mines and Mining and as a Member of this House, representing a State that is tremendously interested in the mining industry, I rise to add a word of confirmation as to the wisdom of establishing this bureau. Less than twenty-five years ago there was no Department of Agriculture, and while there were those who vigorously urged the establishment of such a Department, there were others who as earnestly contended that it would be unwise to lend the power of our Government in so abundant a way to the encouragement of any industry. It was urged by the enemies of the policy that the whole agricultural business of the country should be developed by those who are directly interested in that industry. This argument did not prevail; the Department of Agriculture was established. Scarcely twenty years have passed by since the first Secretary of that great Department was appointed, and yet to-day, looking out over our vast country, realizing the benefits that the agencies of this Department have given to the cotton producers of the South, the grain producers of the Middle West, the fruit producers of all sections of our country, the producers of cattle and horses and sheep, and the tremendous wealth that has been added to our country through these industries, who is there to-day that will gainsay the wisdom of establishing that Department?

And let me say that, with the exception possibly of the Post-Office Department, no Department of our Government is so closely identified with the best interests of the great masses of the people of our country as is the Agricultural Department.

This bill does not ask for the establishment of a Department of equal standing with the Department of Agriculture, although for my part I wish it did. This bill seeks merely to provide within the Department of the Interior a bureau which shall give more attention than ever before to the mineral resources of our country, to the conservation of the mineral wealth, to the best methods of mining the various products from the earth, and, most important of all, to the safety of the thousands of miners who risk their lives in carrying on their daily occupation.

I am for this bill, because under it the Government will examine carefully into the various agencies of mining in order to ascertain by what means the life of the miners may be safeguarded most wisely. No one can glance back for a period of even one year to the stories of the horrible mine disasters that have occurred in all parts of our country without being appalled at the terrible calamities and impressed with the enormous sorrow that has come to thousands of our homes whose loved ones were dependent upon the mining business for their daily bread. If by the passage of this bill we can establish an agency that will aid in mitigating this terrible loss of life, we shall have done well. If that were the only object of this bill, I would stand for its passage.

Under this bill we propose to seek into the cause of accidents; we propose to look into the method of supplying air to the mine workers; we propose to look into the kinds of machinery that may be employed; we propose to inquire into the cause of the terrific explosions that have occurred and may occur from time to time and see whether or not something may not be done to avoid them and whether or not better methods of handling the mining business will not save to the families of our miners their loved ones and proclaim that a human life is of more importance than the most precious metals that may be produced.

I am for this bill because I believe it will mean the conservation of the mineral resources of our country. Only a few years ago the great mineral wealth of the United States was unknown. When gold was first discovered in California the eyes of the world were riveted upon the new El Dorado in the West. All the

Pacific coast States and States of the Rocky Mountains yielded generously of their riches; and while the world was amazed in the amount of wealth produced by each ton of mineral dirt or quartz, the very "dumpings" and tailings of those days have since been found to contain such wealth as was not dreamed of by the users of crude methods.

Under the wise guidance of a bureau of mines I have no doubt that, with improved methods and improved machinery and improved facilities for handling ore and mineral-bearing dirt, wealth that is yet unfathomed will be found in the refuse of our mines to-day which is considered dross. Likewise with our coal industry. We are told by those who have given careful study and attention to this question that the coal supply of the world is limited to such an extent that we may estimate the years within which it will be consumed. At the same time we are also told that in spite of all the coal that we consume we obtain but a small percentage of the heat or force-producing product of that commodity. We are told that under the very best conditions that are known to-day a vastly larger per cent of the heat and power force of coal is wasted than is used for the purpose for which the coal is burned. In view of this enormous extravagance, I believe that the establishment of this bureau may prove in the end a matter of great economy, not only for ourselves, but for the generations that will come when we are gone.

I am for this bill because I believe that the Department of Mines and Mining will furnish a means by which the rarer metals which are still comparatively unknown, so far as our country is concerned, will be discovered. The mineral-bearing region of the United States is already known to be more extensive than the mineral-bearing region of all the countries of Europe combined. Yet, in spite of this, we are dependent upon Europe for metals which are necessary in our arts and manufactures and for which we pay to Europe enormous sums. The miner—the prospector depending upon his own resources, depending upon his own brawn and muscle—is not able to carry on the investigations that must necessarily be carried on before these rarer metals will be discovered or, indeed, before gold and silver will be found when buried in their more elusive hiding place. Under this Department I doubt not that means will be provided whereby ores may be tested, sand and dirt that are thought to possess mineral wealth may be analyzed, and what up to the present has been a heavy burden upon the pioneer of the mining business in every section of our country will become something, at least, of a responsibility to be shared by our whole people.

In conclusion, Mr. Speaker, why should we not give this encouragement to the mining industry? The manufacturers of this country produce \$14,000,000,000 worth of products every year. We have a Department of Commerce and Labor in which there is a Bureau of Manufactures. The agricultural interests of this country produce about \$7,000,000,000 worth of products every year. We have a Department of Agriculture, and the wisdom of the establishment of that Department has been fully vindicated. Here is an industry, the output of which is \$2,000,000,000—an industry nearly as great as the agricultural industry when the Department of Agriculture was created. We ask under this bill not that a separate department be established, but rather that a bureau within the Department of the Interior be established for the further encouragement of our mining business and for the saving of the lives of men employed therein. [Applause.]

Mr. HACKNEY. Mr. Speaker, the pending bill to establish a Bureau of Mines in the Department of the Interior has the united support of the mining men of the United States. The Bureau is not asked for in the interests of any particular mining industry, but is intended for all. In November of last year the American Mining Congress, composed of representative mining men from every part of the United States, met in Joplin, Mo., in my district. That congress passed resolutions by substantially unanimous vote favoring the establishment of a Department of Mines, to be presided over by a Cabinet officer. Similar resolutions have been passed at each annual meeting of this congress held for a series of years, and it must be admitted, when we come to consider the extent of the mining industry as compared to the other great industries of the United States now represented by heads of Departments in the President's Cabinet, that the appeal of the miners in asking for a Department of Mines is a just one. But Members of this House, representing mining constituencies, have taken a practical view of the situation and have recognized the impracticability of being able at this time to pass a law for the establishment of a Department of Mines, and they are now agreed that the passage of a bill to establish a Bureau of Mines is all that can be hoped for at the present time.

At the beginning of this session different views were entertained by various Members as to the Department in which this Bureau should be placed. Likewise different views were entertained as to the jurisdiction to be conferred upon the Bureau. Accordingly a number of bills were introduced, one of which was by myself. These matters of difference of opinion, however, have already been fully discussed and thrashed out in the committee, and the Committee on Mines and Mining unanimously present this bill as a plain proposition, combining some of the features of the various bills. In my judgment the measure as drawn is perfectly constitutional and is within the limits of the exercise of Federal power. It is not intended to invest this Bureau with the power to control, regulate, or interfere with the operation of mines in the several States. That is recognized to be purely a matter resting with the several States. The provision conferring power upon the commissioner to investigate methods of mining, the safety of miners, the possible improvement of conditions under which mining operations are carried on, the treatment of ores, the use of explosives and electricity, the prevention of accidents, the values of mineral products, and the markets for the same are not intended to clothe the commissioner with power to do other than obtain information and diffuse that information among the American people on these very important subjects.

The fear has been expressed frequently by men opposing this measure that this bill is but the entering wedge for Government control. Let me say to these gentlemen again, as I have frequently stated, that their fears are wholly without foundation. I am satisfied that should Congress undertake to invest the Federal Government with power to control mines within the States that the acts looking to that end would be wholly unconstitutional and void, and likewise, should the commissioner or any other official employed under this Bureau undertake to exercise such power under this bill, his act would be wholly unjustifiable. Gentlemen opposing this bill say that the States should do the work contemplated by this bill, and they say that the States are doing this work. There is a measure of truth in the statement, but it is a very small measure. Practically every State has in one form or another laws providing for the matters covered by this bill, but the States, acting separately, are not in position to deal with the mining industry as a whole. Very few of the States have more than one or two of the important branches of mining within their borders. In the matter of determining the cause of mine explosions most of the States have been for years trying to solve this most vexed problem, but without success so far. In gathering and diffusing knowledge of the methods of mining the States are illy equipped to do the subject more than partial justice.

In gathering information as to the products and values of mines the States, acting separately, can not carry the work to success. The arguments made against this bill, if carried to their logical conclusion, would necessitate the repeal of the law establishing the Department of Agriculture, and would stop the investigations made by that Department, so valuable to the agricultural interests of the land. It would also necessitate the repeal of the law establishing the Department of Commerce and Labor and stop the great work being done by that Department. It would likewise prevent the Government ever taking a census of its population and resources, because, forsooth, the States acting separately could do the very same work. When the Department of Agriculture was established, and when each of the several bureaus contained in that Department were established, the argument was made that the people knew all about agricultural matters, that men knew how to farm, and that there was no necessity for a Bureau of Plant Industry or of Animal Industry or of the many other bureaus in the Department of Agriculture. The Bureau of Mines will no more interfere with mining in the States than the Bureau of Plant Industry has interfered with farming in the States.

But, it is said that the Geological Survey, already in existence, can do everything that the Government should do in behalf of the mining industry. I deny this. The Geological Survey has done a great work and is doing a great work, but the very argument that induced the passage of a law establishing the Geological Survey can be invoked for the passage of this bill establishing the Bureau of Mines. The Geological Survey has its proper field of operation. Its work is purely technical and theoretical. It determines from surface indications the probability of the existence of certain mineral elements beneath the surface, but the officials doing the work of the Geological Survey are not adapted to the investigation of the practical business end of mining. The mining interests want a Bureau of Mines, to be presided over not by a theorist, but by a practical mining engineer; a man who has had experience in the actual operation of mines; a man who can avail himself

of the scientific investigation by the Geological Survey and vindicate or explode the theories contained in the geological reports. Already we have recognized the fact that the Geological Survey, under its original authority, could not possibly perform the duty of the National Government toward the mining industry. At this very session an appropriation of \$150,000 has been made for the purpose of investigating the cause of mine explosions, and unless the Bureau of Mines is established this work must necessarily be done by the Geological Survey.

We want a practical man at the head of this Bureau to take up this important investigation and give direction to the work during its progress. The gentleman from Minnesota [Mr. TAWNEY] complains that the salary of the Commissioner of Mines is fixed at \$6,000. Let me say in answer to this suggestion that a practical mining engineer on a salary of \$6,000 will make the Bureau worth something to the country, but that the work of this Bureau would be worthless if you put a cheap man at its head. It has been suggested also by the gentleman from Minnesota [Mr. TAWNEY] that this bill is framed for the benefit of the big corporations who want to unload onto the Government investigations which should be carried on by men on their pay rolls. Let me say in answer to the gentleman that I have the honor to represent a Congressional district in which is produced over 65 per cent of the zinc mined in the United States; that this mining is carried on not by gigantic trusts and corporations, but by the small mining company and the small miner, and every miner in my section, whether engaged in the work on a large or small scale, is heartily in favor of this Bureau.

The small miners are the very men who would benefit the most by the work of this Bureau. They are the ones who are not equipped with expensive laboratories to determine the value of the products of their mines; they are the ones who are unable to carry on their pay rolls a corps of experts to pass over the country and purchase for a song valuable mining properties from individuals unacquainted with their value. What the people of this nation need is more information and better information and more practical information about mines and mining methods and the product of mines. It is now practically an impossibility to determine with any degree of certainty the products of the mines of the country until many years after the product has been put upon the market and until the information obtained is valueless for all practical purposes. One great lesson that the people should be taught is that mining is a business and not a gamble; that it is a legitimate business yielding profit and wealth when carried on along business lines. Give to the miner every particle of information which it is possible to obtain through governmental channels as to the location of the various mineral products; as to the best methods and means of carrying on the work of mining; as to the best methods of utilizing the products of the mines; as to the product also of others engaged in mining industries, and as to the best market for the products of his mine. In this manner only will he be put on equality with those engaged in the other great industries that produce the material wealth of this nation.

The preservation of our natural resources has been a topic recently of very much discussion and has caused much anxiety. The preservation of our mineral resources is unquestionably the most important problem of the matter of preserving the natural resources of this nation. Every pound of mineral extracted from the earth leaves the mineral resources of less value than they were before the extraction. How important, then, it is that every particle of mineral wealth should be extracted in the most enlightened manner, by the most economic means, and that none of its value should be wasted in its utilization.

Mr. Speaker, the miners of precious metals, such as gold and silver, throughout the country; the miners of the baser metals, such as iron, copper, lead, zinc, and others of that class; the miners of coal, of oil and gas, come to this Congress with a united appeal asking that this Bureau of Mines be established, and asking that this great industry, second only to agriculture in producing the wealth of this nation, shall be given some reasonable governmental recognition such as has been given to the other great industries of our land. They ask this, not alone for the preservation of the natural resources of the country, for the better utilization of the mineral products, but they ask it for the sake of humanity, for the preservation of human life.

Mr. FOSTER of Illinois. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, the two great basic industries of the country are agriculture and mining. We already provide the means of advancing and promoting agriculture, and this bill provides a means by which mining may be advanced and promoted. It has been said that this



bill invades the rights of the States in the exercise of their police powers. It does nothing of the kind. It does not interfere with the police powers of the States in any shape or form. It does not propose that there shall be inspections of the mines. It does not propose that there shall be regulations laid down under Federal direction for the operation of the mines. It provides for the establishment of a bureau, the officials of which will investigate into the means of promoting the best interests of mining and protecting the lives of those engaged in mining.

The fuel supply of our country is of great importance, not only to the individuals who own coal lands or the corporations that own coal lands, but it is of great importance to the entire public. We are mining annually about 450,000,000 tons of coal, and it is estimated by the Geological Survey that in mining and placing upon the market ready for use 450,000,000 tons of coal over 200,000,000 tons of coal is wasted—over 200,000,000 tons of the fuel supply of the country that should be kept for the future is lost by our present method of mining. The establishment of this bureau seeks to overcome that, and in addition to doing that it seeks to preserve the lives of those engaged in the production of coal. [Applause.]

Mr. HUFF. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. DALZELL.]

Mr. DALZELL. Mr. Speaker, the gentleman from Minnesota has called attention to the fact that the legislative bill, which has been adopted, carried an appropriation of \$150,000 to enable parties to discover the causes of mine explosions. He has also called attention to the fact that the sundry civil bill carries an appropriation of \$250,000 for the test of lignites and fuels, and he argues, therefore, that the purposes to be accomplished by this bill have been already provided for. Now, the gentleman knows that in both the cases to which I have referred the appropriations are temporary. They are made year by year, not provided for permanently, as they would be under this incorporation of a Bureau of Mines. But I draw from the fact that these appropriations were made a very different lesson from that drawn by the gentleman from Minnesota. I draw from those appropriations the lesson that Congress recognizes the fact that appropriations for these purposes are properly competent for Congress to make.

They are, in other words, within the proper governmental function of Congress to exercise. They belong to that class of needs that individuals can not properly and successfully respond to. Now, the two great basic industries of this country are agriculture and mining. Think of the millions of money that we have appropriated and that we are appropriating every year toward the development of agriculture, toward the discovery of the properties of soils, toward the maintenance of agricultural colleges, and all that sort of thing. Now, it seems to me that the time has arrived when the Government should give some attention to the other great basic industry, the mining industry of this country, so that we shall ascertain what we have in the way of mineral wealth. If I had the time, I would like to go into that branch of the subject, but for lack of time I wish to put in the Record, under the leave already granted, a letter upon the subject from Mr. Thomas F. Walsh, addressed to the chairman and members of the House Committee on Mines and Mining. [Applause.]

The letter referred to is as follows:

*Letter from Thomas F. Walsh, of Washington, D. C., favoring the establishment of a Bureau of Mines and Mining and referring to the importance of the development and production of the rarer minerals, radium, platinum, vanadium, columbite, etc.*

*SOME ADDITIONAL REASONS FOR THE ESTABLISHMENT OF A BUREAU OF MINES.*

*To the honorable Chairman and Members of the House Committee on Mines and Mining.*

GENTLEMEN: In the hearings before your honorable committee on the question of the establishment of a Bureau of Mines, the fields of coal mining, iron mining, and precious-metal mining were well and ably covered by representatives of these respective industries, and the great benefits that a Bureau of Mines would confer upon them were pointed out in an able and intelligent manner. However, a great field of undeveloped mineral wealth, to which I beg to call your attention, was scarcely touched upon. I refer to the development and production of what is classed as the rarer minerals, such as radium, platinum, vanadium, uranium, tungsten, columbite, and others, all of which are much needed in our manufacturing and chemical industries.

Owing to a lack of knowledge of their properties and treatment, we are to-day producing practically none in America, but import them in large quantities from Europe at an expense of millions of dollars. Incredible as it seems, no effort has been or is being made to produce these valuable commodities of commerce. I believe we have them in paying quantities in the vast area of the mineralized portions of our country. More knowledge on this subject will prove that these little-known minerals are not as rare as they are supposed to be. Aluminum when first used was thought to be a scarce metal, yet when energetic efforts were directed toward its production it was found in quantities and in the common clays. I believe the same relative results will follow a thorough search for the rarer minerals. The proposed bureau, in its educational work in this particular line—by

disseminating directly through the schools of mining, as well as through the public press, a knowledge as to how to recognize and find those minerals and how to treat and market them when found—would give such an impetus to its development and production as would probably result in an output of a new wealth greater than that of the precious minerals of to-day.

To give some idea of the great value of those minerals, I will, for illustration, take vanadium, one of the rarer of the economic class. As an alloy in the making of the highest grade of steel, vanadium is the best ever discovered. It is the most-prized ingredient the steel manufacturers can have. If it could be mined and sold at a reasonable price, our steel makers would gladly buy all that could be produced. As it is now, when they need it they have to import it from Europe and pay \$5 per pound, or \$10,000 per ton. The same is in a measure true of the other rarer minerals. There is a pressing and constant demand for them, but none is produced because it is a sphere of our mining activities that, principally for the want of knowledge on the subject, we have heretofore ignored, content to pay a great tribute to other nations for those things which we have at home.

Take another illustration—radium, the rarest of all minerals. Because of the small amount produced, it has not yet passed from the scientific and physical to the economic. If we want an atom of it, we must beg for it from the Austrian Government. Notwithstanding the small mineral area of that country, it has, because of its research work, a monopoly on it and its associated mineral, uranium. The production of the other rarer minerals will undoubtedly result in the production of radium, for we have reason to believe they go together. The dreams of the ages has been the finding of perpetual motion. We seem to have it in radium. The proposed mining bureau, without interfering with its more utilitarian duties, can direct and foster the production of this most valuable mineral; it can investigate its properties and potentialities and, perhaps, apply it to the service of humanity in ways that will be as great in their benefits as radium is enduring.

It may be asked, Can those rarer minerals be found in our country? I have the best of reasons for believing they can. Some prospecting recently made in this direction, in Colorado, promises good results. I have been over the mining districts of Bohemia, Austria, where many of them, especially uranium and radium, have been found. I have been over every mineralized State of our Union. So far as I could see, we have the same conditions, the same character and class of baser minerals in which the rare ones are found. We have a mineralized area far greater than that of Europe, and in which we have found every mineral that we have heretofore searched for. The fact that we have not found certain ores is no evidence that they do not exist, but rather a proof that we have not looked for them. If it should be ascertained that, in accordance with our previous knowledge of the minerals and with their well-known affinity for each other, the rarer ones will be found associated with the baser ones in iron, zinc, copper, and lead sulphides, then we are apt to find them in broad areas and in many unsuspected places—in the sulphide deposits of Virginia, the Carolinas, Georgia, Arkansas, and Missouri, as well as in the great mining States of the West.

An opinion prevailed that they would not be found in sulphides. But last year I had a piece of sulphide ore tested for radio activity and received a report that it possessed it in as strong a degree as the pitchblend ore of Bohemia, which was conclusive proof of the presence of both uranium and radium.

Throughout our mining districts there are billions of tons of low-grade sulphide mineral on the dumps of mines awaiting the application of science to bring them into use. Whilst it can not be expected that all of these ores carry the rarer minerals, if they are found in a fraction of them the wealth they can be made to yield will be incalculable.

It may seem strange that this field of wealth should remain so long untouched, yet the explanation is simple. In mining, as in other things, we followed the line of least resistance, the course that with the simplest efforts led to the quickest and most direct results in the extraction and treatment of the ores—first the rocker, then the sluice box, then the mill and smelter. We mined only the ores we could treat with these methods. If we noticed some strange mineral, which we often did, we either did not give it a thought or wished it well away because of its refractory influences in the treatment of the minerals we were after. This, as stated, was due to a want of knowledge of those rarer minerals and a consequent want of market for them, and this is why we are not producing any of them to-day, but instead paying out millions annually to Europe because we must have them. The importations will give but a faint idea of their enormous value to us; for if we were producing them ourselves, our own industries would use a hundred times more than they do now. Their development and extraction will create a new industry that in turn will create new homes, new occupations, and new wealth for our own people. A great interest is awakening on this subject. Since I had the honor of addressing your committee I have had over a dozen letters asking for information and advice on every feature of the question. They are all of the same tenor. I will quote an extract from one, written from the southwest portion of New Mexico by a mining engineer:

"I enclose a newspaper clipping and trust the bill referred to—the bill creating the Bureau of Mines—will soon become a law. It is one of the most needed enactments of the present day. I believe that radium and several other of the rarer minerals exist in this locality, but so little is known about them that the ordinary individual does not even know how they occur, much less how to extract nor where to get them treated. Please give me such information on the subject as will help me to look for and develop these ores."

The great national industry of mining is worthy of the same governmental encouragement and protection that is given the other industries, especially in the saving of life. The coal miner takes his life in his hands and toils all day in the darkened, dusty caverns of the coal mines, looking forward with pleasure to the hour that will reunite him to his little family. It is only too often he is brought back in the cold stillness of death, the victim of an explosion, in most cases brought about by some hidden force of nature which is not yet understood. Surely, the lives of the vast army of these brave toilers should be the serious concern of the National Government.

The prospector, who braves the terrors of the snowy avalanche, climbs over precipitous rocks in high altitudes, in search of nature's treasures, is as much deserving of the nation's help as is his brother on the safe and tranquil farm.

Mining in all of its branches is worthy of recognition and help from our General Government, for the highest humanitarian and most important economic reasons. This it has not yet received. The time has come when the same beneficent helping hand that is given to agriculture should be extended to the more complicated and difficult industry of mining, for one is at least as necessary to the nation's prosperity as the other.

It has been asked under what head should the new Bureau be placed? I believe that it should be placed in the Department of the Interior and be at least the coequal of all other bureaus. It should be under the direct control of the Secretary of the Interior. It should be composed of the ablest experts that could be secured, men fully informed upon every feature of operative mining and who could advise with the Secretary upon the many perplexing questions relating to mineral interests and mineral lands.

The work of this mining bureau will be of the highest technical and scientific character. In no Department of our Government will work of more importance be undertaken nor more beneficial and enduring results be accomplished. Through its well-equipped laboratories and trained experts it will help to solve the perplexing problems now confronting and baffling the mine operators of our land; to stop the deplorable loss of human life now going sadly on, and to show us how to conserve and economize our mineral resources and guide and lead us to the development of greater wealth for the nation's enrichment. Year by year it will grow in importance and achievement and will be regarded with just confidence and pride by every American citizen.

I beg to remain, respectfully, yours,

THOMAS F. WALSH.

Mr. CAMPBELL. Mr. Speaker, the Bureau of Mines and Mining provided for in this bill should be established. We have made appropriations at this session for work that should be done under this Bureau. It could very readily and very properly take over the work that has been planned for an investigation of mine disasters and for tests of coal and lignites. All of these things that are done now by persons under other Departments might well be done under the permanent Bureau that is provided for in this bill, and I sincerely hope that bill will pass.

It is doubtful if anywhere else there can be found a more abundant or greater variety of mineral resources than we have in this country. We have made valuable discoveries of these resources within the past twenty-five years. We have in the same time made marvelous development in the production of these products and extended their use in many ways.

The Director of the Geological Survey, in his report on the mineral resources of the United States for the year 1906, has made some interesting and valuable compilations of facts on this subject:

"In the twenty-seven years from 1880 to 1906, inclusive, the value of the mineral output of the United States has increased nearly five and one-fourth times. This marvelous growth is of additional interest in that it shows approximately by its fluctuations the financial ebb and flow of the whole country. From \$364,928,298 in 1880 the value rose to \$451,000,000 in 1882, declined to \$406,000,000 in 1884, rose steadily to \$606,000,000 in 1890, declined slightly to \$605,000,000 in 1891, rose to \$622,000,000 in 1892, fell to less than \$550,000,000 in 1893 and 1894, rose to \$640,000,000 in 1895, remained at the same figure in 1896, rose rapidly to \$1,491,000,000 in 1903, declined to \$1,361,000,000 in 1904, rose to \$1,623,000,000 in 1905, and advanced to the immense sum of \$1,902,517,565 in 1906. Keeping pace with this growth has been a strain, and it is gratifying that the system has so expanded that the statistics of this wonderful production continually increase in completeness and accuracy. This attainment is largely the result of the hearty cooperation of the producers.

"The varied character of the units of measurement employed in the mineral industry makes it impossible to compare the outputs of the several minerals except in the value of the products. The figures given show a continuation of the activity in the mineral industries of the United States noted in 1900, 1901, 1902, and 1903, though the value of the output for 1904 was almost 9 per cent less than that for 1903; the value in 1905 was about 9 per cent greater than that for 1903.

"In 1906, for the second time, the total value of our mineral production exceeded the enormous sum of \$1,500,000,000.

"The exact figures for 1906 are \$1,902,517,565, as compared with \$1,623,928,720 in 1905, with \$1,361,067,554 in 1904, with \$1,491,928,980 in 1903, and with \$1,323,102,717 in 1902; a gain in 1906 over 1905 of \$278,588,845, or 17.15 per cent; a gain in 1906 over 1904 of \$541,450,011, or 39.78 per cent; over 1903 of \$410,588,585, or 27.52 per cent, and over 1902 of \$579,414,848, or 43.79 per cent.

"As heretofore, iron and coal are the most important of our mineral products. The value of the iron in 1906 was \$505,700,000; the value of the coal, \$513,079,809. The fuels increased from \$602,257,548 in 1905 to \$652,398,476 in 1906, a gain of \$50,140,928, or 8.33 per cent. Anthracite coal showed a decrease in value of \$9,961,306, from \$141,879,000 in 1905 to \$131,917,694 in 1906. The average price of anthracite coal per long ton at the mine was \$2.30, as against \$2.25 in 1905, \$2.35 in 1904, \$2.50 in 1903, and \$2.35 in 1902; and the average price per short ton for bituminous coal at the mine was \$1.11, as against \$1.06 in 1905, \$1.10 in 1904, \$1.24 in 1903, and \$1.12 in 1902. The increase in value of the bituminous coal output over 1905 was \$46,503,821—a combined increase in value of coal of \$36,542,515, or 7.67 per cent.

"The gain of \$278,588,845 in the total value of our mineral production is due to gains in both metallic and nonmetallic products, the metallic products showing an increase from \$702,453,101 in 1905 to \$886,110,856 in 1906, a gain of \$183,657,755, and the nonmetallic products showing an increase from \$921,075,619 in 1905 to \$1,016,206,709 in 1906, a gain of \$95,131,090. To these products should be added estimated unspecified products, including molybdenum, bismuth, and other mineral products, valued at \$200,000, making a total mineral production for 1906 of \$1,902,517,565.

#### "METALS.

"Iron and steel.—Twenty States produced pig iron in 1906, as against 20 in 1905, 20 in 1904, 22 in 1903, 22 in 1902, 20 in 1901, and 21 in 1900 and 1899. The total production of pig iron in 1906 was 25,307,191 long tons, as against 22,992,380 long tons in 1905, 16,497,083 long tons in 1904, 18,009,252 tons in 1903, 17,821,307 tons in 1902, and 15,878,354 tons in 1901. The production of 1906 shows an increase in quantity of 2,314,811 long tons, or over 10 per cent, over the production of 1905, and an increase in value from \$382,450,000 to \$505,700,000, amounting to \$123,250,000, or 32.25 per cent. The average price per long ton of pig iron increased from \$16.63 in 1905 to \$19.98 in 1906. The average prices per long ton in recent years have been as follows: 1904, \$14.13; 1903, \$19.12; 1902, \$20.92; 1901, \$15.25.

"Iron ores.—The production of iron ores in 1906 amounted to 47,749,728 long tons, as compared with 42,526,133 long tons in 1905, with 27,644,330 long tons in 1904, with 35,019,308 long tons in 1903, and with 35,554,135 tons in 1902. The value at the mines of the ore mined in 1906 was \$100,597,106, as compared with \$75,165,604 in 1905. As in the seven preceding years, the production of iron ores in the United States in 1906 was never equaled by that of any other country.

"Manganese ores.—The production of manganese ores was 2,825 long tons, valued at \$25,335, in 1903, and increased to 3,146 long tons, valued at \$29,466, in 1904, and to 4,118 long tons, valued at \$36,214, in 1905. The average price per ton in 1905 was \$8.80, as compared with \$9.37 in 1904 and with \$8.97 in 1903. In 1906 the production of manganese ores was 6,921 long tons, valued at \$88,132. The average price was \$12.73 per ton. Manganiferous iron ores, carrying from 20 to 40 per cent of manganese, were produced to the extent of 41,300 long tons, valued at \$122,400.

"Gold.—The production of gold increased from 3,910,729 ounces, valued at \$80,835,648, in 1904, to 4,265,742 ounces, valued at \$88,180,700, in 1905, and to 4,565,333 ounces, valued at \$94,373,800, in 1906, an increase in 1906 of 299,591 ounces in quantity and of \$8,193,100 in value.

"Silver.—The production of silver increased in quantity from 55,999,864 ounces in 1904 to 56,101,600 ounces in 1905, and to 56,517,900 ounces in 1906; it increased in commercial value from \$32,085,378 in 1904 to \$34,221,976 in 1905, and to \$38,258,400 in 1906, a gain in 1906 of \$4,034,424.

"Copper.—The production of copper increased from 812,537,267 pounds, valued at \$105,629,845, in 1904, to 901,907,843 pounds, valued at \$139,795,716, in 1905, and to 917,805,682 pounds, valued at \$177,595,888, in 1906, an increase in 1906 of 15,997,839 pounds in quantity, and of \$37,800,172 in value.

"Lead.—The production of lead in 1906 was 350,153 short tons, as against 302,000 short tons in 1905, 307,000 short tons in 1904, and 282,000 short tons in 1903. The value of the production in 1906 was \$39,917,442, as compared with \$28,690,000 in 1905, with \$26,402,000 in 1904, and with \$23,520,000 in 1903.

"Zinc.—The production of zinc in 1906 was 190,694 short tons, as against 203,849 short tons in 1905, 186,702 short tons in 1904, and 159,219 short tons in 1903. The value of the zinc production in 1906 was \$24,362,668, as compared with \$21,054,182 in 1905, with \$18,670,200 in 1904, and with \$16,717,995 in 1903.

"Bauxite.—In 1906 the production of Bauxite was 75,332 long tons, valued at \$368,311, as compared with 48,129 long tons, valued at \$240,292, in 1905, with 47,661 long tons, valued at \$235,704, in 1904, and with 48,087 long tons, valued at \$171,306, in 1903.

"Aluminum.—The consumption of aluminum during 1906 was 14,910,000 pounds, valued at \$4,262,286, as against 11,347,000 pounds, valued at \$3,246,300, in 1905, and 8,600,000 pounds, valued at \$2,477,000, in 1904.

"Quicksilver.—The production of quicksilver during 1906 amounted to 26,238 flasks (of 76½ avoirdupois pounds net; 75 avoirdupois pounds net after June, 1904), as compared with 30,451 flasks in 1905, with 34,570 flasks in 1904, with 35,620 flasks in 1903, and with 34,291 flasks in 1902. The value of the quicksilver produced in 1906 was \$958,634, as compared with \$1,103,120 in 1905, with \$1,503,795 in 1904, with \$1,544,934 in



1903, and with \$1,467,848 in 1902. California reported 20,310 flasks, as compared with 24,635 flasks in 1905, with 29,217 flasks in 1904, with 30,526 flasks in 1903, and with 28,972 flasks in 1902; and Texas reported 4,761 flasks, as against 4,723 flasks in 1905, 5,336 flasks in 1904, 5,029 flasks in 1903, and 5,319 flasks in 1902. Utah reported 1,164 flasks and Oregon 3 flasks in 1906.

**Chromic iron ore.**—California was the only State producing chromite during 1906, the quantity being 107 long tons, valued at \$1,800, as compared with 22 long tons, valued at \$375, in 1905, with 123 long tons, valued at \$1,845, in 1904, with 150 long tons, valued at \$2,250, in 1903, and with 315 long tons, valued at \$4,567, in 1902.

**Molybdenum.**—The commercial production of molybdenum in 1906 was approximately the same as the production of 1905, which, in turn, was in excess of the 1904 production of 14.5 short tons of concentrates, valued at \$2,175. The production in 1903 was 795 short tons of concentrates, valued at \$60,865. The value of molybdenum ores fluctuates very greatly.

**Nickel.**—There was no production of metallic nickel reported in 1906, as in 1905, only a small quantity of nickel and cobalt ore being reported as sold. In 1904 the output was 24,000 pounds, as against a production of 114,200 pounds in 1903 and of 5,748 pounds in 1902. The value in 1904 was \$11,400, as against \$45,900 in 1903 and \$2,701 in 1902. The imports of nickel in 1906 were valued at \$1,902,367, as against \$1,962,131 in 1905, \$1,121,491 in 1904, \$1,493,889 in 1903, and \$1,437,649 in 1902.

**Rutile.**—A small production of rutile, chiefly from Virginia, was reported in 1906.

**Tungsten.**—The commercial production of concentrated tungsten ores during 1906 amounted approximately to 928 short tons, valued at \$348,867, as against 803 short tons, valued at \$268,676 in 1905; 740 short tons, valued at \$184,000 in 1904; 292 short tons, valued at \$43,639 in 1903, and 184 short tons in 1902, of which not more than a few tons were sold.

**Uranium and vanadium.**—The production of uranium and vanadium minerals in 1906, as reported to the Survey and included under unspecified products, was the largest of recent years. The production in 1905 was valued at \$375, as against \$10,600 in 1904, \$5,625 in 1903, and \$48,125 in 1902.

**Tantalum.**—A commercial production of tantalum in 1906 was reported from Colorado and South Dakota.

**Platinum.**—The production of platinum from domestic ores in 1906 was 1,439 ounces, valued at \$45,189, as compared with 318 ounces, valued at \$5,320, in 1905; with 200 ounces, valued at \$4,100, in 1904; with 110 ounces, valued at \$2,080, in 1903, and with 94 ounces, valued at \$1,814, in 1902. In December, 1904, the price of ingot platinum at New York advanced from \$18.50 to \$19.50 per ounce; in April, 1905, it was \$20.50; in January, 1906, it was \$20.50, in February, 1906, it advanced to \$25; in September, 1906, it rose to \$33; in November it was \$38, remaining at that price until late in February, 1907, when hard platinum was quoted at \$41 per ounce. This price declined on June 15 to \$26 for ordinary, and \$28.50 for hard; then it rose to \$27 and \$29, respectively, on July 27, and stands now (August 3, 1907), at \$28 for ordinary and \$29.50 for hard.

**Antimony.**—The antimony obtained from the smelting of domestic ores in 1906 amounted to 404 short tons, valued at \$38,149, and the antimony obtained from hard lead produced from foreign and domestic lead ores was 1,362 short tons, valued at \$286,004, a total production for 1906 of 1,766 short tons, valued at \$602,949, as compared with 3,240 short tons, valued at \$705,787 in 1905; with 3,057 short tons, valued at \$505,524, in 1904; with 3,128 short tons, valued at \$548,433, in 1903, and with 3,561 short tons, valued at \$634,506, in 1902.

**Bismuth.**—The marketed production of bismuth ore in 1906 was 8,334 pounds, valued at \$12,500; in 1905 it was 24,405 pounds, valued at \$4,187; in 1904 it was 5,184 pounds, valued at \$314. There was no marketed production of bismuth ores in the United States during 1903 or 1902.

**Tin.**—There was a small production of metallic tin in South Dakota in 1906, which, with concentrates from Alaska and from the North Carolina-South Carolina deposits, was valued at \$35,000.

#### FUELS.

**Coal.**—For the first time in the history of the United States the production of coal in 1906 reached a total of over 400,000,000 short tons, showing an actual output of 414,157,278 tons of 2,000 pounds, valued at \$513,079,809. Of this total, the output of anthracite coal amounted to 63,645,010 long tons (equivalent to 71,282,411 short tons), which, as compared with the production of 69,339,152 long tons in 1905, was a decrease of 5,694,142 long tons, or over 8 per cent. The value of anthracite coal at the mines in 1906 was \$131,917,694, as against \$141,879,000 in

1905, \$138,974,020 in 1904, \$152,036,448 in 1903, and \$76,173,586 in 1902. The average price of the marketed anthracite coal sold during the year at the mines was \$2.30 per long ton, as against \$2.25 per long ton in 1905, \$2.35 in 1904, \$2.50 in 1903, and \$2.35 in 1902.

**The output of bituminous coal** (which includes semiarthracite and all semibituminous and lignite coals), amounted in 1906 to 342,874,867 short tons, valued at \$381,162,115, as compared with 315,062,785 short tons, valued at \$334,658,294, in 1905; with 278,659,689 short tons, valued at \$305,397,001, in 1904; with 282,749,348 short tons, valued at \$351,687,933, in 1903; and with 260,216,844 short tons, valued at \$290,858,483, in 1902. The increase in the production of bituminous coal in 1906 over 1905 was therefore 27,812,082 short tons in quantity and \$46,503,821 in value. The average price of bituminous coal per ton at the mines during 1906 was \$1.11, as against \$1.06 in 1905, \$1.10 in 1904, and \$1.24 per ton in 1903, the highest price recorded by the Survey.

**Coke.**—The coke production of the United States in 1906, which included the output, 4,558,127 short tons, from 3,362 re-tort or by-product ovens, amounted to 36,401,217 short tons, as compared with 32,231,129 short tons in 1905, with 23,661,106 short tons in 1904, with 25,274,281 short tons in 1903, and with 25,401,730 short tons in 1902. The increase in quantity in 1906 from 1905 was 4,159,088 short tons, or over 12 per cent. The total value was \$91,608,034, as against \$72,476,196 in 1905, a gain of \$19,157,338, or 26 per cent. The average price per ton in 1906 was \$2.52, against \$2.25 in 1905. The average output from the by-product ovens in 1906 was 1,356 tons per oven, against an average of 373.6 tons per oven from the beehive ovens.

**Natural gas.**—The value of the natural gas produced in 1906 was \$46,873,932, as compared with \$41,562,855 in 1905, with \$38,496,760 in 1904, with \$35,807,860 in 1903, and with \$30,867,863 in 1902—a gain of about 13 per cent in 1906 over 1905.

**Gas, coke, tar, and ammonia.**—The aggregate value of all the products obtained from the distillation of coal in gas works and re-tort ovens in 1905 was \$56,684,972, as against \$51,157,736 in 1904, and \$47,830,600 in 1903. No report has been prepared for 1906; the estimated value of the products is distributed among the respective States in the table of output and value by States.

**Petroleum.**—The total production of crude petroleum in the United States in 1906 was 126,493,936 barrels, as against 134,717,580 barrels in 1905, 117,080,960 barrels in 1904, and 100,461,337 barrels in 1903, a decrease in 1906 of 8,277,644 barrels, or 6.14 per cent from the production of 1905. Among the noteworthy changes in production in 1906 were gains, as compared with 1905, of nearly 10,000,000 barrels in the Mid-Continent field and of over 4,000,000 barrels in the Illinois field; these gains were more than offset by losses of over 15,000,000 barrels in Texas, over 3,000,000 barrels in Indiana, and of over 1,000,000 barrels each in Ohio and West Virginia.

The value of crude petroleum produced during 1906 was \$92,444,735, or an average price of 73.1 cents per barrel, as against \$84,157,399, or an average price of 62.47 cents per barrel, in 1905; against \$101,175,455, or 86.41 cents per barrel, in 1904, and against \$94,694,050, or 94.26 cents per barrel, in 1903.

#### STRUCTURAL MATERIALS.

**Cement.**—The total production of hydraulic cement in the United States in 1906 was 51,000,445 barrels, valued at \$55,302,277, as compared with 40,102,308 barrels, valued at \$35,931,533, in 1905; with 31,675,257 barrels, valued at \$26,031,920, in 1904; with 29,899,140 barrels, valued at \$31,931,341, in 1903, and with 25,753,504 barrels, valued at \$25,366,380, in 1902. The Portland cement production in 1906 was 46,463,424 barrels, valued at \$52,466,186, as compared with 35,246,812 barrels, valued at \$33,245,867, in 1905; with 26,505,881 barrels, valued at \$23,355,119, in 1904; with 22,342,973 barrels, valued at \$27,713,319, in 1903, and with 17,230,644 barrels, valued at \$20,864,078, in 1902—an increase in quantity in 1906, as compared with 1905, of 11,216,612 barrels, and in value of \$19,220,319. The production of natural cement in 1906 was 4,055,797 barrels, valued at \$2,423,170, as compared with 4,473,049 barrels, valued at \$2,413,052, in 1905; with 4,866,331 barrels, valued at \$2,450,150, in 1904; with 7,030,271 barrels, valued at \$3,675,520, in 1903, and with 8,044,305 barrels, valued at \$4,076,630, in 1902—a decrease in quantity in 1906 of 417,252 barrels and an increase in value of \$10,118. The production of slag cement in 1906 amounted to 481,224 barrels, valued at \$412,921, as against 382,447 barrels, valued at \$272,614, in 1905; 303,045 barrels, valued at \$226,651, in 1904, and 525,806 barrels, valued at \$542,502, in 1903.

**Clay products.**—The activity in all branches of the clay-working industries noted in the reports as true of 1899, 1900,

1901, 1902, and 1903 diminished very slightly during 1904, but increased vigorously in 1905, which increase continued in 1906. The value of all clay products, as reported to this office in 1906, was \$161,032,722, as against \$149,697,188 in 1905, \$131,023,248 in 1904, \$131,062,421 in 1903, and \$122,169,531 in 1902. The brick and tile products in 1906 were valued at \$129,591,838, as against \$121,778,294 in 1905, \$105,864,978 in 1904, \$105,626,369 in 1903, and \$98,042,078 in 1902. The pottery products were valued in 1906 at \$31,440,884, as against \$27,918,894 in 1905, \$25,158,270 in 1904, \$25,436,052 in 1903, and \$24,127,453 in 1902.

"The commercial production of clay mined and sold in 1906 by those not manufacturing the clay themselves was valued at \$3,245,256, as against \$2,768,006 in 1905, \$2,320,162 in 1904, and \$2,594,042 in 1903.

"*Lime*.—The production of lime in 1906 was 3,197,754 short tons, valued at \$12,480,653, as against 2,984,100 short tons, valued at \$10,941,680, in 1905, and against 2,707,809 short tons, valued at \$9,951,456, in 1904. The output was valued at \$9,255,882 in 1903 and at \$9,335,618 in 1902. The average price per short ton was \$3.67 in 1905 and \$3.90 in 1906.

"*Sand-lime brick*.—The production of sand-lime brick in 1906 was valued at \$1,170,005, as against \$972,064 in 1905, \$463,128 in 1904, and \$155,040 in 1903.

"*Slate*.—The production of slate in 1906 was valued at \$5,668,346, as against \$5,496,207 in 1905, \$5,617,195 in 1904, \$6,256,885 in 1903, and \$5,696,051 in 1902.

"*Stone*.—The value of all kinds of stone produced in the United States during 1906 amounted to \$66,378,794, as compared with \$63,798,748 in 1905, with \$58,765,715 in 1904, with \$57,433,141 in 1903, and with \$54,798,682 in 1902.

"Included under stone is the limestone used for fluxing in blast furnaces, which in 1906 was 16,077,202 long tons, valued at \$7,612,692, as compared with 15,387,891 long tons, valued at \$7,004,265, in 1905; with 10,657,038 long tons, valued at \$4,702,768, in 1904, and with 12,029,719 long tons, valued at \$5,423,732, in 1903.

#### "ABRASIVE MATERIALS.

"*Alundum or artificial corundum*.—The production of alundum by the Norton Emery Wheel Company amounted in 1906 to 4,712,000 pounds, valued at \$282,720, an average of 6 cents per pound, as compared with 3,612,000 pounds manufactured in 1905, valued at \$252,840, an average of 7 cents per pound, and with 4,020,000 pounds manufactured in 1904.

"*Carborundum*.—The production of carborundum in 1906 was 6,225,300 pounds, as against 5,596,000 pounds in 1905, 7,060,380 pounds in 1904, 4,759,890 pounds in 1903, and 3,741,500 pounds in 1902. The value of the carborundum varies from 7 to 10 cents a pound.

"*Corundum and emery*.—The combined production of corundum and emery in 1906 amounted to 1,160 short tons, valued at \$44,310, as against 2,126 short tons, valued at \$61,464, in 1905; 1,916 short tons, valued at \$56,985, in 1904; 2,542 short tons, valued at \$64,102, in 1903; and 4,251 short tons, valued at \$104,605, in 1902.

"*Crushed steel*.—The production of crushed steel in 1906 was 837,000 pounds, as against 612,000 pounds in 1905, 790,000 pounds in 1904, 755,000 pounds in 1903, and 735,000 pounds in 1902.

"*Crystalline quartz*.—In 1906 the production of crystalline quartz included under abrasives amounted to 24,082 short tons, valued at \$121,671, as against 19,039 short tons, valued at \$88,118, in 1905; against 31,940 short tons, valued at \$74,850, in 1904; 8,938 short tons, valued at \$76,908, in 1903, and 15,104 short tons, valued at \$84,335, in 1902.

"*Garnet*.—The production of abrasive garnet in the United States during 1906 amounted to 4,650 short tons, valued at \$157,000, as against 5,050 short tons, valued at \$148,095, in 1905; 3,854 short tons, valued at \$117,581, in 1904; 3,950 short tons, valued at \$132,500, in 1903; and 3,926 short tons, valued at \$132,820, in 1902. The average price for the 1906 production is reported at \$33.98 per ton.

"*Grindstones*.—The total value of all kinds of grindstones produced during 1906 was \$744,894, as against \$777,606 in 1905, \$881,527 in 1904, \$721,446 in 1903, and \$667,431 in 1902. The production of 1904 was the largest on record for any year. It should be remembered, however, that the price which ranged from \$15 to \$18 per ton, has decreased to from \$8 to \$11 per ton, and that therefore the tonnage of grindstones used has correspondingly increased within the last few years.

"*Infusorial earth and tripoli*.—In 1906 the production of infusorial earth and tripoli amounted to 8,099 short tons, valued at \$72,108, as against 10,977 short tons, valued at \$64,637, in 1905; against 6,274 short tons, valued at \$44,164, in 1904; 9,219 short tons, valued at \$76,273, in 1903; and 5,665 short tons, valued at \$53,244, in 1902.

"*Millstones and buhrstones*.—The value of the production of millstones and buhrstones in 1906 was \$48,590, as against \$37,974, in 1905, \$37,338 in 1904, \$52,552 in 1903, and \$59,808 in 1902. From 1886 to 1894 there was a very large decrease—from \$140,000 to \$13,887—in the production of buhrstones. From 1894 to 1902 there was a gradual increase in the production, but there was a comparative decrease in 1903, 1904, 1905, and 1906.

"*Oilstones and whetstones*.—There was a continued increase in the commercial domestic production of oilstones and whetstones during 1906, the value rising from \$188,985 in 1904 to \$244,546 in 1905 and to \$268,070 in 1906. The production was valued at \$366,857 in 1903 and at \$221,762 in 1902.

"*Pumice*.—The production of pumice amounted in 1906 to 12,200 short tons, valued at \$16,750, as against 1,832 short tons, valued at \$5,540 in 1905; 1,530 short tons, valued at \$5,421, in 1904; 885 short tons, valued at \$2,665, in 1903, and 700 short tons, valued at \$2,750, in 1902.

#### "CHEMICAL MATERIALS.

"*Arsenious oxide*.—The domestic production of arsenious oxide (white arsenic) in 1906 was 1,474,000 pounds, valued at \$63,460, as against 1,507,386 pounds, valued at \$35,210, in 1905; 72,413 pounds, valued at \$2,185, in 1904; 1,222,000 pounds, valued at \$36,691, in 1903, and 2,706,000 pounds, valued at \$81,180, in 1902.

"*Borax*.—The reported returns for 1906 gave an aggregate production of crude borax of 58,173 short tons, valued at \$1,182,410, as against 46,334 short tons, valued at \$1,019,154, in 1905; 45,647 short tons, valued at \$698,810, in 1904, and 34,430 short tons, valued at \$661,400, in 1903.

"*Bromine*.—The production of bromine in 1906, including the bromine contained in potassium bromide, amounted to 1,283,250 pounds, valued at \$165,204, as compared with 1,192,758 pounds, valued at \$178,914, in 1905; with 807,100 pounds, valued at \$269,130, in 1904; with 598,500 pounds, valued at \$167,580, in 1903, and with 513,893 pounds, valued at \$128,472, in 1902.

"*Fluorspar*.—The total commercial production of fluorspar in 1906 was 40,796 short tons, valued at \$244,025, as compared with 57,385 short tons, valued at \$362,488, in 1905; with 36,452 short tons, valued at \$234,755, in 1904; and with 42,523 short tons, valued at \$213,617, in 1903. The prices of crude fluorspar in 1906 were reported as ranging from \$3.60 to \$6 per ton and the prices of ground fluorspar as ranging from \$9 to \$12 per ton.

"*Gypsum*.—The output of crude gypsum in 1906 was 1,540,585 short tons, valued in its first marketable condition at \$3,837,975, as compared with 1,043,202 short tons, valued at \$3,029,227, in 1905; with 940,917 short tons, valued at \$2,784,325, in 1904; with 1,041,704 short tons, valued at \$3,792,943, in 1903; and with 816,478 short tons, valued at \$2,089,341, in 1902. The greatly increased production of late years is attributable to the largely increased use of wall plaster and of plaster of Paris in large modern buildings.

"*Lithium minerals*.—The production of lithium minerals in 1906 was 383 short tons, valued at \$7,411, as against 79 short tons, valued at \$1,412, in 1905; 577 short tons, valued at \$5,155, in 1904; and 1,155 short tons, valued at \$23,425, in 1903. The output in 1905 and 1906 came from California and South Dakota. There were no imports of lithium salts in either 1905 or 1906.

"*Marls*.—The production of marls in the United States in 1906 was 19,104 short tons, valued at \$7,341; in 1905 it was 38,026 short tons, valued at \$16,494; in 1904 it was 18,980 short tons, valued at \$13,145, and in 1903 it was 34,211 short tons, valued at \$22,521.

"*Phosphate rock*.—The total commercial production of phosphate rock reported to the Survey in 1906 amounted to 2,080,957 long tons, valued at \$8,579,437, as compared with 1,947,190 long tons, valued at \$6,763,403, in 1905; with 1,874,428 long tons, valued at \$6,580,875, in 1904, and with 1,581,576 long tons, valued at \$5,319,294, in 1903. The total quantity of phosphate rock reported as mined during 1906 was 2,001,394 long tons, as against 2,138,309 long tons mined in 1905 and 1,991,169 long tons mined in 1904.

"*Salt*.—The salt product includes salt in the form of brine used in large quantities for the manufacture of soda ash, sodium bicarbonate, caustic soda, and other sodium salts. The domestic production of salt in 1906 amounted to 28,172,350 barrels of 280 pounds, valued at \$6,653,350, as compared with 23,966,122 barrels, valued at \$6,095,922, in 1905; with 22,030,002 barrels, valued at \$6,021,222, in 1904; with 18,968,089 barrels, valued at \$5,286,988, in 1903, and with 23,849,231 barrels, valued at \$5,668,636, in 1902.

"*Sulphur and pyrite*.—The domestic production of sulphur in 1906 was 294,153 long tons, valued at \$5,006,678; the produc-



tion of pyrite was 261,422 long tons, valued at \$931,305. The combined production in 1906 of sulphur and pyrite for the manufacture of sulphuric acid amounted to 555,575 long tons, valued at \$6,027,983, as compared with 434,677 long tons, valued at \$4,645,052, in 1905; with 334,373 long tons, valued at \$3,478,568, in 1904; with 233,127 long tons, valued at \$1,109,818, in 1903, and with 207,874 long tons, valued at \$947,089, in 1902.

#### "PIGMENTS."

**"Barytes.**—The production of crude barytes in 1906 was 50,231 short tons, valued at \$160,367, as compared with 48,235 short tons, valued at \$148,803, in 1905; with 65,727 short tons, valued at \$174,958, in 1904; with 50,397 short tons, valued at \$152,150, in 1903, and with 61,668 short tons, valued at \$203,154, in 1902.

**"Cobalt oxide.**—There was no production of cobalt oxide reported in 1905 and 1906. In 1904 it was 22,000 pounds, valued at \$42,600; in 1903 it was 120,000 pounds, valued at \$228,000; in 1902 it was 3,730 pounds, valued at \$6,714. All the cobalt oxide was obtained as a by-product in smelting lead ores at Mine La Motte, Missouri.

**"Mineral paints.**—The commercial production of mineral paints in 1906 amounted to 49,921 short tons, valued at \$521,729, as compared with 56,599 short tons, valued at \$724,933, in 1905; with 52,336 short tons, valued at \$493,434, in 1904; with 56,262 short tons, valued at \$500,922, in 1903; with 60,191 short tons, valued at \$745,227, in 1902.

**"Zinc white.**—The production of zinc white in 1906 amounted to 74,680 short tons, valued at \$5,999,375, as compared with 68,603 short tons, valued at \$5,520,240, in 1905; with 63,363 short tons, valued at \$4,808,482, in 1904; with 62,962 short tons, valued at \$4,801,718, in 1903, and with 52,645 short tons, valued at \$4,016,499, in 1902.

#### "MISCELLANEOUS."

**"Asbestos.**—The asbestos commercially produced in the United States in 1906 was obtained chiefly from deposits in Georgia, Virginia, and Wyoming, with small quantities from Arizona, California, and Massachusetts. The total commercial production was 1,695 short tons, valued at \$28,565, as against 3,109 short tons, valued at \$42,975, in 1905; against 1,480 short tons, valued at \$25,740, in 1904, and 887 short tons, valued at \$16,760, in 1903.

**"Asphalt.**—Under this title are included the various bitumens or hydrocarbons not discussed elsewhere under the heading 'Petroleum.' The commercial production in 1906 was 138,059 short tons, valued at \$1,290,340, as against 115,267 short tons, valued at \$758,153, in 1905; 108,572 short tons, valued at \$879,836, in 1904; 101,255 short tons, valued at \$1,005,446, in 1903, and 105,458 short tons, valued at \$765,048, in 1902.

**"Feldspar.**—The production of feldspar in 1906 was 75,656 short tons, valued at \$401,531, as against 35,419 short tons, valued at \$226,157, in 1905; 45,188 short tons, valued at \$266,326, in 1904; 41,891 short tons, valued at \$256,733, in 1903, and 45,287 short tons, valued at \$250,424, in 1902.

**"Fibrous talc.**—This variety of talc or soapstone occurs in but one locality in the United States—Gouverneur, St. Lawrence County, N. Y. It is used principally as makeweight in the manufacture of paper. In 1906 the production was 61,672 short tons, valued at \$557,200, as against 56,500 short tons, valued at \$445,000, in 1905; 64,005 short tons, valued at \$507,400, in 1904; 60,230 short tons, valued at \$421,600, in 1903, and 71,100 short tons, valued at \$615,350, in 1902.

**"Fuller's earth.**—As reported to the Survey, the production of fuller's earth in 1906 was 32,040 short tons, valued at \$265,400, as against 25,178 short tons, valued at \$214,497, in 1905; 29,480 short tons, valued at \$168,500, in 1904, and 20,693 short tons, valued at \$190,277, in 1903. The imports in 1906 were valued at \$108,695, as against \$105,997, in 1905.

**"Glass sand.**—The production of glass sand in 1906 was 1,089,430 short tons, valued at \$1,208,788, as against 1,060,334 short tons, valued at \$1,107,730, in 1905; 858,719 short tons, valued at \$796,492, in 1904, and 823,044 short tons, valued at \$855,828, in 1903.

**"Graphite.**—The commercial production of crystalline graphite during 1906 amounted to 5,887,982 pounds, valued at \$238,064, as compared with 6,036,567 pounds, valued at \$237,572, in 1905; with 5,681,177 pounds, valued at \$238,447, in 1904, and with 4,538,155 pounds, valued at \$154,170, in 1903. The production of amorphous graphite in 1906 was 16,853 short tons, valued at \$102,175, as compared with 21,953 short tons, valued at \$80,639, in 1905; with 16,927 short tons, valued at \$82,925, in 1904, and with 16,591 short tons, valued at \$71,384, in 1903. The production of artificial graphite in 1906 was 5,074,757 pounds, valued at \$337,204, the average price being 6.64 cents per pound, as compared with 4,591,550 pounds, valued at \$313,980, the average price being 6.83 cents per pound in 1905; with 3,248,

000 pounds, valued at \$217,790, the average price being 6.71 cents per pound, in 1904; with 2,620,000 pounds, valued at \$178,670, in 1903, when the average price was 6.82 cents per pound, and with 2,358,828 pounds, valued at \$110,700, in 1902, when the average price was 4.69 cents per pound.

**"Magnesite.**—The production of magnesite in the United States continues to be limited to California. During the year 1906 the commercial production reported was 7,805 short tons, valued at \$23,415, as compared with 3,933 short tons, valued at \$15,221, in 1905; with 2,850 short tons, valued at \$9,298, in 1904, and with 3,744 short tons, valued at \$10,595, in 1903.

**"Mica.**—The total production of mica in 1906 was 1,423,100 pounds of sheet mica, valued at \$252,248, and 1,489 short tons of scrap mica, valued at \$22,742, as against 924,875 pounds of sheet mica, valued at \$160,732, and 1,126 short tons of scrap mica, valued at \$17,856, in 1905; and 668,358 pounds of sheet mica, valued at \$109,462, and 1,096 short tons of scrap mica, valued at \$10,854, in 1904.

**"Mineral waters.**—The total production of mineral waters in 1906 was 51,407,668 gallons, valued at \$8,559,650, as compared with 47,590,081 gallons, valued at \$6,811,611, in 1905; with 50,723,500 gallons, valued at \$7,198,450, in 1904; and with 51,242,757 gallons, valued at \$9,041,078, in 1903.

**"Monazite and zircon.**—The production of monazite is confined exclusively to North Carolina and South Carolina, about five-sixths being obtained from the former State. In 1906 the production was 847,275 pounds of concentrates, valued at \$152,560. In 1905 the production (including small quantities of zircon and columbite) amounted to 1,352,418 pounds, valued at \$163,908, as compared with 745,999 pounds (including small quantities of zircon, columbite, and gadolinite), valued at \$85,038, in 1904; with 865,000 pounds, valued at \$65,200 (including 3,000 pounds of zircon, valued at \$570), in 1903; and with 802,000 pounds of monazite, valued at \$64,160, in 1902.

**"Peat.**—There was no commercial production of peat in 1906. Considerable experimental work has been done in the production of peat bricks for use as fuel under boilers, and in the practical tests of machine peat.

**"Potassium salts.**—There was no production of potassium salts in the United States in 1906; the imports amounted to 226,859,750 pounds, valued at \$5,941,217.

**"Precious stones.**—The value of the gems and precious stones found in the United States in 1906 was reported as \$208,000, as against \$326,350 in 1905, \$324,300 in 1904, \$307,900 in 1903, and \$328,450 in 1902. There has been a great advance in the lapidary industry in the United States since 1894. The cutting of our native gems has grown to the proportions of an industry.

**"Quartz (flint).**—The production of flint in 1906 was 66,697 short tons, valued at \$243,012, as against 51,145 short tons, valued at \$104,109, in 1905; 52,270 short tons, valued at \$100,590, in 1904; 55,233 short tons, valued at \$156,947, in 1903, and 36,365 short tons, valued at \$144,209, in 1902.

**"Sand and gravel.**—The production of sand for molding, building, engine, furnace, and other purposes, and of gravel, reported in 1906, was 31,842,572 short tons, valued at \$11,489,420, as against 22,144,633 short tons, valued at \$10,115,915, in 1905, and 9,821,000 short tons, valued at \$4,951,607, in 1904.

**"Selenium.**—There was a small production of selenium in 1906 in the electrolytic refining of copper.

**"Talc and soapstone.**—Exclusive of the production of fibrous talc from Gouverneur, N. Y., the production of talc and soapstone in 1906 amounted to 58,972 short tons, valued at \$875,356 as compared with 40,134 short tons, valued at \$637,062, in 1905; with 27,184 short tons, valued at \$433,331, in 1904; with 26,671 short tons, valued at \$418,460, in 1903; and with 26,854 short tons, valued at \$525,157, in 1902.

**"Cadmium.**—Cadmium is being produced by the Graselli Chemical Company, of Cleveland, Ohio, and the product is shipped to Germany. It is noteworthy that cadmium is now exported from the United States, rather than imported, as has heretofore been the case.

No information is at hand as to the source of the ores nor as to the process used in reducing the metal.

From the tabular statement headed 'Mineral products of the United States in 1905 and 1906,' including also the tables for the years 1880 to 1906, all unnecessary duplication has been excluded. The manufactured coke product, amounting in 1906 to 36,401,217 short tons and valued at \$91,608,034, is excluded, as the quantity and value of the coal used in its manufacture are included in the statistics of coal production. Similarly, white lead, red lead, sublimed lead, zinc lead, litharge, and orange mineral, whose average aggregate value for the last ten years has largely exceeded \$10,000,000, are not given in the table, the base from which they are made being included in the output of pig lead. Zinc white or zinc oxide, on the other hand,

made directly from the ores and consequently not included in spelter production, is tabulated. The production of pig iron and its value are given in the table as the best means of presenting the statistics of the production of iron in the first marketable condition, the value of iron ores being excluded. Similarly, the value of the products of the clay industries is given as being the first marketable condition of the greater part of the clay produced, although the production and value of the clay mined and sold in the raw state by clay miners to manufacturers of clay are elsewhere shown separately, but are not included in the tabular statement, in order to avoid duplication.

"In the second large tabular statement, however, under the heading 'Output and value, by States and Territories, of mineral products of the United States in the calendar years 1905 and 1906,' raw clay, iron ores, lead paints, and the coal products are included under the respective producing States.

"It will be seen that the two tabular statements differ materially. They both give the value of the mineral products in the years 1905 and 1906; but the first gives the net value of the mineral products of the whole country in their first marketable form and the second gives the value of these products and, in addition, the value of some of their raw materials or derivatives in their first marketable condition. The first table avoids duplication; the second does not.

"The figures for gold and silver for 1905 and 1906 in the first table are the official figures agreed upon by the United States Geological Survey and the Director of the Mint."

Mr. FOSTER of Illinois. Mr. Speaker, I suggest the gentleman from Minnesota use some time.

Mr. TAWNEY. Mr. Speaker, how much time remains to the other side?

The SPEAKER. The gentleman from Illinois has three minutes, the gentleman from Pennsylvania has five minutes, and the gentleman from Minnesota has five minutes. [Cries of "Vote!"]

Mr. FOSTER of Illinois. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, this bill is of so much importance to the mining interests of the United States and of so much importance to the people that I individually represent that I do not feel that I would properly represent them if I did not take this occasion to say how heartily I am in favor of the bill. I do not think that it needs an argument for us to pass this bill. We have already, as has been said heretofore, established a Department of Agriculture; we have established a Department of Manufactures, and there is no reason in the world why we should not extend the same equal fair treatment to those people who are engaged in the mining business in this country. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, how much time have I remaining?

The SPEAKER. Two minutes.

Mr. FOSTER of Illinois. Mr. Speaker, the gentleman from Minnesota seems to think that the establishment of such a bureau as here proposed is wholly in the interest of the operators of mines and not in the interest of those who work in the mines. Mr. Speaker, this bill is intended to develop mining, make the lives of miners more safe, and the property in mines more secure. The bill is also intended to develop a scientific knowledge of mining, so that they will be able to determine the best, safest, and most economical means of mining. A few years ago aluminum was considered a very scarce mineral in this country, and yet we find that to-day it is very cheap. We send across the ocean to get what radium we use, and its use is limited to scientific appliances only and has not yet passed to the economic. At this time we do not produce any, but who knows, Mr. Speaker, but what in a few years under the direction of such a bureau as this that this country may produce these precious metals without having to send our money across the water to get them.

Mr. Speaker, I am sure the Members of this House feel the importance and the people are ready to indorse their action in doing everything possible for the safety of those who work in the mines. We have considered it of enough importance to make a Cabinet officer of the gentleman who presides over the Department of Agriculture. And yet mining, that comes next to that in importance, that deals with products that come out of the ground, we have given very little attention.

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] said a moment ago that my statement was that, in the provision carried in the legislative bill and in the sundry civil bill for the investigation of the causes of mine explosions and for the testing of lignite and other fuels, the

purpose of this bill has been accomplished. That statement, Mr. Speaker, is not entirely accurate. I said that so far as the safety of the miners was concerned, and so far as it is necessary to test the relative heat units of coal produced by private interests is concerned, these two appropriations do meet the requirements of this bill. But this bill goes away beyond this purpose. I called attention a moment ago to the fact that this bill goes far beyond anything that has ever been proposed in the past. We propose now to go into the States. For what purpose? For the purpose of fostering local industry, for the purpose of promoting and developing industries in which the citizens and corporations of States are alone interested.

The gentleman says this is one of the great basic industries of the country, the industry of mining. That I concede. But under the operations of this bill how many States will derive any benefit? It will be the coal-bearing States. There is no demand from the precious-metal States for this legislation; there is no demand from the State of Minnesota, that has the greatest iron mines of any State in the Union; there is no demand from the State of Michigan, where the great copper mines are located. This whole demand comes from the coal-bearing States, and is supported only by the fact that in these coal mines lives are destroyed by accident and by explosion the cause of which is unknown, and to ascertain that cause, if possible, we have authorized a full investigation at this session, at an expense of \$150,000.

Mr. HACKNEY. Mr. Speaker—

The SPEAKER. Will the gentleman from Minnesota [Mr. TAWNEY] yield to the gentleman from Missouri [Mr. HACKNEY]?

Mr. TAWNEY. I can not yield. Now, Mr. Speaker, that being so, this is not a bill for the benefit of the entire United States. It is limited only to those States in which coal mining is carried on. Its effect will be limited to those States exclusively.

Why, Mr. Speaker, is it necessary for the Congress of the United States to create a great bureau here at the seat of government, and to provide that bureau with the necessary machinery for the purpose of fostering and promoting the interests of the coal trust of the United States? For that is what it means. Ah, Mr. Speaker, if we can justify this legislation, then we can justify legislation in the interest of any private industry, I care not what it is or how much the expense. It is the corporations owning the coal mines of the country that are to be the beneficiaries of this legislation, and not the men who work in the mines.

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. TAWNEY. I yield.

Mr. GAINES of Tennessee. While it is true we can not compel the coal men in the States to yield to Federal supervision, can not we go into public lands and perfect the mines there and find out all the trouble in mining and let the States profit by that?

Mr. TAWNEY. Ample opportunity, as I said to the gentleman from Tennessee [Mr. GAINES] a moment ago, exists for that, as well as ample appropriation for that purpose. We are classifying the coal lands, and if the Government of the United States wants to go into the business of mining on its own territory for the purpose of developing the best methods of coal mining that might be entirely within the functions of the Government, and we would not be infringing upon the rights of any State when we attempted that.

Mr. GAINES of Tennessee. Private individuals are mining in all of our Territories. Can not we go there and compel them to submit, start at the top and go to the bottom, and get a perfect mining system?

Mr. TAWNEY. Whether we can or not, if the mine is owned by a private individual, I shall not attempt to discuss. I am trying to impress upon the House the fact that we are called upon to do something that we know absolutely nothing about so far as the ultimate effect will be; something that, if it benefits anyone, will benefit only the wealthy coal corporations of the country.

Mr. NICHOLLS. Mr. Speaker—

Mr. TAWNEY. There is no man on the Committee on Mines and Mining who has attempted to say to what extent it will be necessary to employ clerks and other employees to carry out the provisions of this law, or the amount of money that will be necessary; and I hope the bill will be voted down.

Mr. HUFF. I yield one minute of my time to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Speaker, it is very evident that this bill is going to pass, and I have simply taken the floor to answer one statement made by the gentleman from Minnesota



[Mr. TAWNEY]. The gentleman from Minnesota says that this legislation is demanded only by the coal interests of the country and that no precious-mining State in the Union is asking for its passage. I desire to say to the gentleman from Minnesota that I represent not only a coal-mining State, but the greatest precious-mining State in the Union, and the State of Colorado, by its Representatives in this body, is urging and insisting upon this legislation. [Applause.] Every single precious-mining State in the Union has been represented upon the floor of this House this afternoon asking for this legislation—California, Nevada, Idaho, Utah, Montana, and all the other precious-mining States of the Union.

Mr. TAWNEY. All of them are coal-bearing States, too.

Mr. RONYNGE. I can not yield. Moreover, Mr. Speaker, I desire to call the attention of the House to the fact that the American Mining Congress, composed almost entirely of representatives from the precious-mining States, have for years been asking for this legislation. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CHANEY. Mr. Speaker, the very purpose of this mines and mining bureau is to provide the plan to handle this \$150,000 of money. It is not the expectation that there will be asked for any additional appropriation to carry into force and operation this proposition. The money needed is provided in said amount. And, therefore, my friend from Minnesota [Mr. TAWNEY] is on the wrong road in objecting to this. We want a mines and mining bureau that can handle this proposition in a scientific way. I want, also, to say that not only the coal-mining industries, but all of the mining industries everywhere, have been asking for this bureau to be established under the Government. They were disappointed when the Department of Commerce and Labor was created that there was not in connection with that, along with the Bureau of Corporations, a bureau of mines and mining. The coal-mining interests are certainly in favor of the proposition and have requested it, and I am interested in it especially on their account.

This is the best single move that has ever been made in behalf of labor. Next to agriculture in importance, upon which we spend twelve millions a year, is the establishment of a distinctive miners' bureau in the great field of the toiler. For many a year agriculture languished without governmental consideration. Years ago, after many a fruitless effort, a Bureau of Agriculture was established by Congress, and its head was designated by the title of Commissioner of Agriculture. The Bureau grew in a few years into such usefulness that it became and is a great Department of the Government, not second to any of the Departments in importance.

No one would do without it in our scheme of cooperative industry.

The substance of the bill is as follows:

That there is hereby established in the Department of the Interior a Bureau, to be called the Bureau of Mines, and a Commissioner of said Bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of \$8,000 per annum; and there shall also be in the said Bureau such clerks, agents, experts, and other employees as may be necessary to carry out the provisions of this act.

Sec. 2. That it shall be the province and duty of said Bureau and its Commissioner, under the direction of the Secretary of said Department, to foster, promote, and develop the mining industries of the United States; to make diligent investigation of the methods of mining, the safety of miners, the possible improvement of conditions under which mining operations are carried on, the treatment of ores, the use of explosives and electricity, the prevention of accidents, the values of mineral products and markets for the same, and of other matters pertinent to said industries, and from time to time to make such public reports of the work, investigations, and information obtained as the Secretary of said Department may direct, with the recommendations of such Bureau.

Sec. 3. That the Secretary of the Interior shall provide the said Bureau with furnished offices within the city of Washington, with such books, records, stationery, and appliances, and such assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such Bureau, fixing the compensation of such clerks and employees within appropriations made for that purpose.

The Director of the Geological Survey has called emphatic attention to an important feature of the proposed Bureau in his letter to the Secretary of the Interior of January 11, 1908, which is as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY,  
Washington, D. C., January 11, 1908.

Sir: In connection with the suggestion that I made to you Thursday that Federal legislation might be enacted sometime to control the purity of explosives, as articles of interstate commerce, I have the honor to submit the following data, prepared by the explosives expert in the technologic branch:

The proper use of explosives is recognized as being a factor of the greatest importance in regard to safety in mines, and it is very probable that of that class of accidents in mining which are believed to be preventable those due to the unwise or improper use of explosives and to the use of improper kinds of explosives make up by far the largest proportion.

Owing to recent accidents "safety explosives" are being more largely tried in the mines of the United States than has been the case at any previous time, and it is therefore a matter of importance that those desiring explosives of this class, and who are willing to pay the higher price charged for this class of goods, should not be misled by the improper use of the name "safety powder," etc., on goods which are certainly not of that character. For example, an explosive known and advertised as a "flameless" blasting powder has been found, on analysis by this Department to be simply common black powder in which ordinary bituminous coal has been substituted for the charcoal ordinarily employed. This explosive is not only not flameless, but it is undoubtedly a more dangerous material than ordinary black powder, and the use of the term "flameless" in such a case as this is misleading and highly dangerous.

A sample of explosive taken from the Whipple mine, West Virginia (in which an accident in May of last year killed fifteen men), was found upon analysis to be a dynamite of 50 per cent nitroglycerin content, a grade of material most unsuited for coal-mine operations and the use of which would be forbidden in any other country.

Variations in the quality of explosives, from the strength named upon the label, have been found to be rather common in many of the explosives examined, and it is further a matter of knowledge that manufacturers of explosives have at times changed the composition of an explosive while still selling it under the former name. This introduces a chance of extreme danger, since if the former explosive mixture was known by tests to be safe for a given purpose, it might readily happen that the latter composition, quite different and yet sold to the purchaser by the same name, would prove dangerous.

The manufacture, sale, and use of explosives in foreign countries is controlled by law, and explosives are allowed to be made and sold only when they are in accordance with regulations laid down. When the composition of an explosive is changed it is required that the designating term be changed. It is further provided that only those explosives the safety of which has been shown by tests in the explosive gallery in the presence of fire damp should be used in gaseous mines.

It has been expected that the general investigation of the explosives used in mining will be taken up by the technologic branch of the Survey as soon as the proper authority and equipment can be provided for that purpose, as it has been realized that investigations of this kind are of the first importance as a means of preventing a large class of mine accidents. Examination of the explosives used by the Isthmian Canal Commission and the Reclamation Service has shown large variation in the composition of the same brand of dynamite manufactured by the same companies and, as stated above, the examination of certain "flameless" powders have shown them to be entirely unsafe. Furthermore, in recent conferences with large coal operators they have reported such large variations in the behavior of so-called "safety explosives" as to indicate large variations in their quality. The analysis of powder for the Isthmian Canal Commission has resulted in several cargoes of material being found to be of low grade, and the amounts refunded to the Government on these shipments has amounted during the past three months to several thousand dollars.

It is also evident from many statements which have been made to me by practical mining men that they would welcome any legislation that would compel the manufacturers to properly label their products. While I believe that it would be unwise to enact any legislation before additional investigations have been conducted, I think it is well for the Department to have in mind the possibility of controlling the purity of mining explosives in the way suggested, and, if appropriations are available, to conduct certain investigations with this end in view.

Respectfully submitted,

GEO. OTIS SMITH.

The SECRETARY OF THE INTERIOR.

The miners of coal are particularly interested in the proposed Bureau, for, at the very best, coal mining is a hazardous occupation. The coal miner takes his very life in his hands when he goes down into the mine to pursue his vocation. Coal-mine operators desire to make mining safe, and it is generally faulty knowledge of what makes it safe if they fail. The great dangers in the mining business are not sufficiently understood to enable due protection to life and property.

Everybody should be interested in preserving and protecting life.

This Congress ought to be interested in it. The operators and the miners alike favor the creation of this Bureau. In the hearings in the Committee on Mines and Mining they appeared in great numbers to plead for it. John Mitchell expresses his interest in the matter by a telegram and letter to me, and there is also an urgent telegram to the committee, which I will submit.

INDIANAPOLIS, IND., March 4, 1908.

Hon. JOHN C. CHANEY,

House of Representatives, Washington, D. C.:

Regret I can not attend meeting Monday; letter follows.

JOHN MITCHELL.

UNITED MINE WORKERS OF AMERICA,  
Indianapolis, Ind., March 4, 1908.

Hon. JOHN C. CHANEY,

House of Representatives, Washington, D. C.

MY DEAR SIR: Replying further to your telegram dated March 3, I regret to say that the condition of my health and the situation in the bituminous coal industry make it impossible for me to leave Indianapolis in the near future.

For your information I inclose herein copy of telegram sent by the recent joint conference of miners and operators to the chairmen of the Senate and House Committees on Mines and Mining. I trust that the steps taken will go to show the strong desire of the miners and operators of the country to see provision made for the investigation of mine disasters.

Thanking you for keeping me advised concerning the progress of affairs, I am, with respect,

Yours, truly,

JOHN MITCHELL,

President United Mine Workers of America.

FEBRUARY 25, 1908.

CHAIRMAN COMMITTEE ON MINES AND MINING,  
United States Senate, Washington, D. C.:

The following motion was adopted unanimously by conference of operators and miners of central competitive coal field:  
"That we, the representatives of the operators and miners of western Pennsylvania, Ohio, Indiana, and Illinois, in joint conference assembled, indorse the creation of a Bureau of Mining Technology, as proposed by bill introduced in Congress, and urge upon Congress to appropriate the sum of \$200,000 for that purpose."

M. H. TAYLOR,  
H. L. CHAPMAN,  
J. C. KOLSEM,  
G. W. TRAEF,  
O. L. GARRISON,  
Operators.

FRANCIS FEELAN,  
WILLIAM GREEN,  
W. D. VAN HORN,  
PATRICK GOLDEN,  
JOHN H. WALKER,  
Presidents Miners' District Organizations.

JOHN MITCHELL,  
President,  
W. B. WILSON,  
Secretary-Treasurer, United Mine Workers of America.

The Bureau is in line with the recommendations of the President.

Mr. Carnegie, always interested in what is useful to his fellow-men, recommends the Bureau in his letter to the late Denver convention.

The letter reads:

NEW YORK, January 14, 1908.

VICTOR C. ALDERSON, Esq.,  
Secretary American Mining Congress, Denver, Colo.

DEAR MR. ALDERSON: Yours of January 8 received. I was delighted when I read the President's recommendation that a Bureau of Mines be established. Within the past month we have had two startling illustrations in western Pennsylvania alone as proofs of its necessity. It is really a scandal that our country is so far behind all others in insuring the safety of the miner.

I shall take pleasure in doing anything that I can to assist in the work of pressing Congress to give this subject immediate and favorable consideration.

If it occurs to you that I can be of assistance, pray command me. I have the matter very deeply at heart.

Very truly, yours,

ANDREW CARNEGIE.

The American Mining Congress passed the following resolution in regard to it:

Resolved, That the American Mining Congress urge the establishment under the Department of the Interior at the approaching session of Congress of an independent bureau of mines and engineering investigation, with ample authority and funds for—

(a) The investigation of and inquiry into the nature and extent of the quarry industries; the cost, methods, and processes employed in the mining, handling, transportation, treating, and using of mineral products in the United States, its Territories, and insular possessions, and recommending to Congress the legislation appropriate thereto, with the view of benefiting these industries by improving mining conditions, developing more efficient methods, and preventing mine and quarry accidents, as well as unnecessary waste, and of securing thereby the wise utilization and conservation of our fuels and other mineral resources.

(b) Investigation in foreign countries concerning the mining, handling, treating, and using of fuels and other mineral products, with a view to benefiting American industries.

(c) The investigation of the engineering problem of the Government, the testing of minerals belonging to or for the use of the Government, and the making at cost of similar tests and investigations for State and municipal governments and persons engaged in mining and engineering pursuits, under such regulations as may be prescribed by the Secretary of the Interior.

(d) The cooperation with the Geological Survey in determining the value of the mineral resources in the United States; and with the General Land Office, the Forest Service, and the Geological Survey, in the disposition and management of the mineral lands belonging to the Federal Government.

(e) The publication in such form as to be readily available of the information obtained from these investigations and inquiries, the wide and prompt distribution of these publications among the mining men of the country, and the cooperation of Government experts in further educational work by public addresses in mining camps and at the meetings of men associated with mining and quarrying industries, with a view to the prevention of accidents and of waste, and the adoption of more efficient means.

I hereby certify that the above is an exact copy of the resolution passed by the tenth annual session of the American Mining Congress held in Joplin, Mo., November 11-16, 1907.

The Trans-Mississippi Commercial Congress passed upon the question after this fashion:

HEADQUARTERS, CONVENTION HALL,  
Muskogee, Okla., November 22, 1907.

At the eighteenth annual session of the Trans-Mississippi Commercial Congress, held in this city November 19-22, 1907, the following was passed:

"Whereas the Trans-Mississippi Commercial Congress has for many years been urging the establishment of a national Department of Mines and Mining, and it none the less now believes that this great basal industry of the country deserves and needs such public recognition, although it realizes that the time is not now opportune for the accomplishment of this purpose; and

"Whereas the magnitude and increasing complexity of the industry, the increasing difficulties which stand in the way of the progress of the individual miner, the increasing extent and destructiveness of both life and property by mining accidents, and the enormous waste in the mining and utilization of our mineral resources all make imperative prompt action by the Federal Government in the establishment of a

well-equipped Bureau of Mines, which shall devote itself vigorously to the betterment of these conditions: Therefore be it

"Resolved, That the Trans-Mississippi Commercial Congress, in its eighteenth session assembled, urges upon the Congress of the United States at its coming session the establishment, under the Department of the Interior, of an independent bureau of mines and engineering investigation, with ample authority and funds for the investigation of and inquiry into the nature and extent of the mine and quarry industries, the cost, methods, and processes employed in the mining, handling, transportation, treating, and using of mineral products in the United States, its Territories, and insular possessions, and recommending to Congress the legislation appropriate thereto, with the view of benefiting these industries by improving mining conditions, developing more efficient methods, and preventing mine and quarry accidents, as well as unnecessary waste, and of securing thereby the wise utilization and conservation of our fuels and other mineral resources.

"Investigation in foreign countries concerning the mining, handling, treating, and using of fuels and other mineral resources.

"The investigation of the engineering problems of the Government, the testing of materials belonging to or for use of the Government, and the making at cost of similar tests and investigations for State and municipal governments and persons engaged in mining and engineering pursuits under such regulations as may be prescribed by the Secretary of the Interior.

"The cooperation with the Geological Survey in determining the value of the mineral resources in the United States, and with the General Land Office, the Forest Service, and the Geological Survey in the disposition and management of the mineral lands belonging to the Federal Government.

"The publication in such form as to be readily available of the information obtained from these investigations and inquiries, the wide and prompt distribution of these publications among the mining men of the country, and the cooperation of Government experts in further educational work by public addresses in mining camps, and at the meetings of men associated with mine and quarrying industries, with a view to the prevention of accidents and of waste, and the adoption of more efficient methods."

Hon. Thomas F. Walsh, who has "grown up" in the mining world, and whose experience and practical knowledge is extensive, speaks of the subject as follows:

To the honorable Chairman and Members of the  
House Committee on Mines and Mining.

GENTLEMEN: In the hearings before your honorable committee on the question of the establishment of a Bureau of Mines, the fields of coal mining, iron mining, and precious-metal mining were well and ably covered by representatives of these respective industries, and the great benefits that a Bureau of Mines would confer upon them were pointed out in an able and intelligent manner. However, a great field of undeveloped mineral wealth, to which I beg to call your attention, was scarcely touched upon. I refer to the development and production of what is classed as the rarer minerals, such as radium, platinum, vanadium, uranium, tungsten, columbite, and others, all of which are much needed in our manufacturing and chemical industries.

Owing to a lack of knowledge of their properties and treatment, we are to-day producing practically none in America, but import them in large quantities from Europe at an expense of millions of dollars. Incredible as it seems, no effort has been or is being made to produce these valuable commodities of commerce. I believe we have them in paying quantities in the vast area of the mineralized portions of our country. More knowledge on this subject will prove that these little-known minerals are not as rare as they are supposed to be. Aluminum when first used was thought to be a scarce metal, yet when energetic efforts were directed toward its production it was found in quantities and in the common clays. I believe the same relative results will follow a thorough search for the rarer minerals. The proposed Bureau, in its educational work in this particular line—by disseminating directly through the schools of mining, as well as through the public press, a knowledge as to how to recognize and find those minerals and how to treat and market them when found—would give such an impetus to its development and production as would probably result in an output of a new wealth greater than that of the precious minerals of to-day.

To give some idea of the great value of those minerals, I will, for illustration, take vanadium, one of the rarer of the economic class. As an alloy in the making of the highest grade of steel, vanadium is the best ever discovered. It is the most prized ingredient the steel manufacturers can have. If it could be mined and sold at a reasonable price, our steel makers would gladly buy all that could be produced. As it is now, when they need it they have to import it from Europe and pay \$5 per pound, or \$10,000 per ton. The same is in a measure true of the other rarer minerals. There is a pressing and constant demand for them, but none is produced because it is a sphere of our mining activities that principally for the want of knowledge on the subject we have heretofore ignored, content to pay a great tribute to other nations for those things which we have at home.

Take another illustration—radium, the rarest of all minerals. Because of the small amount produced it has not yet passed from the scientific and physical to the economic. If we want an atom of it we must beg for it from the Austrian Government. Notwithstanding the small mineral area of that country, it has, because of its research work, a monopoly on it and its associated mineral, uranium. The production of the other rarer minerals will undoubtedly result in the production of radium, for we have reason to believe they go together. The dream of the ages has been the finding of perpetual motion. We seem to have it in radium. The proposed mining Bureau, without interfering with its more utilitarian duties, can direct and foster the production of this most valuable mineral; it can investigate its properties and potentialities and, perhaps, apply it to the service of humanity in ways that will be as great in their benefits as radium is enduring.

It may be asked, can those rarer minerals be found in our country? I have the best of reasons for believing they can. Some prospecting recently made in this direction, in Colorado, promises good results. I have been over the mining districts of Bohemia, Austria, where many of them, especially uranium and radium, have been found. I have been over every mineralized State of our Union. So far as I could see we have the same conditions, the same character and class of base minerals in which the rare ones are found. We have a mineralized area far greater than that of Europe, and in which we have found every mineral that we have heretofore searched for. The fact that we have not found certain ores is no evidence that they do not exist,



but rather a proof that we have not looked for them. If it should be ascertained that, in accordance with our previous knowledge of the minerals and with their well-known affinity for each other, the rarer ones will be found associated with the baser ones in iron, zinc, copper and lead sulphides, then we are apt to find them in broad areas and in many unsuspected places—in the sulphide deposits of Virginia, the Carolinas, Georgia, Arkansas, and Missouri, as well as in the great mining States of the West.

An opinion prevailed that they would not be found in sulphides. But last year I had a piece of sulphide ore tested for radio activity and received a report that it possessed it in as strong a degree as the pitchblend ore of Bohemia, which was conclusive proof of the presence of both uranium and radium.

Throughout our mining districts there are billions of tons of low-grade sulphide mineral on the dumps of mines awaiting the application of science to bring them into use. Whilst it can not be expected that all of these ores carry the rarer minerals, if they are found in a fraction of them the wealth they can be made to yield will be incalculable.

It may seem strange that this field of wealth should remain so long untouched, yet the explanation is simple. In mining, as in other things, we followed the line of least resistance, the course that with the simplest efforts led to the quickest and most direct results in the extraction and treatment of the ores—first, the rocker, then the sluice box, then the mill and smelter. We mined only the ores we could treat with these methods. If we noticed some strange mineral, which we often did, we either did not give it a thought or wished it well away because of its refractory influences in the treatment of the minerals we were after. This, as stated, was due to a want of knowledge of those rarer minerals and a consequent want of market for them, and this is why we are not producing any of them to-day, but instead paying out millions annually to Europe because we must have them. The importations will give but a faint idea of their enormous value to us, for if we were producing them ourselves our own industries would use a hundred times more than they do now. Their development and extraction will create a new industry that in turn will create new homes, new occupations, and new wealth for our own people. A great interest is awakening on this subject. Since I had the honor of addressing your committee I have had over a dozen letters asking for information and advice on every feature of the question. They are all of the same tenor. I will quote an extract from one, written from the southwest portion of New Mexico by a mining engineer:

"I inclose a newspaper clipping and trust the bill referred to—the bill creating the Bureau of Mines—will soon become a law. It is one of the most needed enactments of the present day. I believe that radium and several other of the rarer minerals exist in this locality, but so little is known about them that the ordinary individual does not even know how they occur, much less how to extract nor where to get them treated. Please give me such information on the subject as will help me to look for and develop these ores."

The great national industry of mining is worthy of the same governmental encouragement and protection that is given the other industries, especially in the saving of life. The coal miner takes his life in his hands and toils all day in the darkened dusty caverns of the coal mines, looking forward with pleasure to the hour that will reunite him to his little family. It is only too often he is brought back in the cold stillness of death, the victim of an explosion, in most cases brought about by some hidden force of nature which is not yet understood. Surely the lives of the vast army of these brave toilers should be the serious concern of the National Government.

The prospector, who braves the terrors of the snowy avalanche, climbs over precipitous rocks in high altitudes, in search of nature's treasures, is as much deserving of the nation's help as is his brother on the safe and tranquil farm.

Mining in all of its branches is worthy of recognition and help from our General Government, for the highest humanitarian and most important economic reasons. This it has not yet received. The time has come when the same beneficent helping hand that is given to agriculture should be extended to the more complicated and difficult industry of mining, for one is at least as necessary to the nation's prosperity as the other.

It has been asked under what head should the new bureau be placed? I believe that it should be placed in the Department of the Interior and be at least the coequal of all other bureaus. It should be under the direct control of the Secretary of the Interior. It should be composed of the ablest experts that could be secured, men fully informed upon every feature of operative mining and who could advise with the Secretary upon the many perplexing questions relating to mineral interests and mineral lands.

The work of this Mining Bureau will be of the highest technical and scientific character. In no department of our Government will work of more importance be undertaken nor more beneficial and enduring results be accomplished. Through its well-equipped laboratories and trained experts it will help to solve the perplexing problems now confronting and baffling the mine operators of our land; to stop the deplorable loss of human life now going sadly on, and to show us how to conserve and economize our mineral resources and guide and lead us to the development of greater wealth for the nation's enrichment. Year by year it will grow in importance and achievement, and will be regarded with just confidence and pride by every American citizen.

I beg to remain, respectfully, yours,

THOMAS F. WALSH.

The protection of life, while a most important part of the work of the proposed bureau, is by no means the only necessity for this bureau.

The conservation of the mining resources of the country is a thing of great importance to the Government. A government can be great only when its people are great. Its people can be great only when the country's resources are great, and when the country's resources are wasting there should be advisory direction. This the bureau may do.

The resources of the country are the storehouses of labor. From these storehouses come the wealth, the prosperity, and the happiness of the millions composing the great Republic, and this Bureau will magnify these resources by saving them.

When this Bureau is once in action, we shall wonder why we did without it so long. I trust this bill will become a law at

the present session, now that appropriation has been made to establish and equip it.

Mr. HUFF. I now yield one minute of my time to the gentleman from South Dakota [Mr. HALL].

Mr. HALL. Mr. Speaker, in the short time allotted to me it would be impossible to do anything but give a brief outline of my views upon this subject as they were derived from the hearings before the Mining Committee. The hearings cover a large number of pages of testimony, and it would be, indeed, very instructive if every Member of this House could read those hearings and see with what unanimity and uniformity all interests joined in the request for the establishment of this important Bureau. I can assure the gentleman from Minnesota [Mr. TAWNEY], the distinguished chairman of the Committee on Appropriations, that his fears are ungrounded as to there being any ulterior motive behind this movement for the establishment of this Bureau.

The SPEAKER. The time of the gentleman has expired.

Mr. HUFF. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. ENGLEBRIGHT]. [Applause.]

Mr. ENGLEBRIGHT. Mr. Speaker, I have very little to say at the present time about this bill. It was unanimously reported from the Committee on Mines and Mining, who gave the bill very careful consideration, went thoroughly into the subject, consulted all the various mining industries and the representatives of the laboring classes of the United States. I believe the action of this committee is entitled to proper consideration and that the bill should pass. [Applause.]

The SPEAKER. All time has expired. The question is on suspending the rules and passing the bill.

Mr. FOSTER of Illinois. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 222, nays 20, answered "present" 7, not voting 120, as follows:

YEAS—222.

Acheson	Denby	Howard	Padgett
Adair	Denver	Howell, Utah	Parker, S. Dak.
Alken	Dixon	Howland	Parsons
Alexander, Mo.	Douglas	Hubbard, W. Va.	Patterson
Alexander, N. Y.	Draper	Huff	Payne
Ames	Edwards, Ky.	Hughes, N. J.	Pearre
Ansberry	Ellerbe	Hull, Tenn.	Pollard
Ashbrook	Ellis, Mo.	Humphrey, Wash.	Pou
Barchfeld	Ellis, Oreg.	James, Olie M.	Pray
Barclay	Englebright	Johnson, S. C.	Prince
Bartholdt	Esch	Jones, Wash.	Pujo
Bartlett, Nev.	Fassett	Kahn	Rainey
Bates	Favrot	Keliber	Randell, Tex.
Beale, Pa.	Ferris	Kennedy, Iowa	Rauch
Beede	Finley	Kennedy, Ohio	Reeder
Bell, Ga.	Floyd	Kinkaid	Reynolds
Bonyng	Focht	Kipp	Richardson
Booher	Fordney	Knopf	Roberts
Boutell	Foss	Küstermann	Robinson
Broadhead	Foster, Ill.	Lafean	Rodenberg
Brownlow	Foster, Ind.	Landis	Rothermel
Brumm	Foulkrod	Laning	Rucker
Brundridge	French	Lassiter	Russell, Mo.
Burke	Fuller	Lawrence	Russell, Tex.
Burleigh	Fulton	Lenahan	Sabath
Burnett	Gaines, Tenn.	Lever	Saunders
Burton, Del.	Gaines, W. Va.	Lindbergh	Shackelford
Calder	Gardner, N. J.	Lindsay	Sherley
Caldwell	Gill	Longworth	Smith, Cal.
Campbell	Glass	Lovering	Smith, Mo.
Candler	Godwin	Lowden	Southwick
Capron	Goebel	McHenry	Sparkman
Carter	Gordon	McKinley, Ill.	Sperry
Cary	Graff	McKinney	Spight
Chaney	Graham	McLachlan, Cal.	Stanley
Chapman	Granger	McLain	Steenerson
Clark, Mo.	Greene	McLaughlin, Mich.	Stephens, Tex.
Cockran	Hackney	McMillan	Sturgiss
Cocks, N. Y.	Haggott	Macon	Sulzer
Cook, Colo.	Hale	Madison	Taylor, Ohio
Cook, Pa.	Hall	Maynard	Thistlewood
Cooper, Pa.	Hamilton, Iowa	Mondell	Tou Velle
Cooper, Tex.	Hamilton, Mich.	Moon, Pa.	Townsend
Cooper, Wis.	Hamlin	Moon, Tenn.	Underwood
Coudrey	Hardy	Moore, Pa.	Volstead
Cox, Ind.	Harrison	Moore, Tex.	Washburn
Craig	Haugen	Mouser	Weeks
Crawford	Hawley	Murdock	Wheeler
Crumpacker	Hayes	Murphy	Willett
Cushman	Hedlin	Needham	Williams
Dalzell	Henry, Tex.	Nicholls	Wilson, Ill.
Davidson	Higgins	Norris	Wilson, Pa.
Davis, Minn.	Hinshaw	O'Connell	Wood
Dawes	Hobson	Olcott	Woodyard
Dawson	Holliday	Olmsted	
De Armond	Houston	Overstreet	

NAYS—29.

Andrus	Gillett	Johnson, Ky.	Slayden
Benil, Tex.	Hardwick	Jones, Va.	Smith, Iowa
Burleson	Haskins	Loudenslager	Stevens, Minn.
Clayton	Hay	Nelson	Tawney
Fitzgerald	Helm	Nye	Waldo
Garner	Henry, Conn.	Page	
Garrett	Hepburn	Porter	
Gillespie	Howell, N. J.	Riordan	

ANSWERED "PRESENT"—7.			
Adamson	Goldfogle	Small	Watkins
Bennet, N. Y.	Lorimer	Talbot	
NOT VOTING—129.			
Allen	Edwards, Ga.	Lamar, Fla.	Ransdell, La.
Anthony	Fairchild	Lamar, Mo.	Reid
Bannon	Flood	Lamb	Rhinock
Bartlett, Ga.	Fornes	Langley	Ryan
Bennett, Ky.	Foster, Vt.	Law	Scott
Bingham	Fowler	Leake	Sheppard
Birdsall	Gardner, Mass.	Lee	Sherman
Bowers	Gardner, Mich.	Legare	Sherwood
Boyd	Gilham	Lewis	Sims
Bradley	Goulden	Lilly	Slemp
Brantley	Gregg	Littlefield	Smith, Mich.
Broussard	Griggs	Livingston	Smith, Tex.
Burgess	Gronna	Lloyd	Snapp
Burton, Ohio	Hackett	Loud	Stafford
Butler	Hamill	McCall	Sterling
Byrd	Hammond	McCreary	Sulloway
Calderhead	Harding	McDermott	Taylor, Ala.
Carlin	Hill, Conn.	McGavin	Thomas, N. C.
Caulfield	Hill, Miss.	McGuire	Thomas, Ohio
Clark, Fla.	Hitchcock	McKinlay, Cal.	Tirrell
Cole	Hubbard, Iowa	McMorran	Vreeland
Conner	Hughes, W. Va.	Madden	Wallace
Cousins	Hull, Iowa	Malby	Wanger
Cravens	Humphreys, Miss.	Mann	Watson
Currier	Jackson	Marshall	Webb
Darragh	James, Addison D.	Miller	Weems
Davenport	Jenkins	Morse	Weisse
Davey, La.	Kelfer	Mudd	Wiley
Diekema	Kimball	Parker, N. J.	Wolf
Driscoll	Kitchin, Claude	Perkins	Young
Dunwell	Kitchin, Wm. W.	Peters	
Durey	Knap	Powers	
Dwight	Knowland	Pratt	

So the rules were suspended and the bill was passed.  
The following additional pairs were announced:

Until further notice:

Mr. DUREY with Mr. BOWERS.

Mr. DIEKEMA with Mr. CRAVENS.

Mr. DWIGHT with Mr. GREGG.

Mr. GARDNER of Michigan with Mr. HITCHCOCK.

Mr. JENKINS with Mr. JOHNSON of South Carolina.

Mr. KNAPP with Mr. LEGARE.

Mr. LOUD with Mr. LLOYD.

Mr. MCMORRAN with Mr. RANDELL of Louisiana.

Mr. MADDEN with Mr. SHERWOOD.

Mr. SCOTT with Mr. SMALL.

Mr. SHERMAN with Mr. WEBB.

Mr. SLEMP with Mr. THOMAS of North Carolina.

Mr. SMITH of Michigan with Mr. WOLF.

Mr. CURRIER with Mr. CARLIN.

Mr. CAULFIELD with Mr. BURGESS.

Mr. CALDERHEAD with Mr. BRANTLEY.

Mr. WANGER with Mr. ADAMSON.

Mr. FAIRCHILD with Mr. PATTERSON.

For the balance of the day:

Mr. GILHAM with Mr. LAMB.

The result of the vote was then announced as above recorded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20063) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 21927. An act to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes; and

H. R. 21884. An act granting an annuity to Jennie Carroll and to Mabel H. Lazear.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21897. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 92. Joint resolution to create a commission to be called the "National Monetary Commission;" and

S. R. 93. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of May, 1908, on the day of adjournment of the present session of Congress.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes.

#### ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17874. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and other wars and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 21884. An act granting an annuity to Jennie Carroll and to Mabel H. Lazear;

H. R. 21927. An act to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes; and

S. 4639. An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on May 20, 1908, they had presented to the President of the United States for his approval the following bills:

H. R. 20345. An act making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1909;

H. R. 14382. An act to establish a United States court at Jackson, in the eastern district of Kentucky; and

H. R. 1062. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

#### RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following request from the Senate, which was read, considered, and agreed to:

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

#### PENSIONS DUE TO INMATES OF NAVAL HOMES.

By unanimous consent, reference of the bill (S. 5950), to provide for the disposition of pensions due inmates in the Naval Home was changed from the Committee on Invalid Pensions to the Committee on Naval Affairs.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRIGGS, for one week, on account of important business.

To Mr. ALLEN, indefinitely, on account of important business.

#### PUBLIC BUILDINGS BILL.

The SPEAKER laid before the House from the Speaker's table the bill (H. R. 21897) to increase the limit of cost of certain public buildings, with Senate amendments.

The Senate amendments were read.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules, disagree to the Senate amendments, and ask for a conference.

Mr. WILLIAMS. Upon that motion, the bill having been read, I demand a second.

The SPEAKER. Under the rule, a second is ordered, and the gentleman from Missouri is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.



Mr. BARTHOLOMT. Mr. Speaker, I believe that it is the desire of the House to send this bill to conference as soon as possible, and I therefore do not wish to occupy any time.

Mr. WILLIAMS. Mr. Speaker, in accordance with my usual custom of expediting the public business and to encourage legislation, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 251, answered "present" 8, not voting 128, as follows:

## YEAS—251.

Adair	Dwight	Huff	Patterson
Alken	Edwards, Ky.	Hughes, N. J.	Payne
Alexander, Mo.	Ellerbe	Hull, Tenn.	Pearre
Ames	Ellis, Oreg.	Humphrey, Wash.	Perkins
Andrus	Englebright	James, Olie M.	Pollard
Ashbrook	Esch	Jenkins	Porter
Bachfield	Ferris	Johnson, Ky.	Pou
Barelay	Finley	Johnson, S. C.	Pray
Bartholdt	Fitzgerald	Jones, Va.	Prince
Bates	Floyd	Jones, Wash.	Pujo
Beale, Pa.	Focht	Kahn	Ralney
Beall, Tex.	Fordney	Kelifer	Randell, Tex.
Bede	Foss	Keliber	Ransdell, La.
Bel, Ga.	Foster, Ill.	Kennedy, Iowa	Rauch
Bonyage	Foulkrod	Kennedy, Ohio	Reeder
Booher	French	Kimball	Reynolds
Bowers	Fuller	Knopf	Roberts
Bowd	Fulton	Küstermann	Robinson
Brantley	Gaines, Tenn.	Lafean	Rodenberg
Broussard	Gaines, W. Va.	Landis	Rothermel
Brownlow	Gardner, Mich.	Laning	Rucker
Brumm	Gardner, N. J.	Lassiter	Russell, Mo.
Burke	Garner	Lawrence	Russell, Tex.
Burleigh	Garrett	Lenahan	Sabath
Burleson	Gill	Lever	Shackleford
Burnett	Gillespie	Lindbergh	Sherley
Burton, Del.	Glass	Lindsay	Sherwood
Caldar	Godwin	Lovering	Sims
Caldarhead	Goebel	Lowden	Slayden
Caldwell	Goldfogle	McCall	Smith, Cal.
Campbell	Gordon	McGuire	Smith, Iowa
Candler	Graft	McKinley, Ill.	Smith, Mo.
Capron	Graham	McKinney	Southwick
Carter	Granger	McLachlan, Cal.	Sparkman
Cary	Greene	McLain	Sperry
Caulfield	Hackney	McLaughlin, Mich.	Splight
Chaney	Haggott	McMillan	Stafford
Chapman	Hale	Macon	Stanley
Clark, Mo.	Hamill	Madden	Steenerson
Clayton	Hamilton, Iowa	Madison	Stephens, Tex.
Cocks, N. Y.	Hamilton, Mich.	Mann	Sterling
Conner	Hamlin	Maynard	Sturgiss
Cook, Colo.	Hardwick	Mondell	Sulloway
Cook, Pa.	Hardy	Moon, Pa.	Tawney
Cooper, Pa.	Harrison	Moon, Tenn.	Taylor, Ala.
Cooper, Wis.	Haugen	Moore, Pa.	Thistlewood
Coudrey	Hawley	Moore, Tex.	Tou Velle
Cox, Ind.	Hay	Morse	Townsend
Craig	Hayes	Mouser	Underwood
Crumpacker	Heflin	Murdock	Volstead
Currier	Helm	Murphy	Waldo
Cushman	Henry, Conn.	Needham	Washburn
Dalzell	Henry, Tex.	Nelson	Watkins
Davenport	Higgins	Nicholls	Webb
Davidson	Hinshaw	Norris	Wheeler
Davis, Minn.	Hobson	Nye	Willett
Dawes	Holiday	O'Connell	Williams
Dawson	Houston	Olmsted	Wilson, Ill.
De Armond	Howard	Overstreet	Wilson, Pa.
Denver	Howell, N. J.	Padgett	Wood
Diekema	Howell, Utah	Page	Woodyard
Dixon	Howland	Parker, N. J.	Young
Draper	Hubbard, W. Va.	Parsons	

## ANSWERED "PRESENT"—8.

Adamson	Cooper, Tex.	McMorran	Sulzer
Bennet, N. Y.	Lorimer	Small	Talbott

## NOT VOTING—128.

Acheson	Durey	James, Addison D.	Olcott
Alexander, N. Y.	Edwards, Ga.	Kinkaid	Parker, S. Dak.
Allen	Ellis, Mo.	Kipp	Peters
Ansberry	Fairchild	Kitchin, Claude	Powers
Anthony	Fassett	Kitchin, Wm. W.	Pratt
Bannon	Favrot	Knapp	Reid
Bartlett, Ga.	Flood	Knowland	Rhinock
Bartlett, Nev.	Fornes	Lamar, Fla.	Richardson
Bennett, Ky.	Foster, Ind.	Lamar, Mo.	Riordan
Bingham	Foster, Vt.	Lamb	Ryan
Birdsall	Fowler	Langley	Saunders
Boutell	Gardner, Mass.	Law	Scott
Bradley	Gilham	Leake	Sheppard
Brodhead	Gillett	Lee	Sherman
Brundidge	Goulden	Legare	Slemp
Burgess	Gregg	Lewis	Smith, Mich.
Burton, Ohio	Griggs	Lilly	Smith, Tex.
Butler	Gronna	Littlefield	Snapp
Byrd	Hackett	Livingston	Stevens, Minn.
Carlin	Hall	Lloyd	Taylor, Ohio
Clark, Fla.	Hammond	Longworth	Thomas, N. C.
Cockran	Harding	Loud	Thomas, Ohio
Cole	Haskins	Loudenslager	Tirrell
Cousins	Hepburn	McCrenry	Vreeland
Cravens	Hill, Conn.	McDermott	Wallace
Crawford	Hill, Miss.	McGavin	Wanger
Darragh	Hitchcock	McHenry	Watson
Davey, La.	Hubbard, Iowa	McKinlay, Cal.	Weeks
Denby	Hughes, W. Va.	Malby	Weems
Douglas	Hull, Iowa	Marshall	Weisse
Driscoll	Humphreys, Miss.	Miller	Wiley
Dunwell	Jackson	Mudd	Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. ADDISON D. JAMES with Mr. WILLIAM W. KITCHIN.

Mr. ALEXANDER of New York with Mr. ANSBERRY.

Mr. LONGWORTH with Mr. BARTLETT of Nevada.

Mr. DENBY with Mr. BRODHEAD.

Mr. DRISCOLL with Mr. BRUNDIDGE.

Mr. FASSETT with Mr. FAVROT.

Mr. DRAPER with Mr. RICHARDSON.

Mr. GILLET with Mr. HACKETT.

Mr. LOUDENSLAGER with Mr. LEWIS.

Mr. OLCOTT with Mr. MCHEENRY.

Mr. SCOTT with Mr. REID.

Mr. TAYLOR of Ohio with Mr. SAUNDERS.

For the balance of the day:

Mr. HASKINS with Mr. COOPER of TEXAS.

The result of the vote was then announced as above recorded.

The Speaker appointed as conferees on the part of the House Mr. BARTHOLOMT, Mr. BURLEIGH, and Mr. BRANTLEY.

## SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 92. Joint resolution to create a commission to be called the "National Monetary Commission"—to the Committee on Banking and Currency.

S. 1508. An act granting an increase of pension to Lydia P. Wint—to the Committee on Pensions.

S. 6231. An act granting a pension to Lilla May Pavy—to the Committee on Pensions.

## PRINTING AND BINDING FOR COMMITTEE ON RAILWAYS AND CANALS.

By unanimous consent, granted to Mr. DAVIDSON, the Committee on Railways and Canals was granted leave to have such printing and binding done as may be necessary for the committee in the transaction of its business.

## OBSTRUCTIONS TO NAVIGATION, KEY WEST HARBOR, FLORIDA.

Mr. LAWRENCE. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 22009) authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes, and pass the same, which bill I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to remove, or cause to be removed, certain reefs from the main ship channel, Key West Harbor, Florida, mentioned in a report made by Lieut. L. H. Beach to the Secretary of War on February 1, 1908, and the sum of \$5,000 of the amount heretofore appropriated for improving the harbor at Key West and entrance thereto under the river and harbor act approved March 2, 1907, or so much of said sum of \$5,000 as may be necessary, is hereby made available for such purpose.

SEC. 2. That the unexpended balance of the amount heretofore appropriated for the improvement of Chicago Harbor, or so much thereof as may be deemed advisable, be, and the same is hereby, made available, in the discretion of the Secretary of War, for expenditure on the existing project for the Chicago River.

SEC. 3. That so much as may be necessary of the amount heretofore appropriated, or authorized to be appropriated, for the maintenance of the South Pass of the Mississippi River, or for examinations and surveys of the South Pass of the Mississippi River, or for the improvement of the Southwest Pass of the Mississippi River, may, in the discretion of the Secretary of War, on the recommendation of the Chief of Engineers, United States Army, be used in dredging shoals in the said river between Cubits Gap and the Head of the Passes whenever it may become necessary to secure a depth of channel through said shoals of 35 feet, with a practical width.

SEC. 4. That the Secretary of War may, in his discretion, apply the whole or any part of the unexpended balance of the amount heretofore appropriated for the improvement of the Duluth-Superior Harbor, Minnesota, to dredging inside the Duluth entrance thereto, as recommended in House Document No. 221, Sixtieth Congress, first session.

SEC. 5. That the provision in the river and harbor act approved March 2, 1907, relating to the construction of the Sandy Lake Reservoir Dam, Minnesota, is hereby amended by striking out the words "without a lock for steamboats."

SEC. 6. That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend and to enter into a contract or contracts for the expenditure of so much as may be necessary of the amount heretofore appropriated, or authorized to be appropriated, for the improvement of the harbor at Milwaukee, Wis., for the improvement of the Kinnickinnick River, or any part thereof inside the harbor, as heretofore provided by law, whenever and as soon as the city of Milwaukee shall have complied with the provisions set forth in House Document No. 120, Fifty-eighth Congress, second session, and authorized by the river and harbor act approved March 3, 1905, and as amended by the act entitled "An act to amend the river and harbor act of March 3, 1905," approved June 30, 1906, so far as said provisions apply to the improvement of said Kinnickinnick River or any part thereof.

SEC. 7. That the whole or any part of the amount heretofore authorized to be appropriated for the construction of a dredge for Mobile Harbor, Alabama, with the exception of \$5,000 for the preparation of plans

for said dredge, may be used for dredging said harbor, and the Secretary of War, in his discretion, may enter into a contract or contracts for the performance of the work.

Sec. 8. That to make effective the provision in the river and harbor act approved March 2, 1907, for a survey of the Neversink River, New York, with a view to the removal of bars and other obstructions at and near its mouth, the scope of such survey be enlarged so as to include the Delaware River at and near the mouth of the Neversink River.

The SPEAKER. Is a second demanded?

Mr. SPARKMAN. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Massachusetts is entitled to twenty minutes and the gentleman from Florida to twenty minutes.

Mr. LAWRENCE. Mr. Speaker, if I can have the attention of the House, I think I can explain this bill in a very few moments. The river and harbor act which was approved March 2, 1907, authorized the expenditure of more than \$86,000,000 for the improvement of our rivers and harbors. It was the largest river and harbor bill in our history. When this Congress convened on the first Monday of last December there was a strong demand from many of its Members for a river and harbor bill at this session. A river and harbor congress was held in Washington, attended by hundreds of delegates from all over the country. That congress passed a resolution urging the Congress of the United States to pass a river and harbor bill at this session. In view, however, of the great authorization made less than a year before, and mindful of the necessity of strict economy in appropriation and expenditure, your committee felt that it would not be justified in reporting a general river and harbor appropriation bill at this session.

That policy has been adhered to. No river and harbor bill has been reported; no new surveys have been ordered; no bills calling for appropriations have been considered. However, certain bills asking that appropriations already made or authorized be expended in accordance with recent recommendations of the War Department have been considered favorably. The bill which is now before the House contains eight administrative features, permitting diversions of former appropriations and authorizing modifications of existing projects. It is all in harmony with the recommendation of the Secretary of War.

Such diversions and modifications are imperatively demanded in the interest of navigation. The bill is purely administrative and makes no appropriation whatever. The provisions apply to appropriations formerly made for Key West Harbor, Florida; Chicago Harbor; the South Pass and Southwest Pass of the Mississippi River; the Duluth-Superior Harbor; Sandy Lake Reservoir Dam, Minnesota; Milwaukee Harbor, and Mobile Harbor. The eighth section describes more accurately the location of certain obstructions in the Delaware River near the mouth of the Neversink River, concerning which a survey was ordered in our last bill.

Unless a further explanation of some particular item in the bill is called for, I will reserve the balance of my time.

Mr. SPARKMAN. Mr. Speaker, I do not wish to consume any of the time of the House in discussing this measure. It is one that should be passed. It makes no appropriation, and its passage will not cost the Government one cent. It has the unanimous report of the Committee on Rivers and Harbors, and, in my judgment, it should become a law. Unless some Member on this side of the House desires some time I do not care to say anything more.

Mr. LAWRENCE. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules, discharging the Committee of the Whole House on the state of the Union from the further consideration of the bill, and passing the same.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 207, answered "present" 11, not voting 169, as follows:

## YEAS—207.

Adair	Brownlow	Coudrey	Ellis, Mo.
Aiken	Burleigh	Cox, Ind.	Ellis, Oreg.
Alexander, Mo.	Burleson	Craig	Esch
Ames	Burnett	Crumpacker	Fassett
Ansberry	Burton, Ohio	Currier	Ferris
Ashbrook	Calder	Cushman	Finley
Barchfeld	Candler	Dalzell	Fitzgerald
Bartholdt	Capron	Davenport	Floyd
Beale, Pa.	Carter	Davidson	Focht
Beall, Tex.	Cary	Davis, Minn.	Fordney
Bede	Caulfield	Dawson	Foss
Bell, Ga.	Chaney	Denver	Foster, Ill.
Bennet, N. Y.	Chapman	Diekema	Foulkrod
Bonyuge	Clark, Mo.	Dixon	Fowler
Booher	Clayton	Douglas	French
Bowers	Cocks, N. Y.	Dwight	Fuller
Boyd	Cook, Pa.	Edwards, Ky.	Gaines, Tenn.
Brantley	Cooper, Pa.	Ellerbe	Gardner, Mich.

Gardner, N. J.

Garner  
Garrett  
Gillespie  
Gillett  
Godwin  
Goebel  
Goldfogle  
Gordon  
Graft  
Graham  
Granger  
Greene  
Hackney  
Hall  
Hamill  
Hamilton, Iowa  
Hamilton, Mich.  
Hamlin  
Hardwick  
Hardy  
Harrison  
Haugen  
Hawley  
Hay  
Hayes  
Helm  
Henry, Tex.  
Higgins  
Hinshaw  
Hobson  
Houston  
Howard  
Howell, Utah

Howland  
Hubbard, W. Va.  
Hughes, N. J.  
Hull, Tenn.  
James, Ollie M.  
Johnson, Ky.  
Johnson, S. C.  
Jones, Va.  
Jones, Wash.  
Kahn  
Kelfer  
Kelher  
Kennedy, Iowa  
Kennedy, Ohio  
Kimball  
Kinkaid  
Küstermann  
Lafean  
Landis  
Laning  
Lassiter  
Lawrence  
Lindbergh  
Lindsay  
Loudenslager  
Lovering  
Lowden  
McGuire  
McKinley, Ill.  
McKinney  
McLachlan, Cal.  
McLaughlin, Mich.  
Macon  
Madden

Miller  
Moon, Pa.  
Moon, Tenn.  
Moore, Pa.  
Moore, Tex.  
Morse  
Mouser  
Murdock  
Murphy  
Needham  
Nicholls  
Nye  
O'Connell  
Olmsted  
Overstreet  
Padgett  
Page  
Parker, N. J.  
Parker, S. Dak.  
Parsons  
Payne  
Perkins  
Pollard  
Pou  
Raney  
Randell, Tex.  
Ransdell, La.  
Rauch  
Reeder  
Reynolds  
Riordan  
Robinson  
Rosenberg  
Rothermel

Russell, Mo.  
Russell, Tex.  
Sabath  
Shackelford  
Sherley  
Slayden  
Small  
Smith, Cal.  
Smith, Iowa  
Southwick  
Sparkman  
Spight  
Stafford  
Steenerson  
Sterling  
Suloway  
Taylor, Ala.  
Thistlewood  
Tou Velle  
Townsend  
Underwood  
Volstead  
Waldo  
Washburn  
Watkins  
Webb  
Weeks  
Willett  
Williams  
Wilson, Ill.  
Wood  
Woodyard  
Young

## ANSWERED "PRESENT"—11.

Adamson  
Cooper, Tex.  
De Armond

Draper  
Haggott  
Lorimer

McMorran  
Mann  
Porter

Sims  
Talbot

## NOT VOTING—169.

Acheson  
Alexander, N. Y.  
Allen  
Andrus  
Anthony  
Bannon  
Barclay  
Bartlett, Ga.  
Bartlett, Nev.  
Bates  
Bennett, Ky.  
Bingham  
Birdsall  
Boutell  
Bradley  
Brothead  
Broussard  
Brumm  
Brundidge  
Burgess  
Burke  
Burton, Del.  
Butler  
Byrd  
Caldhead  
Caldwell  
Campbell  
Carlin  
Clark, Fla.  
Cockran  
Cole  
Conner  
Cook, Colo.  
Cooper, Wis.  
Cousins  
Cravens  
Crawford  
Darragh  
Davey, La.  
Dawes  
Denby  
Driscoll  
Dunwell

Durey  
Edwards, Ga.  
Englebright  
Fairchild  
Favrot  
Flood  
Fornes  
Foster, Ind.  
Foster, Vt.  
Fulton  
Gaines, W. Va.  
Gardner, Mass.  
Gilhams  
Gill  
Glass  
Goulden  
Gregg  
Griggs  
Gronna  
Hackett  
Hale  
Hammond  
Harding  
Haskins  
Heflin  
Henry, Conn.  
Hepburn  
Hill, Conn.  
Hill, Miss.  
Hitchcock  
Holliday  
Howell, N. J.  
Hubbard, Iowa  
Huff  
Hughes, W. Va.  
Hull, Iowa  
Humphrey, Wash.  
Humphreys, Miss.  
Jackson  
James, Addison D.  
Jenkins  
Kipp  
Kitchin, Claude

Kitchin, Wm. W.  
Knapp  
Knopf  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Lamb  
Langley  
Law  
Leake  
Lee  
Legare  
Lenahan  
Lever  
Lewis  
Lilley  
Littlefield  
Livingston  
Lloyd  
Longworth  
Loud  
McCall  
McCreary  
McDermott  
McGavin  
McHenry  
McKinlay, Cal.  
McLain  
McMillan  
Madison  
Malby  
Marshall  
Maynard  
Mondell  
Mudd  
Nelson  
Norris  
Olcott  
Patterson  
Pearre  
Peters  
Powers  
Pratt

Pray  
Prince  
Pujo  
Reid  
Rhinoek  
Richardson  
Roberts  
Rucker  
Ryan  
Saunders  
Scott  
Sheppard  
Sherman  
Sherwood  
Slomp  
Smith, Mich.  
Smith, Mo.  
Smith, Tex.  
Snapp  
Sperry  
Stanley  
Stephens, Tex.  
Stevens, Minn.  
Sturgiss  
Sulzer  
Tawney  
Taylor, Ohio  
Thomas, N. C.  
Thomas, Ohio  
Tirrell  
Vreeland  
Wallace  
Wanger  
Watson  
Weems  
Welss  
Wheeler  
Wiley  
Wilson, Pa.  
Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. HOWELL of New Jersey with Mr. SULZER.

Mr. MCCALL with Mr. PATTERSON.

Mr. SMITH of Michigan with Mr. STEPHENS of Texas.

Until further notice:

Mr. BATES with Mr. BYRD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. BURKE with Mr. CALDWELL.

Mr. BURTON of Ohio with Mr. COCKRAN.

Mr. CAMPBELL with Mr. CRAWFORD.

Mr. COOK of Colorado with Mr. DAVEY of Louisiana.

Mr. SHERMAN with Mr. DE ARMOND.

Mr. COOPER of Wisconsin with Mr. FULTON.

Mr. ENGLEBRIGHT with Mr. GILL.

Mr. FOSTER of Vermont with Mr. GLASS.

Mr. GAINES of West Virginia with Mr. HEFLIN.

Mr. HALE with Mr. KIPP.

Mr. HENRY of Connecticut with Mr. LEAKE.

Mr. HOLLIDAY with Mr. LEVER.

Mr. HUFF with Mr. LLOYD.



Mr. HUMPHREY of Washington with Mr. McLAIN.  
Mr. LAW with Mr. MAYNARD.  
Mr. MCKINLAY of California with Mr. RUCKER.  
Mr. MADISON with Mr. SHERWOOD.  
Mr. SCOTT with Mr. SMITH of Missouri.  
Mr. MANN with Mr. SIMS.  
Mr. TAWNEY with Mr. WILSON of Pennsylvania.

For the session:

Mr. McMORRAN with Mr. PUJO.

The result of the vote was announced as above recorded.

#### RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from New York moves that the House take a recess until 11 o'clock a. m. to-morrow.

Mr. WILLIAMS. Mr. Speaker, I am compelled to call for the yeas and nays on that proposition, so that the House may have an opportunity to vote on it.

Mr. PAYNE. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as favor the motion that the House do recess until 11 a. m. to-morrow will, as their names are called, answer "aye," as many as are opposed will answer "no," those present and not voting will answer "present," and the Clerk will call the roll.

Mr. OLCOTT. Mr. Speaker, pending that, may I present a conference report, to be printed in the Record under the rule, on the child-labor bill? I ask unanimous consent—

Mr. WILLIAMS. What is the request, Mr. Speaker?

The SPEAKER. What is the conference report?

Mr. OLCOTT. It is on the child-labor bill. I have just received it, signed by the Senate conferees.

The SPEAKER. The gentleman can not present it, because there is no quorum present. The Clerk will call the roll.

The question was taken and there were—yeas 138, nays 74, answered "present" 5, not voting 170, as follows:

#### YEAS—138.

Adair	Edwards, Ky.	Humphrey, Wash.	Padgett
Ames	Ellis, Mo.	Jenkins	Parker, N. J.
Barchfeld	Ellis, Oreg.	Johnson, Ky.	Parsons
Beale, Pa.	Engelbright	Jones, Wash.	Payne
Bede	Esch	Kahn	Pearre
Bennet, N. Y.	Ferris	Kelley	Porter
Boyd	Focht	Kennedy, Iowa	Rainey
Brownlow	Fordney	Kennedy, Ohio	Rauch
Brumm	Foss	Kistermann	Reeder
Burleigh	Foulkrod	Lafren	Rosenberg
Burton, Ohio	Fowler	Landis	Rothermel
Caldar	French	Lanning	Sabath
Calderehead	Fuller	Lawrence	Saunders
Campbell	Gardner, Mich.	Lindbergh	Scott
Capron	Gardner, N. J.	Lindsay	Shackelford
Cary	Goeble	Loud	Slayden
Canfield	Graft	Loudenslager	Small
Chaney	Greene	Lowden	Smith, Cal.
Chapman	Hall	McGuire	Smith, Iowa
Cocks, N. Y.	Hamilton, Iowa	McKinley, Ill.	Stafford
Cook, Colo.	Hamilton, Mich.	McKinney	Steenerson
Cook, Pa.	Haugen	McLachlan, Cal.	Sterling
Cooper, Pa.	Hawley	Madden	Tawney
Cooper, Wis.	Hayes	Madison	Taylor, Ala.
Condrey	Hepburn	Miller	Taylor, Ohio
Crumpacker	Higgins	Moore, Tenn.	Thistlewood
Currier	Hill, Conn.	Moore, Pa.	Townsend
Cushman	Hinslaw	Morse	Volstead
Dalzell	Hobson	Mouser	Waldo
Davidson	Holliday	Murdock	Wilson, Ill.
Dawson	Howard	Murphy	Wood
De Armond	Howell, Utah	Needham	Woodyard
Diekema	Howland	Nye	Young
Driscoll	Hubbard, W. Va.	Olmsted	
Dwight	Huff	Overstreet	

#### NAYS—74.

Allen	Dixon	Heflin	Robinson
Alexander, Mo.	Ellerbe	Heim	Rucker
Ansherry	Finley	Henry, Tex.	Russell, Mo.
Bartlett, Nev.	Fitzgerald	Houston	Russell, Tex.
Beall, Tex.	Floyd	Hughes, N. J.	Ryan
Beil, Ga.	Foster, Ill.	Hull, Tenn.	Shirley
Boehrer	Gaines, Tenn.	James, Ollie M.	Sims
Bowers	Garner	Johnson, S. C.	Sparkman
Bronsonard	Garrett	Jones, Va.	Splight
Burleson	Gillespie	Kelher	Stanley
Burnett	Godwin	Kimball	Ton Velle
Candler	Goldfoglo	Macon	Underwood
Carter	Gordon	Moore, Tex.	Watkins
Clark, Mo.	Granger	Nicholls	Webb
Clayton	Hackney	O'Connell	Willitt
Cox, Ind.	Hamlin	Page	Williams
Craig	Hardwick	Randell, Tex.	Wilson, Pa.
Davenport	Harrison	Ransdell, La.	
Deaver	Hay	Riordan	

#### ANSWERED "PRESENT"—5.

Adamson	Lorimer	McMorran	Talbott
Lever			

#### NOT VOTING—170.

Acheson	Durey	Knapp	Pollard
Alexander, N. Y.	Edwards, Ga.	Knopf	Pou
Allen	Fairchild	Knowland	Powers
Andrus	Fassett	Lamar, Fla.	Pratt
Anthony	Favrot	Lamar, Mo.	Pray
Ashbrook	Flood	Lamb	Prince
Bannon	Fornes	Langley	Pujo
Barclay	Foster, Ind.	Lassiter	Reid
Bartholdt	Foster, Vt.	Law	Reynolds
Bartlett, Ga.	Fulton	Leake	Rhinock
Bates	Gaines, W. Va.	Lee	Richardson
Bennett, Ky.	Gardner, Mass.	Legare	Roberts
Bingham	Gilham	Lenahan	Sheppard
Birdsall	Gill	Lewis	Sherman
Bonyne	Gillett	Lilley	Sherwood
Boutell	Glass	Littlefield	Stemp
Bradley	Goulden	Livingston	Smith, Mich.
Brantley	Graham	Lloyd	Smith, Mo.
Brodhead	Gregg	Longworth	Smith, Tex.
Burbridge	Griggs	Lovering	Snapp
Burgess	Gronna	McCall	Southwick
Burke	Hackett	McCreary	Sperry
Burton, Del.	Haggott	McDermott	Stephans, Tex.
Butler	Hale	McGavin	Stevens, Minn.
Byrd	Hamill	McHenry	Sturgiss
Caldwell	Hammond	McKinlay, Cal.	Sulloway
Carlin	Harding	McLain	Sulzer
Clark, Fla.	Hardy	McLaughlin, Mich.	Thomas, N. C.
Cockran	Haskins	McMillan	Thomas, Ohio
Cole	Henry, Conn.	Malby	Tirrell
Conner	Hill, Miss.	Mann	Vreeland
Cooper, Tex.	Hitchcock	Marshall	Wallace
Cousins	Howell, N. J.	Maynard	Wanger
Cravens	Hubbard, Iowa	Mondell	Washburn
Crawford	Hughes, W. Va.	Moon, Pa.	Watson
Darragh	Hull, Iowa	Mudd	Weeks
Davey, Ia.	Humphreys, Miss.	Nelson	Weems
Davis, Minn.	Jackson	Norris	Welsse
Dawes	James, Addison D.	Olcott	Wheeler
Denby	Kinkaid	Parker, S. Dak.	Wiley
Douglas	Kipp	Patterson	Wolf
Draper	Kitchin, Claude	Perkins	
Dunwell	Kitchin, Wm. W.	Peters	

So the motion to take a recess was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. BARTHOLDT with Mr. ASHBROOK.

Mr. DENBY with Mr. HAMILL.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. LOVERING with Mr. HARDY.

Mr. MOON of Pennsylvania with Mr. LASSITER.

Mr. SMITH of Michigan with Mr. LENAHEAN.

Mr. SOUTHWICK with Mr. THOMAS of North Carolina.

Mr. REYNOLDS with Mr. POU.

#### INVITATION TO ATTEND THE INTERNATIONAL CONGRESS ON TUBERCULOSIS AND THE EXHIBITION.

The SPEAKER. The Chair lays before the House the following invitation.

The Clerk read as follows:

THE INTERNATIONAL CONGRESS ON TUBERCULOSIS,  
Washington, D. C., May 21, 1908.

SIR: We have the honor to request you, Mr. Speaker, to invite the House of Representatives to attend the International Congress on Tuberculosis and the exhibition, September 28 to October 3, in Washington.

We are, sir, with great respect,  
Yours,

LAWRENCE F. FLICK,  
Chairman.  
JOHN S. FULTON,  
Secretary-General.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER. If there be no objection, the communication will be referred to the Committee on Foreign Affairs.

There was no objection.

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly (at 5 o'clock and 46 minutes p. m.) the House took a recess until 11 o'clock a. m. to-morrow.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cat River, Virginia (H. R. Doc. 957)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coos Bay and bar entrance, Oregon (H. R. Doc. 958)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and

survey of Hudson River, New York (H. R. Doc. 959)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Osage River, Missouri (H. R. Doc. 960)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BATES, from the Committee on Disposition of Useless Papers in the Executive Departments, submitted a report relative to House Document 793, accompanied by a report (No. 1734), which said report was referred to the House Calendar.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 7172) concerning the transportation of passengers coastwise, reported the same without amendment, accompanied by a report (No. 1735), which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the House (H. Res. 420) providing for the printing as a memorial to Pelatiah Webster of 2,000 copies of his plan of the Constitution, published February 6, 1783, reported the same without amendment, accompanied by a report (No. 1736), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21051) amending the penal laws of the United States, reported the same without amendment, accompanied by a report (No. 1737), which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the Senate (S. 1048) authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor, reported the same without amendment, accompanied by a report (No. 1738), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MORSE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8739) for the relief of Levi J. Billings, reported the same with amendment, accompanied by a report (No. 1673), which said bill and report were referred to the Private Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 6529) for the relief of Mary S. Fergusson, reported the same without amendment, accompanied by a report (No. 1739), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAYNARD: A bill (H. R. 22069) to provide a uniform rate of salaries and wages paid in United States navy-yards—to the Committee on Naval Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 22070) authorizing the Secretary of War to supervise the erection of monuments and markers and locate the route of "The Great Stage Road," also known as the "Walton road"—to the Committee on the Library.

By Mr. SULZER: A bill (H. R. 22071) to amend and consolidate the acts respecting copyright—to the Committee on Patents.

By Mr. CLARK of Missouri: A bill (H. R. 22072) for the relief of the State of Missouri—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 22073) for relief of the State of North Carolina—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 22074) for the relief of the State of Virginia—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 22075) for the relief of the State of South Carolina—to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 22076) for the relief of the State of Louisiana—to the Committee on War Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 22077) for the relief of the State of Missouri—to the Committee on War Claims.

By Mr. FITZGERALD: Memorial of the legislature of New York, relating to the contingent expenses of the war of 1812—to the Committee on War Claims.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CHAPMAN: A bill (H. R. 22078) granting a pension to Hannah M. Batt—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 22079) for the relief of Camille Noel Dry—to the Committee on Military Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 22080) for the relief of Mrs. John W. Austin—to the Committee on War Claims.

By Mr. DE ARMOND: A bill (H. R. 22081) granting a pension to Sanford P. Cutler—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22082) granting an increase of pension to William Kough—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 22083) to correct the military record of Joseph R. Scott—to the Committee on Military Affairs.

By Mr. MCKINNEY: A bill (H. R. 22084) granting an increase of pension to Loam Brown—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 22085) for the relief of Jacob Hough—to the Committee on War Claims.

By Mr. SPERRY: A bill (H. R. 22086) granting an increase of pension to Charles S. Breese—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 22087) granting an increase of pension to Melchior Hoerner—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorials of labor organizations of Belleville, Ill., East St. Louis, Ill., Joliet, Ill., and Seattle, Wash., praying for an amendment to the Sherman antitrust law and for legislation to regulate the establishment of the injunction process, for an employers' liability law, and the extension of the eight-hour day—to the Committee on the Judiciary.

Also, memorial of the permanent board of the Baltimore yearly meeting of Friends, praying for legislation to enable the States more fully to control the liquor traffic—to the Committee on the Judiciary.

Also, memorial of the Retail Grocers and Butchers' Association of Fort Worth, Tex., praying for an amendment to the national bankruptcy law—to the Committee on the Judiciary.

Also, memorial of Theodore Lacaff, president of the First National Bank of Nevada, Mo., protesting against certain features of the so-called "Aldrich bill"—to the Committee on Banking and Currency.

Also, memorial of the Credit Men's Association of Memphis, Tenn., praying for an amendment to the national bankruptcy act—to the Committee on the Judiciary.

Also, memorial of the Independent Zion's Benefit Association, of Buffalo, N. Y., protesting against the passage of Federal legislation affecting the liquor traffic—to the Committee on the Judiciary.

Also, memorial of the East End Civic Association, of Detroit, Mich., praying for legislation to establish the Appalachian and White Mountain Forest Reserve—to the Committee on Agriculture.

Also, memorial of the Pennsylvania Council, Knights of Columbus, praying that the anniversary of the discovery of America may be made a legal holiday—to the Committee on the Judiciary.

Also, memorial of the general conference of the Methodist Episcopal Church, praying for legislation to prohibit the importation of opium into Hawaii, except for medical purposes—to the Committee on the Territories.

Also, memorial of the legislature of the State of Oklahoma, praying for an amendment to the Constitution of the United States to provide for the election of Senators by the people, and for legislation to regulate Federal taxation, to regulate the liability of common carriers in interstate commerce, and



to regulate the interstate liquor traffic and articles injurious to public health and morals—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Mrs. W. C. Littlewood and other members of the Woman's Christian Temperance Union of Vandergrift, Westmoreland County, Pa., praying for legislation to remove the licensed saloon from the Union Station in the city of Washington, D. C.—to the Committee on the District of Columbia.

Also, memorial of Dr. Percy Spengeman and 51 other citizens of New York City, praying for legislation for the establishment of the White and Appalachian Mountains Forest Reserves—to the Committee on Agriculture.

Also, memorial of the Polish-American citizens, of Amsterdam, N. Y., praying for the intervention of the United States in behalf of the Polish people within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of Valentin Dimano and 11 other inhabitants of Lipa, Province of Batangas, P. I., praying for the payment of claims for property damaged during the military operations—to the Committee on War Claims.

Also, memorial of Silvestre de Silva and 16 other residents of the Province of Batangas, P. I., praying for an appropriation and payment of claims for certain buildings destroyed in the course of military operations—to the Committee on War Claims.

Also, memorial of Paulino Templo and 87 other residents of Lipa, Province of Batangas, P. I., praying for an appropriation for the payment of claims for certain property destroyed during military operations by the Government of the United States—to the Committee on War Claims.

Also, memorials of the International Brotherhood of Stationary Firemen, of Livermore Falls, Me., and the International Brotherhood of Paper-Mill Workers, of Wilder, Vt., protesting against the removal of the duty on paper—to the Committee on Ways and Means.

Also, memorial of the Minnesota State Association and Builders' Exchange, protesting against legislation to limit the power of Congress to issue injunctions in labor disputes—to the Committee on the Judiciary.

Also, memorial of the United States Bung Manufacturing Company and 50 other corporations and firms, of Cincinnati, Ohio, protesting against any legislation to restrict the power of the courts to issue injunctions in labor disputes—to the Committee on the Judiciary.

Also, memorials of the unions of railway employees of Cleveland, Ohio; Chicago, Ill.; Clinton, Iowa; Lexington, Mass.; Commerce, Tex.; Dubois, Pa.; Jersey City, N. J.; Galveston, Tex.; Escanaba, Mich.; East Stroudsburg, Pa.; Port Huron Tunnel, Mich.; Chickasha, Okla.; Battle Creek, Mich.; Bridgeport, Conn.; Cleveland, Ohio; Halleyville, Okla.; Danville, Ill.; Nevada, Mo.; Pittsburg, Pa.; Eldon, Mo.; Green Bay, Wis., and Clearfield, Pa., praying for the passage of the Rodenberg anti-injunction bill and the Hemenway-Graff ash-pan bill—to the Committee on the Judiciary.

By Mr. ADAIR: Petition of citizens of Muncie, Ind., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of Harry A. Vaux, Frank E. Lape, John S. Wilding, Charles A. Lockwell, and F. R. Gerwick, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BATES: Petition of H. F. Shade and others, of Waterford, Pa., for the creation of a national highways commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

By Mr. BELL of Georgia: Petition of M. A. Cheek and others, of Gainesville, Ga., against the Sunday bill for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNET of New York: Petition of Methodist Monday ministers' meeting of New York City, favoring the Littlefield original-package law as regards liquor shipment, for prohibition in the District of Columbia, and against Sunday toll and traffic therein, and race-track gambling—to the Committee on the Judiciary.

By Mr. BOYD: Petition of O. P. List Master, of Lodge No. 101, Brotherhood of Railway Trainmen, for the Rodenberg anti-injunction bill and the Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

By Mr. BURKE: Petition of R. Macarthy Williamson, for a barge canal across the United States—to the Committee on Railways and Canals.

Also, petition of General Electric Company, favoring amendment to H. R. 18347—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Pittsburg, for the enactment of the bills H. R. 94 and 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

Also, petition of Carpenters' District Council of Pittsburg, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

Also, petition of Farmers' Machine Company, against anti-trust legislation—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of citizens of Madison, Me., for the enactment of the bills H. R. 94 and 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. CALDER: Petition of John A. Ryan and other citizens of Brooklyn, N. Y., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CONNER: Petition of Kate Shelly Lodge, No. 204, Brotherhood of Railway Trainmen, of Boone, Iowa, favoring the Rodenberg anti-injunction and the Hemenway-Graff safety-ash-pan bills—to the Committee on the Judiciary.

By Mr. COUDREY: Petition of Brotherhood of Railway Telegraphers, favoring the Rodenberg anti-injunction and the Hemenway-Graff safety-ash-pan bills—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Johnston Council, No. 467, Knights of Columbus, of Pennsylvania, for making October 12 a legal holiday—to the Committee on the Judiciary.

Also, petitions of Norristown Council: Damien Council, No. 598; Father Bally Council, No. 1192; State Council of Rhode Island; Carbondale and Lancaster councils, Knights of Columbus, in favor of making October 12, the date of the discovery of America, a legal holiday—to the Committee on the Judiciary.

By Mr. DUREY: Petition of citizens of Amsterdam, N. Y., for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of New York State senate and assembly, 1907, to accompany bill for relief of State of New York, relative to contingent expenses of the war of 1812—to the Committee on War Claims.

Also, petition of New York Board of Trade and Transportation, for the enactment of the bills H. R. 94 and 20584, a general employers' liability law and the bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. FLOYD: Papers to accompany bills for relief of William M. Stroud, A. A. McBrown, and T. J. Phillips—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martin V. Dignan—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Universalist Club of Haverhill, Mass., favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Newspaper Publishers' Association, for removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of citizens of Rockford, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Harmony Grange, No. 957, of Harlem, Ill., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ottawa Building, Homestead and Savings Association, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

Also, petition of national banks of St. Louis, Mo., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Cedar Rapids (Iowa) Clearing-House Association, for an emergency currency law and a currency commission—to the Committee on Banking and Currency.

By Mr. GOULDEN: Petition of New York Clothing Trade Association, 13 Astor place, New York, protesting against Hepburn amendment to Sherman antitrust bill and against the Warner bill—to the Committee on the Judiciary.

Also, petition of New York Clothing Trade Association, 13 Astor place, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of West Penn Lodge, No. 392 Brotherhood of Locomotive Firemen and Engineers, for S. 4531 (Allison bill), for relief of one Pembroke B. Banton—to the Committee on Claims.

Also, petition of survivors of the Mississippi River Fleet, to make provisions of acts of June 27, 1890, apply to the members of the fleet and to their widows and minor children—to the Committee on Invalid Pensions.

Also, petition of General Electric Company, favoring Senate amendment to H. R. 18347—to the Committee on the Post-Office and Post-Roads.

Also, petition of Glass Bottle Blowers and citizens of Pittsburgh, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Rosedale Foundry and Machine Company and Mesta Machine Company, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of State Council, Knights of Columbus, of Rhode Island, favoring bill making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. HARRISON: Petition of Marcus M. Marks, of the New York Clothing Trades' Association, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. HUFF: Petition of Monessen Council, No. 954, Knights of Columbus, of Pennsylvania, for making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Seattle, Wash., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of citizens of Aledo, Ill., against H. R. 4897, to enforce Sunday observance as day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of Frank J. Smith, secretary Brotherhood of Railway Trainmen, of Black Rock, Buffalo, N. Y., for Rodenberg anti-injunction bill (H. R. 19795) and for the Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

Also, petition of St. Anthony Society of Buffalo, N. Y., approving White House conference and views of the American Civic Association—to the Committee on Agriculture.

Also, petition of D. Simmons, M. D., and 44 other physicians of Brooklyn, N. Y., asking for the adding of the Homeopathic Pharmacopœia to the pure-food act—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of governors of the United Master Butchers' Association of America, to remove tariff on wrapping paper and material used in manufacture of paper bags—to the Committee on Ways and Means.

Also, petition of Hans C. Jacobson, Lake Erie Lodge, No. 241, Brotherhood of Locomotive Firemen and Engineers, for the Hemenway-Graff safety ash-pan bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Trades' League of Philadelphia, Pa., favoring enactment of the Fowler bill—to the Committee on Banking and Currency.

Also petition of Robb E. Jackson and others, for legislation to prevent President or Cabinet officers from taking active part in behalf of any candidate for the nomination for President by any political party—to the Committee on the Judiciary.

Also, petition of Clothing Cutters' Union No. 46, of Buffalo, N. Y., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), and the employers' liability bill—to the Committee on the Judiciary.

By Mr. STURGISS: Petitions of Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 744, and citizens of the city of Elkins, W. Va.; Ohio Valley Trades and Labor Assembly; Amalgamated Meat Cutters and Butcher Workmen of North America, No. 7, American Federation of Labor; Journeymen Butchers and citizens of city of Wheeling, W. Va.; J. A. Lang and other citizens of Fairmont, W. Va.; Capital City Trades Assembly and citizens of Charleston and the county of Kanawha, W. Va.; United Mine Workers of America, Local Union No. 237, and citizens of the city of Tunnetton, W. Va.; Local Union No. 95, A. F. G. W. U., and 15 citizens, including merchants, tailors, contractors, clerks, and workmen, of the city of Morgantown, W. Va.; the United Brotherhood of Carpenters and Joiners of America, Local No. 702; the Order of Telegraphers, and Grafton Trades and Labor Council and 20 citizens, including blacksmiths, boiler-makers, carpenters, plumbers, clerks, and workmen, of the city of Graf-

ton, W. Va., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. SULZER: Petition of New York Clothing Trade Association, against Hepburn amendment to the Sherman antitrust act (H. R. 19745)—to the Committee on the Judiciary.

By Mr. WEEKS: Petition of American Cotton Manufacturers' Association at twelfth annual convention at Richmond, Va., May 20, 1908, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

By Mr. WOOD: Paper to accompany bill for relief of George W. Pierce—to the Committee on Invalid Pensions.

## SENATE.

FRIDAY, May 22, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### EFFICIENCY OF THE MILITIA.

Mr. KEAN. Yesterday the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, was passed, and I entered a motion to reconsider the vote by which it was passed. Before that time I had been requested by the military board of the State of New Jersey to oppose the bill. Since that time I have received a dispatch from the adjutant-general of the State, stating that if the military board could be called together he had no doubt that they would withdraw their opposition to the bill. I therefore withdraw the motion to reconsider and let the bill stand passed.

The VICE-PRESIDENT. The motion to reconsider is withdrawn. The bill stands passed.

### DISBURSEMENT OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, stating by direction of the President and in response to a resolution of the 16th instant, calling for a detailed statement, showing all revenues of every kind and character collected and all funds from all sources received and credited to each of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes since June 28, 1898, and the disbursements made from the funds of these tribes severally with the authority therefor since that date, that owing to the great amount of work involved it will be impossible to have this statement prepared for use during the present session of Congress, which was referred to the Committee on Indian Affairs and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of George W. Boushell and 32 other claimants in subnumbered cases *v. United States*; and

In the cause of the vestry of The Plains Episcopal Church, of The Plains, Va., *v. United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 22009) authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee, managers at the conference on the part of the House.



## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 902. An act authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes:

H. R. 19158. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909; and

H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle.

## PETITIONS AND MEMORIALS.

Mr. OVERMAN. I present a resolution adopted by the American Cotton Manufacturers' Association at its twelfth annual convention held at Richmond, Va. I ask that it be read and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the resolution was read and referred to the Committee on Forest Reservations and the Protection of Game, as follows:

Resolution by the American Cotton Manufacturers' Association at twelfth annual convention at Richmond, Va., May 20, 1908:

We, the American Cotton Manufacturers' Association, in convention assembled, hereby urge upon the Congress of the United States the passage, at this session, of bill H. R. 21357, or a similar bill, providing for the purchase, in aid of navigation, of forest lands in the Southern Appalachian and White Mountain regions, and also for cooperation between private owners and the Federal Government with a view of preserving the forests on privately owned land for the regulation of stream flow in aid of navigation.

Mr. FULTON presented a memorial of sundry Irish-American citizens of Portland, Oreg., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

Mr. NELSON presented a memorial of the New York Clothing Trade Association, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. SCOTT presented sundry memorials of citizens of Ronceverte, W. Va., remonstrating against the passage of the so-called "Penrose bill" to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a memorial of Central Labor Union, American Federation of Labor, of Concord, N. H., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. McCREARY presented a petition of the Ashland Farmers' Grange, Patrons of Husbandry, of Lexington, Ky., praying for the enactment of legislation to establish a national highways commission, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented petitions of sundry citizens of South Norwalk and Hartford, in the State of Connecticut, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Murphysboro, Watseka, Litchfield, Maywood, and Chicago, all in the State of Illinois, praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

Mr. PERKINS presented a petition of sundry citizens of Modesto, Cal., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. du PONT presented a petition of Delaware Lodge, No. 231, Brotherhood of Locomotive Firemen and Engineers, of Wilmington, Del., praying for the passage of the so-called "Rosenberg anti-injunction bill" and the "Hemenway-Graff self-dumping ash-pan bill," which were referred to the Committee on the Judiciary.

Mr. FORAKER presented petitions of Lodge No. 32, B. of R. T., of Cleveland; of Division No. 457, B. of L. E., of Toledo; of Division No. 167, of Cleveland; of Division No. 745, of Cleveland; of Division No. 329, of Youngstown; of Division No. 95, of Cincinnati; of Division No. 4, of Toledo; of Division No. 678, of Columbus; of Division No. 360, of Massillon; of Division

No. 408, of Middleport; of Division No. 432, of Akron; of Division No. 3, of Collinwood; of Division No. 140, of Cleveland; of Division No. 395, of Canton, and of citizens of Warren and Gallon, all in the State of Ohio, praying for the passage of the so-called "Rosenberg anti-injunction bill" and the "Hemenway-Graff safety ash-pan bill," which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented petitions of sundry citizens of Waukesha, Kenosha, La Crosse, Ripon, and Merrill, and of the Wisconsin Consumers' League, of Oshkosh, all in the State of Wisconsin, praying for the enactment of legislation to investigate and develop the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Local Union No. 128, Brotherhood of Railroad Trainmen, of Milwaukee, Wis., praying for the passage of the so-called "Rosenberg anti-injunction" and "Hemenway-Graff safety ash-pan bills," which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Oshkosh, Wis., expressing its approval of the action of the convention of governors, held at the White House May 13 to 16, inclusive, relating to the conservation of the national forests, which were ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of sundry citizens and labor organizations of Racine, Madison, La Crosse, Marinette, Menominee, Superior, Hudson, Oshkosh, Waukesha, Kenosha, Manitowoc, Appleton, Janesville, Eau Claire, Ashland, Milwaukee, South Kaukauna, and St. Paul, all in the State of Wisconsin, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Keweenaw, Racine, and Platteville, all in the State of Wisconsin, praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented memorials of sundry citizens of La Crosse and Appleton, in the State of Wisconsin, remonstrating against the enactment of legislation to extend the right of naturalization, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Madison, Wis.; Spokane, Wash.; Chicago, Ill., and Clark, Nev., praying for the enactment of legislation to prohibit the mailing of telegrams by telegraph companies which are accepted for telegraphic transmission, etc., which were referred to the Committee on Education and Labor.

He also presented a petition of the Wisconsin Consumers' League, of Madison, Wis., praying for the enactment of legislation to regulate the employment of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry national banks of Milwaukee, Wis., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a petition of Boston Branch, No. 2, National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories, of Charlestown, Mass., praying for the enactment of legislation to compensate civilian Government employees for personal injury sustained in the line of service, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Washington, D. C., praying for the enactment of legislation making the centenary of the birthday of Abraham Lincoln, February 12, 1909, a legal holiday in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by sundry Polish citizens of Chicago, Ill., relative to the treatment accorded Polish people by the German Government, which were referred to the Committee on Foreign Relations.

He also presented the memorial of Martin O'Donnell, of Oconto, Wis., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a memorial of the South Division Civic Association, of Milwaukee, Wis., remonstrating against the enactment of legislation to increase the diversion of the water from Lake Michigan into the Chicago Drainage Canal, which was referred to the Committee on Commerce.

He also presented a memorial of the Superior Branch of the Lake Seamen's Union, of Superior, Wis., remonstrating against the enactment of legislation to amend section 4463, relating to

the complement of the crews of vessels, which was ordered to lie on the table.

He also presented a memorial of Local Council, United Commercial Travelers of America, of Ashland, Wis., and a memorial of the Wisconsin Retail Implement and Vehicle Dealers' Association, of Markesan, Wis., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation to amend the act of March 3, 1891, to provide for ocean mail service between the United States and foreign ports and to promote commerce, which was referred to the Committee on Commerce.

He also presented a petition of Encampment No. 51, Union Veteran Legion, of Fort Wayne, Ind., praying that an appropriation of \$200,000 be made for the construction in that city of a national veterans' armory, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of the State of Wisconsin, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

#### DIVERSION OF WATER FROM LAKE MICHIGAN.

Mr. LA FOLLETTE. I present a report of a special committee of the Milwaukee Chamber of Commerce, setting forth the imperative necessity of preserving the levels of the Great Lakes. I ask that it be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the report was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE CITY OF MILWAUKEE,  
OFFICE OF THE SECRETARY,  
April 22, 1908.

Hon. ROBERT M. LA FOLLETTE,  
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to convey to you herewith the report of a special committee of the Milwaukee Chamber of Commerce, setting forth the imperative necessity of preserving the levels of the Great Lakes and their connecting channels and harbors and protesting against the diversion of any greater volume of water through the Chicago Drainage Canal than is absolutely necessary for sanitary purposes. The committee is composed of gentlemen having extensive interests in the navigation of the Great Lakes and of unquestioned practical knowledge of the subject. The report was unanimously adopted at a recent meeting of the board of directors of the Milwaukee Chamber of Commerce and was also indorsed by the Merchants and Manufacturers' Association of Milwaukee. There is but one sentiment in this community on the subject, and that is that the preservation of the existing lake levels is of far greater public necessity than any possible advantages of a deep waterway from the Lakes to the Gulf.

Yours, very truly,

W. J. LANGSON, Secretary.

#### CHAMBER OF COMMERCE OF THE CITY OF MILWAUKEE.

##### *The project of a deep waterway from the Lakes to the Gulf.*

Report by the special committee on deep waterways to the board of directors, chamber of commerce.

GENTLEMEN: Your special committee on deep waterways in conjunction with the committee on transportation of the Merchants and Manufacturers' Association has had under consideration the project now on foot to secure a large and permanent diversion of water from Lake Michigan into the Chicago Drainage Canal.

The project in its ultimate effects, we find, is one which concerns vitally our lake-shipping interests, and therefore prompts us not only to report our findings and conclusions on the same, but also to submit a set of resolutions for your consideration and adoption.

In doing so, we aim to discuss with absolute fairness all the phases involved, in order that you may be able to reach definite and fixed conclusions on the subject.

#### PRACTICAL PHASES NOT UNDERSTOOD.

The project to perfect a deep-water route from the Lakes to the Gulf has been exploited in the public press for some time, and the promise for shipping connections between the two great water basins has aroused some enthusiasm. The engineering difficulties and other practical phases connected with the project have not been fully exploited nor have the ultimate effects upon the rivers and harbors of the Great Lakes, resultant upon the same, been brought to the attention of the general public.

The volume of water now diverted from Lake Michigan into the Chicago drainage canal is 4,167 cubic feet per second. This lowers the lake level by 1 inch. The sanitary district of Chicago has asked permission from the Secretary of War to obtain an increased flow, making a total of 14,000 cubic feet of water per second during twenty-four hours of each day.

#### CHICAGO'S ENORMOUS DEMANDS.

At a hearing before the Rivers and Harbors Committee of the House of Representatives on April 16, 1906, and before the Secretary of War on January 14, 1907, permission to withdraw this volume of water from Lake Michigan was urged from the standpoint of sanitation. This subject was exhaustively considered by the International Waterways Commission in its report of January 4, 1907, which shows conclusively that a flow of 10,000 cubic feet per second is more than ample for sanitary requirements, and would, in addition, insure a 14-foot waterway from the Lakes to the Gulf.

It was further shown, to quote from the report, that—

"The diversion of 10,000 cubic feet per second will lower the levels of Lake Michigan-Huron, Lake St. Clair, Lake Erie, Lake Ontario, and

the St. Lawrence River, besides the important connecting channels, the Detroit and St. Clair rivers, by amounts varying from  $4\frac{1}{2}$  to  $6\frac{1}{2}$  inches for the different waters, and the diversion of 14,000 cubic feet will lower them from 6 to  $8\frac{1}{2}$  inches. The diversion of 20,000 cubic feet will lower Lake Michigan-Huron about 13 inches and Lake Erie about 11 inches."

#### SECRETARY DENIED PERMISSION.

As a result of the hearings referred to, the Secretary of War has thus far denied the permission to use any larger flow than now is granted, namely, 4,167 cubic feet per second.

In a report made by the United States Engineering Corps on May 22, 1906, it is stated that "the sanitary condition of the river has been so good so far with the 250,000 cubic feet per minute (4,167 cubic feet per second) already authorized by the War Department that there is no special apparent need for a use to-day of any greater volume."

The same authority also wisely says: "The first right to the use of water belongs to navigation, to which water is an absolute necessity. The second right belongs to the public needs for sanitary purposes, so far as they can not be provided for otherwise, and the use of water for power purposes alone should be made secondary to the above since it is always possible to obtain power in other ways."

#### HEAVY DAMAGE PREDICTED.

The dredging of the rivers, harbor entrances, and connecting channels has been based upon the past standard lake levels and the necessities of lake traffic. To make any decided and permanent reduction in these levels will not only necessitate most extensive and expensive dredging, but also cause in the interim an enormous reduction in the tonnage of the lake fleet. It is estimated by the Lake Carriers' Association that this reduction in the carrying capacity of the lake fleet would result in the loss of two and one-half million dollars per annum.

But there is another form of loss which can not be minimized. The lowering of the lake levels and the consequent lowering of the river levels will have the tendency to expose piling above the water line and subject them to early decay and rot. The damage to docks and wharves thus caused along the river fronts has not as yet been estimated in dollars and cents, but is, nevertheless, believed to be large.

The cost of restoring the depth in the harbors of the Great Lakes and the channels between the Lakes, as estimated by the International Waterways Commission, is fixed at \$10,000,000, and of restoring it in the Welland and St. Lawrence canals at \$2,500,000.

#### AN IMPRACTICAL SCHEME.

It may well be asked here what benefits may be derived from an increased diversion of the waters of Lake Michigan into the Chicago Drainage Canal and the proposed deep-waterway connection of the Lakes and the Gulf.

The latter project has been discarded by the most eminent engineering experts of the country as being impracticable and infeasible. The depth of the Mississippi River below St. Louis was increased from an average of 5 feet to 9 feet. During the time that this depth was attained and that the sum of \$100,000,000 was being expended the river trade died out.

The Illinois State legislature, at its last session, enacted legislation by which the Des Plaines River, which connects with the Chicago Drainage Canal, is declared to be a navigable stream, and other legislation by which a bond issue of \$22,000,000 is to be laid before the people of the State for public vote this year for the purpose of having the State of Illinois construct a combined water power and navigation canal from Lockport to Ottawa, Ill. The necessary water to secure this water power is to be drawn from Lake Michigan.

Eminent engineers are of the opinion that the problem of sewage disposal must and will ultimately be solved by means other than through the pollution of our rivers and lakes. It is therefore reasonable to assume that the sanitary district of Chicago will eventually be compelled to discontinue the diversion of its sewage through the rivers of adjacent territory.

The immediate advantage then derived from an increased flow of water into the Chicago Drainage Canal would not consist in any increased facilities for the disposal of the Chicago sewage, but in the creation of a strong water power in the canal region available for industrial purposes. Such water power would, no doubt, yield a large revenue to the State of Illinois, but the advantage thus gained by one section of the country would be dearly paid for by other sections of the country.

The practicability of an ultimate water route connection between the Great Lakes and the Gulf is enthusiastically urged, but it is well known among those most familiar with the nature of the project that the immediate and only advantage gained from any efforts in that direction, aside from drainage facilities already secured, is the valuable water power to be created.

While the best engineering minds of the country condemn the scheme of deepening the Mississippi River, and while the experts connected with the Department of War are conscious of the futility of the whole project, it nevertheless possesses elements of popularity with the masses. Therefore it is all the more necessary that the whole truth regarding the project be brought to the attention of the general public and to the governing factors at Washington.

#### AN EXPERT OPINION.

Secretary Taft, after obtaining from the Judge-Advocate-General of the War Department an opinion that the requested permission could be granted by the Secretary of War upon the recommendation of the Chief of Engineers, requested the latter officer to report upon the subject. Accordingly, on February 23, General Mackenzie reported in part as follows:

"In my opinion this abstraction will undoubtedly lower the levels of all the waters of the Great Lakes, except those of Lake Superior, and thus diminish the navigable capacity and depth of the various channels and harbors which have been deepened and improved under authority of Congress.

"Leaving out Lake Superior, there are more than 100 works of river and harbor improvements on the Great Lakes and their connecting waters, for which appropriations aggregating more than \$80,000,000 have been made. The application of this vast sum has resulted in securing and maintaining specified depths and widths of channels which Congress has decided to be required for the accommodations of the traffic using these waters.

"To diminish these depths, even to a slight extent, would not only prove a serious injury to the traffic, but would practically undo the work which has been accomplished by Congressional direction, and necessitate the expenditure of further large sums of money for restoration."



tion. Any project that tends in a measure to annul or reverse the orders of Congress, as expressed in the various river and harbor acts appropriating funds for improving the harbors and channels connecting with the Great Lakes, should meet the disfavor of the Department unless it has been sanctioned by that body. In my judgment such a project is the one under consideration, and for this reason I am unwilling to recommend favorable action thereon, assuming that the Department is empowered to take such action as is held by the Judge-Advocate-General."

Secretary Taft, in his finding of March 14, said, in part:

"Unless the Chief of Engineers shall recommend the granting of the permit, the Secretary of War is without power to give the requested authority; but I may say this much, that the application is to be made the basis for the withdrawal of a large amount of water from Lake Michigan, and that all interested in the enormous lake traffic view the settlement of the question with grave apprehension."

"Added to this is the international complication which is likely to arise in the threatened lowering of the lake levels in the ports and harbors and canals of Canada. On the other hand, it is maintained with great emphasis and elaboration of detail that the change in the Calumet River is essential to the healthful sanitation of Chicago, and that the threatened injury to navigation is so small as to be negligible."

"Between two such great interests the decision must be effected more or less by large public policy and expediency, and while I agree in the construction of the Judge-Advocate-General that the issue is left by statute to the recommendation of the Chief of Engineers and the concurrent decision of the Secretary of War, it may be fortunate that circumstances now require submission of this question of capital and national importance to the Congress of the United States."

The representatives of the Chicago sanitary district will not relinquish their efforts toward securing favorable action at the hands of Congress, and it therefore becomes the duty of the lake interests to remain alert to the situation and maintain the rights of navigation which under the circumstances are primary and leading."

In view of the foregoing facts and estimates herein mentioned, which have been secured from unbiased expert authorities, we are prompted to submit the following preamble and resolutions:

#### PREAMBLE AND RESOLUTIONS.

Whereas the present navigable depth of the various rivers which flow into Lake Michigan and the docks and wharves connected with them, as well as the harbor entrances, are based upon past lake levels and to meet the necessities of modern lake traffic; and

Whereas any material lowering of the lake levels will result in untold damage to the harbor entrances of and to the dockage and wharves on the rivers leading into Lake Michigan and in reducing vastly the tonnage capacity of the lake fleet: Therefore be it

*Resolved*, That we deem the preservation of the levels of the Great Lakes as imperative; that we oppose strenuously the project of increasing the diversion of water from Lake Michigan into the Chicago Drainage Canal beyond the 4,107 cubic feet per second now granted, and that in our judgment any material and permanent lowering of our lake levels would prove an economic loss which is not compensated by any gains made or advantages derived elsewhere through such changes: And be it further

*Resolved*, That the substance of this report, together with the preamble and resolutions, be sent to the Secretary of War, the chairman and members of the Congressional Committee on Rivers and Harbors, and to the Wisconsin Representatives in the National Congress.

Respectfully submitted,

O. F. BIRD, *Chairman*,  
L. J. PETIT,  
FRANK L. VANCE,  
FRANK W. SMITH,  
CARL JOYS,

*Special Committee on Deep Waterways.*

Attest:  
[SEAL]

E. C. WALL, *President*,  
W. J. LANGSON.

#### REPORT OF A COMMITTEE.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, reported it with amendments.

#### REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the claims of the trustees of the Methodist Episcopal Church South, of Glenville, W. Va. (S. 164); Mrs. Sarah Miller (S. 181); heirs of C. H. Foy (S. 255); heirs of Joseph A. Brunson, deceased (S. 329); heirs and estate of John F. Bryan, deceased (S. 354); heirs and estate of William Bayliss, deceased (S. 375); Methodist Episcopal Church of Cornith, Miss. (S. 379); the estate of Asa R. Chilton (S. 380); heirs and estate of Sidney Dean, deceased (S. 381); estate of N. T. Power, deceased (S. 489); estate of Dr. Alfred Martin, deceased (S. 490); trustees of the First Cumberland Presbyterian Church of Nashville, Tenn. (S. 498); Myron Powers (S. 571); the Corn Exchange National Bank, of Philadelphia, Pa. (S. 669); George F. Schild (S. 708); Jesse Chilton (S. 741); the heirs of Robert A. Brown, deceased (S. 742); estate of John M. Armstrong, deceased (S. 747); heirs of John Ament, deceased (S. 814); Caroline F. Eddy (S. 816); the estate of David B. Tennant, deceased (S. 1038); Mrs. Karl F. Kolbe (S. 1166); estate of William Franklin, deceased (S. 1190); Mrs. Mattie Stewart Glover and Miss Katherine Stewart Ruse, the heirs at law and only legal representatives of the late William Stewart, of Mobile, Ala. (S. 1233); trustees of the Oak Grove Methodist Church South of Jackson County, Ala. (S. 1236); heirs of Rebecca L. DeLeon (S. 1237); County Court of Bath County, Ky. (S. 1384); heirs of J. L. E. Cottrell, deceased (S. 1396); Emily Catharine Jones (S. 1399); William Minshew (S. 1402); heirs of Joseph Valverde, deceased (S. 1564); personal representatives of the late John M. Doddridge (S. 1657); heirs of Lydia A. Hockensmith, deceased (S. 1659); estate of James L. Gonsal, deceased (S. 1660); legal heirs of John Goldsworthy (S. 1665); legal representatives of Samuel E. Bratton (S. 1830); Pierre Breux (S. 1859); J. B. Cheppert (S. 1844); F. Heno Mollere (S. 1961); heirs and estate of Francois V. Breux, deceased (S. 1972); Mrs. Lucy Moore and heirs of Joseph Moore, deceased (S. 1875);

Downings Methodist Episcopal Church South, of Oak Hall, Va. (S. 1996); the heirs of John H. Rixey, deceased (S. 2006); heirs of Jesse Hollis, deceased (S. 2118); heirs of Hiram Howell, deceased (S. 2119); heirs of Evelina V. Busby, deceased (S. 2133); Methodist Episcopal Church of Moscow, Tenn. (S. 2141); Mrs. Corinne Lawrence (S. 2319); J. Bloomstein, administrator of the estate of Jacob Bloomstein (S. 2322); heirs of W. H. Padrick, deceased (S. 2331); estate of Adonis Pettit, deceased (S. 2363); Joseph W. McCall (S. 2373); trustees of the Cross Roads Baptist Church, of Paulding County, Ga. (S. 2508); trustees of Mount Moriah Baptist Church, of Paulding County, Ga. (S. 2509); trustees of Potomac Lodge No. 38, Independent Order of Odd Fellows, of Alexandria, Va. (S. 2512); trustees of Hanover Baptist Church, of King George County, Va. (S. 2513); trustees of the Methodist Episcopal Church South, of Fairfax Court House, Va. (S. 2514); the heirs of Alexander Poland, deceased (S. 2515); William Coker (S. 2560); trustees of St. Lawrence Roman Catholic Church, of New Hamburg, Mo. (S. 2567); heirs of Joseph V. Connerat, deceased (S. 2612); heirs of W. M. Gamel, deceased (S. 2630); Jane P. Moore (S. 2687); heirs of James D. Davis (S. 2692); Mrs. Sarah C. Jones and Mrs. Lucy F. Tyler (S. 2805); estate of Susan Richards, deceased (S. 2819); trustees of the Methodist Episcopal Church South, of Annandale, Va. (S. 2854); Medical College of Alabama, at Mobile, Ala. (S. 2902); estate of Raphael Segura, deceased (S. 1888); estates of Benjamin S. Story, Norman Story, and Sidney Story (S. 3029); Mrs. Abigail A. Stover or her legal representatives (S. 3092); trustees of the Baptist Church of Bowling Green, Ky. (S. 3171); Mingo Peters (S. 3173); estate of Sybil A. Penniman (S. 3206); James N. Bowles (S. 3314); estate of Mason Pilcher, deceased (S. 3399); John Thompson (S. 3419); Martin Jeffries (S. 3659); James Brice (S. 3663); James and William Crooks (S. 3717); heirs of Aaron Wilbur, deceased (S. 3729); St. Stephen's Lutheran Church, of Shenandoah County, Va. (S. 3797); vestry of St. Paul's Episcopal Church, of Alexandria, Va. (S. 3802); legal representatives of David Hamiter, deceased (S. 3840); Seaboard and Roanoke Railroad Company (S. 3953); Washington Campbell (S. 3979); Manuel Madril (S. 3989); Mrs. Candelaria L. de Lepoint, administratrix of the estate of Don Blas Lucero, deceased (S. 3990); heirs of John Nutt, deceased (S. 4018); Ben Mahuren (S. 4019); W. S. Jennings (S. 4020); heirs of Robert M. Ely, deceased (S. 4037); heirs at law of E. L. Shuford, deceased (S. 4076); Pierre A. Giamarchi (S. 4156); Thomas C. Payan (S. 4157); Gean Charles Harispe (S. 4158); estate of John T. Henderson, deceased (S. 4255); John S. Mann and heirs and estate of Lewis W. Mann, deceased (S. 4327); James Henry and Porter Henry (S. 4362); Jefferson Phillips (S. 4363); estate of Sylvia Cannon, deceased (S. 4364); heirs of E. S. Leggett, deceased (S. 4393); heirs of Laura E. Wilkinson, deceased (S. 4412); Mrs. Frances W. Robinson (S. 4413); James Finnegan and the heirs of Thomas Nesdall, deceased (S. 4431); deacons of the Missionary Baptist Church at Franklin, Tenn. (S. 4460); trustees of the Christian Church of Warsaw, Mo. (S. 4474); William F. McKimmy, administrator of John McKimmy, deceased (S. 4492); trustees of Roper Church, of New Kent County, Va. (S. 4498); the estate of Robert H. Love, deceased (S. 4500); William Lewis Levaw (S. 4516); Methodist Episcopal Church of Corinth, Miss. (S. 4560); trustees of Cumberland Presbyterian Church, of Corinth, Miss. (S. 4561); trustees of the Baptist Church, of Corinth, Miss. (S. 4562); trustees of Asbury School, Clayton County, Ga. (S. 4590); Asbury Methodist Episcopal Church South, of Clayton County, Ga. (S. 4593); Richard T. Gott, administrator of Thomas N. Gott, deceased (S. 4630); rector, wardens, and vestry of St. Paul's Protestant Episcopal Church, Sharpburg-Antietam parish, Washington County, Md. (S. 4631); heirs of Harmon Snyder (S. 4706); Union Church, of Woodsonville, Ky. (S. 4718); trustees of the Presbyterian Church of Glasgow, Mo. (S. 4730); Union University (S. 4764); trustees of Mount Olivet Methodist Episcopal Church South, at Nolensville, Tenn. (S. 4765); executors of the will of Curtis Burr Graham, deceased (S. 4784); Thomas N. Arnold, (S. 4860); George Taylor, administrator of the estate of Elizabeth Taylor, deceased (S. 4867); trustees of Macedonia Methodist Episcopal Church South, of Frederick Church, Va. (S. 4882); trustees of the Methodist Episcopal Church South, of Platte City, Mo. (S. 4905); Henry A. Tolbert (S. 4912); estate of Charles Goody (S. 5015); trustees of London graded school No. 1, of London, Ky. (S. 5056); board of deacons of the Baptist Church of Nicholasville, Ky. (S. 5057); Elizabeth H. Rice (S. 5084); Frances Schnebley, administratrix of Jacob Schnebley (S. 5089); James Phillips and certain other naval officers and their heirs or legal representatives (S. 5090); John Mullin (S. 5135); estate of James S. Wilson (S. 5208); F. V. Lesieur (S. 5251); Protestant Orphan Asylum, at Natchez, in the State of Mississippi (S. 5298); Presbyterian Church of Bunker Hill, W. Va. (S. 5324); heirs of John M. Fleming (S. 5328); Cumberland Presbyterian Church, of Granville, Tenn. (S. 5336); Methodist Episcopal Church South, of Raywick, Ky. (S. 5350); mayor and city council of Baltimore, Md. (S. 5362); heirs and estate of William Wann, deceased (S. 5378); heirs and estate of Andrew J. Peacock, deceased (S. 5379); George P. Plowman (S. 5380); heirs and estate of Alfred Hambrick, deceased (S. 5382); heirs or estate of Alexander F. Perryman, deceased (S. 5383); estate of Isaac Winston, deceased (S. 5385); C. H. and W. M. Cramp (S. 5401); county of Laclede, State of Missouri (S. 5409); county of Greene, State of Missouri (S. 5410); Zion African Methodist Episcopal Church, of Beaufort, N. C. (S. 5420); Grace Protestant Episcopal Church, of Plymouth, N. C. (S. 5421); heirs and estate of Marcus M. Massengale, deceased (S. 5450); heirs and estates of Enoch R. and Louisa J. Kennedy, deceased (S. 5458); heirs and estate of Joseph Logan, deceased (S. 5469); Christian Church of Suffolk, Va. (S. 5479); Methodist Episcopal Church South, of Onancock, Va. (S. 5480); Richard Cole (S. 5481); board of trustees of the public schools of Darlington, S. C. (S. 5485).

Legal representatives of Anthony W. Cannon, deceased (S. 5490); trustees of the Presbyterian Church of Shepherdstown, W. Va. (S. 5501); Methodist Episcopal Church South, of Muses Bottom, W. Va. (S. 5502); owners of the tug Juno (S. 5510); trustees of Christ Evangelical Lutheran Church, of Gettysburg, Pa. (S. 5511); trustees of the Baptist Church of Tateville, Ky. (S. 5518); estate of Mrs. Melissa Gathright, deceased (S. 5521); W. R. Hall (S. 5522); Joseph M. Padgett and others (S. 5528); Methodist Episcopal Church South, of Lebanon, Ky. (S. 5543); Ascension Protestant Episcopal Church, of Mount Sterling, Ky. (S. 5544); estate of Mrs. Prudence Hensley, deceased (S. 5546); administrator of T. J. Pritchett, deceased (S. 5547); estate of Julia E. Rightor (S. 5549); board of education of Gallipolis, Ohio (S. 5559); trustees of the Lutheran Church of the Ascension, of Savannah, Ga. (S. 5583); legal representatives of T. L. Walker, deceased (S. 5633); county of Bradley, State of Tennessee (S. 5661); James M. Willbur (S. 5715); Carlos Manjarrez (S. 5728); legal representatives of Joseph White, deceased (S. 5730); Charles A. Miner (S. 5754); Frank H. Church, administrator of the estate

of Cornelius Clay Cox (S. 5783); H. Polkinghorne, jr., of his heirs or legal representatives (S. 5793); Mrs. Carrie W. Brown (S. 5804); St. Augustine's Roman Catholic Church, of Williamsport, Md. (S. 5825); late firm of Martin, Weakley & Co. (S. 5832); Olive P. Tibbits (S. 5836); estate of W. G. Chesher, deceased (S. 5904); estate of Samuel E. Bratton, deceased (S. 5907); estate of William Hugley, deceased (S. 5914); estate of Vicente Cantua, deceased (S. 5924); heirs of John Millbourn, deceased (S. 5941); estate of Lewis D. Crenshaw, deceased (S. 5946); John H. Van Pelt (S. 6031); heirs or the legal representatives of the estate of Samuel B. Sparkman (S. 6078); African Methodist Episcopal Church of Bowling Green, Ky. (S. 6082); Presbyterian Church of the United States of America of Fayetteville, Tenn., formerly known as the Cumberland Presbyterian Church of Fayetteville, Tenn. (S. 6112); William S. Baude and others (S. 6144); Annie Potts, administratrix of the estate of W. B. Pannell (S. 6201); heirs of D. W. Bell, deceased (S. 6241); Catholic Church in Washington, N. C. (S. 6253); State or North Carolina in trust for the claimants thereto the cotton tax collected from citizens of that State (S. 6261); Robert Shakespeare (S. 6295); Methodist Episcopal Church South of Campbellsville, Taylor County, Ky. (S. 6314); Nicholas C. Pettit (S. 6357); Laura A. Hill (S. 6381); heirs of Thomas Dean, deceased (S. 6387); legal representatives of Robert Mitchell, deceased (S. 6426); Freeman brothers (S. 6446); heirs of John Birkett, deceased (S. 6450); State Street African Baptist Church, of Bowling Green, Ky. (S. 6454); Adam K. Baylor and certain other naval officers and their heirs or legal representatives (S. 6498).

Heirs of Hugh Rodgers (S. 6526); estate of H. H. Watters, deceased (S. 6531); estate of Josiah Wrenn, deceased (S. 6538); heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased (S. 6565); William H. Townsend (S. 6574); Mrs. Mary Traylor (S. 6578); Putnam County, in the State of Tennessee (S. 6591); heirs of Samuel R. Garner, deceased (S. 6609); Lutheran Church of the Ascension of Savannah, Ga. (S. 6638); John C. De Lany (S. 6654); heirs of W. D. McDowell, deceased (S. 6672); estate of Francis McLelland, deceased (S. 6674); Medical College of Georgia at Augusta, Ga. (S. 6684); F. H. Lane (S. 6694); John W. Knight and others (S. 6702); heirs of William Dillon, deceased (S. 6709); Gilbert L. Dupre, administrator of the estate of Cyprian Dupre, deceased, and others (S. 6714); heirs or estate of James Ward, deceased (S. 6727); heirs of J. P. McGaha, deceased (S. 6748); heirs of John Seymour, deceased (S. 6749); heirs of Lemuel Hannah, deceased (S. 6750); Samuel H. Yarbrough and the estate of John Jones, deceased (S. 6751); heirs of Andrew C. Legg, deceased (S. 6752); heirs or estate of Henry Cohen, deceased (S. 6808); Hosmer, Crampton & Hammond and others (S. 6815); W. J. Goodwin (S. 6821); heirs of George S. Simon (S. 6822); estate of Peter Barentine (S. 6862); Methodist Episcopal Church South in Washington, N. C. (S. 6879); Presbyterian Church in Washington, N. C. (S. 6880); public school directors of the First school district of Franklin County, Tenn. (S. 6893); Cumberland Presbyterian Church, of Chattanooga, Tenn. (S. 6894); St. Paul's Protestant Episcopal Church of Chattanooga, Tenn. (S. 6895); John L. Conroy and others (S. 6903); estate of Zachariah Claggett (S. 6906); St. John's College, of Annapolis, Md. (S. 6907); estate of R. W. Isaac (S. 6908); Newton C. Adams and others (S. 6914); Simeon C. Aldrich and others (S. 6915); Elisha Stogsdill (S. 6920); William Moseley, administrator of Temperance Moseley (S. 6921); heirs at law and legal representatives of Asahel Bliss (S. 6940); estate of Richard Pemberton, deceased (S. 6948); trustees of the Tennessee Deaf and Dumb School, of Knoxville, Tenn. (S. 6967); estate of Lewis Ransom Clark, deceased (S. 6969); Faxon, Horton & Gallagher and others (S. 6997); Sophie M. Guard (S. 6998); Masonic Hall Company of Atlanta, Ga. (S. 7000); infant heirs of William Francis Gill, deceased (S. 7001); University of South Carolina (S. 7008); Lucy A. Monroe (S. 7003); Marietta Baptist Church, of Marietta, Ga. (S. 7010); George D. Acker and others (S. 7013); Shreve Ackley and others (S. 7014); vestry of Trinity Protestant Episcopal Church, of Van Buren, Ark. (S. 7015); State Street African Baptist Church, of Bowling Green, Ky. (S. 7029); legal representatives of W. B. Long, deceased (S. 7041).

Trustees of the Olive Branch Christian Church of James City County, Va. (S. 7088); estate of Riley Wetherington, deceased (S. 7093); heirs or estate of Dr. Ira G. Wood, deceased (S. 7104); estate of James W. Mardis (S. 7121); Nathan F. Amee and others (S. 7122); Samuel T. G. Morsell (S. 7125); heirs and legal representatives of Thomas F. Norton, deceased (S. 7129); James W. Brown and others (S. 7137); Winyah Lodge No. 40, Ancient Free and Accepted Masons, of South Carolina (S. 7138); estate of Calvin Tilley (S. 7148); widow and family of Marcus P. Norton and the heirs at law of others (S. 7153); Hilaire Raymond (S. 7157); trustees of the Methodist Episcopal Church South of Pungoteague, Va. (S. 7167); trustees of the Baptist Church of Hartwood, Va. (S. 7168); Tennessee School for the Blind at Nashville, Tenn. (S. 7170); Davis & Roper & Co. (S. 7182); Adam L. Elcheberger (S. 7193); the heirs of Jenkins & Havens (S. 7199); the estate of Alfred L. Shotwell (S. 7203); estate of Nathan A. Davis (S. 7204); certain persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Ind. T., etc. (S. 7206); Willoughby L. Wilson, administrator of the estate of Willoughby Wilson, deceased (S. 7205); and the refunding of certain moneys (S. 7207); now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. FULTON. From the Committee on Claims I report a resolution, and I ask for its adoption. I will explain that it is simply a rereference of a number of bills heretofore referred, but which were not in proper form to be considered by the Court of Claims and were reintroduced in proper form. The resolution provides for a rereference of them.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the claims of the State of Oregon (S. 2951); the legal representatives of the late Charles Green, of Connecticut (S. 3200); James M. Schilling (S. 5266); certain owners of cotton taken by the United States military authorities in Adams County, Miss., in 1863 (S. 5552); legal representatives of the estate of Henry S. Shibley, deceased (S. 5942); the estate of Emily R. Hathorn, deceased (S. 6448); the legal representatives of John P. Lamar, deceased (S. 6449); the estate of Alfred Austell, deceased (S. 6949), and the estate of Edward W. Munday, deceased (S. 6950), now pending in the Senate,

together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith. And if any testimony shall have been heretofore taken before said court, either in support of or against any of said claims, the court is authorized to consider the same at the hearing of such claim pursuant to this reference.

#### OMNIBUS PUBLIC BUILDINGS BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. SCOTT, Mr. WARREN, and Mr. CULBERSON as the conferees on the part of the Senate.

#### BILLS INTRODUCED.

Mr. OWEN introduced a bill (S. 7208) providing for a modern system whereby the voters of the United States may instruct their national representatives, which was read twice by its title and referred to the Committee on Privileges and Elections.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 7209) for the relief of Rasmus F. Hafsos, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. HOPKINS introduced a bill (S. 7210) to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site thereon for the new channel, now being the outlet of said river into Lake Michigan, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 7211) granting an increase of pension to John H. Hamlin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7212) granting a pension to Adelbert Gardner, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 7213) to provide for the reimbursement of William F. Gilluly for actual expenses incurred by him as a United States commissioner of the northern district of the Indian Territory while absent from his official headquarters on official business, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BAILEY (by request) introduced a bill (S. 7214) for the relief of the heirs or estate of William B. Miller, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. LA FOLLETTE introduced a bill (S. 7215) granting a pension to Harriet L. Curtis, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 7216) for the relief of Henry S. Hannis & Co. and others, which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 7217) granting a pension to Maggie J. Carman, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OWEN introduced a joint resolution (S. R. 94) inviting the cooperation of the States in the establishment of a national initiative and referendum, which was read twice by its title and referred to the Committee on Privileges and Elections.

#### ANACOSTIA FLATS.

Mr. GALLINGER. I have been furnished with a copy of the report of the committee of the Anacostia Citizens' Association on the Anacostia Flats, with the request that it be published as a document. I therefore move that it be printed as a Senate document.

The motion was agreed to.

#### THE UNITED STATES NAVY.

Mr. HALE. I present certain papers relative to alleged structural defects in battle ships. I move that the papers be printed as a document.

The motion was agreed to.



## HEARINGS BEFORE COMMITTEE ON IRRIGATION.

Mr. FLINT. I present certain hearings before the Committee on Irrigation of the Senate, containing the testimony of the Secretary of the Interior and the Director of the Reclamation Service in reference to the issuance of certificates by the Water Users' Association. I move that the hearings be printed as a document.

The motion was agreed to.

## QUAPAW AGENCY, OKLA.

Mr. CURTIS. I ask the Chair to lay before the Senate House bill 16743.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, schools, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, returned from the House of Representatives in compliance with the request of the Senate.

Mr. CURTIS. I move to reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed. Then I shall move an amendment to section 1 of the bill.

The motion to reconsider was agreed to.

Mr. CURTIS. I move to strike out section 1 and to substitute the amendment I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kansas will be read.

The SECRETARY. Strike out all of section 1 and in lieu thereof insert:

That from and after the 1st day of January, 1909, all restrictions as to sale, incumbrance, or taxation shall be removed as to one-half of all lands allotted to adult members of the various tribes of the Quapaw Indian Agency, Okla., except the Modoc tribe; and such restrictions shall in like manner and to the same extent be removed as to one-half of all lands allotted to members of said tribe, except the Modoc tribe, who were minors at the date of allotment, but who have since become, or as they may hereafter become, adults.

That part of allotted lands as to which restrictions are hereby removed shall be designated as surplus lands, and that part of such lands as to which the existing restrictions are not removed shall be designated as homestead lands, and said homestead lands shall be selected as hereinafter provided, and as to the said homestead lands all existing restrictions shall be retained.

Provided, That the Secretary of the Interior may, upon application of any adult member of either of said tribes, except the Modoc tribe, in his discretion, and he is authorized whenever he shall be satisfied that any allottee of said agency is competent and capable of managing his or her affairs at any time, to cause to be issued to such allottee a patent in fee simple for such portion of his or her allotment hereby reserved from sale, incumbrance, or taxation, and thereafter all restrictions as to sale, incumbrance, or taxation of such lands covered by such fee-simple patent shall be removed.

Provided further, That the Secretary of the Interior is hereby authorized, in his discretion, to sell the surplus lands, or any part thereof, of any minor, after the same shall have been set aside under the provisions of this act, on written request from the natural or legal guardian of said minor, and the said Secretary, on such sale, shall pay the proceeds of such sale to the duly qualified guardian or curator of the estate of said minor; and if there be no such guardian or curator of such estate, the said Secretary shall withhold said proceeds of said sale and may use the same for the education and support of said minor until the said minor shall have attained his or her majority, whereupon the remaining proceeds of said sale shall be paid to him or her.

Provided further, That any sale, incumbrance, or contract for sale or incumbrance made or entered into by or on behalf of any allottee for any part of his surplus lands prior to January 1, 1909, or prior to the issuance of such fee-simple patent, shall be absolutely null and void: And provided further, That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the duly organized missionary boards of the religious societies and organizations, severally, for the lands occupied by them within any of said reservations and heretofore reserved to such societies as shown on approved schedules of allotments.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following act and joint resolution:

On May 20, 1908:

S. 5617. An act authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States.

On May 22, 1908:

S. R. 90. Joint resolution to amend an act authorizing the construction of bridges across navigable rivers, and so forth.

## HOUSE BILL REFERRED.

H. R. 22009. An act authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

## POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate further insist upon its amendments disagreed to by the House of Representatives, agree to the further conference asked for by the House on the disagreeing votes of the two Houses thereon, and that the conferees be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. PENROSE, Mr. BURROWS, and Mr. CLAY as the conferees on the part of the Senate.

## ELECTRIC SIGNAL AND AUTOMATIC BRAKE DEVICES.

Mr. MONEY. I submit a resolution. I ask to have it referred to the Committee on Interstate Commerce, and I will ask that committee, if they can, to report it as promptly as possible, as I should like to have it finished at this session of Congress. It is concerning a very practical and excellent device, which absolutely prevents the collision of cars either head on or end on. It prevents going into open switches, obstacles, or obstructions on the road. It is an electrical apparatus that entirely does away with any danger in railroad travel. It is extremely important, and is now on exhibit here inside of the District. I should like to have the committee act upon it as promptly as they can. I ask that the resolution be read.

The Secretary read the resolution, as follows:

Whereas there is now on public exhibition on the Chesapeake Beach Railroad, within the corporate limits of the District of Columbia, a device called the "Born electric signal and automatic brake" device to prevent "head on" and "rear end" collisions of railroad trains on the same track, open switches, open drawbridges, broken rails, etc., and inasmuch as this device "eliminates human agency" and acts "automatically" in the control of railroad trains with such accuracy that it seems to be almost human in its intelligence and excites the wonder and admiration of the best scientists and electricians in the United States: Therefore be it

Resolved, That the Interstate Commerce Commission be requested to investigate its workings, and, if based on sound principles for a mechanical application to all railroads, that they so report with such other recommendations and suggestions as they see proper, to the end that the awful slaughter of lives and destruction of property may be stopped by its adoption by the Congress of the United States.

Mr. MONEY. The phraseology of the resolution ought to be corrected. Instead of "requested" let it read, "That the Interstate Commerce Commission be, and they are hereby, authorized and directed." It is incorrectly phrased.

Mr. HEYBURN. I should like to suggest an amendment to broaden the scope of the resolution by authorizing the Commission to inquire into any and all devices for the same purpose. There are others, and they should bring in as full information as possible.

Mr. MONEY. I have no objection in the world to the amendment.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. After the word "workings" in the resolution insert "as well as the workings of any device for a similar purpose."

Mr. ALDRICH. I do not propose to address myself to the amendment of the Senator from Idaho, but the preamble of the resolution makes a number of statements which may be true and may not. I suppose this is a patented invention?

Mr. MONEY. Yes.

Mr. ALDRICH. It might be of great service to the inventor to have the Senate of the United States state that it is a remarkable invention, will work automatically, and all that sort of thing. I suggest to the Senator that he strike out the preamble, and that we pass the resolution.

Mr. MONEY. Very well, I will do that. I do not care, so that it gets before the Commission. I ask unanimous consent to put the resolution on its passage, with the preamble off.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Idaho is agreed to. The Senator from Mississippi proposes to modify the resolution by striking out the preamble. The preamble is stricken out.

Mr. MONEY. That being agreed to, Mr. President, I will ask that the Senate pass the resolution.

The VICE-PRESIDENT. The Chair would suggest that probably a further modification of the text of the resolution will be required to make it harmonize.

Mr. HEYBURN. I should like to hear the resolution read as modified.

The VICE-PRESIDENT. The Secretary will read the resolution as modified.

The Secretary read the resolution as modified.

Mr. HEYBURN. I suggest to the Senator from Mississippi to say, "and all other apparatus intended for the same purpose."

Mr. MONEY. Very well; "all kinds of electrical apparatus."

The VICE-PRESIDENT. Without objection, the resolution will be so modified.

Mr. BURKETT. I should like to have the resolution read as it has been amended, so that we may know what has been done.

The VICE-PRESIDENT. The Secretary will read the resolution as it now stands.

The Secretary read the resolution as modified.

Mr. MONEY. The preamble having been taken out, I ask the Senate to consider and pass the resolution now. It is very important, I think, to the country. I ask unanimous consent for its passage.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. CARTER. Let the resolution be read.

The VICE-PRESIDENT. The Secretary will again read the resolution as modified.

The Secretary again read the resolution as modified.

Mr. BURKETT. I should like to ask the Senator who has charge of this matter to whom the Commission is to report. It seems that some provision has been stricken out there. I call the attention of the Senator to it. It says that they shall make a report, but it does not say to whom they shall report or anything very particular in reference to it.

Mr. MONEY. They can only report to Congress, of course.

Mr. BURKETT. That is what I suggest. It seems to me that that ought to be in the resolution, because it simply says that they shall report.

Mr. MONEY. That they shall report to Congress. Let it be so modified. I did not write the resolution. It was handed to me a little while ago, and I saw there were imperfections in it when it was read. I want to get it in some shape, however, and to have it acted on.

Mr. LODGE. I am not sure that I know the full purport of the resolution, but I understand it is to investigate an automatic-signal device. I think I am correct.

Mr. MONEY. Yes; that is it.

The VICE-PRESIDENT. That is correct.

Mr. LODGE. In the sundry civil appropriation bill there is the following provision:

The unexpended balance of the appropriation to enable the Interstate Commerce Commission to investigate in regard to the use and necessity for block-signal systems and appliances for the automatic control of railway trains, including experimental tests, at the discretion of the Commission, of such of said signal systems and appliances only as may be furnished in connection with such investigation, free of cost to the Government, in accordance with the provisions of the joint resolution approved June 30, 1906, is hereby reappropriated and made available for expenditure during the fiscal year ending June 30, 1909, for the purposes named in this and the preceding paragraph.

That seems to me to cover it and to give them money to investigate all devices.

Mr. CARTER. I move to amend the resolution by striking out the words "awful slaughter," preceding the words "of lives," and inserting the word "loss" in lieu thereof.

Mr. MONEY. I accept that amendment.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. HOPKINS. How will the resolution read now?

The VICE-PRESIDENT. The Secretary will read the resolution as amended.

The Secretary read the resolution as amended.

Mr. HOPKINS. I suggest to the Senator from Mississippi that it ill becomes the Senate of the United States to attempt to exploit any inventor, and that the resolution, if it is to be adopted at all, should eliminate the name of any inventor or any special invention. I move to strike out the name of the invention.

Mr. LODGE. If that is stricken out—

Mr. MONEY. I do not admit that there is anything ill about it. I believe it is perfectly proper.

Mr. LODGE. I believe I have the floor.

The VICE-PRESIDENT. The Senator from Massachusetts has the floor.

Mr. LODGE. If the name of the special inventor is stricken out, it reduces it to the provision of the sundry civil appropriation bill. I did not read the whole provision. The preceding paragraph, referred to in what I read, is as follows:

Hereafter the Interstate Commerce Commission shall be, and is hereby, authorized, at its discretion, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape to such Commission for such investigation and test entirely free of cost to the Government. For this purpose the Com-

mission is authorized to employ persons familiar with the subject to be investigated and tested, and may also make use of its regular employees for such purposes.

Then follows the appropriation of the money for that precise purpose. The resolution without the name of the inventor is simply repeating what has already passed both Houses and is to be the law, and I do not see why we should single out one inventor.

Mr. HOPKINS. I have an amendment pending to strike out the name of the inventor.

Mr. MONEY. I want to say that I can not see any impropriety whatever in naming a device. That is the name of the device, and I want to have a special investigation made of this particular device. I introduced the resolution without reading it, just as it was handed to me, and it was imperfectly drawn.

Mr. HOPKINS. If it is amended as I propose, the investigation will go on; but if it is left as it stands, it simply means that the Senate of the United States is advertising one particular invention.

Mr. MONEY. It is not an advertisement. It is simply a direction to the Interstate Commerce Commission to investigate the apparatus.

Mr. BEVERIDGE. The whole thing is covered.

Mr. MONEY. Mr. President, I withdraw the whole business. The VICE-PRESIDENT. The Senator from Mississippi withdraws the resolution.

STEPHEN FEATHER.

Mr. BURKETT. I ask unanimous consent to call up the bill (S. 7114) to correct the military record of Stephen Feather, deceased.

Mr. ALDRICH. Let the bill be read, subject to objection.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. ALDRICH. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report.

Mr. ALDRICH. I ask that the report may be read, subject to objection.

The VICE-PRESIDENT. The Secretary will read the report in the absence of objection, as requested by the Senator from Rhode Island.

The Secretary read the report submitted by Mr. WARNER on the 21st instant, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 7114) to correct the military record of Stephen Feather, deceased, favorably reports the same to the Senate and recommends that it be passed with the following amendments:

In line 6 strike out "Eighth" and insert "Eighteenth."

In line 9 strike out "said organizations" and insert "the latter organization: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act."

Your committee believes that its favorable action is fully justified by the following report of the War Department:

*Case of Stephen Feather, late of Company F, Eighth Ohio Infantry, and Company M, Fourth United States Cavalry.*

The name Stephen Feather has not been found on the rolls, as file in this Office, of the Eighth Ohio Infantry.

It is shown by the records, however, that Stephen Feather was enrolled August 15, 1861, and was mustered into service September 1, 1861, as a private in Company F, Eighteenth Ohio Infantry, to serve three years. He was discharged November 28, 1862, by reason of his reenlistment in Company M, Fourth United States Cavalry, under the provisions of General Orders, 154, Adjutant-General's Office, of 1862. He enlisted November 28, 1862, in Company M, Fourth United States Cavalry, for three years, and served faithfully with that organization until August 25, 1865, when he deserted at Macon, Ga.

Applying for removal of the charge of desertion standing against him on the records of Company M, Fourth United States Cavalry, Stephen Feather, under date of March 25, 1897, testified as follows:

"That he is the identical Stephen Feather who was a private in Company M, in the Fourth Regiment of United States Cavalry; that he served faithfully until on or about the 20th day of August, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: About the last days of February or first of March, 1865, I was detailed on detached duty as blacksmith until about the 20th day of August, at which time the headquarters were broken up. The volunteer State soldiers were discharged and went home. I received no orders from any officer of my regiment or any other person to report to my company or regiment. I did not know at the time where my company was located, and, knowing that the war was over, I did not think that my services were necessary or would be required, never thinking that I was bringing upon my record the charge of desertion. Previous to my service in the Fourth United States Cavalry I had served one year in Company F, Eighteenth Regiment Ohio Volunteer Infantry, and was discharged upon my enlistment, as shown. Altogether I served over four years faithfully, and until the war was ended, before committing the mistake which I have always regretted."

The application for removal of the charge of desertion and for an honorable discharge in this case has been denied, and now stands denied, on the ground that it does not appear that at the time this soldier absented himself from his command he was suffering from wounds, injuries, or disease received or contracted in the line of duty, or that he was prevented from returning to his command by reason of such wounds, injuries, or disease before the expiration of his term of enlistment, and because the case does not come within any of the other pro-



visions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.  
Respectfully submitted.

F. C. AINSWORTH,  
The Adjutant-General.

WAR DEPARTMENT,  
The Adjutant-General's Office, May 16, 1908.

The SECRETARY OF WAR.

Mr. BEVERIDGE. Morning business is not concluded?

The VICE-PRESIDENT. The morning business is not concluded.

Mr. BEVERIDGE. I shall not object to the consideration of this bill, but give notice that hereafter I shall object to the consideration by unanimous consent of any bills until the morning business has been completed. I do not object to this one. It has already been called up and we had better dispose of it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BACON. Is what the Secretary has read the only report accompanying the bill?

The VICE-PRESIDENT. It is the only report.

Mr. BACON. Mr. President, I do not like to object to a matter of this kind. I listened very carefully to the reading of the report and I would not assume to take issue with the Committee on Military Affairs, but I do think this is one of the classes of cases that ought to be carefully scrutinized, as it involves the restoration of a man who is a confessed deserter to a position where he can come and claim a pension.

I happen to know something about the particular dates the applicant speaks of in his statement. If I understood it correctly, he states that he was detailed in February or March, 1865, in Macon, Ga., by General Wilson. I know that that is not correct, because I know from personal presence on the ground that General Wilson never came to Macon until April. In view of the fact that there is this discrepancy in this statement, I think the committee ought to look into it.

Then, as I understand the statement by this soldier, he went on to say that he was detailed in Macon, and that he left without knowing that he did not have a right to do so. Mr. President, that is a very loose statement to be made. Of course, if he belonged to a military command there, his command was there. I know that General Wilson was in Macon during the summer of that year, and it is not to be credited that this soldier was in a condition where he did not know that he was still a member of a military organization.

Mr. President, I am not going to take any issue, but I think the matter ought to be looked into by the Military Committee in view of the fact of the discrepancy which I myself know as to dates. Therefore I shall object to the present consideration of the bill.

Mr. BURKETT. I should like to say a word about this matter. This is the case of a soldier who served almost five years in the Army, until August 25, 1865. General Ainsworth says in his report that if this soldier had been one of those suffering from wounds, he would have been entitled to an honorable discharge and had his military record corrected. He enlisted back in the early part of 1861 and served, as I have said, until 1865. At the time he left the service he had been detailed for blacksmith duty. The camp was broken up in August, 1865. He did not know where his command was; he had no orders to go anywhere, and he simply went home. That is what the record shows. The record is entirely clear, and it is a good record for the soldier, until that time in August, after the war was over, when he went home, as a good many other soldiers did, and a good many of them have had their records corrected. He could not have his record corrected, because he did not have any wounds or disability which had been incurred in the service. That is the reason General Ainsworth says the Department can not correct his record.

I will say to the Senator from Georgia that the Committee on Military Affairs did give this bill consideration. The Senator from Missouri [Mr. WARNER], himself an old veteran of that war, had the matter in charge as a subcommittee. He went over this case carefully and has reported it; and I am always of the opinion that when an old soldier is willing to report favorably upon the record of a man who is charged with desertion, the rest of us can afford to rely on his report, because I know how well the old veterans guard the military roll of that war.

Mr. BACON. Mr. President, for reasons which will readily occur, I very seldom say anything about the matter of the correction of the record of a Union soldier or the question of pensions or anything else of that nature; but my attention was—

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. Permit me to finish the sentence, and then I will yield with pleasure.

Mr. President, my attention happened to be called, in hearing the reading of the statement by this soldier, to what was a misstatement, if I understood it correctly. I understood his statement to be that he was detailed at Macon in February or March, 1865, by General Wilson to do certain work, and I personally happen to know the fact that General Wilson did not come to Macon until the middle of April, 1865.

Mr. BURKETT. I will say to the Senator from Georgia that the report reads as follows:

About the last days of February or 1st of March, 1865, I was detailed on detached duty as blacksmith at General Wilson's headquarters, and served as headquarter blacksmith until about the 20th day of August, at which time the headquarters were broken up. The volunteer State soldiers were discharged and went home. I received no orders from any officer of my regiment or any other person to report to my company or regiment. I did not know at the time where my company was located, and knowing that the war was over I did not think that my services were needed, and went home not knowing that a formal discharge was necessary or would be required.

General Ainsworth adds further down in the report:

The application for removal of the charge of desertion and for an honorable discharge in this case has been denied, and now stands denied, on the ground that it does not appear that at the time this soldier absented himself from his command he was suffering from wounds, injuries, or disease received or contracted in the line of duty, or that he was prevented from returning to his command by reason of such wounds.

I do not find anything in the report involving the objection the Senator from Georgia raises, I will say.

Mr. BACON. The statement is distinctly made that this occurred at Macon, Ga., if I understood it correctly. Of course, the Military Committee can do as they please; I shall not undertake to take issue with them, but I call attention to the fact that there is a glaring misstatement of fact, if I understood the reading of the report correctly.

Mr. BURKETT. I do not find anything like that in the report, I will say to the Senator.

Mr. BACON. The report states that this occurred in Macon—that is what I understood to be read—and that it was in February or March, 1865, that General Wilson—

Mr. BURKETT. No; the report says the soldier deserted on August 25, 1865, at Macon, Ga.

Mr. BACON. Yes.

Mr. BURKETT. It does not say anything about where he went.

Mr. BACON. There was the place where he was detailed for blacksmith work.

Mr. BURKETT. He was detailed at headquarters, but it does not say when he went there. The record and the testimony show—

Mr. BACON. I know when he went there. He does not state when he went there, but I know when he went there.

Mr. BURKETT. There is no dispute, then, because he does not deny when he went there. The record shows when he left there, and he left there on the 25th of August.

Mr. BACON. Mr. President, I am going to object to the consideration of the bill, in order that the Military Committee may examine this matter. If they are satisfied, after an examination of the facts to which I have called attention, I shall make no further objection to the bill; but I do think, in view of the knowledge which I have of the discrepancy which I have stated, that the Military Committee ought to have the advantage of the opportunity for further investigation.

Mr. BURKETT. I submit that there is no discrepancy.

The VICE-PRESIDENT. Objection is made, and the bill will go over without prejudice.

Mr. ALDRICH. Did the Senator from Georgia object to the bill?

The VICE-PRESIDENT. The Senator from Georgia objected to the further consideration of the bill.

Mr. BACON. I did upon the ground that it was, as I understood—

Mr. ALDRICH. I hope the Senator from Georgia will listen to the Senator from Missouri [Mr. WARNER], who reported the bill, before he interposes an objection.

Mr. BACON. I will.

Mr. WARNER. Mr. President, I have no further explanation to make of the bill than that which appears in the report. From the report coming from the Adjutant-General, it seems that this soldier, according to the records, served honorably some four years; that he served until about the 20th of August, 1865, some months after the war closed. His case comes within, as I understand it, the rule of the Military Committee as to

soldiers who went home, as many did, not knowing really where their commands were. That is the explanation as to the question of fact.

As to the date referred to by the Senator from Georgia [Mr. BACON], of course I have no information further than that contained in the report.

Mr. ALDRICH. Was not this soldier in the Regular Army—not in the Volunteer Army?

Mr. WARNER. He was in the volunteers.

Mr. BACON. I could not hear what the Senator from Missouri [Mr. WARNER] said, but I do not want to detain the Senate about a matter of this kind. If, after the statement I have made, the Military Committee desires to proceed with the bill, I shall not object and will let it go.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 1, line 6, before the word "Regiment," to strike out "Eighth" and to insert "Eighteenth," so as to read:

That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records of the War Department against the name of Stephen Feather, deceased, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I certainly do not want to interfere in a case that has merit, but I understand from other Senators that this man was in the Regular Army and that he was not in the volunteer service at the time of the desertion. I think that ought to be cleared up. Probably the report does clear it up. As to that I do not know, as I did not hear the report read. If he was in the Regular Army, of course his plea that he did not know the war had closed, or something to that effect, would not hold.

Mr. BURKETT. He was not in the Regular Army, I will say to the Senator from New Hampshire. The Senator from Missouri [Mr. WARNER] has just stated that he was a volunteer soldier.

Mr. ALDRICH. Members of the Military Committee about me say that this soldier was a volunteer originally, but was at the time of the desertion in the Fourth Cavalry of the Regular Army.

Mr. GALLINGER. The report states:

That he is the identical Stephen Feather who was a private in Company M, in the Fourth Regiment of United States Cavalry; that he served faithfully until on or about the 20th day of August, 1865, when, without any intention of deserting, he left the regiment under the following circumstances.

Mr. President, as the man was in the Regular Army, I must object to the further consideration of the bill to-day.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill. The bill will go over without prejudice.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PARKER of New Jersey, Mr. CAPRON, and Mr. SLAYDEN, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. VREELAND, and Mr. BRUNDIDGE managers at the conference on the part of the House.

#### DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, agree to the conference asked for, and that the conferees be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

#### MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21875) making appropriation for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. FRAZIER as the conferees on the part of the Senate.

#### DATE ON CANNED MEAT, ETC.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate a resolution submitted by the Senator from Indiana [Mr. BEVERIDGE], coming over from a former day.

The Secretary read the resolution yesterday submitted by Mr. BEVERIDGE, as follows:

*Resolved*, That the Committee on Agriculture and Forestry be discharged from the further consideration of the bill (S. 912) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," approved March 4, 1907; and to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906.

Mr. BEVERIDGE. Mr. President, this is a bill about which there was some discussion on yesterday. It is a bill requiring the date to be put upon cans of meat or meat-food products. It was a part of the original meat-inspection measure. In this bill also is a provision putting the cost upon the packers, but, in view of my knowledge of the sentiment of many Senators upon the latter subject, I will say that I do not intend to press that portion of it at this time at all. The object of this motion is merely that the Senate may have an opportunity to act upon the bill requiring the date of canning to be put upon cans of meat and meat-food products.

I will say only one word with reference to that, because the facts are all familiar to the Senate and do not need any elaboration. This measure has passed the Senate twice without a dissenting vote. Everybody knew about it when it was passed. It has been before the Committee on Agriculture, all told, for practically two years. The facts involved in this proposition, the arguments that may exist against it—which were found to be very, very few—were all set out at great length when the meat-inspection bill was originally up in the hearings before the House committee. Those hearings were printed.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Certainly.

Mr. WARREN. Will the Senator kindly indicate where I may get a copy or copies of those hearings? I have spent some time since yesterday trying to get material on this subject, and I have before me all that I can find, and it is very, very little. I will be glad—and that is why I interrupt the Senator now—if he can tell me where the information is, in order that I may get whatever printed matter he may have or know of that bears upon this question.

Mr. BEVERIDGE. If the Senator has the House hearings, then he has all, I suppose, that he can get, for there is very little against the provision. If there is little against this provision, it is because there was little to be said against it. I read with great interest and with some astonishment at the time and heard statements made which at that time were chiefly directed to the fact, as I remember, that a large amount of old canned goods was on hand, and this would prevent the sale of it. I think if the Senator has it there, although I have not looked at it for two years, he will find that it was said by representatives of the packers that they would bring in the old canned meat upon which the label had become impaired so that it would look old, boil the label off, and put on a new label, so that the customer, the man who bought the meat and gave it to his wife and children to eat, would suppose that they were eating fresh meat, when, as a matter of fact, they might be eating meat eight years or ten years old, or even older than that.

This is a matter of tremendous human interest. I suppose there is not a single physician in this country who does not know that the statement of the Senator from New Hampshire



[Mr. GALLINGER], made on this floor with great feeling when this matter was up before, is true, that most of the cases of ptomaine poisoning among men, women, and children in this country come from the eating of old meat and meat-food products that have been canned. I have never yet heard one single objection to this measure of human safety to the health and life of the people. It has passed the Senate twice. It was rejected by the House conferees in conference. No objection has ever been made in this body or in any committee of this body to it. The people have been asking for it for two years. As I explained yesterday, it is no reflection whatever on the committee, for I personally know that to discharge the committee from the further consideration of the bill will not be offensive at all or will not be so regarded, at least by some members of the committee, and I think by a majority of that committee, and therefore, Mr. President, I make the motion.

Mr. FULTON. Mr. President, I do not wish to antagonize the efforts of the Senator from Indiana to bring this matter up and to secure consideration for his bill, but I can see that it is going to lead to very much discussion, and there is an important measure here that has been a long time reported from the committee—the omnibus claims bill. I have waited to secure consideration of that bill until the general appropriation bills and special appropriation bills were out of the way. A great many Senators are especially interested in the bill, because citizens of their States are widely interested. I can not, in justice to them and without a dereliction of my duty, refrain longer from moving to take it up. Therefore I move that the Senate now proceed to the consideration of House bill 15372, being the omnibus claims bill.

The VICE-PRESIDENT. The Senator from Oregon moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts.

Mr. BEVERIDGE. Mr. President, there are—

Mr. ALDRICH. I suggest that this motion is not debatable.

Mr. BEVERIDGE. The motion to discharge the committee is debatable. This is not a motion to proceed to the consideration—

Mr. LODGE. It is a motion to proceed to the consideration of a bill, and that motion is not debatable.

Mr. BEVERIDGE. Then I ask the Senator from Oregon to withhold his motion for a moment, until I can make my statement. I should certainly do so, if he desired, and I think any Senator would.

Mr. FULTON. Very well; I will withhold the motion so as to give the Senator from Indiana an opportunity to make the statement he desires, but will reserve the right to renew the motion afterwards.

Mr. BEVERIDGE. Certainly. Mr. President, the first reason given by the Senator from Oregon for asking for the consideration of the omnibus claims bill is that the measure that I am taking steps to have considered will cause some discussion. I do not think it will cause twenty minutes' discussion; but if it caused all that the Senator from Oregon apprehends, it would not cause one one-hundredth part of the discussion that the omnibus claims bill will cause. Yesterday the Senator from Oregon referred to the fact that we are in the closing days of the session, and the Senator and myself had a short colloquy upon that. If he is right, if we are in the closing days of the session, then the Senator, from his wide and accurate and careful experience, knows that the bill which he has moved to take up now can not possibly pass. Not only that, Mr. President, but we had before the Senate yesterday, and expect to have again to-day, a measure of very great importance concerning the compensation of Government employees injured in the course of their work. Proceeding to the consideration of the omnibus claims bill would mean, if we stood by our action in that particular, not only that we would not take up the bill to put dates upon cans of meat, not only that we could not take action with reference to the bill providing for the compensation of Government employees disabled or killed, but that we could do nothing at all except to discuss the omnibus claims bill, which, if the Senator is right in saying that we are in the closing days of the session, can not pass anyhow.

The other consideration, and a consideration which, in view of the motion which has been made, I think the Senate should observe is this, that this bill, which the Senator now moves, as he says in the closing days of the session, and which we know will take so much discussion that it can not pass if we are in the closing days of the session, has been before the Senate on the report of the Senator's committee since the latter

part of March. I am usually in hearty sympathy with the Senator from Oregon when he wants to take up a measure, but here this bill, in which he says so many Senators are interested, has lain, and when I moved to discharge the Committee on Agriculture that we may take up a measure which has passed the Senate twice, and which will probably not take any discussion, the Senator from Oregon, after the bill has been here before us since last March, moves for the first time or perhaps for the second time to proceed to its consideration.

The Senator said, and perhaps rightly, that many Senators are interested in this omnibus claims bill. Well, Mr. President, suppose that every one of them had some constituent who was interested in some one claim in this omnibus claims bill. The whole people of the United States are interested in the measure for putting the date upon cans, thus making the meat and meat food products contained in these receptacles not dangerous to health and life. Is the fact that some Senator here has an interest in a claim contained in the omnibus claims bill, which is now urged all of a sudden, at the closing days of the session, although it has lain here four months, of greater public interest than the health, the life, and the safety of the people? Is not the interest of 90,000,000 people as much public consideration as the interest of some Senators who want some claims considered in the omnibus claims bill, and of other Senators, no doubt, who do not want those claims considered, because we all know what occurs when an omnibus claims bill comes up here. It is always one of the most vexed subjects before the Senate.

No person knows better than I do the laborious, tedious, accurate, painful, and extended labor that the Senator from Oregon, as chairman of the Committee on Claims, has given to those measures, and he knows better than any other man in this Chamber that as a result of the adoption of his motion, if we stand by it afterwards, if it is not made merely for the purpose of preventing this bill of mine being taken up, not one other measure can be considered, much less passed, during the remaining days of this session.

Mr. President, even if the measure which I am now urging upon the attention of the Senate were not before us, even if we had to consider only those other large questions, one of which we were considering yesterday, and some other large ones that many Senators have before us, and even if I were not interested in the present bill which I have called before the attention of the Senate, I do not think, if it be true, as the Senator from Oregon says, we are in the closing hours of the session, that the omnibus claims bill should be considered before other great, urgent, human measures are considered.

Mr. FULTON. Mr. President—

Mr. WARREN. Mr. President, will the Senator from Oregon yield to me for a moment?

Mr. FULTON. If the Senator will not take much time.

Mr. WARREN. I desire to make a brief statement. I have no speech to make. The Senator from Indiana [Mr. BEVERIDGE] has made a statement here of the facts as he understands them, which is entirely erroneous so far as the proposition to put the dates on cans of meat and meat-food products is concerned. The matter has had no consideration whatever before any Senate committee, nor has the Senate yet granted any hearings on the subject. As a matter of fact, the original subject-matter passed this Senate, together with the meat-inspection bill, as an amendment offered on this floor and unanimously adopted without due consideration or debate during the season of hysteria that followed the publication of the book called "The Jungle," by some fellow whose name I do not happen to remember now. It went to conference. The House would not agree to it. It came back here, and the canning part of the business was cut out on the Senate floor or in conference.

Mr. BEVERIDGE. Mr. President, will the Senator permit me a moment?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. Certainly.

Mr. BEVERIDGE. Since the Senator recalls the history of that great contest, I will say to the Senator that the bill passed the Senate, went to the House, and came back first from the House committee with nearly everything cut out. It was, as it was first reported to the House, practically an innocuous measure. It was only after a desperate battle, which aroused the interest and the indignation of the whole American people, that every feature of the original Senate bill, except two, was put back; and the two that were not put back were the provision in regard to the date on the cans and the one placing the cost of the inspection on the packers.

Mr. WARREN. I hope the Senator will simply state facts, and not argue the case, because I intend to be brief.

Mr. BEVERIDGE. That is precisely what I am doing. Those are the facts about that matter.

Mr. WARREN. I have some facts here, and, with the consent of the Senate, I want to make this statement.

Mr. BEVERIDGE. That is the statement.

Mr. WARREN. I think the Senator ought to defer further interruption when I am occupying the floor by courtesy of the Senator from Oregon [Mr. FULTON]. The Senator says that it passed the Senate a second time. That is true, because it was well known when it passed here that it would be thrown out in conference. Perhaps the Senator did not know it, but every other Senator on this floor who had made any inquiry knew it. Now, if it had been reported from the Agricultural Committee the other day when it was requested, it would have been reported adversely. The Senator is informed, so he says, that they have had hearings over in the House committee. Certainly he will not claim that one of these parties has had any hearing before the committee of the Senate.

Mr. BEVERIDGE. I never did say so.

Mr. WARREN. The Senator said yesterday that they had had hearings before the House. I hold here in my hand a volume of the 1908 hearings of the House containing something like 1,000 pages, and I will read all that was said on this question before the committee of the House.

Mr. COLE, of that committee, said:

Mr. Chairman, I was not here yesterday, and I would like to ask one question. How is the meat inspection coming on; is it satisfactory?

Doctor MELVIN said—and, by the way, he is head of the Bureau of Animal Industry of the Agricultural Department:

Doctor MELVIN. Very satisfactory.

Mr. COLE. Are you asking for any amendments of the law?

Doctor MELVIN. No, sir; we have not asked for any this year. We considered it advisable to work under the present law for two or more years and ascertain very definitely whether any essential changes were necessary before suggesting any. There have been several of minor importance that have occurred to me, and probably next year we may come in with a recommendation for these minor changes.

That is all there is in the hearings of the House this year.

Mr. GALLINGER. Will the Senator from Wyoming permit me?

Mr. WARREN. Certainly.

Mr. GALLINGER. Could the Senator in a few words tell the Senate why the date should not be put on the can?

Mr. WARREN. I am not permitted, as I view it, under the unanimous consent of the Senate to debate this question just now, as there is a motion before the Senate to proceed to the consideration of the omnibus claims bill. I will do that at the proper time.

In the hearings of the House for last year there is less than half of a page, and that only indirectly refers to this can-dating matter. If the Senator wishes, I will have it read at the desk. Does the Senator wish to have it read? There is less than a half page in the entire book of hearings. These two short unimportant items represent everything that has been done and said as to affording hearings to the outside world and those vitally interested. If the Committee on Agriculture of the Senate has a chairman who favors this measure, as the Senator assures us it has—and I have no reason to doubt it—

Mr. BEVERIDGE. I have his letter.

Mr. WARREN. He is certainly as safe with this subject in the hands of that committee as any other. The committee has not yet properly considered this question. On the other hand, here I have requests without number, letters and telegrams, sent me by great associations, great industries, asking to be heard.

Mr. BEVERIDGE. Not without number.

Mr. WARREN. Retail grocers' associations, the wholesale grocers' association, the packers' association, and others without number.

Mr. PERKINS. I will ask the acting chairman of the Committee on Agriculture if the author of the bill or any friends of the measure have asked for a hearing before the Committee on Agriculture?

Mr. WARREN. Not, that I know of. It seems to be an individual matter resting alone with the senior Senator from Indiana [Mr. BEVERIDGE].

The members of the Committee on Agriculture, so far as I know their feeling, are ready to take up this question, are ready to have hearings, and are ready to consider whether the cans shall be labeled with the date, as to meats, and whether they shall label the cans which contain vegetables, such as corn and tomatoes, and fruit, and so forth.

Mr. BEVERIDGE. That is not included in this bill.

Mr. WARREN. True, but it is well known to those who have studied the question—it is well known to those who have used corn, tomatoes, and other vegetables from cans, that ptomaine

poisoning exists in far more instances in them than in tinned meat, and occurs there in the ratio of 3 to 1, as compared with canned meats.

Mr. FULTON obtained the floor.

Mr. BEVERIDGE. Will the Senator from Oregon withhold his motion until I can answer the Senator from Wyoming?

Mr. FULTON. I hope the Senator from Indiana will not insist upon that request.

Mr. BEVERIDGE. The Senator from Wyoming has made certain statements of fact.

Mr. FULTON. The Senator can see it is going to lead to interminable debate. The Senate understands the situation very well. If it is opposed to taking up the bill which I have brought forward, it will say so. Then the Senator from Indiana can proceed.

Mr. BEVERIDGE. I desire to correct one or two misstatements unintentionally made by the Senator from Wyoming.

Mr. FULTON. One or two corrections will lead to a half hour's debate. I must insist on proceeding with the motion. I trust the Senator from Indiana will not consider it discourteous; but I have given way now to one on each side.

Mr. NELSON. Will the Senator from Oregon yield to me for a moment?

Mr. FULTON. What is it the Senator wants?

Mr. NELSON. I desire to report a bill from the Committee on Commerce and to ask for its present consideration. It is a very short bill.

Mr. FULTON. I will yield with the understanding that it leads to no discussion.

#### RIVER AND HARBOR IMPROVEMENTS.

Mr. NELSON. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 22009) authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes, to report it favorably without amendment. At the instance of the chairman of the committee, who is absent, I ask unanimous consent for its present consideration. I desire to state that it is simply a modification in a few instances of river and harbor appropriations of last session. It makes no new appropriations. It simply allows a modification and diversion in a few instances. That is all.

The bill was read the first time by its title.

Mr. ALDRICH. Let the bill be read.

The bill was read the second time at length, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to remove, or cause to be removed, certain reefs from the main ship channel, Key West Harbor, Florida, mentioned in a report made by Lieut. L. H. Beach to the Secretary of War on February 1, 1908, and the sum of \$5,000 of the amount heretofore appropriated for improving the harbor at Key West and entrance thereto under the river and harbor act approved March 2, 1907, or so much of said sum of \$5,000 as may be necessary, is hereby made available for such purpose.

Sec. 2. That the unexpended balance of the amount heretofore appropriated for the improvement of Chicago Harbor, or so much thereof as may be deemed advisable, be, and the same is hereby, made available, in the discretion of the Secretary of War, for expenditure on the existing project for the Chicago River.

Sec. 3. That so much as may be necessary of the amount heretofore appropriated, or authorized to be appropriated, for the maintenance of the South Pass of the Mississippi River, or for examinations and surveys of the South Pass of the Mississippi River, or for the improvement of the Southwest Pass of the Mississippi River, may, in the discretion of the Secretary of War, on the recommendation of the Chief of Engineers, United States Army, be used in dredging shoals in the said river between Cubits Gap and the Head of the Passes whenever it may become necessary to secure a depth of channel through said shoals of 35 feet, with a practical width.

Sec. 4. That the Secretary of War may, in his discretion, apply the whole or any part of the unexpended balance of the amount heretofore appropriated for the improvement of the Duluth-Superior Harbor, Minnesota, to dredging inside the Duluth entrance thereto, as recommended in House Document No. 221, Sixtieth Congress, first session.

Sec. 5. That the provision in the river and harbor act approved March 2, 1907, relating to the construction of the Sandy Lake Reservoir Dam, Minnesota, is hereby amended by striking out the words "without a lock for steamboats."

Sec. 6. That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend and to enter into a contract or contracts for the expenditure of so much as may be necessary of the amount heretofore appropriated or authorized to be appropriated for the improvement of the harbor at Milwaukee, Wis., for the improvement of the Kinnickinnick River or any part thereof inside the harbor, as heretofore provided by law, whenever and as soon as the city of Milwaukee shall have complied with the provisions set forth in House Document No. 120, Fifty-eighth Congress, second session, and authorized by the river and harbor act approved March 3, 1905, and as amended by the act entitled "An act to amend the river and harbor act of March 3, 1905," approved June 30, 1906, so far as said provisions apply to the improvement of said Kinnickinnick River or any part thereof.

Sec. 7. That the whole or any part of the amount heretofore authorized to be appropriated for the construction of a dredge for Mobile Harbor, Alabama, with the exception of \$5,000 for the preparation of plans for said dredge, may be used for dredging said harbor, and the Secretary of War, in his discretion, may enter into a contract or contracts for the performance of the work.



Sec. 8. That to make effective the provision in the river and harbor act approved March 2, 1907, for a survey of the Neversink River, New York, with a view to the removal of bars and other obstructions at and near its mouth, the scope of such survey be enlarged so as to include the Delaware River at and near the mouth of the Neversink River.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OMNIBUS CLAIMS BILL.

Mr. FULTON. I now renew the motion that the Senate proceed to the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts.

Mr. BEVERIDGE. That motion, if successful, will preclude the consideration of any other bill by the Senate unless there is a subsequent motion agreed to to take up something else.

Mr. ALDRICH. That would be true only up to 2 o'clock.

Mr. BEVERIDGE. Yes; the morning hour would be taken up.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon to proceed to the consideration of the bill indicated by him.

Mr. BEVERIDGE. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from Arkansas [Mr. CLARKE] to the amendment of the committee. It will be stated by the Secretary for the information of the Senate.

The SECRETARY. On page 40, line 14, after the word "Arkansas," it is proposed to insert "four thousand," so as to make the paragraph read:

To the trustees of the Methodist Episcopal Church South, Clarks-ville, Ark., \$4,400.

Mr. OVERMAN. Mr. President, I do not understand the procedure. Is the bill to be read through now, or are amendments to be considered as offered in the Senate?

Mr. FULTON. I could not understand the Senator from North Carolina.

Mr. OVERMAN. Has the bill been read to the Senate?

Mr. FULTON. We are now about to read the bill.

Mr. OVERMAN. I understood the Secretary to state an amendment offered by the Senator from Arkansas [Mr. CLARKE].

Mr. FULTON. The bill has been read to line 13, on page 40, I think.

Mr. OVERMAN. Have all of the Senate committee amendments been read?

Mr. ALDRICH. I would ask that the agreement under which the formal reading of the bill was dispensed with be read, in order that we may know under just what order we are proceeding.

Mr. FULTON. The former understanding—

Mr. ALDRICH. I think it had better be read at the desk.

The VICE-PRESIDENT. The Record is not at hand. The Chair will have it sent for.

Mr. OVERMAN. Mr. President, I do not understand the situation. Have all the Senate committee amendments been adopted?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. FULTON. I do not understand the Senator from North Carolina.

Mr. OVERMAN. I want to understand if the Senate committee amendments to the bill have been adopted.

Mr. ALDRICH. No. The bill has not been read through.

Mr. FULTON. The bill has not all been read.

Mr. OVERMAN. Then why should the amendment offered by the Senator from Arkansas be read at this time?

The VICE-PRESIDENT. Amendments to committee amendments are in order.

Mr. ALDRICH. If there is no agreement and no record of any agreement, I ask that the regular order be followed.

Mr. BEVERIDGE. That the bill be read for committee amendments?

Mr. ALDRICH. Let the bill be read anyhow—the first formal reading of the bill.

Mr. WARREN. Mr. President, when the bill was up before it was requested—and I think the request was granted—that it should be read thoroughly, because there may be errors, omissions in names, amounts, and so forth, to be corrected as the reading progresses.

Mr. FULTON. The Senator from Rhode Island—

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. In one moment. I wish to make a statement. I understand that the Senator from Rhode Island requested that the agreement under which we proceeded on the prior consideration of the bill be read. I wish to inquire whether or not the Clerk has the agreement at hand.

The VICE-PRESIDENT. The Clerk does not have it in hand. The Chair has sent for it, and as soon as it is here it will be submitted to the Senate.

Mr. FULTON. At the time the agreement was made I stated what the understanding was. As I recall it, it was that we proceed with the reading of the bill, and that the committee amendments should be first considered as they were reached, and that no other amendments should be offered until the committee amendments had been disposed of. Where a committee amendment was proposed, an amendment to it could be offered at the time. It was under that arrangement, as I recall it, that the Senator from Arkansas proposed the amendment on page 40. Pending the consideration of that amendment, the bill was laid aside.

The VICE-PRESIDENT. The Chair has the Record of the date when the bill was last before the Senate.

Mr. FULTON. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALDRICH. I beg the Chair's pardon.

The VICE-PRESIDENT. The Senator from Oregon asked that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered; and it was so ordered by the Senate. The bill will now be read for the consideration of committee amendments.

Mr. HOPKINS. Mr. President, I have not had an opportunity to examine the bill. There are certain interests in my State that had claims before the committee. I think some of them were considered in the House. I observe in the bill I have before me that thirty-five pages purport to be the bill as passed by the House, and all of those claims seem to have been disallowed by the Senate committee.

Mr. FULTON. I will explain to the Senator how that is. This bill consists, as the Senator will see, of a great many items; and they are grouped by States. In reporting amendments to the House bill there seemed to be two ways only. One was to strike out all of the House bill after the enacting clause and then report an amendment which would include the items as they came from the House, together with such additional items under each State heading as the committee determined in favor of. That obviated the necessity of reporting an amendment under each State and a separate amendment for each separate item. That, I understand, has been the course pursued always in reporting the omnibus claims bill from the Senate committee.

Mr. GALLINGER. So the bill contains all of the House provisions?

Mr. FULTON. If the Senate will allow me, I will make a little further statement. I ought to make it in order to give an understanding of the situation. The amended bill as reported by the Senate committee reinstates practically all of the House items. A few were omitted. This bill was reported once before by the Senate committee. When it was printed I discovered that through an error a number of items had been included which, under the rule that had been adopted by the committee, should have been excluded. I therefore asked to have the bill rereferred, and I sought to eliminate all such items, and reported the bill as the Senator now sees it, on the 16th day of March, 1908, with a number of House items and a number of items that had been in the previous report eliminated. That led to a great deal of dissatisfaction, because a number of Senators on the first report of the bill had notified constituents that their items were included in the bill. Realizing the embarrassing position it put them in, I said heretofore when the bill was up, and I state now that so far as I am concerned, I am willing to accept amendments reinstating all those items which appeared in the first bill that was reported by the Senate committee. I have prepared here a number of committee amendments—

Mr. McCREARY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. FULTON. In just a moment. I have prepared here in the shape of committee amendments to be offered these items that were excluded, and I shall offer them under the head of

the respective States as they are reached in the reading of the bill. Now I yield to the Senator from Kentucky.

Mr. HOPKINS. Just a moment.

Mr. McCREARY. I notice in this bill that the first thirty-five pages—

Mr. HOPKINS. Mr. President—

Mr. FULTON. I have yielded to the Senator from Kentucky.

Mr. McCREARY. Have been stricken out. There are lines drawn through them. Are all those claims in some other part of the bill?

Mr. FULTON. That is a phase of the matter I have just been attempting to explain.

Mr. McCREARY. I did not hear the Senator.

Mr. FULTON. The committee, in considering the bill as it came from the House, pursued the course that has been followed heretofore in reporting these omnibus claims bills. The practice is to group various items under the heads of the States where the parties interested reside. There are always a great many amendments to be reported by the Senate committee. If we should report every item separately for each State, it would involve a vast number of items and a vast amount of labor and take an interminable time to dispose of them. Therefore the practice has been adopted of reporting an amendment striking out all the items in the House bill and then preparing, in the shape of one amendment, all the House items that are to be retained and the Senate items that are to be inserted.

Mr. McCREARY. I wish to ask the Senator another question. I have a number of amendments to offer to this bill, but I understand there is some agreement that we shall concur in the amendments of the committee in the first place, and that other amendments shall not be offered.

Mr. FULTON. I am not in a position to say there has been any agreement. I think there is a tentative understanding that no amendments will be proposed, at least so far as concerns the so-called "war claims" and "church claims."

I have found this to be the situation. If we include any more items in this bill, there will be no possibility of having it ultimately passed.

Mr. ALDRICH. I want to ask the Senator from Kentucky whether the agreement to which he refers is a public or private agreement?

Mr. McCREARY. I do not understand the Senator from Rhode Island.

Mr. ALDRICH. I want to find out whether the agreement of which the Senator from Kentucky seems to have some knowledge is a public or private agreement.

Mr. McCREARY. I was myself endeavoring to get some information. I have some amendments to offer, but I have been told that there was such an agreement, and I was endeavoring to get some information from the chairman of the committee as to the agreement to which the Senator from Rhode Island refers. I am willing, if no other individual amendments are to be offered—so anxious am I to get the bill through as it is—to refrain from offering amendments.

Mr. FULTON. Whatever agreement exists is purely of a private nature, and is simply an understanding that has grown out of numerous conversations I have had with Senators representing those States whence come the great body of the items in the bill commonly called "war claims"—claims growing out of the civil war. I have said to them that I could not consent to urge the passage of this bill if more of those claims were going to be attached than those which I proposed to the bill by reinstating the items which I have explained were stricken out, because I know it would be utterly useless to present the bill in that shape—that is, with many more items added—and hope to secure its passage.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. Certainly.

Mr. HOPKINS. What I desire information upon is the interest that Illinois has in this bill. I find on pages 8 and 9 of the House bill that there are sixteen or more different claims that were regarded as meritorious by the House committee and by the House, and received favorable consideration in that body. All of those claims have been stricken out by the Senate committee, and on pages 111 and 112 I find five or six claims allowed to persons in Illinois which seem to be in favor of entirely different parties than those represented in the bill as it passed the House. I should like to know from the Senator in charge of the bill why this wholesale rejection of House items has been made.

Mr. FULTON. If the Senator will allow me, I think on further investigation he will find that these items are all there.

Mr. HOPKINS. That can not be possible.

Mr. FULTON. Those are what are known as the difference between shore and sea pay claims. We have added a great many such items, but we collected them all together under one head.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Certainly.

Mr. SMOOT. I call the attention of the Senator to page 47 of the bill he has in his hand, and he will find there the items, commencing with "Martha J. Bowen," that were on pages 8 and 9 of the bill, which were there stricken out.

Mr. HOPKINS. I find that the Senator from Utah is correct as to some of the items. I thank him very much for calling my attention to that part of the bill.

The reason why I raised this question was because I had understood from the chairman of the committee that these claims were classed under the States, and finding "Illinois" on page 111 I supposed that the items for Illinois in the bill were under that heading.

Mr. FULTON. That applies to a certain class of items. There are certain classes of items, as the difference between shore and sea pay and the French spoliation claims, that are grouped under their respective headings.

Mr. HOPKINS. Without taking any further time of the chairman of the committee, I should like to ask him if all the claims from Illinois that were favorably passed upon in the House are in the bill?

Mr. FULTON. They are not all in the printed bill, but I have arranged to offer amendments under the head of each State, reinstating every one.

Mr. HOPKINS. So the claims that were favorably passed upon in the House will receive favorable consideration here?

Mr. FULTON. Such as do not appear in the printed bill I expect to propose amendments to reinstate.

Mr. PAYNTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. FULTON. Certainly.

Mr. PAYNTER. I understood the Senator from Oregon to state that there was no agreement with reference to offering amendments to the bill.

Mr. FULTON. I said no public agreement.

Mr. PAYNTER. I mean public agreement. But I understood the Senator to say that there was a private agreement, or arrangement, or tacit understanding in regard to proposed amendments, and I wish to know if that has reference alone to war claims.

Mr. FULTON. I do not say it precludes them.

Mr. PAYNTER. What I am trying to get at is this: If a Senator has what he considers a meritorious claim—other than a war claim—to present by an amendment should the private arrangement mentioned by the Senator from Oregon stand in the way of his doing so? In other words, does the agreement relate only to war claims?

Mr. FULTON. The only request, so far as I was concerned, applied to war claims. I say I have no understanding, but I have talked with certain members. I will say to the Senator that I expect to oppose as earnestly as I can every character of amendment except those the committee have prepared and will report, and if more go on—and of course if some go on, others will—the bill may as well be dropped, and the probability is that I shall drop it.

Mr. PAYNTER. I understand that the Senator from Oregon will offer amendments to the bill, which will embrace all claims omitted in this bill which were embraced by the House bill.

Mr. SMOOT. I wish to say, Mr. President, if this bill is to pass at all, it is to pass as it is now, and there are no claims to be offered and accepted by the committee other than those which are in the original bill and those which will be offered by the chairman of the committee. Any further claim than those offered by the committee is going to be opposed.

Mr. TELLER. Mr. President, I have no special interest in the bill; I am not on the committee; but there is one thing I want to suggest to the Senator from Oregon. No private arrangement can bind the Senate. No understanding between himself and members of the body can bind the Senate or any Senator in moving any amendment he may see fit.

Mr. FULTON. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. FULTON. I hope the Senator did not understand me as contending otherwise. I could not bind the Senate, and I do not undertake to bind the Senate. I said there was no public



agreement, but we had this understanding. Otherwise, I knew it would be utterly useless to attempt to bring up the bill.

Mr. TELLER. What I want to say is that the committee can not come here with any private arrangement that will bind anybody.

Mr. FULTON. I have yet to hear of anyone who contends that such an agreement could bind anyone.

Mr. ALDRICH. Mr. President, I should like to ask the Senator from Oregon what proportion of the bill in items and in amounts provides for the payment for the use or destruction of property during the civil war.

Mr. FULTON. I have it here in the report. There are miscellaneous Court of Claims findings under the Bowman Act provided for in the bill, and they are nearly all of the character the Senator mentions.

Mr. McLAURIN. I did not catch what the Senator from Oregon said.

Mr. FULTON. I was about to state that the bill carries, as presented here, \$2,200,001.82.

Mr. OVERMAN. May I ask the Senator a question?

Mr. FULTON. In just a second, if the Senator will bear with me. The amendments I propose to add will carry it up, as I recall it, to something like \$150,000, or more, in addition.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. In just a moment. I wish to answer the Senator from Rhode Island.

Of this amount \$985,747 are Court of Claims findings, almost entirely confined to the class of claims known as war claims. Miscellaneous claims which have heretofore been approved by committee or committees and passed one or both Houses amount to \$533,453. These are very largely—I suppose I may safely say 80 or 85 per cent—claims of this character. So I think it is easy to say that two-thirds, and then I am on perfectly safe ground, are of the character of claims known as war claims.

Mr. OVERMAN. What proportion of those are church claims?

Mr. FULTON. A very large proportion. I would not undertake to state without having made some investigation, so as to arrive at a conclusion, but a very large proportion of them are of that character.

Mr. OVERMAN. About three-fourths.

Mr. FULTON. No; I should not say three-fourths, but I should say nearly half.

Mr. OVERMAN. Half are for churches?

Mr. FULTON. I should think so.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Rhode Island.

Mr. FULTON. I yield to the Senator.

Mr. ALDRICH. Mr. President, the civil war closed forty-three years ago. There have been each year during that period appropriations made for property used and destroyed during the civil war. Those appropriations unfortunately are increasing in amount. There should be some limitation placed upon this kind of appropriations. Congress has erected machinery; I will not undertake to say but that the machinery is used properly, but it is turning out claims forty-three years after they arose and when there can be no witnesses or testimony on the part of the Government, or very few witnesses in any event, as to the character of the claims or their validity.

It seems to me that there ought to be an end to this somewhere. I think Senators upon the other side and upon this side ought to agree that there should be some legislation looking to a suspension of this work of paying claims nearly half a century after they arose. I am quite sure the Senators from the Southern States, the States where most of these claims arise, would be very glad to be relieved of the responsibility of this continuous performance of taking up and considering claims of which they themselves can have but very little knowledge. I hope this committee or some committee will at a very early day bring in here some legislation that will bring this matter to a close.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. FULTON. In just a moment. I wish to make a suggestion in response to the observations of the Senator from Rhode Island.

The only way I can see by which we can approximate the desired end suggested by the Senator from Rhode Island—for it is an end very much desired—is to repeal section 14 of what is known as the "Tucker Act." I have prepared an amendment

which I propose to offer to this bill repealing section 14 of the Tucker Act, under which, and only under which, can claims of the character the Senator mentions be referred to the Court of Claims. We have on the statute books to-day legislation which bars all of those claims.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. FULTON. I will yield in a moment, if the Senator will kindly wait. I have his request in mind, but I want to explain this matter while I am upon the subject.

We have in the statutes now laws which bar by limitation all of these claims, but Congress refers them to the Court of Claims, parties go before the court and prove their claims, and, as the Senator from Rhode Island says, the Government is absolutely helpless and at their mercy. They go down and they dig up an old servant, who testifies that he was alive at the time, that he remembers the situation forty-five or fifty years ago, and that he knows at that time they had exactly so many yellow hens, so many turkeys, so many spotted calves, so many heifers, and so forth, and makes a complete inventory. Nobody can say that he does not know it, because nobody else knows anything about it; the Government is barred; and the result is that the court is of necessity compelled to return findings in favor of the claimant.

Now, the only way I can see to bring the consideration of these claims to a close is to repeal section 14 of the Tucker Act, under which this class of claims is referred to the Court of Claims. That would not do away with referring to the Court of Claims matters arising out of contract or any other just claim against the Government, because they can all be referred under the Bowman Act. The Bowman Act, however, expressly excludes the reference of this character of claims, and they are provided for under section 14 of the Tucker Act.

I intend, when we reach that point, to propose an amendment which will repeal section 14 of the Tucker Act.

Now I yield to the Senator from Mississippi.

Mr. McLAURIN. Mr. President, I do not suppose there is any Senator more anxious to get final adjudication of all the questions of claims that can be propounded than I am. I take it that every Senator is anxious to get that done, and it can be done by the repeal of both the Bowman and the Tucker acts. But when that is done there ought to be some provision within a certain limited period of time when those who have claims which they want to assert against the Government for the destruction—or if not for the destruction, then for the use—of their property by the Federal Government to present those claims and have them adjudicated.

Mr. FULTON. I call the Senator's attention to the fact that that has been done in previous statutes, and that the time limit has long since expired. But these claims are referred to the Court of Claims, and we tell the court to find whether or not there is any reason advanced or excuse offered whereby the bar of the statute should be waived. Of course the claimants can always offer something. They will say they were sick—

Mr. McLAURIN. Will the Senator allow me to continue, and not take me off the floor?

Mr. FULTON. I was merely answering the Senator's remark.

Mr. McLAURIN. There was what was known as the "Southern Claims Commission," which, as I understand, lasted about two years. It was established shortly after the war. Nobody who did not go through that period in the South has any conception of the confusion that existed there.

#### COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT. The Senator from Mississippi will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. If no one desires to speak on the joint resolution, I should like to have a vote.

Mr. FORAKER. Mr. President, I can not say that I especially desire to speak, but I do desire to express my appreciation of the indulgence Senators have shown me in from day to day continuing this matter until I could be present. I appreciate that consideration very much, indeed.

Inasmuch as the matter is before the Senate, this is probably an opportune time to call attention to a report that has been sent here by the Interstate Commerce Commission since we last had the joint resolution under consideration.

Mr. FULTON rose.

Mr. FORAKER. Before I proceed, let me ask the Senator from Oregon if I am interfering with him.

Mr. FULTON. I only wanted to inquire of the Senator about how much time he will take up with the consideration of the pending joint resolution, because I wish to give notice that immediately on the conclusion of the consideration of the matter the Senator has in hand for the present I shall move to proceed with the consideration of the omnibus claims bill.

Mr. FORAKER. I would be glad to give the Senator an intelligent and satisfactory answer, but that is impossible. I do not know whether any other Senator wants to speak on the pending joint resolution or not. I want to speak very briefly, and not exactly in opposition to it. I think it is perhaps true, as some Senators are insisting, that some kind of action ought to be taken. Yet I do not feel so much impressed with the necessity for action as I was before we had laid before us the reports to which I am about to call attention.

I was proceeding to say when the colloquy occurred between the Senator from Oregon and myself, that when I was last addressing the Senate on this subject, a week or more ago, I called attention to the fact that the Interstate Commerce Commission, in answering the resolution which the Senate had passed calling for information on this general subject, had made, with respect to the information called for in regard to the Western Maryland Railroad, the following statement. I read the third paragraph of this first answer just as it was sent to the Senate:

Third. Since the Senate resolution was received we have communicated by telephone with the receiver of the Western Maryland Railroad, and are informed by him that he is not complying with the provision in question. He further states that his reasons for such non-compliance will be furnished to the Commission at an early day. When those reasons are received they will be transmitted to the Senate.

The remarks I made on the occasion referred to were influenced somewhat by that character of report on that particular point. I expressed the hope at that time that the Senate would not be required to take action on the joint resolution until we had this supplemental report from the Interstate Commerce Commission, communicating to us what in fact were the reasons why the receiver, according to their report, of the Western Maryland Railroad was not complying with the law.

A day or two later, and while I was confined at my house with illness, the Interstate Commerce Commission sent to the Senate what has been printed as Senate Document No. 478. It is a communication dated May 13, 1908, but it was not received by the Senate, I believe, until two or three days after that date. It is a mere submission of a communication which the Interstate Commerce Commission has received from the receiver of the Western Maryland Railroad Company. The communication is dated May 11, 1908. The Interstate Commerce Commission submitted it without any comments whatever. The second paragraph of the receiver's report, made to the Interstate Commerce Commission and by the Interstate Commerce Commission submitted to the Senate, is as follows:

The Commission is in error in its understanding, as stated to the Senate, that it is informed by me that, in the operation of the Western Maryland Railroad, I am not complying with the commodity clause of the Hepburn bill. I had no intention of so informing the Commission, and such is not the case, your telephone inquiry having been either misunderstood by me or my reply to your representative at the telephone having been misconstrued.

It makes a great deal of difference, Mr. President, if it be true, as stated by the receiver, that instead of not complying with the law he is in fact complying with the law. But whether he is in fact complying with the law is a mere deduction, as appears from what follows, and it is a deduction with respect to which I submit there may be a difference of opinion. There is certainly room for a good deal of doubt and debate.

The receiver attaches to his formal report a number of exhibits. The first is an official report made by the president of the Western Maryland Railroad Company, Mr. B. F. Bush, who is also the receiver, dated March 4, 1908, to the board of directors of that company. This report was made by him prior to the appointment of the receiver; it is a report setting forth the necessity for the appointment of a receiver. It sets forth the general financial situation of the company and its inability to meet its maturing liabilities. Speaking of the different liens upon the property of the company, he says, commencing at the bottom of page 3:

The general lien and convertible mortgage of the company is in greater degree, and the stock vitally, interested in the preservation of the coal revenues of the company from the adverse conditions of the commodity clause of the rate bill.

That clause is as follows:

I ask the Secretary to read down to the point I have indicated.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of

Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole, or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

The coal properties of this company are rightfully owned and operated under charter of the State of West Virginia, and the transportation and commercial features of the company's coal business have been so conducted that no charge of improper methods or abuse of any character was forthcoming in response to the invitations for complaints extended by the Federal Commission in its protracted investigation of the methods and business of the coal producing and coal carrying roads. The coal properties are a material part of the security for the company's mortgages and the revenues from its coal business can not be sacrificed or seriously diminished without materially affecting income applicable to its junior securities. The law can not be generally observed, in the extreme construction of which it is susceptible, without either a wholesale marketing of coal lands, impracticable except at appalling loss to proprietary and mortgage interests, or a restriction of production to the fuel requirements of the roads, entailing vast loss of revenue to them and inevitable exactions from the public.

In such a possible extreme construction of the law any other course than one of these two, no matter how confidently and in what good faith adopted, may be adjudged an evasion not protecting against the extreme penalties prescribed for infractions of the law.

It is proper to state that in the opinion of counsel there is substantial ground for the view that this feature of the rate bill, if constitutional, is not applicable to this company's situation, and that even if this be not so, it is practicable to so modify this situation, without materially affecting revenues, as to meet any just purpose of the law. But to mistakenly treat the law as inapplicable or to make any mistaken change in the company's relations to its coal interests, with a view to avoid its application—in short, to make, even for a brief period, any mistaken forecasts of the judgment of the courts—involves the risk of incurring penalties in overwhelming accumulation.

I think it must be clear that the law can not be ignored until it has been declared invalid by the court; that it can not safely be treated as inapplicable except with the sanction of the court, and that, if valid, the relations of the company to its coal interests can not be safely and conclusively remoulded except with the approval of the court.

Mr. FORAKER. In accordance with the recommendations made by the president of the company in that report from which the extract has just been read, a receiver was applied for within a day or two after the date of that report. I have not the exact date before me, but that is not material. It was almost immediately thereafter. The complainant bringing the bill upon which a receiver was appointed was the Bowling Green Trust Company, which was the trustee named in the mortgage that has just been referred to. There were two or three different mortgages, but it is the general lien and convertible mortgage that I refer to. In the bill asking for the appointment of a receiver occurs the following, which I will ask the Secretary to read as indicated.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

"Twelfth. Your orator further alleges and shows that the West Virginia Central and Pittsburgh Railway Company, all of whose capital stock is, as hereinabove set forth, pledged and deposited with the Mercantile Trust Company, as trustee of the first mortgage of the defendant company, and constitutes a part of the trust estate under said general lien and convertible mortgage to your orator, as trustee, is, as duly authorized by its charter, and has for a long time been, the owner of certain valuable and extensive coal lands, coal mines, mining rights and mining operations, located in the State of West Virginia, embracing a coal area of over 100,000 acres in extent, and that said coal properties form a substantial and valuable portion of the security for the bonds of the defendant company; that in and by an act of Congress entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906," it is provided, among other things, as follows:

"From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity other than timber and the manufactured products thereof, manufactured, mined, or produced by it or under its authority, or which it may own or hold in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

Your orator alleges, on information and belief, that serious questions may be presented and asserted under the provisions of the act of Congress above recited as to the application of the same, if constitutional and valid, to the defendant company by reason of its ownership of all of the stock of the West Virginia Central and Pittsburgh Railway Company, pledged as hereinbefore mentioned, and that a determination of said questions, which can only effectively be had in the courts, is material and vital to your orator and to the holders of said general lien and convertible bonds of the defendant company. That a large part of the revenues of the defendant company applicable to the payment of the interest upon its general lien and convertible mortgage bonds is derived through the transportation by the defendant company of coal mined from the property owned by the West Virginia Central and Pittsburgh Railway Company, and that the loss of such revenues would greatly and seriously and irretrievably impair the security for the bonds issued under said general lien and convertible mortgage to your orator, as trustee.

Mr. FORAKER. I will ask the Secretary to also read paragraph 13.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The Secretary will read as requested.



The Secretary read as follows:

Thirteenth. Your orator further alleges that said general lien and convertible mortgage to your orator, as trustee, specifically pledges to your orator all the rents, issues, profits, tolls, and other income of the premises embraced in said general lien and convertible mortgage, and that the income and revenues of the premises embraced in said mortgage are an essential part of the security of your orator, and your orator is entitled to have such income and revenues forthwith, immediately and continuously appropriated to the payment of the interest upon said bonds secured by said mortgage, and that said mortgage specifically pledges to your orator the franchise to maintain and operate the railroad and property in said mortgage described.

Mr. FORAKER. Mr. President—

Mr. SMITH of Michigan. I will ask the Senator from Ohio is this a petition for a receivership or for an injunction?

Mr. FORAKER. This is a petition for the appointment of a receiver. I have had the Secretary read that part of it which sets forth what the assets of the company were, showing that, among other securities, the Western Maryland Railroad Company owned all of the capital stock of the West Virginia Central and Pittsburg Railway Company, and that the last-named railroad company was the owner of large coal-mining properties situated in the State of West Virginia which, by its charter as originally granted, it was authorized to own and to operate.

In accordance with the prayer of the bill, a receiver was appointed. He entered into possession of the property and commenced to operate it—the coal property and the railroad property jointly, as the company had been previously doing—in accordance with the orders of the court administering the receivership. Later, a few days or a few weeks, perhaps—the date is not given in this report—a supplemental petition was filed by the trustee, complainant, the Bowling Green Trust Company, in which it set forth a great many facts not necessary to be mentioned here, and with respect to all of which it asked what it regarded as appropriate relief.

I call attention to, and ask the Secretary to read, paragraphs 28, 29, 30, and 31 of this supplemental petition.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Twenty-eighth. Your petitioner further alleges that heretofore and on or about the 11th day of March, 1908, the receiver appointed herein filed in this cause a petition setting forth the situation of the defendant company with reference to the coal lands and mining operations owned by the West Virginia Central and Pittsburg Railway Company, all of whose capital stock is deposited and pledged with the trustee of the first mortgage of the defendant company and is also a portion of the mortgaged and trust estate under the general lien and convertible mortgage of the defendant company; in said petition it is alleged that said coal properties and the revenues derived therefrom form a substantial and valuable portion of the security for the bonds of the defendant company issued under its said general lien and convertible mortgage, and that a large portion of the funds provided through the initial issue of said first mortgage bonds and of said general lien and convertible mortgage bonds of the defendant company was applied and used in the acquisition of said coal lands and mining operations through the purchase and acquisition of the capital stock of the West Virginia Central and Pittsburg Railway Company, the owner of said coal lands, and that the various persons and corporations, holders for value of said general lien and convertible mortgage bonds, purchased, acquired, and hold the same in consideration of the security afforded for the payment of said bonds, and the interest thereon, by said coal lands and mining operations, and the revenues to be derived therefrom.

That in and by said petition it was prayed, among other things, that said receiver be ordered and directed to continue or direct the continuance of the operation of said coal lands and mining operations, and to collect and receive the tolls, income, and earnings derived from such operation, and to pay and discharge all indebtedness necessarily contracted in connection therewith, and to hold and apply the surplus revenues resulting from such operation as a part of the mortgaged or trust estate in the possession of said receiver, subject to the further order and direction of this court.

That upon the filing of said petition an order was entered on the 11th day of March, 1908, by this court, and therein prayed, and said receiver was directed to hold and apply the surplus revenues resulting from the operation of said coal lands and mining operations as a part of the mortgaged or trust estate in the possession of said receiver, subject to the further order and direction of this court.

Twenty-ninth. Your petitioner further alleges that in its bill of complaint filed herein, reference is made to a certain act of Congress approved June 29, 1906, in which it is provided, among other things, as follows:

"From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity other than timber and the manufactured products thereof, manufactured, mined, or produced by it or under its authority, or which it may own or hold in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

Thirtieth. Your petitioner further alleges, upon information and belief, that as soon as the act of Congress above mentioned becomes effective, to wit, on the 1st day of May, 1908, the Attorney-General of the United States contemplates the institution of appropriate proceedings to test the validity, constitutionality, and applicability of said act of Congress as affecting various common carriers engaged in the business of interstate commerce, to the end that an early and speedy determination of said questions may be had by the Supreme Court of the United States, so that due compliance and observance of said act of Congress, so far as the same is ultimately held to be applicable and

enforceable, may be had by all corporations affected by the same. And your petitioner further alleges that in its judgment no steps or proceedings should be instituted or taken in this cause which would conflict with or prevent the speedy and early consummation of the plans and steps to be taken by the duly constituted authorities of the United States for the above purposes, or that would embarrass said authorities in the steps and proceedings so to be instituted and which might result in a confusion of orders and decrees.

Your petitioner is informed and believes that the following official announcement has been authorized by the Attorney-General of the United States and made by the Department of Justice:

"What is generally known as the 'commodities clause' of the Hepburn bill, approved June 29, 1906, reads as follows:

"From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

"It is clear that this clause, if valid, will make it impossible for many railroads which own coal mines to transport the coal to market after the date named, and it is understood that some of these railroads have been advised by their respective counsel that the above-quoted provision of law is unconstitutional. The Department of Justice contemplates the institution of proceedings as soon as possible after the date named, whereby a prompt determination of this question by the Supreme Court of the United States may be obtained. It is expected that the railroads concerned will cooperate with the Government to this end, and if they do so in good faith, and if they in good faith and immediately obey the decision of the Supreme Court when rendered, it is not the purpose of the Department of Justice to prosecute them for a failure to comply with the terms of the act pending the decision of the Supreme Court."

Thirty-first. Your petitioner is advised that in the opinion of counsel said act of Congress is unconstitutional, and that, if held to be constitutional, the same is not applicable to the situation of the defendant company as disclosed by the record in this case. And your petitioner alleges that a more orderly and proper determination of the question can be had through proceedings instituted by the United States of America, as aforesaid, than by a precipitation of the question as affecting the conditions of the defendant company by other and different proceedings taken at the instance of your petitioner or of others interested in the affairs of the defendant company; and your petitioner further alleges that, pending the final determination of said question, it is of vital importance to the holders of all mortgage bonds of the defendant company that the operation of said coal lands and mining operations and the results thereof be separated and segregated from the rest of the property of defendant company in the possession of the receiver herein, and specifically and separately set apart for the benefit of the holders of all of said mortgage bonds, and that a separate and distinct account of such operations be had and made to this court, and the net revenues resulting therefrom applied specifically for the benefit of the holders of all mortgage bonds of the defendant company and of any receiver's certificates that may be issued as hereinafter prayed through the application of said net revenues to the payment of the maturing interest upon said mortgage bonds and to the payment of any such receiver's certificates in proper order of priority. And your petitioner further alleges that, in the operation of said coal lands and mining operations, pending the final determination of the above question it is practicable and advisable that the same should be operated as if they were separate and distinct and independent properties; and that it is entirely practicable that the said coal properties be operated under separate orders of this court relating solely to their management and operation as if the same were operated under entirely different and distinct ownership and management from the operation of the railroad properties in the possession of the receiver herein, as to the operation of which railroad properties separate and distinct orders of the court may be entered and separate and distinct accounts of operation made and filed by the receiver herein; and that the revenues of said properties may be separately stated and kept and separate and distinct accounts thereof rendered to this court.

Mr. FORAKER. At what point did the Secretary stop reading?

The PRESIDING OFFICER. The Secretary stopped reading at the end of paragraph 31.

Mr. FORAKER. I ask the Secretary to also read the thirty-second paragraph.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Thirty-second. Your petitioner further alleges that inasmuch as the net revenues and income derived from the operation of said coal properties are, as your petitioner has alleged, a material and valuable part of the security for all mortgage bonds of the defendant company, including its first mortgage bonds, and will also form a substantial part of the security for any receiver's certificates which may be issued under the direction of this court as prayed by this petition, it is proper and right that said net revenues, as the same are accumulated from time to time, be paid into this court by said receiver and be held and applied to the extent thereof, primarily to the payment of the accruing interest upon said first mortgage bonds of the defendant company and of the interest and principal of any receiver's certificate which may be issued, as aforesaid, for the purpose of meeting and paying interest accruing upon said first mortgage bonds, and that the surplus (if any) over and above the amount necessary to meet said requirements be held and applied under the direction of this court to the payment of interest maturing upon the general lien and convertible mortgage bonds of the defendant company; and, further, that if any surplus still remains, the same be held to be ultimately applied and disposed of pursuant to the further order and direction of this court.

Mr. FORAKER. Mr. President, upon that supplemental petition the court, on the 27th day of March, 1908, made an order. That order is found at pages 40 and 41 of this document. I ask the Secretary to read so much of the order as relates to these

coal lands and their operation. He will find that on page 41 already marked. I ask him to read as indicated.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

It is further ordered, adjudged, and decreed that, until the further order and direction of this court, the coal properties and coal business of the defendant company, as the same is described in said petition and as set forth in the record of this case, be separately operated and be and stand segregated and sequestered and be operated and carried on for and in the exclusive interest of the petitioner as mortgagee, and the net revenues thereof, as well as any net revenues arising from the operation of the Davis Coal and Coke Company, be separated and segregated from the net revenues arising from the operation of the railroads and other properties in the possession of the receiver herein; and that said net revenues of said coal properties and coal business be applied to the payment of the interest maturing upon the first mortgage bonds of the defendant company, as well as the payment of the principal and interest upon any receiver's certificates issued as herein authorized, and the surplus, if any, as this court may by further order direct; and that, to this end, said receiver keep and file separate and distinct accounts and reports of the operation of the same, and use and apply the gross revenues arising from the operation of the coal properties and coal business to the payment of all necessary expenses of operation of the same and all taxes and proper charges in respect thereof, and that the amount of said revenues be deposited from time to time in separate accounts and as this court may direct; and, further, that said net revenues accruing prior to the date of maturity of the receiver's certificate issued as by this order authorized be primarily applied to the payment and satisfaction of the principal and interest of said receiver's certificates.

Mr. FORAKER. Mr. President, from the extracts which have been read by the Secretary from Senate Document 478, it must be manifest to all who have followed the reading that the receiver of the Western Maryland Railroad Company, when he said in his report to the Interstate Commerce Commission that he was complying with this law, meant nothing more than that, under the orders of the court of which he was the receiver, he was operating the railroad and the coal mines jointly, but that he was keeping separate accounts of the operation of the same, one account for the railroad and another account for the coal-mining properties. There is no pretense that anybody else has been called in to operate the coal mines. The receiver himself is doing it, the same receiver who is operating the railroad.

In view of that fact, it seems to me it may be very well doubted whether or not he is complying with the law. He says he is; but in view of the fact that he is operating the road and the coal properties as the officer of the court and that the court has evidently so decided and so instructed him, I have no disposition to take issue with his statement.

I simply accept the situation as we find it. I call attention to it, not for the purpose of criticising the orders, not for the purpose of complaining that this course has been entered upon, but only for the purpose of pointing out the insuperable difficulty that has been thrust upon this particular railroad, in common with many other railroads, by this commodity clause, and to show that they have been compelled to resort to this kind of an evasion, as I would call it, or rather attempted evasion, if it were not pursuant to an order of the court. They have been compelled to resort to it in order to escape the most striking kind of disasters and hardships, not only to the railroads, but to the consumers of coal, whose supply would be cut off if the railroads were to comply literally with the requirements of the statute.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator if he says they are keeping separate accounts of the coal being mined and sold from the other income of the road?

Mr. FORAKER. I assume that they are, because the order of the court so requires. The supplemental petition from which I had extracts read, filed by the trustee, the Bowling Green Trust Company, sets forth the requirements of this statute and the necessity of complying with it in some manner or other, and it applies to the court for leave to keep separate accounts as a way in which apparently, in the opinion of that trustee, the statute could be complied with. The court makes an order in correspondence with the petition that is presented to it, that there shall be separate accounts kept. There is no stopping of the mining operations of the company, and there is no stopping of the hauling of coal in interstate commerce. They are going on just as they did before; the sole and only difference between now and heretofore being that they are keeping separate accounts. The order expressly provides that the net income arising from the operation of the coal-mining properties as well as the net income arising from the operation of the railroads, shall be applied upon the mortgage indebtedness of the company to meet its interest and upon other demands as they from time to time arise.

Now, the remark I wanted to make in the first place is that it would not seem to be necessary to adopt this resolution if

by simply keeping separate accounts this law can be complied with, for that is a very easy thing to do. The receiver apparently finds it an easy thing to do in this case, but I apprehend, Mr. President, that when this clause is put to the test it will be found that keeping separate accounts in the way provided by this order will not be held by the court to be a compliance with this statute.

Mr. SMITH of Michigan. But it indicates, does it not, a disposition upon the part of the company to recognize the law?

Mr. FORAKER. Mr. President, all the way through the law is recognized. I have called attention to the fact and had extracts read to show the fact that the president of the company recommended the appointment of a receiver on the ground that this law was to take effect on the 1st day of May, 1908, and if it should be enforced against them it would be impossible for them to comply with the requirements of the statute. They wanted, for that reason, to put themselves under the shelter and the protection of the court, so that whatever they did might be by order of the court and they might be protected.

Then I pointed out that the court in all its orders has recognized the law and has recognized the necessity of complying with it; but yet, after everybody's ingenuity has been taxed, apparently there is no effort to comply with it, except only in a way which, I think, is a mere evasion, or attempted evasion, by keeping separate accounts. I do not know any other way in which they could have gone on with their operations than in some such way as that, and if they did not go on in that way it would be necessary to comply literally with the requirements of the statute, that on the 1st day of May they should stop hauling coal in interstate commerce; and that, I was about saying when the Senator from Michigan interrupted me, would have been a hardship difficult to overestimate, not only upon the properties concerned but upon the consumers whose coal supply would have been cut off.

As I said the other day in the course of the remarks I made here, take the hard-coal companies alone—the anthracite-coal companies. Last year they shipped out of the State of Pennsylvania into New Jersey and New York and New England more than 50,000,000 tons of coal. If by merely keeping separate accounts, as the judge in this case has ordered may be done, they can comply with the law, they can go on without trouble, and it is not necessary to legislate; but if in that way or in some other way they can not comply with the law, and the law should be held constitutional and should be enforced, they must stop hauling coal across the State line, and thus you will have a disaster visited upon the American people the like of which we have never known before as the result of legislation.

I call attention to all this simply to show that here is a railroad in the hands of lawyers learned in the law, and of a United States judge who is evidently undertaking to administer the law honestly and faithfully. They are all taxed to find a way to avoid the difficulties which this commodity clause has imposed upon them, and this separation of accounts is all they have been able to do.

It seems to me that it would be unwise, Mr. President, for us now simply to postpone the day for twenty months or nineteen months when the penalties prescribed shall be imposed, and that, instead of doing that, we ought here and now to make the law what it was our duty to have made it at the time when we enacted the rate bill, and that is to make it apply prospectively.

Mr. President, I will not stand here and argue that we can not interfere with vested property rights, and that an attempt to do that would be unconstitutional. The law will necessarily be held invalid whenever applied to a case of that kind. It is not necessary to make an argument about that. Neither will I stand here to make an argument now, in the light of our experience, in favor of the policy or the wisdom of the policy of preventing railroads from engaging in any other business than that of common carriers. That is right. They ought not to have any other business; but we can not shut our eyes to the fact that fifty years ago they were invited to have other business; twenty-five years ago, ten years ago—I do not think it has been more than fifteen or twenty years at the outside since the State of West Virginia granted this special charter to the West Virginia Central and Pittsburgh road, mentioned in this bill of complaint, and in that charter granted by the legislature it is specially provided that the road shall have the right to acquire coal lands and to develop them and to transport coal in commerce, interstate as well as State.

Now, we must recognize that condition of things. It is idle, it is futile, for us to disregard it, and when we do disregard it we bring to naught the good purpose which we had in undertaking to confine railroads to the business of common carriers.



What I think we ought to do is, instead of adopting the resolution offered by the Senator from West Virginia, to adopt the substitute which I offered here by way of amendment, a substitute which simply provides that after the date when we passed the rate law, the 20th day of June, 1906, this provision shall have effect. That is to say, that no railroad shall be allowed to haul any commodity of its own production or in which it has any interest, except only for its own use, which it acquired subsequent to that date.

I do not care to address the Senate at any further length on the subject. I understand the Senator from Wisconsin desires to speak. I want to surrender the floor to him or to anybody else who wants to take it, with the single remark that I think the difficulties presented by the record sent here by the Western Maryland Railroad receiver are great enough to admonish us that we ought now without any hesitation, although it is pretty nearly the last day of the session, to pass a substitute that will cure this difficulty once and for all.

Mr. STEWART. Before the Senator from Ohio takes his seat, I should like to ask him if he thinks, under the Constitution of the United States, it is within the power of Congress to inhibit the transportation from one State to another of any article innocuous in character, whether owned by a corporation or by an individual. I mark the difference between regulation, as the Senator will observe, and inhibition.

Mr. FORAKER. And prohibition. I have always been of the opinion that there is a difference between regulation and prohibition as to everything to be transported by the common carriers of this country, but of late years the Supreme Court of the United States has been making some distinctions and some discriminations. I will not take the time to go into that now, but my own opinion is that it is not competent for the Congress, in the exercise of its power to regulate interstate commerce given it by the Constitution, to prohibit transportation in commerce of any commodity of legitimate character, as commerce in coal or any other legitimate commodity.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. Certainly.

Mr. SUTHERLAND. I desire to ask the Senator from Ohio if he knows of any case in which the Supreme Court of the United States have held that it is within the power of Congress to prohibit the transportation from one State to another of an article useful and necessary and in no manner noxious?

Mr. FORAKER. I do not.

Mr. SUTHERLAND. The only case I now recall upon that subject, I will say to the Senator, is the lottery case, and of course that was a decision by a divided court.

Mr. FORAKER. I was referring to the lottery cases and to some of the statutes and decisions in respect to the transportation of liquor and commodities of that character that were thought to be obnoxious.

Mr. BEVERIDGE. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. Does the Senator know of a case decided either by the Supreme Court or any other Federal court in which a law prohibiting any article of any nature from interstate commerce was not sustained?

Mr. FORAKER. I do not recall any such case at this moment.

Mr. BEVERIDGE. I can say to the Senator that there has not been any.

Mr. FORAKER. But the Congress has never enacted a law that I have any recollection of at the moment whereby it undertook to prohibit, so as to make for the Supreme Court a question of the kind the Senator suggests.

Mr. BEVERIDGE. Yes; I will not detain the Senator on his feet any longer, but Congress has passed upward of fifteen or twenty such laws.

Mr. FORAKER. Will the Senator name them?

Mr. STEWART. In the interest of the public health.

Mr. BEVERIDGE. Some had no relation to the public health, such as the law prohibiting the transportation of insects of certain kinds. I especially cite the law prohibiting gold and silver goods, not noxious in themselves, not injurious either to the health or morals of the people.

There is a large number of laws. I gave a list of them last year.

Mr. FORAKER. I am familiar with that legislation, and I think the Senator will find that in every instance it was put upon the ground that it was necessary to the preservation of the public health or for the promotion of the public good.

Mr. BEVERIDGE. The Senator will find, on examination, that he is not accurate there. In some of the laws the Senator has asked me about—

Mr. FORAKER. Will the Senator contend that it would be competent for Congress to prohibit the hauling of wheat or corn or barley or potatoes or coal in interstate commerce?

Mr. BEVERIDGE. That very question was brought up in one or two decisions affecting the embargo laws at the beginning of our Government, and it was there held that we might put on an embargo if Congress thought the interests of the nation demanded it.

Mr. FORAKER. That was with respect to foreign commerce, undoubtedly. That is quite a different thing.

Mr. BEVERIDGE. No. If the Senator will permit me, that was absolutely under the interstate and foreign commerce clause. The Senator mentions foreign commerce. It has been held without a single dissent from the foundation of the Government till now that our power over interstate commerce is not only equal to but the same power as our power over foreign commerce.

Mr. FORAKER. Undoubtedly, as to the power to regulate.

Mr. BEVERIDGE. And under our power over foreign commerce we have prohibited the entrance of convict-made goods.

Mr. FORAKER. I have not any doubt that we can. I make no question with the Senator about the accuracy of his statement that the power conferred upon Congress with respect to foreign is precisely the same as the power in respect to interstate commerce. It is all conferred in the same breath and the same sentence.

Mr. ALDRICH. I think the Senator from Ohio is mistaken in that statement. I think the courts have held in several cases that there is a difference.

Mr. FORAKER. I remember very well a number of decisions—and I do not know that there are any decisions to the contrary, but decisions come so thick and fast I do not like to speak of them with confidence unless I have examined them—I know there are a number of decisions in which the Supreme Court has held that the power of Congress with respect to foreign commerce and domestic commerce is one and the same—

Mr. BEVERIDGE. That is correct.

Mr. FORAKER. And conferred by the same sentence of the Constitution. I am speaking of the power to regulate conferred by the commerce clause.

Mr. BEVERIDGE. I rose, merely in view of what the Senator from Rhode Island has said, to say that, as the Senator from Ohio has said, the Supreme Court in a large number of cases held in terms that the power of Congress over interstate and foreign commerce was not only equal, but the same power. There has not been one case which has held to the contrary or criticised either directly or by obiter dicta or anything else that doctrine. That has never been questioned, I will say to the Senator from Rhode Island.

Mr. FORAKER. All I was contending for—

Mr. FULTON. I wish to suggest to the Senator from Ohio that while it is true that the court has in a few instances said, speaking of the commerce clause, that the power of Congress under the commerce clause was just the same in the regulation of interstate as foreign commerce, yet in the nature of things, by virtue of the sovereignty of the Government, it has, without the commerce clause, the power to exclude entirely foreign commerce from coming to this country.

There are some powers which this Government exercises in dealing with foreign countries that it does not derive from the commerce clause of the Constitution. When it is said simply that the power of Congress to regulate interstate commerce under the commerce clause is just the same as its power to regulate foreign commerce, that confines the matter to the commerce clause of the Constitution. But I say the Government by virtue of its sovereignty, by the mere fact that it is a nation, has the power to control, without reference to the commerce clause, its dealings and relations with foreign governments.

Mr. BEVERIDGE. May I ask the Senator from Oregon a question?

Mr. FORAKER. I want to say in answer to the Senator that he is exactly right in what he says, and I did not mean to say anything that was in conflict in the slightest degree with what the Senator said. We were speaking about the commerce clause of the Constitution, which confers upon Congress the power to regulate commerce with foreign nations and among the States and with Indian tribes.

Mr. BEVERIDGE. Exactly so.

Mr. FORAKER. Of course this Government has, as an independent sovereignty, many powers with respect to its relations with foreign countries outside of those conferred upon it by the commerce clause. I was simply discussing the commerce clause in answer to the inquiry of the Senator from Vermont.

Mr. BEVERIDGE. May I ask the Senator from Oregon this

question, and also the Senator from Ohio: Do the Senators think that the words in the commerce clause which say "regulate commerce with foreign nations" are surplusage? Of course not. They are, therefore, put in for some purpose. The Supreme Court has said in every case, without one dissent or criticism, that the power was conferred by that section. The Senator will not maintain that it is surplusage.

Mr. FULTON. It is not surplusage, because that provision takes away from the States and excludes them from exercising any power over interstate commerce. It was necessary to have some provision in the Constitution to take away from the States the power to regulate interstate commerce. That clause did it. It was also necessary to have a clause with respect to foreign commerce. That clause did it. But the Government, by virtue of its sovereignty and its nationality over and above the commerce clause of the Constitution, can regulate our affairs with foreign nations.

Mr. BEVERIDGE. Whether I agree with that or not, I would say that the answer is sufficient; that in every case, without one exception, where the Supreme Court has passed upon any law regulating foreign commerce it has based its decision expressly upon the interstate and foreign commerce clause and not at all, directly or indirectly, upon any inherent powers of sovereignty.

Mr. SUTHERLAND. If the Senator from Ohio will permit me, I should like to ask the Senator from Indiana a question with reference to what he has been saying.

I understand the Senator from Indiana to say that because the language providing for the regulation of interstate commerce is the same as that with reference to foreign commerce, therefore the power in reference to the two must be the same.

Mr. BEVERIDGE. No; the Senator is mistaken. He did not hear me accurately. What I say is this: I do not put my construction upon it at all. I quote the language of the Supreme Court of the United States, which repeatedly has declared that our power over interstate and foreign commerce is not only similar, not only equal to each other, but exactly the same power. I do not put my interpretation one way or the other. I merely quote the language of the Supreme Court, and that language has never been questioned in any case, directly or indirectly, since the foundation of the Government.

Mr. SUTHERLAND. Let me ask the Senator from Indiana a question. Does the Senator from Indiana claim that the power of Congress over interstate commerce is as great as it is over foreign commerce?

Mr. BEVERIDGE. I do.

Mr. SUTHERLAND. The same?

Mr. BEVERIDGE. It is the same power.

Mr. SUTHERLAND. Then I did not understand the Senator.

Mr. BEVERIDGE. Yes.

Mr. SUTHERLAND. And I understand that he bases his conclusion in that regard upon the identity of language—that the power is conferred in the same clause of the Constitution and the language is identical with reference to both.

Mr. BEVERIDGE. I do not base it upon any conclusion of my own at all. I base it upon what the Supreme Court has repeatedly said is the law.

Mr. SUTHERLAND. If the Senator does not base it upon that, upon what does he base it?

Mr. BEVERIDGE. Upon the language of the Supreme Court.

Mr. SUTHERLAND. Upon what does the Supreme Court base it?

Mr. BEVERIDGE. Upon reasons which they give in their decisions, which I would be glad to go into, if it would not interrupt the Senator from Ohio too long. I fear it would take all the afternoon.

Mr. SUTHERLAND. I should like to get the Senator's view.

Mr. BEVERIDGE. My view is the view of the Supreme Court—

Mr. SUTHERLAND. Based upon the identity of language?

Mr. BEVERIDGE. That that language means that the power over foreign and interstate commerce is not only equal, but the same power—that is what the Supreme Court says. In one decision after another, from the foundation of the Government until now, that is what it has said.

Mr. SUTHERLAND. I would be glad if the Senator would give me the name of the cases? Can the Senator cite the cases?

Mr. BEVERIDGE. There are several cases. The first one, if I am not mistaken, was *Gibbons v. Ogden*; the second, *Brown v. Houston*; the third, the *Lottery case*; the fourth, and the chiefest case, is that great case—I may accurately say that historic case—of *Curtcher v. Kentucky*, where the Supreme Court goes on at considerable length to reason out this matter, and quotes what the Supreme Court had theretofore said, and then

says they are the same power, and then uses this language—I am quoting from memory, but think I am accurate:

No difference is perceivable between the two.

There are a large number of other cases. I will send down and get my notes on some of them and read to the Senator the exact language of the Supreme Court.

I will say to the Senator that my position is the position the Supreme Court has taken. I merely stand upon what the Supreme Court has said for a hundred years; that is all.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Yes.

Mr. TELLER. The language of the Constitution is:

The Congress shall have power . . . to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The Constitution puts that power on an equal footing.

Mr. BEVERIDGE. Yes.

Mr. TELLER. And I think the Supreme Court has said at least a hundred times that the power was derived from the Constitution and nowhere else.

Mr. BEVERIDGE. That is right, so far as to basing this power on the commerce clause.

Mr. TELLER. They have repeatedly declared that Congress has no inherent power. They have repeated that over and over again—no inherent power. I challenge the statement of the Senator from Oregon. Without that clause it had no such authority. You could hardly conceive of a government that would not have it, and this is where the framers of the Constitution provided we should have it.

Mr. BEVERIDGE. In addition to that I will say in answer to the Senator from Oregon that in every case involving the power of Congress over foreign commerce that has come before either the Federal courts or the Supreme Court, it has based its decision upon the commerce clause and not upon our inherent powers.

Mr. TELLER. That is right.

Mr. ALDRICH. On that precise point, as long as I have ventured to differ with the Senator from Indiana or the Senator from Ohio, I should like to read from a recent decision of the Supreme Court of the United States.

Mr. BEVERIDGE. Is that the case of *Buttfield v. Stranahan*?

Mr. ALDRICH. It covers the exact point.

Mr. BEVERIDGE. Is it the *Stranahan* case?

Mr. ALDRICH. Will the Senator permit me to read from the decision?

Mr. BEVERIDGE. Is that the case of *Buttfield v. Stranahan*?

Mr. ALDRICH. It is the case of *Buttfield* against *Stranahan*.

Mr. BEVERIDGE. I thought it was *Buttfield* against *Stranahan*. I do not think it covers the point.

Mr. FULTON. Will the Senator from Rhode Island allow me before he reads from the decision? The Senator from Colorado says this Government has no inherent power; that it has nothing except what is expressly given to it by the Constitution. That is true, with certain limitations. When it comes to exercise the power of a nation, I undertake to say it does and may exercise power—national sovereign powers—that are not expressly given by the Constitution. For instance, I will be glad to have the Senator tell me how we acquired Louisiana; how we acquired any cession of territory outside of the original territory of the United States. You can find nothing in the Constitution that gave the power to acquire Louisiana. We acquired it because we had the sovereign power of every other nation. There are certain powers that every nation exercises, and we are no more limited in the exercise of sovereign power than any other nationality is limited.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Indiana?

Mr. ALDRICH. I should like first to read this extract.

Mr. BEVERIDGE. Then will the Senator yield?

The VICE-PRESIDENT. The Senator from Rhode Island declines to yield.

Mr. ALDRICH. I will yield after I have read the extract. The case I am reading from is that of *Buttfield* against *Stranahan* (192 U. S., 492), the opinion being delivered by Mr. Justice White:

The power to regulate commerce with foreign nations is expressly conferred upon Congress, and being an enumerated power is complete in itself, acknowledging no limitations other than those prescribed in the Constitution.

Mr. FORAKER. Quoting from John Marshall in *Gibbons v. Ogden*.

Mr. BEVERIDGE. Certainly.



Mr. ALDRICH. The opinion continues:

Whatever difference of opinion, if any, may have existed or does exist concerning the limitations of the power resulting from other provisions of the Constitution, so far as interstate commerce is concerned it is not to be doubted that from the beginning Congress has exercised a plenary power in respect to the exclusion of merchandise brought from foreign countries—

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. It shows there is a difference—a manifest difference, an acknowledged difference—between the power over interstate commerce and the power over foreign commerce, recognized by the Supreme Court itself.

Mr. BEVERIDGE. Mr. President—

Mr. ALDRICH. Will the Senator allow me?

Mr. BEVERIDGE. I will.

Mr. ALDRICH. I want to finish the quotation.

Not alone directly by the enactment of embargo statutes, but indirectly as a necessary result of provisions contained in tariff legislation.

In all of the various decisions with respect to customs legislation the Supreme Court has held that the power of Congress was absolute and plenary, and here is a distinct recognition that there may be a difference of opinion as to the plenary power over interstate commerce.

Mr. BEVERIDGE. Mr. President—

Mr. FORAKER. Let me say to the Senator again and to all others, there is no question but that the Government of the United States has power in respect to foreign commerce that it does not have with respect to interstate commerce; but it does not get that different power from the commerce clause of the Constitution. When it comes to the commerce clause of the Constitution, it confers precisely the same power upon Congress with respect to foreign as with respect to interstate commerce.

Mr. BEVERIDGE. That is true.

Mr. ALDRICH. Undoubtedly so.

Mr. CARTER. Mr. President—

Mr. FORAKER. Undoubtedly so. It was so held in *Gibbons v. Ogden*, the court holding that the power was conferred in the same sentence and the same breath.

Mr. BEVERIDGE. It was so held in this case.

The VICE-PRESIDENT. Senators will kindly suspend. The Chair must advise Senators that they can not interrupt a Senator upon the floor without the consent of the Chair; and the Chair will enforce this rule. The Senator from Ohio is entitled to the floor. The Senator from Montana [Mr. CARTER] rose to interrupt him. The Chair was waiting for the Senator from Ohio to complete his sentence before asking him to yield. The Senator from Ohio.

Mr. FORAKER. I was hoping I might be able to complete the sentence. Then I intended to yield to the Senator from Montana.

In addition to the power to regulate commerce, Congress is given power to levy imposts and to do a number of things that are enumerated in the Constitution, and growing out of these other powers so conferred there are powers of Congress which are not conferred by the commerce clause.

Now, I will listen to the Senator from Montana.

Mr. CARTER. Mr. President, the statement of the Senator from Indiana [Mr. BEVERIDGE], tersely put, as I understand, is that the power of the Federal Government to regulate commerce between the States, being derived from identical or substantially the same language and the same clause of the Constitution, is identical with the power to regulate commerce with foreign nations. I insist that must be an inherently infirm proposition, and for this reason, that the Federal Government as a sovereign power has no constitutional restraints in dealing with foreign nations.

The Federal Government, as between the States, must exercise this commerce power in the light and under the restraints of other clauses of the Federal Constitution in no sense applicable to foreign nations. For instance:

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

The commerce clause must be construed when regulating commerce between the States with the limitations upon the Federal power fixed by other clauses in the Constitution. These clauses have no application, directly or indirectly, to the relations of the Federal Government with foreign nations, and consequently the hand of the Federal Government in dealing with foreign commerce is unrestrained. The hand of the Federal Government in dealing with interstate commerce is restrained by every restraining clause in the Constitution, and they must all be construed together in exercising the power.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BEVERIDGE. Will the Senator from Ohio yield to me for a moment to reply?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. If the Supreme Court of the United States is the final tribunal which interprets the Constitution, all that has been said here to the effect that these powers are not precisely the same has already been disposed of. I ventured to say a moment ago—

Mr. CARTER. I suggest to the Senator—

Mr. BEVERIDGE. I am going to cite the cases. Perhaps the Senator—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. BEVERIDGE. I do.

Mr. CARTER. I venture now the statement that the Supreme Court has never said that the power of the Federal Government in reference to the regulation of foreign commerce is identical with the power of the Federal Government to regulate commerce between the States.

Mr. BEVERIDGE. Mr. President, I will read the language of the Supreme Court in several cases, and can produce far more whenever it is necessary, that the power is identical.

Mr. GORE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Yes.

Mr. GORE. I desire to ask the Senator if the Supreme Court in a case in which the New York, New Haven and Hartford Railroad Company was a party did not suggest a measure of this character—this commodity clause—as a possible remedy for the evils complained of in that case?

Mr. BEVERIDGE. I do not recall, I will say to the Senator.

Mr. FORAKER. The Senator from Oklahoma is quite right in saying that the Supreme Court referred to this as a possible remedy; but the Supreme Court was very careful in so announcing to suggest certain limitations with respect to the exercise of the power—something we utterly forgot when we enacted the commodity clause.

Mr. BEVERIDGE. What the Supreme Court has said upon this precise point in several cases I will now quote from briefly, and supported by many other cases that it is not necessary to call attention to now is this: In *Gibbons v. Ogden*, which is the first case, the great case on the interstate commerce clause, Chief Justice Marshall said:

If this be the admitted meaning of the word (commerce) in its application to foreign nations, it must carry the same meaning throughout the sentence, and remains a unit, unless there be some plain, intelligible cause which alters it.

Now, next, the Supreme Court in *Crutcher v. Kentucky* (141 U. S., 57), and, if I recall correctly, the opinion was delivered by Mr. Justice Bradley, one of the ablest justices, one of the most learned justices who ever sat upon the Supreme Court bench, after discussing this at great length, used these words:

It has been frequently laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce. \* \* \* No difference is perceivable between the two.

Next, Story, on the Constitution, says of this clause:

It (the interstate commerce power) extends to the laying of embargoes as well on domestic as on foreign voyages.

Next, in *Brown v. Houston* (114 U. S., 622) the Supreme Court of the United States says:

The power to regulate commerce among the several states is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations.

In *Stockton v. Baltimore, etc., Railway Company* (32 Fed. Rep.) the court says, and I think the justice in that case was Mr. Justice Bradley, afterward elevated to the Supreme Court of the United States:

We think that the power of Congress is supreme over the whole subject (interstate commerce), unimpeded and unembarrassed by State lines or State laws; that in this matter the country is one, and the work to be accomplished is national, and that State interests, State jealousies, and State prejudices do not require to be consulted. In matters of foreign and interstate commerce there are no States.

So I have cited here several decisions from the Supreme Court of the United States. Many more can be added. It is not necessary for me to argue the question. It is not necessary for me to put my unauthoritative interpretation upon this clause of the Constitution. The Supreme Court has done it for a hundred years and not in a single case has it ever questioned that language.

Mr. CARTER. The Senator having made a very positive declaration on that point, I still adhere to what I said in the

beginning, that at no point where the matter was applicable has the Supreme Court ever decided as the Senator asserts. The Senator refers to these decisions. The lottery case turned, as the Senator from Pennsylvania [Mr. Knox] suggests, upon the obnoxious character, the immoral tendency, of the traffic.

Mr. BEVERIDGE. I have not cited the lottery case at all. All these opinions were outside the lottery case.

Mr. CARTER. Before suggesting the lottery case I desire to propound just four questions to the Senator, and I will do it very briefly.

Mr. BEVERIDGE. One at a time?

Mr. CARTER. One at a time.

Mr. BEVERIDGE. All right.

Mr. CARTER. I ask the Senator from Indiana if it is true that the Federal Government has the right to levy duties on articles entering our ports from foreign countries? To that of course he will answer yes.

Mr. BEVERIDGE. Yes; but I will answer it in my own way. Is that the first question?

Mr. CARTER. I asked the question.

Mr. BEVERIDGE. Now, let me answer, please, and I hope I will have the attention of the Senator from Rhode Island.

We have the power to levy duties on articles imported to this nation under two powers of the Constitution. The first one is to raise revenue, and that comes solely under the taxing power. The second one is through taxation, to do something more than to raise revenue—for protection for example. No duty for any other purpose, excepting only the purpose of raising revenue, was ever laid or could be laid under anything but the taxing power. But wherever the duty embraces the element of protection, that tax is laid exclusively under the interstate and foreign-commerce clause of the Constitution.

The Senator will find that the first chapter of the second volume of Story on the Constitution is devoted almost exclusively to an argument, first, showing that the levying of protective duties is justifiable as a matter of policy and, second, that the levying of protective duties is constitutional; and that such protective duties are constitutional exclusively under the commerce clause and not under the taxing power.

Now, the Senator from Rhode Island—

Mr. FORAKER. Mr. President, let me remind the Senator that I should like to have a word in my own time. The floor belongs to me, I believe.

Mr. BEVERIDGE. That is true.

Mr. FORAKER. On what ground does Story hold that it is constitutional?

Mr. BEVERIDGE. Story holds that it is constitutional—

Mr. FORAKER. I agree with him that it is constitutional.

Mr. BEVERIDGE. The Senator means the protective duty?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. Story holds that the protective part of duty is constitutional solely and exclusively under our power under the commerce clause of the Constitution, and not otherwise; and that is held for an entire chapter in Story on the Constitution and has been decided several times by the Supreme Court.

Mr. CARTER. The Senator, then, admits the power of the Government to levy duties under the commerce clause of the Constitution on articles of foreign import?

Mr. BEVERIDGE. I not only admit it; I assert it.

Mr. CARTER. That makes it stronger still. Now, Mr. President, I ask this question of the Senator. Has the United States Government any power to levy duty on articles passing from one State to another?

Mr. BEVERIDGE. Certainly not. Now, pardon me. You ask me the question. Let me answer it. It is because it is expressly and in terms prohibited, and where not expressly excepted the power is identical, the Supreme Court says.

Mr. CARTER. Then we have one difference between the Federal Government in its relations to interstate commerce and foreign commerce.

Mr. BEVERIDGE. Not in the regulation of it; not at all.

Mr. CARTER. We are speaking of power.

Mr. BEVERIDGE. I am speaking of the power to regulate.

Mr. CARTER. The power to regulate involves the right to regulate, and when the power exists it may be exercised, of course.

Now, Mr. President, I propound another interrogatory.

Mr. BEVERIDGE. That is the third.

Mr. CARTER. Can the Federal Government under the Constitution show any preference—

Mr. BEVERIDGE. To the ports of one State over those of another?

Mr. CARTER. By any regulation of commerce or revenue to the port of any foreign country?

Mr. BEVERIDGE. Can it show any preference to a foreign country?

Mr. CARTER. I ask that question.

Mr. BEVERIDGE. I want to get it clearly, because the answer is quick and clear. Can we pass a law which will show a preference for France over England? Certainly. But we can not pass a law which will show a preference to one port of a State over ports of another State.

Mr. CARTER. Can Congress pass a law showing a preference to Ohio over Indiana?

Mr. BEVERIDGE. Certainly not.

Mr. CARTER. Then, there is another difference between our right to regulate commerce between States and foreign countries.

Mr. BEVERIDGE. As to any regulation of commerce, it is expressly provided in terms in the Constitution.

Now, will the Senator from Ohio please allow me? I have been asked many questions. I am imposing on the Senator from Ohio, but I will not take five minutes longer.

Mr. CARTER. If the Senator from Ohio will permit me, I think it is established that Congress may levy duties on foreign imports under the commerce clause of the Constitution.

Mr. BEVERIDGE. Certainly.

Mr. CARTER. And it can not levy duties on articles passing between the States.

Mr. BEVERIDGE. Because it is expressly prohibited.

Mr. CARTER. It is prohibited; certainly.

Mr. BEVERIDGE. It is expressly prohibited; not by implication.

Mr. CARTER. Whether it be weaker because it is expressed, I know not. It is prohibited.

I desire to make one additional statement and then I will conclude, because I am imposing on the Senator from Ohio, and, I suppose, on the Senator from Indiana also. We have discerned one clear and distinct limitation on the Federal Government as to the regulation of commerce between the States. That does not apply to the Federal Government in its relation to commerce with foreign countries. Second, and quite as distinct and emphatic, we find that a preference can be given under the Constitution to the commerce of one foreign country as against another, but that no preference can be given as between one State and another. My contention is that when the question comes to the Supreme Court fairly this commerce clause as applied to interstate commerce must be construed in connection with every other restraining clause of the Constitution applicable to the subject-matter.

Mr. BEVERIDGE. The Senator need not say it will be decided when it comes before the Supreme Court, because it has been decided.

Mr. FULTON. Mr. President—

Mr. BEVERIDGE. I wish to answer the question of the Senator from Rhode Island, and I will be through in a minute or two. I have read the exact words of the Supreme Court in several cases holding that the power is the same. Of course the Supreme Court supposed, although the Senator from Montana seems to think not, that it knew the other provisions of the Constitution, so it held that the power was the same where it did not specifically provide otherwise.

As to the question of preferences among the States, where it does not specifically provide otherwise the Supreme Court has held it is precisely the same power; not similar to, not equal to, but the same power.

Now, just a word more. The Senator from Rhode Island appears to be under the impression that our power over the tariff is absolute because it comes under the taxing power. Not at all. It is partly under the taxing power, and for any other purpose except for raising revenue it is under the commerce clause.

Mr. ALDRICH. That is exactly what I undertook to say.

Mr. BEVERIDGE. Then the Senator does admit it?

Mr. ALDRICH. My contention is that the power of Congress over interstate and foreign commerce is not identical.

Mr. BEVERIDGE. The Supreme Court have held uniformly for a century, and I have read the exact words, that they are not only identical, but the same.

Now, Mr. President, the Senator from Rhode Island produced *Buttfield v. Stranahan*, and he wanted to show that there had been a recent decision which negated this, and cited *Buttfield v. Stranahan*. But you will see on reading the very first sentence that it holds nothing of the kind, but is confirmatory of the language of the Supreme Court in *Gibbons v. Ogden* and places it under the interstate and foreign commerce clause, not something that is inherent, not something superior to:

The power to regulate commerce with foreign nations is expressly conferred upon Congress—



Conferred upon Congress. Not as the Senator from Oregon said, an inherent power, although I personally think it would be that, too—

and being an enumerated power, is complete in itself, acknowledging no limitations other than those prescribed in the Constitution.

That brings in what the Senator from Montana was talking about. He might as well recite the Decalogue, because it has nothing to do with the case. That was the language that I quoted here. It is not original language in *Buttfield v. Stranahan*. It is quoted from *Gibbons v. Ogden*:

Whatever difference of opinion, if any, may have existed or does exist concerning the limitations of the power resulting from other provisions of the Constitution—

Mr. ALDRICH. What does the court mean in making that statement?

Mr. BEVERIDGE. What the Senator from Montana pointed out, the provision in the Constitution that we shall not make preferences among the States, or the ports of the States, or things of that kind. That is what it means.

Mr. ALDRICH. Is it not a statement that there may be differences between interstate and foreign commerce?

Mr. BEVERIDGE. No, sir; it is a statement that there are differences, not that there may be differences. It is expressly laid down, and where it is not expressly laid down then the Supreme Court says it is not only similar, not only equal, but it is absolutely the same power. So *Buttfield v. Stranahan*, with which I am somewhat familiar, did not at all uphold the Senator in his novel theory that the Supreme Court has been wrong for a hundred years and this power expressed in the same sentence is not the same power.

Mr. RAYNER. Mr. President—

Mr. BEVERIDGE. I will yield to the Senator from Maryland, with the permission of the Senator from Ohio. I have transgressed long enough upon his time.

Mr. RAYNER. I have had occasion to examine this question, and if there is any decision of the Supreme Court of the United States where the question has ever arisen that Congress has the same power over interstate commerce that it has over foreign commerce I have never heard of it. I should like to ask the Senator from Pennsylvania [Mr. Knox], who has thoroughly considered this question, whether I am right in that assertion.

Mr. KNOX. Mr. President, I tremble to enter this arena. However, I have been asked a question and I am very glad to make reply. There has never been such a decision of the Supreme Court of the United States that I know of, and it has been my business to inquire pretty closely into this question. I do not say there is not an opinion of the Supreme Court in which there is such language, but I say there is no decision of the Supreme Court of the United States deciding that the power of Congress over interstate commerce is the same in all respects as the power of Congress over commerce with foreign countries.

I recall very distinctly that while I was filling the office of Attorney-General of the United States the Government raised that question, argued the question, and contended for it upon the identical authorities which have been cited here by the Senator from Indiana as sustaining the proposition, namely, in the lottery cases.

Mr. BEVERIDGE. I have not mentioned that case yet.

Mr. KNOX. I hope the Senator from Indiana will permit me a moment. I think he has had a very fair opportunity.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield?

Mr. BEVERIDGE. I yielded to the Senator from Maryland.

The VICE-PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. FORAKER. I thought I had the floor and I yielded expressly to the Senator from Pennsylvania when he was called upon for a reply.

Mr. BEVERIDGE. If the Senator will permit me, I will make a statement later.

Mr. KNOX. The Government contended for that proposition in the lottery case, because it was the simple solution of the lottery case. What Congress did in respect to the lotteries was to pass a law prohibiting them from injuring the channels of interstate trade. There was the plain, naked proposition presented to the Supreme Court of the United States, "Had Congress the power to do that thing," and the Government contended it had the power, because it had the power to prohibit commerce between the States under the Constitution, which made its power equal to that over foreign commerce, and as there could be no doubt of the Government's power to place arbitrary limitation upon goods imported from foreign coun-

tries, the Government contended that it had a right to prohibit goods from going from one point in the United States to another.

But the Supreme Court of the United States reversed that contention and threw all those authorities into the brush heap and decided the question solely upon the ground of the obnoxious character of the lottery business and held, as I discovered in looking at a pamphlet that I happened to find in my desk here, that—

The power of Congress—

Just as the Senator from Montana [Mr. CARTER] has said—

The power of Congress to regulate commerce among the States, although plenary, can not be deemed arbitrary since it is subject to such limitations or restrictions as are prescribed by the Constitution. This power, therefore, may not be exercised so as to infringe rights secured or protected by that instrument.

Therefore, in reply specifically to the question of the Senator from Maryland, I assert that the court has not only never decided that, but I do not find in all my research any intimation to the effect that the Congress of the United States can lay its hands upon an innocuous article and prohibit it from being transported from State to State; it can not say that cotton may not be sent from Georgia to the seaboard; it can not say that corn may not be sent from Iowa to New York. The only instance in which such an arbitrary rule or such a provision of Congress has been sustained is in respect to articles that are noxious or apt to disturb or injure the public health or the public peace, or in some way affecting the public good.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BEVERIDGE. I had the floor by the courtesy of the Senator from Ohio and was speaking when the Senator from Maryland interrupted me. I yielded to him. Then the Senator from Maryland asked a question of the Senator from Pennsylvania when I was on the floor by the courtesy of the Senator from Ohio.

The VICE-PRESIDENT. The Senator from Ohio has a right to resume the floor when he likes. The Senator from Utah sought the floor, and the Chair asks the Senator from Ohio whether he yields?

Mr. FORAKER. I yield to the Senator from Utah because he wanted to ask the Senator from Pennsylvania a question before he took his seat. I can yield to the Senator from Indiana later if he wants me to.

Mr. BEVERIDGE. That is all right.

Mr. SUTHERLAND. The Senator from Pennsylvania has spoken of the lottery cases. I want to ask the Senator whether in that case, in the dissenting opinion of Chief Justice Fuller, the Chief Justice did not expressly hold that there was a very well-settled distinction between the power of Congress over interstate commerce and foreign commerce, and whether, in addition to that, any judge of the Supreme Court in that case took issue with him?

Mr. KNOX. In reply to that question, to which I will make answer in a moment, when I said the court brushed that contention aside, I meant the majority of the court, which, of course, speaks for the court; but it is true that the minority of the court, and I think four of the minority, dignified the argument of the Government to such an extent as to practically pronounce it preposterous.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. I yield to the Senator from Indiana.

Mr. BEVERIDGE. Before I go on, I want to say with reference to what the Senator from Pennsylvania has stated in answer to the question of the Senator from Utah, that the dissenting opinion in the lottery case was not upon the question that they did not have the power of prohibiting, but it was chiefly upon the point that lottery tickets were not articles of commerce.

I wish to make this personal statement: I had risen to speak and had the floor by the courtesy of the Senator from Ohio, who had yielded to me because of various questions that had been addressed to me by a number of Senators. While I was speaking I yielded, as I always yield to every Senator, to the Senator from Maryland. The Senator from Maryland then put a question to the Senator from Pennsylvania, to whom I also yielded in order that he might answer. Yet when I asked the Senator from Pennsylvania to permit me to interrupt him, he declined to be interrupted.

Now, Mr. President, no man, either on this floor or in this country, has a higher respect for the legal learning and the

judgment of the Senator from Pennsylvania than I have; but when he undertakes to wipe away the language of the Supreme Court for a hundred years by saying that, although the language was used, yet it has no authority, because it did not directly decide a point, I must decline to follow him. Certainly the opinion even of the Senator from Pennsylvania, or of the Senate put together, upon what the Constitution means is not as impressive as the uniform language of the Supreme Court for a hundred years unquestioned by itself or by anybody else, except in this body.

I remember that when this subject was up once before for discussion I quoted the famous language in *Crutcher v. Kentucky*. The Senator said that was obiter dicta. I do not agree to that, but supposing it was true, it was necessary reasoning to the court's determination; and is the language of the Supreme Court itself to be set aside because some Senator thinks that it was not properly used in the solution of the question? Certainly the unbroken opinion of the Supreme Court, stated in express and similar terms for a hundred years, has greater weight than that of Senators who, while admitting that the Supreme Court has used this language for a century, maintain that the Supreme Court did not need to use it in deciding the cases where it occurs.

Now, then, as to whether this is preposterous or not, as to the interpretation that the Senator puts upon the language of the Supreme Court in the lottery case, I think all this can be settled in earlier language by the Supreme Court which never yet has been questioned; and I read from the cases of *The United States v. Marigold*, 9 Howard, page 550, and invite the attention of the Senator from Pennsylvania to it:

However, at periods of high excitement an application of the terms "to regulate commerce" such as would embrace absolute prohibition may have been questioned; yet since the passage of the embargo and nonintercourse laws and the repeated judicial sanctions those statutes received, it can scarcely at this day be open to doubt that every subject falling within the legitimate sphere of commercial regulation may be partially or wholly excluded when either measure shall be demanded by the safety or by the important interests of the entire nation. Such exclusion can not be limited to particular classes or descriptions of commercial subjects; it may embrace manufactures, bullion, coin, or any other thing. The power once conceded, it may operate on any and every subject of commerce to which the legislative discretion may apply it.

The Senator says that we have passed laws prohibiting articles from interstate commerce only when those articles are injurious in themselves—injurious either to the health or morals of the people. I call attention to the fact that two years ago we put a law on the statute book without a dissenting voice prohibiting gold and silver goods from interstate commerce, which could hurt neither the health nor the morals of the people.

Mr. KEAN. I beg the Senator's pardon, if he will allow me to interrupt him?

Mr. BEVERIDGE. I will.

Mr. KEAN. That was to prevent a fraud.

Mr. BEVERIDGE. What it was to do has nothing to do with the power. Suppose we say in a certain case that we want to exclude certain things from interstate commerce in order to prevent murder. Our motive has everything to do with our policy, but nothing whatever to do with our power. Now, I do not want to—

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield further?

Mr. BEVERIDGE. Besides, there are two versions. I will say to the Senator, about why that law was passed. The Senator says it was to prevent fraud, but there is another version to the effect that it was to protect two or three manufacturers of cheap jewelry in New York and New Jersey.

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from New Jersey?

Mr. BEVERIDGE. I do.

Mr. KEAN. Mr. President, I know nothing about any such matter or any such object of the act. I think it was to prevent fraud, and I think that was a very laudable purpose.

Mr. BEVERIDGE. The Senator knows about it, but I do not. The Senator brings up what it was done for, which has nothing whatever to do with our power, but there are two versions as to why it was passed.

Now, just a word more, because I must not take the time of the Senator from Ohio [Mr. FORAKER] any longer, and I apologize to him for taking it thus far, and would not have taken so much time but for the fact that there have been so many questions asked me.

Mr. FORAKER. Mr. President, I interrupt the Senator from Indiana simply to say that I am out of the notion entirely of continuing my remarks, except only to remind him

that what I was discussing when I was interrupted by this debate, which is of a purely academic character, as it seems to me, was simply the question whether or not Congress had any power by legislation to interfere with vested property rights under the pretext of regulating interstate commerce or any other pretense whatever.

Then there is another question that I wanted the Senator from Indiana to address himself to if he would. It seems to me that we are confronted with that proposition. I shall not undertake to argue here, although we might very well do so, that the mere attempt to prohibit the hauling of coal was unconstitutional. There is plenty of ground to make an argument to that effect, and Senators have been making it here very effectively. I was passing that by for the sake of the argument, and confining myself to the actual state of facts we have before us for our guidance in this matter; and I was doing that with a view to pointing out that the thing for us to do is that which will relieve these great property interests and at the same time enable them to accommodate the consumers of coal in this country.

If the proposition involved in this commodity clause be constitutional, as the Senator thinks it is, perhaps, judging from what he has said, then, if the authorities are bound to enforce it, the result will be universal hardship to the people of the country.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. Yes.

Mr. SUTHERLAND. Before the Senator from Indiana resumes his seat I want to call his attention to the language of Chief Justice Fuller in the lottery case. I understood the Senator from Indiana to say that the Chief Justice did not undertake to pass upon the question as to the difference between the power of Congress over interstate and foreign commerce.

Mr. BEVERIDGE. The Senator will find from my remarks in the RECORD that what I said in answer to the statement of the Senator from Pennsylvania [Mr. KNOX] was that the minority put the ground of their dissent from the majority in the lottery case chiefly—you will find nearly the whole opinion given up to that—on the question as to whether lottery tickets are articles of commerce. Two questions arose in that case: First, were they subject at all to the commerce clause? They would be if they were articles of commerce. Second, if they were articles of commerce, did we have the power to prohibit them? Upon the first question four judges dissented from the other five. The five judges held, first, that lottery tickets were articles of commerce; and second, that we had the power to prohibit them. The minority opinion is chiefly upon the first question.

Mr. SUTHERLAND. Mr. President, in the lottery case the question was presented to the Supreme Court as to whether or not Congress had as great power in dealing with interstate commerce as it had in dealing with foreign commerce. That question was sharply presented to the court. The majority opinion did not undertake to deal with that question at all. As the Senator from Pennsylvania says, it was brushed aside, and the decision of the majority proceeded upon other grounds; but the Chief Justice in his opinion did deal with it, and I desire to invite the attention of the Senator from Indiana to the language of the Chief Justice in that case and at the same time to put it in the RECORD. At page 373 of volume 188, United States Supreme Court Reports, Chief Justice Fuller says:

It is argued that the power to regulate commerce among the several States is the same as the power to regulate commerce with foreign nations and with the Indian tribes.

So the question was sharply presented.

But is its scope the same?

As in effect, before observed, the power to regulate commerce with foreign nations and the power to regulate interstate commerce, are to be taken diversely intuitu, for the latter was intended to secure equality and freedom in commercial intercourse as between the States, not to permit the creation of impediments to such intercourse; while the former clothed Congress with that power over international commerce, pertaining to a sovereign nation in its intercourse with foreign nations, and subject, generally speaking, to no implied or reserved power in the States. The laws which would be necessary and proper in the one case would not be necessary or proper in the other.

Congress is forbidden to lay any tax or duty on articles exported from any State—

And this is the question suggested by the Senator from Montana.

Mr. CARTER. Will the Senator from Indiana say now whether or not an express prohibition is any weaker or any stronger than an implied prohibition when the implication is clear?

Mr. BEVERIDGE. About an express prohibition there can not be any question at all. About an implied prohibition, Sen-



ators and everyone else may very well differ. The Senator might, for instance, imply something that suited his convenience to which all the rest of us would not agree.

Mr. CARTER. Mr. President, the Senator has sought to belittle the contention because the prohibition was expressed, and presumably he would have preferred it to be implied.

Mr. BEVERIDGE. Mr. President—

Mr. SUTHERLAND. Let me finish the reading of this opinion. It continues:

Congress is forbidden to lay any tax or duty on articles exported from any State, and while that has been applied to exports to a foreign country, it seems to me that it was plainly intended to apply to interstate exportation as well. Congress is forbidden to give preference, by any regulation of commerce or revenue, to the ports of one State over those of another; and duties, imposts, and excises must be uniform throughout the United States.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. This clause of the second section of Article IV was taken from the fourth article of confederation, which provided that "the free inhabitants of each of these States shall be entitled to all privileges and immunities of free citizen in the several States; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce," while other parts of the same article were also brought forward in Article IV of the Constitution.

The Chief Justice proceeds, and then concludes upon that subject:

Thus it is seen that the right of passage of persons and property from one State to another can not be prohibited by Congress. But that does not challenge the legislative power of a sovereign nation to exclude foreign persons or commodities or place an embargo, perhaps not permanent, upon foreign ships or manufactures.

Congress has the power, and it has exercised the power, to prohibit the importation of Chinese coolies from China. Would the Senator from Indiana therefore argue that Congress has the power to prohibit the transportation of a class of persons from one State to another? It seems to me that, in addition to paying some attention to the identity of language in this constitutional provision, we should pay some attention to the subject-matter. The language of the Constitution with reference to interstate and foreign commerce is identical, but the subject-matter is altogether different. We are dealing with two different things. If the Senator will permit me, I will put this illustration to him: Suppose I should say to the Senator from Indiana, "You have the exclusive control over your property and your children." The language would be the same with reference to both, but would the Senator from Indiana say that by virtue of that language he had the same power over his children that he had over his property? In the one case he would have the right to sell his property, but he would not have the right to sell his children. So we have to pay some attention to the subject-matter as well as to the identity of the language.

Mr. BEVERIDGE. I have the good fortune of being able to answer the Senator by the language of the Supreme Court itself, which says in the other quotation that I just read—and I will not again burden the Record with it—that it may apply to any subject which the Congress thinks the best interests of the nation require.

Mr. President, the language is the same; the power is the same, so completely that where the framers of the Constitution wanted to make an exception they had to provide for that exception in express terms. Wherever those express provisions exist, the Supreme Court knew it, and we are all supposed to know it. The Senator from Montana and other Senators who have raised those exceptions might just as well have read the Constitution itself. Those exceptions were in the mind of the court when it said that the power is the same. Those exceptions have nothing whatever to do with prohibiting articles from interstate and foreign commerce.

Now, Mr. President, I am not going to take the time of the Senator from Ohio any longer. When I asked him for his permission, which he has so kindly and courteously given, to answer what the Senator from Rhode Island had said, I did not suppose that I should be upon my feet three minutes, for I merely wanted to present what the Supreme Court had said, and then let the Senator from Montana or any other Senator argue with the Supreme Court all they pleased. But there came a volley of questions, which I have been fortunate enough to have been able to answer, not by my own reasoning or my own language, but by the express language the Supreme Court itself has used for a hundred years. Now, I decline to take the Senator's time further.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. OWEN. Mr. President, I rose to address the Chair in my own right.

Mr. FORAKER. I have not yielded the floor.

Mr. OWEN. The Senator from Ohio announced to the Senate that he had finished his remarks, and took his seat.

Mr. FORAKER. The Senator is mistaken about that. I announced that I was pretty nearly out of the humor of making a speech. I want to ask for a vote on this substitute before I yield the floor, if I may.

Mr. CARTER. Before the Senator proceeds—

The VICE-PRESIDENT. The Chair did not understand the Senator from Ohio to yield the floor. He yielded only for a question. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FORAKER. I will yield the floor in a moment, I will say to the Senator from Oklahoma.

Mr. CARTER. Mr. President, after all has been said, I understand the Senator from Indiana to now announce that the things are the same with exceptions.

Mr. BEVERIDGE. I can tell, Mr. President, what the Senator from Montana understands. I do say, have always said, and expect to be lucky enough to always continue to say, that I will not assume to disagree with the Supreme Court or attempt to explain away its meaning for the purposes of a particular case, in which the Senator from Montana is such a master. I say what the Supreme Court has said; I stand upon the doctrine which it lays down; and I let Senators who disagree with those propositions wrestle with them as they may.

Mr. FORAKER. Mr. President, I ask the Senate if we can not have a vote on the substitute I have offered. I see that the Senator from Wisconsin [Mr. LA FOLLETTE] is in the Chamber. I do not know whether he has any objection to a vote being taken on the substitute or not. I understand he wants to speak on the joint resolution.

Mr. LA FOLLETTE. I will ask the Senator to repeat his statement.

Mr. FORAKER. I just stated that I saw the Senator from Wisconsin was in the Chamber. I do not know whether or not he would object to a vote being taken on the substitute I have offered. I know that the Senator wants to speak on the resolution; at any rate he told me so this afternoon; and I, of course, would not press for a vote on the substitute if he had any objection, but I thought, now that we had had all this debate in regard to the substitute, if there was no objection, I should like to have a vote on it.

Mr. LA FOLLETTE. Mr. President, I have no objection to a vote being taken on the substitute. I do not care to speak on the substitute.

Mr. FORAKER. I should like to have a vote on the substitute.

The VICE-PRESIDENT. The question is on the amendment in the nature of a substitute proposed by the Senator from Ohio [Mr. FORAKER].

Mr. McLAURIN. Let the proposed substitute be read.

The VICE-PRESIDENT. The amendment in the nature of a substitute proposed by the Senator from Ohio will be read at the request of the Senator from Mississippi.

The SECRETARY. It is proposed to strike out all after the resolving clause and insert:

That paragraph 5 of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, be amended by adding thereto the following: "Provided, That the provisions of this paragraph shall not apply to any article or commodity lawfully acquired and owned prior to the 29th day of June, 1906, by any railroad company under and by virtue of any statute, franchise, or charter lawfully issued or granted by the United States or any State or Territory thereof," so that said paragraph shall read: "From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier: Provided, That the provisions of this paragraph shall not apply to any article or commodity lawfully acquired and owned prior to the 29th day of June, 1906, by any railroad company under and by virtue of any statute, franchise, or charter lawfully issued or granted by the United States or any State or Territory thereof."

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. FORAKER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOPKINS. Mr. President, before the roll is called, I ask that the substitute be again read.

The VICE-PRESIDENT. The Secretary will again read the proposed substitute at the request of the Senator from Illinois.

Mr. SMITH of Michigan. Before that is done, I should like to suggest an amendment in line 5. It now reads:

*Provided*, That the provisions of this paragraph shall not apply to any article—

And so forth. I should like to move to amend by striking out the word "shall" and inserting the word "are" and adding the words "intended to," so that the paragraph will read:

*Provided*, That the provisions of this paragraph are not intended to apply to any article or commodity lawfully acquired and owned prior to the 29th day of June, 1906—

And so forth.

If the contention, Mr. President, of the Senator from Ohio is correct as to the legal rights, we do not want to recognize the fact that it could apply at all.

Mr. FORAKER. I have no objection to that amendment.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In the proposed substitute on page 1, line 5, after the word "paragraph," it is proposed to strike out the word "shall" and insert "are;" and in the same line, after the word "not," to insert the words "intended to," so as to read:

*Provided*, That the provisions of this paragraph are not intended to apply to any article or commodity lawfully acquired and owned prior to the 29th day of June, 1906—

And so forth.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment as amended, the amendment being in the nature of a substitute. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. As that Senator is absent, I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. McENERY], who is absent, and therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained by illness, and I therefore withhold my vote.

Mr. FOSTER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. McCUMBER]. If he were present, I should vote "nay." In his absence, I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent. I therefore withhold my vote.

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. I transfer that pair to the senior Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

I will also say, Mr. President, that I am requested to announce that my colleague, the Senator from Florida [Mr. MITCHELL], is paired with the Senator from New York [Mr. PLATT]. The roll call was concluded.

Mr. CLAPP. In the absence of the Senator from North Carolina [Mr. SIMMONS], with whom I am paired, I doubt whether I should vote, and therefore withhold my vote. If he were here I should vote "nay."

Mr. BAILEY. Mr. President, I have a general pair with the senior Senator from West Virginia [Mr. ELKINS]. Inasmuch as this is a substitute for a proposition of that Senator, I felt justified in voting against the substitute. Unless I am advised that the Senator from West Virginia would vote to substitute the amendment of the Senator from Ohio for his own proposition, I believe I will allow my vote to stand, with this statement in the Record.

Mr. KEAN. On behalf of the Senator from West Virginia [Mr. ELKINS], who is necessarily absent on account of illness, I will say that if the Senator were present, on this proposition he would vote "nay." In my opinion, the Senator from Texas is at perfect liberty to vote.

Mr. BAILEY. Very well, I will let my vote stand.

Mr. FLINT. I am paired with the Senator from Texas [Mr. CULBERSON]. I am advised that if he were present he would vote "nay." As I voted "nay," I will allow my vote to stand.

Mr. ALLISON. My colleague, the Senator from Iowa [Mr. DOLLIVER] is necessarily absent to-day. I do not know how he would vote on this proposition, if he were present, but as he

voted for a favorable report on the resolution of the Senator from West Virginia, I assume that he would vote "nay."

The result was announced—yeas 23, nays 32, as follows:

#### YEAS—23.

Aldrich	Dick	Kean	Smoot
Ankeny	Foraker	Knox	Stephenson
Brandegee	Gallinger	Lodge	Stewart
Briggs	Guggenheim	Penrose	Sutherland
Burnham	Hale	Richardson	Wetmore
Crane	Heyburn	Smith, Mich.	

#### NAYS—32.

Allison	Clay	Johnston	Overman
Bacon	Curtis	La Follette	Paynter
Bailey	Dixon	Long	Perkins
Bankhead	Flint	McCreary	Rayner
Borah	Frazier	McLaurin	Taliaferro
Brown	Gamble	Nelson	Taylor
Burkett	Gore	Newlands	Teller
Carter	Hopkins	Owen	Warner

#### NOT VOTING—37.

Beveridge	Davis	Hansbrough	Platt
Bourne	Depew	Hemenway	Scott
Bulkeley	Dillingham	Kittredge	Simmons
Burrows	Dolliver	McCumber	Smith, Md.
Clapp	du Pont	McEnery	Stone
Clark, Wyo.	Elkins	Martins	Tillman
Clarke, Ark.	Foster	Milton	Warren
Culbertson	Frye	Money	
Cullom	Fulton	Nixon	
Daniel	Gary	Piles	

So Mr. FORAKER's amendment was rejected.

#### EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 23, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 22, 1908.*

##### POSTMASTERS, ARIZONA.

William F. Buckingham to be postmaster at Humboldt, Yavapai County, Ariz. Office became Presidential October 1, 1907.

William M. Newell to be postmaster at Mesa, Maricopa County, Ariz., in place of William M. Newell. Incumbent's commission expired March 2, 1908.

##### IOWA.

Alfonzo Z. Rawson to be postmaster at Kalona, Washington County, Iowa. Office became Presidential January 1, 1908.

##### LOUISIANA.

Hiram Fuseller to be postmaster at Eunice, St. Landry Parish, La. Office became Presidential January 1, 1908.

##### MISSOURI.

Thomas M. Allen to be postmaster at Cassville, Barry County, Mo., in place of Thomas M. Allen. Incumbent's commission expired April 27, 1908.

Frederick B. Rauch to be postmaster at Morehouse, New Madrid County, Mo., in place of Frederick B. Rauch. Incumbent's commission expired February 28, 1907.

##### NORTH CAROLINA.

Thomas P. Nenam to be postmaster at Madison, Rockingham County, N. C. Office became Presidential January 1, 1908.

##### OKLAHOMA.

Elta H. Jayne to be postmaster at Edmond, Oklahoma County, Okla., in place of Elta H. Jayne. Incumbent's commission expired December 17, 1907.

Thomas B. Woosley to be postmaster at Mulhall, Logan County, Okla., in place of Thomas B. Woosley. Incumbent's commission expired January 20, 1906.

##### TENNESSEE.

J. A. Cox to be postmaster at Watertown, Wilson County, Tenn. Office became Presidential April 1, 1908.

##### VIRGINIA.

William D. Amls to be postmaster at Virgilina, Halifax County, Va. Office became Presidential April 1, 1908.

James M. Williams to be postmaster at Broadway, Rockingham County, Va. Office became Presidential January 1, 1908.

##### WISCONSIN.

Joseph E. Parry to be postmaster at Florence, Florence County, Wis., in place of J. E. Huff, declined to qualify.



## WITHDRAWAL.

*Executive nomination withdrawn from the Senate May 22, 1908.*

Joseph Davis to be postmaster at Taylor, in the State of Pennsylvania.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 22, 1908.*

## DISTRICT JUDGE.

Oscar R. Hundley, of Alabama, to be United States district judge for the northern district of Alabama, who was appointed during the last recess of the Senate, as provided for by the act approved February 25, 1907, entitled "An act providing for a United States judge for the northern judicial district of Alabama."

## PROMOTIONS IN THE NAVY.

Ensign Ralph A. Koch to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908.

Lieut. (Junior Grade) Ralph A. Koch to be a lieutenant in the Navy from the 3d day of February, 1908.

Asst. Surg. Richard A. Warner to be a passed assistant surgeon in the Navy from the 3d day of May, 1908.

Ralph W. McDowell, a citizen of Pennsylvania, to be an assistant surgeon in the Navy from the 18th day of May, 1908.

## POSTMASTERS.

## ALABAMA.

Robert L. Wilson to be postmaster at Stevenson, Jackson County, Ala.

## ARIZONA.

Russell H. Chandler to be postmaster at Yuma, Yuma County, Ariz.

Charles E. Dermont to be postmaster at Metcalf, Graham County, Ariz.

Ralph Sturges to be postmaster at Globe, Gila County, Ariz.

## COLORADO.

Ella New to be postmaster at Delta, Delta County, Colo.

## CONNECTICUT.

Augustus G. Ising to be postmaster at Danbury, Fairfield County, Conn.

George K. White to be postmaster at East Hampton, Middlesex County, Conn.

## GEORGIA.

John E. Pruett to be postmaster at Cumming, Forsyth County, Ga.

Job R. Smith to be postmaster at Winder, Jackson County, Ga.

## INDIANA.

Eugene F. Cummings to be postmaster at Cannelton, Perry County, Ind.

## KANSAS.

Henry S. Mueller to be postmaster at Sedgwick, Harvey County, Kans.

## LOUISIANA.

Thomas J. Johnson to be postmaster at Berwick, St. Mary County, La.

## MISSOURI.

Charles Klepzig to be postmaster at Winona, Shannon County, Mo.

Philip G. Wild to be postmaster at Spickard, Grundy County, Mo.

## NEW YORK.

Joseph E. Cole to be postmaster at Perry, Wyoming County, N. Y.

William Watson to be postmaster at Warsaw, Wyoming County, N. Y.

## OHIO.

Lee L. Cassady to be postmaster at Dresden, Muskingum County, Ohio.

Charles H. Clark to be postmaster at Mount Sterling, Madison County, Ohio.

H. A. Shafer to be postmaster at Navarre, Stark County, Ohio.

Stephen L. Smith to be postmaster at Bellefontaine, Logan County, Ohio.

## PENNSYLVANIA.

Charles A. Straesser to be postmaster at Martinsburg, Blair County, Pa.

## SOUTH DAKOTA.

Fred C. Bowles to be postmaster at Dell Rapids, Minnehaha County, S. Dak.

Fred N. Dunham to be postmaster at Wessington Springs, Jernold County, S. Dak.

Ernest E. Edwards to be postmaster at Armour, Douglas County, S. Dak.

Leonard T. Hoaglin to be postmaster at Platte, Charles Mix County, S. Dak.

W. P. Joseph to be postmaster at Wagner, Charles Mix County, S. Dak.

Charles H. Stilwell to be postmaster at Tyndall, Bonhomme County, S. Dak.

## TENNESSEE.

C. H. Whitney to be postmaster at Cookeville, Putnam County, Tenn.

## TEXAS.

W. B. Carson to be postmaster at Pilot Point, Denton County, Tex.

## WEST VIRGINIA.

Isalah Stephens to be postmaster at McMechen, Marshall County, W. Va.

## WISCONSIN.

C. F. Stone to be postmaster at Lake Nebagamon, Douglas County, Wis.

## EXTRADITION WITH PORTUGAL.

The injunction of secrecy was removed May 22, 1908, from an extradition treaty between the United States and Portugal, signed at Washington on May 7, 1908.

## HOUSE OF REPRESENTATIVES.

FRIDAY, May 22, 1908.

[Continuation of legislative day of Tuesday, May 12, 1908.]

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

## POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 18347) making appropriations for the service for the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I will have to object.

The SPEAKER. The Clerk will read the report.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. When we adjourned yesterday did we not have pending before the House the conference report on the child-labor bill?

The SPEAKER. No.

The Clerk will read the report.

The Clerk read the conference report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 36, 43, 44, 45, 51, 52, 54, 60, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 81, 82, 88, 89, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 39, 40, 41, 42, 47, 48, 53, 55, 56, 57, 58, 59, 61, 62, 70, 76, 77, 80, 84, 86, 87, 91, 94, 95, 96, 97, and 98.

And agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Page 5, line 15, strike out the words "And provided further" and insert in lieu thereof the word "Provided;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Page 10, line 16, strike out the words "and fifty-one;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Page 10, lines 15 and 16, strike out the words "four hundred and ninety-seven" and insert in lieu thereof the words "five hundred and forty-eight;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38,

and agree to the same with an amendment as follows: Page 11, lines 12 and 13, strike out the words "twenty-nine million" and insert in lieu thereof the words "twenty-eight million seven hundred and twenty-six thousand five hundred;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Page 13, line 21, strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Page 14, line 13, strike out the word "twelve" and insert in lieu thereof the word "eleven;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Page 14, line 19, strike out the words "thirty-eight thousand six hundred" and insert in lieu thereof the words "thirty-seven thousand four hundred;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Page 18, after the word "actual," insert the word "simultaneous;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Page 20, after the word "annum," add the words "and to defray the expenses of said headquarters the sum of twenty thousand dollars is hereby appropriated;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Page 25, after the word "national," insert the words "or State;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Page 25, strike out the amendment and insert in lieu thereof the following:

"That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following: 'And the term "indecent" within the intentment of this section shall include matter of a character tending to incite arson, murder, or assassination.'"

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 27, line 1, strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

JESSE OVERSTREET,  
J. J. GARDNER,  
JOHN A. MOON,

*Managers on the part of the House.*

BOIES PENROSE,  
J. C. BURROWS,  
A. S. CLAY,

*Managers on the part of the Senate.*

We agree to this report except action on Senate amendments numbered 43, 44, 51, 76, and 77, the latter two known as "ship-subsidy amendments."

A. S. CLAY,  
JOHN A. MOON,

The statement is as follows:

#### STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made ninety-eight amendments to the bill, involving an increase of \$7,349,675.

By the action of the conferees, submitted in the accompanying report, the House recedes upon amendments involving an increase of \$1,708,450.

The Senate receded upon amendments involving a decrease of \$5,641,225.

The bill as passed by the House carried \$222,356,692.

As agreed to by the conferees, the bill carries \$224,065,142.

Amendments Nos. 1, 2, and 3: These amendments restore a provision in the bill as passed by the House.

Amendments Nos. 4, 5, and 6: These amendments restore a provision in the bill as passed by the House.

Amendments Nos. 7 and 8: These amendments increase the item and provide for the promotion of postmasters at Boston, Mass., and Philadelphia, Pa.

Amendment No. 9: This amendment provides for the promotion of assistant postmasters at Boston, Mass., and Philadelphia, Pa.

Amendment No. 10: This amendment adds the words "not exceeding," and provides for the better administration of the appropriation, and to correspond with other items in the bill.

Amendment No. 11: The reduction caused by this amendment is occasioned by the promotion of two to a higher grade, as provided for in the second part of amendment No. 29.

Amendment No. 12: This amendment adds the words "not exceeding," and provides for the better administration of the appropriation, and to correspond with other items in the bill.

Amendment No. 13: The decrease caused by this amendment is on account of the first part of amendment No. 29 not being agreed to by the Senate.

Amendments Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28: These amendments add the words "not exceeding," and provide for the better administration of the appropriation, and to correspond with other items in the bill.

Amendment No. 29: The first part of this amendment strikes out the provision for a second assistant postmaster at Chicago, Ill. The second part of the amendment provides for the promotion of assistant postmasters at Boston, Mass., and Philadelphia, Pa.

Amendments Nos. 30, 31, 32, 33, and 34: These amendments are made necessary on account of the promotion of the postmasters and assistant postmasters at Boston, Mass., and Philadelphia, Pa.

Amendment No. 35: This amendment is to correct the number of clerks in this grade.

Amendment No. 36: This amendment was considered unnecessary by the conferees, as it was a part of the classification act of last Congress.

Amendment No. 37: This amendment is to correct the number of clerks in this grade.

Amendment No. 38: This amendment reduces the amount of the appropriation as passed by the Senate.

Amendments Nos. 39, 40, 41, and 42: These amendments were found necessary by the Department after the bill passed the House.

Amendment No. 43: This amendment increased the appropriation for substitutes for clerks and employees at first and second class post-offices on vacation.

Amendment No. 44: This amendment increased the vacation period of clerks and employees at first and second class post-offices.

Amendment No. 45: This amendment provided a higher rate of pay for clerks and letter carriers under unusual conditions.

Amendment No. 46: This amendment was necessary on account of increased rental for first, second, and third class post-offices.

Amendment No. 47: This amendment was found necessary in order to provide for expenses during the current year.

Amendment No. 48: This amendment provides for the rent and equipment of Station H, New York City.

Amendment No. 49: This amendment increases the number of assistant superintendents, salary and allowance division.

Amendment No. 50: This amendment provides for increase in appropriation to cover increased number of assistant superintendents, salary and allowance division.

Amendment No. 51: This amendment provides for substitutes for letter carriers absent with pay.

Amendment No. 52: This amendment increased the allowance for horse hire and rental of vehicles. By action of the conferees the amount was restored to the bill as passed by the House.

Amendment No. 53: This amendment provides for street car collection service, which was formerly paid out of the appropriation for horse-hire allowance.

Amendment No. 54: This amendment decreased the appropriation for car fare for special-delivery messengers. By action of the conferees the amount was restored to the bill as passed by the House.



Amendment No. 55: This amendment provides for authorized agents to sign receipts for rental of post-offices.

Amendments Nos. 56 and 57: These amendments provided that no part of the appropriation was to be used to pay for carrying intoxicating liquors of any kind in the mails.

Amendment No. 58: This amendment was found necessary by estimates from the Department after the bill passed the House. The amendment relates to mail-messenger service.

Amendment No. 59: This amendment provides for an investigation as to the advisability of the Government purchasing pneumatic tubes.

Amendment No. 60: This amendment provided for authority to contract for screen-wagon service at Denver, Colo., which service is now performed by the railroads and made a part of their routes.

Amendment No. 61: This amendment provides for a mail-bag repair shop at Chicago, Ill.

Amendment No. 62: The first part of this amendment provides that no part of the appropriation shall be used to pay for carrying intoxicating liquors of any kind in the mails; the second part of the amendment relates to the method of weighing the mails in the Eastern and Western divisions.

Amendment No. 63: This amendment provides for the readjustment annually of the compensation for inland transportation by railroad routes, and provides for the simultaneous weighing of the mails in all sections of the country.

Amendment No. 64: This amendment increases the appropriation for railway post-office car service. As agreed to by the conferees the amount is the same as carried by the bill when it passed the House.

Amendments Nos. 65 and 66: These amendments provide for increased salaries of assistant division superintendent of railway mail service.

Amendment No. 67: This amendment was found unnecessary as the provision has been carried in the law for several years. This relates to sick leave for railway mail clerks.

Amendment No. 68: This amendment provides for a division headquarters of railway mail service at New Orleans, La.

Amendment No. 69: This amendment provides for increased leave of absence for railway mail clerks.

Amendment No. 70: This amendment provides for increased promotion of railway mail clerks.

Amendment No. 71: This amendment provides for the payment to substitute railway mail clerks of a stated salary.

Amendment No. 72: This amendment increases the leave of absence to railway mail clerks injured while on duty.

Amendments Nos. 73 and 74: These amendments provide for the payment of actual expenses of railway mail clerks when absent from home on duty.

Amendment No. 75: This amendment authorizes the Postmaster-General to pay a higher rate of compensation for electric and cable-car service where unusual conditions exist.

Amendment No. 76: This amendment provides an increase in the appropriation for the transportation of foreign mails.

Amendment No. 77: The first part of this amendment provided that no part of the appropriation was to be used to pay for carrying intoxicating liquors of any kind in the mails; the second part of the amendment provided for ocean-mail service to South America and the Orient.

Amendments Nos. 78 and 79: These amendments provide for the examination and distribution of official and stamped envelopes at Dayton and Cincinnati, Ohio.

Amendment No. 80: This amendment provided an increased allowance for the distribution of postal cards at Rumford Falls, Me.

Amendment No. 81: This amendment provides for the payment of limited indemnity for the loss of registered mail and restores the item to the bill as it passed the House.

Amendment No. 82: This amendment restores to the bill the item as it passed the House, authorizing employment of special counsel in connection with the second-class postage privilege.

Amendment No. 83: This amendment provides for the deposit by postmasters of their receipts in national or State banks.

Amendment No. 84: The first part of this amendment provides for the issue of duplicate checks or warrants of the Post-Office Department; the second part provides for the destruction of money orders after three years from the date of issue.

Amendment No. 85: This amendment excludes from the mail all matter of indecent character.

Amendments Nos. 86 and 87: These amendments provide for the pay of an agent to examine and distribute registry envelopes at Hartford, Conn.

Amendment No. 88: This amendment provides for the establishment of an agency at Cincinnati, Ohio, for the examination and distribution of official envelopes.

Amendment No. 89: This amendment restores to the bill the item as passed by the House and relates to wrapping twine and tying devices.

Amendment No. 90: This amendment decreases the appropriation for the purchase and repair of typewriting machines, etc.

Amendment No. 91: This amendment provides for the printing of a new edition of a street directory.

Amendments Nos. 92 and 93: These amendments restore to the bill the item as passed by the House, and relates to compensation for rural letter carriers.

Amendment No. 94: This amendment provides that no part of the appropriation should be used to pay for carrying intoxicating liquors of any kind in the mails.

Amendment No. 95: This amendment provides for the payments of the accounts of United States delegates to the Universal Postal Congress at Rome, Italy.

Amendment No. 96: This amendment extends the term and authority of the Joint Commission to investigate the business system of the Post-Office Department and postal service.

Amendment No. 97: This amendment provides for mail clerks in the United States Navy, and is recommended strongly by the Secretary of the Navy.

Amendment No. 98: This amendment provides that no part of the appropriations in the bill shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivative thereof.

JESSE OVERSTREET,

J. J. GARDNER,

JOHN A. MOON,

*Managers on the part of the House.*

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules and agree to the conference report.

Mr. MOON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] moves to suspend the rules and agree to the conference report.

The gentleman from Tennessee [Mr. Moon] demands a second. A second is ordered under the rule.

Mr. WILSON of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Illinois. Under this rule, I presume, all the debate that will be allowed will be twenty minutes on a side?

The SPEAKER. Yes.

Mr. OVERSTREET. Mr. Speaker, the post-office appropriation bill as it passed the House carried a total amount for the next fiscal year of \$222,356,692. As agreed upon by the conferees between the two Houses, this amount of appropriation has been increased by \$1,708,450, making a total appropriation for the next fiscal year of \$224,065,142. Of the increase of \$1,708,450, \$1,100,000 is for the increased appropriation due to the ocean mail service. An additional \$190,000 is for the improvement deemed necessary for rent in connection with the New York post-office. An increase of \$155,000 is made over the House bill for watchmen, laborers, and messengers in the post-offices of the first and second class, and \$140,000 of an increase for mail messenger service. Those four items of increase account for all of the \$1,708,450 except \$123,450, which is made up of a number of smaller items, ranging from \$5,000 to \$45,000. I take it, Mr. Speaker, that there will be little controversy, if any, relative to any one of the items of increase which I have just recited, except the item of \$1,100,000 for the ocean mail service. The bill carries also, by way of Senate amendments, some amendments in the way of legislation. All of the amendments relating to legislation have been considered by and thoroughly approved by the Post-Office Department.

Authority for postmasters to make deposits in State and national banks; a provision authorizing naval mail clerks, for use on our naval vessels, as well as authority changing the method of weighing the mails to once in each year instead of once in four years. That amendment, while approved by the Department and the conferees without any criticism, provides three important factors. It makes permanent law the so-called "Order 412" requiring the total number of days in the weighing period to be used as the divisor in fixing the average daily weight. It makes permanent law of the so-called "divisor order" under which the Postmaster-General is now computing the average daily weight. It requires, in the second place, that the distance between important terminals, where there are competing railway mail routes, shall be the shortest of those routes, applying for the ascertainment of mail pay the principle which now obtains in freight and passenger rates. In the third place, it fixes the period of weighing at the same time all over the country, simultaneous weighing, so as to avoid the shuttle-

cocking of mail, commonly known as "padding" the mails, in the weighing period. Annual weighing instead of quadrennial weighing will give a more equitable result in determining its amount.

Mr. Speaker, the ocean mail contract service is increased.

Mr. STEENERSON. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. OVERSTREET. I prefer not to yield at this time.

Under existing law, known as the act of May 3, 1891, we have been carrying, and carried in the bill as it passed the House, appropriations authorizing the payment of contracts for ocean mail service. In the Senate amendment agreed to, we amend that law without change of principle, without change of method of contract, without change of notice of contract, without any change whatever in the limitations, requirements, and restrictions of the act of 1891. The sole change is to increase the rate upon the second and third class vessels under these contracts.

The rates to-day are \$4 a mile, outgoing, on vessels under the restriction of the law of a speed in excess of 20 knots an hour, \$2 a mile where the speed is under 20 knots an hour but in excess of 16 knots, and \$1 a mile where the speed is between 14 and 16 knots. This amendment changes the rate from \$2 to \$4 on vessels above 16 and below 20 knots an hour, without any change of the vessels plying at a speed in excess of 20 knots. It changes the rate from \$1 to \$2 in the third-class vessels, whose speed is between 14 and 16 knots an hour, and then it limits those contracts under those rates to routes in excess of 4,000 miles in length, for the purpose of communicating with South America, Australasia, Hawaii, the Philippines, China, and Japan.

It is believed, Mr. Speaker, that it is important for the development of trade relations and mail communication with the people of the Orient and South America, in harmony and consistent with the policy of the American people, to establish closer relations with those people.

Now, I reserve the balance of my time.

Mr. SULZER. Will the gentleman permit an inquiry?

Mr. OVERSTREET. I think it better not to. Possibly an answer may be given from some other source.

Mr. SULZER. I have been unable to get a copy of the bill, and can not determine from the report the knowledge that I desire to get.

The SPEAKER. The gentleman reserves the balance of his time.

Mr. MOON of Tennessee. Mr. Speaker, I regret that we have only forty minutes to dispose of a bill carrying an appropriation of \$234,000,000 under this order of the House, and the half of that time belonging to us I will be compelled to divide between five members of the committee. So I will address myself to only one or two features of this report. It is a matter of regret that the Senate and House conferees could not have arranged for a slight addition to the vacation for the carriers and clerks; but while that is a matter of consideration, it is not a matter of great importance compared with the agreement made on the part of the majority of the House conferees with the Senate conferees to inject into this bill a great ship subsidy. We seriously object to that section of the bill which provides for an increase of \$1,100,000 by the Senate amendment, with the agreement of the House members, for an ocean ship subsidy. The concession of this increase is based upon two grounds. One an alleged increase in mail facilities, the other that the increase accomplished by the bill in this connection would furnish an auxiliary fleet to the Navy of the United States.

Let it be remembered that to-day the Government of the United States is paying an exorbitant sum of money for this ocean service. We paid last year \$3,268,000. The House bill this year proposes \$3,508,862, an increase of \$240,862, an increase commensurate, perhaps, with the increasing service on the ocean; but the Senate places \$1,100,000 in addition to this, making the whole subsidy \$4,602,862.

It is not contended by the gentlemen who urge this subsidy that it is necessary as a mail facility. The officials of the Department, in urging it, speak of it only incidentally as a benefit to the mail service. The problem which we are asked to solve on the post-office bill is the necessity of an increase in the merchant marine.

They tell us that we shall increase our foreign trade. They do not dare say that the facilities are not sufficient now under the subsidy for the carrying of such mail as we have to carry. They abandon that proposition, treat it as incidental, and say that the Government of the United States needs transports for the fleet, and that this will furnish a nucleus for that great service.

Mr. Speaker, I wish I had the time to discuss this question just a little, but the mere suggestion that the rotten old hulks that carry the mail would be of any aid to the American Navy

is absolutely ridiculous. They would be of no more value in a great naval engagement than a horse pistol would be in a great artillery duel, and these gentlemen know it.

There are two pretexts for this appropriation; first, as I said, incidentally the mail service, and, second, the naval service, both untenable, both of such a character that they ought not to receive the consideration of an intelligent House of Representatives. You can not increase your commerce by any such methods. If you shall determine at last that it is wise to continue the great tariff barrier, if you are determined at last that your trade must expand while your protective theory must still exist, that the embargo on trade, the prohibition against foreign commerce must still exist in the Dingley law, and yet at the same time the trade be carried on, you must have a merchant marine that will cost you a hundred millions of money. And then it is an absurd proposition that the Post-Office Department should begin this service. If we are to have this great service for the expansion of foreign commerce along the lines contended for by the Republican party, if you are not willing (as the Democracy believe) to concede that if you lower your tariff walls the commerce of your country will come naturally upon the high seas, but that you must have a high tariff and a merchant marine, go about it in an honest, manly way, bring your ship-subsidy bill here and have it discussed, and if it be to the interest of the country, let it pass. Do not indulge in a cowardly subterfuge on this post-office bill. [Applause on the Democratic side.] I tell you, sir, between these two pretexts, the facilitation of the mails and the improvement of the Navy, lies this monumental plunder of the National Treasury in behalf of the shipping interests that are involved in this question. [Applause on the Democratic side.] You can not furnish a sufficient reason for this enactment upon either of these theories. You had as well ask me to discuss the question whether larceny is in accord with high moral principles, or whether public plunder is a cardinal virtue, as to ask me to accede, under the facts presented here, to the subsidy in this bill. It is unnecessary, unwise, and unjust to the people to give their money to the shipping interest, with no return. It would be a misappropriation of public funds by faithless public servants. Mr. Speaker, my part of the time has ended, I shall have to yield the floor to another gentleman, and I ask the gentleman from Indiana now to take some of his time. [Applause on the Democratic side.]

Mr. OVERSTREET. I should like to inquire of the gentleman from Tennessee how many speeches he proposes to have in his full time.

Mr. MOON of Tennessee. There are two gentlemen on this side of the House who want to speak, and there are two on that side of the House to whom I have to give some time, because you would not, and that makes four.

Mr. OVERSTREET. It is my intention to use all the time at my disposal except what I yield to one additional man, and I request the gentleman to use the time of at least two of his speakers.

Mr. MOON of Tennessee. Very well. I will ask the Chair to recognize the gentleman from Kansas [Mr. MURDOCK] for five minutes. [Applause on the Democratic side.]

Mr. MURDOCK. Mr. Speaker, this is the last word of legislative control in this body. This bill carries over \$200,000,000. There are twenty minutes allowed for its presentation, twenty minutes for its analysis. That is deliberation at the rate of \$10,000,000 a minute as the clock ticks. [Applause on the Democratic side.]

I would like to appeal to you men here on both sides as individuals to-day, for I do not believe that by long disuse of individual responsibility you have lost it. In this bill which the Senate has amended is one proposition I want to talk about in my time, and that is the proposition for annual weighing of the mails. That annual weighing gives to the railroads of this country an increase of between three and four million dollars a year for carrying the mails.

Go back a little bit and think that for thirty-four years in this country, by reason of departmental silence, by reason of Congressional blindness, by indecision of commission after commission, we have grossly overpaid the railroads, overpaid them on one miscalculation \$60,000,000. That has been corrected. Last year Congress took away from the railroads some of their overpay.

Now we are to have annual weighing; at present we weigh the mail once in each section every four years for one hundred and five days. This provision put in here in the Senate, voted down in the House committee, provides for the weighing annually all over the country for thirty-five days. That is a technicality. It is difficult to see that within that change is an increase for the railroads of three or four million dollars.



Nevertheless, it does make an increase. The pay of the railroads, originally given in 1873, based on average weight, was made high pay. Why? Because the average found at the beginning of a four-year period at the end of four years was small. The high pay was intended as an offset. Moreover, the longer you weigh the mails in this country the less your average will be in certain seasons. If you weigh the mail one hundred and five days you get a lower average than you do if you weigh it for thirty-five days. How did we discover that? In 1906 the mails were weighed in the western half of the United States, beginning in February. On April 18 the earthquake occurred in San Francisco and disarranged the routing of the mails. The mails were weighed continuously, however, for one hundred and five days, and when they were all weighed, somebody discovered that the shorter weighing period—that is, up to the date of the earthquake—made a higher average than the longer weighing period. The Department appeared before the committee, explained the disarrangement of the mails by reason of the earthquake, and persuaded the committee to allow them to chop off the weighing period at fifty-seven days—that is, at the time the earthquake took place. By cutting off those other days and stopping at fifty-seven days the pay for the mail of that section was increased 7 per cent. If you reduce the number of days on which the mails are weighed from one hundred and five days to thirty-five days, you will get a like result. Why? Simply because the mails fluctuate in weight; they are high in January, not so high in February, not so high in March, higher in April, higher in May, very high in June, going down in July, lower in August, and then up again until they are very high in December, so the bigger the blanket you spread over the great weighing operation the fairer your average, and, theoretically, the only true average would be a weighing for all the year round. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I desire now that the remaining time on our side be divided between the gentleman from Wisconsin [Mr. STAFFORD], the gentleman from North Carolina [Mr. SMALL], and the gentleman from South Carolina [Mr. FINLEY]. And I now yield two minutes of that time to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, in two minutes the time is entirely inadequate to discuss these two large propositions, subsidy and railway-mail pay, which were both rejected after deliberate consideration by the House Committee on the Post-Office and Post-Roads. [Applause.] I stand for committee legislation in this House with its thorough consideration. We voted against reporting both of these propositions, and here we are asked to railroad through in a minute this great proposition of subsidy which should be considered for hours and which is more objectionable in its extent than the proposition we voted against last year. [Applause.] Here is the railway-mail proposition under the guise of annual weighing, that will increase the mail pay \$2,700,000 each year, changing the practice that has been in vogue for thirty years upon a basis of compensation which was fixed with the idea that there should be quadrennial weighings, and in a law that at present vests with the Postmaster-General the right at any time to hold weighings more frequently than once in every four years.

Last year we cut the railway-mail pay and to a reasonable extent, and now, under the guise of having a fairer average, they are seeking to raise the rate of compensation and set aside the efforts that we accomplished last year after weeks and weeks of struggle. I call upon the Republican Members of this House to enter a dissent to this practice of the Senate in loading down an appropriation bill with more legislative amendments than have ever been known here before, asking in the brief time of twenty minutes to consider such weighty measures that carry appropriations to the extent of millions and millions of dollars. I have not time to go into the merits in two minutes, to discuss this great question of railway-mail pay and to show you from the schedules that I have in my hand, prepared by the Post-Office Department, that the amount of mail pay will annually increase \$2,700,000 at least, nor have I the time to go into the question of the needlessness of the subsidy for the ocean mail to the Orient, which to-day is adequate with the facilities provided by subsidized steamers of other countries. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. I now yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I wish to submit in the brief time yielded to me just one proposition concerning the ocean mail subsidy, which appears in the post-office appropriation bill as a Senate amendment, and which has been agreed to by a majority of the conferees. This amendment increases just

double the amount to be paid for the carrying of ocean mails in vessels of the second and third class, and will involve an additional expenditure of about \$4,000,000 per annum. Although this amendment appears in a post-office appropriation bill which is presumed to provide exclusively for the postal service, there is no pretense that this increase is for the purpose of extending our mail facilities, but, on the contrary, under the guise of an amendment to this bill, it is admittedly a ship subsidy, pure and simple.

In order that no Member who has not studied this question may be deceived, I will present to you a few facts, and I challenge any Member to question their correctness. We had extended hearings upon this same proposition before a subcommittee of the Committee on Post-Offices of this House, when the Second Assistant Postmaster-General and other officials in his Department, together with several other familiar advocates of ship subsidy, were heard, and every one of these gentlemen advocated this proposition as a benefit to ocean shipping, and not for once did they contend that it was for the benefit of the ocean mail service. Likewise, in all the evidence submitted to the committee of the Senate and in all the speeches made in the other body, this legislation was favored, because, it was contended, it would aid our merchant marine and induce the building of ships in our yards.

Every article which has appeared in the newspapers favorable to this legislation has proceeded upon the idea that it was for the benefit of shipbuilders and shipowners, and not for the benefit of the mail service. Now, if we are going to subsidize our ships, let us do it in a manly, open, and candid way, and not under the guise of a postal appropriation bill. [Applause.] If you favor ship subsidies, then make this appropriation directly out of the Treasury and do not fasten it upon the Post-Office Department, and thereby increase the already large deficit.

I have here a clipping from the New York Sun of the 17th instant from its Washington correspondent, giving an interview with Francis T. Bowles, formerly an admiral in the Navy, and now at the head of a private shipbuilding company. The interview quotes Mr. Bowles as urgently advocating this legislation as an aid to our shipbuilding industry, and he further states that this mail subsidy is in danger of failing to become a law on account of the "incapacity" of a few Republican Congressmen. I suppose this eminent prospective forager upon the Treasury assumes that all Democrats are suffering under incapacity for looting the Treasury, but that such defect only applies to a few of the gentlemen upon the other side.

The amendment under consideration contains a proviso that the amount expended for ocean mail service in any year shall not exceed the estimated revenues for the current year. It is stated that such a limitation constitutes a justification for this legislation. Let us see. I wish to point out the inconsistency and the ineffectiveness of this proviso. In the first place, it is doubtful if there is any profit upon our ocean mail service as operated at the present time, upon a proper and just calculation. The alleged profit has been obtained by deducting the sum now paid for carrying the ocean mail from the gross sum received from ocean postage. This is an improper method, as can be shown. Most of the ocean mail matter originates from interior points, but the cost of that part of the service is ignored. Neither is the cost of administration of any part of the postal service taken into consideration. The aggregate of these two items added to the sum now paid for carrying ocean mail would largely reduce if not extinguish the alleged profit on the present ocean mail service.

Again, under the act of March 3, 1891, which it is sought to amend, it is provided in section 1 of the original act that ocean mail contracts shall be made for not less than five and not more than ten years. Does anyone doubt that the alleged profits would be estimated at a large sum and that contracts would be entered into for the maximum term of ten years? Therefore, is it not apparent that the proviso is not effectual even for the purpose intended and does not remove the objectionable features from this legislation? The amendment ought to be rejected, and the only way to do so is to reject the entire conference report.

The SPEAKER. The time of the gentleman has expired. The gentleman from South Carolina [Mr. FINLEY] is recognized for three minutes.

Mr. FINLEY. Mr. Speaker, I ask the House to vote down this conference report. The conference report does not give the clerks and carriers in first and second class post-offices an annual leave. It does not give to rural carriers \$100 additional salary annually. It provides for an annual weighing of the mails, and it has been stated here that the Department indorses it. The Post-Office Department states that if Congress wishes

to increase the pay or compensation to railroads, then they favor this proposition. They leave it to Congress.

But the most important proposition involved in this conference report is the ocean mail subsidy. I have stated before, and I repeat now, that this is a thin subterfuge. It is an attempt to gloss over and sugar coat the infamous ship-subsidy proposition, which has agitated Congress for years, and which, up to this time, be it said to the credit of the House of Representatives, the House has never indorsed. It is claimed that it will restore the American merchant marine. How much? It is a fact that the total revenue of the ocean mail service, gross, is \$6,500,000 annually, and the gross cost of the ocean mail service to-day is \$2,900,000, and they claim that this provision in the conference report here limits the cost to the actual amount received from the ocean mail service. This does not include the entire cost of the service at all, and I state that it is no more reasonable to give the entire gross revenue from this service for this purpose than it is to give the gross revenues of the New York City post-office for the benefit of ship subsidy and ocean mail subsidy.

So that, Mr. Speaker, it is a subterfuge pure and simple. I have not the time to discuss it. I have discussed it heretofore at this session of Congress in a limited way, and I regret that the time is so short that it is impossible to present the question as it should be presented to the House. I ask the House to vote down the conference report. Let the bill go back to the Post-Office Committee or go back to conference with instructions, and then I am sure it will come back here at least with the infamous ship-subsidy proposition eliminated from the bill. Mr. Speaker, the proposition here is to not give postal employees more compensation, but to give to shipowners and give to the railroads millions of dollars. I ask if that is a sample of what the American Congress should do in legislating for the whole country. I believe, Mr. Speaker, that the Republican party is afraid to stand up here and vote for ship subsidy as a separate proposition. It is cowardly to attempt to legislate in this manner. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. How much time has the gentleman from Tennessee remaining?

The SPEAKER. His time has been exhausted.

Mr. OVERSTREET. How much time have I remaining?

The SPEAKER. Thirteen minutes.

Mr. OVERSTREET. I yield three minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. MOON of Tennessee. Mr. Speaker, I understood the gentleman to say, when he insisted we should continue to use our time, that he had but one more speech.

Mr. OVERSTREET. I said one other beside myself.

Mr. MOON of Tennessee. Very well; I misunderstood the gentleman, likely.

Mr. HOBSON. Mr. Speaker, I expect to vote for this measure. It is hard in three minutes to state the reasons that I believe adequate to cause me to break with so many of my colleagues, but I have been associated with the ocean since I was 14 years of age. The high seas are the common inheritance of the nations. No nation can be great that does not participate in that inheritance, for two great reasons—both depending upon transportation. Those high seas are necessary for the transportation of power upon which the nation's life depends. America has just awakened to the fact that we must create the vehicles of this power—great battle ships—upon which sea power rests. Let me tell you from my knowledge of these vehicles that in case of war we will have to provide at least one-third of their value in additional auxiliaries and at least twice their numbers in men if we would have them efficient. It is out of the question at the present time for the Government itself to build and maintain these auxiliaries during the long years of peace.

It would require at least \$100,000,000 to build and over \$25,000,000 per year to maintain the additional auxiliaries and crews that would be required to make our present Navy efficient in case of a serious war.

Unless an adequate merchant marine is already flying our flag, it will be impossible to make proper provision after war comes. An attempt to do so would entail stupendous expense and prove utterly futile. Witness the case of the small Spanish war, which did not entail replacing men as result of casualties in battle. We poured out millions upon the so-called "mosquito fleet" and other inefficient auxiliaries, leaving us a legacy of the ill adopted and expensive fleet of small colliers now in the Navy. Due to the lack of a merchant marine we reached the utmost limit of our possibilities of naval expansion in the small war with Spain when our Navy was in its beginning. Our possibilities to-day are no greater and our requirements would be at least four times as great as then.

As a factor of national defense, a large merchant marine is a necessity for this country.

Now, the second reason: Transportation has become the greatest problem of the world, the result of the great economic forces producing differentiation in labor and the necessity for wider exchange of products. Within our own country this widening range has caused interstate commerce to grow by leaps and bounds until it now comprises 85 per cent of our total internal commerce. The same great law is working between nations—international commerce doubled between 1750 and 1800; it nearly trebled between 1800 and 1850; it increased more than fivefold between 1850 and 1900, and it now exceeds the vast sum of \$20,000,000,000 annually—and this is but a foretaste of what is to come. Before the turn of this century I expect to see China alone add more than half this amount to the world's commerce. This stupendous growth indicates the great importance of foreign markets and the vital necessity of controlling the means of transportation.

Mr. MOON of Tennessee. Will the gentleman yield?

Mr. HOBSON. I am very sorry I must decline to yield, having only three minutes.

Mr. MOON of Tennessee. I just want to ask what this has got to do with a ship subsidy?

Mr. HOBSON. I am coming to that. I must decline to yield.

Heretofore this necessity for controlling the means of transportation has not rested heavily upon America, because our exports have been chiefly in agricultural products that have but limited competition from the great maritime nations. Conditions must now change. A century ago 85 per cent of our population were engaged in agricultural pursuits; to-day only 33 per cent are so engaged. Already our manufactured products exceed \$15,000,000,000 annually, and the necessity for foreign markets is beginning to be felt. Soon foreign markets for a large export trade of manufactured products will be an absolute necessity for a healthy condition of the industries and for the prosperity of the nation. In seeking these markets we must come in direct competition with the great maritime nations that now control our means of transportation. It is self-evident that the governments that subsidize these steamship lines will bring about regulations that will give their own shippers advantage over our shippers dependent on these lines. We are now entering upon a new era of keen competition, where vast volumes of trade will turn upon advantage or disadvantage in transportation without a merchant marine. The Panama Canal will only play into the hands of the foreigner. The nation that can not control its own means of transportation must be left behind, no matter what its other conditions of advantage may be. We are soon to revise the tariff and take our manufacturing industries out of swaddling clothes. They will then begin to run, young giants that they are. Let us give them a fair chance and they will capture the markets of the world. With a merchant marine we win, without it we lose the prize. It is vain to hope that anything but Government aid can enable American citizens to compete with foreign governments. The postal subsidies provided in this measure should bring forth between thirty-five and forty new ships of 5,000 tons and upward to fly the American flag to South America, Asia, and Australasia. This would be a good start. But so vital is the question and so keen will be the competition that other measures will doubtless be required in time, especially the revision of our navigation laws, insuring the elimination of vessels of a third power in carrying cargo to and fro between America and a second power. Ultimately I expect to see governmental ownership of transoceanic steamship lines.

I wish to warn my colleagues of the Democratic party. This is not a question of "special interest;" it is a question of national security and national prosperity, and it is a national question in all lands. I will join in fighting to the death every governmental discrimination in favor of any class or interest. If the minority leader will have me put upon the Committee on the Merchant Marine and Fisheries, as I have requested him to do, I will watch like a hawk and oppose every tendency to favor special interests.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HOBSON. I ask one minute more.

Mr. OVERSTREET. I yield one minute more to the gentleman.

Mr. HOBSON. I wish to appeal to my colleagues. Let us not postpone the beginning of the upbuilding of our merchant marine. Every year, every month, of delay is dangerous. Great foreign nations of the world who may be our enemies in war, who are sure to be our rivals in peace, are getting their hands upon our country's heart. Let us not mistake for a raid upon the Treasury a measure that would promote one of the most vital and most urgent needs of the nation. Should war come upon us, and should we find our fleet paralyzed because we have



no auxiliaries, and should this impotence of the fleet bring about the seizure of our possessions, even the invasion of our continental territory, then in its convulsions the nation would rise and smite us and consign our party to another half century of opposition, if not to annihilation. Let us not relax vigilance in our watch over the Treasury, but let us help in this great movement, which must come as surely as day follows night.

Mr. OVERSTREET. Mr. Speaker, there is no bugaboo in this proposition to which the gentleman from Kansas has made so much ado. The amendment has been carefully and thoroughly considered by the Post-Office Department, and is strongly recommended by that Department.

Mr. MURDOCK. Will the gentleman yield?

Mr. OVERSTREET. I decline to yield. The gentleman from Kansas [Mr. MURDOCK] has inveighed at each opportunity since he has come to Congress wherever the word "railroad" happens to occur in any law or amendment. I fear that he may suffer from the new disease of "railroaditis," which might impair the usefulness of the gentleman in his favorite custom as a true follower and as a knight of Don Quixote tendencies, tilting against ghost armies of an imaginary foe.

Mr. Speaker, the only increase which will occur by reason of either this amendment or the appropriation affecting railway mail transportation is occasioned by the increased growth and volume of that great service.

Now, just a word with reference to the ocean mail amendment. I repeat the law has not been changed except to increase the rate with respect to second and third class vessels, and to limit that increase where the contracts are for mail facilities to South American and oriental ports. We have been unable under that law thus far to develop the mail facilities with those people because of the low rates. In a great bill involving such a character of bookkeeping and calculations and statistics you can not take it up in a body of this size of membership and treat each amendment in detail. You must leave much to the Department and to the examination of witnesses in committees. We have to sacrifice some things—not sacrificing principle always—for the good of harmony between the two Houses and the Executive Departments. This great bill is now upon its final passage. A negative vote returns it to conference, with all of the complications which might arise; and an affirmative vote passes the legislation for this Congress. This legislation relative to all of these matters was indorsed and recommended by the Executive Department, including the President.

The ocean mail act was a Republican law. It has been advocated in every Republican national convention since 1888. It has been recommended this year more than once by an Executive message from the White House. This provision therefore is in keeping with the policy of the Administration to improve the mail facilities, the freight shipping facilities, the development of the relationship of a friendly character with these people with whom we are undertaking to cement a union which may last as long as we shall last. The gentleman from Wisconsin [Mr. STAFFORD] says the mail facilities on the Pacific are now adequate. There is no adequacy in respect to mail or shipping facilities between American and oriental ports in American bottoms. The fleet which all of us take such pride in, and which has challenged the admiration of the world in its grand parade around the Horn, and which is now on its way to the Orient, is followed by ships of foreign build, floating foreign flags, in order to transport the coal which gives life to the motion of that fleet. This amendment proposes to stimulate the construction of an auxiliary equipment in support of the Navy in order to avoid in the future the necessity of appealing to foreign vessels to aid us in making demonstrations of the ability of our own Navy. While that is in progress, under this same law, which has been upon the statute books for more than fifteen years, we make it possible for the American merchant and farmer to have communication with South American ports without first sending his letters and his freight to Liverpool and London, from there to be sent in British or German vessels, which are paid a greater allowance by way of additional pay than we authorize under this amendment. I think, Mr. Speaker, that this Congress will be in poor business to refuse this, and those gentlemen who feel that the Administration has been slighted because his policies have not been advocated should hereafter hold their peace if they vote against this amendment which is advocated by him and indorsed by him. And his disappointment will be as great as that of any individual upon this floor if this vote shall fall.

I ask for a vote. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Chair announced that the eyes seemed to have it.

Mr. MOON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 143, nays 155, answered "present" 6, not voting 84, as follows:

## YEAS—143.

Acheson	Denby	Howell, Utah	Olmsted
Alexander, N. Y.	Diekema	Howland	Overstreet
Ames	Douglas	Humphrey, Wash.	Parker, N. J.
Anthony	Draper	Jenkins	Parsons
Barchfeld	Driscoll	Jones, Wash.	Payne
Bartley	Durey	Kahn	Pearre
Bartlett, Nev.	Dwight	Keller	Pollard
Bates	Ellis, Mo.	Kennedy, Ohio	Porter
Beale, Pa.	Ellis, Oreg.	Knapp	Pray
Bede	Englebright	Knopf	Reynolds
Bennet, N. Y.	Fairchild	Lafcan	Rosenberg
Bingham	Fassett	Landis	Scott
Bonyng	Fordney	Langley	Sherman
Boutell	Foss	Laning	Slemp
Bradley	Foster, Ind.	Law	Smith, Cal.
Brownlow	Foulkrod	Littlefield	Smith, Mich.
Brumm	Fowler	Longworth	Snapp
Burke	French	Lorimer	Sperry
Burleigh	Gaines, W. Va.	Loudenslager	Sterling
Burton, Del.	Gardner, Mich.	Lovering	Stevens, Minn.
Calder	Gardner, N. J.	McCall	Sturgiss
Calderhead	Gillett	McGavin	Sulloway
Capron	Goebel	McGuire	Tawney
Caulfield	Graham	McKinlay, Cal.	Taylor, Ohio
Chapman	Greene	McKinley, Ill.	Thistlewood
Cocks, N. Y.	Hale	McLachlan, Cal.	Tirrell
Cole	Hall	McLaughlin, Mich.	Vreeland
Cook, Colo.	Hamilton, Mich.	McMillan	Waldo
Cook, Pa.	Haskins	McMorran	Wanger
Cooper, Pa.	Hawley	Malby	Washburn
Coudrey	Hayes	Mondell	Weeks
Crumpacker	Henry, Conn.	Moon, Pa.	Wheeler
Curler	Hepburn	Moore, Pa.	Wood
Cushman	Hobson	Mouser	Young
Dalzell	Holliday	Needham	The Speaker
Darragh	Howell, N. J.	Olcott	

## NAYS—155.

Adair	Edwards, Ky.	Hughes, N. J.	Patterson
Adamson	Ellerbe	Hull, Tenn.	Perkins
Aiken	Esch	Humphreys, Miss.	Rainey
Alexander, Mo.	Favrot	James, Ollie M.	Randell, Tex.
Ansberry	Ferris	Johnson, Ky.	Randell, La.
Ashbrook	Finley	Johnson, S. C.	Rauch
Beall, Tex.	Fitzgerald	Jones, Va.	Reeder
Booher	Floyd	Kellher	Richardson
Bowers	Foster, Ill.	Kennedy, Iowa	Riordan
Boyd	Fuller	Kinkaid	Robinson
Brantley	Fulton	Kipp	Rothermel
Broadhead	Gaines, Tenn.	Kistermann	Russell, Mo.
Brundidge	Garner	Lamb	Russell, Tex.
Burleson	Garrett	Lassiter	Sabath
Burnett	Gilliams	Lee	Shackelford
Burton, Ohio	Gillespie	Lenahan	Sherley
Caldwell	Glass	Lindbergh	Sherwood
Campbell	Godwin	Lindsay	Sims
Candler	Goldfogle	Lowden	Slayden
Carlin	Gordon	McDermott	Small
Carter	Goulden	McHenry	Smith, Iowa
Cary	Graff	McKinney	Smith, Mo.
Chaney	Granger	McLain	Sparkman
Clark, Fla.	Hackney	Macon	Spight
Clark, Mo.	Hamilton, Iowa	Madden	Stafford
Clayton	Hardwick	Mann	Steenson
Cockran	Hardy	Maynard	Sulzer
Conner	Harrison	Miller	Thomas, N. C.
Cooper, Tex.	Haugen	Moon, Tenn.	Tou Velle
Cooper, Wis.	Hay	Moore, Tex.	Townsend
Cox, Ind.	Healin	Morse	Underwood
Craig	Helm	Murdock	Volstead
Davenport	Henry, Tex.	Murphy	Webb
Davidson	Higgins	Nelson	Willett
Davis, Minn.	Hinshaw	Nicholls	Williams
Dawson	Hitchcock	Norris	Wilson, Ill.
De Armond	Houston	Nye	Wilson, Pa.
Denver	Howard	Padgett	Woodyard
Dixon	Hubbard, W. Va.	Page	

## ANSWERED "PRESENT"—6.

Butler	Haggott	Sheppard	Talbot
Flood	Lever		

## NOT VOTING—84.

Allen	Gardner, Mass.	Knowland	Prince
Andrus	Gill	Lamar, Fla.	Pujo
Bannon	Gregg	Lamar, Mo.	Reld
Bartholdt	Griggs	Lawrence	Rhinock
Bartlett, Ga.	Gronna	Leake	Roberts
Bell, Ga.	Hackett	Legare	Rucker
Bennett, Ky.	Hamill	Lewis	Ryan
Birdsall	Hamlin	Lilley	Saunders
Broussard	Hammond	Livingston	Smith, Tex.
Burgess	Harding	Lloyd	Southwick
Byrd	Hill, Conn.	Loud	Stanley
Cousins	Hill, Miss.	McCreary	Stephens, Tex.
Crawens	Hubbard, Iowa	Madison	Taylor, Ala.
Crawford	Huff	Marshall	Thomas, Ohio
Davey, La.	Hughes, W. Va.	Mudd	Wallace
Dawer	Hull, Iowa	O'Connell	Watkins
Dunwell	Jackson	Parker, S. Dak.	Watson
Edwards, Ga.	James, Addison D.	Peters	Weems
Focht	Kimball	Pou	Welase
Fornes	Kitchin, Claude	Powers	Wiley
Foster, Vt.	Kitchin, Wm. W.	Pratt	Wolf

So the motion to suspend the rules and agree to the conference report was rejected.

The following pairs were announced:  
Until further notice:

Mr. PRINCE with Mr. SMITH of Texas.  
Mr. PARKER of South Dakota with Mr. RYAN.  
Mr. MARSHALL with Mr. RUCKER.  
Mr. MADISON with Mr. RHINOCK.  
Mr. LOUD with Mr. LLOYD.  
Mr. ADDISON D. JAMES with Mr. PUJO.  
Mr. LAWRENCE with Mr. LEGARE.  
Mr. JACKSON with Mr. LIVINGSTON.  
Mr. HULL of Iowa with Mr. LEAKE.  
Mr. HUGHES of West Virginia with Mr. HILL of Mississippi.  
Mr. HUFF with Mr. HAMLIN.  
Mr. HUBBARD of Iowa with Mr. HAMILL.  
Mr. HILL of Connecticut with Mr. GRIGGS.  
Mr. GRONNA with Mr. GREGG.  
Mr. GARDNER of Massachusetts with Mr. GILL.  
Mr. FOSTER of Vermont with Mr. POU.  
Mr. FOCHT with Mr. DAVEY of Louisiana.  
Mr. DAWES with Mr. CRAVENS.  
Mr. ROBERTS with Mr. BROUSSARD.  
Mr. BENNETT of Kentucky with Mr. BYRD.  
Mr. BARTHOLDT with Mr. BURGESS.  
Mr. BANNON with Mr. BELL of Georgia.  
Mr. WEEMS with Mr. WATKINS.  
Mr. WATSON with Mr. SHEPPARD.  
Mr. THOMAS of Ohio with Mr. TAYLOR of Alabama.  
Mr. SOUTHWICK with Mr. STANLEY.  
Mr. POWERS with Mr. PRATT.  
Mr. HARDING with Mr. PETERS.  
Mr. MCCREARY with Mr. EDWARDS of Georgia.  
Mr. BIRDSALL with Mr. LAMAR of Missouri.  
Mr. DUNWELL with Mr. LAMAR of Florida.  
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
Mr. MUDD with Mr. TALBOTT.  
Mr. ANDRUS with Mr. FORNES.  
Mr. ALLEN with Mr. LEVER.  
Mr. KNOWLAND with Mr. WILEY.

For the session:

Mr. BUTLER with Mr. BARTLETT of Georgia.  
Mr. COUSINS with Mr. FLOOD.  
Mr. LEVER. Mr. Speaker, I have a pair with the gentleman from Maine [Mr. ALLEN]. I voted "no" on the roll call. I desire to withdraw my vote and be marked "present."  
The name of Mr. LEVER was called, and he answered "present."

Mr. BUTLER. Mr. Speaker, I maintain a pair with the gentleman from Georgia [Mr. BARTLETT]. I voted "aye." I desire to keep my pair, and therefore withdraw my vote and answer "present."

The name of Mr. BUTLER was called, and he answered "present."

Mr. OVERSTREET. Mr. Speaker, I am not advised of the difference between the two votes. I reserve the right to ask for a recapitulation.

Mr. SULZER. Regular order!

The SPEAKER. The vote as handed to the Chair by the Clerk is 147 ayes and 155 noes. [Loud applause.] The vote is so close, under the confusion that existed, the Chair will order a recapitulation of the vote.

The vote was recapitulated.

Mr. NEEDHAM. Mr. Speaker, I heard the name of my colleague [Mr. KNOWLAND] called in the recapitulation. He is not here. He has gone home.

Mr. BARTHOLDT. Mr. Speaker, may I be recorded?

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BARTHOLDT. I ask whether I may still be recorded—if I can vote?

The SPEAKER. Was the gentleman present, giving attention when his name was called?

Mr. BARTHOLDT. No, sir.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BARTHOLDT. I came in the Hall of the House after the vote.

Mr. NYE. Mr. Speaker, I am recorded on the affirmative side. I voted "no." [Applause on the Democratic side.]

Mr. STANLEY. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. STANLEY. I wish to be recorded as voting "no."

The SPEAKER. Was the gentleman present and giving attention when his name was called, and did he fail to hear it?

Mr. STANLEY. I was present before the roll call was concluded.

The SPEAKER. But was the gentleman present when his name was called, or should have been called, and giving attention?

Mr. STANLEY. There was so much confusion in the room that I can not say, Mr. Speaker, positively. I was called out of the room for a moment, and came back—

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. STANLEY. Mr. Speaker, it is my impression, but I can not say positively.

The SPEAKER. Well, the gentleman must be able to say positively, in order to bring himself within the rule.

Mr. STANLEY. I should love to vote "no," if I could.

The SPEAKER. Upon this question the yeas are 143, the nays are 155, "present" 6, and the conference report is not agreed to.

Mr. OVERSTREET and Mr. MOON of Tennessee rose.

The SPEAKER. The gentleman from Indiana.

Mr. OVERSTREET. I move to suspend the rules, disagree to the Senate amendments to the post-office appropriation bill, and request a conference.

The SPEAKER. The gentleman from Indiana moves to suspend the rules, further insist on the disagreement to the Senate amendments—

Mr. MOON of Tennessee. Mr. Speaker—

The SPEAKER. One moment. (Continuing) to the Senate amendments, and ask for a further conference.

Mr. MOON of Tennessee. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOON of Tennessee. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOON of Tennessee. The gentleman from Indiana having been defeated by the House on the vote, has he not lost control of this bill, and does not the right to make that motion go to the other side?

The SPEAKER. The Chair will reply to the gentleman that there are 50 to 100 amendments—

Mr. FITZGERALD. Mr. Speaker, I wish—

The SPEAKER. One moment.

Mr. FITZGERALD. I rise to a question of order.

The SPEAKER. There are 50 to 100 amendments, more or less—

Mr. MOON of Tennessee. The gentleman has lost on all of them—

The SPEAKER. The Chair supposes that he ought to be privileged to reply to the question of the gentleman. [Applause on the Republican side.] The Chair does not desire to yield until he has had the opportunity of saying two sentences. From the discussion on the floor, with the many amendments, having in mind the speech of the gentleman from Kansas [Mr. MUMFORD] and the speeches of others, the Chair, in exercising the power of the Chair to recognize Members, does not believe that he ought to refuse to recognize the gentleman from Indiana, chairman of the Committee on the Post-Office and Post-Roads, to make the motion. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker—

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order.

Mr. MOON of Tennessee. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. That under the rules and practices of the House, which particular rules are not suspended by a motion to suspend the rules, the Chair is obliged, the gentleman from Indiana having failed to carry the motion he made, to recognize somebody upon this side of the House.

The SPEAKER. On the contrary, this being a motion to suspend the rules, and for the reasons stated by the Chair, the Speaker of the House recognizes the gentleman from Indiana. [Applause on the Republican side.]

Mr. MOON of Tennessee. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOON of Tennessee. If the Speaker will permit me, in the first place, I did not desire to interrupt the Speaker at all, and take pleasure in apologizing to him, if I interrupted him.

The SPEAKER. Oh, there was nothing of that.

Mr. MOON of Tennessee. But the next inquiry I desire to make is this: Is it not the result of the action of the House, on the motion that has been taken, that the gentleman from Indiana is defeated on each and every one of the amendments, and do they not all go back to conference?

Mr. SHERMAN. Regular order!



The SPEAKER. If the rules are suspended and the House further insists, the bill will go back to conference, provided the Senate agrees to a conference. As many as favor the motion—

Mr. FITZGERALD. Mr. Speaker—

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. I demand a second.

Mr. WILLIAMS. Mr. Speaker, I demand a second. I was merely waiting until the points of order were disposed of.

The SPEAKER. Under the rules, a second is ordered. The gentleman from Indiana [Mr. OVERSTREET] has twenty minutes and the gentleman from Tennessee [Mr. MOON] has twenty minutes.

Mr. MOON of Tennessee. Mr. Speaker, the gentleman from Indiana made a motion which we should have made on this side if we had been recognized. I desire to say that we have no objection to the adoption of the motion of the gentleman from Indiana. We concur fully in that motion, and we are willing to have it done without a roll call.

The question was taken, and the motion was agreed to.

The Speaker announced the following conferees on the part of the House: Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. BURROWS, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4316. An act to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes."

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 22009. An act authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes.

The message also announced that the Senate had passed with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21946. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. WARREN, and Mr. CULBERSON as the conferees on the part of the Senate.

A further message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, with amendments, in which concurrence by the House was requested.

#### PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 20112, with committee and other amendments, which I send to the Clerk's desk.

The Clerk read the amended bill, as follows:

A bill (H. R. 20112) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, prohibiting fraud in registrations and elections, and providing data for the apportionment of Representatives among the States.

Be it enacted, etc., That the term "political committee" under the provisions of this act shall include the national committees of all political parties and the national Congressional campaign committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected.

SEC. 2. That every political committee as defined in this act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, and promises of pay-

ment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, or disbursed. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee until after a chairman and treasurer of such committee shall have been chosen.

SEC. 3. That every payment or disbursement made by a political committee exceeding \$10 in amount be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for fifteen months after the election to which it relates.

SEC. 4. That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent, shall, on demand, and in any event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose.

SEC. 5. That the treasurer of such political committee shall, not more than fifteen days and not less than ten days before an election at which Representatives in Congress are to be elected in two or more States, file in the office of the Clerk of the House of Representatives at Washington, D. C., with said Clerk, an itemized detailed statement, sworn to by said treasurer and conforming to the requirements of the following section of this act. It shall also be the duty of said treasurer to file a similar and final statement with said Clerk within thirty days after such election, such final statement also to be sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the Clerk of the House shall be preserved by him for fifteen months, and shall be a part of the public records of his office, and shall be open to public inspection.

SEC. 6. That the statements required by the preceding section of this act shall state:

First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee, or any officer, member, or agent thereof, either in one or more items, money or its equivalent of the aggregate amount or value of \$100 or more.

Second. The total sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts less than \$100.

Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has disbursed, distributed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value of \$10 or more, and the purpose thereof.

Fifth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such disbursement, distribution, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than \$10.

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee or any officer, member, or agent thereof.

SEC. 7. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to \$50 or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file the statements of the same under oath as required by section 6 of this act in the office of the Clerk of the House of Representatives, at Washington, D. C., which statements shall be held by said clerk in all respects as required by section 5 of this act.

SEC. 8. That any person may in connection with such election incur and pay from his own private funds for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives to the Congress of the United States are elected, all personal expenses for his traveling and for purposes incidental to traveling, for stationery and postage, and for telegraph and telephone service, without being subject to the provisions of this act.

SEC. 9. That the foregoing provisions of this act shall not apply to the proprietors and publishers of publications issued at regular intervals in respect to the ordinary conduct of their business, and nothing contained in this act shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election.

SEC. 10. That every person willfully violating any of the foregoing provisions of this act shall, upon conviction, be fined not more than \$1,000 or imprisoned not more than one year, or both.

SEC. 11. That if, at any election for Representative or Delegate in Congress, or at any primary election for the nomination of a candidate for Representative or Delegate in Congress held in pursuance of State or Territorial law, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election, or primary election, for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State or of any Territory from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels or induces by any such means any officer of an election or primary election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote, or interferes in any manner with any officer of such election or primary election in the discharge of his duties, or by any such means or other unlawful means induces any officer of an election or primary election, or officer whose duty it is to ascertain, announce, or declare the result of such election or primary election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same, or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any

act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempts to do so, he shall be punished by a fine of not more than \$500 or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

SEC. 12. That if at any registration of voters for an election for Representative or Delegate in Congress, or for any primary election for the nomination of a candidate for Representative or Delegate in Congress held in pursuance of State or Territorial law, any person knowingly personates and registers, or attempts to register in the name of any other person, whether living, dead, or fictitious, or fraudulently registers or fraudulently attempts to register, not having a lawful right so to do, or does any unlawful act to secure registration for him or any other person, or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right, or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same, or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered, or if any such officer or other person who has any duty to perform in relation to such registration or election or primary election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election or primary election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punished by a fine of not more than \$500 or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

Every registration made under the laws of any State or Territory for any State or other election, or primary election at which such Representative or Delegate in Congress may be nominated or elected, shall be deemed to be a registration within the meaning of this section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election, or primary election.

SEC. 13. That every officer of an election at which any Representative or Delegate in Congress is voted for, or of any primary election for the nomination of a candidate for Representative or Delegate in Congress, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election or primary election required of him by any law of the United States, or of any State or Territory thereof, or who violates any duty so imposed, or who knowingly does any acts thereby unauthorized, with intent to affect any such election or primary election or the result thereof, or who fraudulently makes any false certificate of the result of such election or primary election in regard to such Representative or Delegate, or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate or primary election for the nomination of a candidate for such Representative or Delegate, or who neglects or refuses to make and return such certificate as required by law, or who aids, counsels, procures, or advises any voter, person, or officer to do any act by sections 11 or 12 thereof made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished by a fine of not more than \$500 or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

SEC. 14. That for the purpose of enabling Congress to apportion Representatives among the several States in accordance with the plan provided in the second section of the fourteenth amendment to the Constitution, the Director of the Census, as soon as practicable after each decennial census of population, shall submit to Congress a report of the population by States as shown by such census, which report shall also show the number of male citizens, white and colored, respectively, in each State, 21 years of age and over, the number of such male citizens in each State found to be illiterate, the number of votes cast by male citizens in each Congressional district at the last preceding general election, the number of such male citizens in each State that had not complied with the registration and election laws therein requiring the payment of a poll or property tax as a condition precedent to the right to register or vote, and the number of such male citizens in each State to whom the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial offices of the State or members of the legislature thereof, has been denied or in any way abridged except for participation in crime.

SEC. 15. That all prosecutions under this act shall be commenced within one year after the commission of the offense, and shall be brought in the United States circuit court within the district in which such offenses occurred.

Mr. HARDWICK. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Indiana [Mr. CRUMPACKER] is entitled to twenty minutes and the gentleman from Georgia [Mr. HARDWICK] to twenty minutes.

Mr. CRUMPACKER. Mr. Speaker, the bill under consideration is the McCall publicity bill, with certain quite important and substantial amendments. The publicity bill requires campaign committees—that is, the national committees—and Congressional committees of the parties to make reports to the Clerk of the House of Representatives of the contributions received and disbursed for the purpose of influencing elections at which the Representatives and Delegates in Congress are chosen. The reports are to be made in detail, but that bill does not reach local committees at all. It does not prevent a candidate for Congress in any district of the United States spending any amount of money, or debauching the ballot with the use

of money if he sees fit. The bill does not undertake to prevent any person or any corporation or association from contributing money for campaign purposes.

We passed a law in the last Congress making it unlawful for any Federal corporation to contribute money to influence any election, and prohibiting local corporations from contributing money to influence Federal elections. I would not say that the McCall bill is a namby-pamby measure, for that would not be just. It is a salutary measure; it does deter exorbitant contributions for campaign purposes by those who may desire to receive a quid pro quo either in legislation or administration.

Our friends on the other side of the aisle, I think to a man, have announced and pledged their united support repeatedly during the session of Congress to the McCall publicity bill. The amendments I have proposed in connection with that bill go much farther. We all agree, Mr. Speaker, that the ballot is the very foundation of free institutions, and that there can be no higher assault upon the integrity of the republican government than an attack upon the ballot by corrupt and fraudulent use of money or by any other kind of fraud.

Under the law as it exists to-day Representatives to this body may be elected by the rankest fraud, by force and intimidation, and there is no law on the statute books that can reach the perpetrators of the wrongs. We are absolutely and utterly helpless to protect the ballot that elects Representatives in this body and electors that choose the President and Vice-President of the country; absolutely helpless.

Two of the sections that are contained in this amendment are substantially reenactments of sections that were contained in the Federal election law that was repealed under the last Cleveland Administration. They have been upheld by the courts; they are salutary provisions, and make it a crime for any person or association of persons to bribe or corrupt or intimidate electors. They make it a crime in the election or registration officers to commit any kind of fraud against the ballot. They surround the ballot in the selection of Members of this body with sufficient safeguards to warrant its purity, and I undertake to say that no man, no Member of this body, should object to a law the only purpose of which is to secure honest elections.

No Member of this body, it would seem to me, ought to oppose a bill that confers upon the Federal Government the power to punish crime against the ballot at elections where Federal officeholders are chosen. [Applause.] The amendments go beyond the old elections law sections, to which I have referred, by including primary elections, and I have no kind of doubt that Congress has authority to regulate and control primary elections held under State and Territorial laws where they are called for the purpose of nominating candidates for Congress and Delegates thereto.

Mr. SHERLEY. Will the gentleman yield?

Mr. CRUMPACKER. I prefer not to yield. I hope the gentleman will excuse me.

The SPEAKER. The gentleman declines to yield.

Mr. SHERLEY. But, Mr. Speaker, if the Speaker will allow me to state what I desire, I think that the gentleman will yield.

The SPEAKER. But the gentleman declines to yield.

Mr. SHERLEY. I only wanted to know what sections the gentleman is referring to.

Mr. CRUMPACKER. I will state to the gentleman from Kentucky, if he will give me his attention, that the amendments begin with section 11. Section 11 relates to elections and primary elections, and section 12 relates to registrations, and section 14 relates to another very important amendment that is proposed, and that is a provision requiring the Director of the Census, as soon as practicable after each decennial census of the population, to collect material to enable the Congress to apportion Representatives among the various States in accordance with the plan outlined in the second section of the fourteenth amendment to the Federal Constitution. [Applause on the Republican side.] I believe that to be perhaps the most important of all the amendments. It is the belief of a great many people, Mr. Speaker, that there are probably twenty-five Representatives in this body holding credentials, assisting in the enactment of legislation, who, if the constitutional plan of apportionment were adhered to, could not be here. I believe the Constitution should be respected.

Mr. HARDY. Mr. Speaker—

Mr. CRUMPACKER. Mr. Speaker, I must decline to yield. I have not the time. The Constitution is the basis of union. It prescribes the relations between the States and it declares the manner of the apportionment of political power among the several States. The amendment to which I refer does not commit Congress to the policy of reduction, but it does require the Director of the Census to provide Congress with the neces-



sary data, so when the time comes, if Congress should see fit to enforce the Constitution, to obey the mandate of the organic law of the country and respect the oath of office which each Member takes, it will have the necessary data and can do it intelligently. Mr. Speaker, I regard these amendments as of vital importance in safeguarding the elections of the country, in protecting the ballot.

I reserve the balance of my time.

Mr. HARDWICK. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, if anything were wanting to demonstrate to every intelligent man in the United States that the leaders and managers of the Republican party here on this floor are guilty of hypocrisy, deceit, and false pretense, we have that demonstration here to-day. [Applause on the Democratic side.] For two weeks, nay, for more than a month, the identical bill which you have reported here to-day, being the first ten sections of the pending bill, has been on the Calendar of the House, properly reported by a committee duly appointed by the Speaker of the House, and during all that time the Speaker has persistently and stubbornly refused to give recognition to any member of that committee to call it up and move its passage. Now, in order to hide behind a shabby, false pretense and to deceive the public, you hypocritically and falsely pretend that you want to enact a campaign contribution publicity law, when, in fact and in truth, your real purpose is to kill it. You have linked this wise and meritorious measure to one of the skeletons of the past, well knowing and intending that this unholy union ought to and will destroy every hope of its passage. This measure is injected into the House without consideration by any committee as a political scheme and trick, knowing that your own partisans would defeat it rather than see it become law.

We on this side will not dodge the issue. We earnestly favor publicity of campaign contributions, but we are unalterably opposed to force bills and Federal supervision of elections. Since we are compelled by your rule to vote for or against the pending measure as an entirety, without the privilege of amendment, we will vote against it. If you Republicans were in good faith, if every claim you make to political integrity were not a fraud and a sham, you would permit the House to vote on the passage of the McCall bill without attaching to it this odious and revolting proposition of Federal control and supervision over State elections. If the gentleman from Indiana [Mr. CRUMPACKER] really wants the intelligent judgment of the House on his pet measure—a force bill—he can get it. We welcome the issue. It should be presented on its own merits, as a separate bill, duly reported by the proper committee of the House, and presented in an orderly, decent way. [Applause on the Democratic side.] I warn you, gentlemen, that you will deceive no man by your insincere, hypocritical, spectacular performance here to-day.

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. Mr. Speaker, I will request to be notified when I have occupied five minutes of my time. This bill couples together three distinct, separate, and only remotely connected propositions; first, the McCall publicity bill, just as it was reported to the House; second, a Federal election law, and third, a proposition to provide machinery and to obtain the information upon which to base a reduction of Southern representation in this body and in the Electoral College. The patent purpose of this delectable scheme is to put the Democratic membership of this body in the apparent, but false, attitude of opposing publicity legislation [laughter on the Republican side]—that is right, and it is a sham and fraud and you know it, every one of you [renewed laughter on the Republican side]—by coupling it with other measures that we can not and will not support, and at the same time to kill the McCall bill, to which the party in power is opposed, but which it has not the courage to openly destroy.

Further comment is unnecessary. The scheme is too plain to require further exposure. So far as the Federal election law feature of this composite measure is concerned, I have simply this to say: There is no demand among the people of any section for such a measure. The people everywhere were so disgusted with our last Federal election law that they will not soon desire a new one. Each State, by fair laws, fairly enforced, can and does regulate the various elections held within its limits.

So far as this proposition to direct the Director of the Census to collect the information upon which to base a bill to reduce the representation of certain States is concerned, I have this to say: First, this is merely a sop thrown to the negro voters in the doubtful States, in the hope that their flagging zeal may be revived and renewed.

Second, it is utterly insincere, uncandid, deceitful, and intended to deceive. Four years ago the Republican party put a plank in its platform promising action of this kind. It then won one of the most sweeping victories in the history of American politics. During every instant of time that has elapsed since then the Republican party has been in power, having large majorities in each House and having the Presidency. It has not made a single attempt to redeem this pledge except this "horseplay" during the closing hours of this session, when everybody knows that the bill can not possibly pass the Senate, or even receive consideration in that body—

Mr. DOUGLAS. Will the gentleman yield?

Mr. HARDWICK. No; I can not.

The SPEAKER. The gentleman declines to yield.

Mr. HARDWICK (continuing). At a time when even a half-dead Senator from the South could easily speak it to death, and when it has no chance whatever of passage, in the face of the vigorous and able opposition that it will certainly and surely encounter from many able and vigilant Senators from the South. Third, if the Republican party is willing to deal fairly and justly with the South and abandon the fifteenth amendment, I for one—and I believe I speak for a vast majority of the white people of the South—would be willing to accept reduction of representation, if we could thereby secure for ourselves and our children the purity and integrity of our Anglo-Saxon civilization and immunity from future interference from outside and ignorant sources on this negro question.

Mr. PARSONS. Will the gentleman yield?

Mr. HARDWICK. I have not the time. Reduction of representation has no terrors for the South. Do not deceive yourselves, my friends, on that score. Heavy as is the price, unfair and unjust as we believe it would be to exact this pound of flesh, yet if the people of America do require it, freely will the South pay it for the protection of her homes and the preservation of her civilization.

Gentlemen, this is "horseplay," pure and simple. You bring forward this measure in this House simply because your party does not dare kill the McCall bill and does not want to vote on these propositions separately and on the merits of each of them. [Applause on the Democratic side.]

Mr. DOUGLAS. Will the gentleman yield now for a question?

Mr. HARDWICK. No, I can not; my time has expired. I now yield two minutes to the gentleman from Virginia [Mr. LASSITER].

Mr. LASSITER. With some hesitation, yet in view of the political evil of so great magnitude, notorious by the public disclosures of the corrupt use of money in recent campaigns, I felt it my duty as a member of the Committee on Election of President, Vice-President, and Representatives in Congress to vote favorably on the report of the bill which bears the name of the distinguished gentleman from Massachusetts [Mr. McCALL]. The bill itself did not entirely commend itself to my judgment, yet there were evils to be remedied and there was a demand on the part of both of the political parties that they should be grappled with. Amendatory of this bill to correct an evil recognized by all, we have to-day a proposition to enter into a scheme of legislation which has been discredited for more than a generation. I prefer to believe that the gentleman from Indiana [Mr. CRUMPACKER] does not represent the sentiment of the leaders of the majority in attempting to revive the principles of the force bill, which an overwhelming majority of the American people buried in an unhonored grave. [Applause.]

Mr. HARDWICK. Mr. Speaker, I yield to the gentleman from Texas [Mr. GILLESPIE] two minutes.

Mr. GILLESPIE. Mr. Speaker, I desire in the two minutes simply to express my protest against this way of dealing with the most delicate and the most dangerous subject that affects my people. It is thrown into this House on this occasion simply as a move on the political chessboard to avoid the demand of the people of this country for publicity of contributions to campaigns. [Applause on the Democratic side.] I warn every man looking into my face that you are not helping the condition of the negro in the South by making such plays as this. I am a friend of those people. I have defended them. They nursed me in my infancy, they protected my mother and her three infant children when my father was fighting in the Confederate armies and after his death in the war in 1862. After the war was over, when property was gone and helpless widowhood of my mother and our fatherless childhood were the portion of my family, these old slaves were our best friends. I am a friend of those people, and in their name I plead with you; do not play politics in this manner upon such a dangerous question affecting the interests of both the white and the black

people of the Southern States. They are a child race. We must and will protect ourselves against their weaknesses. You and the world must understand this. [Applause on the Democratic side.]

Mr. HARDWICK. I would ask the gentleman from Indiana [Mr. CRUMPACKER] to use some of his time, unless he is going to consume it all in one speech.

Mr. CRUMPACKER. I yield two minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, this bill is divided into three parts. The first ten sections are based on State election laws which are quite common. The law of the State of New York, which my colleague [Mr. PARSONS] and my colleague [Mr. HARRISON] and myself helped to draft, is very similar. It applies wherever the interest at elections is greater than it is at primaries. The second part applies to an equally important series of States, such as described by the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Arkansas [Mr. ROBINSON] in the Congressional Directory, in which they say that in their States the primaries are much more important and better attended than the elections. Fraud at primaries is worse than fraud at elections, because it goes farther back and determines more particularly the candidates to be voted for.

The third part, those States described by my colleague [Mr. COCKRAN] the other day, when on his responsibility as a Member he notified or warned certain of his colleagues on that side of the House that they had "lynched the Constitution." One part of the Constitution is as important and as sacred as another. [Applause on the Republican side.] A free and fair election is certainly as important as an election at which some men may use some money. I take it that my colleague spoke with some knowledge when he addressed his party colleagues, and, deeming him to be correct, I assume that on his responsibility as a Member he and others, committed, as they are, to the McCall bill, will recognize, as we must, the fairness of the law and vote for this bill. [Applause on the Republican side.]

Mr. CRUMPACKER. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Speaker, some of the gentlemen on the other side of this House who have discussed this bill have questioned the sincerity of the Republicans in proposing it. I want to say to the gentlemen upon the other side that I am no new convert to the provisions of this bill. The first bill that I had the honor to introduce in this body when I became a Member of Congress was a bill reenacting the substantial provisions of the Revised Statutes that are contained in sections 11 and 12 of the bill now before the House. During the last Congress I reintroduced the same bill; the bill was reported favorably from the Committee on Election of President, Vice-President, and Members of Congress, and upon that bill I made a somewhat extended speech to the House on the 19th day of December, 1905. I also have a similar bill pending in this Congress. The features of the so-called "force bill" that gave it its name are not included in this bill. There are no provisions in this bill giving to the National Government any right to supervise or control the election of Members of the House or of electors. The sections of the bill to which I shall in the main direct the brief remarks I shall make at this time on the bill simply prescribe that if fraud be committed in the election of a Member of the House, the Federal Government, through the Federal courts, shall have the right to punish those who are guilty of such frauds. It means that the Federal Government shall not be required to depend upon any other sovereignty for the purity of its own elections. That is the entire ground covered by sections 11 and 12 of the bill, and that we have the constitutional power to enact such legislation can not be doubted. The section of the Constitution itself—

Mr. HARDY. Will the gentleman yield?

Mr. BONYNGE. I can not yield. I can not make an argument in five minutes and then submit to interruptions.

Mr. HARDY. Just one question.

Mr. BONYNGE. I can not yield, I have said to the gentleman from Texas. The Constitution provides that the Congress shall have the right to make laws regulating the election of Representatives. The United States Supreme Court has repeatedly passed upon the statutes which are reenacted in sections 11 and 12 of this bill. In the case of *Ex parte Seibold* (100 U. S., 387) the court declared the exact language of these sections to be constitutional. And in the case *Ex parte Yarborough* (110 U. S., 651) it said—and I quote a single sentence from the decision in that case:

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

Now, my friends upon the other side have been clamoring from the beginning of this session for a law to secure honesty in Federal elections. Here we present it to you. What can be your objection to sections 11 and 12 of this bill? Would you simply prohibit one kind of fraud, the use of money, at elections, or would you make a thorough and complete law which will prevent every kind of fraud and corruption at the elections of Members of the House? If you want the latter, you can obtain it by voting for this bill.

That is what this bill will accomplish. I will only say a few words, as my time is limited, in regard to section 14 of the bill. It, too, is prepared under constitutional authority. The necessity for such legislation, perhaps, can be better shown by comparison of the votes cast for the gentleman from Georgia [Mr. HARDWICK], who has spoken against that provision of the bill, and the vote cast for myself. In order to be fair, let me say that under the laws of the State of Colorado women have the right to vote, and there is one Representative elected by the State at large, which, of course, makes the vote larger than it otherwise would be. Taking the Congressional Directory, I find that my friend from Georgia [Mr. HARDWICK] received 1,743 votes, and apparently those were all the votes cast. At the last election at which I was given my commission to serve in this body there were cast for me 47,540 votes against 31,000-odd for my Democratic opponent and some 6,000 scattering votes. [Loud applause on the Republican side.]

Mr. CRUMPACKER. I will ask the gentleman from Georgia to exhaust his time, as debate on this side will be closed in one speech.

Mr. HARDWICK. I yield the remainder of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the grand old party, of which you are the nominal head at this end of the Capitol, the G. O. P.—the Great Old Procrastinator—has resolved itself into a vaudeville stock company. You dare not face any great public question in a fair and straightforward way. The gentleman who has just taken his seat will not now tell us whether he will vote for the McCall bill just as it was reported from the committee, without the injection of this nongermane matter contained in the Crumpacker bill.

Mr. BONYNGE. Does the gentleman desire an answer?

Mr. WILLIAMS. Yes.

Mr. BONYNGE. I would vote for it, but I would also go further and make the bill complete, to prevent the commission of fraud. [Applause on the Republican side.]

Mr. WILLIAMS. The gentleman has not answered the question. Now, what are you trying to do, Mr. Speaker? Does the gentleman from Indiana think that he can turn the hands of the clock of time back half a century? Does he think that he can reproduce the pandemonium of reconstruction and carpetbag rule throughout the South once more? Does he think the business interests of the North, its manufacturing and its commercial interests, will stand for a reinauguration of that unprecedented saturnalia?

You have added to the McCall bill, which we Democrats want, these provisions, beginning with section 11 of the Crumpacker bill, and on through to the end of this Crumpacker bill, and you are doing it for the purpose of securing the defeat of the McCall bill. [Applause on the Democratic side.] You know that nobody who believes in American institutions would vote for section 11 of the Crumpacker bill. It puts the execution of State laws in the hands of the Congress and courts of the United States.

You know that nobody would vote for section 12 of that bill, which does the same thing; and which prescribes a Federal punishment for a violation of State laws. You know that if there were anybody stupid enough and foolish enough to go back to the force bill of Harrison's Administration they would not be willing to go so far as the latter part of section 12 goes, which reads that—

Every registration made under the laws of any State or Territory for any State or other election, or primary election at which such Representative or Delegate in Congress may be nominated or elected, shall be deemed to be a registration within the meaning of this section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election or primary election.

You know that section 13 is obnoxious to the same objection, to wit, handing over to the Federal Government the punishment of violations of State laws committed within the State. You know that section 14 of this bill is an opening wedge for the reduction of Southern representation. You do not say the reduction of representation of the States under the fourteenth amendment, because that is not your desire.

You have no idea of reducing the representation of California, Massachusetts, or Connecticut because they disfranchise illit-



erates. Why, the very wording of the resolution requires the Census Department not to report the number of those disfranchised, but to give the number of "whites and blacks." That indicates your purpose.

Somebody said a moment ago something about somebody having said that the South had "lynched the Constitution." She has not lynched a single jot or tittle of it. [Loud applause on the Democratic side.] That statement is simply false. Southern States have passed constitutions that the Supreme Court of the United States has upheld, and you gentlemen wish to take advantage of all that, or more than some of these constitutions show. If you want to ignore the fifteenth amendment, if you want to recognize the fifteenth amendment as "obsolete," if you are willing to restore to Mississippi the power she had in the old time frankly to place her suffrage along racial lines, we are ready for it. You can do it whenever you please; and as to the reduction of our representation, in God's name take it, and welcome to it, too. [Loud applause on the Democratic side.]

But be honest when you do it. Do not come here and introduce a bill to gain white votes in the North under the guise of enforcing the fourteenth amendment while you are holding out to white men in the South the hope of ignoring the fifteenth amendment; catching "niggers" on one hook and white folks on the other. Are you in favor of the McCall bill to publish campaign contributions or not? Are you in favor of a law that shall publish campaign contributions or not? Are you fools enough to imagine that the American people are fools enough to be fooled by this vaudeville performance? "Whom the gods would ruin they first make mad." Why, if you dared pass this bill through both Houses, if you dared make it a law—and you dare not—it would damn the Republican party worse than the force bill defeated Harrison. [Applause.] I am not speaking now in any personal way, I am speaking to you from a parliamentary and party standpoint impersonally. You are, and you know you are, hypocrites, humbugs, false pretenses.

You are actors in a vaudeville rôle that only excels that in which my friend, Mr. KAHN, the other day resumed his former profession, in one respect, and that is that this performance is a more serious question than that for which he was then conscripted. Like children, you are playing with fire in a powder magazine. Is there one of you that is fool enough to imagine that the South is ever again going to submit to the policies to which she submitted when she was weak and helpless, during reconstruction days? She is more populous now. She is richer to-day. She has manufactures now. She has iron and steel and powder and clothing now—all manufactured at home. She had none in those old, sad times. If you want to reduce Southern representation upon the ground that the South disfranchises negroes—although it is not, as a matter of fact, true that the South has disfranchised a single man simply and purely as a negro—if you choose to take that stand, take it honestly and take it bravely. Repeat the fifteenth amendment and take away Southern representation. We will be ten thousand times better off without it than, under present conditions, with the fifteenth amendment in force, we are with it. [Applause on the Democratic side.]

Mr. CRUMPACKER. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, there is certainly nothing proposed in this bill that can not meet the approbation of every fair-minded citizen, and especially of every patriotic citizen who believes in the maintenance of representative institutions. [Applause on the Republican side.] The bill relates, in the first place, to providing publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are chosen. It relates, in the second place, to punishment of fraud in registrations and elections, including primary elections; in other words, putting those elections under the control of the Federal courts; and it relates, in the third place, to the restoration of the constitutional rule of representation in this House.

So far as the first subject is concerned, there is a consensus of opinion. Democrats and Republicans alike say that campaign contributions ought to be curtailed and brought within the province of the law. I do not care, therefore, to discuss that proposition.

I do not care to discuss, either, the second proposition, that the Federal courts ought to have, as they once had, control of Federal elections, so as to prevent frauds at those elections. I prefer to discuss, rather, the third proposition; and I say to you that however demoralizing campaign contributions may be, in excess of those that are honest, and however demoralizing frauds in registrations and at primary elections may be, there is

a greater evil than either, and that is that gentlemen should come to this House of Representatives, not by virtue of the votes of their fellow-citizens, but by virtue of the suppression of the votes of their fellow-citizens. Better elections, even those that require safeguards against fraud, than no elections at all. Better the maintenance of representative government in accordance with the terms of the Constitution than to have men sit on the floor of this House and engage in legislation who have no letter of attorney from any citizens of the United States to represent them. It is a notorious fact that in certain States representation and population have no relation to each other. I sat down this morning, and from the Congressional Directory compiled a few figures. I took them from the State of Mississippi and compared them with figures from the State of Pennsylvania.

The Representative of the First District of Mississippi, for example, is sitting here by virtue of 2,563 votes. The Representative of the First District of Pennsylvania is sitting here by virtue of 29,870 votes. [Applause on the Republican side.] I might continue this comparison of districts throughout the whole list with the same result. There is not a Representative, an alleged Representative, from the State of Mississippi on the floor of this House who had any opposition to his election. The total vote of 19,998 that sends eight men here from the State of Mississippi is less than the number of votes in a single district in my State. [Applause on the Republican side.]

Do you call that representative government? Is it not a farce? Why, not even the effrontery of the gentleman from Mississippi [Mr. WILLIAMS], who preceded me, dared allow him to put in the RECORD the number of votes by which he came here. He says he got all the votes that were cast. Whether he got five or fifteen, he does not tell us. Now, is there anything unfair in this proposition?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CRUMPACKER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 161, nays 126, answered "present" 9, not voting 92, as follows:

YEAS—161.

Alexander, N. Y.	Driscoll	Hubbard, W. Va.	Olcott
Ames	Durey	Humphrey, Wash.	Olmsted
Andrus	Edwards, Ky.	Jones, Wash.	Overstreet
Anthony	Ellis, Mo.	Keifer	Parker, N. J.
Barchfeld	Ellis, Oreg.	Kennedy, Iowa	Parsons
Barclay	Englebright	Kinkaid	Payne
Bartholdt	Esch	Knapp	Pearre
Bates	Fairchild	Knopf	Perkins
Beale, Pa.	Focht	Lafean	Pollard
Bonyng	Fordney	Landis	Porter
Boutell	Foss	Langley	Pray
Boyd	Foster, Ind.	Laning	Prince
Brumm	Foster, Vt.	Law	Reeder
Burke	Foulkrod	Lindbergh	Reynolds
Burleigh	Fowler	Longworth	Roberts
Burton, Del.	French	Lorimer	Rodenberg
Burton, Ohio	Fuller	Loud	Scott
Calder	Gaines, W. Va.	Lovering	Smith, Cal.
Calderhead	Gardner, N. J.	Lowden	Snapp
Campbell	Gilliams	McCall	Stafford
Capron	Gillett	McGavin	Steenerson
Cary	Goebel	McGuire	Sterling
Caulfield	Graham	McKinlay, Cal.	Stevens, Minn.
Chaney	Greene	McKinley, Ill.	Sullivan
Chapman	Hale	McKinney	Tawney
Cocks, N. Y.	Hall	McLachlan, Cal.	Taylor, Ohio
Cole	Hamilton, Mich.	McLaughlin, Mich.	Thistlewood
Cook, Pa.	Haskins	McMillan	Tirrell
Cooper, Pa.	Haugen	Madden	Townsend
Coudrey	Hawley	Madison	Volstead
Crumpacker	Hayes	Malby	Wanger
Currier	Henry, Conn.	Miller	Washburn
Cushman	Hepburn	Mondell	Weeks
Dalzell	Higgins	Moore, Pa.	Wheeler
Davidson	Hill, Conn.	Morse	Wood
Davis, Minn.	Hinshaw	Mouser	Woodyard
Dawson	Holliday	Murdock	Young
Denby	Howell, N. J.	Needham	The Speaker
Diekema	Howell, Utah	Nicholls	
Douglas	Howland	Norris	
Draper		Nye	

NAYS—126.

Adamson	Carter	Floyd	Harrison
Alken	Clark, Fla.	Foster, Ill.	Hay
Alexander, Mo.	Clark, Mo.	Fulton	Hedlin
Ansberry	Clayton	Gaines, Tenn.	Helm
Bartlett, Nev.	Cooper, Tex.	Garner	Henry, Tex.
Beall, Tex.	Cox, Ind.	Garrett	Hitchcock
Bell, Ga.	Craig	Gill	Hobson
Boeber	Crawford	Gillespie	Houston
Bowers	Davenport	Glass	Howard
Brantley	Davey, La.	Godwin	Hughes, N. J.
Brodhead	De Armond	Gordon	Hull, Tenn.
Brundidge	Denver	Granger	Humphreys, Miss.
Burgess	Dixon	Hackney	James, Oile M.
Burleson	Ellerbe	Hamill	Johnson, Ky.
Barnett	Favrot	Hamilton, Iowa	Johnson, S. C.
Caldwell	Ferris	Hamlin	Jones, Va.
Candler	Finley	Hardwick	Keliber
Carlin	Fitzgerald	Hardy	Kimball

Kipp	O'Connell	Rucker	Splight
Lamb	Padgett	Russell, Mo.	Stanley
Lassiter	Page	Russell, Tex.	Stephens, Tex.
Lee	Patterson	Sabath	Taylor, Ala.
Legare	Pujo	Saunders	Thomas, N. C.
Lenahan	Rainey	Shackleford	Tou Velle
Lloyd	Randell, Tex.	Sheppard	Underwood
McHenry	Ransdell, La.	Sherley	Watkins
McLain	Rauch	Sherwood	Webb
Macon	Rhinock	Sims	Willett
Maynard	Richardson	Slayden	Williams
Moon, Tenn.	Riordan	Small	Wilson, Pa.
Moore, Tex.	Robinson	Smith, Mo.	
Murphy	Rothermel	Sparkman	

## ANSWERED "PRESENT"—9.

Bennet, N. Y.	Goulden	Lever	Sulzer
Butler	Haggott	McDermott	Talbott
Cockran			

## NOT VOTING—92.

Acheson	Edwards, Ga.	Kitchin, Claude	Pou
Adair	Fassett	Kitchin, Wm. W.	Powers
Allen	Flood	Knowland	Pratt
Ashbrook	Fornes	Kuftermann	Reid
Bannon	Gardner, Mass.	Lamar, Fla.	Ryan
Bartlett, Ga.	Gardner, Mich.	Lamar, Mo.	Sherman
Beede	Goldfogle	Lawrence	Slemp
Bennett, Ky.	Gregg	Leake	Smith, Iowa
Bingham	Griggs	Lewis	Smith, Mich.
Birdsall	Gronna	Lilley	Smith, Tex.
Bradley	Hackett	Lindsay	Southwick
Broussard	Hammond	Littlefield	Sperry
Brownlow	Harding	Livingston	Sturgiss
Byrd	Hill, Miss.	Loudenslager	Thomas, Ohio
Conner	Hubbard, Iowa	McCreary	Vreeland
Cook, Colo.	Huff	McMorran	Waldo
Cooper, Wis.	Hughes, W. Va.	Mann	Wallace
Cousins	Hull, Iowa	Marshall	Watson
Cravens	Jackson	Moon, Pa.	Weems
Darragh	James, Addison D.	Mudd	Weisse
Dawes	Jenkins	Nelson	Willey
Dunwell	Kahn	Parker, S. Dak.	Wilson, Ill.
Dwight	Kennedy, Ohio	Peters	Wolf

So the rules were suspended and the bill was passed.

The following additional pairs were announced:

For the session:

Mr. BENNET of New York with Mr. FORNES.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. SMITH of Iowa with Mr. LEWIS.

Mr. JENKINS with Mr. WALLACE.

Mr. GARDNER of Michigan with Mr. HACKETT.

Mr. FASSETT with Mr. WEISSE.

Mr. DWIGHT with Mr. REID.

Mr. COOPER of Wisconsin with Mr. LINDSAY.

Mr. BROWNLOW with Mr. GOLDFOGLE.

Mr. BINGHAM with Mr. GRIGGS.

Mr. McMORRAN with Mr. ASHBROOK.

Mr. BEDE with Mr. ADAIR.

Mr. SLEMP with Mr. POU.

Mr. WHEELER with Mr. SULZER.

The result of the vote was announced as above recorded.

## GENERAL DEFICIENCY APPROPRIATION BILL.

The SPEAKER laid before the House the bill H. R. 21946, an act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for other purposes, with Senate amendments thereto.

The Clerk read the Senate amendments.

The SPEAKER pro tempore (Mr. CAMPBELL). The question is: Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

Mr. WILLIAMS rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I wish to make a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, one of the rules of the House is that these matters ought to be printed. I have sent to the document room and can not obtain any print of the Senate amendments, and I am informed that they have not yet been printed; that they have not come from the Government Printing Office.

The SPEAKER pro tempore. The Senate amendments have been read by the Clerk to the House, and the Chair knows of no other rule governing the question.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS. As a matter of fact, for the information of the House, is my information to the effect that the printed copy of the Senate amendments has never come to the House correct or incorrect?

The SPEAKER pro tempore. The Chair is not informed as to that matter. The Chair does know that the Senate amendments were read from the desk by the Clerk from the official copy.

Mr. SMITH of Iowa. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SMITH of Iowa. Under the rule, is not this put as a suspension of the rules, and consequently is not the rule in respect to printing suspended along with the rest?

The SPEAKER pro tempore. The Chair knows of no rule that requires the printing of the bill before it is sent to the House.

Mr. WILLIAMS. The Chair, I presume, means to say that he does not know of any rule requiring the printing of Senate amendments. Surely the Chair does not mean to say that the bill itself shall not be printed.

The SPEAKER pro tempore. That is what the Chair intended to say. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

Mr. DALZELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty gentlemen present; not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on disagreeing to the Senate amendments en bloc and asking for a conference with the Senate. The Clerk will call the roll.

The question was taken, and there were—yeas 251, nays 1, answered "present" 6, not voting 129, as follows:

## YEAS—251.

Adair	Ellerbe	Hubbard, W. Va.	Olmsted
Adamson	Englebright	Huff	Overstreet
Alexander, Mo.	Fairchild	Hughes, N. J.	Padgett
Alexander, N. Y.	Favrot	Hull, Tenn.	Page
Ames	Ferris	Humphrey, Wash.	Parker, N. J.
Andrus	Finley	Humphreys, Miss.	Parsons
Anseberry	Fitzgerald	James, Ollie M.	Patterson
Anthony	Floyd	Jenkins	Payne
Barchfeld	Focht	Johnson, Ky.	Perkins
Barclay	Fosa	Johnson, S. C.	Pollard
Bates	Foster, Ill.	Jones, Va.	Porter
Beale, Pa.	Foster, Ind.	Jones, Wash.	Pratt
Beall, Tex.	Foster, Vt.	Kahn	Pray
Bell, Ga.	Foulkrod	Keller	Prince
Bonyne	Fowler	Kellher	Pujo
Boomer	French	Kennedy, Iowa	Rainey
Boutell	Fuller	Kimball	Randell, Tex.
Bowers	Fulton	Knapp	Ransdell, La.
Boyd	Gaines, Tenn.	Knopf	Rauch
Broadhead	Gaines, W. Va.	Kuftermann	Reeder
Brownlow	Lafan	Lafan	Reynolds
Brumm	Gardner, Mich.	Lamb	Rhinock
Brundidge	Gardner, N. J.	Landis	Richardson
Burgess	Garrett	Langley	Riordan
Burke	Gilham	Lassiter	Roberts
Burleson	Gill	Lawrence	Russell, Mo.
Burnett	Gillespie	Lee	Russell, Tex.
Burnton, Del.	Gillett	Legare	Sabath
Calder	Glass	Lindbergh	Saunders
Calderhead	Godwin	Longworth	Scott
Caldwell	Goldfogle	Lorimer	Shackleford
Campbell	Gordon	Loud	Sherley
Candler	Graft	Loudenslager	Sherman
Capron	Graham	Lovering	Slayden
Cary	Granger	Lowden	Slemp
Caulfield	Greene	McCall	Small
Chapman	Hackney	McDermott	Smith, Cal.
Clark, Mo.	Hale	McGuire	Smith, Iowa
Clayton	Hall	McKinlay, Cal.	Smith, Mich.
Cockran	Hamilton	McKinley, Ill.	Stanley
Conner	Hamilton, Iowa	McKinney	Steernerson
Cook, Colo.	Hamilton, Mich.	McLachlan, Cal.	Sterling
Cook, Pa.	Hardwick	McLain	Sulloway
Cooper, Pa.	Harrison	McLaughlin, Mich.	Sulzer
Cooper, Tex.	Haskins	McMillan	Tawney
Cooper, Wis.	Hawley	Macon	Taylor, Ala.
Coudrey	Hay	Madden	Thistlewood
Cox, Ind.	Hayes	Madison	Thomas, N. C.
Crumpacker	Heflin	Malby	Tirrell
Cushman	Helm	Mondell	Tou Velle
Dalzell	Henry, Conn.	Moon, Tenn.	Underwood
Darragh	Henry, Tex.	Moore, Pa.	Volstead
Davey, La.	Hepburn	Moore, Tex.	Waldo
Davis, Minn.	Higgins	Morse	Wanger
Dawson	Hill, Conn.	Mouser	Washburn
De Armond	Hinschaw	Murdock	Watkins
Denver	Hitchcock	Murphy	Webb
Diekema	Holliday	Needham	Wheeler
Dixon	Houston	Nelson	Williams
Douglas	Howard	Norris	Wilson, Ill.
Draper	Howell, N. J.	Nye	Woodyard
Driscoll	Howell, Utah	O'Connell	Young
Durey	Howland	Olcott	

## NAYS—1.

Hamlin

## ANSWERED "PRESENT"—6.

Goulden	Lever	Sheppard	Talbott
Haggott	Pou		



## NOT VOTING—129.

Acheson	Dawes	Kitchin, Claude	Rothermel
Aiken	Denby	Kitchin, Wm. W.	Rucker
Allen	Dunwell	Knowland	Ryan
Ashbrook	Dwight	Lamar, Fla.	Sherwood
Bannon	Edwards, Ga.	Lamar, Mo.	Sims
Bartholdt	Edwards, Ky.	Lanning	Smith, Mo.
Bartlett, Ga.	Ellis, Mo.	Law	Smith, Tex.
Bartlett, Nev.	Ellis, Oreg.	Lenke	Snapp
Bede	Esch	Lenahan	Southwick
Bennet, N. Y.	Fassett	Lewis	Sparkman
Bennett, Ky.	Flood	Lilley	Sperry
Bingham	Fordney	Lindsay	Spight
Birnsall	Fornes	Littlefield	Stafford
Bradley	Gardner, Mass.	Livingston	Stephens, Tex.
Brantley	Goebel	Lloyd	Stevens, Minn.
Broussard	Gregg	McCreary	Sturgiss
Burleigh	Griggs	McGavin	Taylor, Ohio
Burton, Ohio	Gronna	McHenry	Thomas, Ohio
Butler	Hackett	McMorran	Townsend
Byrd	Hammond	Mann	Vreeland
Carlin	Harding	Marshall	Wallace
Carter	Hardy	Maynard	Watson
Chaney	Haugen	Miller	Weeks
Clark, Fla.	Hill, Miss.	Moon, Pa.	Weems
Cocks, N. Y.	Hobson	Mudd	Welsse
Cole	Hubbard, Iowa	Nicholls	Wiley
Cousins	Hughes, W. Va.	Parker, S. Dak.	Willett
Craig	Hull, Iowa	Pearro	Wilson, Pa.
Cravens	Jackson	Peters	Wolf
Crawford	James, Addison D.	Powers	Wood
Currier	Kennedy, Ohio	Reid	
Davenport	Kinkaid	Robinson	
Davidson	Kipp	Rodenberg	

So the Senate amendments were disagreed to en bloc and a conference asked with the Senate.

The Clerk announced the following additional pairs:

Until further notice:

Mr. VREELAND with Mr. WOLF.

Mr. TOWNSEND with Mr. WILSON of Pennsylvania.

Mr. STURGISS with Mr. WILLETT.

Mr. STEVENS of Minnesota with Mr. STEPHENS of Texas.

Mr. SNAPP with Mr. SPIGHT.

Mr. RODENBERG with Mr. SPARKMAN.

Mr. POWERS with Mr. SMITH of Missouri.

Mr. PEABRE with Mr. SHERWOOD.

Mr. MOON of Pennsylvania with Mr. ROTHERMEL.

Mr. MILLER with Mr. POUL.

Mr. MCMORRAN with Mr. NICHOLLS.

Mr. GOEBEL with Mr. MAYNARD.

Mr. FORDNEY with Mr. MCHENRY.

Mr. ESCH with Mr. LENAHAN.

Mr. ELLIS of Missouri with Mr. CLAUDE KITCHIN.

Mr. EDWARDS of Kentucky with Mr. KIPP.

Mr. DENBY with Mr. HARDY.

Mr. DAVIDSON with Mr. DAVENPORT.

Mr. CURRIER with Mr. CRAWFORD.

Mr. COLE with Mr. CRAIG.

Mr. TAYLOR of Ohio with Mr. ROBINSON.

Mr. MANN with Mr. SIMS.

Mr. COCKS of New York with Mr. CLARK of Florida.

Mr. BURTON of Ohio with Mr. CARLIN.

Mr. BURLEIGH with Mr. BARTLETT of Nevada.

Mr. BARTHOLDT with Mr. AIKEN.

For the session:

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Chair announces the following conferees: Mr. TAWNEY, Mr. VREELAND, and Mr. BRUNDIDGE.

## MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The Chair lays before the House the Military Academy appropriation bill, with Senate amendments. The Clerk will report the title of the bill and read the Senate amendments.

The Clerk read as follows:

The bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

The Senate amendments were read.

The SPEAKER. Will the House disagree to said amendments en bloc and ask a conference with the Senate?

Mr. SLAYDEN. Mr. Speaker, I demand a second.

The SPEAKER. This is not a motion to suspend the rules; this operates under a rule already adopted.

Mr. SLAYDEN. Is not there a motion to suspend the rules?

The SPEAKER. No; this operates under a special rule relating to general appropriation bills. It operates automatically without debate.

Mr. SULZER. What is the motion before the House, Mr. Speaker?

Mr. SLAYDEN. The ayes and noes, Mr. Speaker.

The SPEAKER. The motion before the House is under a

special rule adopted. Will the House disagree to said amendments en bloc and ask for a conference?

Mr. SULZER. Mr. Speaker, I hope that will be done.

Mr. SLAYDEN. Mr. Speaker, the ayes and noes were asked for.

The yeas and nays were ordered.

Mr. DALZELL. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Pennsylvania makes the point that there is no quorum present. The Chair will count. [After counting.] Evidently there is not a quorum present. The Doorkeeper will close the doors. The Sergeant-at-Arms will notify absent Members. As many as favor the motion will, as their names are called, answer "aye," as many as are opposed will answer "no," and those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 240, answered "present" 6, not voting 141, as follows:

## YEAS—240.

Adair	Durey	Hughes, N. J.	Payne
Adamson	Dwight	Hull, Tenn.	Penre
Alexander, Mo.	Ellerbe	Humphrey, Wash.	Pollard
Alexander, N. Y.	Ellis, Mo.	Humphreys, Miss.	Porter
Andrus	Ellis, Oreg.	James, Ollie M.	Pratt
Ansberry	Fairchild	Jenkins	Pray
Anthony	Finley	Johnson, Ky.	Prince
Barclay	Fitzgerald	Johnson, S. C.	Pujo
Bartlett, Nev.	Floyd	Jones, Va.	Rainey
Bates	Focht	Jones, Wash.	Randell, Tex.
Beale, Pa.	Fordney	Kahn	Randell, La.
Beall, Tex.	Foss	Kelifer	Rauch
Beil, Ga.	Foster, Ill.	Kelther	Reeder
Bonyngs	Foster, Ind.	Kennedy, Iowa	Reynolds
Booher	Foster, Vt.	Knapp	Rhinock
Bowers	Foulkrod	Knopf	Richardson
Brownlow	French	Kustermann	Riordan
Brumm	Fuller	Lafean	Roberts
Burgess	Fulton	Lamb	Robinson
Burke	Gaines, Tenn.	Landis	Rodenberg
Burleson	Gaines, W. Va.	Lanning	Rucker
Burnett	Gardner, Mich.	Lee	Russell, Mo.
Burton, Del.	Gardner, N. J.	Legare	Russell, Tex.
Campbell	Garner	Lindbergh	Ryan
Candler	Garrett	Lloyd	Sabath
Capron	Gilliams	Longworth	Saunders
Carter	Gill	Lorimer	Scott
Cary	Gillespie	Loud	Shackelford
Caulfield	Glass	Lowden	Sherley
Chaney	Godwin	McCall	Sherman
Chapman	Gordon	McGavin	Sherwood
Clark, Mo.	Graff	McKinley, Ill.	Slayden
Clayton	Graham	McKinney	Slomp
Cocks, N. Y.	Granger	McLachlan, Cal.	Smith, Cal.
Cole	Greene	McLaughlin, Mich.	Smith, Iowa
Conner	Hackney	McMillan	Smith, Mich.
Cook, Colo.	Hale	McMorran	Snapp
Cook, Pa.	Hall	Macon	Sperry
Cooper, Pa.	Hamilton, Iowa	Madden	Stanley
Cooper, Tex.	Hamilton, Mich.	Madison	Steenerson
Coudrey	Hardwick	Mondell	Sterling
Cox, Ind.	Haskins	Moon, Tenn.	Sulloway
Craig	Hawley	Moore, Pa.	Sulzer
Crumpacker	Hay	Moore, Tex.	Taylor, Ala.
Currier	Hayes	Morse	Taylor, Ohio
Cushman	Heflin	Mouser	Thistewood
Dalzell	Helm	Murdock	Tou Velle
Darragh	Henry, Tex.	Murphy	Underwood
Davenport	Hepburn	Needham	Volstead
Davey, La.	Higgins	Nicholls	Wanger
Davidson	Hill, Conn.	Norris	Washburn
Davis, Minn.	Hilshaw	Nye	Watkins
Dawson	Hobson	O'Connell	Webb
De Armond	Holliday	Olcott	Weeks
Denby	Houston	Olmsted	Wheeler
Denver	Howell, N. J.	Padgett	Willett
Diekema	Howell, Utah	Pago	Williams
Dixon	Howland	Parker, N. J.	Wilson, Pa.
Douglas	Hubbard, W. Va.	Parsons	Woodyard
Draper	Huff	Patterson	Young

## ANSWERED "PRESENT"—6.

Butler	Lever	Sheppard	Talbott
Goulden	Pou		

## NOT VOTING—141.

Acheson	Byrd	Fowler	Hull, Iowa
Aiken	Calder	Gardner, Mass.	Jackson
Allen	Calderhead	Gillett	James, Addison D.
Ames	Caldwell	Goebel	Kennedy, Ohio
Ashbrook	Carlin	Goldfogle	Kimball
Bannon	Clark, Fla.	Gregg	Kinkaid
Bartholdt	Cockran	Griggs	Kipp
Bartlett, Ga.	Cooper, Wis.	Gronna	Kitchin, Claude
Bede	Cousins	Hackett	Kitchin, Wm. W.
Bennet, N. Y.	Cravens	Haggott	Knowland
Bennett, Ky.	Crawford	Hamill	Lamar, Fla.
Bingham	Dawes	Hamlin	Lamar, Mo.
Birnsall	Driscoll	Hammond	Langley
Boutell	Dunwell	Harding	Lassiter
Boyd	Edwards, Ga.	Hardy	Law
Bradley	Edwards, Ky.	Harrison	Lawrence
Brantley	Englebright	Haugen	Leake
Brodhead	Esch	Henry, Conn.	Lenahan
Broussard	Fassett	Hill, Miss.	Lewis
Brundidge	Favrot	Hitchcock	Lilley
Burleigh	Ferris	Howard	Lindsay
Burton, Ohio	Flood	Hubbard, Iowa	Littlefield
	Fornes	Hughes, W. Va.	Livingston

Loudenslager	Moon, Pa.	Smith, Tex.	Vreeland
Lovering	Mudd	Southwick	Waldo
McCreary	Nelson	Sparkman	Wallace
McDermott	Overstreet	Spight	Watson
McGuire	Parker, S. Dak.	Stafford	Weems
McHenry	Perkins	Stephens, Tex.	Weisse
McKinlay, Cal.	Peters	Stevens, Minn.	Wiley
McLain	Powers	Sturgiss	Wilson, Ill.
Malby	Reid	Tawney	Wolf
Mann	Rothermel	Thomas, N. C.	Wood
Marshall	Sims	Thomas, Ohio	
Maynard	Small	Tirrell	
Miller	Smith, Mo.	Townsend	

So the Senate amendments were disagreed to and a conference was requested.

The Clerk announced the following additional pairs:

For this session:

Mr. GILLET with Mr. HITCHCOCK.

Until further notice:

Mr. WALDO with Mr. THOMAS of North Carolina.

Mr. TAWNEY with Mr. SMITH of Texas.

Mr. OVERSTREET with Mr. McLAIN.

Mr. SOUTHWICK with Mr. SMALL.

Mr. MILLER with Mr. LASSITER.

Mr. MALBY with Mr. MCDERMOTT.

Mr. MCGUIRE with Mr. KIMBALL.

Mr. LOVERING with Mr. HOWARD.

Mr. LOUDENSLAGER with Mr. HARRISON.

Mr. LAWRENCE with Mr. FERRIS.

Mr. LANGLEY with Mr. FAYROT.

Mr. COOPER of Wisconsin with Mr. COCKRAN.

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. CALDER with Mr. BRUNDIDGE.

Mr. BURLEIGH with Mr. BRODHEAD.

Mr. AMES with Mr. BRANTLEY.

Mr. BOUTELL with Mr. GRIGGS.

The SPEAKER. Upon this vote the ayes are 240, answering "present" 6—a quorum. The Doorkeeper will open the doors. The ayes have it, the Senate amendments are disagreed to.

The Chair will announce the following conferees: Mr. PARKER, Mr. CAPRON, and Mr. SLAYDEN.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

#### DISTRICT APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill H. R. 20063, the District appropriation bill.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and agree to the conference report on the District appropriation bill, and the Clerk will read the same.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent to substitute the statement for the report.

Mr. WILLIAMS. Mr. Speaker, to that I, of course, object.

The SPEAKER. The gentleman from Mississippi objects. The Chair will state to the House, if the House will bear with the Chair, that the statement explaining the report is about of the same length as the report. Under a motion to suspend the rules and agree to a conference report, the report must be read, but the statement may not be. The Chair will again put the request of the gentleman from Michigan [Mr. GARDNER], to read the statement in this case in lieu of the report.

Mr. WILLIAMS. Mr. Speaker, it is quite useless to put the request, because I will object.

The SPEAKER. The gentleman from Mississippi objects, and the Clerk will read the report.

The Clerk read the report as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20063) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes," having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 8, 9, 15, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 34, 38, 40, 41, 45, 49, 50, 54, 55, 56, 61, 62, 68, 69, 70, 71, 75, 76, 78, 85, 88, 93, 94, 95, 96, 100, 104, 109, 113, 115, 118, 119, 122, 124, 125, 127, 129, 130, 137, 164, 166, 192, 193, 197, 201, 203, 211, 212, 213, 215, 218, 219, 220, 222, 224, 229, 237, 239, 241, 243, 244, 247, 248, 252, 253, 255, 256, 261, 267, 269, 278, 286, 289, 293, 296, 297, 298, 302, 308, 313, 319, 320, 324, and 328.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 10, 11, 12, 13, 14, 16, 20, 24, 33, 36, 37, 42, 43, 44, 46, 47, 48, 52, 53, 57, 59, 60, 63, 64, 65, 66, 67, 72, 73, 74, 77, 79, 81, 82, 83, 86, 87, 89, 90, 91, 92, 97, 98, 99, 101, 102, 103, 105, 107, 110, 114, 116, 123, 126, 128, 132, 133, 134, 138, 139, 140, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 156, 157, 159, 160, 161, 162, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 195, 196, 198, 200, 202, 204, 205, 206, 207, 208, 209, 210, 214, 216, 221, 223, 227, 232, 233, 238, 245, 249, 250, 254, 257, 259, 260, 262, 264, 265, 268, 271, 273, 274, 275, 276, 277, 282, 283, 284, 285, 290, 291, 292, 295, 299, 301, 304, 305, 306, 307, 309, 311, 312, 321, 322, 323, 327, 329, 331, 333, 334, and 335; and the Senate agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment amended as follows: On page 2 of the bill, in line 9, strike out the words "five hundred" and insert in lieu thereof "two hundred and fifty;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and two thousand and fifty-four dollars;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 5 of the bill, in lines 3 and 4, strike out the words "assistant superintendent, who shall be a stenographer, one thousand dollars" and insert in lieu thereof the following: "clerk and stenographer, one thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "one dynamo tender, eight hundred and seventy-five dollars;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-two thousand eight hundred and ninety-five dollars," and on page 5 of the bill, in line 18, after the word "dollars," insert: "Provided, That the employees herein authorized for the care of the District building shall be appointed by the assistants to the Engineer Commissioner with the approval of the Commissioners;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-two thousand two hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand eight hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and eighty-nine thousand four hundred and sixty-two dollars;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu



of the sum proposed insert "forty-five thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-eight thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: On page 24 of the bill, in line 25, after the word "Avenue," insert the word "only;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Omit the amended paragraph by striking from page 27 of the bill, lines 1 to 11, inclusive; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirty-eight thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand dollars;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "Naval" and insert the word "Potomac;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand dollars;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Toward constructing Fourth street southeast relief sewer from Pennsylvania avenue and Fourth street to Virginia avenue and Second street southeast, fifteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Electrical inspector, two thousand dollars; electrical inspector, one thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: On page 36 of the bill, in line 17, after the word "dollars," insert the following: "Provided, That hereafter the Washington Terminal Company, its successors or transferees, shall pay to the District for the lighting of the streets, avenues, alleys, and grounds over and under which its right of way may cross, as well as for the lighting of those streets, avenues, alleys, and grounds bordering on its right of way, under the direction and control of the Commissioners; and in case of default of payment of such bills, actions at law may be maintained by the District of Columbia against said terminal company or its successors or transferees therefor; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: On page 38 of the bill, in line 9, after the word "dollars," where it first occurs, insert the following: "Provided, That hereafter the Washington Terminal Company, its successors or transferees, shall pay to the District for the lighting of the streets, avenues, alleys, and grounds over and under which its right of way may cross, as well as for the lighting of those streets, avenues, alleys, and grounds bordering on its right of way, under the direction and control of the Commissioners; and in case of default of payment of such bills, actions at law may be main-

tained by the District of Columbia against said Terminal Company or its successors or transferees therefor;" and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For teachers of the normal, high, and manual training schools promoted for superior work, group B of class six, seven in all, at a minimum salary of one thousand nine hundred dollars each: *Provided*, That hereafter no teacher shall be eligible to group B, class six, who has not attained the maximum of group A: *And provided further*, That hereafter teachers employed in normal, high, and manual training schools, may be placed in group A, class six, and receive their longevity increase according to their number of years of experience in teaching in accredited normal, high, or manual training schools: *Provided further*, That hereafter no more than seven teachers shall be promoted in any one year from group A, class six, to group B, class six.

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the number proposed in said amendment insert "one hundred and eighty-eight;" and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million two hundred sixty-three thousand and twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-six thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "eighteen thousand" and insert in lieu thereof the words "twelve thousand five hundred;" and in line 9 strike out the word "five" and insert in lieu thereof the word "three;" and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and five thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety thousand dollars;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For additional amount for 'Repairs and improvements to school buildings and grounds' for the purpose of replacing wooden stairs in brick buildings with those of fireproof construction, removal of old and unsuitable fire escapes, and erection of improved fire escapes, and improvement of approaches thereto, improving exits, and for such miscellaneous alteration and repair work as may be necessary to secure protection against fire in existing school buildings owned by the District of Columbia, fifty thousand dollars, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine hundred and fifteen thousand five hundred and ninety-three dollars and thirty-five cents;" and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Provided further, That within thirty days after the passage of this act and every two years thereafter persons on the pension rolls in the District of Columbia for disabilities incurred while in the service of the police department or fire department of the District of Columbia shall undergo a medical examination, and as a result of such examinations the Commissioners shall determine whether the pension being paid in each case shall continue in whole or in part;" and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "twenty thousand dollars;" and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-five thousand two hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand dollars;" and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand three hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand three hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 240: That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and ninety-two thousand two hundred and seventy dollars;" and the Senate agree to the same.

Amendment numbered 242: That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twelve thousand dollars;" and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and eleven thousand five hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 251: That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-nine thousand dollars;" and the Senate agree to the same.

Amendment numbered 258: That the House recede from its disagreement to the amendment of the Senate numbered 258, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine thousand two hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-seven thousand four hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 266: That the House recede from its disagreement to the amendment of the Senate numbered

266, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 270: That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-eight thousand six hundred and seventy-six dollars;" and the Senate agree to the same.

Amendment numbered 272: That the House recede from its disagreement to the amendment of the Senate numbered 272, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The President is authorized to appoint three commissioners, one of whom may be nominated by the Attorney-General and one by the Commissioners of the District of Columbia, who shall investigate the condition of the jail of the District of Columbia, now under the control of the Attorney-General, and of the workhouse within said District and other buildings adjacent to said jail; and in connection with the investigation the commissioners, under the direction of the Attorney-General, may visit and inspect similar institutions in other cities within the United States; and they shall report to the President on or before December 31, 1908, concerning said condition and the expediency of removing said jail, workhouse, and other buildings to other sites more appropriate for their needs and located so near to railroad lines as to secure suitable facilities for the delivery thereto of material suitable or necessary for industries to be therein carried on; and shall also make such other recommendations on the subject as may seem to them expedient; for the expenses of the commission there is hereby appropriated the sum of one thousand five hundred dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 279: That the House recede from its disagreement to the amendment of the Senate numbered 279, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For necessary fire protection, water mains, plugs, and the necessary piping connections, and laying and installing the same, to be immediately available, one thousand five hundred dollars."

And the Senate agree to the same.

Amendment numbered 281: That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-one thousand nine hundred and sixty-eight dollars;" and the Senate agree to the same.

Amendment numbered 287: That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five thousand six hundred and thirty-three dollars;" and the Senate agree to the same.

Amendment numbered 288: That the House recede from its disagreement to the amendment of the Senate numbered 288, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 294: That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "five hundred dollars;" and the Senate agree to the same.

Amendment numbered 300: That the House recede from its disagreement to the amendment of the Senate numbered 300, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twelve thousand one hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 303: That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand one hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 310: That the House recede from its disagreement to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six thousand and sixty dollars;" and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314,



and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For necessary tiling and pipes, five hundred dollars;"

And the Senate agree to the same.

Amendment numbered 315: That the House recede from its disagreement to the amendment of the Senate numbered 315, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred dollars;" and the Senate agree to the same.

Amendment numbered 316: That the House recede from its disagreement to the amendment of the Senate numbered 316, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand three hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 317: That the House recede from its disagreement to the amendment of the Senate numbered 317, and agree to the same with an amendment as follows: After the word "school," at the end of said amendment, insert the following words: "during the fiscal year nineteen hundred and nine;" and the Senate agree to the same.

Amendment numbered 318: That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "two thousand dollars;" and the Senate agree to the same.

Amendment numbered 325: That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That any of the moneys appropriated for the fiscal years nineteen hundred and eight and nineteen hundred and nine for the District of Columbia Militia may be used to supplement specific appropriations or allotments which may be found insufficient for the purposes for which made, and authority is hereby given to supplement the regular ration by purchase of such additional articles of subsistence as may be deemed necessary;" and the Senate agree to the same.

Amendment numbered 326: That the House recede from its disagreement to the amendment of the Senate numbered 326, and agree to the same with an amendment as follows: In line 3 of said amendment, strike out the word "shall" and insert in lieu thereof the word "may;" and the Senate agree to the same.

Amendment numbered 330: That the House recede from its disagreement to the amendment of the Senate numbered 330, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand one hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 332: That the House recede from its disagreement to the amendment of the Senate numbered 332, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six thousand dollars;" and the Senate agree to the same.

WASHINGTON GARDNER,  
MARTIN B. MADDEN,  
ALBERT S. BURLESON,

*Managers on the part of the House.*

J. H. GALLINGER,  
MURPHY J. FOSTER,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 20063) making appropriations for the government of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, relating to the Executive Office: Restores the provision proposed by the House making the two assistants to the Engineer Commissioner jointly superintendent of the municipal building; reduces their compensation for such service from \$500, as proposed by the House, to \$250 each; fixes the salary of the secretary of the Board of Commissioners at \$2,400; increases the salary of one clerk from \$1,500 to \$1,600; provides for one additional laborer, at \$600, as proposed by the Senate; strikes out the increase of \$250 in the salary of the inspector of buildings and of \$200 in the salary of the principal assistant inspector of buildings; increases the salary of one clerk in the building inspection division from \$900 to \$1,000; provides for a principal assistant inspector of plumbing, at

\$1,400, instead of an assistant inspector, at \$1,200; provides for a clerk, at \$1,000, instead of an assistant inspector of plumbing, at \$1,000; appropriates \$1,200, as proposed by the House, instead of \$1,800, as proposed by the Senate, for temporary employment for assistant inspectors of plumbing, and increases the salary of one draftsman in the plumbing inspection division from \$1,200 to \$1,350.

On amendments Nos. 18, 19, 20, 21, 22, 23, 24, 25, and 26, relating to the service for the care of the District building: Provides for a clerk and stenographer, at \$1,200, instead of an assistant superintendent, at \$1,500; for one dynamo tender, at \$875; increases the pay of three coal passers from \$500 to \$600; strikes out the provision for two lavatory attendants, at \$600 each, and two lavatory attendants, at \$600 each; and provides for two chief cleaners, as proposed by the House, to have charge of the lavatories, at \$500 each; appropriates \$720, as proposed by the House, instead of \$1,000, as proposed by the Senate, for a chief watchman; provides for five watchmen, at \$600 each, as proposed by the House, instead of six watchmen, as proposed by the Senate, and inserts a provision that all employees in the care of the District building shall be appointed by the assistants to the Engineer Commissioner with the approval of the Commissioners.

On amendments Nos. 27 and 28: Appropriates \$24,000, as proposed by the House, instead of \$25,000, as proposed by the Senate, for miscellaneous expenses of the District building.

On amendments Nos. 29 and 30: Appropriates \$2,000, as proposed by the House, instead of \$2,500, as proposed by the Senate, for temporary clerk hire in preparing numerical book, and strikes out the provision inserted by the Senate remitting certain assessments on lots in Takoma Park.

On amendments Nos. 31 and 32: Strikes out the provision for an additional assistant cashier, at \$1,400 in the collector's office.

On amendments Nos. 33, 34, and 35: Increases the salary of the auditor from \$3,600 to \$4,000 and strikes out the provision for an additional clerk, at \$900, in the auditor's office.

On amendments Nos. 36, 37, 38, and 39: Increases the salaries of the second assistant corporation counsel from \$1,600 to \$1,800 and of the fourth assistant corporation counsel from \$1,200 to \$1,500, and strikes out the provision proposed by the Senate for a law clerk at \$1,200.

On amendments Nos. 40 and 41: Strikes out the provision for a hostler and laborer, at \$365, in the coroner's office.

On amendments Nos. 42 and 43: Strikes out the appropriation of \$500, proposed by the House, for improving the wholesale market square.

On amendments Nos. 44, 45, 46, 47, 48, 49, 50, and 51, relating to the Engineer's office: Increases the salary of the superintendent of trees and parking from \$1,500 to \$1,800; strikes out the proposed increase of \$200 in the salary of the assistant superintendent; increases the salary of an assistant permit clerk from \$900 to \$1,000 and of an index clerk and typewriter from \$720 to \$900; strikes out the proposed increase in the salaries of one assistant inspector of gas and meters from \$1,000 to \$1,200 and one assistant inspector of gas and meters from \$840 to \$1,000.

On amendments Nos. 52 and 53: Increases the salary of the special-assessment clerk from \$1,700 to \$2,000.

On amendments Nos. 54, 55, 56, 57, and 58: Strikes out the proposed increase of \$250 in the salary of the superintendent of street sweeping and of \$200 in the salary of an inspector of street sweeping, and increases the salary of a stenographer and clerk from \$720 to \$900 in the street-sweeping office.

On amendments Nos. 59 and 60: Increases the salary of the superintendent of insurance from \$3,000 to \$3,500, as proposed by the Senate.

On amendments Nos. 61 and 62: Appropriates \$5,000, as proposed by the House, instead of \$5,500, as proposed by the Senate, for temporary draftsmen and other help in the surveyor's office.

On amendments Nos. 63, 64, 65, 66, 67, 68, and 69, relating to the free public library: Provides, as proposed by the Senate, for a chief of the circulating department at \$1,200; increases the pay of five attendants from \$480 to \$540 each, of five attendants from \$360 to \$480 each, and of two messengers from \$360 to \$480, and appropriates \$7,500, as proposed by the House, instead of \$9,000, as proposed by the Senate, for the purchase of books.

On amendments Nos. 70, 71, 72, 73, 74, 75, 76, 77, and 78, relating to the contingent and miscellaneous expenses: Strikes out the provision for purchase of electricity; appropriates \$7,000, as proposed by the House, instead of \$7,500, as proposed by the Senate, for postage; \$750, as proposed by the Senate, instead of \$833.50, as proposed by the House, for rent of district offices; \$5,000, as proposed by the Senate, instead of \$4,000, as proposed by the House, for judicial expenses, including pro-

curement of chains of title; \$3,000, as proposed by the Senate, instead of \$2,750, as proposed by the House, for miscellaneous expenses of the coroner's office; strikes out the appropriations proposed by the Senate of \$10,000 for repair of buildings when injured by fire, and \$1,500 for file cases for the office of the register of wills; appropriates \$900, as proposed by the Senate, for the office of the register of wills, and strikes out the provision proposed by the Senate for equipping the wharf on the river front.

On amendments Nos. 79, 80, 81, 82, 83, 84, 85, 86, and 87: Makes a verbal correction in the text of the bill; appropriates \$88,800, instead of \$84,600, as proposed by the House, and \$90,000, as proposed by the Senate, for work on the streets and avenues; appropriates, as proposed by the Senate, \$2,500 for paving V street NW. and \$9,000 for paving South Carolina avenue SE.

On amendments Nos. 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, and 108: Appropriates \$138,400, instead of \$83,900, as proposed by the House, and \$220,000 as proposed by the Senate, for the construction of certain county roads and suburban streets.

On amendments Nos. 109 and 110: Appropriates \$300,000, as proposed by the House, instead of \$350,000, as proposed by the Senate, for repairs of streets, avenues, and alleys.

On amendment No. 111: Appropriates \$7,000, instead of \$6,000, as proposed by the House, and \$7,500, as proposed by the Senate, for sidewalks and curbs along public reservations and municipal buildings.

On amendment No. 112: Changes the name of Brightwood avenue to Georgia avenue, and of the street formerly known as "Georgia avenue" to Potomac avenue.

On amendments Nos. 113 and 114: Appropriates \$100,000, as proposed by the House, instead of \$110,000, as proposed by the Senate, for repairs of county roads.

On amendment No. 115: Strikes out the appropriation of \$5,000 proposed by the Senate for counsel to investigate the ownership of land along the Anacostia River.

On amendments Nos. 116, 117, 118, 119, and 120, relating to sewers: Appropriates \$60,000, as proposed by the Senate, instead of \$50,000, as proposed by the House, for cleaning and repairing sewers and basins; \$80,000 instead of \$75,000, as proposed by the House, and \$100,000, as proposed by the Senate, for suburban sewers; strikes out the appropriations proposed by the Senate of \$40,000 for dikes for sewage disposal project and \$75,000 for a sewer along Rock Creek, and appropriates \$15,000 instead of \$31,875, as proposed by the Senate, for relief sewer from Pennsylvania avenue and Fourth street to Virginia avenue and Second street southeast.

On amendment No. 121: Appropriates \$250,000 instead of \$240,000, as proposed by the House, and \$267,000, as proposed by the Senate, for sprinkling, sweeping, and cleaning streets.

On amendment No. 122: Strikes out the appropriation of \$4,350 proposed by the Senate for concrete floor in the stable of the street-cleaning department.

On amendment No. 123: Appropriates \$35,000, as proposed by the Senate, instead of \$30,000, as proposed by the House, for the Parking Commission.

On amendment No. 124: Strikes out appropriation of \$10,000 proposed by the Senate for concreting bottoms of swimming pools.

On amendments Nos. 125 and 126: Appropriates \$1,500, as proposed by the House, instead of \$10,000, as proposed by the Senate, for equipment of playgrounds; and appropriates \$5,000, as proposed by the Senate, for improving the Rosedale playground.

On amendment No. 127: Strikes out the appropriation of \$5,000 proposed by the Senate for deep wells.

On amendment No. 128: Appropriates \$6,500, as proposed by the Senate, instead of \$6,200, as proposed by the House, for maintenance of public convenience stations.

On amendment No. 129: Authorize the use of \$1,200, as proposed by the House, instead of \$1,500, as proposed by the Senate, for personal services in the condemnation of insanitary buildings.

On amendment No. 130: Strikes out the appropriation of \$500 proposed by the Senate for reconstruction of the wharf and sea wall adjacent to the morgue.

On amendments Nos. 131, 132, 133, and 134, relating to the electrical department: Increases the salaries of one electrical inspector from \$1,800 to \$2,000; of a clerk from \$1,000 to \$1,200; and provides for an additional clerk at \$1,400.

On amendment No. 135: Appropriates \$265,225, as proposed by the Senate, instead of \$257,712, as proposed by the House, for street gas-lighting and inserts a proviso requiring the Washington Terminal Company to pay for lighting streets over

which its right of way crosses and streets bordering on its right of way.

On amendment No. 136: Appropriates \$123,250, as proposed by the Senate, instead of \$115,000, as proposed by the House, for electric street lighting, and inserts a provision requiring the Washington Terminal Company to pay for lighting streets over which its right of way crosses and streets bordering on its right of way.

On amendments Nos. 137 and 138: Appropriates \$15,000, as proposed by the House, instead of \$20,000, as proposed by the Senate, for Rock Creek Park.

On amendments Nos. 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162, relating to the teachers of public schools: Provides for twelve heads of departments at \$1,900 each, as proposed by the Senate, and for seven instead of fourteen teachers at \$1,900 each of normal, high, and manual training schools; reduces the amount for longevity pay from \$165,000, as proposed by the House, to \$146,900, as proposed by the Senate; increases the amount of allowance to principals from \$31,680, as proposed by the House, to \$32,680, as proposed by the Senate, and inserts a provision that no teacher shall be eligible to Group B, class 6, who has not attained the maximum of Group A, and that teachers employed in normal, high, and manual training schools may be placed in Group A, class 6, and receive longevity increase according to their number of years of experience, and that no more than seven teachers shall be promoted in any year from Group A, class 6, to Group B, class 6.

On amendment No. 163: Appropriates \$12,500 instead of \$18,000, as proposed by the Senate, for teachers and janitors of night schools, and \$3,300 instead of \$3,500, as proposed by the Senate, for contingent expenses of night schools.

On amendment No. 164: Appropriates \$2,500, as proposed by the House, instead of \$3,000, as proposed by the Senate, for kindergarten supplies.

On amendment Nos. 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 182, 183, 184, 185, 186, 187, 188, and 189: Appropriates \$1,400 instead of \$1,200, as proposed by the House, and \$1,600, as proposed by the Senate, for janitor service for the McKinley Manual Training School; \$1,200, as proposed by the House, instead of \$1,500, as proposed by the Senate, for one engineer for the McKinley Manual Training School, and provides for janitor service for other school buildings, as proposed by the Senate.

On amendments Nos. 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, and 202, relating to the miscellaneous expenses of the public schools: Appropriates \$25,000, as proposed by the Senate, instead of \$20,000, as proposed by the House, for rent of school buildings; \$75,000 instead of \$70,000, as proposed by the House, and \$90,000, as proposed by the Senate, for repairs to school buildings; \$50,000, as proposed by the House, instead of \$60,000, as proposed by the Senate, for repairs to and changes in plumbing in school buildings; \$20,000, as proposed by the House, instead of \$22,500, as proposed by the Senate, for tools and materials for instruction in manual training; \$90,000 instead of \$85,000, as proposed by the House, and \$100,000, as proposed by the Senate, for fuel, etc., for school buildings; \$45,000, as proposed by the Senate, instead of \$40,000, as proposed by the House, for contingent expenses, including furniture and repairs; \$1,200 instead of \$1,000, as proposed by the House, and \$1,500, as proposed by the Senate, for school gardens; \$6,000, as proposed by the Senate, for apparatus for physics department in high schools; strikes out the appropriations proposed by the Senate of \$6,000 for laboratories for biology and chemistry and \$3,000 for school playgrounds; inserts the provision proposed by the Senate for purchase, erection, and maintenance of portable schoolhouses, and strikes out the provision proposed by the House limiting the price of gas used in the school buildings to 75 cents per thousand feet.

On amendments Nos. 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, and 218, relating to buildings and grounds of public schools: Appropriates \$60,000, as proposed by the House, instead of \$70,000, as proposed by the Senate, for equipment of the extension of the McKinley Manual Training School; appropriates \$125,000, as proposed by the Senate, for completion of the McKinley Manual Training School building; strikes out the appropriations proposed by the Senate of \$300,000 for a normal and model school building, \$60,000 for the alteration and repair of Central High School building, \$75,000 for a school building for or near Cleveland Park, \$12,000 for purchase of lots adjacent to the Phelps School, and \$60,000 for fireproof construction in the three new school buildings now in course of erection; and appropriates, as proposed by the Senate, \$95,000 for a twelve-room building on the site of the



Garfield School, and \$16,500 for purchase of lots adjacent to the Phillips School; and \$50,000 instead of \$261,000, as proposed by the Senate, for fire protection of certain school buildings.

On amendments Nos. 219 and 220: Restores to the bill the provisions proposed by the House authorizing contracts to be entered into with the Columbia Institute for Deaf and Dumb and the Maryland School for Colored Deaf Mutes by the Commissioners of the District of Columbia.

On amendments Nos. 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, and 236, relating to the Metropolitan police: Increases the pay of three clerks from \$900 to \$1,000, as proposed by the Senate; strikes out the increase proposed by the Senate of 45 privates of class 1 at \$900 each; strikes out the increase from \$240 to \$300 each proposed by the Senate for allowance to mounted policemen; inserts the clause proposed by the Senate providing for maintenance for the full complement of the Metropolitan police, and adds thereto a provision requiring biennial medical examinations of persons drawing pensions for disabilities incurred in the police and fire department; appropriates, as proposed by the Senate, \$5,500, instead of \$4,750, as proposed by the House, for repairs to police stations; \$35,000, instead of \$33,000, as proposed by the House, and \$37,000, as proposed by the Senate, for miscellaneous and contingent expenses; strikes out the appropriation of \$15,000 proposed by the Senate for reconstruction of cell corridors and for modern cells in certain station houses; appropriates \$20,000, instead of \$32,000, as proposed by the Senate for a station house in Anacostia; increases the pay of four drivers for the House of Detention from \$540 to \$600, as proposed by the Senate; and provides for an engineer at \$1,000, instead of \$1,140, as proposed by the Senate, for the harbor patrol.

On amendments Nos. 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, and 251, relating to the fire department: Strikes out the increase of \$100 in the salary of the superintendent of machinery proposed by the Senate; provides for two marine firemen, at \$720 each; strikes out the provisions proposed by the Senate for a messenger at headquarters, at \$600, and for a hostler, at \$540; appropriates \$9,000, as proposed by the House, instead of \$10,000, as proposed by the Senate, for repairs of engine houses; \$12,000 instead of \$11,000, as proposed by the House, and \$13,000, as proposed by the Senate, for repairs to apparatus; \$14,000, as proposed by the House, instead of \$15,000, as proposed by the Senate, for purchase of horses; \$23,000, as proposed by the House, instead of \$24,000, as proposed by the Senate, for forage; \$1,000 as proposed by the Senate, for repairs and improvements to the fire boat; strikes out the appropriation proposed by the Senate of \$37,000 for a new truck company in the northeast section of the city and \$25,000 for a new house for No. 4 Engine Company, and appropriates, as proposed by the Senate, \$5,000 for one new engine.

On amendments Nos. 252, 253, 254, and 255, relating to the health department: Strikes out the appropriation proposed by the Senate and \$900 for an assistant poundmaster; provides for personal services for maintenance of public crematory; and strikes out the appropriation of \$12,500 proposed by the Senate for a stable at the smallpox hospital.

On amendments Nos. 256, 257, 258, 259, and 260, relating to the juvenile court: Strikes out the proposed increase in the salary of the judge from \$3,000 to \$3,600; provides for a probation officer at \$1,000, as proposed by the Senate, and appropriates \$1,740, as proposed by the Senate, instead of \$2,340, as proposed by the House, for compensation of jurors.

On amendments Nos. 261, 262, and 263: Strikes out the increase of \$100 in the salary of the financial clerk of the police court; increases the pay of four bailiffs from \$600 to \$720 each, as proposed by the Senate.

On amendments Nos. 264, 265, 266, 267, 268, 269, 270, and 271, relating to the Washington Asylum: Increases the pay of the superintendent from \$1,600 to \$1,800; of the property clerk from \$1,000 to \$1,200; of the principal overseer from \$1,400 to \$1,500, as proposed by the Senate; strikes out the increase in the pay of fifteen overseers from \$660 to \$720 each; increases the pay of two nurses from \$425 to \$450 each and strikes out the provision for one additional orderly at \$300, and appropriates \$1,500 additional, as proposed by the Senate, for repairs to buildings.

On amendment No. 272: Strikes out the appropriation of \$110,000, as proposed by the Senate, for a new wing for the workhouse, and inserts a provision for three commissioners to inquire and report as to the condition of the jail and workhouse of the District of Columbia.

On amendments Nos. 273, 274, 275, 276, 277, 278, 279, 280, and 281, relating to the Home for the Aged and Infirm: Increases,

as proposed by the Senate, the pay of the chief engineer from \$720 to \$900; provides for one additional fireman, at \$300; one additional nurse, at \$360, and one additional servant, at \$144; appropriates \$20,000, as proposed by the House, instead of \$23,000, as proposed by the Senate, for provisions and miscellaneous expenses; \$1,500 instead of \$1,000, as proposed by the House, and \$2,000, as proposed by the Senate, for repairs to buildings, and \$1,500 instead of \$3,000, as proposed by the Senate, for necessary fire protection.

On amendment No. 282: Appropriates \$22,000, as proposed by the Senate, instead of \$20,000, as proposed by the House, for care and maintenance of boys committed to the reform school.

On amendments Nos. 283, 284, 285, 286, and 287, relating to the Reform School for Girls: Increases the pay of the night watchman from \$365 to \$480, as proposed by the Senate; appropriates \$191, as proposed by the Senate, for a furnace, and strikes out the appropriation of \$675, proposed by the Senate, for erecting a portico.

On amendments Nos. 288, 289, 290, 291, 292, 293, 294, and 318: Appropriates \$3,000 instead of \$2,000, as proposed by the House, and \$4,500, as proposed by the Senate, for repairs to the Columbia Hospital; strikes out the appropriation of \$5,000, proposed by the Senate, for plans for the new building for the Columbia Hospital; appropriates, as proposed by the Senate, \$25,000 for the National Homeopathic Hospital; \$4,000 for repairs and equipment for the Central Dispensary and Emergency Hospital; \$6,000, as proposed by the Senate, instead of \$4,000, as proposed by the House, for the Eastern Dispensary, and \$500 instead of \$750, as proposed by the Senate, for the Women's Clinic; and strikes out the provision proposed by the Senate placing the expenditure of the appropriation for the Washington Home for Incurables under the direction of the executive committee of the said home.

On amendments Nos. 295, 296, 297, 298, 299, 300, 301, 302, and 303, relating to the tuberculosis hospital: Increases the pay of ten pupil nurses from \$96 to \$120 each, as proposed by the Senate; strikes out the increase in the pay of the chief cook and laundryman from \$480 to \$600 each; strikes out the appropriation of \$540 for a farmer; provides for one additional orderly, at \$300; authorizes the use of not exceeding \$1,000 for temporary services, and strikes out the appropriation of \$5,000, proposed by the Senate, for grading and making roads.

On amendments Nos. 304, 305, 306, and 307, relating to the Board of Children's Guardians: Increases the pay of one investigating clerk from \$720 to \$840, and of one visiting inspector from \$480 to \$600, as proposed by the Senate.

On amendments Nos. 308, 309, 310, 311, 312, 313, 314, 315, and 316, relating to the Industrial Home School for Colored Children: Strikes out the proposed increase in the pay of one farmer from \$480 to \$600; increases the pay of one watchman from \$240 to \$300; appropriates \$500, as proposed by the Senate, for temporary services; appropriates \$5,000, as proposed by the House, instead of \$6,000, as proposed by the Senate, for maintenance, purchase, and care of horses, vehicles, and harness; \$500 instead of \$250, as proposed by the House, for tile and pipes; \$300 instead of \$250, as proposed by the House, for repairs to buildings, and inserts a provision authorizing the Commissioners to expend any income of the school for the support of the school during the fiscal year 1909.

On amendment No. 318: Appropriates \$2,000 instead of \$4,250, as proposed by the Senate, for the Washington Hospital for Foundlings.

On amendments Nos. 319 and 320: Strikes out the appropriation of \$150, proposed by the Senate, for a watchman for the municipal lodging house.

On amendment No. 321: Appropriates \$5,500 for the Temporary Home for Ex-Union Soldiers and Sailors, as proposed by the Senate.

On amendment No. 322: Appropriates \$294,800, as proposed by the Senate, instead of \$280,000, as proposed by the House, for support of the indigent insane.

On amendments Nos. 323, 324, 325, and 326, relating to the militia of the District of Columbia: Includes in the expenses of camps hire of horses for officers required to be mounted; strikes out the proposed increase in the pay of the clerk in the office of the Adjutant-General and inserts a provision, as proposed by the Senate, with reference to purchase of additional rations applying to the fiscal years 1908 and 1909.

On amendments Nos. 327, 328, 329, 330, and 331, relating to the water department: Increases the salary of the water register from \$1,800 to \$2,100; strikes out the provision for one meter computer at \$1,000; increases the pay of one clerk from \$1,000 to \$1,200, and authorizes the purchase of two motor trucks.

On amendment No. 332: Authorized the use of not exceeding \$66,000, instead of \$60,000, as proposed by the House, and \$70,000, as proposed by the Senate, during the fiscal year 1909, for services of draftsmen and others in connection with sewer and other construction work.

On amendment No. 333: Provides for a market master's assistant and one laborer for the Wholesale Market Producers' Market.

On amendments Nos. 333, 334, and 335: Inserts a separate section of the bill, as proposed by the Senate, authorizing advances from the Treasury of the United States to meet any excesses of expenditures in the District of Columbia over the revenues of the District of Columbia during the fiscal year 1909.

WASHINGTON GARDNER,  
MARTIN B. MADDEN,  
ALBERT S. BURLISON,

*Managers on the part of the House.*

The SPEAKER. Is a second demanded?

Mr. BURLISON. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Michigan [Mr. GARDNER] is entitled to twenty minutes and the gentleman from Texas [Mr. BURLISON] to twenty minutes.

Mr. GARDNER of Michigan. Mr. Speaker, the estimates for the District appropriation bill as presented to the committee amounted to \$13,798,126.35. The amount appropriated by the House was \$9,560,499.35. To this amount the Senate added \$2,015,014.50. After repeated and extended conferences the Senate receded from \$1,457,845, and the House agreed to \$557,169.50. Three-fifths of this and a little more pertains to the public schools. The necessity for an addition to the appropriation for public schools grew out, in part, of the fire in Cleveland, which occurred after the House had had its hearings. The bill as agreed upon unanimously by the conferees carries \$10,117,668.85, as against \$10,440,598.63 last year, making a difference in favor of the ensuing year of \$322,929.78.

I will reserve the balance of my time.

Mr. BURLISON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I want to be perfectly candid with the House. My purpose in asking for this time, and I thank my colleague for his courtesy in conceding it to me, was to address myself for a few moments to the amendments put by the Senate on to the bill for the support of the Military Academy. My remarks shall be addressed purely to matters of legislative interest at this moment. The Senate has added some very important amendments to the bill as it passed the House. The first one, and perhaps one of the greatest importance, is that on page 2, which increases the appropriation by \$60,000, and provides that the corps of cadets shall consist of one from each Congressional District, as it is now; one from each Territory, as now; one from the District of Columbia, as it is at this time, and four from each State at large. The difference between the proposed law and the existing statute is that it doubles the number to come from the States at large. In other words, it will give, should it become a law, to each Senator double the number of appointments allowed to each Member of the House. It increases the total number of cadets by 92, and as the Army bill, confirmed by legislation in this bill, materially increases the pay of those cadets, it adds a considerable sum to the annual outlay for the support of the Military Academy. How the conference will result, of course, remains to be seen. But speaking for myself, and speaking what I believe to be the view of the majority of the Members of this House, inferring it from some I have had of gentlemen on both sides of the Chamber, I am inclined to believe the House will never consent to a proposition which confers double the privileges in that direction upon any other body.

Mr. PAYNE. Mr. Speaker, this proposition to increase the number of cadets involves new legislation. I believe the rule is well understood with conferees that where one House proposes legislation in a general appropriation bill, and the other House insists in its opposition, that the body proposing it must finally yield. I hope that rule will be invoked in this case. [Applause.]

Mr. SLAYDEN. I thank the gentleman for his suggestion, and I will guarantee that 33½ per cent of the conference power from this side of the House will insist. There are sundry amendments all involving increased expense, or nearly all, and developing the academy in a way and along lines that were not contemplated by the House.

The next amendment of considerable importance, I think, is that which is to be found on page 20 of the bill, and has reference to the rewriting of a statute that provides for the Board of Visitors. As the House thought when it passed the academy

bill it would be more practical and be wiser in every respect to have the Board of Visitors come from the Members of the House and members of the Senate, it therefore repealed the act which originally provided that a certain number be appointed by the Speaker, a certain number by the President of the Senate, and a certain other number by the President of the United States, and substituted for it a provision that the Board of Visitors should be composed of the two committees having charge of the bill in this House and in the Senate, respectively. It has been amended by the Senate in this way: By reducing the number, which might or might not be wise—I have no very positive views upon that question—to four members of the Military Affairs Committee of the Senate and five members of the Committee on Military Affairs of the House, to be appointed, and so forth, and three to be appointed by the President.

Mr. Speaker, the view of the Committee on Military Affairs of the House of Representatives was that this Board of Visitors was intended to secure information for legislative purposes; that it could be better done by a committee of the two Houses than by a body made up with outsiders. It took away from that Board of Visitors the well-merited reputation of being an annual junket. That question was thrashed out on the floor of the House at some length and clearly understood when we had the academy bill before the House, and the proposition of the committee was sustained unanimously.

Another provision, and one of very great importance in this bill, is that which provides for the appointment of seven cadets from the Philippine Islands. It is legislation somewhat along the line of that which continued the Porto Rican regiment. It says that these cadets shall be educated at the Military Academy at the expense of the American people, but shall not be eligible for appointment in the Regular Army of the United States, but that they shall be commissioned to serve in the Philippine Scouts and agree to serve for eight years.

Now, Mr. Speaker, everyone who is familiar with the history of legislation knows that this is merely the nose of the camel getting under the tent, and that after a short time the animal will occupy the entire tent. Everybody knows that when these gentlemen have been educated at the expense of the public, exactly as officers in our Army will have been educated, they will claim the same privileges, and that ultimately this will lead to promotions, to welding them into the Army of the United States, to retirement, and to all the privileges of rank and pay that pertain to other graduates of the academy.

Mr. BURLISON. Mr. Speaker, it is extremely probable, if not certain, that for the first time in the history of this Government the appropriations for a single session of Congress will exceed \$1,000,000,000. It is well known to us here—in fact, to every intelligent person—that the country holds the House directly responsible for all expenditures authorized by Congress. But as a matter of fact, it is only fair to the House and to the majority party of the House, to say that they are not wholly blamable or wholly responsible for the vast expenditures now being authorized by the bills we are passing or for the gross extravagance in the money bills which are now running riot in this Capitol. For the truth is it is due largely to those at the other end of this building. It is but just to say that the distinguished gentleman at the head of the Committee on Appropriations of the House day after day, week after week, since the Congress convened, has endeavored to impress upon the Members of this body, and especially the members of his own party, the importance and the necessity of cutting down and keeping down the appropriations.

If the House Committee on Appropriations and other committees controlling appropriation bills had followed the estimates transmitted by the heads of Departments to the Speaker at the beginning of this session of Congress and prepared bills in accordance therewith, there would have been a deficit at the end of the next fiscal year, accepting the estimated revenues, of not less than \$118,000,000. But your committee did not accept these estimates, and after weeks of arduous labor—yes, more than arduous labor—after weeks of drudgery the House committees reported bills in which we cut below these estimates full \$99,000,000. These bills, providing what was actually necessary for the conduct of the Government's affairs, were then transmitted to the other end of the Capitol. With what result, Mr. Speaker? Without any real responsibility resting upon them, as I have told you, because the country does not hold the Senate responsible, when these bills were returned they were swollen in a way that I shall now indicate.

The Army appropriation bill was returned increased by \$14,000,000; the District appropriation bill was returned increased by \$2,000,000; the fortification bill was returned increased by \$4,000,000; the Indian appropriation bill was returned increased



by \$2,000,000; the naval appropriation bill was returned increased by \$18,000,000; the post-office appropriation bill, carrying now upon its return, as it does, a ship-subsidy steal and a railway mail-pay graft, was increased by \$7,000,000; the pension appropriation bill was returned increased by \$13,000,000; the sundry civil appropriation bill was returned increased by \$12,000,000; the deficiency appropriation bill was returned increased by \$2,000,000; the public buildings bill was returned increased by \$9,000,000. In round numbers, an aggregate increase of \$83,000,000. The legislative bill, which provides for the humble and noninfluential Department clerk, was returned increased by only a small amount, while the agricultural appropriation bill, making appropriations for that great industry which bears the burden of taxation, was increased only by a paltry half million dollars.

Mr. Speaker, the Constitution declares that all bills raising revenue shall originate in the House, and as a necessary sequence thereof all bills appropriating money must also originate here. We are accountable directly to the people for our acts, returning every two years for a renewal of the trust they have reposed in us. It was for this reason that our organic law was so framed that the people could keep close hold on the strings of their money purse.

Mr. Speaker, the fathers never intended that those occupying the other end of this Capitol should exert the influence and control over appropriation bills they now exercise. The Senate has no right to meddle with the purse of the people. But, Mr. Speaker, it has encroached upon the prerogatives of the House until it has reached the point where the revenue-raising body can be compelled, because of the extravagance of the Senate to increase the burdens resting upon the people, whether it will or no. In my deliberate judgment, unless some steps are taken, and taken speedily, to scourge the other body back to the exercise of its proper functions, this Government will go, as history shows other democratic governments have gone, to its death as a direct result of extravagance, corruption, and the other companion evil, militarism.

Mr. Speaker, we should take steps, if not at this session, then at the next, to clearly and firmly indicate to the other body that they can not increase these money bills as they have done in the past. I believe that a careful perusal of the history of the making of our Constitution will bear me out in the statement that it was intended by its framers that when the Senate proposed amendments to an appropriation bill, if same were rejected by the House, it was the duty of the Senate to promptly recede.

So far as this particular bill now under consideration is concerned, I desire to congratulate the House upon the very efficient manner in which the distinguished gentleman from Michigan [Mr. GARDNER] has managed it. The Senate, as I have said, increased it \$2,000,000, and in fairness to the Senate conferees, who were not only courteous and agreeable, but fair and reasonable, after some persuasion we were enabled to induce them to recede from about \$1,500,000 of that amount.

What I say is not said with reference to this bill; but the trouble is that at the other end of the Capitol a horde of amendments are placed on an appropriation bill, and concealed amidst that vast number are a few in which Senators have special interest, and the Treasury is greatly jeopardized when the Members of the House on these conference committees enter conference, because they do not know exactly the particular things really wanted by the venerable Senators. And what is the result? The House conferees frequently are treading around in the dark, endeavoring to find out what it is, and sometimes, as a result of this state of affairs, amounts are added which do not meet with the approbation of either body.

I have said this much, Mr. Speaker, in order to invite the attention of the leaders of the dominant party to the necessity for taking some steps to correct this evil. I desire to say that the remarks I have here made with reference to the chairman of the Committee on Appropriations [Mr. TAWNEY] are wholly deserved.

In fact, I have not paid him the tribute to which he is justly entitled. [Applause.] If heed had been given his importunities and those of his colleagues on the committee, including the minority members, it would have been better for your party, better for the Treasury, and better for the country. Mr. Speaker, the truth compels me to state that the distinguished and able gentleman who heads the Appropriation Committee has received but little assistance from the other leaders of his party along the lines of economy in the preparation of these bills. If they had lent him their assistance when he begged and implored and importuned them repeatedly here, the country would not now be confronted with the fact that the first session of the Sixtieth Congress is to go down in history as the most

extravagant session of Congress that ever assembled. [Applause on the Democratic side.]

Mr. GARDNER of Michigan. I desire, in line with the thought presented by the gentleman from Texas [Mr. BURLISON], to call attention to one feature of making estimates that ought to be dispensed with in connection with this District bill.

The District Commissioners know what the estimated revenues are. They ought to base the expenses upon that estimate, and yet in this bill they asked for \$2,000,000 more than they knew the revenues would meet. Now, that puts the Committee on Appropriations in the attitude of standing before the citizens of this District and reducing the estimates to the revenues before we begin even to consider the appropriations, or else increase beyond the possible revenues and add to an already large debt. The difficulty with this overestimating is that it leads certain individuals who want their salaries increased, certain interests that expect liberal appropriations, to anticipate a great deal more than they can possibly receive, unless the debt of the municipality is materially increased. I wish there was a law prohibiting the Commissioners from estimating expenditures beyond the estimated revenues of the District. The committee have sought in this bill not only to meet the just requirements of the city at this time, but to make a liberal payment upon the unfunded debt. We may say it has been a fight from start to finish, not only before the Committee on Appropriations, but in the conference, and it is due the committee, as well as the Senate conferees, to say that the latter have yielded, in round numbers, 75 per cent of their proposed increase. The bill as it stands will carry out the thought and intent of the Committee on Appropriations, enabling the payment of a considerable sum on the unfunded debt of the city.

Mr. Speaker, I ask for a vote.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 218, nays 15, answered "present" 8, not voting 146, as follows:

## YEAS—218.

Adair	Draper	Huff	Parker, S. Dak.
Adamson	Durey	Hughes, N. J.	Parsons
Alexander, N. Y.	Dwight	Humphrey, Wash.	Payne
Ames	Edwards, Ky.	Humphreys, Miss.	Pearre
Andrus	Ellis, Oreg.	Jenkins	Perkins
Ansberry	Englebright	Johnson, Ky.	Pollard
Anthony	Esch	Jones, Va.	Porter
Ashbrook	Ferris	Jones, Wash.	Pray
Barchfeld	Finley	Kahn	Rainey
Bartholdt	Fitzgerald	Kelifer	Randell, Tex.
Bates	Floyd	Keliber	Rauch
Beale, Pa.	Focht	Kennedy, Iowa	Reeder
Bell, Ga.	Foss	Kinkaid	Reynolds
Bonyng	Foster, Ill.	Kipp	Rhinock
Booher	Foster, Vt.	Knapp	Richardson
Bowers	Foulkrod	Knopf	Robinson
Broadhead	French	Lafcan	Rosenberg
Brownlow	Fuller	Lamb	Rothermel
Brumm	Fulton	Lawrence	Russell, Mo.
Brundidge	Gardner, Mich.	Lee	Saunders
Burgess	Garrett	Lenahan	Scott
Burke	Gilham	Lindbergh	Sherley
Burleson	Gillespie	Littlefield	Sherman
Burnett	Glass	Longworth	Slayden
Burton, Del.	Godwin	Lorimer	Slemp
Burton, Ohio	Gordon	Loud	Small
Calder	Goulden	Loudenslager	Smith, Cal.
Campbell	Graff	Lowden	Smith, Iowa
Candler	Graham	McCall	Smith, Mich.
Capron	Granger	McGavin	Southwick
Carter	Greene	McHenry	Sperry
Cary	Hackney	McKinley, Ill.	Spight
Chaney	Hale	McKinney	Stanley
Chapman	Hall	McLachlan, Cal.	Steenerson
Clark, Mo.	Hamill	McLain	Stephens, Tex.
Cocks, N. Y.	Hamilton, Iowa	McLaughlin, Mich.	Sterling
Cole	Hamilton, Mich.	McMorran	Stevens, Minn.
Cook, Colo.	Hamlin	Macon	Sturgiss
Cook, Pa.	Hammond	Madden	Sulzer
Cooper, Pa.	Hardwick	Madison	Taylor, Ohio
Cooper, Tex.	Hardy	Mondell	Thistlewood
Cooper, Wis.	Harrison	Moore, Pa.	Tou Velle
Coudrey	Haskins	Moore, Tex.	Townsend
Cox, Ind.	Hawley	Morse	Volstead
Craig	Hayes	Mouser	Vreeland
Crumpacker	Heflin	Murdock	Waldo
Currer	Hill, Conn.	Murphy	Wanger
Cushman	Hinshaw	Needham	Weeks
Dalzell	Hobson	Nelson	Williams
Darragh	Holliday	O'Connell	Wilson, Pa.
Davidson	Houston	Olcott	Wood
Davis, Minn.	Howard	Olsted	Woodyard
Dawson	Howell, N. J.	Padgett	Young
Denver	Howland	Page	
Diekema	Hubbard, W. Va.	Parker, N. J.	

## NAYS—15.

Alken	De Armond	Henry, Tex.	Sabath
Alexander, Mo.	Garner	Hull, Tenn.	Sherwood
Beall, Tex.	Hay	James, Ollie M.	Smith, Mo.
Clayton	Heim	Patterson	

## ANSWERED "PRESENT"—8.

Bennet, N. Y.	Dixon	Sheppard	Watkins
Butler	Pou	Talbot	Webb

## NOT VOTING—146.

Acheson	Fairchild	Kitchin, Claude	Peters
Allen	Fassett	Kitchin, Wm. W.	Powers
Bannon	Favrot	Knowland	Pratt
Barclay	Flood	Küstermann	Prince
Bartlett, Ga.	Fordney	Lamar, Fla.	Pujo
Bartlett, Nev.	Fornes	Lamar, Mo.	Ransdell, La.
Bede	Poster, Ind.	Landis	Reid
Bennett, Ky.	Powler	Langley	Riordan
Bingham	Gaines, Tenn.	Lanin	Roberts
Birdsall	Gaines, W. Va.	Lassiter	Rucker
Boutell	Gardner, Mass.	Law	Russell, Tex.
Boyd	Gardner, N. J.	Leake	Ryan
Bradley	Gill	Legare	Shackleford
Brantley	Gillett	Lever	Sims
Broussard	Goebel	Lewis	Smith, Tex.
Burleigh	Goldfogle	Lilley	Snapp
Byrd	Gregg	Lindsay	Sparkman
Calderhead	Griggs	Livingston	Stafford
Caldwell	Gronna	Lloyd	Sulloway
Carlin	Hackett	Loving	Tawney
Caulfield	Haggott	McCreary	Taylor, Ala.
Clark, Fla.	Harding	McDermott	Thomas, N. C.
Cockran	Haugen	McGuire	Thomas, Ohio
Conner	Henry, Conn.	McKinlay, Cal.	Tirrell
Cousins	Hepburn	McMillan	Underwood
Cravens	Higgins	Malby	Wallace
Crawford	Hill, Miss.	Mann	Washburn
Davenport	Hitchcock	Marshall	Watson
Davey, La.	Howell, Utah	Maynard	Weems
Dawes	Hubbard, Iowa	Miller	Weisse
Denby	Hughes, W. Va.	Moon, Pa.	Wheeler
Douglas	Hull, Iowa	Moon, Tenn.	Wiley
Driscoll	Jackson	Mudd	Willett
Dunwell	James, Addison D.	Nicholls	Wilson, Ill.
Edwards, Ga.	Johnson, S. C.	Norris	Wolf
Ellerbe	Kennedy, Ohio	Nye	
Ellis, Mo.	Kimball	Overstreet	

So the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. OVERSTREET with Mr. MOON of Tennessee.

Mr. POWERS with Mr. PRATT.

Mr. NORRIS with Mr. RIORDAN.

Mr. BINGHAM with Mr. RANDELL of Louisiana.

Mr. MALBY with Mr. PUJO.

Mr. CONNER with Mr. JOHNSON of South Carolina.

Mr. McMILLAN with Mr. THOMAS of North Carolina.

Mr. KENNEDY of Ohio with Mr. RYAN.

Mr. HEPBURN with Mr. LEWIS.

Mr. GARDNER of New Jersey with Mr. LEGARE.

Mr. GAINES of West Virginia with Mr. GOLDFOGLE.

Mr. FOSTER of Indiana with Mr. GAINES of Tennessee.

Mr. DRISCOLL with Mr. ELLERBE.

Mr. DOUGLAS with Mr. CLARK of Florida.

For the balance of the day:

Mr. CAULFIELD with Mr. RUSSELL of Texas.

Mr. ELLIS of Missouri with Mr. DAVENPORT.

Mr. LANDIS with Mr. DIXON.

Until Monday:

Mr. CALDERHEAD with Mr. SHACKLEFORD.

The result of the vote was then announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1900, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. FRAZIER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

## PATENTS TO PURCHASERS OF INDIAN LANDS.

Mr. SHERMAN. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 21735, an act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes. I move to suspend the rules, disagree to all the Senate amendments, and ask for a conference.

The Clerk read the Senate amendments.

The SPEAKER pro tempore (Mr. McKINLEY of Illinois). Is a second demanded?

Mr. HACKNEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Missouri demands a second. Under the rule, a second is ordered. The gentleman from New York is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. SHERMAN. Mr. Speaker, I will say that the House

passed this bill with eleven sections, each section being a separate bill; that every provision contained in the omnibus bill had been favorably reported by the Committee on Indian Affairs—unanimously, save two—but none of these provisions made any charge upon the Treasury that they were all bills, either upon the House Calendar or on the Private Calendar. The Senate then added twenty-four amendments, covering twenty-four different propositions, nearly all of them bills, some of them being bills making a charge upon the Treasury and some of them not, but they are all of such a general nature, covering such a wide field, that it is absolutely impossible, it seems to me, to get at them and consider them properly in any way other than by a full conference, and it will not be possible to do that in any brief period, because I am quite confident the House would not be satisfied to agree to a very large number of the amendments which the Senate has added to the bill. I reserve the balance of my time.

Mr. HACKNEY. Mr. Speaker, as stated by the gentleman from New York [Mr. SHERMAN] this is the omnibus Indian bill, passed by the House a few days ago, consisting of a number of small items, affecting Indian affairs in the various parts of the country. This bill went to the Senate, and while it was an omnibus when it went there, it comes back as a freight car, practically, and pretty well loaded at that. It has many amendments in it that we ought not to agree to, especially in the form that they are presented to the House, and the only way that we can thrash this bill out and winnow out the things that ought not to go in, and at the same time allow to go through those just measures that ought to be enacted into law, is by sending it to conference, as suggested by the motion of the gentleman from New York [Mr. SHERMAN]. I will not undertake to analyze the various amendments put onto this bill by the Senate, for the reason that they are so lengthy it would take more than the allotted time to discuss them, but I would request that the gentlemen on this side, as well as on the other, vote in favor of the motion to send this bill to conference and let the conferees trim it down to its proper limit and bring back a bill that we can be in favor of and feel like giving our support before we vote for it.

I now yield five minutes to the gentleman from Oklahoma [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I want just a minute or two. It seems to me that the Members of the House would be interested in knowing just how a bank guaranty-deposit law works, and for that reason I am sending to the desk, and ask to have read in my time, a short extract that was taken from this morning's edition of the Washington Post in regard to the first failure we have had in Oklahoma under our guaranty-deposit law and the effect thereof.

The Clerk read as follows:

## STATE MAKES BANK GOOD—OKLAHOMA SHOWS HOW ITS GUARANTY-DEPOSIT LAW WORKS.

GUTHRIE, OKLA., May 21, 1900.

Within one hour from the time H. P. Smock, Oklahoma banking commissioner, had taken charge of the International Bank, of Colgate, he had authority to pay the depositors in full, though the bank's cash and available funds in other banks fell \$23,000 short of the deposits. The commissioner was enabled to do this under the banking law, and this is the first time it has been called into use.

Commissioner Smock took charge of the bank for alleged gross violations of the banking laws. Governor Haskell, president of the banking board, immediately authorized the payment of depositors in full. The bank had \$9,000 cash on hand and \$7,000 deposited in other banks. When the cash was exhausted the commissioner drew checks upon the State guaranty fund.

Under the guaranty banking law in Oklahoma, a tax of 1 per cent is levied upon the average annual deposits of all State banks, and the money thus raised is used in payment of all depositors of an insolvent State bank after the funds of the bank have been exhausted.

Mr. HACKNEY. Mr. Speaker, I will ask the gentleman from New York to use some of his time now.

Mr. SHERMAN. I have no desire to consume any more time. Mr. Speaker, I will ask for a vote, as I understand the gentleman from Missouri does not desire to use any more time.

Mr. BURLESON. Mr. Speaker, pending that I send to the Clerk's desk a concurrent resolution, and ask unanimous consent that it be adopted.

Mr. SHERMAN. Mr. Speaker, I think the vote ought not to be interrupted with any such proposition as that. I ask for the regular order.

The SPEAKER pro tempore. The gentleman from New York demands the regular order. The question is—

Mr. HACKNEY. Mr. Speaker, just one moment before the question is put. Since I spoke a moment ago several other gentlemen have just come into the Hall of the House, and they have asked me about this bill. I would state again that the motion is to suspend the rules and send the bill to conference, and the minority members on the committee agree with the majority members that that ought to be done because there are



so many amendments to it that we can not accept them in the form they have been presented to the House. Mr. Speaker, I shall make a demand for the yeas and nays on the vote.

The SPEAKER pro tempore. The gentleman from Missouri demands the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. In the opinion of the Chair there is no quorum present. The point is sustained. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees. The question will be taken on the motion of the gentleman from New York to suspend the rules, disagree to the Senate amendments, and ask for a conference. The Clerk will call the roll.

The question was taken, and there were—yeas 235, answered "present" 11, not voting 141, as follows:

## YEAS—235.

Adair	Draper	Howell, N. J.	Page
Adamson	Dwight	Howell, Utah	Parker, N. J.
Allen	Edwards, Ky.	Howland	Parker, S. Dak.
Alexander, Mo.	Ellis, Oreg.	Hubbard, W. Va.	Parsons
Alexander, N. Y.	Englebright	Huff	Payne
Ames	Esch	Hughes, N. J.	Perkins
Andrus	Ferris	Hull, Tenn.	Pollard
Ansherry	Finley	Humphrey, Wash.	Porter
Ashbrook	Fitzgerald	Humphreys, Miss.	Pray
Barchfield	Floyd	James, Oille M.	Pujo
Barclay	Focht	Jenkins	Randell, Tex.
Bartholdt	Fordney	Johnson, Ky.	Reeder
Bartlett, Nev.	Foss	Jones, Va.	Reynolds
Bates	Foster, Ill.	Jones, Wash.	Rhinock
Beale, Pa.	Foster, Ind.	Kahn	Richardson
Beall, Tex.	Foster, Vt.	Kelifer	Riordan
Bede	Foulkrod	Kelher	Roberts
Bell, Ga.	French	Kennedy, Iowa	Robinson
Bonyngo	Fuller	Kennedy, Ohio	Rodenberg
Boober	Fulton	Kimball	Rothermel
Bowers	Gardner, Mich.	Kipp	Russell, Mo.
Bradley	Gardner, N. J.	Knapp	Russell, Tex.
Brownlow	Garner	Knopf	Sabath
Brumm	Garrett	Kuftermann	Scott
Burleigh	Gilham	Lafau	Sherley
Burnett	Gillespie	Lassiter	Sherman
Burton, Del.	Glass	Lawrence	Sherwood
Burton, Ohio	Godwin	Lenahan	Slayden
Calder	Goebel	Lindbergh	Small
Caldwell	Goldfogle	Littlefield	Smith, Cal.
Campbell	Gordon	Longworth	Smith, Iowa
Candler	Goulden	Lorimer	Smith, Mo.
Capron	Graff	Loudenslager	Snapp
Carter	Graham	Louving	Southwick
Cary	Granger	Lowden	Sparkman
Caulfield	Greene	McCall	Sperry
Chaney	Hackney	McGavin	Splight
Chapman	Hale	M Henry	Stanley
Clark, Fla.	Hall	M Kinley, Ill.	Steenerson
Clark, Mo.	Hamilton, Iowa	McKinney	Stephens, Tex.
Cocks, N. Y.	Hamilton, Mich.	McLachlan, Cal.	Sterling
Cole	Hardwick	McMorran	Sturgiss
Cook, Pa.	Hardy	Macon	Sulloway
Cooper, Pa.	Harrison	Madden	Sulzer
Cooper, Tex.	Haskins	Maynard	Taylor, Ala.
Coudrey	Haugen	Moon, Tenn.	Tirrell
Cox, Ind.	Hawley	Moore, Pa.	Tou Velle
Craig	Hay	Moore, Tex.	Volstead
Crumpacker	Hayes	Morse	Wanger
Currier	Hedlin	Mouser	Washburn
Cushman	Helm	Murdock	Webb
Dalzell	Henry, Conn.	Murphy	Weeks
Darragh	Henry, Tex.	Needham	Williams
Dawson	Higgins	Nelson	Wilson, Ill.
De Armond	Hill, Conn.	Nicholls	Wilson, Pa.
Denver	Hinshaw	Nye	Wood
Dickema	Hobson	O'Connell	Woodyard
Douglas	Houston	Overstreet	
	Howard	Padgett	

## ANSWERED "PRESENT"—11.

Bennet, N. Y.	Clayton	Haggott	Talbott
Burleson	Davenport	Pou	Watkins
Butler	Dixon	Sheppard	

## NOT VOTING—141.

Acheson	Crawford	Hackett	Law
Allen	Davey, La.	Hamill	Leake
Anthony	Davidson	Hamlin	Lee
Bannon	Davis, Minn.	Hammond	Legare
Bartlett, Ga.	Dawes	Harding	Lever
Bennett, Ky.	Driscoll	Hepburn	Lewis
Bingham	Dunwell	Hill, Miss.	Lidley
Birdsall	Durey	Hitchcock	Lindsay
Boutell	Edwards, Ga.	Holladay	Livingston
Boyd	Ellerbe	Hubbard, Iowa	Lloyd
Brantley	Ellis, Mo.	Hughes, W. Va.	Loud
Brodhead	Fairchild	Hull, Iowa	McCreary
Broussard	Fassett	Jackson	McDermott
Brundidge	Favrot	James, Addison D.	McGuire
Burgess	Flood	Johnson, S. C.	McKinlay, Cal.
Burke	Fornes	Kinkaid	McLain
Byrd	Fowler	Kitchin, Claude	McLaughlin, Mich.
Calderhead	Gaines, Tenn.	Kitchin, Wm. W.	McMillan
Carlin	Gaines, W. Va.	Knowland	Madison
Cockran	Gardner, Mass.	Lamar, Fla.	Malby
Conner	Gill	Lamar, Mo.	Mann
Cook, Colo.	Gillett	Lamb	Marshall
Cooper, Wis.	Gregg	Landis	Miller
Cousins	Griggs	Langley	Mondell
Cravens	Gronna	Laning	Moon, Pa.

Mudd	Ransdell, La.	Sievens, Minn.	Watson
Norris	Rauch	Tawney	Weems
Olcott	Reid	Taylor, Ohio	Weisse
Olmsted	Ryan	Thistlewood	Wheeler
Patterson	Saunders	Thomas, N. C.	Wiley
Pearre	Shackelford	Thomas, Ohio	Willitt
Peters	Sims	Townsend	Wolf
Powers	Slomp	Underwood	Young
Pratt	Smith, Mich.	Vreeland	
Prince	Smith, Tex.	Waldo	
Rainey	Stafford	Wallace	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. VREELAND with Mr. BURLESON.

Until further notice:

Mr. ANTHONY with Mr. BURGESS.

Mr. SLEMP with Mr. RYAN.

Mr. SMITH of Michigan with Mr. SAUNDERS.

Mr. PRINCE with Mr. RAUCH.

Mr. BURKE with Mr. DAVEY of Louisiana.

Mr. DAVIDSON with Mr. FAYROT.

Mr. DUREY with Mr. HAMILL.

Mr. DAVIS of Minnesota with Mr. GAINES of Tennessee.

Mr. FAIRCHILD with Mr. LAMB.

Mr. HOLLIDAY with Mr. LEE.

Mr. McLAUGHLIN of Michigan with Mr. LEGARE.

Mr. MONDELL with Mr. McLAIN.

Mr. OLCOTT with Mr. PATTERSON.

Mr. OLMSTED with Mr. RAINEY.

Mr. TAYLOR of Ohio with Mr. UNDERWOOD.

Mr. LANGLEY with Mr. CLAYTON.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Chair announces the following conferees: Mr. SHERMAN, Mr. KNAPP, and Mr. STEPHENS of Texas.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 19158. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909; and

H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 902. An act authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes.

## ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on May 21, 1908, they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 7653. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes;

H. R. 15841. An act to amend section 4896 of the Revised Statutes;

H. R. 17703. An act to amend section 4885 of the Revised Statutes;

H. R. 21884. An act granting an annuity to Jennie Carroll and to Mabel H. Lazear;

H. R. 17874. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil and other wars, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes; and

H. J. Res. 124. Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

## CORRECTION IN ENROLLMENT.

Mr. BURLESON. Mr. Speaker, I send to the Clerk's desk a concurrent resolution, and ask unanimous consent that it be adopted.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent for the adoption of the following concurrent resolution, which the Clerk will read.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That the Clerk be authorized in enrolling the District of Columbia appropriation bill to transpose the word "hereafter" in the second proviso in the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers."*

The SPEAKER. Is there objection?

There was no objection.

So the concurrent resolution was agreed to.

#### FIVE CIVILIZED TRIBES.

Mr. SHERMAN. Mr. Speaker, I desire to call from the Speaker's table the conference report on the bill (H. R. 15641) for the removal of restrictions from part of the lands of the Five Civilized Tribes, and move to suspend the rules and adopt the report.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 19, 27, 36, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 20, 22, 23, 25, 26, 28, 29, 31, 32, 33, 34, 39, and 42; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of the proposed amendment, and on page 1, line 8, after the word "whites," strike out "shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as freedmen shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as of" and insert, after the word "whites," "as freedmen, and as mixed-blood Indians having less than half;" on page 2, line 1, after the word "blood," insert the words "including minors;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof "half and less than three-quarters;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 2 of the proposed amendment change the word "degree" to "degrees;" on page 2, line 4, of the bill, after the word "enrolled," strike out the word "living;" and in line 5, after the words "full bloods," insert "and enrolled mixed bloods of three-quarters or more Indian blood;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 2 of the proposed amendment change the word "degree" to "degrees;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the word "lands" in line 4 of the proposed amendment, change the period to a comma and add "and for such purposes sections thirteen to twenty-three, inclusive, of an act entitled 'An act to grant the right of way through Oklahoma Territory and the Indian Territory to the Erid and Anadarko Railway Company, and for other purposes,' approved February 28, 1902 (32 Stat. L., p. 43), are hereby continued in force in the State of Oklahoma;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"Sec. 2. That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee if an adult, or by guardian or curator under order of the proper probate court if a minor or incompetent, for a period not to exceed five years, without the privilege of renewal: *Provided*, That leases of restricted lands for oil, gas, or other mining purposes, leases of restricted homesteads for more than one year, and leases of restricted lands for periods of more than

five years may be made, with the approval of the Secretary of the Interior, under rules and regulations provided by the Secretary of the Interior, and not otherwise: *And provided further*, That the jurisdiction of the probate courts of the State of Oklahoma over lands of minors and incompetents shall be subject to the foregoing provisions, and the term minor or minors, as used in this act, shall include all males under the age of twenty-one years and all females under the age of eighteen years."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof "and the enrollment records of the Commissioner to the Five Civilized Tribes shall hereafter be conclusive evidence as to the age of said citizen or freedman;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 3, in line 6, change "and" to "or," and in the same line strike out the word "leases" and insert the word "lease;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: At the end of the proposed amendment add the words "or now domiciled therein;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In line 11, of page 5, strike out the word "guardians" and insert the word "guardian;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"Any suit brought by the authority of the Secretary of the Interior against the vendee or mortgagee of a town lot, against whom the Secretary of the Interior may find upon investigation no fraud has been established, may be dismissed and the title quieted upon payment of the full balance due on the original appraisal of such lot: *Provided*, That such investigation must be concluded within six months after the passage of this act."

"Nothing in this act shall be construed as a denial of the right of the United States to take such steps as may be necessary, including the bringing of any suit and the prosecution and appeal thereof, to acquire or retain possession of restricted Indian lands, or to remove cloud therefrom, or clear title to the same, in cases where deeds, leases, or contracts of any other kind or character whatsoever have been or shall be made contrary to law with respect to such lands prior to the removal therefrom of restrictions upon the alienation thereof; such suits to be brought on the recommendation of the Secretary of the Interior, without costs or charges to the allottees, the necessary expenses incurred in so doing to be defrayed from the money appropriated by this act."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: At the end of the proposed amendment add: "*Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March fourth, nineteen hundred and six, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section one hereof, for the use and support of such issue, during their life or lives, until April twenty-sixth, nineteen hundred and thirty-one; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April twenty-sixth, nineteen hundred and thirty-one, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section twenty-three of the act of April twenty-sixth, nineteen hundred and six, as amended by this act, are hereby made applicable to all wills executed under this section;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and



agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"Sec. 11. That the Secretary of the Interior is hereby authorized and directed to pay, out of any moneys in the Treasury of the United States belonging to the Choctaw or Chickasaw nations, respectively, any and all outstanding general and school warrants duly signed by the auditor of public accounts of the Choctaw and Chickasaw nations and drawn on the national treasurers thereof prior to January first, nineteen hundred and seven, with six per cent interest per annum from the respective dates of said warrants: *Provided*, That said warrants be presented to the United States Indian agent at the Union Agency, Muskogee, Okla., within sixty days from the passage of this act, together with the affidavits of the respective holders of said warrants that they purchased the same in good faith for a valuable consideration and had no reason to suspect fraud in the issuance of said warrants: *Provided further*, That such warrants remaining in the hands of the original payee shall be paid by said Secretary when it is shown that the services for which said warrants were issued were actually performed by said payee."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"Sec. 12. That all royalties arising on and after July first, nineteen hundred and eight, from mineral leases of allotted Seminole lands heretofore or hereafter made, which are subject to the supervision of the Secretary of the Interior, shall be paid to the United States Indian agent, Union Agency, for the benefit of the Indian lessor or his proper representative, to whom such royalties shall thereafter belong; and no such lease shall be made after said date except with the allottee or owner of the land: *Provided*, That the interest of the Seminole Nation in leases or royalties arising thereunder on all allotted lands shall cease on June thirtieth, nineteen hundred and eight."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof:

"Sec. 14. That the second paragraph of section eleven of an act entitled 'An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes,' approved April twenty-sixth nineteen hundred and six, is hereby amended to read as follows:

"That every officer, member, or representative of the Five Civilized Tribes, respectively, or any other person having in his possession, custody, or control any money or other property, including the books, documents, records, or any other papers of any of said tribes shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all money of the tribe in his possession, custody, or control, and shall deliver all other tribal properties so held by him to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property so held by him, or to pay and deliver the same as herein provided, prior to July thirty-first, nineteen hundred and eight, he shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished by fine of not exceeding five thousand dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to such offense, and shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe or tribes in interest for the amount or value of the money or property so withheld."

And the Senate agree to the same.

J. S. SHERMAN,  
BIRD S. MCGUIRE,  
JNO. H. STEPHENS,

*Managers on the part of the House.*

ROBT. L. OWEN,  
MOSES E. CLAPP,  
CHARLES CURTIS,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

The Senate receded from amendments Nos. 2, 4, 5, 19, 27, 36, and 41.

The House receded from amendments Nos. 10, 11, 15, 16, 17, 18, 20, 23, 25, 26, 28, 29, 31, 32, 33, 34, 39, and 42.

And from all other amendments the House receded with an amendment.

Amendment No. 1 is merely a change of phraseology and does not change the intent of the bill.

Amendment No. 3 in the bill, as it passed the House, provided that all lands, except homesteads, allotted to mixed bloods of more than one-half Indian blood, should be free from restrictions. The amendment, as agreed to in conference, changes this provision so that the lands that are free from restrictions are those allotted to Indians of more than one-half and less than three-fourths Indian blood.

Amendment No. 6 provides that mixed bloods of more than three-fourths Indian blood can sell their homes only after application to the Secretary of the Interior and approval by him. This provision, as it passed the House, provided that full bloods could dispose of their homestead only upon application to the Secretary of the Interior. This amendment, as agreed to in conference, provides that Indians of three-fourths or more Indian blood shall be under the same restriction as full bloods.

Amendment No. 7 includes minors of such degrees of blood within the restrictions provided in Amendment No. 6.

Amendment No. 8 provides that no restrictions on alienation shall prevent the exercise of the right of eminent domain, and in conference a provision was agreed to making it certain that the provision of the railroad right-of-way act should not be repealed by this provision.

Amendment No. 9 struck out section 2, as passed by the House, and inserted a new section 2. This change was substantially a phraseological change. The amendment, as agreed to in conference, changes the phraseology of both the Senate and the House provisions, enlarges the scope of the provision somewhat, and defines what is a "minor."

Amendment No. 12, as agreed to in conference, provides that the enrollment records made by the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the age of the person thus enrolled.

Amendments Nos. 13, 14, 15, 16, 17, and 18 are purely phraseological changes.

Amendment No. 20 changes the territory within which the Secretary of the Interior shall exercise certain powers from a portion of the State of Oklahoma to the whole State.

Amendment No. 21 provides that only citizens or persons domiciled within the State of Oklahoma shall be employed by the Secretary to perform certain services therein.

Amendments Nos. 22, 23, 24, 25, and 26 are purely phraseological.

Amendment No. 28 is the insertion of the word "necessary," so that the appropriation therein made shall be used only for "necessary" expenses.

Amendment No. 29 provides that \$10,000 of the money appropriated may be used in the prosecution of actions in the western district of Oklahoma.

Amendment No. 30 gives the authority to the Secretary of the Interior to dismiss suits brought against the vendee or mortgagee of a town lot where, after investigation, it is found that no fraud has existed, and where such vendee or mortgagee has paid the full price of the original appraisal. This amendment also provides that nothing in the act can be construed as a denial of the right of the United States to take such steps as it is thought necessary to conserve the rights of the Indians.

Amendments Nos. 31, 32, 33, and 34 are purely phraseological.

Amendment No. 35, as agreed to in conference, makes provision for the disposition of restricted lands where the original allottee dies.

Amendment No. 37 makes provision for the payment of the warrants heretofore issued by the Choctaw and Chickasaw councils.

Amendment No. 38 provides for the disposal of the moneys received as royalties under mineral leases of the lands in the Seminole Nation.

Amendment No. 39 provides that all records pertaining to the allotments of any member of the Five Civilized Tribes shall be deposited in the office of the agent at the Union Agency, and makes provision for carrying this into effect.

Amendment No. 40 amends section 11 of the second Curtis Act relating to the transfer of property, money, books, etc., in the possession of the former officers of any of these tribes, to the Secretary of the Interior.

Amendment No. 42 makes provision for the disposal of town lots in town sites heretofore established wherein mineral has been found beneath the surface of said lands.

J. S. SHERMAN,  
B. S. MCGUIRE,  
JOHN H. STEPHENS,

*Managers on the part of the House.*

Mr. WILLIAMS. Mr. Speaker, I ask for a second.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] demands a second, which is ordered under the rule.

Mr. SHERMAN. Mr. Speaker, I will take just a moment to explain what are the changes made in the bill since it passed the House—in other words, the changes shown by this conference report.

Mr. WILLIAMS. I will ask the gentleman to permit an interruption for just one minute.

Mr. SHERMAN. Certainly.

Mr. WILLIAMS. After the gentleman is through with his explanation I want to yield the balance of my time to the gentleman from Texas [Mr. STEPHENS], in order that he may explain to this side of the House.

Mr. SHERMAN. The main changes are as follows: Whereas in the bill as it passed the House there was a provision that full bloods could not alienate their homesteads, and could not alienate any other property except with the approval of the Secretary of the Interior, as the conference report presents the proposition that limitation is extended to mixed bloods who have three-quarters or more than three-quarters of Indian blood.

Another provision makes it clear that these restrictions do not prevent the exercise of the use of the right of eminent domain. Another provision defines what is a minor, to wit, a male of the age of under 21 years and a female under 18 years. Another provision authorizes the Secretary of the Interior to discontinue suits brought to quiet title where he believes it is for the interest of Indians so to do and where all the payments which should have been made have been made. Another provides for the payment of the Choctaw and Chickasaw warrants which have been issued by authority of the councils of those two nations. Another provision provides for the disposal of the moneys arising from the rental of mineral lands in the Seminole Indian Reservation for the benefit of the Seminole Indians. Another provision, and one of very great consequence and importance, is to have all the records relating to the Five Civilized Tribes consolidated at the Union Agency, so that it will not be necessary to go to the five different points in that portion of Oklahoma which was formerly the Indian Territory in order to ascertain the questions in reference to titles.

Another provision modifies the so-called "second Curtis Act" so that the tribal property of the Indians of the various tribes can be at once disposed of. The second Curtis Act provided that it could only be disposed of after the dissolution of all the tribal relations. And the only other new provision provides for the sale of the surface of town sites which have already been platted, and which are upon lands upon which coal has been discovered. It provides for the sale of the surface, but not of the mineral.

That, Mr. Speaker, in a word covers all of the principal changes in the bill. Fifteen, twenty, or more amendments were purely phraseological and do not in any sense change the effect of the bill.

I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, this bill is a matter of great concern to the people of Oklahoma. In all their conventions and by legislative resolutions they have asked for this legislation. Every Member of Congress, I presume, has received petitions and letters requesting us to pass this bill and to remove the restrictions from the alienation and sale of the Indian lands in Oklahoma. The entire eastern portion of the present State of Oklahoma belonged to the Five Civilized Tribes, but it has now become a part of the State of Oklahoma. So much of these Indian tribal lands was not subject to taxation that it caused the rest of the State to be unduly taxed. Hence every citizen of the State has been greatly interested in having the restrictions removed from the sale of these Indian lands, so that the lands would become taxable, and that portion of the State, by permitting the Indians to sell their surplus lands, would be greatly benefited, because the purchasers would in almost all instances be white farmers, who would soon develop these now wild, unproductive Indian lands into the finest farming, gardening, and fruit-raising region of the Southwest.

Your conference committee have agreed finally and unanimously upon this bill and removed the restrictions upon these lands as far as we were willing to go. We would not consent that the full bloods should have the restrictions removed from the sale of any of their lands except by the consent of the Secretary of the Interior. We have guarded the homesteads of certain of these Indians. We have removed the restrictions on the sale of the lands of the intermarried whites and from the colored people and half or more than one-half of Indian blood. This bill is indorsed by and has the support of all of the Members of Congress from that State. The conferees have agreed unanimously upon this bill. It is the best that we could get.

The chairman of the Indian Committee [Mr. SHERMAN] has made a careful and correct statement of the object and the purposes of the bill. I entirely agree with him, and I hope the bill will pass this House unanimously. If any gentleman desires to make any remarks upon the bill, I will now yield to him such time as he may desire.

Mr. FULTON. Mr. Speaker, I simply want to reiterate and emphasize what the gentleman from Texas has said in regard to this bill. It is satisfactory to every member of the Oklahoma delegation, and as it solely affects our State, it seems to me that that information would be of interest to the Members of the House. [Cries of "Vote!"]

The SPEAKER pro tempore. The question is on suspending the rules and agreeing to the conference report.

Mr. STEPHENS of Texas. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 217, nays 2, answered "present" 12, not voting 156, as follows:

## YEAS—217.

Adair	Driscoll	Houston	Overstreet
Adamson	Dwight	Howard	Padgett
Aiken	Edwards, Ky.	Howell, N. J.	Page
Alexander, Mo.	Ellis, Oreg.	Howell, Utah	Parker, N. J.
Alexander, N. Y.	Esch	Howland	Parker, S. Dak.
Ames	Ferris	Hubbard, W. Va.	Parsons
Ansberry	Finley	Huff	Payne
Ashbrook	Fitzgerald	Hughes, N. J.	Perkins
Barchfeld	Floyd	Hull, Tenn.	Pray
Barclay	Focht	Humphrey, Wash.	Pujo
Bartholdt	Fordney	Humphreys, Miss.	Rainey
Bartlett, Nev.	Foss	James, Ollie M.	Randell, Tex.
Bates	Foster, Ill.	Johnson, Ky.	Rauch
Beall, Tex.	Foulkrod	Jones, Va.	Reynolds
Bede	Fowler	Jones, Wash.	Riordan
Bell, Ga.	French	Kahn	Robinson
Bonyne	Fuller	Kelifer	Rodenberg
Bowers	Fulton	Keliber	Rothermel
Boyd	Gardner, Mich.	Kennedy, Iowa	Rucker
Brownlow	Gardner, N. J.	Kimball	Russell, Mo.
Brumm	Garner	Küstermann	Russell, Tex.
Burke	Garrett	Lafean	Scott
Burleigh	Gilham	Lamb	Sherman
Burnett	Gillespie	Lassiter	Slayden
Burton, Del.	Glass	Lawrence	Slemp
Burton, Ohio	Godwin	Lenahan	Smith, Cal.
Calder	Goebel	Lindbergh	Smith, Iowa
Campbell	Goldfogle	Littlefield	Smith, Mich.
Candler	Gordon	Lloyd	Smith, Mo.
Capron	Goulden	Lorimer	Southwick
Carter	Graff	Loud	Spight
Cary	Graham	Loudenslager	Stanley
Chaney	Granger	Lowden	Steenerson
Chapman	Greene	McCall	Stephens, Tex.
Clark, Fla.	Hackney	McHenry	Sterling
Clark, Mo.	Hale	McKinley, Ill.	Stevens, Minn.
Cocks, N. Y.	Hall	McKinney	Sturgiss
Cole	Hamill	McLachlan, Cal.	Sullivan
Cook, Colo.	Hamilton, Iowa	McMorran	Taylor, Ala.
Cook, Pa.	Hamilton, Mich.	Macon	Thistlewood
Cooper, Pa.	Hamlin	Madison	Tirrell
Cooper, Tex.	Hardwick	Moore, Tenn.	Tou Velle
Coudrey	Hardy	Moore, Pa.	Underwood
Cox, Ind.	Harrison	Moore, Tex.	Volstead
Craig	Haskins	Morse	Waldo
Crumpacker	Haugen	Mouser	Wanger
Currier	Hawley	Murdock	Washburn
Dalzell	Hay	Murphy	Webb
Davis, Minn.	Hayes	Needham	Wheeler
Dawson	Henry, Conn.	Nelson	Williams
Denby	Henry, Tex.	Nicholls	Wilson, Pa.
Denver	Higgins	Nye	Wood
Diekema	Hill, Conn.	O'Connell	
Douglas	Hinsaw	Olcott	
Draper	Hobson	Olmsted	

## NAYS—2.

## ANSWERED "PRESENT"—12.

Bennet, N. Y.	Burleson	Butler	Caulfield	Cooper, Wis.	Davenport	Sabath	Sulzer	Sheppard	Talbot	Watkins
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## NOT VOTING—156.

Acheson	Conner	Gardner, Mass.	Kinkaid
Allen	Cousins	Gill	Kipp
Andrus	Cravens	Gillett	Kitchin, Claude
Anthony	Crawford	Gregg	Kitchin, Wm. W.
Bannon	Cushman	Griggs	Knapp
Bartlett, Ga.	Darragh	Gronna	Knopf
Beale, Pa.	Davey, La.	Hackett	Knowland
Bennett, Ky.	Davidson	Haggott	Lamar, Fla.
Bingham	Dawes	Hammond	Lamar, Mo.
Birdsall	Dunwell	Harding	Landis
Bocher	Durey	Heflin	Langley
Boutell	Edwards, Ga.	Helm	Laning
Bradley	Ellerbe	Hepburn	Law
Brantley	Ellis, Mo.	Hill, Miss.	Leake
Brodhead	Englebright	Hitchcock	Lee
Broussard	Fairchild	Holliday	Legare
Brundidge	Fassett	Hubbard, Iowa	Lever
Burgess	Favrot	Hughes, W. Va.	Lewis
Byrd	Flood	Hull, Iowa	Lilley
Calderhead	Fornes	Jackson	Lindsay
Caldwell	Foster, Ind.	James, Addison D.	Livingston
Carlin	Foster, Vt.	Jenkins	Longworth
Clayton	Gaines, Tenn.	Johnson, S. C.	Lovering
Cockran	Gaines, W. Va.	Kennedy, Ohio	McCreary



McDermott	Mudd	Richardson	Thomas, N. C.
McGavin	Norris	Roberts	Thomas, Ohio
McGuire	Patterson	Ryan	Townsend
McKinlay, Cal.	Pearre	Saunders	Vreeland
McLain	Peters	Sherley	Wallace
McLaughlin, Mich.	Pollard	Sherwood	Watson
McMillan	Porter	Sims	Weeks
Madden	Pou	Small	Weems
Malby	Powers	Smith, Tex.	Weisse
Mann	Pratt	Snapp	Wiley
Marshall	Prince	Sparkman	Willett
Maynard	Ransdell, La.	Sperry	Wilson, Ill.
Miller	Reeder	Stafford	Wolf
Mondell	Reld	Tawney	Woodyard
Moore, Pa.	Rhinock	Taylor, Ohio	Young

So the rules were suspended and the conference report was agreed to.

The following additional pairs were announced:

Until further notice:  
 Mr. WOODYARD with Mr. SPARKMAN.  
 Mr. PEARRE with Mr. SMALL.  
 Mr. MADDEN with Mr. HELM.  
 Mr. KNOFF with Mr. WEISSE.  
 Mr. KNAPP with Mr. MAYNARD.  
 Mr. FOSTER of Vermont with Mr. DE ARMOND.  
 Mr. ANDRUS with Mr. BRUNDIDGE.  
 Mr. TAYLOR of Ohio with Mr. SHERWOOD.  
 Mr. LONGWORTH with Mr. SHERLEY.  
 Mr. MCGAVIN with Mr. CLAYTON.  
 Mr. HALE with Mr. HEFLIN.  
 For the balance of the day:  
 Mr. CUSHMAN with Mr. RICHARDSON.  
 Mr. CAULFIELD with Mr. BOOHER.  
 The result of the vote was then announced as above recorded.

#### TOPOGRAPHICAL SURVEYS AND TESTING LABORATORIES.

Mr. TAWNEY. Mr. Speaker, I send to the Clerk's desk some correspondence from the Departments on the subject of topographical surveys and chemical or testing laboratories, being in answer to a letter of inquiry from the Committee on Appropriations of the House of Representatives concerning these subjects, and I ask unanimous consent that the documents be printed as a House document—that the usual number of a House document be printed.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the documents referred to by him be printed as a House document.

Mr. WILLIAMS. Mr. Speaker, I understand the request of the gentleman from Minnesota to be that this information be furnished to the public as a House document. Am I correct about that?

Mr. TAWNEY. That is all there is to it.

Mr. WILLIAMS. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

WILLIAM HENRY HAYDEN.

By unanimous consent, at the request of Mr. BEALE of Pennsylvania, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William Henry Hayden, Fifty-first Congress, no adverse report having been made thereon.

#### RECESS.

Mr. PAYNE. Mr. Speaker, I do now move that the House take a recess until to-morrow at 11 a. m.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I expect we had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 146, nays 56, answered "present" 15, not voting 170, as follows:

#### YEAS—146.

Adair	Cooper, Pa.	Foster, Ind.	Hinshaw
Alexander, Mo.	Cooper, Tex.	Foulkrod	Holliday
Barefield	Coudrey	French	Howard
Barclay	Cox, Ind.	Fuller	Howell, N. J.
Bartholdt	Crumppacker	Gardner, Mich.	Howell, Utah
Bates	Currier	Gardner, N. J.	Howland
Bede	Cushman	Gibbams	Hubbard, W. Va.
Boaynge	Dalsell	Glass	Huff
Boyd	Davis, Minn.	Goebel	Humphrey, Wash.
Brownlow	Dawson	Gordon	Hunt
Burleigh	De Armond	Graff	Hunt
Burton, Del.	Denby	Graham	Jones, Va.
Burton, Ohio	Diekema	Granger	Jones, Wash.
Campbell	Douglas	Greene	Kahn
Capron	Draper	Hall	Kelley
Cary	Driscoll	Hamilton, Iowa	Kennedy, Iowa
Chaney	Edwards, Ky.	Hamilton, Mich.	Küstermann
Chapman	Ellis, Oreg.	Haugen	Lafane
Cocks, N. Y.	Esch	Hawley	Lawrence
Cole	Focht	Hayes	Lindbergh
Cook, Cal.	Fordney	Higgins	Littlefield
Cook, Pa.	Foss	Hill, Conn.	Lorimer
			Loud

Loudenslager	Murphy	Rucker	Sturgiss
Lowden	Needham	Russell, Mo.	Tawney
McCall	Nye	Scott	Taylor, Ala.
McKinlay, Cal.	O'Connell	Sherman	Thistlewood
McKinney	Olcott	Slayden	Tirrell
McLachlan, Cal.	Olmsted	Siemp	Townsend
McLaughlin, Mich.	Overstreet	Smith, Cal.	Volstead
	Parsona	Smith, Iowa	Waldo
Mann	Payne	Smith, Mich.	Washburn
Miller	Perkins	Southwick	Wheeler
Moore, Tenn.	Pollard	Stafford	Wilson, Ill.
Moore, Pa.	Pray	Steenerson	Wood
Morse	Rainey	Stephens, Tex.	Woodyard
Mouser	Rauch	Sterling	
Murdock	Rodenberg	Stevens, Minn.	

#### NAYS—56.

Alken	Floyd	Henry, Tex.	Page
Ashbrook	Fulton	Hobson	Randall, Tex.
Bartlett, Nev.	Garner	Houston	Riordan
Beall, Tex.	Garrett	Hughes, N. J.	Robinson
Bell, Ga.	Gillespie	Hull, Tenn.	Rothermel
Bowers	Godwin	Humphreys, Miss.	Russell, Tex.
Burnett	Goldfogla	James, Ohio M.	Ryan
Candler	Hackney	Keliber	Sabath
Carter	Hamill	Lenahan	Stanley
Clark, Mo.	Hardwick	Lloyd	Tou Velle
Denver	Hardy	McHenry	Webb
Ferris	Harrison	Moore, Tex.	Willett
Finley	Hay	Nicholls	Williams
Fitzgerald	Helm	Padgett	Wilson, Pa.

#### ANSWERED "PRESENT"—15.

Adamson	Clark, Fla.	Haggott	Small
Bennet, N. Y.	Cooper, Wis.	Jenkins	Taylor, Ohio
Burleson	Davenport	Shackelford	Watkins
Caulfield	Dixon	Sheppard	

#### NOT VOTING—170.

Acheson	Edwards, Ga.	Kitchin, Wm. W.	Pearre
Alexander, N. Y.	Ellerbe	Knapp	Peters
Allen	Ellis, Mo.	Knopf	Porter
Ames	Englebright	Knowland	Pou
Andrus	Fairchild	Lamar, Fla.	Powers
Ansberry	Fassett	Lamar, Mo.	Pratt
Anthony	Favrot	Lamb	Prince
Bannon	Flood	Landis	Pujo
Bartlett, Ga.	Fornes	Langley	Ransdell, La.
Beale, Pa.	Foster, Ill.	Laning	Reeder
Bennett, Ky.	Foster, Vt.	Lassiter	Reld
Bingham	Fowler	Law	Reynolds
Birdsall	Gaines, Tenn.	Leake	Rhinock
Booher	Gaines, W. Va.	Lee	Richardson
Boutell	Gardner, Mass.	Legare	Roberts
Bradley	Gill	Lever	Saunders
Brantley	Gillett	Lewis	Sherley
Broadhead	Goulden	Lilley	Sherwood
Broussard	Gregg	Lindsay	Sims
Brumm	Griggs	Livingston	Smith, Mo.
Brundidge	Gronna	Longworth	Smith, Tex.
Burgess	Hackett	Lovering	Snapp
Burke	Hale	McCreary	Sparkman
Butler	Hamlin	McDermott	Sperry
Byrd	Hammond	McGavin	Spight
Calder	Harding	McGuire	Sulloway
Calderhead	Haskins	McKinley, Ill.	Sulzer
Caldwell	Healin	McLain	Talbot
Carlin	Henry, Conn.	McMillan	Thomas, N. C.
Clayton	Hepburn	McMorran	Thomas, Ohio
Cockran	Hill, Miss.	Madden	Underwood
Conner	Hitchcock	Madison	Vreeland
Cousins	Hubbard, Iowa	Malby	Wallace
Craig	Hughes, W. Va.	Marshall	Wanger
Crawens	Hull, Iowa	Maynard	Watson
Crawford	Jackson	Mondell	Weeks
Darragh	James, Addison D.	Moore, Pa.	Weems
Davey, La.	Johnson, S. C.	Mudd	Weisse
Davidson	Kennedy, Ohio	Nelson	Wiley
Dawes	Kimball	Norris	Wolf
Dunwell	Kinkaid	Parker, N. J.	Young
Durey	Kipp	Parker, S. Dak.	
Dwight	Kitchin, Claude	Patterson	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this session:

Mr. WANGER with Mr. ADAMSON.

For this vote:

Mr. HASKINS with Mr. LAMB.

Mr. NELSON with Mr. CLARK of Florida.

Mr. McMORRAN with Mr. PUJO.

Mr. REYNOLDS with Mr. SPIGHT.

Mr. MCKINLEY of Illinois with Mr. SMITH of Missouri.

Mr. KENNEDY of Ohio with Mr. GAINES of Tennessee.

Mr. DWIGHT with Mr. FOSTER of Illinois.

Mr. BURKE with Mr. CRAIG.

Mr. ALEXANDER of New York with Mr. ANSBERRY.

Mr. JENKINS with Mr. CARLIN.

The result of the vote was announced as above recorded.

Accordingly (at 6 o'clock and 13 minutes p. m.) the House took a recess until Saturday, May 23, 1908, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examina-

tion and survey of San Diego Harbor, California (H. R. Doc. 961)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Savannah River below Augusta, Ga. (H. R. Doc. 962)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Rockport Harbor, Maine (H. R. Doc. 963)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Aquia Creek, Virginia (H. R. Doc. 964)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tillamook Bay, Oregon (H. R. Doc. 965)—to the Committee on Rivers and Harbors and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the resolution of the Senate (S. R. 92) to create a commission to be called the "National Monetary Commission," reported the same without amendment, accompanied by a report (No. 1743), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the resolution of the House (H. C. Res. 18) authorizing the Secretary of War to complete surveys for a ship canal commencing at Toledo, Ohio, running thence to Fort Wayne, Ind., and thence to Chicago, Ill., reported the same with amendment, accompanied by a report (No. 1760), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22029) to incorporate the Congressional Club, reported the same without amendment, accompanied by a report (No. 1765), which said bill and report were referred to the House Calendar.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 22101) to authorize commissions to issue to officers of the Army, Navy, and Marine Corps retired with increased rank, and for other purposes, reported the same without amendment, accompanied by a report (No. 1766), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET, from the Committee on Appropriations, to which was referred the concurrent resolution of the House (H. C. Res. 43) requesting certain information from the Secretary of the Treasury in regard to the clerical service in the respective Departments, reported the same without amendment, accompanied by a report (No. 1759), which said resolution and report were referred to the House Calendar.

Mr. HAUGEN, from the Committee on Expenditures in the Interior Department, submitted a report (No. 1764) upon the expenditures in the Department of the Interior, which report was referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased, reported the same without amendment, accompanied by a report (No. 1744), which said bill and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 21167) to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary, reported the same without amendment, accompanied

by a report (No. 1746), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 14345) for the relief of Earl E. White, reported the same without amendment, accompanied by a report (No. 1747), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 10697) for the relief of David Brinton, reported the same without amendment, accompanied by a report (No. 1748), which said bill and report were referred to the Private Calendar.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 3844) for the relief of E. L. Simpson, reported the same without amendment, accompanied by a report (No. 1749), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 19762) to reimburse the postmaster at Sandborn, Ind., reported the same with amendment, accompanied by a report (No. 1750), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 4307) for the relief of E. J. Reed, reported the same without amendment, accompanied by a report (No. 1751), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 18417) for the relief of Clark County, Ky., reported the same without amendment, accompanied by a report (No. 1752), which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 19636) for the relief of Frederic William Scott, reported the same without amendment, accompanied by a report (No. 1753), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 10701) for the relief of Albert R. Heilig, reported the same with amendment, accompanied by a report (No. 1754), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 9969) for the relief of George J. Miller, of Wenatchee, Wash., reported the same without amendment, accompanied by a report (No. 1755), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 1697) for the relief of Stanley E. Brown, reported the same with amendment, accompanied by a report (No. 1756), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 3848) for the relief of James A. Russell, reported the same without amendment, accompanied by a report (No. 1757), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 2580) for the relief of B. Jackman, reported the same without amendment, accompanied by a report (No. 1758), which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5412) granting an increase of pension to Byron C. Mitchell, reported the same without amendment, accompanied by a report (No. 1761), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7123) granting an increase of pension to Harry S. Lee, formerly Albert Lee Alleman, reported the same without amendment, accompanied by a report (No. 1762), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4341) granting an increase of pension to Calvin P. Lynn, reported the same with amendment, accompanied by a report (No. 1763), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 7470) granting an increase of pension to Stewart R. Fairbanks, and the same was referred to the Committee on Invalid Pensions.



## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GAINES of Tennessee: A bill (H. R. 22088) to prohibit the compilation or issuance of false statistics or information as a report of the United States—to the Committee on Agriculture.

By Mr. KEIFER: A bill (H. R. 22089) to provide for the erection of a monument in the city of Washington, in recognition of the services of regular and volunteer enlisted men in all the wars of the United States—to the Committee on the Library.

By Mr. DAVENPORT: A bill (H. R. 22090) to divide the eastern district of Oklahoma into three divisions, to fix the time and places of holding court therein, and for other purposes—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: A bill (H. R. 22091) to grant pensions to certain soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and to grant pensions to certain widows of such soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 22092) to provide for the erection of a public building at Brenham, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Arizona: A bill (H. R. 22093) granting right of way over certain sections of the Grand Canyon Monument Reserve, in Arizona, to the Grand Canyon Scenic Railroad Company—to the Committee on the Public Lands.

By Mr. FOCHT: A bill (H. R. 22094) to provide for site and public building at Lewisburg, Pa.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22095) to provide for the purchase of a site for a public building at Huntingdon, Pa.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22096) to provide for the purchase of a site for a public building at Lewisburg, Pa.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22097) to provide for site and public building at Huntingdon, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. McCALL (by request): A bill (H. R. 22098) to amend the acts respecting copyright—to the Committee on Patents.

By Mr. LANGLEY: A bill (H. R. 22099) to provide for the systematic and continuous improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. CLARK of Florida: A bill (H. R. 22100) for the relief of the State of Florida—to the Committee on War Claims.

By Mr. PARKER of New Jersey, from the Committee on Military Affairs: A bill (H. R. 22101) to authorize commissions to issue to officers of the Army, Navy, and Marine Corps retired with increased rank, and for other purposes—to the Union Calendar.

By Mr. McHENRY: A bill (H. R. 22102) providing for interest on deposits of public moneys and for the deposit of public funds in the Treasury—to the Committee on Banking and Currency.

By Mr. BRUNDIDGE: Joint resolution (H. J. Res. 188) to restore the status of the Fourth Regiment Arkansas Mounted Infantry Volunteers (State militia), who served the United States Government ten months in the civil war—to the Committee on Military Affairs.

By Mr. LANGLEY: Joint resolution (H. J. Res. 189) authorizing the Secretary of War to present a medal of honor to Capt. George M. Jackson—to the Committee on Military Affairs.

By Mr. GILLET, from the Committee on Appropriations: Concurrent resolution (H. C. Res. 43) concerning clerical services in the governmental Departments at Washington—to the House Calendar.

By Mr. SHERMAN: Resolution (H. Res. 424) to pay William Tyler Page \$2,500—to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 22103) granting a pension to James S. Dix—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 22104) granting a pension to Sarah A. Moss—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 22105) for the relief of Edward W. Davis—to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 22106) for the relief of Harry J. Syms—to the Committee on Claims.

Also, a bill (H. R. 22107) for the relief of J. B. West—to the Committee on Claims.

By Mr. HARDY: A bill (H. R. 22108) granting a pension to Isham Johnson—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 22109) granting an increase of pension to Sarah M. Tracy—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 22110) for the relief of Edward P. Tremper—to the Committee on Claims.

By Mr. JONES of Washington: A bill (H. R. 22111) for the relief of Matthew B. Malloy—to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 22112) granting a pension to George M. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22113) granting a pension to William T. Rome—to the Committee on Pensions.

Also, a bill (H. R. 22114) granting an increase of pension to Benjamin Hammon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22115) for the relief of Henry G. Gardner—to the Committee on War Claims.

By Mr. LENAHAHAN: A bill (H. R. 22116) granting an increase of pension to Israel P. Long—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 22117) for the relief of Frank C. Prescott—to the Committee on Claims.

By Mr. MADISON: A bill (H. R. 22118) for the relief of Thomas A. Scates—to the Committee on Claims.

Also, a bill (H. R. 22119) for the relief of H. F. Millikan—to the Committee on Claims.

By Mr. O'CONNELL: A bill (H. R. 22120) authorizing the issuance of medals to John J. Merrigan and others, of South Boston, Mass., for heroic efforts in saving the lives of three boys—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 22121) granting a pension to Sarah E. Murray—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 22122) for the relief of Adam L. Eichelberger—to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Polish Citizens of America, of South Bend, Ind., and St. Joseph County, Ind., and Milwaukee, Wis., praying for the intervention of the United States in behalf of the Polish people within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorials of the Knights of Columbus of Norristown, Pa.; Providence, R. I.; Carbondale, Pa.; Pottstown, Pa.; Lancaster, Pa.; and Mauch Chunk, Pa., praying that the anniversary of the discovery of America may be made a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

Also, memorials of organizations of railway employees, of Bellevue, Ohio; Proctor, Minn.; Galion, Ohio; Kankakee, Ill.; St. Louis, Mo., and Boone, Iowa, praying for the enactment of the so-called "Hemenway-Graff safety ash-pan bill" (H. R. 19795) and for legislation relating to the issuing of the writ of injunction (H. R. 17137)—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Corpus Christi (Tex.) Commercial Club, favoring appropriation to insure improvement of Corpus Christi Harbor and deepening waters of Aransas Pass—to the Committee on Rivers and Harbors.

Also, petition of Washington Council, No. 1083, Knights of Columbus, for H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of G. W. Pancoast, A. D. Vanaman, Harry S. Rain, Charles A. Lackwell, and F. R. Gerwick, for amendment to Sherman antitrust law, Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. AMES: Petition of Clara T. Jackson and others, of Lowell, Mass., favoring concurrent resolution 28, against atrocities of the Russian Government—to the Committee on Foreign Affairs.

Also, petition of James Ingraham and others, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BARCLAY: Petition of citizens of Bradford, Pa., for H. R. 20584, amendment to Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Kane Council, No. 715, Knights of Columbus,

favoring H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. BONYNGE: Petitions of Local Union No. 1196, Carpenters and Joiners of America, of Denver, Colo., and citizens of Colorado Springs, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BRUNDIDGE: Petition of citizens of Brinkley, Ark., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Government, and anti-injunction law, etc.—to the Committee on the Judiciary.

Also, petition of citizens of White County, Ark., for legislation to enable the Government to get money to the people without the agency of the banks—to the Committee on Banking and Currency.

By Mr. BURLEIGH: Petition of labor organization of Madison, Me., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BURTON of Delaware: Petition of Delaware Lodge, No. 231, Brotherhood of Locomotive Firemen and Engineers, favoring the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

By Mr. CAULFIELD: Petition of Division 472, Brotherhood of Railway Trainmen, for the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

By Mr. DALZELL: Petitions of Washington and Austin councils, Knights of Columbus, favoring making October 12 a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Chamber of Commerce of New York, against H. R. 19245, relative to improvement of harbor and adjacent waters to New York City—to the Committee on Rivers and Harbors.

Also, petition of Kansas City (Mo.) Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Clearing House Association of Peoria, Ill., against sections 8 and 11 of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of currency committee of the American Bankers' Association, of Hoopston, Ill., against passage of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Dr. T. D. Abernathy, of Peoria, Ill., favoring S. 4432, relating to betterment of Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of J. M. Hurley, of San Bernardino, Cal., favoring Fuller bill (H. R. 19250) creating a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Clearing House Association of the banks of Philadelphia, against sections 8 and 11 of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of the Association of Commerce of Chicago, Ill., favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of San Diego Chamber of Commerce, favoring plans for the improvement and defense of Pearl Harbor—to the Committee on Rivers and Harbors.

Also, petition of S. W. Shattuck, of Champaign, Ill., favoring H. R. 11336, effecting efficiency of the State militia—to the Committee on Military Affairs.

By Mr. FULTON: Petition of United Garment Workers of America, of Shawnee, Okla., for amendments to the Constitution providing for election of United States Senators by the people and legalizing an income tax, etc.—to the Committee on the Judiciary.

By Mr. GARRETT: Petition of citizens of Memphis, Tenn., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. GILL: Petitions of John Harms, H. H. Karme, John Hastings, Frank W. Kame, E. D. Pennington, J. F. Mockabee, John Gilbert Morgan, William Kirby, John Kutcher, William Whetley, M. W. Swadner, William B. Lane, J. Hagmeyer, W. S. Zimmerman, and Charles J. Schmidt; Thomas P. O. Conkle, H. F. Barber, and Charles E. Butler; E. M. Mockabee, William J. Mockabee, and C. L. Hasson; Bricklayers' Union No. 1;

F. L. Abbot and E. H. Stockett; Iron Moulders' Union No. 19; M. J. Koynne, Penkney Schuber, George Menkel, sr., Charles O. Menkel, Frederick W. Menkel, Charles P. Kraus, and others; J. E. Adams and N. S. Baumgartel; Vest Makers' Union, Local No. 117; Charles S. Bell and others; Charles E. Stocbeck and others; C. W. Meyer and others; Charles Scott, Joseph Espey, William Bratsferd, Thomas O'Brien, John J. Snyder, John F. Flanagan, August Strott, and John A. Banz, for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: Petitions of J. C. Robinson and 3 other citizens, of Fairmont, W. Va., and E. M. P. Waldeck and 2 other citizens, of Clarksburg, W. Va., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of Latrobe Council, No. 940, Knights of Columbus, of Pennsylvania, for H. R. 7559, making the 12th of October a national holiday—to the Committee on the Judiciary.

By Mr. HULL of Iowa: Petition of citizens of Iowa, urging the passage of H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Petition of sundry citizens of Oakland and San Francisco, Cal., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LAMB: Petition of citizens of Virginia, for H. R. 20584, amendment to Sherman antitrust law, for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LENAHA: Paper to accompany bill for relief of Israel P. Long—to the Committee on Invalid Pensions.

Also, petitions of United Mine Workers of America, of Ashley, Luzerne County, Pa.; local unions of the United Mine Workers of Nanticoke, Luzerne County, Pa.; local unions of the American Workers, of Wilkes-Barre, Luzerne County, Pa., and local union of the Iron Workers of America, of Hazleton, Pa., for the protection, restoration, and defense of the natural rights of our people as contemplated by the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Rigney & Co., of Brooklyn, N. Y., against any anti-injunction legislation—to the Committee on the Judiciary.

By Mr. MCHENRY: Petitions of Granges Nos. 839 and 1248, of Pennsylvania, for H. R. 12682, to secure people's savings against loss by bank failures—to the Committee on Banking and Currency.

Also, petitions of citizens of Logan, Montandon, West Monterey, Bear Gap, Wilburton, Sunbury, Bloomsburg, Shamokin, Danville, and Berwick, all in the State of Pennsylvania, for the protection, restoration, and defense of the natural and inherent rights of our people as contemplated in the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MADDEN: Petition of Helen M. Sablin and others, favoring concurrent resolution 28, against Russian atrocities—to the Committee on Foreign Affairs.

By Mr. MADISON: Paper to accompany bill for relief of H. F. Milliken—to the Committee on Claims.

By Mr. MAYNARD: Petition of citizens of the Second Virginia Congressional District, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOUSER: Petition of Nickle Plate Lodge, No. 54, Brotherhood of Railway Trainmen, for the Rodenberg anti-injunction bill (H. R. 17139), and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of citizens of Quincy, Mass., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.



By Mr. ROTHERMEL: Petition of Isaac Spang, for appointment of persons other than Members of Congress to serve on currency commission—to the Committee on Banking and Currency.

By Mr. SHERMAN: Petitions from various councils of Knights of Columbus, favoring the bill making October 12 in each year a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

By Mr. SULZER: Petition of a committee of 300, for legislation looking to more competent management of Soldiers' Homes—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Norristown (Pa.) Council, No. 772, Knights of Columbus, for H. R. 7559, making October 12—date of discovery of America by Christopher Columbus—a legal holiday—to the Committee on the Judiciary.

Also, petition of Father Bally Council, No. 1192, for H. R. 7559, in favor of making October 12—date of discovery of America by Christopher Columbus—a legal holiday—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petition of Austin Council, No. 693, Knights of Columbus, favoring H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

Also, petition of Millport Grange, No. 1248, of Sharon Center, Pa., for H. R. 12682, for securing the savings of people in case of bank failures—to the Committee on Banking and Currency.

## SENATE.

SATURDAY, May 23, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

### THE JOURNAL—WAR CLAIMS.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. FORAKER (at 12 o'clock and 20 minutes p. m.). I ask that the further reading of the Journal be suspended.

Mr. ALDRICH. Mr. President, I object to the further reading being suspended.

Mr. FORAKER. I asked unanimous consent that it might be suspended because I am compelled to leave the Chamber, and I wanted to offer some business out of order. Then the reading may be resumed.

Mr. ALDRICH. I will not object to the Senator offering his proposition.

Mr. GALLINGER. During the reading of the Journal, can anything be done?

Mr. FORAKER. I wished to give notice that I intend, at the conclusion of the routine morning business, to call up Senate resolution 91.

The VICE-PRESIDENT. The Chair will put the Senator's request. The Senator from Ohio asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. ALDRICH. I object.

The VICE-PRESIDENT. Objection is made. The Secretary will proceed with the reading of the Journal.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 12 o'clock and 30 minutes p. m.). Mr. President, I ask that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. ALDRICH. I object.

The VICE-PRESIDENT. Objection is made. The Secretary will proceed with the reading of the Journal.

The Secretary resumed and (at 12 o'clock and 51 minutes p. m.) concluded the reading of the Journal.

Mr. ALDRICH. Mr. President, I do not object to the approval of the Journal, but I feel bound to state the reasons which have led me to ask for its reading.

I desire to emphasize to the Senate and to the public the constantly increasing number of war claims which are now being presented to Congress. The Journal contains the names of hundreds upon hundreds of claims for injury to or for use of churches and other similar claims growing out of operations in the civil war. I wish to supplement the statement I made yesterday that in some way consideration of this constantly increasing number of claims should be limited, and we ought to pass some legislation to this effect.

I do not object to the approval of the Journal.

Mr. McLAURIN. Mr. President, I will not at this time detain the Senate from the transaction of morning business, but I wish at some time during the day, if I can get the floor, to

make a suggestion, which I was proceeding to do yesterday when the hour of 2 o'clock arrived, that I had in mind, and which will probably, if enacted into law, dispose in a very short time of all these cases and give an opportunity to everyone who has a just claim to present it and have it adjudicated, and then at the expiration of the time a statute of limitations will prevent the presentation of any other cases.

Mr. HOPKINS. Mr. President, in harmony with the suggestion made by the Senator from Rhode Island, I desire to call to the attention of the Senate and the country the fact that immediately after the war the Southern Claims Commission was authorized by Congress. Commissioners were appointed and they took evidence touching all the claims of people who lived within the limits of the so-called "Confederate States" so as to do full justice to all those parties. That Commission was extended from time to time—

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. HOPKINS. In a minute I will yield. The Commission was extended from time to time. A large volume of evidence was taken. Claims to the amount of nearly \$60,000,000 were filed with the Southern Claims Commission, and of that vast amount, immediately after the war, when the witnesses were alive who knew the facts, when the evidence was such as could be received and properly analyzed by the Commission, \$55,000,000 of those claims were rejected and judgments for less than \$4,000,000 allowed.

Mr. OVERMAN. May I interrupt the Senator? I think the report—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. HOPKINS. I have observed, Mr. President, that since that time many of the claims that were rejected by the Southern Claims Commission have found their way into Congress by separate bills either in the Senate or in the House.

Mr. OVERMAN. Will the Senator allow me a moment?

Mr. HOPKINS. In a moment I will be through. And I have observed that claims that were rejected at a time when the Commission had the evidence as to whether they were proper claims to be allowed have been allowed by Congress. I think that the suggestions made by the Senator from Rhode Island are pertinent, and should cause Senators to pause in the consideration of such claims.

Mr. FULTON. Mr. President—

Mr. HOPKINS. I yield to the Senator from Oregon.

Mr. FULTON. Mr. President, I wish to say to the Senator that if he will investigate the record as carefully as the members of the Committee on Claims have investigated it, he will discover that we are not reporting any claims that were rejected by the Southern Claims Commission. On the other hand, we studiously and persistently exclude all claims that were presented to the Southern Claims Commission and rejected. Every claim that was presented to and rejected by the Southern Claims Commission has been rejected by the Committee on Claims. The Senator can not find a single claim in this bill or elsewhere which has been reported by that committee to the Senate which had been presented to the Southern Claims Commission and rejected.

Mr. HOPKINS. I will state, Mr. President, to the Senator from Oregon that my remarks are not intended as any criticism upon his committee. The claims which have been allowed by the committee which have been reported in this bill are claims that I have not, up to date, had time to investigate.

Mr. FULTON. The Senator will allow me to correct him in another respect. The Senator says that the Southern Claims Commission was authorized to hear and determine all of this character of claims. I call the Senator's attention to the fact that that Commission distinctly held and continuously ruled that it was without authority to entertain any claim based on the use of real estate or churches or rent for churches or of other buildings or anything of that character.

Mr. HOPKINS. I will say to the Senator that on church claims and matters of that kind—

Mr. BEVERIDGE. Regular order, Mr. President.

Mr. HOPKINS. While I have opposed many other classes of claims, I have always voted for those; and I will say, in passing—

Mr. SCOTT. Will the Senator from Illinois yield to me?

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from West Virginia?

Mr. HOPKINS. I yield to the Senator from West Virginia.

Mr. SCOTT. Mr. President, West Virginia, fortunately or unfortunately, happened to be in the very midst of the civil war. Our churches and school buildings were taken for hospitals, and the floors of our churches ran red with the best

American blood. This bill only does justice to a large number of our churches and schools in West Virginia, where the army marched and countermarched and where our churches and our school buildings, I repeat, were taken for hospital purposes. I am sure that there is not a dollar in this omnibus claims bill, so far as West Virginia is concerned, that is not absolutely accurate and should be allowed; and there are many more claims not embraced in the bill which should be allowed.

Mr. BEVERIDGE. Regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. The regular order is the approval of the Journal of yesterday's proceedings.

Mr. HOPKINS. Mr. President, in answer to the Senator from West Virginia [Mr. SCOTT], I desire to say again that I have steadily voted for appropriations for churches and all claims of a kindred character; but I might say, in passing, that when we consider the amount that we have voted to the people of West Virginia for such purposes, they must have more churches according to population than almost any other section of this or any other country.

Mr. McCREARY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. HOPKINS. I yield the floor, Mr. President.

Mr. McCREARY. Mr. President, the Senator from Rhode Island, as well as the Senator from Illinois, referred to church claims. I desire to say that there are no claims in this omnibus claims bill that are more meritorious than the church claims. The State of Kentucky was occupied by Federal soldiers during the entire war. There were a number of battles there. Whenever a regiment or a brigade came near a town or a city they used churches for their hospitals. When a battle occurred, the wounded were put into the churches. The Government has not paid those claims as promptly as they should have been paid; the Government owes that money because the churches, I repeat, were occupied as hospitals; in many instances permanently damaged, and in all instances very severely damaged.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. McCREARY. In a moment.

We have now in this bill a number of church claims where the members of the respective churches have proven their claims properly. Those cases went to the Court of Claims; they have been carefully examined there; and the Court of Claims has decided in their favor.

Now I will yield to the Senator from Rhode Island.

Mr. ALDRICH. Can the Senator from Kentucky tell me what proportion of the churches in Kentucky have already been paid for?

Mr. McCREARY. No; I can not tell how many churches have been paid for.

Mr. ALDRICH. Or how many are to be paid for in the future?

Mr. McCREARY. I can tell the Senator from Rhode Island that a great many churches that to my knowledge were occupied as hospitals by Federal soldiers have not been paid. Many of these claims are in my immediate neighborhood, because the central part of Kentucky was occupied by Federal soldiers during nearly the entire war, and in nearly every county seat in central Kentucky there are claims of churches. No claims, I repeat, are more just and no claims should be paid more promptly than such church claims.

Mr. BEVERIDGE. Mr. President, it is now 1 o'clock. For the first time this session from the hour of 12 o'clock until the hour of 1 the time of the session has been consumed with the reading of the Journal and debating the question of its approval. What the Senator from Rhode Island [Mr. ALDRICH] stated a moment ago startlingly emphasizes what I stated yesterday when the omnibus claims bill was taken up instead of the Senate proceeding to the consideration either of the amendment to the meat-inspection law or of the bill now before us for the compensation of injured Government employees.

I pointed out, Mr. President, at that time to the Senate—and what the Senator from Rhode Island says emphasizes it so much that I am impelled to rise and call attention to it—that the omnibus claims bill, if it were taken up by the Senate, could not possibly pass unless we should prolong the session many, many days or perhaps weeks, on the one hand, and that, on the other hand, it would prevent the consideration of any other measure, no matter how much the interest of the people might demand it.

Mr. President, the Journal has been read, and even upon the discussion of the question involved in the omnibus claims bill we will now, perhaps, take up another fifteen minutes of the two precious hours of the morning business during which other seriously important bills demanded by the people might be considered. I think that no greater reason, no more powerful demonstration, could be made of the practical unwisdom, as a matter of legislation, of substituting the omnibus claims bill, the discussion of which, merely upon the reading of the Journal, will practically occupy the entire morning hour of the Senate, than what has now occurred. I think we have a demonstration before us that—since the Senator from Rhode Island said he wanted to call the attention of the Senate and the country to his reason for asking for the reading of the Journal, and that he has called the attention of the Senate and the country to the omnibus claims bill being loaded down with these matters that are bound to create much discussion—the omnibus claims bill should not longer be considered, because if we do consider it, we do it knowingly, we do it upon the statement of the Senator from Rhode Island, who has called the attention of the country to it, that we can not pass that bill without prolonging the session, on the one hand, and that we shall prevent the consideration of other great measures which are now pressing upon our attention.

Mr. FULTON. Mr. President, in answer to the statement of the Senator from Indiana, I call his attention to the fact that it was by a vote of the Senate that the claims bill was taken up on yesterday. It is very evident that the Senate preferred to consider that bill to the bill which the Senator himself was endeavoring to bring before the Senate.

Mr. BEVERIDGE. Or any other bill.

Mr. FULTON. No; the question was between those two propositions.

Mr. GALLINGER. I ask for the regular order, Mr. President.

Mr. FULTON. I call the attention of the Senator from Indiana to the fact that the Senate gave preference to the omnibus claims bill.

Mr. BEVERIDGE. Mr. President, will the Senator permit me an interruption? I will put it in the form of a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. Certainly.

Mr. BEVERIDGE. Did I not, when the Senator so courteously withheld his motion, call the attention of the Senator and of the Senate to the fact that not only would it prevent the passage of the bill to which I was just asking the attention of the Senate, but also the bill which the Senate had been considering the day before, and which is now before us, to wit, the bill concerning compensation for injured Government employees, and also every other bill, because did I not say to the Senator and to the Senate what now is demonstrated—that it would take all the time of the Senate, and result not in the passage of the Senator's own bill or in anything else?

Mr. FULTON. All of which is in the form of a question.

Mr. BEVERIDGE. Yes; put it in the form of a question.

Mr. FULTON. Well, Mr. President, I care nothing about all that. What I rose for was to repel the insinuation, not of the Senator from Indiana, but that which was carried by the remarks of the Senator from Rhode Island [Mr. ALDRICH] on the conduct of the Committee on Claims in reporting the resolution containing bills of the character to which he referred and items in the omnibus claims bill. I do not say that the Senator from Rhode Island intended that criticism; but nevertheless his remarks in fact were capable of that construction, and therefore I think it is incumbent on me to say that the bills which we have reported in the resolution referring them to the Court of Claims constitute only a very small fraction of the bills of this character which are pending before the committee. The committee has been very earnestly endeavoring to hold down the number of bills of this character which shall be brought to the attention of Congress. Let me say, Mr. President, that just so long as the law authorizes their consideration, just so long as it is the policy of Congress to provide for their payment, just so long will Senators be compelled to introduce them at the request of their constituents and the committee will be compelled to take them into consideration.

I do not think there is a very wide difference of opinion touching the wisdom of repealing that provision of the Tucker Act which provides for the reference of this character of claims to the Court of Claims. I think that a provision to repeal that portion of the Tucker Act would be adopted, but it can only be done at the present session by taking up the omnibus claims bill, putting that bill through, and attaching an amendment of that character to it.



Mr. BEVERIDGE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. Certainly.

Mr. BEVERIDGE. I wish to know from the Senator whether, as chairman of the Committee on Claims, it is his judgment that if, as he says, we are in the closing days of the session, the omnibus claims bill can by any possibility be passed?

Mr. FULTON. Yes; I think the omnibus claims bill can be passed. I think if it shall be taken up and given consideration for one day it will be disposed of. I say, in all courtesy to the Senator from Indiana, that, in my judgment, it will be passed in immeasurably less time and a long time before he will succeed in getting the Committee on Agriculture discharged from the consideration of his measure.

Mr. BEVERIDGE. The bill providing for the putting of dates on cans?

Mr. FULTON. Yes; the dates on cans.

Mr. BEVERIDGE. I am very glad to hear that statement from the Senator.

Mr. FULTON. That is my judgment, and the claims bill will lead to less discussion, not perhaps because Senators are opposed to putting the dates on cans, but the Senator will find it difficult to get the committee discharged from the consideration of his bill.

There is another thing: The discussion of the claims bill does not involve any constitutional question, and therefore I think that we can dispose of it in a day. Of course if these modern constitutional problems shall be injected into it, I admit that the debate will be unlimited and probably will not be concluded with this session. The bill has already passed the House, has been before the committee, and reported to the Senate.

Mr. President, it would be also a mistake to permit the Senate to understand that this bill is confined solely to claims of the character which Senators have been criticizing. There are a vast number of claims outside of what we term "war claims" provided for in this bill as honest and just claims against this Government as any obligation it owes. Now, the question is whether or not the Senate is going to postpone the consideration of a bill that carries just claims, just obligations, and provides for no obligation that it is not the duty of the Government, under the conditions and under the policy of the present time, to provide for.

Mr. FRAZIER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. FULTON. Certainly.

Mr. FRAZIER. Is it not a fact that the claims bill which is now presented to the Senate carries about \$4 of other kinds of claims to \$1 of claims of churches and individuals growing out of the war?

Mr. FULTON. I think the Senator is mistaken in the proportion. I think the proportion of war claims is much larger than that; but there is a vast number of other claims, and in the aggregate they make a vast amount; for instance, there are the French spoliation claims. No more just claims against this Government exists; no stronger obligation rests upon the Government than to provide for the payment of the French spoliation claims. We have withheld the money from the claimants for a century and over, and now they are compelled, session after session, to knock at the doors of Congress and implore it to provide for claims that everybody admits are just and equitable.

Mr. LODGE. If the Senator will allow me—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. FULTON. Certainly.

Mr. LODGE. If the Senator will allow me, I will say that part of those claims have been paid.

Mr. FULTON. Part have been paid.

Mr. LODGE. And to pay part of them and not to pay the others is gross injustice.

Mr. FULTON. It is gross injustice. A large portion of them have been paid. The rest are based absolutely on the same facts and contain absolutely the same equity; and yet the unfortunate claimants have not been successful, and are prevented from securing what is justly their due at the hands of a great and powerful and rich Government.

Mr. HOPKINS. I should like to ask the Senator from Oregon—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. Certainly.

Mr. HOPKINS. I should like to ask the Senator what amount in the bill is represented by the French spoliation claims?

Mr. FULTON. As I recall it, speaking offhand—I gave the figures yesterday—I think it is some \$700,000; but I may be mistaken. It is in the neighborhood of that amount.

Mr. HOPKINS. I desire to say, Mr. President, that of course these claims would not have been reported unless the chairman of the committee believed in their justice; but for nearly a hundred years there has been opposition to the payment of those claims, and some of the best men who have served in the Senate and House of Representatives during all this time have believed that there is no justice or equity in allowing claims of that kind. I remember some years ago, in the House, the late Speaker of the House, Mr. Henderson, of Iowa, presented to the House an able argument against the legality of those claims.

Mr. FULTON. Let me ask the Senator a question. Does not the Senator have in mind the claims of the insurance companies?

Mr. HOPKINS. No.

Mr. FULTON. There are two classes of French spoliation claims.

Mr. HOPKINS. Yes; I understand that. I understand that these claims have been before Congress time out of mind; but I simply rose to say that there is a divided sentiment on the question as to whether the French spoliation claims should be allowed.

Mr. FULTON. Does the Senator know what the character of the investigation has been to secure approval or disapproval?

Mr. HOPKINS. Volumes have been written on the subject, and many speeches have been made.

Mr. FULTON. I call the attention of the Senator to the fact that none of these claims are being provided for that do not rest in judgments of the Court of Claims. Now, would the Senator, after these parties have proceeded to judgment and established their claims in the Court of Claims as just and equitable, have the Government deny them?

Mr. HOPKINS. I would say to the Senator on the question of claims that have been allowed by the Court of Claims, that some years ago when I was a Member of the other House of Congress, investigation showed that claims were allowed there that never ought to have been allowed; and that in the investigations made by that court claims had gone through and judgments been rendered where the claimants had no right in law and equity to the amounts in the judgments awarded them.

Mr. FULTON. I have before heard unfortunate suitors make that plea.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. FULTON. I will in just a second.

Every one of these claims is based on a judgment of the Court of Claims. The Senator says that frequently, even when approved by the Court of Claims, he has discovered that they are baseless and inequitable. That may be true, but if it is true, it is the fault of the legal representatives of the Government. They are there. The Government is defended by attorneys from the Department of Justice.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. In just a second. It does not become the Congress of the United States to question the action of the court to which it has referred these questions for findings.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. I promised to yield to the Senator from Colorado.

Mr. HOPKINS. In connection with that, I may say that this question was raised in Congress, many Congresses ago, and it does not stand with me alone, but investigation has shown that these claims have been passed where in justice and equity they should not have been allowed.

Mr. FULTON. That may be the judgment of the Senator from Illinois. I do not think it is or will be the judgment of Congress.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. TELLER. Had we not better proceed with the regular order?

Mr. FULTON. I had supposed that the Senator from Colorado was very much interested in my remarks.

Mr. TELLER. I was.

Mr. FULTON. But I am pleased to say I am through. I felt it incumbent upon me as chairman of the Committee on Claims to make this statement.

Mr. TELLER. I indorse what the Senator from Oregon has said. I was chairman of that committee for a number of years and a member of it for a great many years.

Mr. CLAPP. Mr. President—

Mr. TELLER. I yield to the Senator from Minnesota.

Mr. CLAPP. I simply want to suggest that until the Journal of yesterday's proceedings is approved we can not receive messages from the House involving conference matters. It seems to me we ought to approve the Journal and receive the messages so as to allow the conferees to get to work.

Mr. TELLER. I move that the Journal as read be approved. The motion was agreed to.

#### LANDS IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of April 28, 1908, certain information concerning the tide-land claims of the Puyallup tribe of Indians in the State of Washington, which was referred to the Committee on Indian Affairs and ordered to be printed.

#### DISBURSEMENT OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 18th instant, a statement of amounts in the Treasury to the credit of various Indian tribes on June 28, 1898, additions thereto and disbursements therefrom, and balances in the Treasury May 20, 1908, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. KNAPP, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 20112) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, prohibiting fraud in registrations and elections, and providing data for the apportionment of Representatives among the States, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to correct the enrollment of the District of Columbia appropriation bill by transposing the word "hereafter," in the second proviso of the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers," in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

#### PETITIONS AND MEMORIALS.

Mr. DICK presented a petition of sundry citizens of Greentown and Vienna Cross Roads, in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented a petition of the Watch Case Engravers' International Association of America, American Federation of Labor, of Canton, Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Galion, Cleveland, Bellevue, Middleport, Massillon, and Columbus, all in the State of Ohio, praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Cincinnati, Coshocton, Hicksville, East Toledo, Toledo, Conant, St. Marys, Killbuck, Fredericktown, Bellefontaine, Kansas City, Zanesville, Mount Vernon, Laura, Wheelersburg, Chagrin Falls, Hamilton, Lewistown, Norwalk, Cambridge, and Dayton, all in the State of Ohio, and of Washington, D. C., remonstrating against the passage of the so-called "Johnston Sunday rest bill," which were ordered to lie on the table.

Mr. DEPEW presented sundry memorials of the New York Clothing Trade Association, of New York City, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Syracuse, Rochester, and Plattsburg, all in the State of New York, and of Columbus, Ohio, praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Schenectady and Binghamton, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. LONG presented petitions of sundry citizens and labor organizations of Atchison, Horton, Leavenworth, Weir, and Wichita, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. KNOX presented a petition of 423 citizens of McSherrystown, Pa., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry manufacturing companies of Erie, Pa., and a memorial of the Minnesota State Association of Builders' Exchanges, of St. Paul, Minn., remonstrating against the passage of the so-called "Rodenberg anti-injunction bill," which were referred to the Committee on the Judiciary.

He also presented petitions of Local Council No. 467, Knights of Columbus, of Johnstown; Local Council No. 954, Knights of Columbus, of Monessen, and of the State Council, Knights of Columbus, of Cambridge Springs, all in the State of Pennsylvania, praying for the enactment of legislation providing that October 12 be declared a national holiday in honor of the anniversary of the discovery of America by Columbus, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 593, Brotherhood of Railroad Trainmen, of Dubois; Local Lodge No. 250, Brotherhood of Locomotive Firemen and Engineers, of Wilkes-Barre; Local Lodge No. 94, Brotherhood of Railroad Trainmen, of Carbondale; Local Division No. 293, Brotherhood of Locomotive Engineers, of Allegheny; Local Lodge No. 7, Brotherhood of Railroad Trainmen, of Pittsburg; Local Division No. 108, Brotherhood of Locomotive Engineers, of Pittsburg; Local Lodge No. 219, Brotherhood of Locomotive Firemen and Engineers, of Pittsburg; Local Lodge No. 561, Brotherhood of Railroad Trainmen, of Clearfield; Local Lodge No. 220, Brotherhood of Locomotive Firemen and Engineers, of Sunbury, and of Local Lodge No. 694, Brotherhood of Railroad Trainmen, of Marysville, all in the State of Pennsylvania, praying for the passage of the so-called "Rodenberg anti-injunction bill" and the "Hemenway-Graff safety ash-pan bill," which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the National Business League of America, of Chicago, Ill., praying for the enactment



of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURKETT presented a petition of Local Division No. 288, Amalgamated Association of Street Railway Employees, of Omaha, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. STEPHENSON (for Mr. LA FOLLETTE) presented a memorial of the Central Labor Union, American Federation of Labor, of Sheboygan, Wis., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also (for Mr. LA FOLLETTE) presented a petition of sundry citizens of Sheboygan, Wis., and a petition of sundry citizens of Stevens Point, Wis., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also (for Mr. LA FOLLETTE) presented petitions of sundry citizens and labor organizations of Green Bay, Oshkosh, and Ashland, all in the State of Wisconsin, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented the petition of C. H. Englesby, of Watertown, S. Dak., praying for the enactment of legislation to promote the efficiency of the militia, which was ordered to lie on the table.

Mr. CURTIS presented a petition of Local Lodge No. 461, Brotherhood of Railroad Trainmen, of Argentine, Kans., praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which was referred to the Committee on the Judiciary.

He also presented a memorial of the Shawnee Building and Loan Association, of Topeka, Kans., remonstrating against the passage of the so-called "Hepburn bill," relating to the public revenue, which was referred to the Committee on Finance.

Mr. HOPKINS presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented petitions of sundry labor organizations of Streator and Rock Island, in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FULTON presented petitions of sundry citizens of Portland, Oreg., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of sundry citizens of Spokane, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BURROWS presented a memorial of Local Union No. 52, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Kalamazoo, Mich., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Credit Men's Association, of Detroit, Mich., praying for the enactment of legislation providing for the appointment of an additional judge of the United States district court for the eastern district of that State, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Owosso, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Lansing, Saginaw, Battle Creek, and Escanaba, all in the State of Michigan, praying for the passage of the so-called "Rodenberg anti-injunction" and the "Hemenway-Graff safety ash-pan" bill, which were referred to the Committee on the Judiciary.

He also presented a petition of the faculty of the Michigan State Normal College, of Ypsilanti, Mich., praying for the enactment of legislation to establish public playgrounds in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens and labor organizations of South Haven, Adrian, Detroit, Bay City, Kalamazoo, Port Huron, Boyne City, Houghton, Grand Marais, Ford River, Albion, Jackson, Marquette, Saginaw, St. Charles, Gladstone, Sault Ste. Marie, and Grand Rapids, all in the State of Michigan, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

#### MILITARY POSTS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SCOTT, April 13, 1908, to report it favorably without amendment.

There are several amendments to the resolution reported by the Committee on Military Affairs. I report it without further amendment and as it came from the Committee on Military Affairs.

By unanimous consent, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The resolution has heretofore been referred to the Committee on Military Affairs, and was reported back with amendments. The amendments of the Committee on Military Affairs will be stated.

The SECRETARY. On page 1, line 4, after the word "military," it is proposed to insert "reservations," and in the same line, after the word "posts," to insert "and stations," so as to make the resolution read:

*Resolved*, That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military reservations, posts, and stations of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpoena witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties; the expenses incurred to be paid out of the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

#### BILLS INTRODUCED.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7218) granting an increase of pension to Edwin Snyder; and

A bill (S. 7219) granting an increase of pension to Jonathan Emert (with the accompanying papers).

Mr. GORE introduced a bill (S. 7220) to reimburse the Chickasaw, Choctaw, Cherokee, Creek, and Seminole Indian tribes for the lands of said tribes which were allotted to freedmen, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 7221) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. GAMBLE introduced a bill (S. 7222) granting an increase of pension to Peter Schang, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PAYNTER introduced a bill (S. 7223) granting a pension to Carlos Sharp, which was read twice by its title and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 7224) for the relief of John Geabhart Abbott, which was read twice by its title and referred to the Committee on Claims.

#### PATENTS TO INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments and accede to the request for a conference, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. CLAPP, Mr. CURTIS, and Mr. PAYNTER.

## DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

*Resolved by the House of Representatives (the Senate concurring), That the Clerk be authorized in enrolling the District of Columbia appropriation bill to transcribe the word "hereafter" in the second proviso in the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers."*

Mr. GALLINGER. I move that the Senate agree to the resolution of the House of Representatives.

The resolution was agreed to.

JERRY MURPHY.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1901) granting an increase of pension to Jerry Murphy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the Senate amendments, and agree to the same with amendments as follows:

On page 6 of the House amendment, line 23, strike out the word "thirty-five" and insert in lieu thereof the word "fifty."

On page 7, line 24, strike out the word "fifteen" and insert in lieu thereof the word "twelve."

On page 11 strike out lines 10, 11, and 12.

On page 12 strike out lines 8, 9, 10, 11, and 12.

On page 13 strike out lines 8, 9, and 10.

On page 15 strike out lines 12 and 13.

HENRY E. BURNHAM,

REED SMOOT,

H. M. TELLER,

*Managers on the part of the Senate.*

H. C. LOUDENSLAGER,

WM. H. DRAFER,

WILLIAM RICHARDSON,

*Managers on the part of the House.*

The report was agreed to.

## HOUSE BILL REFERRED.

H. R. 20112. An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, prohibiting fraud in registrations and elections, and providing data for the apportionment of Representatives among the States was read twice by its title and referred to the Committee on Privileges and Elections.

## RIGHTS OF THE STATES.

Mr. TELLER obtained the floor.

Mr. NEWLANDS. I ask the Senator from Colorado whether he will yield to me for the purpose of making a motion that the Senate proceed to the immediate consideration of a bill which has passed the House, which has been reported with amendments from the Committee on Commerce of the Senate, namely, the bill (H. R. 21899) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States.

Mr. TELLER. On the 25th of April I introduced a resolution and left it to lie on the table, with the statement that I would call it up when I saw fit. I desire to call it up now and to make a few remarks on it. I can not yield for the purpose suggested by the Senator from Nevada.

I ask that the resolution submitted by me be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. TELLER April 25, 1908, as follows:

*Resolved, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution are essential to the preservation of our republican institutions, and that the Federal Constitution, the rights of the States, and the union of the States must be preserved.*

*That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.*

Mr. TELLER. Mr. President, ordinarily in the closing hours of a session I should feel like apologizing for taking any of the time of the Senate with anything I might be able to say, but in view of what has occurred in the Senate during the last month or six weeks, and particularly in view of what occurred yesterday, I think we may profitably spend a little time in examining what our relations may be as a General Government to the States and of the States to the General Government.

Mr. President, I have quoted once before, and I want to quote again, a provision from the constitution of Massachusetts. I understand it has been in the constitution of Massachusetts since the first constitution was made, and in all of the revisions and correction they have never left this out. It was read here by the Senator from Georgia [Mr. BACON] the other day because of my making an allusion to it. The provision is as follows:

A frequent recurrence to the principles of the constitution is one of the things absolutely necessary to preserve the advantages of liberty and to maintain a free government.

Mr. President, I think I may say without any disrespect to the Senate that we have very largely ceased to discuss constitutional questions in this body, and when we did discuss one yesterday there seems to have been a contrariety of opinion and some confusion of ideas, and when we got through I am pretty sure nobody, unless he had the Record before him, could determine exactly what conclusion Senators had come to.

I do not know that I can throw any light upon the Constitution except by reference to the decisions, and that is what I desire to do. I shall not attempt to put forth my views, except as they are supported by the decisions of the Supreme Court of the United States. In my early experience in this body, almost a generation ago, it was a common thing to discuss the Constitution of the United States. It was discussed in those days by men learned in the law, by men who had national reputations as lawyers and who were known in the communities in which they lived as great legal lights. And while there was a contrariety of opinion, as there always will be as to some provisions of the Constitution, there are some things that do not admit of controversy and do not admit of interpretation and do not admit of a question.

I think it may be said that the relation existing between the States and the General Government has been practically settled. I know that the doctrine which prevailed at one time as to the relation of the States with the Government has entirely changed, or has entirely, I may say, been abandoned. And so I come to this question with no special ideas to put forward, but simply to declare what the Constitution, I think, in express terms does declare and what the Supreme Court on many occasions has declared.

This Government, if I may be permitted to repeat an old and trite saying, is one of three departments—the legislative, the judicial, and the executive. And the greatest of all must be the legislative, because that is the body which determines what shall be the policy, what shall be the system, what shall be the laws under which we live. Of course in making these laws we have to comport to the Constitution itself, to see that we do not invade it, and, secondly, we must proceed in such a way as to meet the various views of the membership here; and when we have crystallized our views here and in the other body we run the gantlet of Executive examination.

The President of the United States, under our Constitution, has the power of veto. He can say, when the wisdom of this body has been exercised to its fullest extent, that he does not think it is wise to enact that law. Then we have the power to say that we will, in spite of his objection, create a law of that character.

It has been said, and I heard it said within a few days, that the legislative department of this Government consists of the House of Representatives, as representing the people, and this body, as representing the States, and that the President is also a part of the legislative department of the Government. This I deny. He is not a part of the legislative department of the Government, because against his veto and without his approval we may enact laws that become binding upon him, as upon all the other people of this country. So he is not a part.

The judiciary department of this Government is unique. I know of no government in the world that has such a system as we have. I do not believe there ever existed in the history of the world a government where the legislative department of the government submitted its action to the criticism and consideration of another body. But the fathers of the Republic, the men who created our Constitution, knew that the thirteen States—now forty-six—would have different views as to what their powers were, would have different views as to what the powers of the General Government were, and that there must be in the nature of things some arbitrator to whom these controversies should be sent; and finally they were sent to the judiciary of the United States. We may differ with the judiciary. We may frequently believe, when the judiciary of the United States declares that we have exceeded our constitutional power in the enactment of a law, that it is an erroneous decision, but it becomes binding upon us from the time the judgment is entered.



Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. CLAPP. Does the Senator care to be interrupted by any question as he proceeds, or would he prefer not?

Mr. TELLER. This is a matter about which I should be glad to be interrupted, in order to receive any suggestion that may help in the determination of the question.

Mr. CLAPP. Does the Senator understand that in the inception it was ever the intention of the founders of the Government that the judiciary should exercise this authority over the legislative department of the Government? It is not my understanding. It is something that has grown up since.

Mr. TELLER. I admit that has been a controverted question. I admit there has been a good deal of controversy on that point by early writers, and that there is some reason for supposing that the fathers of the Republic did not expect it to go to the extent it has gone. But it seems to me to be a legitimate conclusion from the provisions of the Constitution itself—

Mr. CLAPP. I think Chief Justice Marshall, who perhaps did more to establish this condition than any other one man in the history of this country, declared only about a year before he took his seat as Chief Justice, that the court did not have the authority to override an act of the legislature upon the ground that the act transcended the constitutional authority of the body. I quite agree with the result. The final establishment of the tribunal was a natural outgrowth.

Mr. FULTON. I call the attention of the Senator from Minnesota to the fact that of the Virginia convention for the purpose of ratifying the Constitution Marshall was a member; and on the floor, in debate, distinctly stated that the Supreme Court did, under the Constitution, have the power to declare that a law was in contravention of the Constitution. The argument was put forward that, under the Constitution, the Federal Government would encroach on the rights and powers of the States. Marshall said if any such attempt was made, it certainly was the province of the Supreme Court, and it would unquestionably exercise such power, to declare such legislation void.

Mr. TELLER. That is not pertinent to what I am saying. We all admit it is too late to question that power now. The people have accepted it. I believe that a careful examination of the debates in the Constitutional convention and of the authorities of that age will show that that was the intention; that all controversies existing between the States and the Government or between one State and another or the people and the States should be submitted to that tribunal, and it resulted that after it had been submitted there was some criticism of it and some fears expressed that they had given too much power to that body.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. I would rather not yield for a minute or two, until I have finished this subject.

The fear was expressed also, inasmuch as the President of the United States appointed these officers, that there was danger that there would be too much Federal or too much Executive control over the court. After the court commenced its work there were severe criticisms of some of its conclusions. Jefferson and Madison and practically all of the early patriots and creators of the Constitution at times questioned the conclusions of the court. But time after time we have had the court settle these questions, until to-day it is not a question controverted by anybody that the conclusion of the Supreme Court upon a legal question is binding upon all of us. I know that General Jackson said it was not binding on him. It may not be binding on the conscience of any man, but it is binding upon his acts when he comes to act.

I am going to proceed upon the theory that that is settled, that that is admitted, in American politics by every party that ever lived or ever will live. It was the theory of the founders of the Government that the three departments of the Government should be kept absolutely distinct from each other.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. NEWLANDS. I understood the Senator a moment ago, in replying to the Senator from Minnesota, to say that he invited questions.

Mr. TELLER. No. I shall be glad to have any Senator interrupt me who may throw any light on the subject. I did not mean to say that I invited interruptions, because they really, except in rare cases, disturb the line of a man's thought, and

especially if he is undertaking to make a legal argument. But I will hear what the Senator has to say. I will not agree to answer him.

Mr. NEWLANDS. I should not have interrupted the Senator except for what I understood to be an invitation. Whilst he was discussing the power of the legislative department it struck me perhaps that he was too broad in his statement that Congress was the lawmaking power. I wish to call his attention to the provision of the Constitution which gives the President the power—

From time to time [to] give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

Mr. TELLER. That is not an executive power.

Mr. NEWLANDS. I will take only a moment, if the Senator will permit me. I say it is not executive power.

Mr. TELLER. It is not legislative power.

Mr. NEWLANDS. It is one of the powers, however, relating to legislation. In addition to that, the President has power to veto a measure.

Mr. TELLER. I have called attention to that.

Mr. NEWLANDS. So it strikes me that the Executive may well be called a part of the legislative power just as the Senate is a part of the treaty-making power.

Mr. TELLER. I think I can make a distinction between the veto power and the treaty-making power, and if I am allowed I shall try to do so before I get through. I will stop now to say that the President can not make a treaty without the consent of the Senate and the Senate can not make a treaty without the consent of the President. That, as I have said about another thing, is unique. The King of Great Britain and the king of practically every country that I know anything about can make a treaty to suit themselves. I know there has been some controversy in England as to how far a treaty could be made without the concurrence of Parliament, where appropriations had to be made; but the right of the King to make a treaty without the consent of either the House of Lords or the Commons is not questioned in these days, and I do not know whether it has ever been questioned. But I suppose it is two hundred years since the King of Great Britain ever vetoed an act of Parliament, and he would no more think of doing it than he would think of resigning his position of King.

But I have said once or twice, and I want to repeat, there is no precedent for us, and later I intend to speak of the care and wisdom with which I think the Constitution proceeded. There is no pattern in the history of the world for this Government of ours. There have been leagues and confederacies, but there never has been a combination of sovereignties such as ours in which there is one general ruling body over so many sovereign powers.

It is difficult sometimes, I know, to separate these so that there will not apparently be a necessity for interference on the part of the nation in the affairs of the State and sometimes an interference by the State in the affairs of the nation; but I think you may lay it down as a fundamental principle which has been settled by the courts that in all things appertaining to national affairs the Government of the United States is absolutely supreme. It has plenary powers, full powers, complete power to do everything that has been delegated to it or left to it.

Whenever it can do a single thing by Congress, it may do it as emphatically and perfectly and absolutely as if it was a government like Great Britain. That was settled by Marshall in *Gibbons v. Ogden*, a case decided very early in our history. But it has not minimized the States; it has not interfered with their rights. As was said in that case, the local affairs are still left to the States.

Mr. President, I want to say that in my judgment there is not any twilight division, either. There is a clean-cut provision what the States may do and what they can not do, and what the Government may do, and all this talk about there being a shadowy condition between the two is simply not born of the Constitution of the United States.

Mr. President, I said I was not going to advance my own theories. I am not, and I am not going to bring a number of cases here that will sustain *Gibbons v. Ogden*. I am going to assume that that was the law and that it has been adhered to by the Supreme Court ever since. What I find there I assume to be the law of this land and controlling Congress and the Executive and the judiciary as well, because they are bound by the Constitution as much as any other branch of the Government.

Mr. President, it may be a little tedious to read the opinion of Judge Marshall in *Gibbons v. Ogden*. Yesterday, as I said, we had a controversy in the Senate, and the controversy seems to have grown out of the question how far the provision which gave Congress control over the commerce of the country extends,

and whether there is a distinct difference between foreign commerce and State commerce. There were several views expressed here yesterday. Exactly what they were it was a little difficult in the conclusion to understand; but I propose to read from this authority, which settles that question beyond a doubt. I will venture to say as to the authority laid down by Marshall that, much as he has been criticised, much as has been said about his being an expansionist and wanting to extend the Constitution, and being a liberal constructionist and all that, nevertheless as he laid down the law, so has it been laid down by the Supreme Court whenever they have come to determine the identical questions that he determined there.

I have not a written speech, but I have some memoranda that I want to call attention to. Let me repeat, although it may be repeated ad nauseam, and I fear it is sometimes, that this is a Government of delegated, limited, and enumerated powers, with all that that means. Delegated by whom, Mr. President, and from whom? From the States? No, Mr. President; delegated by the people of the United States through their State agencies in part; but it is a delegation from the people, the source of all power under our form of Government. It is so declared in the Constitution, and so it has been declared a hundred times by the courts. So it has been declared by every political party that ever lived in this country. There has never been a political party which denied that power to the people. That power is provided for in the Constitution. It is provided that whenever they are displeased with it they have two different methods of amending the Constitution whenever they see fit. And until they do amend it, it is the supreme law of the land, anything in States or communities or anywhere else to the contrary.

Mr. President, it may be a little bit burdensome to the Senate for me to read it, as I am not a first-class reader, yet I prefer to read it myself rather than to let the clerks read it, who usually feel that they are performing a perfunctory service and do not enter into the spirit of it very much. I suppose everybody knows what this case was. The State of New York granted certain privileges to certain shipowners to run their ships exclusively on the Hudson River through the New York waters. That was sustained so far as it could be sustained by the legislature of New York, by the governor, and by the courts. So when this controversy came up it had back of it the State of New York, the biggest State in the Union, with the greatest men in it. The case came to the Supreme Court of the United States in the year 1824, and it was natural that Judge Marshall should take it up and examine it carefully and decide it as he had examined it. If anyone will take the case and examine it and see who were the attorneys who appeared before the court, he will realize that the brains and intellectual strength of the bar and of the country were at that trial. I have not time to go over the names, and it is not worth while. Most of them to us now are unknown, and yet the records of the State of New York and its courts will show that they were the prominent and influential lawyers of the age. The court took up the case. Let me read this part of Judge Marshall's opinion:

The State of New York maintains the constitutionality of these laws; and their legislature, their council of revision, and their judges, have repeatedly concurred in this opinion. It is supported by great names—by names which have all the titles to consideration that virtue, intelligence, and office can bestow. No tribunal can approach the decision of this question without feeling a just and real respect for that opinion which is sustained by such authority; but it is the province of this court, while it respects, not to bow to it implicitly; and the judges must exercise, in the examination of the subject, that understanding which Providence has bestowed upon them, with that independence which the people of the United States expect from this department of the Government.

That is a prelude to the decision, and there is much in it to commend itself to the people of the United States and to the world.

Mr. BRANDEGEE. What is the name of the case?

Mr. BEVERIDGE. *Gibbons v. Ogden*.

Mr. TELLER. *Gibbons v. Ogden*.

Mr. BRANDEGEE. To be found where?

Mr. TELLER. To be found in 9 Wheaton. In Wheaton, as published alone, it is in the first volume; and in Peters's Condensed Reports, which I happen to have here, it is published in volume 5:

As preliminary to the very able discussions of the Constitution which we have heard from the bar, and as having some influence on its construction, reference has been made to the political situation of these States anterior to its formation. It has been said that they were sovereign, were completely independent, and were connected with each other only by a league. This is true. But when these allied sovereigns converted their league into a government, when they converted their congress of ambassadors, deputed to deliberate on their common concerns and to recommend measures of general utility, into a legislature, empowered to enact laws on the most interesting subjects, the whole

character in which the States appear underwent a change, the extent of which must be determined by a fair consideration of the instrument by which that change was effected.

This instrument contains an enumeration of powers expressly granted by the people to their Government. It has been said that these powers ought to be construed strictly. But why ought they to be so construed? Is there one sentence in the Constitution which gives countenance to this rule? In the last of the enumerated powers, that which grants, expressly, the means for carrying all others into execution, Congress is authorized "to make all laws which shall be necessary and proper" for the purpose.

Mr. President, if I may be allowed to say a word personally, I was brought up under the theory of a strict construction of the Constitution. I still believe that the Constitution ought to be construed not strictly, but honestly. There should be no attempt to stretch it either one way or the other, either to curtail the power granted or to increase it. In my judgment, it is as offensive to good government to attempt to extend the power of the Constitution beyond its exact meaning as it is to do the other thing.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. I ask for a vote on the joint resolution.

The VICE-PRESIDENT. The unfinished business is before the Senate as in Committee of the Whole. The Senator from New Jersey asks that a vote be taken upon it.

Mr. TELLER. I hardly think that ought to be done now.

Mr. KEAN. Then let it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. KEAN. I should be very glad to have a vote on it, however, Mr. President.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Colorado will proceed.

Mr. TELLER. I will continue reading this opinion of Judge Marshall:

But this limitation on the means which may be used is not extended to the powers which are conferred; nor is there one sentence in the Constitution, which has been pointed out by the gentlemen of the bar, or which we have been able to discern, that prescribes this rule. We do not, therefore, think ourselves justified in adopting it.

Mr. President, considerable can be said on this question, but I think I have said enough on that point. Before I get through reading from the opinion it will be seen what Chief Justice Marshall's idea was:

If, from the imperfection of human language, there should be serious doubts respecting the extent of any given power, it is a well-settled rule that the objects for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction. We know of no reason for excluding this rule from the present case. The grant does not convey power which might be beneficial to the grantor, if retained by himself, or which can inure solely to the benefit of the grantee, but is an investment of power for the general advantage in the hands of agents selected for that purpose, which power can never be exercised by the people themselves, but must be placed in the hands of agents or lie dormant. We know of no rule for construing the extent of such powers other than is given by the language of the instrument which confers them, taken in connection with the purposes for which they were conferred.

The words are, "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." The subject to be regulated is commerce, and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power, it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation.

Then he goes on at some length to show that it did include navigation. I have skipped some of the opinion. I believe if on some stated day we would do as we do with Washington's address, and read this opinion to the Senate and have attention paid to it, it might be useful to the Senate and quite as valuable as the reading of the address of the Father of the Country.

It is a rule of construction acknowledged by all that the exceptions from a power mark its extent, for it would be absurd, as well as useless, to except from a granted power that which was not granted—that which the words of the grant could not comprehend. If, then, there are in the Constitution plain exceptions from the power over navigation, plain inhibitions to the exercise of that power in a particular way, it is a proof that those who made these exceptions and prescribed these inhibitions understood the power to which they applied as being granted.

Then he goes on and argues it to some extent. I will read one clause here:

The ninth section of the last article declares that "No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another." This clause can not be understood as applicable to those laws only which are passed for the purposes of revenue, because it is expressly applied to commercial regulations.



The genius and character of the whole Government seemed to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself.

But in regulating commerce with foreign nations the power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States; every district has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union and furnish the means of exercising this right. If Congress has the power to regulate it, that power must be exercised whenever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State.

This principle is, if possible, still more clear when applied to commerce "among the several States." They either join each other, in which case they are separated by a mathematical line, or they are remote from each other, in which case other States lie between them. What is commerce "among" them, and how is it to be conducted? Can a trading expedition between two adjoining States commence and terminate outside of each? And if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third?

Commerce among the States must of necessity be commerce with the States. In the regulation of trade with the Indian tribes, the action of law, especially when the Constitution was made, was chiefly within a State. The power of Congress, then, whatever it may be, must be exercised within the territorial jurisdiction of the several States. The sense of the nation on this subject is unequivocally manifested by the provisions made in the laws for transporting goods by land between Baltimore and Providence, between New York and Philadelphia, and between Philadelphia and Baltimore.

We are now arrived at the inquiry, What is this power? It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government. Having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments.

Mr. President, this is a more interesting case than almost any case you can get, and while I believe I have read it a hundred times, I have never read it without new interest. I do not believe any lawyer can read it repeatedly without reading it with new interest and appreciating the wisdom in it, and the extent to which Marshall went and settled once and for all this question, which had been up to that time, 1824, disturbing all sections of the country.

Then he takes up the taxing power, and he then takes up the inspection laws. I want to read this particularly:

That inspection laws may have a remote and considerable influence on commerce will not be denied, but that a power to regulate commerce is the source from which the right to pass them is derived can not be admitted. The object of inspection laws is to improve the quality of articles produced by the labor of a country, to fit them for exportation, or, it may be, for domestic use. They act upon the subject before it becomes an article of foreign commerce or of commerce among the States and prepare it for that purpose. They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, etc., are competent parts of this mass.

No direct general power over these objects is granted to Congress, and consequently they remain subject to State legislation. If the legislative power of the Union can reach them, it must be for national purposes; it must be where the power is expressly given for a special purpose or is clearly incidental to some power which is expressly given. It is obvious that the Government of the Union, in the exercise of its express powers—that, for example, of regulating commerce with foreign nations and among the States—may use means that may also be employed by a State in the exercise of its acknowledged powers; that, for example, of regulating commerce within the State. If Congress license vessels to sail from one port to another in the same State, the act is supposed to be, necessarily, incidental to the power expressly granted to Congress, and implies no claim of a direct power to regulate the purely internal commerce of a State or to act directly on its system of police. So if a State in passing laws on subjects acknowledged to be within its control, and with a view to those subjects shall adopt a measure of the same character with one which Congress may adopt, it does not derive its authority from the particular power which has been granted, but from some other which remains with the State, and may be executed by the same means.

In our complex system, presenting the rare and difficult scheme of one General Government, whose action extends over the whole, but which possesses only certain enumerated powers; and of numerous State governments, which retain and exercise all powers not delegated to the Union, contest respecting power must arise. Were it even otherwise, the measures taken by the respective governments to execute

their acknowledged powers would often be of the same description, and might, sometimes, interfere. This, however, does not prove that the one is exercising or has a right to exercise the powers of the other.

Mr. President, that is all that I intend to read at this time. I believe that case, if rightly understood, settled very largely the controversy which existed here yesterday, and I understand it was quoted by those holding one opinion as well as by those holding a different opinion.

But, Mr. President, it is not fair to take a passage here and a passage there out of an opinion of the Supreme Court of the United States or any other court. You must take the whole case together. One part may explain what otherwise might be apparently inconsistent. The whole case, I think, settles clearly that there is an absolute distinction between the power of the States and the power of the General Government, and it is not left in a smoky condition. It is not left in doubt by this Constitution of ours, and certainly it is not left in doubt by this decision of the Supreme Court.

I heard something yesterday about some powers that Congress could exercise that are not included in the Constitution. Mr. President, I deny that for myself, and I deny it because the courts have declared that there is no such thing as inherent power in the Government of the United States. It is a government of delegated, limited, and enumerated powers, and it can not be spread out; there can be no construction given to it that is not consistent with the words of it and with the intent as gathered from its proper words.

Mr. MONEY. Will the Senator permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. MONEY. I should like to ask the Senator from Colorado if it can be shown and concluded that the United States has one inherent power, can it not be equally said that it has all inherent powers that belong to any sovereignty?

Mr. CLAPP. We can not hear the Senator from Mississippi.

Mr. MONEY. My question was this: If it is concluded anywhere that the United States Government has any inherent power of any sort over any subject, has it not all inherent power over all subjects which belong to all sovereign states; and if that is true, what is the use of having a Constitution at all?

Mr. TELLER. Mr. President, the Supreme Court has stated over and over again that there was no inherent power in this Government. This being a Government of delegated and enumerated powers, how could it have any power that was not enumerated? How can it have any powers that are not delegated? It is a Government of that kind and it derives its powers from delegation by the people, and the enumeration and limitation of those powers are found in the Constitution.

I will call attention to a recent case, the case of *Kansas v. Colorado*, where the Government went into court upon the theory of the Attorney-General or his representative that there were some inherent powers of the Government that had not been expressed. The court disposed of that summarily, every member of the court agreeing in the decision, and held that there were no inherent powers in the Government of the United States. I am almost ashamed, Mr. President, to discuss that question, it is so plain and so simple. How could there be any inherent powers not enumerated and delegated?

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I do.

Mr. FORAKER. If the Senator will allow me to interrupt him, I will state that another proposition of the Government counsel was that the General Government must have certain powers because they had not been reserved to the States—

Mr. TELLER. Yes.

Mr. FORAKER. And did not belong to the States, ignoring the fact that the powers not delegated were reserved to the States or reserved to the people.

Mr. TELLER. In that case the Attorney-General, or whoever represented the Government—I think it was not the Attorney-General himself, but some subordinate—made the proposition to the court that there were certain powers that ought to exist and that did exist, which most nations recognize as existing in them, and that those powers ought to exist in the United States, and if they were not expressed in the Constitution they must be found in the inherent powers of the Government. The court said in so many words, there is no such thing as inherent power. How could there be inherent power in a Government where all power was delegated? Where can you get inherent power that is not delegated? From whom would it come?

In the case of *Kansas v. Colorado*, to which I have referred, the court said:

We must look beyond section 8 for Congressional authority over arid lands, and it is said to be found in the second paragraph of section 3 of Article IV, reading: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. That is implied by the words "territory or other property." It is true it has been referred to in some decisions as granting political and legislative control over the Territories as distinguished from the States of the Union. It is unnecessary in the present case to consider whether the language justifies this construction. Certainly we have no disposition to limit or qualify the expressions which have heretofore fallen from this court in respect thereto. But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits. Appreciating the force of this, counsel for the Government relies upon "the doctrine of sovereign and inherent power," adding, "I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference." His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State; consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the nation as a whole, which belong to, although not expressed in, the grant of powers is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act. It reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Mr. President, this Government did not spring up full armed, as Minerva is said to have sprung, from the brain of Jove. It came from the people of the several States, who passed upon this Constitution after it was framed; but nobody in that Constitutional Convention ever dreamt, Mr. President, that there would be any power exercised by either the legislative, judicial, or executive branch of the Government that was not defined and declared in that Constitution. Such power does not exist; and it is absolutely illogical and absurd to say that it does exist, unless you deny that this is a Government of delegated, limited, and enumerated powers.

Mr. President, I have said once or twice here some things about the Constitution and the necessity of adhering to it and some things about the relation of the States. I have read my resolution here, and that resolution, which I now hold in my hand, has been repeated over and over again by every political party that ever existed in this country.

The party that dominates this Senate to-day, Mr. President, commenced its life with the declaration contained in that first paragraph. In 1856, when the Republican party was organized in the State of New York, which finally became a national party, that first provision was in its platform. The first political speech I ever made I made upon that platform, and the second paragraph was enunciated from the platform at Chicago when Mr. Lincoln was nominated for President. I heard it proclaimed. It was the doctrine, not simply of the new party, but of all the parties that ever lived up to that time; and it has been practically, I believe, the doctrine of every party that has ever acquired any respectability in the country since then.

Mr. President, it is not a meaningless declaration. Think of this first provision! This was in 1856; and no man who does not remember what was the condition in 1856 can fully appreciate the importance of that declaration by that new party—a party made up of all other political organizations that had existed in this country, a party that was largely controlled by the men who had been in command of politics in this country for many years. The leading men there, Mr. President, had been men highly honored in the Democratic party and in the Whig party of those days. That provision reads:

*Resolved*, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution are essential to the preservation of our republican institutions, and that the Federal Constitution, the rights of the States, and the Union of the States must be preserved.

Mr. President, we do not need now to express it with the same emphasis they did in 1856. There is no political organization anywhere in this country that is not absolutely loyal to

this Government of ours. There was at that time, in some sections of the country at least, a feeling that they were being improperly and unfairly treated, and that this enunciation would be of value. It was not needed in New York; it was not needed over the greater part of this country any more than, or as much as, it is needed to-day.

Mr. President, there never has been a stronger declaration of States rights made in this country than that contained in this last paragraph, and there could not be. The language used is explicit and positive.

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.

There are two members of this body who were members of that convention in 1856. I was not a member of it, but I heard the platform read. That is the platform upon which that party acquired power in this country. That met the approval of the people of the United States, and it met their approval because it had been the doctrine theretofore.

There was a party at that time that was complaining and threatening that they would withdraw from the Union. This declaration was equivalent to saying to those people, "Much as we may dislike your domestic affairs, we do not intend to interfere with them, because we have no right to interfere." Mr. President, some people who helped create that party know very well what it cost to say again and again to the public, "We do not believe in interfering with the domestic affairs of any State; if the State desires to have slavery, let it have it; we have not the constitutional power to prevent it, and therefore we will not act, because we have not the legal authority to act, much as it may offend our ideas of morals, of propriety, or of economics."

Mr. President, is there any danger now threatening this country? There is not any party in this country that will openly deny the truth of the statement contained in that provision of the resolution. There is not a man here of any political party who would dare vote against it. Nobody will deny it, I do not care on which side of the Chamber he sits, nor do I care what his political faith may be.

I think I can turn in a moment to a sentiment uttered by Marshall. Marshall has been considered an extremist in the way of Federal power and in favor of a National Government. This is what he said in the very opinion I have been reading:

No political dreamer would ever be wild enough to think of breaking down the lines which separate the States and of compounding the American people into one common mass.

That was the language used in the case of *McCulloch v. Maryland*.

Mr. CLAPP. Will the Senator pardon me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. I do.

Mr. CLAPP. While most Senators are familiar with these cases and know where they are found, yet I take the liberty of suggesting to the Senator from Colorado that, as he proceeds with his speech, he give the citations, so that they will appear in his speech in the Record.

Mr. TELLER. Very well. This quotation from Marshall is in *McCulloch v. Maryland*, in 4 Wheaton, and in *Gibbons v. Ogden*, in 9 Wheaton.

Is there anybody in this country now who proposes to change the Constitution of the United States, except in some immaterial matter? I believe the Senator from Oklahoma [Mr. OWEN] has a proposition to elect Senators by the people. I think I am not mistaken when I say that a majority of the States of the Union have declared in favor of that doctrine. That is a proposition that, instead of electing Senators by the legislatures of the States, they should be elected by popular vote. I am willing to subscribe to that. That does not in the slightest degree change the form of government. We should have the same Senate that we would have if Senators were elected by the legislatures. Possibly Senators might get a little nearer than they now are to the people if they were elected by them, but I have some doubt about that. I believe, however, there would be less danger of getting men into this body who ought not to come here.

But there are those who think we have not power enough and that we should have more power. I have not heard anybody demanding more power here in this body. I recollect no occasion when there has been an attempt to amend the Constitution of the United States to give more power to the legislative department. I understand the executive department wants more power. I understand the executive department has sometimes said that Congress ought to have more power.



The President of the United States made a speech at Harrisburg on October 4, 1906, in which he said:

In some cases the governmental action must be exercised by the several States individually. In yet others it has become increasingly evident that no efficient State action is possible, and that we need, through Executive action, through legislation, and through judicial interpretation and construction of law, to increase the power of the Federal Government. If we fail thus to increase it, we show our impotence.

That is the most remarkable declaration that ever came from a President of the United States. I wish and intend to treat with proper courtesy the President of the United States, and I think Senators will all bear me witness that I have never assailed him. I have been careful, because I have kept in mind the scriptural injunction, "Speak not evil of your rulers." But when the President of the United States asks that by executive, legislative, and judicial construction there shall be a change in the Constitution of the United States, it is not heresy to condemn that as a declaration that ought not to be made. If the people of the United States want to change their Constitution, they must take the steps provided in the Constitution to make such a change; and until they do that, the Executive of the United States ought to assume that at least it is satisfactory to them, whether it is satisfactory to him or not.

On the same occasion the President said:

I can not do better than base my theory of governmental action upon the words and deeds of one of Pennsylvania's greatest sons, Justice James Wilson. He developed, even before Marshall, the doctrine—absolutely essential not merely to the efficiency, but to the existence of this nation—that an inherent power rested in the nation outside of the enumerated powers conferred upon it by the Constitution, in all cases where the object involved was beyond the power of the several States and was a power ordinarily exercised by sovereign nations.

Mr. President, neither Marshall nor Wilson ever enunciated that doctrine anywhere. I have taken the pains to examine the matter and done everything I could to find whether Wilson ever made such a declaration, and I aver here that he never did. I know the doctrine of inherent power is an old doctrine. It was pretty rife until Marshall decided the case of *McCulloch v. Maryland*, and also the case from which I have been reading; and yet, from what the President said, one would suppose that Marshall had declared in favor of the doctrine of inherent power. I do not believe the President intended to say that, but certainly, if he did say it, he made a mistake.

Mr. BACON. Will the Senator pardon me for just one moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. TELLER. Certainly.

Mr. BACON. I suppose the Senator recognizes and intends to draw the distinction between implied power and inherent power.

Mr. TELLER. I should think that it was rather a waste of time, in a Senate composed practically of lawyers, to attempt to go into an argument to show there was a distinction between implied and inherent powers. Implied powers, of course, come from something asserted.

Mr. BACON. The Senator, I am afraid, misunderstands me. I simply desired to emphasize what I understood the Senator to be saying and to call attention to the fact that possibly what was intended by many as a recognition of inherent power was but the recognition of implied power.

Mr. TELLER. An implied power can only be implied from something necessarily declared.

Mr. BACON. That is right.

Mr. TELLER. And I am dealing not with implied power, for which people contend, which is a different thing, but with the question of inherent power.

I want to quote from the Secretary of State. There is not anybody who does not recognize in the Secretary of State, Mr. Root, a man of great reputation as a lawyer. He has been at the head of the War Department and is now at the head of the Department of State. He said:

It may be that such control—

I only quote his conclusions—

It may be that such control would better be exercised in particular instances by the Government of the States, but the people will have the control they need, either from the States or from the National Government, and if the State fail to furnish it in due measure sooner or later constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government.

Mr. President, had he stated that the people would find a way of changing their Constitution to meet their wishes, he would have stated the fact, but I do not believe the time will ever come when the people will submit to a construction of the Constitution that is not plainly warranted by the letter and spirit of that instrument.

Great power is wanted by the executive department of the Government in other respects. The President has asked at different times in his messages for an increase of power in one

way or another—usually indirectly. The President, in his message in December, 1906, referring to the practice of the courts in certain cases, said:

It would be well to enact a law providing something to the effect that:

"No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the opinion of the court to which the application is made, after an examination of the entire cause it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice." (Vol. 41, pt. 1, CONGRESSIONAL RECORD, 59th Cong., 2d sess., p. 23.)

Again, on page 29 (same RECORD), under the heading of "Marriage and divorce," he said:

Nevertheless in my judgment the whole question of marriage and divorce should be relegated to the authority of the National Congress. At present the wide differences in the laws of the different States on this subject result in scandals and abuses, and surely there is nothing so vitally essential to the welfare of the nation, nothing around which the nation should so bend itself to throw every safeguard, as the home life of the average citizen. The change would be good because it would confer on the Congress the power at once to deal radically and efficiently with polygamy, and this should be done whether or not marriage and divorce are dealt with. It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States. Power to deal with it should be conferred on the National Government (p. 29).

If there is any one thing that the State is capable of doing, it is to manage and control the relation which we call the "marriage relation." They control the laws of inheritance and descent, and they have the right to provide, what we have not the right without a constitutional amendment to provide, as the President admits, who shall get married, how they shall get married, and so forth. This is one of the instances where somebody is reaching out for more power for the General Government, but it is not the only instance; there are dozens of them.

I do not believe the courts of the United States are above criticism. I have criticised them myself. I have seen coming from them decisions that I do not believe were good law, but when the decisions become the law of the land we all must submit to them. The President of the United States on various occasions has criticised the courts. I doubt whether it is a proper thing for one department of the Government to criticise another department in that way, except when there is a plain violation of constitutional obligation; and for that reason I have been careful, and I might say negligent, in not making some complaints which, I think, might have been made and ought to have been made.

Not long since a district court down in Tennessee made a decision which was criticised by the President of the United States. The President of the United States said the judge had rendered an opinion that ought not to have been rendered, and he made some suggestion of legislation on that line. I believe I have his very words, but I can not find them for the moment. I will say, however, that the President did not, I believe, suggest the removal of the judge or anything of that kind; but he did say to us by a message not long ago that he thought he ought to have the power to retire a judge when he deemed it was proper so to do. In accordance with that suggestion, perhaps—I am not certain about that—a Member of the House of Representatives introduced a bill providing that the President of the United States might retire a judge when he saw fit. I believe it never reached any stage beyond being presented, and you can readily imagine it would not get very far in any legislative body of any ability in this country.

I do not care about going into particulars. I only want to say that we know it is in the air that we have got to have some material change in the Constitution, a change that shall give either to the executive or the legislative department, or both, additional authority. From whom does this demand for power come? Does it not come from the people, the source of all power? Has any convention anywhere in this country, popular or otherwise, ever declared that there was not sufficient power in the executive or that there was not sufficient power in the legislative department? I do not know that they ever have. If they have, I am certain that party has not got any representative on this floor. It may possibly be that some political organization has so declared, but it never has been strong enough to send a man here, or at least it has not any here now, I am sure. We do not need any change in the Constitution upon the great fundamentals, and when we do need it the people will make it, and make it as the Constitution provides, and not otherwise.

Mr. President, it is not gracious to criticise the actions of either public officials or public bodies, but I think you will all agree with me to-day if I should make the statement that we have grown exceedingly careless, even in the Senate of the United States, as to the character of the legislation we allow to go through.

The other day, when the clearest possible invasion of the rights of a State that could be made was before the Senate, and when I objected to it, not being a representative from that State, some of my colleagues said, "Oh, that is a local matter; let it go." No violation of States rights can be local. Every violation of the rights of one State is a violation of the rights of all, and it is our duty here as the representatives of States not to minimize in any degree the National Government, but not to allow any invasion by the National Government of the rights of the States, which is as injurious to the National Government as it is to the State government. If we are to maintain, as I have said before, and I want to repeat it, the condition we are now in and this system of Government, we must do it by the maintenance of the States. The Supreme Court has declared that the Constitution of the United States was made not only for the National Government, but for the State governments and for the people alike.

Mr. President, there is a growing disposition to regard the Declaration of Independence as obsolete. A friend of mine from New York said to me, "You may go into good society in New York and quote from the Declaration of Independence, and they will laugh at you." I may say that the same thing is true in some sections when you quote from the Constitution. They laugh at you. I believe the Constitution of the United States has made a great Government, and yet as compared with what it will be it is still a little Government, a young Government. We have lived one hundred and twenty years. We hope to live a thousand. We hope to be an example for all the world. We hope to see all mankind taking advantage of our system of government and thus spreading abroad as far as possible human comfort and human liberty and human happiness. It is not a question to be turned down. As I said the other day, there will be no sudden departure here, no breaking up of this Government by any sudden act. It will come insidiously, little by little, until by and by the States will exist in name, but they will be of no value to maintain the General Government unless with it they carry the power to protect and take care in a proper stately manner of the people who reside within their borders.

Patriotism does not exist anywhere if there is not a corresponding protection and benefit arising from the Government to those who pay to it devotion. You may talk about your flag. That flag is but a rag when it does not float over freemen. It is but a rag when it does not stand for protection to every man in the community over which it floats. Its beauty does not consist in its lines nor in the color nor the shape, but it consists in the fact that it stands for the rights of men as declared by the Constitution of the United States, which is in accordance with divine law.

Mr. President, the Constitution of the United States, it is said, is not so valuable that we can always stand by it. The men who made it knew that the time would come when we would want to amend it. The first Congress that came thereafter made ten amendments, all in accordance with the theory and principle upon which the Constitution had been adopted, to carry out the very purposes and principles that had been proclaimed in it. They knew that sometime there would come a condition when it would need a change, and they provided how it could be changed, and they put no heavy burden upon us in that particular.

At the expense of keeping the Senate longer than I ought, I want to call attention to the Constitution and the way it was created. I do so because I find a growing disposition to underrate it. Every little while some man says: "Oh, the great Father of our Country was nothing but a common man." I heard such a statement made only a few days ago. I heard a Senator here say one day: "I do not believe all the wisdom of the world was included in the Constitutional Convention." Nobody asserts it. But in the history of mankind there never has been a constitution like unto that. There never has been a constitution, in my judgment, that was so wisely and carefully made. You want to stop and consider what the condition was when it was made. There were thirteen colonies, some big and some little; some with large territory, empires in extent, and others with practically nothing; Delaware no bigger than a county in Virginia; Virginia extending clear up as far as our Government extended, containing an area that has since been made into five great States. Delaware was necessary to the Union. Then there was Rhode Island, smaller still than Delaware, if anything, and with a very small population; New York with a great population; Massachusetts with a fair population; all these States having different interests and different ambitions. All of them had to be brought under one control, and how could it be done in such a way that they would all unite?

They devised the Senate. This was the crucial point. How could the little States have their voice in this Government of ours? Who devised it I do not know. Many men have had the honor claimed for them, but whoever did it did the wisest thing that ever was done. The Senate, representing the sovereignty of the States, representing in some degree also as it must the wishes of the people back of the State, is the only body of the kind that ever existed in the world. The Senate of Rome and of other countries that have had senates was entirely different from ours—different in the character of the elections, different in the character of the service, different in the character of its power. Will any man to-day say that he can create a better system? He would be exceedingly brave who would set out to do it. Even now, with the ambition of States for extra power, how long would a conference last between New York, Delaware, and Rhode Island, or even, perhaps, Colorado? But to-day the smallest State here has the same power as the largest, and sometimes even more power, but it is rightfully exercised, not because the Constitution gives it more power, but because its representatives perhaps are entitled to more consideration than the representatives of some of the larger States.

The President of the United States has a right to veto any bill that we may pass. The other day a member of this body received a letter from the President of the United States, saying that under certain conditions he would veto a bill, and laying down what he claimed to be the theory upon which we should legislate in that respect. It did not seem to make much impression in this body.

The King of England would not have dared, and at no time for two hundred years would he have dared, to send that kind of a letter to a member of Parliament. What would have been the result if he had? I can tell you what did happen when King George III, through one of his ministers, said to a member of Parliament, "If you vote for a certain bill introduced into the Parliament the King will consider it an offense against him and an unfriendly act." Within four days afterwards Parliament, by a vote of 153 to 80, declared it was a crime and a misdemeanor on the part of the King; and since that time no king has ever dared to do it; and he was the most popular King that England had had for two hundred years. The Parliament asserted their rights as the law-giving power to be free from dictation and from the King himself, popular as he was. To give the details, in 1783, Fox brought in his famous bill for the organization of the government of India. The King, George III, requested Lord Temple to let the members of the House of Lords know that any peer who should vote in favor of the bill would be regarded as an enemy of the King. Four days later the House of Commons, by a vote of 153 to 80, resolved that: "To report any opinion, or pretended opinion, of his Majesty upon any bill or other proceeding pending in either House of Parliament, with a view to influencing the votes of the members, is a high crime and misdemeanor, derogatory to the honor of the Crown, a breach of the fundamental principles of Parliament, and subversive to the Constitution of this country."

If that was the rule in Great Britain, it is equally the rule here to-day, or, at least, it ought to be, and heretofore I believe it has practically been the rule that the Executive shall not interfere, except as the Constitution provides he may, by advice to us in proper form.

I omitted to say some things I wanted to say about the President asking for power to dismiss an officer, and I will simply call attention to the President's message of December 5, in which he says:

I am convinced that the President should have the authority, upon his own initiative and responsibility, to dismiss any officer whom he thinks unworthy to remain in the service. I think there is no danger that this power would be abused, and, if such danger exists at all, it is so slight as to be altogether outweighed by the considerations of public policy which require this authority to be vested in the constitutional Commander in Chief of the Navy. I therefore strongly recommend that article 36, as hereinbefore given, be amended by omitting all of it after the words "general court-martial" where these words first occur therein, and that article 37 be repealed.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 5, 1906.

I want to say a few words about the convention of 1787. I do not know that it will enlighten anybody, but I have been somewhat annoyed by and somewhat restive under the criticisms that I hear in present days about George Washington. A friend of mine said to me a few days ago that he was talking to a lady of culture and education, and she said to him, "Do you not think George Washington was greatly overrated?" He said, "I do not know. Have you taken any pains to look into his character or his history or the biographies of him?" She said, "I never read a word about him, but I have heard people say that he was not so great a man as some think." That probably is quite common.



I want to call attention to who were in the convention. Washington was president of the convention. He had been through the war. He had done for his country what no other man could have done, in my opinion, and I want just briefly to say a word on that point.

Benjamin Franklin, then 81 years old, was there. He had made a world-wide reputation for himself. Nearly all those who had been prominent in the affairs of the country between 1775 and 1787, except John Adams and Thomas Jefferson, both being abroad, were present. Of the fifty-five members in attendance forty had been Members of Congress; eight were signers of the Declaration of Independence; six of the Articles of Confederation; five were governors of their respective States and two of them became Presidents, one Vice-President (Gerry), Langdon had been a Senator; Randolph, Attorney-General; Hamilton the first Secretary of the Treasury; Dayton was in Congress eight years and was Speaker of the House and afterwards Senator; Ellsworth and Johnson, of Connecticut, were the first Senators from that State, and Ellsworth subsequently Chief Justice of the United States. I may say in passing what I have not added here, that he left a record scarcely exceeded by anybody and by nobody, unless it was Marshall himself. Johnson, to whom probably must be given the credit of having suggested the creation of a Senate, with the number, to be selected by the legislatures of the States, became president of Columbia College. I believe that Johnson, of Connecticut, is entitled to that credit, but it is disputed, and I put it as probable.

Rutledge became associate justice of the United States Supreme Court; Rufus King a Senator from New York and minister to England. Sherman, of Connecticut, went to the House of Representatives and then into the Senate. Yates was chief justice of New York. Gerry, Strong, Paterson, Bassett, Spaight, Davie, Martin, and Charles Pinckney all became governors of their respective States, and some of them occupied that position more than once. Bassett, Dickenson, Martin, Blount, Butler, Few, all became Senators. Gerry, Fitzsimmons, Carroll, Spaight, and Williamson were Members of the House of Representatives under the Constitution. Edmund Randolph, delegate to the Continental Congress, who became a member of the Convention afterwards, served in the capacity of governor of Virginia, Attorney-General, and Secretary of State of the United States.

It will be seen from this hasty review that this was no ordinary convention. It has never been equaled in the character of its membership in the world's history.

I claim to be something of a student of the world's history. No man can put into a body of equal size an equal number of men of the same character and reputation.

It had a great task to perform, namely, the establishment of a government of the people and a government of thirteen sovereignties, each jealous of their rights and each desiring to yield as little as possible of their powers as States. By the plan proposed for the ratification of the Constitution, it must have the support both of the people and the States alike. Was a greater task ever set for men than this? I think not. Under this plan the States must each call a convention of its people to ratify the act of the national convention. In December, 1787, Pennsylvania, New Jersey, and Delaware had ratified. In January, 1788, Georgia and Connecticut did likewise, while Maryland, South Carolina, and New Hampshire postponed their ratification for some time, but all of them had acted by January 21, and there being a ratification by nine States, the Constitution became effective according to its terms.

New York, Virginia, North Carolina, and Rhode Island had not ratified. Would they do so? The result in New York and Virginia was doubtful, and when New York finally acted it was by a majority of only two, while Virginia gave a majority of ten for the Constitution. It was not until May 29 that the thirteen States had ratified the Constitution.

The whole number of delegates in the convention was sixty-five, but fifty-five was the greatest number that ever attended at one time, and of the fifty-five, forty afterwards became Members of Congress.

When nine States had ratified the Constitution, Congress determined to proceed to the organization of the new Government. In February the electors were elected, and on the 4th of March, 1789, Congress met, and the present Government was then born. But neither the House of Representatives nor the Senate had a quorum, and it was not until the 6th of April that a quorum of both Houses was obtained, and on April 30 the President was inaugurated.

Who were in the convention that made the Constitution?

Washington, the greatest man of American history and as

good as he was great. For eight years he had been at the head of the Revolutionary Army. An American writer says of him:

The most famous man alive; idolized at home, named by every tongue in Europe, praised by kings and great ministers, who compared him with Caesar, Charlemagne, and Alfred the Great—his head snow white, but with steadfast heart and mind he moved in the simple pursuit of his country's weal.

Lord Brougham said:

Until time shall be no more, will be a test of the progress which our race has made in wisdom and virtue which will be derived from the veneration paid to the immortal name of Washington.

Gladstone said:

If among all the pedestals supplied by history for public characters of extraordinary ability and purity, I saw one higher than all the rest, and if I were required at a moment's notice to name the fittest occupant for it, my choice would light on Washington.

I have said he was great—he was great as a soldier, great as a statesman, great in virtue, great in his love of liberty preserved and supported by law. His eight years of warfare under the circumstances and conditions surrounding him finds no parallel in the history of the world. No military chieftain who preceded him or has followed has eclipsed his fame. It is as world-wide as it was the day he surrendered his commission to the people whose liberty he had won.

That he was proficient in all things I do not claim, but he was so near it that he stands to-day as he did in 1783—the most conspicuous American that ever lived.

If we may believe there is a Providence that cares for man, we may well believe that a power greater than human secured his selection to lead our forces in that great contest; and great as was his service during that eventful period between 1775 and 1783 it was none the less valuable in forming the first Constitution of the United States. By what I have said about Washington I do not intend in any way to underestimate what others did in the field of strife or the not less important field of statesmanship. A few days since I heard a gentleman state that he did not believe that the Convention that drafted our Constitution had all the wisdom of the world; but, Mr. President, that was a great Convention—not great in numbers, but great in wisdom. Who can recall another body of men with greater ability than the Convention which drafted our Constitution?

We will show our appreciation of that great man who first gave shape to this Government in its executive branch by our devotion to the principles established in our Constitution, and we should not let anything interfere with the maintenance in this body of the right of any State, because upon that rests, in my judgment, the foundation of this Government, and it will be maintained just as long as you can maintain the separate States in their statehood, and no longer.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 36, 43, 44, 45, 51, 52, 54, 60, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 81, 82, 88, 89, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 39, 40, 41, 42, 47, 48, 53, 55, 56, 57, 58, 59, 61, 62, 70, 76, 77, 80, 84, 86, 87, 91, 94, 95, 96, 97, and 98; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Page 5, line 15, strike out the words "And provided further" and insert in lieu thereof the word "Provided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Page 10, line 16, strike out the words "and fifty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Page 10, lines 15 and 16, strike out the words "four hundred and ninety-seven" and insert in lieu thereof the words "five hundred and forty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an

amendment as follows: Page 11, lines 12 and 13, strike out the words "twenty-nine million" and insert in lieu thereof the words "twenty-eight million seven hundred and twenty-six thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Page 13, line 21, strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Page 14, line 13, strike out the word "twelve" and insert in lieu thereof the word "eleven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Page 14, line 19, strike out the words "thirty-eight thousand six hundred" and insert in lieu thereof the words "thirty-seven thousand four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Page 18, after the word "actual," insert the word "simultaneous;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Page 20, after the word "annum," add the words "and to defray the expenses of said headquarters the sum of twenty thousand dollars is hereby appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Page 25, after the word "national," insert the words "or State;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Page 25, strike out the amendment and insert in lieu thereof the following: "That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"And the term 'indecent' within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 27, line 1, strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

As to amendments numbered 63, 76, and 77 the conferees are unable to agree.

BOIES PENROSE,  
J. C. BURROWS,  
A. S. CLAY,

*Managers on the part of the Senate.*

JESSE OVERSTREET,  
J. J. GARDNER,  
JOHN A. MOON,

*Managers on the part of the House.*

The report was agreed to.

Mr. PENROSE. I move that the Senate further insist on its amendments numbered 63, 76, and 77, and agree to the further conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. PENROSE, Mr. BURROWS, and Mr. CLAY.

#### RIGHTS OF THE STATES.

The Senate resumed the consideration of the resolution submitted by Mr. TELLER relative to the rights of the States, and especially the right of each State to order and control its own domestic institutions, etc.

Mr. BACON. Mr. President, I was forcibly struck with one thing among many others said by the Senator from Colorado [Mr. TELLER], about which I wish to say a little more. The Senator from Colorado alluded to the fact that a letter had been written by the President of the United States, according to common report, in which there had been a threat made by the President that he would veto certain legislation in case that that legislation should be enacted by Congress, and the Senator went on to say that he was surprised that the making known of that

threat had not seemed to create much of a stir in Congress or in the Senate. There was another thing which I think is still more remarkable. That information relative to the threatened veto did not come to us officially, but was simply a matter of well-founded report, about the correctness of which I suppose no one has any substantial doubt. But a more remarkable fact is that the President of the United States should have communicated to this body, as well as to the House of Representatives in an official message a threat of that kind, and that that official threat, officially communicated, has created no stir in Congress. On the 25th day of March of this year the President sent a message to Congress, addressed to the Senate and House of Representatives, in which there occurs this language:

Numerous bills granting water-power rights on navigable streams have been introduced. None of them give the Government the right to make a reasonable charge for the valuable privileges so granted, in spite of the fact that these water-power privileges are equivalent to many thousands of acres of the best coal lands for their production of power. Nor is any definite time limit set, as should always be done in such cases. I shall be obliged hereafter, in accordance with the policy stated in a recent message, to veto any water-power bill which does not provide for a time limit and for the right of the President or of the Secretary concerned to fix and collect such a charge as he may find to be just and reasonable in each case.

I will not stop to discuss the question as to whether the Government of the United States has any interest in the water power of a navigable stream entirely within the limits of a State. I have no doubt in my mind as to the fact that the Government of the United States has none whatever. It has only power over the navigation of the stream—nothing more. But conceding that it has power over the water power, that is not the point I am after. I am speaking of the question as to whether there is a breach of the privileges of the Senate in the President of the United States sending to us a message in advance stating that if certain legislation is enacted he will veto it.

The time will not permit me to elaborate it, but I simply desire to say, and I am glad of the opportunity to say, that I consider it a most gross breach of the privileges of the Senate for any such message to be sent to the Senate of the United States. I am unwilling that this session shall close without an emphatic protest by some Senator against this invasion of the prerogatives of the Senate. If the President of the United States can do so in one instance, he can do so in all; and he can take up the Calendar of the Senate and go seriatim through it and practically, so far as his power will enable him to do it, dictate to the Senate what legislation they shall enact and what legislation they shall not enact, by saying, "If you pass this bill, I will approve it; if you pass this other bill, I will veto it;" practically saying, "Do as I bid you." I do not consider, Mr. President, that there could possibly be any grosser breach of the privileges of the Senate short of actual personal constraint of a Senator.

Mr. President, we are not without precedents in regard to this matter and not without expressions of opinion of Senators on the subject. While the Senator from Colorado has been speaking, having had my attention now called to the subject by what he has said, I have sent and got some of the books which I have now before me, and from which I will read very briefly. There was a very learned and distinguished man, who sat here, I think, occupying the very chair the Senator from Ohio [Mr. FORAKER] is now temporarily occupying—Mr. HOAR, Senator from Massachusetts, who was not slow whenever there was a breach of the privileges of the Senate to assert what he conceived to be the privileges of the Senate, and to dispute the right of any power to encroach upon those privileges. I recollect the incident which occurred in the Senate when the then senior Senator from Massachusetts used the language which I am now about to read. It was a matter which grew out of some bill in which the then Senator from Kansas, Mr. BURTON, was interested. I do not read the entire colloquy, because it is too long. This is what occurred on the 21st day of January, 1903:

Mr. BURTON. I am satisfied that if Senators will hear the bill read there will be no objection to it. There were no objections to it in our committee.

Prior to that the Senator from Kansas had made allusion to something which had been said by the President or by the head of a Department. Mr. Hoar then said this:

Mr. HOAR. I do not want to interfere with the Senator's bill, and I shall not, but I should like to be allowed to say that I do not fancy the practice which has grown up, and for which the Senator from Kansas is not in the least responsible (I dare say we are all alike responsible), of stating what is the opinion of any head of a Department or what is the opinion of the President of the United States himself about measures pending in this or the other House. There is a constitutional method by which the President conveys his approval or disapproval of bills, and outside of that method I hold it to be contrary to the privileges of the Senate to have the opinion of the President of the United States stated in legislation. The House of Commons or the House of Lords always resent it, and have in history done so for a great many years, when that statement is made about the Crown.



Now, when the President has formally communicated to us a veto and has not under his right to communicate to us his opinion and recommendation said anything else, I do not think it is within the limits of Senatorial privilege to say that the head of a Department, or especially the head of a Bureau like the Land Office, thinks the President made a mistake and after all we ought to pass the bill. I do not care so much about that, but the great newspapers all over the country are informing us that certain bills are Administration bills, and that certain Senators have been at the White House and have arranged with the President of the United States what the Senate shall do about a treaty or about a trust bill, or about some other important matter of legislation. It is nobody's business to be arranging with the President of the United States what the Senate shall do. We are an independent body.

And so on.

Mr. President, this matter has rested in my mind ever since the message was sent in by the President in March last. Since that time we have passed one of those bills without making the provision in regard to water power to which he alluded in that message, and he has vetoed it. But unfortunately the bill originated in the other House and the veto did not come to the Senate, so there has been no opportunity here for the expression of views upon this subject.

I want to say, Mr. President, that I had it very gravely in mind whether I should introduce a resolution raising the question whether the threat of a veto was a breach of the privileges of the Senate, and referring to the Committee on Privileges and Elections the question whether the particular language contained in the message of March 25 was not a breach of the privileges of the Senate. I have only been deterred from doing so because of the fear that if introduced by myself, belonging to the opposition party, the resolution might be construed into a partisan matter, a matter which I desired should be considered by the Senate in a nonpartisan manner, concerning, as it does, Senators of all parties, and not be degraded into a partisan contest. The question is way above party considerations. It concerns the highest prerogatives of the Senate. Therefore I have refrained. But I have hoped that some Senator of the dominant party would introduce that resolution.

Mr. President, it has not always been thus. In the elder day the time was when the suggestion of such a breach of the privileges of the Senate or of the House of Representatives met with prompt response from the members of either body concerned. I wish to call the attention of the Senate to a most noted instance of that. Of course we all recognize the fact that there was no President of the United States who, from character and from particular conditions of the time, was in a position to be treated with the utmost deference and consideration by Congress to such a degree as President Lincoln, and, further, that in time of war naturally there is, in practice, less stringent observance of the rules with reference to the trespassing of the executive department upon the prerogatives of the legislative department. Nevertheless, it is a fact that once during the civil war, at the very height of the pride and prestige and power of President Lincoln, the House of Representatives resented, and most pointedly and emphatically condemned, what they considered to be a breach by him of the privileges of the House.

In 1864 the House of Representatives passed a resolution condemnatory of the occupation of Mexico by the French forces. The French Government called the attention, through its diplomatic representatives, of the State Department to the fact that such a resolution had been passed by the House of Representatives, and took exception thereto, and correspondence ensued, in which the executive department of the United States practically disclaimed any responsibility for the act of the House of Representatives and, in effect, said to the French Government that the action of the House of Representatives was without practical force or effect. I will read, in order that it may go in the RECORD properly, the communication of the French Government accepting that practical disclaimer given by Mr. Lincoln through the State Department. It is found recited in a resolution which was introduced in the House of Representatives by Mr. Henry Winter Davis, of Maryland, a man not an opponent of the Administration, but a most zealous member of the party in power. This, which I now read, occurred on the 23d day of May, 1864:

Mr. DAVIS of Maryland. I ask the Clerk to read my resolution.

The Clerk read as follows:

"Whereas the following announcement appeared in the *Moniteur*, the official journal of the French Government—

The French is quoted in one column and the English translation in a parallel column, as follows:

The Emperor's government has received from that of the United States satisfactory explanations as to the sense and bearing of the resolution come to by the House of Representatives at Washington relative to Mexico.

It is known, besides, that the Senate had indefinitely postponed the examination of that question, to which in any case the executive power would not have given its sanction.

That was the assurance which had been given by the State Department here to the French Government. That is the quotation from the *Moniteur*, the official organ of the French Government. The resolution, as introduced by Mr. Davis, after quoting the above, proceeds:

Therefore,

Resolved, That the President be requested to communicate to this House, if not inconsistent with the public interest, any explanations given by the Government of the United States to the Government of France respecting the sense and bearing of the joint resolution relative to Mexico, which passed the House of Representatives unanimously on the 4th of April, 1864.

And then, in response to that request, follows in full the correspondence between the French Government and the American Government in relation to the matter.

Thereupon the matter was, by resolution of the House, referred to the Committee on Foreign Affairs of the House. I hold in my hand the report of the Committee on Foreign Affairs of the House in response to the requirement of the resolution of the House that it should make an examination and report the finding whether there had been a breach of the privileges of the House. After going through a full examination of the matter, citing precedents and making arguments to show the House had acted within its proper powers, and to show that there had been a trespass and breach of the privileges of the House, the committee submitted this report and the accompanying resolution to the House of Representatives. It is found in the same volume from which I read.

I can not read the entire report, because it is too long. I will, however, read the opening sentences of the report, which are as follows:

The Committee on Foreign Affairs have examined the correspondence submitted by the President relative to the joint resolution on Mexican affairs with the profound respect to which it is entitled, because of the gravity of its subject and the distinguished source from which it emanated.

They regret that the President should have so widely departed from the usage of constitutional governments as to make a pending resolution of so grave and delicate a character the subject of diplomatic explanations. They regret still more that the President should have thought proper to inform a foreign government of a radical and serious conflict of opinion and jurisdiction between the depositories of the legislative and executive power of the United States.

No expression of deference can make the denial of the right of Congress constitutionally to do what the House did with absolute unanimity other than derogatory to their dignity.

After reviewing in this report the whole case, the committee of the House of Representatives, replying to what the President had done, submitted this resolution to the House of Representatives:

The committee, in the conclusion of the report, recommend the adoption of the following resolution:

"Resolved, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, as well in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy not less in diplomatic negotiations than in the use of the national force when authorized by law; and—

Mark the words!

and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

Thus spoke, Mr. President, the House of Representatives, through its committee, to Abraham Lincoln—in personal popularity and in political and personal influence the most powerful President who ever occupied the White House. There was not one tithe of the breach of the privileges of the House of Representatives in the disclaimer which President Lincoln, through Mr. Seward, had made to the French Government that there is in the formal message from the President of the United States saying to the Congress of the United States—to the Senate of the United States and to the House of Representatives—that if they enacted certain legislation he would veto the bill.

Mr. President, it is a most significant thing that a committee of the House of Representatives in that day should have unanimously submitted to the House of Representatives such a resolution as that which I have just read, because, the Senate will mark the fact, the question was there whether the President of the United States, through the State Department, had or had not acted within his powers; whether he had or had not committed a breach of the privileges of the House of Representatives in making the explanation and disclaimer which he had made to the Government of France as to the action of the House of Representatives. The last two lines of the resolution are a direct condemnation of the fact that such had been done, in this language:

And such proposition—

That is, a proposition relative to foreign affairs in the particular matter, the Mexican affairs—

And such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

It has been made a topic of explanation with a foreign power and this resolution says that it was not a fit topic for explanation, thereby condemning it. I paraphrase, sir, the words of that resolution, and say that while a measure is pending in Congress it is an unfit thing to do for the President to send a message to Congress that he will veto the measure if enacted into law.

I say, Mr. President, it is remarkable that such a resolution should have been reported by that committee to the House of Representatives, but the most remarkable statement follows. When that resolution was submitted to the House of Representatives on the 4th day of April, 1864, it received the unanimous vote of every man in the House of Representatives, and among the names recorded I find on page 1408 of the Congressional Globe of April 4, 1864, the name of our honored, most distinguished, and in commission our eldest brother, the Senator from the State of Iowa [Mr. ALLISON], who now sits before me, and who was then a Member of the House of Representatives.

The vote, as given by yeas and nays, is as follows:

Mr. Davis of Maryland called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 109, nays 0, as follows:

Messrs. James C. Allen, William J. Allen, Alley, Allison, Ames, Ancona, Anderson, Arnold, Ashley, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Bliss, Blow, Boyd, Brooks, Broomall, James S. Brown, William G. Brown, Chanler, Ambrose W. Clark, Clay, Cobb, Cole, Cox, Cravens, Henry Winter Davis, Dawson, Denson, Denison, Dixon, Driggs, Eckley, Eden, Eldridge, Elliot, English, Finck, Frank, Grider, Grinnell, Griswold, Herrick, Highy, Holman, Hooper, Hotchkiss, Asabel W. Hubbard, Jenckes, Julian, Kalbfleisch, Francis W. Kellogg, Orlando Kellogg, King, Law, Lazar, Long, Longyear, Mallory, Marcy, McBride, McClurg, McKinney, Middleton, Samuel F. Miller, Moorhead, James H. Morris, Morrison, Amos Myers, Leonard Myers, Nelson, Norton, Charles O'Neill, John O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Pruyn, Samuel J. Randall, William H. Randall, Alexander H. Rice, Rogers, Edward H. Rollins, Scott, Shannon, Spalding, Stevens, Strouse, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Wheeler, Chilton A. White, Williams, Wilder, Wilson, Windom, Winfield, Benjamin Wood, Woodbridge, and Yeaman—109.

Nays—0.

So the joint resolution was passed.

Mr. President, I can not add to the force of that action and I will not now say anything more.

Mr. CLAPP. Will the Senator pardon a question?

Mr. BACON. With pleasure.

Mr. CLAPP. I suggest to the Senator if there is not a vast difference between the action of President Lincoln, after the House had taken action upon the matter, and the declaration of the Executive as to his purpose and policy, not with reference to what Congress had done, but his purpose and policy with reference to possible legislation? It strikes me that there is a vast difference.

Mr. BACON. I think the vast difference is in the grossness of the excess of the breach of privilege in this case over what there was in that case.

In the first place, Mr. President, the Senator's question is not predicated upon the facts as they exist, because the Senator will recognize that while Congress had given expression to its views there had been no determination, and the resolution expressly puts its condemnation upon that ground. It says:

And such proposition, while pending and undetermined, is not a fit topic of diplomatic explanation with any foreign power.

Mr. CLAPP. Mr. President—

Mr. OWEN rose.

The VICE-PRESIDENT. Does the Senator yield further to the Senator from Minnesota?

Mr. CLAPP. If the Senator from Oklahoma will allow me a moment, I will not trespass long.

Mr. BACON. I do not feel justified in trespassing on the time of the Senator from Oklahoma, as I have really occupied the floor by his courtesy, and therefore I continue only with his permission.

Mr. CLAPP. I supposed the Senator from Georgia had finished.

Mr. BACON. I beg pardon. I thought you wished to ask me a question.

Mr. OWEN. I did not intend to interrupt the Senator from Georgia.

Mr. BACON. I understand the Senator from Oklahoma, but I came to an abrupt conclusion on purpose, while of course much more might be said on the subject, because I knew I was trespassing on what was the legitimate time of the Senator from Oklahoma. When I made the response to the Senator from Minnesota I was under a misapprehension. I thought the

Senator desired to propound an inquiry to me. But I have no desire to occupy the floor longer, and I will not trespass further upon the time of the Senator from Oklahoma.

Mr. CLAPP. Will the Senator from Oklahoma yield to me for a moment?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. CLAPP. The Senator from Oklahoma has yielded to me.

The VICE-PRESIDENT. The Chair did not hear the Senator from Oklahoma. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. CLAPP. If I can do so and retain the floor.

Mr. FORAKER. Mr. President, I wish to make an inquiry.

Mr. OWEN. I did not intend to yield the floor, but merely to give an opportunity to the Senator from Minnesota to make a comment, which I thought he wished to make.

Mr. FORAKER. I did not know that anyone had been recognized to succeed the Senator from Georgia, but if anyone has been recognized, I want to make an inquiry before we pass away from this subject. It is whether we can not be indulged to pursue this matter a few minutes longer.

The statement was made first by the Senator from Colorado and afterwards referred to by the Senator from Georgia that a letter had been received from the President saying that if we passed certain legislation, he would veto it; and there might have been added the statement that if we passed it over his veto, he would refuse to enforce it. The Senator who is supposed to have received that letter was absent from the Chamber. He is now present in the Chamber. I should like official and accurate knowledge with respect to that letter. I have heard about it. I have made some statements about it.

Mr. OWEN. I regret very much, but I do not feel willing to yield for that purpose.

Mr. FORAKER. Before we pass from it the Senator from Michigan might be given an opportunity to put that letter in the Record, if he is willing to do so.

Mr. OWEN. I do not feel willing to yield the floor for that purpose.

The VICE-PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. ALDRICH. Was the Senator from Oklahoma recognized by the Chair?

The VICE-PRESIDENT. The Senator from Oklahoma was recognized.

Mr. CLAPP. The Senator from Oklahoma yielded to me.

Mr. OWEN. I yield to the Senator from Minnesota for a question.

Mr. CLAPP. I will not trespass upon the time of the Senator from Oklahoma. I simply want to say that in the Lincoln case the House had not concluded its action. It had proceeded to act, and the matter was pending in the House. It does seem to me that there is a great difference between the two cases.

Mr. BACON. Will the Senator permit me to ask him a question in order that this matter may be settled, and other matters? The Senator belongs to the dominant party. Will not the Senator kindly have a resolution sent to the Committee on Privileges and Elections in order that the question between us may be settled?

Mr. CLAPP. No, sir; because I do not think that the matter warrants any such resolution. At the proper time, when I will not be trespassing upon the time of another Senator, I will state the reasons why I do not think so.

Mr. BACON. I hope the Senator will.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. OWEN. For a question.

Mr. FORAKER. Only for an inquiry of the Senator from Minnesota before he takes his seat. I should like to ask the Senator if he does not think the sending of a communication to a member of this body containing a threat that if the body sees fit to pass legislation, it will be vetoed, and if passed over the veto, it will be disregarded, is not a matter this body should take notice of officially in defense of its own dignity and its own honor and its own usefulness as well?

Mr. CLAPP. In the first place, Mr. President, it would depend at the very threshold upon whether that occurred. I know of no evidence before the Senate of that fact; nor do I think, at present at least, that the mere sending of a letter to a man because he is a Senator, unless it is addressed to the Senate, necessarily calls for any reply from the Senate.

Mr. FORAKER. Perhaps not from the Senate.



Mr. CLAPP. I think we have magnified this matter beyond all fair proportions.

Mr. FORAKER. Mr. President, it is possible that we have. It is to avoid any magnifying of it that I should like to get the exact fact. If we could have the exact fact and put it in the Record, then I think we all would know what to do about it.

Mr. BEVERIDGE. Mr. President—

Mr. FORAKER. I will not trespass longer on the time of the Senator from Oklahoma.

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. HALE. Mr. President, I call for the regular order.

The VICE-PRESIDENT. The Senator from Oklahoma has the floor.

Mr. BEVERIDGE. Will the Senator yield to me for a moment?

Mr. OWEN. I do not wish to give up the floor.

Mr. BEVERIDGE. I do not ask that, but I ask the Senator to yield that I may ask a unanimous consent that will take only a moment and occasion no debate whatever. I wish to call up a bill relating to Territories, the omnibus Territories act, which has passed the House. I ask that it be taken up, considered, and passed.

Mr. HALE. What is the bill?

Mr. BEVERIDGE. It is a bill which the Senate has passed and which the House has passed and sent back to us, with amendments concerning many things, such, for instance, as authorizing the issuance of bonds for the building of a courthouse in a certain county of Arizona, another with regard to another public building, and two or three with reference to Hawaii, about which the Committee on Pacific Islands and Porto Rico have been consulted.

Mr. OWEN. Mr. President, if this leads to any debate, I shall not yield.

Mr. BEVERIDGE. I will not ask for it if it does.

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. BEVERIDGE. I shall be much obliged to the Senator from Oklahoma if he will yield.

#### ELECTION OF SENATORS BY THE PEOPLE.

Mr. OWEN. I wish to call the attention of the Senate to joint resolution No. 91, which was laid upon the table several days ago, and which I now wish briefly to address the Senate upon. It is a joint resolution proposing certain amendments to the Constitution of the United States.

Mr. DEPEW. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. DEPEW. I wish to ask a question of the Senator from Oklahoma. Has the joint resolution been read?

Mr. OWEN. It was presented to the Senate several days ago, and I want to have it read now.

Mr. DEPEW. I asked the question because I wish to present an amendment to it. Possibly the Senator might offer his remarks also to the amendment which I shall propose.

Mr. OWEN. I prefer to submit my remarks first, and have the amendment come in due order.

Mr. GALLINGER. Let the joint resolution be read.

Mr. OWEN. The Secretary will please read the joint resolution.

The VICE-PRESIDENT. The Secretary will read the joint resolution.

The Secretary read as follows:

Joint resolution (S. R. 91) proposing certain amendments to the Constitution of the United States.

*Resolved, etc., That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which shall, immediately after passage of this resolution, be submitted by the President of the United States to the governors of the several States of the Union, and when ratified by three-fourths of the State legislatures such article shall be valid to all intents and purposes as a part of the said Constitution, namely:*

"*Art. 16. The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof for six years, and each Senator shall have one vote; and the electors in each State shall have the qualifications requisite for electors of Members of the House of Representatives. They shall be divided as equally as may be into three classes, so that one-third may be chosen every second year, and if vacancies happen, by resignation or otherwise, the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers, and also a president pro tempore in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.*

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Rhode Island?

Mr. ALDRICH. I rise to a question of order.

The VICE-PRESIDENT. The Senator will state his question of order.

Mr. ALDRICH. I have no objection to the Senator from Oklahoma making a speech upon this subject, but it should be distinctly understood that this joint resolution is not before the Senate.

The VICE-PRESIDENT. It will not be before the Senate except upon unanimous consent or by motion.

Mr. OWEN. I have made no motion, Mr. President.

The VICE-PRESIDENT. The Senator from Oklahoma has made no motion.

Mr. ALDRICH. I have no objection to the speech of the Senator from Oklahoma being made.

Mr. OWEN. I repeat I have made no motion.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. I yield if the bill which the Senator desires to move will involve no debate.

Mr. BEVERIDGE. It will involve absolutely none. I am convinced of that. If it does, I will not push it. I made the same request a moment ago. It will only take about a minute and a half, I think, unless some Senator proposes an amendment or asks for the entire reading; and if that is done, I shall not ask that the bill be considered. I think, on the whole, however, I will not interrupt the Senator now, and I am very much obliged to him. He is very kind.

Mr. OWEN. Mr. President, this resolution proposes to submit to the States of the Union for their consideration, under Article V of the Constitution of the United States, a sixteenth amendment to the Constitution.

Article V provides that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress.

The reasons for this proposed reform are thoroughly well understood—

First. That it will prevent the corruption of legislatures.

Second. That it will prevent the disturbance of the State legislation by contests over the Senatorship.

Third. That it will prevent men using money improperly to obtain a seat in the Senate.

Fourth. That it will make the Senate more responsive to the will of the people of the States.

Fifth. That it will compel candidates for the Senate to be subjected to the severe scrutiny of a campaign before the people and compel the selection of the best-fitted men, and so forth.

The joint resolution No. 91 provides the mode of ratification by "three-fourths of the State legislatures" of the proposed sixteenth amendment.

Mr. President, it is not my purpose to debate this resolution.

This matter has been debated by the American people and in the public press and in numerous assemblies, and the mind of the American people has been made up with regard to it. I therefore do now respectfully request the action of the Senate in favorable compliance with the well-established public opinion of over three-fourths of the States of this Union.

I call the attention of the Senators from Pennsylvania that that great Commonwealth, by its legislature, on the 13th day of February, 1901, passed a joint resolution in favor of the election of United States Senators by the direct vote of the people, which resolution was approved by Gov. William A. Stone.

I call the attention of the Senator from Indiana that that great Commonwealth, by its legislature, on the 11th of March, 1907, passed a joint resolution requesting suitable steps to be taken to provide for the election of Senators by the direct vote of the people, and I challenge the Senators from Indiana to give their cordial support to the will of the people of Indiana as expressed through the legislature of that State; that they now make effective the will of Indiana by cooperating with me in a demand for an immediate and favorable vote upon joint resolution 91.

I call the attention of the Senators from Michigan to the fact that that great State in like manner has passed a similar resolution.

I call the attention of the Senators from Illinois to the fact that on the 10th day of February, 1903, the legislature of that great State made the same demand in compliance with the will of the people of the State of Illinois, and I call upon the Senators from Illinois to vote with me for this resolution, in compliance with the expressed will of the people of that Commonwealth, and to hold up my hands in the passage of this joint resolution No. 91.

I call the attention of the Senators from Wisconsin to the fact that that great State in like manner has committed itself positively to this reform and has registered the demand of the people of that State in favor of this amendment, and I appeal to them to cooperate with me in the immediate passage of this resolution.

I call the attention of the Senators from Minnesota to the fact that on the 9th day of March, 1901, the legislature of that great Commonwealth passed a resolution requesting favorable action on this proposition.

I call the attention of the Senators from Iowa to the fact that on March 12, 1907, the legislature of that great State expressed the will of the people of Iowa, and I appeal to the Senators from Iowa to cooperate with me in making effective the wishes of the people of Iowa.

Mr. President, in Senate Document No. 454 I have submitted to the Senate copies of the resolutions passed by the various States, and I call the attention of the Senators of the several States enumerated by me to these resolutions and ask their loyal cooperation. I call the attention of other Senators to the fact that many of their States, not enumerated, which have not taken formal action upon this question are fully committed to it through the adoption of the principle of nominating primaries or mandatory primaries for the nomination of Senators, as Maryland, Mississippi, and other States.

In these various resolutions the reasons for this demand have been abundantly set forth.

I shall not, in the presence of this Senate, repeat them. I shall assume that they are thoroughly well understood and that this question is no longer debatable, and I ask the Senators to sustain me in the effort to get a vote now on this joint resolution and in the effort to prevent postponement or delay or evasion, even in the form of the proposed amendment of the Senator from New York [Mr. DEFEW].

Mr. President, I call the attention of the Senators from Nebraska, and of Missouri, and of South Dakota, and of Kansas, and of Montana, and of Idaho, and of Washington, and of Oregon, and of California, and of Nevada, and of Utah, and of Colorado, and of Wyoming to the fact that the legislatures of each and every one of those States have expressed the will of the people of those States in demanding the passage of this sixteenth amendment to the Constitution; and in view of this expression of the wishes of the people of your several States, I now appeal to you personally on this floor to hold up my hands in favor of an immediate vote without any postponement or delay.

I call the attention of the Senators from Arkansas, from Tennessee, from Texas, from Kentucky, from Louisiana, from North Carolina to the fact that the legislatures of their States have made the same demand as Oklahoma has made upon me as its representative on this floor; and I am responding to the will of the people of my State when I make this demand.

Mr. President, here are the legislatures of twenty-seven States of this Union who have requested this reform, and twenty of them have sent Republican Senators to this body. This is no Democratic movement, nor would I care to demand this important reform merely for political advantage. I want this resolution passed, and I call upon you, the dominant party in this nation, instructed, as you are, by the States of the Union to respond to the will of the people of this country, and more, to respond to the principles of righteousness which ought to prevail and which will prevail when the great people of this country are allowed a free expression of their will in electing Senators by a direct vote of the people.

Mr. President, a majority of the Senators representing the party in power have been instructed in this matter by the people of their States, and I ask a faithful compliance with the expression of the will of the people of this country.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I do.

Mr. HALE. What is the trouble with all the Senators from these different States which have passed these resolutions whose Senators have been here much longer than the Senator from Oklahoma?

Mr. OWEN. I acknowledge the rebuke, Mr. President.

Mr. HALE. What is the trouble with these Senators that they have not brought this matter up?

Mr. OWEN. Mr. President, I give them an opportunity to do so now and the full liberty to explain themselves.

Mr. HALE. I know; but, Mr. President, those Senators have had this opportunity, some of them for six or seven years, and I wish the Senator would tell us what is the measure of the delinquency of those Senators whom he is prodding now who have for six or seven or eight years, in some cases, not done anything in this matter?

Mr. OWEN. The extent of that delinquency, if any, is what I am trying to find out.

Mr. HALE. I know; but will not the Senator tell the Senate what is the trouble with all those Senators?

Mr. OWEN. I think a vote will tell better than any of my arguments, Mr. President.

Mr. HALE. I think all of us had that feeling when the Senator referred to all these States which years ago had passed such resolutions, and the Senator has just come here and has found out the delinquency of these Senators. I wish he would tell the Senate what is the reason—

Mr. OWEN. I am responding to the instructions of my State, without commenting upon the delinquency of anybody.

Mr. HALE. No; but the Senator has commented upon them here, and he has appealed to these Senators to stand by him in putting this popular measure through. I wish he would state to the body here what he thinks is the reason these Senators have been so lacking in their duty all these years.

Mr. OWEN. Possibly the reason, Mr. President, is because it would require a very extraordinary effort to get any action by the Senate, and I am making an extraordinary verbal effort now. [Laughter.]

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Rhode Island?

Mr. OWEN. Certainly.

Mr. ALDRICH. Does the Senator from Oklahoma understand that a Senator is bound to vote according to the instructions of his legislature?

Mr. OWEN. No, sir.

Mr. President, in Senate Document No. 454 of the present first session of the Sixtieth Congress I have submitted to the Senate for their convenience, so that they may not necessarily overlook it, copies of the resolutions on this subject passed by the various States, and I call the attention of the Senators of the various States enumerated by me to these resolutions, and I ask their cooperation. I do so without any reproach or blame whatever to them. I have a right to appeal to them without being rebuked by the Senator from Maine [Mr. HALE] because of my junior life in this body. The Senator from Maine is not called on to rebuke the Senator from Oklahoma because he did not arrive sooner. [Laughter.] He came as soon as he could. [Laughter and applause in the galleries.]

The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that applause is not allowed under the rules of the Senate.

Mr. OWEN. Mr. President, I call the attention of other Senators to the fact that many of their States, not enumerated, which have not taken formal action upon this question are fully committed to it through the adoption of the principle of nominating primaries or mandatory primaries for the nomination of Senators, as Maryland, Mississippi, and other States.

I shall assume that the Senate of the United States is not a kindergarten and needs no further discussion or any instruction whatever on this particular matter, and I respectfully urge and insist on the immediate compliance of the Senate with the wishes and the desires of the American people in accordance with the expression of that will in the various States.

Now, Mr. President, there are various ways to prevent my having a vote on this resolution. Ingenious amendments can be offered proposing to change representation in the Senate from the constitutional number of two for each State to a basis of population, as is contemplated by the Senator from New York [Mr. DEFEW], but I call his attention to the enthusiastic opposition to that proposition of New Hampshire and Vermont and Rhode Island and of every other small State.

Mr. DEFEW. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. OWEN. I yield to the Senator from New York.

Mr. DEFEW. Mr. President, the Senator from Oklahoma misunderstands the amendment which I intend to propose.

Mr. OWEN. I am a mind reader, Mr. President.

Mr. DEFEW. Perhaps Oklahoma has not yet been long enough in the Union to read the mind of New York, although



for a new State its mind is very strong and its expression exceedingly vigorous. [Laughter.] But when the Senator permits me to offer this amendment, he will discover that the only object of it is that, if we are to elect Senators by the people, the people shall vote.

Mr. OWEN. Mr. President, I shall not make any mistake, and the American people will make no mistake, in the purpose of this proposed amendment. It is to prevent action. I have no manner of doubt about that, and I express that opinion without any doubt whatever of its real purpose.

Mr. DEPEW. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. OWEN. Certainly.

Mr. DEPEW. Is the Senator opposed to qualified citizens of the United States, 21 years of age, voting for United States Senators on a direct ballot?

Mr. OWEN. That is what I am for. I assert that right.

Mr. DEPEW. Then the Senator will be in favor of my amendment.

Mr. OWEN. Mr. President, this proposition can be defeated in a number of ways; and I have no power to prevent its being defeated if that be the will of the Senate; but I want that will recorded, and I want it recorded in such a manner that the people of this country shall have no doubt of its meaning. Now, Mr. President, I ask that the Senate proceed to the consideration of Senate joint resolution numbered 91.

Mr. LODGE. Mr. President, merely for a question of order, I ask if the joint resolution referred to is on the Calendar? Has it been reported from any committee?

The VICE-PRESIDENT. It is on the table Calendar.

Mr. LODGE. Yes, Mr. President; but I do not refer to the table Calendar. Has it been reported from any committee?

The VICE-PRESIDENT. It has not been reported from any committee.

Mr. LODGE. Then I do not see how a motion to proceed to its consideration would be in order.

Mr. ALDRICH. The Senator from Oklahoma asks unanimous consent.

Mr. LODGE. Oh, he asks unanimous consent. I beg the Senator's pardon.

Mr. OWEN. No; I do not ask unanimous consent. I move that the Senate proceed to its consideration. I ask for a vote of the Senate on that motion, and call for the yeas and nays.

Mr. KEAN. Does the Senator from Oklahoma occupy the floor for any such purpose?

The VICE-PRESIDENT. The Senator from Oklahoma has the floor.

Mr. OWEN. I had the floor, and have it now.

Mr. KEAN. But for no such purpose.

The VICE-PRESIDENT. The Senator from Oklahoma has the floor in his own right, and he has moved that the Senate proceed to the consideration of the joint resolution which he has been discussing.

Mr. OWEN. And on that I call for the yeas and nays.

Mr. DEPEW. Mr. President, I offer an amendment to the joint resolution.

Mr. OWEN. Do I understand the Senate has now proceeded to the consideration of the joint resolution?

The VICE-PRESIDENT. The joint resolution has not been by vote of the Senate taken up for consideration.

Mr. DEPEW. I offer a proposed amendment.

Mr. LODGE. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I do not see how any joint resolution can be put before the Senate, except by unanimous consent, unless it has received two readings on separate days, as required by the rule.

Mr. OWEN. It has been read on two days, and I had it read this morning.

Mr. LODGE. It has never had a reading and a reference—never.

Mr. OWEN. The joint resolution was read twice on May 21 and laid on the table.

Mr. BEVERIDGE. Will the Senator from New York yield to me for a moment?

Mr. OWEN. The Senator from New York has not the floor.

Mr. BEVERIDGE. Then I will ask if the Senator from Oklahoma will yield to me, in order that I may ask the Senate to pass a bill now?

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. With pleasure.

Mr. BEVERIDGE. I now renew my request for the immediate consideration of the bill which I send to the Secretary's

desk. It will occasion no discussion, and it will take only a moment for it to be read.

Mr. KEAN. Let us get through with this matter first.

Mr. BEVERIDGE. There will be no objection to this bill.

Mr. GALLINGER. I must object to the request. The bill has never been considered by the Senate in any way.

Mr. BEVERIDGE. Very well, I will withdraw the request.

The VICE-PRESIDENT. The Chair is of the opinion that the matter presented by the Senator from Oklahoma [Mr. OWEN] is for the Senate to determine.

Mr. OWEN. I call for the yeas and nays, Mr. President.

Mr. HALE. Mr. President, pending that motion I move that the joint resolution be referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The Senator from Maine moves that the joint resolution be referred to the Committee on Privileges and Elections.

Mr. OWEN. On that I call for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded to his name.

Mr. GORE. I should like to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Oklahoma will state his parliamentary inquiry.

Mr. GORE. Would it be in order to move to amend the motion made by the Senator from Maine by coupling with it an injunction instructing the committee to report back the joint resolution forthwith in favor of its passage, or to report it back forthwith, although I should like to know how long that means?

The VICE-PRESIDENT. Under the rule, instructions may be added to a motion to commit.

Mr. GALLINGER. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire will state his question of order.

Mr. GALLINGER. The name of the Senator from Rhode Island [Mr. ALDRICH] was called, and he answered to his name. Therefore the call must proceed.

Mr. ALDRICH. I voted "yea."

The VICE-PRESIDENT. The Chair did not hear the vote. No amendment to the motion would now be in order. The suggested amendment of the Senator from Oklahoma [Mr. GORE] comes too late. The Secretary will resume the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the senior Senator from Missouri [Mr. STONE]. I will transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the Senator from Iowa [Mr. DOLLIVER] and vote. I vote "yea."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I transfer that pair to the Senator from Delaware [Mr. DU PONT] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILMAN], which I transfer to the Senator from Connecticut [Mr. BULKELEY] and vote. I vote "yea."

Mr. FOSTER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. FRAZIER (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. KITTREDGE]. In his absence I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent, and therefore I withhold my vote. If he were present, I should vote "nay."

Mr. DEPEW (when Mr. PLATT's name was called). I desire to announce that my colleague [Mr. PLATT] is paired with the Senator from Florida [Mr. MILTON].

Mr. SCOTT (when his name was called). I have a pair with the senior Senator from Florida [Mr. TALIAFERRO]. He is not in the Chamber, and I therefore withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not see him in the Chamber. I will transfer that pair to the junior Senator from Maine [Mr. FRYE], and vote. I vote "yea."

The roll call was concluded.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON], and therefore withhold my vote.

Mr. SMITH of Maryland. I desire to announce that my colleague [Mr. RAYNER] is paired with the Senator from Indiana [Mr. HEMENWAY].

The result was announced—yeas 33, nays 20, as follows:

## YEAS—33.

Aldrich	Clark, Wyo.	Hale	Richardson
Allison	Crane	Heyburn	Smith, Md.
Bacon	Cullom	Hopkins	Stewart
Baukhead	Depew	Kean	Warner
Brandegee	Dick	Knox	Warren
Briggs	Dillingham	Lodge	Wetmore.
Burnham	Foraker	Long	
Burrows	Gallinger	Nelson	
Carter	Guggenheim	Penrose	

## NAYS—20.

Ankeny	Dixon	Newlands	Piles
Beveridge	Gore	Owen	Simmons
Borah	Johnston	Overman	Smith, Mich.
Brown	La Follette	Paynter	Stephenson
Clapp	McCreary	Perkins	Teller

## NOT VOTING—39.

Bailey	Dolliver	Hansbrough	Platt
Bourne	du Pont	Hemenway	Rayner
Bulkeley	Elkins	Kittredge	Scott
Burkett	Flint	McCumber	Smoot
Clarke, Ark.	Foster	McEnery	Stone
Clay	Frazier	McLaurin	Sutherland
Culbertson	Frye	Martin	Tallaferrro
Curtis	Fulton	Milton	Taylor
Daniel	Gamble	Money	Tillman
Davis	Gary	Nixon	

So the joint resolution was referred to the Committee on Privileges and Elections.

Mr. DEPEW. I offer the amendment I send to the desk, and ask that it be read, printed, and referred to the Committee on Privileges and Elections.

Mr. HALE. The whole subject has been referred to the Committee on Privileges and Elections. The Senator, of course, by unanimous consent, can have his amendment read and referred to that committee.

Mr. DEPEW. Let it be referred with the joint resolution.

Mr. HALE. That is all right.

The VICE-PRESIDENT. The Senator from New York asks that the amendment proposed by him may be read. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Without objection, the amendment will be referred to the Committee on Privileges and Elections.

Mr. DEPEW. I ask that it be referred with the joint resolution.

Mr. HALE. I call for the regular order.

Mr. PENROSE. I ask unanimous consent to offer an amendment to the joint resolution.

Mr. HALE. I yield to the Senator.

Mr. PENROSE. I offer an amendment to the joint resolution, which I ask to have read and referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Article XVI. The Senate of the United States shall be composed of two Senators from each State, and each State shall have additional Senators in proportion to its population, based upon a proportionate excess of population beyond that of the State having the lowest population in the last decennial census, but no State shall have more than fifteen Senators.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Privileges and Elections.

## AFFAIRS IN THE TERRITORIES.

Mr. HALE, Mr. OWEN, and Mr. NEWLANDS addressed the Chair.

The VICE-PRESIDENT. The Senator from Maine.

Mr. HALE. I call for the regular order.

Mr. BEVERIDGE. Mr. President—

Mr. HALE. I yield to the Senator from Indiana.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. I have yielded to the Senator from Indiana.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 21957) relating to affairs in the Territories. It will require no discussion, and it is necessary that the bill be passed now.

Mr. OWEN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Oklahoma will state his parliamentary inquiry.

Mr. OWEN. Was the Senator from Oklahoma taken from the floor by the vote?

Mr. GALLINGER. He was.

Mr. HALE. Undoubtedly.

Mr. GALLINGER. The Senator and his joint resolution, both.

Mr. HALE. The Senator went with his joint resolution.

Mr. OWEN. He wants to follow the joint resolution—

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21957) relating to affairs in the Territories.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. ALDRICH. Mr. President, is the bill before the Senate?

The VICE-PRESIDENT. The bill is being read for the information of the Senate, at the request of the Senator from Indiana, who has asked unanimous consent for its present consideration.

The Secretary resumed the reading of the bill.

Mr. CLAPP. Mr. President, I submit that it is impossible to hear the reading of the bill. It is a long bill and it should be read carefully and should be heard.

Mr. GALLINGER. It is a good bill.

Mr. BEVERIDGE. I will say that practically all of this bill has been passed. I will simply say, in reply to the Senator from Minnesota about reading the bill carefully, that the bill consists of a number of bills which have heretofore passed the Senate, having been read three times.

The reading of the bill was resumed and concluded.

The bill had been reported from the Committee on Territories with amendments.

The VICE-PRESIDENT. If there be no objection to the consideration of the bill, it is before the Senate as in Committee of the Whole, and the amendments of the committee will be stated in their order.

The SECRETARY. On page 3, lines 6 and 7, strike out the words "a facsimile of;" and before the word "signature," in line 7, insert the word "written."

Mr. CLAY. I was not aware that unanimous consent had been given to consider the bill. Has unanimous consent been given?

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLAY. Is it a House or a Senate bill?

The VICE-PRESIDENT. It is a House bill.

Mr. CLAY. From what committee does it come?

The VICE-PRESIDENT. It was reported from the Committee on Territories.

Mr. ALDRICH. The Senator from Indiana [Mr. BEVERIDGE], who is now absent from the Senate, says the bill has passed the Senate in the form of various bills.

Mr. CLAY. It contains a good many different propositions.

Mr. ALDRICH. They have all been considered by the committee, I think.

Mr. CLAY. The Senator from Vermont [Mr. DILLINGHAM] is a member of the committee, I believe, from which the bill came. Is that correct?

Mr. DILLINGHAM. Yes.

Mr. CLAY. Was the bill unanimously agreed to by the committee?

Mr. DILLINGHAM. It was.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLAY. I believe I will let it go through.

Mr. KEAN. A part of it was agreed to by the committee. The part relating to Hawaii was not agreed to by the Committee on Territories.

Mr. DILLINGHAM. Then I will modify my statement.

Mr. CLAY. May I ask the Senator from New Jersey what was the feature disagreed to?

Mr. KEAN. Several amendments were proposed to the bill in committee and the Secretary was beginning to report the committee amendments. Some of them are very proper. Others I do not think are so proper.

Mr. CLAY. Where everyone seems to be agreed about it, although it is a right serious matter to undertake legislation in the closing days of the session—

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?



Mr. ALDRICH. The Senator from Indiana was called from the Chamber unexpectedly, and in his absence I hope the Senator from Georgia will not object to its present consideration.

Mr. CLAY. The most dangerous legislation we ever had in this country was passed in the last days of a session of Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CARTER. Is any member of the committee prepared to give explanations concerning the bill? I heard that the Senator in charge of it left the Chamber.

Mr. ALDRICH. He was obliged to leave.

Mr. CARTER. I should like some explanation.

Mr. HALE. Of course, if the Senator objects, that is the end of it.

Mr. CARTER. I do not wish to be understood as objecting, but I should like to inquire what was the purpose of the committee in repealing section 1955 of the Revised Statutes, which authorizes the President of the United States to prohibit the importation of firearms into the District of Alaska. That section is of some use, I assume, so far as the Indian tribes are concerned, and there should be some restriction in that behalf permitted. As I understand it, that section is entirely repealed.

I observe also that on page 11 a portion of the act relating to the civil government for Alaska, approved in 1884, is likewise repealed, after the word "provided," in section 14. I do not find any word "provided" in section 14. Consequently the reference seems to be inaccurate.

Mr. HALE. The Senator from Indiana, in charge of the bill, was called away, stating that there would be no objection to the details of the bill, and it was understood when the Senate took it up. Of course if there are real objections to the bill and Senators interpose those objections, it can not be passed; but otherwise I think in good faith we are bound to proceed with the consideration of the bill until it is disposed of.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Kansas?

Mr. HALE. Yes.

Mr. CURTIS. I have no desire to object to the bill, but I should like some explanation of the paragraph on page 5, where the word "white" is used before the words "male and female citizens over the age of 21 years," in reference to consent to the sale of intoxicating liquor.

Mr. HALE. Perhaps the Senator from Vermont [Mr. DILLINGHAM] can explain that. He is a member of the committee.

Mr. LONG. The Senator from New Jersey [Mr. KEAN] is also a member of the committee.

Mr. ALLISON. So is the Senator from Minnesota [Mr. NELSON].

Mr. HALE. And the Senator from Minnesota also.

Mr. NELSON. The chairman of the committee, after calling up the bill, left the Chamber. I supposed he would take charge of the bill, and for that reason I am not prepared to explain it.

Mr. HALE. The bill is in the hands of the Senate.

The VICE-PRESIDENT. Is there objection to its consideration?

Mr. KEAN. I am a member of the Committee on Territories. I had no idea that the bill repealed any of the statutes the Senator from Montana referred to, and I do not think the committee ever had it called to their attention. If that is the case—

Mr. CARTER. On further examination I find that the portion which repeals the act of 1884 repeals merely the proviso in the act which prohibited the importation of intoxicating liquors into the district. That, of course, will be in conflict with the terms of this bill, which seems to provide a local-option law in lieu of a prohibitory law. Section 1955, however, of the Revised Statutes permits the President to prohibit the importation of firearms into Alaska. I suppose that by virtue of that authority it would permit him to prescribe the conditions under which such arms might be taken into the country.

Mr. HALE. Undoubtedly.

Mr. CARTER. I understand it to have always been a useful provision of law to permit some officer to prevent the passage of firearms, without restriction, into the Indian country. Whether it is wise to repeal that provision entirely, it being the only provision of the kind applicable to Alaska, is a question which calls for the deliberate judgment of the Senate. I do not wish to object to the bill. I merely call attention to that feature.

Mr. CLAY. I wish to call attention to this feature of the bill. I do not want to object to it, but it ought to be explained.

Mr. HALE. It is simply a question, after the statement which has been made of the occasion of the Senator from Indiana

leaving the Chamber, whether any Senator objects to the consideration of the measure. If objection is made it will go over.

Mr. CLAY. I do not object to it, but I want to say—

Mr. HALE. The Senator may as well understand that there is nobody here who can explain it.

Mr. HOPKINS. I should like to ask the Senator from Maine, in view of the suggestions that have been made, whether he thinks it is advisable to press the bill to final consideration at this time?

Mr. HALE. That is for other Senators to determine. Any Senator by objecting can carry it over.

Mr. CURTIS. In order to save time I should like to object to the bill.

Mr. HALE. That ends it.

The VICE-PRESIDENT. Objection is made.

#### ORDER OF BUSINESS.

Mr. HALE. Mr. President, I want to make a statement as to the order of business, in which every Senator is interested. I am told that the conference committee on the public buildings bill has agreed to a final report. If that be so, the report can and will be presented early this evening.

Mr. WARREN. It will probably be here inside of fifteen minutes.

Mr. HALE. That is all the better. If that committee, and what the Senator says assures me of my statement, has finally agreed, the report can be submitted to this body either now or somewhat later in the evening. The great sundry civil appropriation bill has not been finally agreed to in conference. I think I may say that if the conference report on the public buildings bill is agreed to, with provisions which I am told are in it, the Senator from Iowa will be able later to report finally the sundry civil bill from the conference.

Mr. WARREN. May I interrupt the Senator?

Mr. HALE. Certainly.

Mr. WARREN. The conferees on the Military Academy bill are in full agreement and have just started to make their report, which, perhaps, would not come to-night, but it could come late to-night or early Monday morning.

Mr. HALE. I do not apprehend any difficulty with those bills. The reports of the conference committees will be agreed to in time. After that the bill yet to be disposed of is the deficiency appropriation bill.

Mr. CLAY. Will the Senator permit me to correct his statement?

Mr. ALDRICH. There is the post-office appropriation bill.

Mr. HALE. I am not speaking of all the bills in conference.

Mr. CLAY. I thought the Senator was referring to all pending between the two Houses.

Mr. HALE. When I come a little later to my proposition all those will be cared for. As to the deficiency bill, I may say there is an amendment in it adopted by the Senate giving entire control as to the appropriations to be made for the rest of the year for public buildings and grounds. The proposition which has been suggested from the House, and I think a wise and good one, is that the schedule and list of appropriations for the rest of the year under the public buildings bill, which has been agreed to, shall be incorporated in the deficiency appropriation bill under the amendment already put upon it by the Senate. That disposes of all these cases.

I wish Senators would bear in mind that the Committee on Appropriations in dealing with all these bills has spent days and Sundays and has not been obliged to ask the Senate what it has always done heretofore at the end of a session, to meet at night or at 11 o'clock. Neither of these things, under the course that the committee has taken, has been resorted to, nor has there been any need to have it resorted to. I have never known another instance in my experience where, in the last week, we have not met every day at 11 o'clock and that we have not had more or less night sessions.

If we have an evening session to-night, I believe this will be possible; to pass the public buildings bill, perhaps, before we take a recess; to pass the sundry civil appropriation bill and send it to the clerks for careful enrollment, upon which they must have twenty-four hours at least; to pass the deficiency appropriation bill before 9 o'clock, with the schedule and list of appropriations under the public buildings bill needed for the ensuing year.

Then, Mr. President, I think the Senate will be glad to agree unanimously to give the clerks an opportunity to enroll these bills, and the Senate may take a recess or adjourn to meet at 10 o'clock Monday, with an agreement that nothing but routine business, business between the two Houses and conference reports, shall be considered on Monday, and I will be willing to risk my reputation as a guesser that we could adjourn before 2 o'clock on Monday.

Now, I do not think that an unreasonable programme. I do not think it unreasonable to believe that it can be carried out. But, first, if the Committee on Public Buildings and Grounds is ready to report, we can take their report before we take a recess, and after that we can take a recess, and that will be the only evening session that will be asked for the first session of this Congress.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Rhode Island?

Mr. HALE. With pleasure.

Mr. ALDRICH. I suggest that there is some important executive business that ought to be transacted, and we might now go into executive session and then come out again and take up these matters.

Mr. HALE. I think that is a very good suggestion.

Mr. DILLINGHAM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Vermont?

Mr. HALE. I yield to the Senator.

#### MEMORIAL ADDRESSES ON THE LATE SENATOR PROCTOR.

Mr. DILLINGHAM. Mr. President, I wish to give notice that on Saturday, December 12 next, after the conclusion of the morning business, I will present resolutions of respect to the memory of REDFIELD PROCTOR, late a Senator from Vermont in this body, and ask that the other business of the Senate be laid aside to enable his associates to pay proper tribute to his character and distinguished public service.

#### PARLIAMENTARY PRACTICE OF SENATE.

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Chief Clerk be authorized to prepare a digest of the precedents and decisions on points of order in the parliamentary practice of the Senate, with a full index, and that 1,000 copies be printed and bound for the use of the Senate.

#### ELECTION OF SENATORS.

Mr. FORAKER. I ask that 20,000 copies of Senate Document No. 406, Fifty-seventh Congress, first session; Senate Document No. 323, Fifty-ninth Congress, second session, and Senate Document No. 232, Fifty-ninth Congress, first session, being papers relating to the election of Senators by direct vote of the people and containing the speech of Hon. George F. Hoar, of Massachusetts, in the Senate of the United States, Thursday and Friday, April 6 and 7, 1903, be printed as one document, to be entitled "Papers Relating to the Election of Senators by Direct Vote of the People."

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GORE. In that connection I ask that a speech delivered on March 23, 1897, by the Senator from Indiana, Mr. Turple, proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States, together with Senate Document No. 454, Sixtieth Congress, first session, being a memorial presented by my colleague [Mr. OWEN] relative to amending the Constitution of the United States, be printed as a document, and that 20,000 extra copies be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS. Mr. President, I ask the Senator from Maine to yield to me for a few moments to make a statement regarding House bill 21899, relating to the inland waterways. I have been for a week past in constant attendance in the Senate with a view to securing consideration of this bill. I have several times asked for unanimous consent for its consideration, but objection has been made. At one time I moved consideration, but a conference report on the public buildings bill was pressing for consideration, and many Senators who were favorable to the waterways bill voted against its consideration at that time lest it should postpone agreement on the public buildings bill. It has since been my constant purpose to move the Senate to immediately consider it, but conference and other privileged reports have prevented.

Mr. HALE. I can not yield to the Senator to make that motion now.

Mr. NEWLANDS. Will the Senator yield to me for a statement?

Mr. HALE. Yes; but I do not yield for any motion, because to carry out the real business before the Senate we have to go on with the appropriation bills. I yield to the Senator for a statement.

Mr. NEWLANDS. Mr. President, it is my purpose at as early a time as possible to move that the Senate proceed to the consideration of House bill 21899, providing for the appointment of an Inland Waterways Commission.

Mr. HALE. I did not yield for the Senator to make any motion.

Mr. NEWLANDS. I understand that. I understand that the Senator now simply yields to me for a statement, and I am simply stating what my purpose is.

I do not propose now to make a motion for the consideration of the bill. I wish, however, as there is some confusion in the minds of Senators regarding these various bills relating to waterways, to make a statement in reference to this particular bill, and it will involve a short history of the course of legislation upon this subject.

I will state, in the first place, that last spring a year ago the President, yielding to the request of numerous commercial organizations throughout the country, determined to appoint an Inland Waterways Commission, consisting of nine members, with a view to preparing a comprehensive plan for the development of the waterways of the country. In his letter to those whom he requested to serve upon the Commission he stated the great importance of the question, the pressing nature of the demand for legislation, and the desirability of having a broad and comprehensive plan upon this subject.

That Commission, of which I am a member, entered upon the discharge of its duties a year ago, and during the last summer visited every section of the country, either in entirety or through the action of part of its members. Last fall it met for the purpose of deliberating upon this question, with a view to making a recommendation. Before they had proceeded far in their deliberations I introduced in the Senate a bill, Senate bill No. 500, which represented simply my individual views upon this subject, and I am inclined to think that many Senators are of the opinion that that is the bill which I am now urging for the consideration of the Senate. That bill presented a full and comprehensive plan and proposed to provide a fund of \$50,000,000.

It gave the Commission ample powers, not only for the examination and survey of all various projects, but also for entering upon the projects. It provided for the coordination of the various scientific services of the United States relating to waterways and also provided for cooperation with the States, municipalities, corporations, and individuals.

That bill was referred to the Committee on Commerce and was by it referred to a subcommittee, and by that subcommittee referred to the Secretary of War for his opinion and to the Inland Waterways Commission for its opinion, and both the Secretary of War and the Inland Waterways Commission approved of the bill in its main features.

The letters of the Secretary of War and the Inland Waterways Commission were as follows, the essential part being quoted:

COMMITTEE ON COMMERCE, UNITED STATES SENATE—LETTERS OF THE SECRETARY OF WAR AND CHAIRMAN OF INLAND WATERWAYS COMMISSION RELATIVE TO S. 500.

WAR DEPARTMENT,  
Washington, April 17, 1908.

Respectfully returned to the chairman of the Senate Committee on Commerce, inviting attention to specific suggestions as follows:

1. Certain provisions of this bill (S. 500, 60th Cong., 1st sess.) are in accord with the suggestion of an Inland Waterways Commission appointed by the President on March 14, 1907, of a plan for obtaining information concerning our waterways as related to the general welfare. The policies and general plans of this Commission were submitted to the President on February 3 last in the form of a preliminary report, which report was transmitted to the Congress on February 26 with a message approving the recommendations.

2. The bill carries the following provisions which render it worthy of careful attention.

(a) It provides for coordination between navigation and other uses of the waters in connection with their improvement for the promotion of commerce among the States. This provision is fully explained in the preliminary report of the Waterways Commission. It is recognized by the War Department as wise and necessary.

(b) The bill provides for cooperation with States, municipalities, communities, corporations, and individuals. This provision seems to be based on the constantly increasing utilization of the streams, not only for navigation, but for other purposes, which has accompanied extension of settlement and increase of population. With sparse settlement, largely confined along waterways, there was little overlapping or conflict of interests connected with the running waters; but with the present comparatively dense population not only all uses of the streams but all conflicting interests must be brought into harmony in order that the waterways may be made generally beneficial. This can not be done without careful regard for the interests of all the people and for all the lawful means that may be employed to protect them. The aim appears to be that of promoting union of interest through mutually beneficial cooperation, and thus meeting the requirements of our growing population and increasing industries. This feature is recognized by the War Department as highly desirable.

(c) The bill provides for correlating the existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor through certain powers vested in the President. The need for some such plan is sufficiently shown by the fact that while this country is better endowed with waterways than any other, our streams are less used for navigation and other public purposes than those of other countries. Since this provision touches duties placed on the War Department by law, it has received careful consideration. It does not appear that the measure would interfere with the functions of the War Department, or with the continuation and extension of the engineer-



ing work now performed there, but it is believed that the provision for administration would tend to promote the general welfare. Accordingly, this feature meets the approbation of the War Department.

(d) The bill provides for the utilization and control of water power available in navigable and source streams developed by works for improving navigation. Under statutory provisions for the granting of rights connected with navigable streams, which have been often repeated and sustained by the courts, the War Department has exercised the power to regulate the use of the water of navigable streams for power purposes developed incidentally by improvements intended to promote navigation. It is the policy of the Department to extend such control, and thereby protect the public interests by limitation of the term and manner of use of leases, by reasonable charges for the benefits conferred, and by any other means found requisite from time to time. A continuation of such control is essential to the policy of coordination and cooperation made necessary by the conditions that have arisen with the growth of population and increase of industries. Accordingly this feature of the measure is regarded as in accordance both with established custom and with current needs.

(e) The bill provides also for the initiation of projects by a board of experts. These provisions affect the work of the War Department and have had careful consideration. Suitable provisions for expert initiation and prompt execution are essential to the proper development of any system of river improvement. The chief defect in the methods hitherto pursued lies in the absence of executive authority for originating comprehensive plans covering the country or natural divisions thereof.

The creation of an Inland Waterways Commission for the purpose of initiating plans for the improvement of waterways seems to me a more effective way of a general plan for the improvement of all the waterways in the country than under the present provisions of law. This would not dispense with the admirable machinery furnished by the War Department for the improvement of waterways when the plan has been determined upon and is to be executed. But it supplies what does not exist in the law now—a tribunal other than Congress charged with the duty of originating and developing a satisfactory plan.

(f) The present bill confers very great powers upon the Commission to be appointed, because it provides the money with which this Commission may execute the plans which it adopts. How far, if at all, this great power should be limited this Department expresses no opinion.

(g) In connection with the method of administration provided for the bill makes proper provision for guarding expenditures and reporting operations.

3. In its present form the bill might be construed to curtail indirectly certain functions of the War Department, which is now charged with large discretion in waterway affairs. Possible ambiguity on this point should be removed. The present arrangement began with the creation of the War Department, when the Federal Government was organized in 1789. It was not changed when the Navy Department was instituted nine years later nor when the civilian Department of the Interior was established in 1849; and the records pertaining to the administration of the waterways are kept in the War Department in the custody of the Chief of Engineers of the Army. Under the same long-standing arrangement it is the policy of the War Department to maintain a trained body of military engineers with a view to the national defense, and to keep these engineers in training in time of peace by detail to civil duty allied to their professional duty in time of war or military preparation; and it was carrying out this policy that the functions of the War Department pertaining to waterways have been more and more largely entrusted to the engineers of the Army during the one hundred and ten years since the Army and Navy were separated in distinct Departments. This policy has long been sustained by the Congress, although the military engineers have been prohibited from initiating projects or originating plans for meeting the growing needs of commerce. It is desirable to continue the policy of keeping the military engineers in training and at the same time rendering their skilled service available in work on waterways, although it is not necessary to vest them with the power of initiative, which they have not exercised in the past and which is, perhaps, inconsistent with their primary duty in connection with the military establishment of which they form a part. A provision that the Chief of Engineers of the Army shall be a member of the Commission proposed to be created, and a further provision specifically covering the detail of military engineers to the service of the Commission whenever such detail shall be consistent with their military duties, would remove any possible ambiguity and would be in accord with the custom and policy of the War Department.

4. I respectfully suggest certain changes in the form of the bill to meet constitutional and legal objections which have occurred to me. These relate to (a) the general authority of Congress over inland waterways in connection with navigation; (b) the specific authority over collateral works for purposes incidental to the improvement of navigation; (c) the reservation to the Government of the control over such collateral works now conferred upon it by law.

WM. H. TAFT,  
Secretary of War.

UNITED STATES INLAND WATERWAYS COMMISSION,  
Washington, D. C., April 20, 1908.

The COMMITTEE ON COMMERCE,  
United States Senate:

The bill providing for the appointment of an Inland Waterways Commission, and for other purposes (S. 500, 60th Cong., 1st sess.), referred to the Commission on April 18, was taken under consideration at a session of the Commission on that date, and conclusions were reached as follows:

"1. Several of the leading provisions of the bill are in accord with the recommendations of the Commission in a report submitted on February 3 last and transmitted to the Congress by the President on February 26. Among these are (a) the provision for coordination of navigation with related uses of the waters; (b) the provision for cooperation between the Federal Government, States, municipalities, communities, corporations, and individuals; (c) the provision for correlating existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor in such manner as to secure effective administration; and (d) the provisions looking toward the control of running waters in such manner as to protect and promote navigation. In so far as these provisions are concerned, the bill has the unqualified approbation of the Commission.

"2. Another leading feature of the bill is the provision for a waterway fund. This is consistent with the recommendation of the Commission 'that the Congress be asked to make suitable provision for improving the waterways of the United States at a rate commensurate with the needs of the people as determined by competent authority'; yet at this time, as at the time of preparing and submitting the report, the Commission is of opinion that the specific mode of providing means for improving and promoting navigation should be left to the wisdom of the Congress.

"3. The general purpose of the bill is in harmony with the comprehensive plan for improving and developing the waterways of the country framed by the Commission and approved by the President in his message of February 26 last."

Respectfully submitted.

THEODORE E. BURTON, Chairman.

W J MCGEE, Secretary.

UNITED STATES INLAND WATERWAYS COMMISSION,  
Washington, D. C., April 21, 1908.

The COMMITTEE ON COMMERCE,  
United States Senate:

In expressing the opinion of the Inland Waterways Commission concerning the Newlands bill (S. 500, 60th Cong., 1st sess.) yesterday the fact was inadvertently overlooked that Commissioner Alexander Mackenzie, brigadier-general, United States Army, Chief of Engineers, dissents from the views of the other Commissioners, both on general policy and on specific provision, his opinion being expressed in a minority report appended as a supplement to the preliminary report of the Commission submitted to the President on February 3 and transmitted to the Congress with the Executive approval on February 26.

Respectfully submitted.

THEODORE E. BURTON, Chairman.

W J MCGEE, Secretary.

The portion of the report of the Inland Waterways Commission (60th Cong., 1st sess., S. Doc. 325) referred to in the above letter of the Commission is as follows:

1. We recommend that the Congress be asked to authorize the coordination and proper development of existing public services connected with waterways; and we suggest that such enactment might provide that the President of the United States be authorized, with the advice and consent of the Senate, to appoint and organize a National Waterways Commission to bring into coordination the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service in so far as their work relates to inland waterways, and that he be authorized to make such details and require such duties from these branches of the public service in connection with navigable and source streams as are not inconsistent with law; the said Commission to continue the investigation of all questions relating to the development and improvement and utilization of the inland waterways of the country and the conservation of its natural resources related thereto, and to consider and coordinate therewith all matters of irrigation, swamp and overflow land reclamation, clarification, and purification of streams, prevention of soil waste, utilization of water power, preservation and extension of forests, regulation of flow and control of floods, transfer facilities and sites and the regulation and control thereof, and the relations between waterways and railways; and that the Commission be empowered to frame and recommend plans for developing the waterways and utilizing the waters, and as authorized by Congress to carry out the same, through established agencies when such are available, in cooperation with States, municipalities, communities, corporations, and individuals, in such manner as to secure an equitable distribution of costs and benefits.

The dissenting part of General Mackenzie's supplementary report is as follows:

5. I can not, however, agree with the recommendation for the establishment at this time of a permanent inland-waterways commission, vested with the authority indicated, in addition to or as a substitute for the existing Commission. Until this Commission shall have fully carried out the duties allotted to it and prepared a comprehensive plan for the improvement and control of the river systems of the United States, or at least until such work is more advanced and results more thoroughly considered, I believe a recommendation for so radical a departure in the methods of planning and executing the improvement of waterways as that proposed is at least premature.

6. Moreover, it is my belief that further investigation will demonstrate that when this Commission shall have completed its labors all necessary cooperation can be secured, and all work proposed for the permanent commission can be equally well provided for by the existing agencies of the Government, and that through such agencies, without the interposition of a permanent commission, improvement of waterways and attention to allied subjects will be more promptly accomplished. While fully appreciating the importance of having general principles and schemes considered and recommended by a commission, as is now being done and as will continue to be done, I have grave fear that the scheme of operations recommended in connection with the proposed permanent commission would be found to be impracticable.

A. MACKENZIE,  
Brigadier-General, Chief of Engineers.

My individual supplementary report is as follows:

SUPPLEMENTARY REPORT OF COMMISSIONER SENATOR FRANCIS G. NEWLANDS.

I concur in the report of the Commission, but desire to emphasize my belief that it is of the highest importance that in dealing with subjects relating to the respective powers, rights, and interests of the nation, States, municipalities, corporations, and individuals, large powers and a comparatively free hand should be given to an administrative body of experts in the full development of projects, lest the complexity of the transactions, the time necessary to secure Congressional approval, and difference of view as to purpose or method, may result in indecision and delay, the worst enemies of effective development.

An ample fund should be provided, to be reinforced from time to time either by legislative appropriation or by bond issue, and the administrative board or commission should be given the power, not only to investigate projects, but also, when determined to be feasible, to enter, with the approval of the President, upon their immediate

execution; but the power should be limited so as to prevent such administrative body from entering into any contract unless there are sufficient unappropriated moneys in the fund to meet the cost thereof.

Unless some method of construction and development, insuring prompt decision and execution and continuous and consecutive work by a body of experts is adopted, I fear that the best of projects may be wrecked in the shoals and quicksands of legislation.

FRANCIS G. NEWLANDS.

The committee print of the bill, with the amendments suggested by Secretary Taft in italics, is as follows:

*Be it enacted, etc., That a special fund shall be established in the Treasury, to be known as the inland waterway fund, to be used in the examination and survey for and the development of the navigable inland waterways of the United States for the purpose of regulating, improving, and protecting interstate and foreign commerce; and the sum of \$50,000,000 is hereby reserved, set aside, and appropriated as such fund.*

SEC. 2. That the President of the United States is hereby authorized to cause to be made examinations and surveys for the development of the navigable inland waterways of the country, including the Great Lakes, the Mississippi River and its tributaries, the navigable rivers of the Gulf of Mexico and their tributaries, the navigable rivers of the Atlantic coast and their tributaries, the navigable rivers of the Pacific coast and their tributaries, and for the connection of such rivers with each other, wherever practicable and desirable, by connecting canals and by coastal canals, with a view to the promotion of transportation between such rivers by vessels of a standard draft; and to investigate all questions relating to the development and improvement of the inland waterways of the country, with a view to the promotion of interstate and foreign commerce; in connection therewith and in aid thereof to consider and coordinate the questions of irrigation, swamp-land reclamation, clarification of streams, utilization of water power, prevention of soil waste, protection of forests, regulation of flow, control of floods, transfer facilities and sites and the control thereof, for the better regulation and protection of interstate and foreign commerce, and such other questions regarding waterways as are related to the development of rivers, lakes, and canals for the purposes of commerce.

SEC. 3. That in order to enable the President to make such examinations, surveys, and investigations, and to construct the works provided for by this act, he is authorized to appoint an Inland Waterway Commission, to be composed of \_\_\_\_\_ members, and to bring in coordination therewith the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service related to waterways, and to appoint such experts and other persons and create such board or boards in connection therewith as the work may require, and to fix the salaries, in addition to any other compensation received from the United States, of all commissioners, experts, and other persons employed under this act until the same have been fixed by Congress, the official salary of any official appointed or employed under this act to be deducted from the amount of salary or compensation fixed under the terms of this act.

SEC. 4. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all the moneys received and expended in the construction of works and in the performance of their duties in connection therewith, which reports shall be by the President transmitted to Congress; and such Commission shall furthermore give to either House of Congress such information as may at any time be required either by act of Congress or by order of either House of Congress.

The President shall cause to be leased or otherwise provided for the use of the Commissioners and other employees under this act such offices in the District of Columbia and elsewhere as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of their duties.

SEC. 5. That if after such examination, survey, and estimate, such Commission shall determine that any project for the improvement or construction of an inland waterway or coastal waterway is practicable and desirable for the better regulation, protection, and development of interstate and foreign commerce, it may, with the approval of the President and through the appropriate service, construct or execute, or cause to be let, contracts for the construction or execution of the same, in such portions or sections as it may be practicable to construct and execute as parts of the whole project: *Provided*, That the necessary moneys therefor are available in the inland waterway fund.

SEC. 6. That such projects may include such collateral works for the irrigation of arid lands, for the reclamation of swamp lands, for the conservation or replacement of forests, for the clarification of streams, and for the utilization of water power as may be deemed advisable in aid of and in connection with the development of a channel for navigation or as aiding in a compensatory way in the diminution of the cost of such project.

SEC. 7. That such Commission is authorized, with the approval of the President, and under such regulations and conditions as he may prescribe for the protection and future interests of the Government and people of the United States, to enter into cooperation with States, municipalities, communities, corporations, and individuals in such collateral works, and to make arrangements for the proportionate payment of the cost thereof out of the inland waterway fund and by the States, municipalities, communities, corporations, and individuals benefited thereby, in such manner as to secure an equitable distribution of the costs and benefits: *Provided*, That the cost of such collateral works to be paid by the United States shall be paid, if practicable, out of funds provided therefor by Congress, but if sufficient provision therefor is not specially made by Congress, such Commission is authorized to pay for the same out of the inland waterway fund, but the total payments made on account of such collateral works from such inland waterway fund shall not exceed 10 per cent thereof, and provision shall be made, as far as practicable, for the reimbursement to such fund of such payments by the States, municipalities, corporations, or individuals benefited thereby: *And provided also*, That the inland waterways developed shall remain free for all the uses of navigation.

SEC. 8. That such Commission shall make, with the approval of the President, rules and regulations governing the cooperation and compensation to the fund, wherever practicable, by the conveyance of reclamation rights, the lease of water power, and such other means as may be beneficial to the United States and the several States, municipalities, communities, corporations, and individuals entering into such cooperation.

SEC. 9. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the projects contemplated under this act among the several waterway systems of the country.

SEC. 10. That the President is authorized, whenever the inland waterway fund is reduced below \$20,000,000, to make up the deficiency in such fund by the issue and sale of bonds in such amount and for such time as he shall deem advisable, bearing interest at a rate not exceeding \_\_\_\_\_ per cent per annum; but the amount of bonds issued shall not at any time exceed the difference between the cash on hand in such fund and \$50,000,000.

The bill was then considered by the subcommittee, which inserted in addition to the amendments suggested by Secretary Taft certain amendments of its own, and then reported the same favorably to the full committee. The bill as reported by the subcommittee, with the amendments in italics, is as follows:

*Be it enacted, etc., That a special fund shall be established in the Treasury, to be known as the inland waterway fund, to be used in the examination, survey, and development of the navigable inland waterways of the United States for the purpose of regulating, improving, and protecting interstate and foreign commerce; and the sum of ten million dollars is hereby reserved, set aside, and appropriated as such fund.*

SEC. 2. That the President of the United States is hereby authorized to cause to be made examinations and surveys for the development of the navigable inland waterways of the United States, including the Great Lakes, the Mississippi River and its tributaries, the navigable rivers, bays, and sounds of the Gulf of Mexico and their tributaries, the navigable rivers, bays, and sounds of the Atlantic Coast and their tributaries, the navigable rivers, bays, and sounds of the Pacific coast and their tributaries, and for the connection of such rivers, lakes, bays, and sounds with each other, wherever practicable and desirable, by connecting canals and by coastal canals, with a view to the promotion of transportation between such waterways by vessels of a standard draft; and to investigate all questions relating to the development and improvement of the inland waterways of the United States, with a view to the promotion of interstate and foreign commerce; in connection therewith and in aid thereof to consider and coordinate the questions of irrigation, swamp-land reclamation, clarification of streams, utilization of water power, prevention of soil waste, protection of forests, regulation of flow, control of floods, transfer facilities, and sites and the control thereof, for the better regulation and protection of interstate and foreign commerce, and such other questions regarding waterways as are related to the development of rivers, lakes, and canals for the purposes of commerce and navigation.

SEC. 3. That in order to enable the President to make such examinations, surveys, and investigations, and to construct the works provided for by this act, he is authorized to appoint, by and with the consent of the Senate, an Inland Waterway Commission, to be composed of nine members, and to bring in coordination therewith the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service related to waterways, and to appoint such experts and other persons and create such board or boards in connection therewith as the work may require, and to fix the salaries, in addition to any other compensation received from the United States, of all commissioners, experts, and other persons employed under this act until the same have been fixed by Congress, the official salary of any official appointed or employed under this act to be deducted from the amount of salary or compensation fixed under the terms of this act. The chief of the Corps of Engineers of the Army shall be a member of such Commission, and the President is authorized to detail military engineers to the service of the Commission whenever such detail shall be consistent with their military duties.

SEC. 4. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all the moneys received and expended in the construction of works and in the performance of their duties in connection therewith, which reports shall be by the President transmitted to Congress; and such Commission shall furthermore give to either House of Congress such information as may at any time be required either by act of Congress or by order of either House of Congress.

The President shall cause to be leased or otherwise provided for the use of the commissioners and other employees under this act such offices in the District of Columbia and elsewhere as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of their duties.

SEC. 5. That if after such examination, survey, and estimate, such Commission shall determine that any project for the improvement or construction of an inland waterway or coastal waterway is practicable and desirable for the better regulation, protection, and development of interstate and foreign commerce, it may, when authorized by Congress, construct or execute, or cause to be let, contracts for the construction or execution of the same, in such portions or sections as it may be practicable to construct and execute as parts of the whole project: *Provided*, That the necessary moneys therefor are available in the inland waterway fund, or are otherwise appropriated by Congress.

SEC. 6. That such projects may include such collateral works for the irrigation of arid lands, for the reclamation of swamp lands, for the conservation or replacement of forests, for the clarification of streams, and for the utilization of water power as are in aid of navigation.

SEC. 7. That such Commission is authorized, with the approval of the President, and under such regulations and conditions as he may prescribe for the protection and future interests of the Government and people of the United States, to enter into cooperation with States, municipalities, communities, corporations, and individuals in such collateral works as will aid in improving the navigability of the rivers and other waterways of the United States, and to make arrangements for the proportionate payment of the cost thereof out of the inland waterway fund and by the States, municipalities, communities, corporations and individuals benefited thereby, in such manner as to secure an equitable distribution of the costs and benefits: *Provided*, That the cost of such collateral works to be paid by the United States shall be paid, if practicable, out of funds provided therefor by Congress, but if sufficient provision therefor is not specially made by Congress, such Commission is authorized to pay for the same out of the inland waterway fund, but the total payments made on account of such collateral works from such inland waterway fund shall not exceed 10 per cent thereof, and provision shall be made, as far as practicable, for the reimbursement to such fund of such payments by the States, municipalities, corporations, or individuals benefited thereby.



polities, communities, corporations, or individuals benefited thereby: And provided also, That the inland waterways developed shall remain free for all the uses of navigation.

Sec. 8. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the projects contemplated under this act among the several waterway systems of the United States.

Sec. 9. That the President is authorized, whenever the inland waterway fund is reduced below five million dollars, to make up the deficiency in such fund by the issue and sale of bonds bearing interest at a rate not exceeding 2 per cent per annum, payable semiannually and running for a period not exceeding thirty years.

This bill is now under consideration by the full committee.

Realizing, however, that there was not time for action at this session upon this bill, which presented a full and comprehensive plan, I introduced a lesser bill, Senate bill 7112, which simply provides for the continuance of the commission appointed by the President and for a small appropriation of \$20,000 for the expenses of the commission. That bill was amended by the Senate Committee on Commerce and reported favorably. The bill, with the amendments in italics, is as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to appoint an Inland Waterways Commission of not exceeding nine Commissioners, and to organize the same for the investigation of all questions relating to the development and improvement and utilization of the waterways of the United States with a view to navigation and the promotion of commerce among the States.

Sec. 2. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by order of the President, full and complete reports of all their acts and doings, which reports shall be by the President transmitted to the Congress.

Sec. 3. That the President shall cause to be provided for the use of such Commission and its employees under this act such offices in the District of Columbia and elsewhere and such equipment as may be necessary for the proper discharge of its duties.

Sec. 4. That to carry out the purposes of this act there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of \$20,000, to be expended under the direction of the President, but no part of said appropriation shall be paid for salaries of Commissioners, except a salary of not more than \$3,000 per annum for the secretary of the Commission.

Before this bill could be acted upon by the Senate, the House passed a bill, H. R. 21890, and upon its reference to the Senate Committee on Commerce I moved its substitution for Senate bill 7112 and a favorable report, but the committee preferred to amend it by the substitution of Senate bill 7112, and thus amended reported it favorably to the Senate. As amended it reads as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an Inland Waterways Commission of not exceeding nine Commissioners, and to organize the same for the investigation of all questions relating to the development and improvement and utilization of the waterways of the United States with a view to navigation and the promotion of commerce among the States.

Sec. 2. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by order of the President, full and complete reports of all their acts and doings, which reports shall be by the President transmitted to the Congress.

Sec. 3. That the President shall cause to be provided for the use of such Commission and its employees under this act such offices in the District of Columbia and elsewhere and such equipment as may be necessary for the proper discharge of its duties.

Sec. 4. That to carry out the purposes of this act there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of \$20,000, to be expended under the direction of the President, but no part of said appropriation shall be paid for salaries of Commissioners, except a salary of not more than \$3,000 per annum for the secretary of the Commission.

Mr. ALDRICH. Mr. President, I think I shall have to ask for the regular order.

Mr. NEWLANDS. I will be through in a few moments. I shall ask to embody in my remarks extracts from the various documents to which I have referred. Now, I come to a statement regarding Senate bill 7112.

Mr. SCOTT. Will the Senator from Nevada yield to me to make a report from a conference committee?

Mr. HALE. I have the floor.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. I yield to the Senator from West Virginia to make a conference report.

Mr. NEWLANDS. I will state to the Senator from West Virginia that I will be through in about three minutes, and it will be a great convenience to me if he will allow me to finish this statement, so that it may be consecutive.

Mr. SCOTT. Very well.

Mr. HALE. I will yield to the Senator from Nevada for a few moments, but I can not yield to anybody else, Mr. President.

Mr. NEWLANDS. The Senate committee substituted Senate bill 7112 for the one of the House, and that bill, therefore, simply provides not for the continuance of an existing commission, but for the appointment by the President of a commission of nine and for expenses not exceeding \$20,000.

Now, I wish to state to the Senate that at the very next session of Congress, which will be a short session, demands will be made upon Congress for the immediate authorization of pro-

jects of great importance, involving the expenditure of large sums of money; and it is of the highest importance that experts should frame a comprehensive plan for the execution of these projects. The President simply wishes this plan in order that, under his constitutional power, he may intelligently make a recommendation to Congress, and he asks information and aid in the discharge of that duty.

The President is a part of the law-making power through the power of recommendation and the power of veto, and that the Senate will certainly not deny to him the information which the Senate itself seeks through committees, experts, and other forms of procedure with reference to legislation which it proposes to enact. The mere purpose of this bill is to give the President the aid of the information of experts and to provide for moderate expenses, so that he can recommend to Congress a measure upon which Congress shall pass its judgment. I submit that this will vastly expedite the work of legislation in the future. The views of the President on this subject are given in his message to Congress (S. Doc. No. 325), dated February 26, 1908, transmitting to Congress the preliminary report of the Inland Waterways Commission.

The Commission was appointed to obtain information concerning our waterways as related to the general welfare. Much work was done, but more remains to be done before a plan for their development can be prepared in detail. We need additional information on the flow of our streams, the condition of channels, the amount of cost of water traffic, the requirements for terminals, the area in each watershed which should be kept under forest, and the means of preventing soil waste and the consequent damage to our rivers. But it is neither necessary nor desirable to postpone the beginning of the work until all the facts are obtained. We have suffered heavily in the past from the lack of adequate transportation facilities, and unless a beginning is made promptly we shall suffer still more heavily in the future.

Being without funds or an expert staff, the Commission has confined itself to principles affecting the whole problem and the entire country. Its report is a plea, in the light of actual facts, for simplicity and directness in dealing with the great problem of our inland waterways in the interest of the people. It submits no specific plans or recommendations concerning even the most important projects. The first of these of course concerns the Mississippi and its tributaries, whose commercial development will directly affect half our people. The Mississippi should be made a loop of the sea and work upon it should be begun at the earliest possible moment. Only less important is the Atlantic inner passage, parts of which are already under way. The inner passages along the Gulf coast should be extended and connected with the Atlantic waters. The need for the developing of the Pacific coast rivers is not less pressing. Our people are united in support of the immediate adoption of a progressive policy of inland waterway development.

Hitherto our national policy of inland waterway development has been largely negative. No single agency has been responsible under the Congress for making the best use of our rivers, or for exercising foresight in their development. In the absence of a comprehensive plan, the only safe policy was one of repression and procrastination. Frequent changes of plan and piecemeal execution of projects have still further hampered improvement. A channel is no deeper than its shallowest reach, and to improve a river short of the point of effective navigability is a sheer waste of all its costs. In spite of large appropriations for their improvement, our rivers are less serviceable for interstate commerce to-day than they were half a century ago, and in spite of the vast increase in our population and commerce they are, on the whole, less used.

The first condition of successful development of our waterways is a definite and progressive policy. The second is a concrete general plan, prepared by the best experts available, covering every use to which our streams can be put. We shall not succeed until the responsibility for administering the policy and executing and extending the plan is definitely laid on one man or group of men who can be held accountable. Every portion of the general plan should consider and so far as practicable secure to the people the use of water for power, irrigation, and domestic supply as well as for navigation. No project should be begun until the funds necessary to complete it promptly are provided, and no plan once under way should be changed except for grave reasons. Work once begun should be prosecuted steadily and vigorously to completion. We must make sure that projects are not undertaken except for sound business reasons, and that the best modern business methods are applied in executing them. The decision to undertake any project should rest on actual need ascertained by investigation and judgment of experts and on its relation to great river systems or to the general plan, and never on mere clamor.

With this statement I give notice that at the earliest practicable moment I will renew my motion for the present consideration of House bill No. 21890, with a view to bridging over the period between the present and the next session, and securing information necessary to legislation. At the next session I shall press the consideration by the full Committee on Commerce of Senate bill 500, in the hope that it will be accepted as a full and comprehensive measure for the active and efficient prosecution of the development and improvement of our waterways.

#### OMNIBUS PUBLIC BUILDINGS BILL.

Mr. HALE. I can not yield to any other Senator except for a conference report.

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. I yield to the Senator from West Virginia.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21897) to increase the cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 9, 18, 31, 41, 50, 55, 57, 58, 67, 78, 79, 81, 84, 92, 109, 111, 112, 125, 127, 126, 138, 169, 173, 174, 176, 183, 184, 197, 198, 199, 200, and 203.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 7, 11, 12, 14, 15, 16, 17, 22, 23, 24, 26, 30, 32, 35, 37, 38, 39, 40, 42, 43, 45, 46, 47, 49, 51, 52, 53, 59, 61, 62, 63, 64, 65, 70, 72, 73, 76, 77, 80, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 106, 110, 116, 118, 120, 121, 126, 128, 130, 131, 132, 133, 134, 135, 137, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, 171, 172, 177, 178, 179, 194, 201, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Colorado Springs, Colo., fifteen thousand dollars, said increase to be employed in substituting granite for sandstone;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, so that same shall read as follows: "Provided, That not to exceed six thousand two hundred and fifty dollars may be available for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Portland, Me., ninety thousand dollars: *Provided*, That not to exceed twenty thousand dollars may be available for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment to read as follows:

"United States post-office and court-house at Duluth, Minn., \$95,000, for additional ground: *Provided*, That if at any time should any portion of the ground now owned or hereafter to be acquired by the Government be used for street, park, or other purposes by the city of Duluth, the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell to said city any part of such ground, on such terms as he may deem to be for the best interests of the United States, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided further*, That in no case shall any portion of the ground now owned or hereafter to be acquired by the Government be sold for less than its fair market value."

(On page 7 of the bill strike out lines 1, 2, and 3, and on page 42 insert the above section after line 2.)

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Cleveland, Ohio, \$775,000."

Also, on page 9 of the bill, in line 4, strike out the word "eighty" and insert in lieu thereof the words "one hundred." And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Toledo, Ohio, \$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Charleroi, Pa., \$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Salt Lake City, Utah, \$175,000: *Provided*, That not to exceed \$40,000 may be available

for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, so that same shall read as follows: "Provided, That of the amount heretofore authorized so much as may be necessary shall be available for the acquisition of a suitable site;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Grafton, W. Va., \$15,000, in addition to \$10,000 heretofore authorized."

(On page 11 of the bill strike out line 25; on page 12 strike out lines 1 to 9, both inclusive, and insert the above section on page 49 of the bill, after line 4.)

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office and court-house at Wheeling, W. Va., twenty thousand dollars: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the old post-office, court-house, and custom-house building, and the site thereof, situate at the corner of Market and Sixteenth streets, in the city of Wheeling, and State of West Virginia, at public or private sale after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said building and site shall not be sold for any sum less than one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Wilmington, Del., one hundred and twenty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Augusta, Ga., two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office and court-house at Quincy, Ill., one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Hoboken, N. J., sixty thousand dollars: *Provided*, That not to exceed twenty thousand dollars may be available for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office and court-house at Danville, Va., sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Peru, Ind., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Shenandoah, Iowa, \$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Missoula, Mont., \$115,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Jonesboro, Ark., \$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with



an amendment, so that the same shall read as follows: "United States post-office at Riverside, Cal., \$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Bristol, Conn., ninety thousand dollars, of which amount not to exceed thirty thousand dollars may be available for the acquisition of a suitable site: *Provided*, That the requirement herein contained that all sites selected under the provisions of this act shall be bounded on at least two sides by streets shall not be applicable to the acquisition of a site at Bristol;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, so that same shall read as follows: "United States post-office, court-house, and custom-house at Miami, Fla., one hundred and seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Independence, Kans., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Parsons, Kans., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Maryville, Mo., fifty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Goldfield, Nev., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Plainfield, N. J., one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Roswell, N. Mex., one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Wilson, N. C., sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, so that same shall read as follows:

"That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Muskogee, Okla., fifty thousand dollars: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding two hundred thousand dollars.

"The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed fifty thousand dollars may be expended during the fiscal year ending June thirtieth, nineteen hundred and nine."

On page 32 of the bill strike out all of lines 3 and 4 and insert the section on page 63, after line 25.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Big Stone Gap, Va., one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and custom-house at Everett, Wash., one hundred and thirty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Walla Walla, Wash., one hundred and forty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, so that same shall read as follows: "*Provided*, That of this amount so much as may be necessary shall be available for the acquisition of a suitable site;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, so that same shall read as follows: "The United States post-office at Rock Springs, Wyo., \$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Greeley, Colo., \$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Live Oak, Fla., seven thousand five hundred dollars.

"United States post-office at Lewes, Del., \$5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Augusta, Ga., \$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Cartersville, Ga., \$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Chicago, Ill., \$1,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Abilene, Kans., \$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Bardstown, Ky., ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment so that the same shall read as follows: "United States post-office at Cynthiana, Ky., ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment so that the same shall read as follows: "United States post-office at Aurora, Mo., \$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment so that the same shall read as follows: "United States post-office at Bellaire, Ohio, \$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Brookings, S. Dak., \$7,500;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 175, and agree to the same with an amendment, so that same shall read as follows:

"SEC. 12. That the provision contained in the act approved June 30, 1906, authorizing and directing the Secretary of the

Treasury to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary for the enlargement of the present site and to enter into contracts for the enlargement, extension, remodeling, or improvement of the United States subtreasury building at San Francisco, Cal., at a limit of cost of \$375,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, a suitable new site for, or to enlarge the present site of, the United States subtreasury at San Francisco, Cal., at a cost not to exceed the said sum of \$375,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, so that same shall read as follows: "Provided, That such plans and estimates be prepared under the direction of the Secretary of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, so that same shall read as follows:

"Sec. 16. That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, the officer in charge of public buildings and grounds at Washington, D. C., and the superintendent of the United States Capitol building and grounds, be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the supervision of the Secretary of the Treasury.

"And for the expense of said commission a sum not to exceed \$2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 182, and agree to the same with an amendment as follows: Strike out "16" and insert "17;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 185, and agree to the same with an amendment as follows: Strike out "17" and insert "18;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, so that the same shall read as follows: "\$250,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 187, and agree to the same with an amendment as follows: Strike out "18" and insert "19;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 188, and agree to the same with an amendment as follows: Strike out "19" and insert "20;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 189, and agree to the same with an amendment as follows: Strike out "20" and insert "21;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 190, and agree to the same with an amendment as follows: Strike out "21" and insert "22;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 191, and agree to the same with an amendment as follows: Strike out "22" and insert "23;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, so that same shall read as follows: "\$300,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 193, and agree to the same with an amendment as follows: Strike out "23" and insert "24;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 195, and agree to the same with an amendment as follows: Strike out "24" and insert "25;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 196, and agree to the same with an amendment as follows: Strike out "25" and insert "26;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: On page 82, in line 16, strike out the number "thirty-one" and insert in lieu thereof the number "27;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, so that same shall read as follows:

"Sec. 28. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, for the use and accommodation of the United States Departments of State, Justice, and Commerce and Labor the whole of squares numbered 226, 227, 228, 229, and 230, in the city of Washington, D. C., and the sum of \$2,500,000, or so much thereof as may be necessary to pay for the land so acquired, is hereby authorized. That part of C street, Ohio avenue, D street, and E street, lying between the squares named herein, is hereby made a part of the site authorized by this act. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, chap. 837)."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: On page 84 of the bill, in line 15, after the word "million," strike out the word "eight" and insert in lieu thereof the word "six," so that said section shall read as follows:

"Sec. 29. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Denver, Colo., \$50,000; *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$1,600,000.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$50,000 may be expended during the fiscal year ending June thirtieth, nineteen hundred and nine."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment, so that same shall read as follows:

"Sec. 30. That the sum of ten thousand dollars be, and the same is hereby, authorized, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, to aid in the erection and completion of memorial structure at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774: *Provided*, That no part of said appropriation shall be expended until the site and plans for said monument or memorial shall be approved by the Secretary of War and the grounds on which said monument or memorial is to be located shall be dedicated to the use of the public and provision is made for opening and maintaining an open highway thereto."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 207, and agree to the same with an amendment as follows: Strike out the number "36," in line 14 on page 85, and insert in lieu thereof the number "31;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 208, and agree to the same with an amendment as follows: Strike out number "37," on page 85, in line 21, and insert in lieu thereof the number "32;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 209, and agree to the same with an amendment as follows: On page 86, in line 6, strike out the number "38" and insert in lieu thereof the number "33;" and the House agree to the same.



That the Senate recede from its disagreement to the amendment of the House numbered 210, and agree to the same with an amendment as follows: On page 86, in line 22, strike out the number "39" and insert in lieu thereof the number "34;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 211, and agree to the same with an amendment as follows: On page 87, in line 15, strike out the number "40" and insert in lieu thereof the number "35;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 212, and agree to the same with an amendment as follows: On page 87, in line 24, strike out the number "41" and insert in lieu thereof the number "36;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 213, and agree to the same with an amendment as follows: On page 88, in line 1, strike out the number "42" and insert in lieu thereof the number "37;" and the House agree to the same.

N. B. SCOTT,  
F. E. WARREN,  
C. A. CULBERSON,  
*Managers on the part of the Senate.*

RICHARD BARTHOLDT,  
E. C. BURLEIGH,  
W. G. BRANTLEY,  
*Managers on the part of the House.*

Mr. SCOTT. Mr. President, your committee desires to state, in reporting this bill, that it has had before it 213 amendments. On these the Senate has receded on 33, the House on 105. The remaining amendments are verbal.

The bill has been cut materially on the larger items. The parks for the District of Columbia were stricken out and the saving of over a million dollars was made. The needs of the General Government in the District of Columbia, however, were looked after, first, by the authorization of the purchase of a site for the Departments of State, Justice, and Commerce and Labor. The District of Columbia was given an addition to the District court of appeals and the authorization for a commission to prepare plans for a District armory, leaving out, however, any provision looking toward the securing of a site. The item to purchase an embassy in Paris was also stricken out.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

#### EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

#### ORDER OF BUSINESS FOR EVENING SESSION.

Mr. HALE. I ask that the agreement made in executive session be ratified in legislative session.

The VICE-PRESIDENT. The request for unanimous consent submitted by the Senator from Maine will be read to the Senate.

The Secretary read as follows:

That the Senate take a recess until 8 o'clock this evening, no business to be transacted during the evening session excepting the consideration of conference reports, questions in disagreement between the two Houses, and the consideration of such measures as may be unobjectionable to.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that order is made.

#### HOOR OF MEETING ON MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 10 o'clock a. m. on Monday next.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 23) to provide for the remission of a portion of the Chinese indemnity, with amendments, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 15641. An act for the removal of restrictions from part

of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

H. R. 22009. An act authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes.

#### CHINESE INDEMNITY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 23) to provide for the remission of a portion of the Chinese indemnity, which were, on page 1, line 13, to strike out "eleven" and insert "thirteen;" and on page 2, line 7, after "just," to insert:

*Provided*, That within one year from the passage of this resolution any person whose claim upon the Chinese indemnity, 1900, was presented to the United States commissioners or to the Department of State and disallowed in whole or in part may present the same by petition to the Court of Claims, which court is hereby invested with jurisdiction to hear and adjudicate such claim, without appeal, and to render such judgments de novo, or in addition to any allowance or allowances heretofore made, as in each case shall be fully and substantially compensatory for actual losses and expenses of the claimant caused by the antforeign disturbances in China during the year 1900, excluding merely speculative claims or elements of damage: *And provided also*, That the sum of \$2,000,000 be reserved from the Chinese indemnity, 1900, for the payment of such judgments, the same to be paid by the Treasurer of the United States as and when they shall be certified to the Secretary of the Treasury by the said court, and any balance remaining after all such claims have been adjudicated and paid shall be returned to the Chinese Government in such manner as the Secretary of State shall decide, and the Secretary of the Treasury is hereby authorized and directed to so return the same: *And provided further*, That all evidence furnished by the claimants, and statements made by them to the said commissioners or to the Department of State, shall be transmitted by the said Department to the said Court of Claims and considered together with such other additional testimony as may be presented by either side, and the Government of the United States shall defend the said claims in the said court by such attorney or attorneys as may be designated for such service by the Attorney-General of the United States: *Provided further*, That in no case shall the Court of Claims award a principal sum to any claimant which, together with the principal sums said claimant may have already received by decision of the United States commissioners and the Department of State, shall exceed the amount originally claimed by said claimant.

Mr. LODGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### RECESS.

Mr. HALE. Now, Mr. President, I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to, and (at 5 o'clock and 28 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at the expiration of the recess, at 8 o'clock p. m.

#### PUNISHMENT OF EXTORTION.

Mr. CLARK of Wyoming. Mr. President, I wish to make a parliamentary inquiry. I wish to ask if, under the agreement had this afternoon, unobjectionable bills on the Calendar can be called up?

The VICE-PRESIDENT. They are in order under the unanimous-consent agreement.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That section 5481 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows: "SEC. 5481. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who is guilty of extortion under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, and every person who shall attempt any act which if performed would make him guilty of such extortion shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both such fine and imprisonment, except those officers or agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter."

Mr. BACON. I desire to ask the Senator from Wyoming a question. The Senate has passed a bill by which there has been an entire revision of the penal code. There is a section in that revision upon the same subject as that provided for in this bill. I desire to know of the Senator from Wyoming whether this bill conforms to the corresponding provision of the bill which the Senate has already passed.

Mr. CLARK of Wyoming. I have no definite knowledge as to the exact provisions of that bill. I can give to the Senator the exact change that this bill proposes to make in the present law.

Mr. BACON. That is not the point. The Senate, after very long and tedious consideration, passed on this very question

and enacted a bill, which they sent to the other House. It is true that it also relates to a great many other penal statutes. I do not think we ought to pass a law on that subject unless we know whether it conforms to the general bill which we have already passed. Unless the Senator is prepared to say that he has compared it with the corresponding provision in the bill already passed I shall object to the present consideration of this bill.

Mr. CLARK of Wyoming. I am unable to state; but I do not think we should have to wait for any needed amendments in the criminal law until the criminal code which was passed here shall become a law. I am unable to say whether the proposed legislation is identical with the provision of that bill or not.

Mr. BACON. I see in the Chamber one of the members of the Committee on the Revision of the Laws, who was present during all of the consideration by the Senate of the penal code, the Senator from Utah [Mr. SUTHERLAND], and he can probably give me the desired information.

Mr. SCOTT. Mr. President, I desire to submit a conference report on the Military Academy appropriation bill.

Mr. BACON. I will ask the Senator from Wyoming to let the bill go over for a little while until I can confer with the Senator from Utah.

Mr. CLARK of Wyoming. Certainly.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 8, 20, 21, 37, 61, 65, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 10, 11, 12, 14, 15, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 50, 53, 54, 55, 57, 58, 60, 64, 68, and 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert only the second proviso, to read as follows:

"Provided, That hereafter cadets shall be entitled to rations, or commutation therefor, as hitherto allowed under the act approved June twenty-eighth, nineteen hundred and two, entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"The Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as instructor of military hygiene."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"For pay of one instructor of English and history, to be selected and appointed by the Secretary of War, three thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the words proposed to be stricken out in said amendment insert, after the word "adjutant," in the line in which said amendment appears, the words "who shall not be above the rank of captain," followed by a comma, and retain the words "of his grade," inserted in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "thirty-three thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "eighty-three thousand nine hundred and ninety-six dollars and eighty-seven cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "eighteen thousand six hundred and sixteen dollars and eighty-seven cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Provided, That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, who shall annually visit the Military Academy on such date during the session of Congress or not more than thirty days prior thereto, as may be fixed by the chairmen of the said committees; and the Superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees, acting jointly, at least fifteen days before the meeting. The expenses of the members of the Board shall be their actual expenses while engaged upon their duties as members of said Board, and their actual expenses for travel by the shortest mail routes: *Provided further*, That so much of sections thirteen hundred and twenty-seven, thirteen hundred and twenty-eight, and thirteen hundred and twenty-nine, Revised Statutes of the United States, as is inconsistent with the provisions of this act is hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"For the expenses of the members of the Board of Visitors, two thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "seventeen thousand three hundred and sixty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Divide the sum, \$12,000, into two parts—\$8,400 for policing of barracks and bath houses, and \$3,600 for supplying light and plain furniture to cadet barracks, so that the paragraph in which the amendment occurs will read as follows:

"For the policing of barracks and bath houses, eight thousand four hundred dollars; and for supplying light and plain furniture to cadet barracks, three thousand six hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "fifty-two thousand nine hundred and thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "seven hundred and eighty-eight thousand nine hundred and fourteen dollars and eighty-seven cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "to continue" and insert the word "for;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of "fifty-seven" insert "fifty-six;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "seven" and insert "four."



And in the same line, after the word "designated," insert "one for each class," preceded and followed by a comma; and the Senate agree to the same.

N. B. SCOTT,  
J. A. HEMENWAY,  
J. B. FRAZIER,

*Managers on the part of the Senate.*

RICHARD WAYNE PARKER,  
A. B. CAPRON,

I agree to the above report except as to the Senate amendment (3), that provides for the appointment of Philippine cadets at the United States Military Academy.

JAMES L. SLAYDEN,  
*Managers on the part of the House.*

#### STATEMENT.

The managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, submit the following table of figures to show the effect, in amount, of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amount of bill as reported to Senate.....	\$914, 967. 37
Deducted during consideration of bill by Senate....	100. 00

Amount of bill as it passed Senate.....	914, 867. 37
Amounts dropped in conference:	

Permanent establishment.....	\$60, 000. 00
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Extra pay of officers on detached	
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service.....	1, 000. 00
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Pay of enlisted men.....	732. 50
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Current and ordinary expenses.....	1, 500. 00
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Miscellaneous items and incidental	
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expenses.....	5, 000. 00
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Buildings and grounds.....	1, 000. 00
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	69, 232. 50
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Amount of bill as reported by conferees.....	\$45, 634. 87
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N. B. SCOTT,  
J. A. HEMENWAY,  
J. B. FRAZIER,

*Managers on the part of the Senate.*

Mr. HALE. I ask that the names of the conferees be read. The Secretary read as follows:

N. B. SCOTT,  
J. A. HEMENWAY,  
J. B. FRAZIER,  
*Managers on the part of the Senate.*  
RICHARD WAYNE PARKER,  
A. B. CAPRON,

I agree to the above report except as to the Senate amendment 69, that provides for the appointment of Philippine cadets at the United States Military Academy.

JAMES L. SLAYDEN,  
*Managers on the part of the House.*

Mr. HALE. That shows the importance of reading the whole report and the names of the conferees. The clerks frequently do not do that.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. BEVERIDGE. Before it is agreed to I should like to ask the Senator in charge of the bill to explain to the Senate more fully the discrepancy in the agreement of the conferees. I myself do not understand it, and I do not think many Senators do.

Mr. SCOTT. What discrepancy does the Senator refer to?

Mr. BEVERIDGE. When the Senator from Maine asked that the names of all the conferees be read, it appeared that one of the conferees signed it, but signed it with a reservation. I did not myself understand it, and I should like to know about it.

Mr. SCOTT. That is in reference to the appointment of Filipinos to the Military Academy. The original amendment of the Senate provided for seven and the House conferees finally agreed to four, but the gentleman who signed separately, I understand, put on that note, not agreeing even to the appointment of four. But I have not seen him since he made that reservation, and so I am only making this statement from what I have understood.

Mr. WARREN rose.

Mr. SCOTT. The Senator from Wyoming can probably make a fuller statement.

Mr. WARREN. I will state to my colleague on the committee that the first proposition was not for Filipino cadets as such, but for Filipino students who upon graduation were to contract for service a certain number of years. So the word "cadet" used by Mr. SLAYDEN in his note is not quite like the report itself. The conference report itself provides that there shall be one Filipino in each class for the next four classes, who enters as a student and contracts at the end of his time for four or eight years' service, as the case may be, to serve with the Philippine Scouts.

Mr. HALE. I do not understand that the reservation in any way affects the strength of the report.

Mr. WARREN. Not at all.

Mr. HALE. Even if it was opposed to the report, two of the conferees on the part of the House have signed it, and the conferees on the part of the Senate having signed it makes it a complete report.

But it is a monition that when conference reports are offered here they should be read to the Senate, and the names of the conferees should be read, and if any reservation has been made the Senate should know what it is, important or otherwise. I hope that hereafter the clerks in reading the reports, instead of saying "signed by the conferees," so and so, will read the names of the conferees and any reservations that are made in the report. Before this I have called the attention of the clerks to it, but I have never been able to convince them of the importance of reading the full report and the names of the conferees and every suggestion made by them.

Mr. BEVERIDGE. Mr. President, I shall object to the further consideration of the report to-day.

Mr. HALE. I hope the Senator from West Virginia will move to proceed to the consideration of the report.

Mr. BEVERIDGE. I understand that an objection carries it over.

Mr. HALE. Not a conference report.

The VICE-PRESIDENT. Under the unanimous consent agreement, the motion of the Senator from West Virginia is in order.

Mr. BEVERIDGE. What is the ruling of the Chair?

The VICE-PRESIDENT. The motion is in order.

Mr. BEVERIDGE. Then we can discuss it.

Mr. HALE. The report of a conference committee is privileged, and if objection is made to its consideration a Senator may move that the Senate consider it.

Mr. BEVERIDGE. And it is subject to debate.

The VICE-PRESIDENT. There is no doubt about the practice. That is correct.

Mr. SCOTT. I move that the Senate proceed to the consideration of the report.

The motion was agreed to.

Mr. SCOTT. I ask that the report be adopted.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

#### AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. Mr. President, to be frank about it, I had no objection to the conference report going through, except that we should consider also other business here before adjournment. It is nothing in which I or any member of my committee is personally interested, but a bill was brought up here this afternoon and read. I was called away, as was kindly explained by the Senator from Maine, and it was the understanding of everybody, I thought, after having conferred with as many Senators as possible, that the bill would go through.

That legislation is needed by the Territories. Most of the provisions that are included in this omnibus bill had already passed the Senate. There are two provisions that are included in it that had not passed the Senate, but should have been properly considered by another committee of the Senate. The reason why they were all included in the omnibus bill was owing to the state of business existing in another place. They were all included in one bill in order that it might not be necessary to have a separate vote taken on each.

If provisions of this bill have not properly come to this committee in the Senate, it was the intention of the committee, and the report was so prepared, to refer them to the appropriate committee first, which was the Committee on Pacific Islands and Porto Rico. The chairman of that committee was ill, therefore in order to get this needed legislation in the Territories, including court-houses in some places where they have very poor buildings, and other urgent legislation, it was reported to the Senate after the Senators upon that committee who were in the Chamber had been consulted concerning the provisions that related to Hawaii, about which the committee of

which I have the honor of being chairman knew nothing. After those Senators had considered it they all approved of the measure.

So here is a measure which passed the House embracing many bills which have passed the Senate and which have been carefully considered by the committee, and, except the provisions named, reasonably and carefully considered by our committee.

This measure I have attempted now faithfully to have considered. I called a meeting of my committee immediately that the bill came to us, so that we could expedite business and get it in the Senate for passage. It was gotten up this afternoon, and it was the understanding that it would be passed. I think it was the understanding of the Senator from Maine [Mr. HALE] and every Senator who had, when I attempted to get it up before, raised objection and to whom I had explained that this measure should pass.

It is not a matter in which any member of my committee is in the least interested except as we are interested in measures that come before our committee. When a piece of necessary legislation like this is brought up, which no person can possibly have any interest in delaying, was delayed, it strikes me that we ought to pause a little in our rapid progress of the public business, of which I do not complain, until we can consider and pass it.

I call the attention of the Senate to the fact that if we are going to adjourn soon this bill must be gotten into conference, because the Senate committee have made certain necessary amendments. That is the state of affairs at the present time.

Mr. HALE. Mr. President, I hope the Senator from Indiana is not possessed with the idea that we did not attempt to pass the bill after he had been called away from the Senate. The Senator can not now know everything that happened in the Senate, because he will not see the report in the RECORD until to-morrow morning. The Senator desired to leave the Chamber for good and sufficient reasons and he made an appeal to other Senators about him to help pass the bill. I for one said freely, if the Senator goes, as it was entirely proper he should, we will pass his bill. It may be that the assurance was too plenary and carried too much authority. Other Senators immediately in the neighborhood of the Senator from Indiana said the same thing, that we would endeavor to pass the bill. When its consideration was continued, objection arose in many quarters of one kind and another. At last I stated that if any Senator objected to the consideration of the bill on his own responsibility and knowledge, that that would end it, as of course it would have done if the Senator had been here.

Mr. BEVERIDGE. Yes; certainly.

Mr. HALE. I do not know that the Senator makes an intimation that the statement we made, that we would pass his bill if we could, was not carried out in good faith. I do not think if the Senator himself had been here that any result different from what was reached could have been reached.

Mr. BEVERIDGE. Not the least.

Mr. HALE. I knew nothing about the bill; but as it came to be considered objections, one after another, arose from Senators, old Senators, and we were obliged for the time being to give the bill the go-by. We did all we could to pass the bill. I do not object to the Senator calling it up now; but I do not want him to feel that we did not carry out to the best of our ability any intimation made that we would try to pass his bill.

Mr. BEVERIDGE. Mr. President, I have no doubt in the world that everything the Senator from Maine has stated is true, and I wish to state that he is entirely correct in saying that there should not be any imputation whatever upon him, or any Senator who has objected. I had seen every Senator who had objected when I attempted to bring the bill up before.

There is just one thing I wish to say, and that is that the Senator must not refer to the bill as "my bill." It is an omnibus bill. I am not the author of any one of the bills it embraces. It came to the committee, of which I am chairman, in the usual course. I think it has been the case pretty generally that bills coming to the Territories Committee have been pretty promptly taken up and acted upon and an earnest effort made to pass such as were proper and necessary pieces of legislation.

There are other bills which that committee has just as thoroughly considered and refused to report until it could have further investigation. There is before us now a bill of that character which we were urged to pass as we passed the rest of these bills.

Mr. President, my object in making the objection, which I did not for a moment mean to follow up unless it became necessary, has been accomplished, and that is this: I see very

clearly that there is no disposition to delay this bill at all, and at a later hour, or on Monday morning, when it suits the convenience of the Senate, I shall again move that we proceed to the consideration of that measure.

Mr. KEAN. Why not do it now, I will ask the Senator?

Mr. BEVERIDGE. I am not able to do it now, because data are asked for, and I am looking them up so as to find out just what is asked for. I want to find out just what the points are that are asked about. I have not them now. I am sending down to my office, so that I can ascertain, so far as I can, how to answer any reasonable questions that may be asked. I do not desire now that those questions, I will say to the Senator from Montana, shall be put until I move to take up the bill, as I now see the disposition of the Senate is to pass this necessary measure. No person can have, I think, any substantial objection to it. There may be some defects in it; and if there are, I shall accept amendments to the bill on the floor. I shall later on this evening, or on Monday morning, as may best suit the convenience of the Senate, move to proceed to the consideration of the bill. The object, as I say, has been accomplished by calling attention to the fact at this point.

Mr. CARTER. Mr. President, I understand the Senator from Wyoming [Mr. CLARK] has the floor. I will ask if he will yield to me for a statement?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. I do.

Mr. CARTER. Mr. President, the bill under consideration prior to the recess, to which the Senator referred, was not treated in any light manner, so far as any Senator present is concerned. Within the bill was found, on page 11, a section repealing section 1955 of the Revised Statutes; and also repealing the proviso of an act providing a civil government for Alaska approved in 1884. It occurred to me, upon the reading of the bill, that prudence required that we ascertain what we were repealing. I found upon close investigation that the proviso in the act of 1884 prohibited the importation of liquors into Alaska. The repealing of that proviso, in view of the provisions of the bill then pending, appeared to be entirely proper; but, upon reference to section 1955 of the Revised Statutes, expressly repealed by the bill pending, I found that that section related to two subjects.

In one part of the section authority is given to the President of the United States to prohibit—and therefore, of course, to regulate—the importation of firearms into the district of Alaska. Another portion of the section relates to the prohibition of the importation of liquors into Alaska.

Under the provisions of the bill we were called upon to vote for or against, the repeal of that portion of section 1955 prohibiting the importation of liquor seemed appropriate, because the bill provided a local-option law for Alaska. But I did desire to know why it was that in an Indian country the President of the United States was deprived, or was to be deprived, of an ancient, wholesome, and proper statutory provision authorizing him to prohibit the importation of firearms into the Indian country. Now, it may be, Mr. President—

Mr. BEVERIDGE. May I ask the Senator right there what is the language of the law the Senator read? Does the language of that statute authorize the President to prohibit the introduction of firearms?

Mr. CARTER. Section 1955, which the pending bill repeals, in the first line says:

The President shall have power to restrict and regulate or to prohibit the importation and use of firearms, ammunition, and distilled spirits into and within the Territory of Alaska.

They are pretty closely combined, it will be observed. Now, I have no doubt that the portion of section 1955 of the Revised Statutes which authorizes the President to prohibit or regulate the introduction of firearms into Alaska should remain the law, and the Senator will agree with that, I think.

Mr. BEVERIDGE. Mr. President, in view of the fact that my understanding is—and if it is wrong, the Senator can correct me—that the President never exercises that authority at all, that it was done solely when Alaska was an Indian country, and so it is now obsolete and archaic. It has no application to the country that is now well filled up, considering its character and its distance, with citizens from the Senator's State and from the States of every other Senator upon this floor, and as the nature and character of the population has totally changed, I think the Senator will see why no harm can be done and why it is more in consonance with the American ideas that that ancient section of the Revised Statutes—the power under which has, as I understand, never or but rarely been exercised—should be repealed.



That is a part, as the Senator must have observed as he listened to the reading of the bill, of rather a comprehensive act concerning Alaska and its government, affecting not only liquor licenses, where the licenses are put very heavily on road houses, but the whole government of the Territory; all of which, I will say to the Senator, was very earnestly, urgently, and insistently recommended by the present excellent governor of Alaska.

Those are sufficient reasons; and if the Senator, I will say, in order to get this necessary legislation into conference, is not pleased with it and wants to offer an amendment, I think the committee will accept his amendment. It seemed to us to be very wise. Would the Senator say for his State, were it still a Territory, that he would like to have a law upon the statute books of this country authorizing the President to prohibit the introduction of firearms into Montana because there were some Indians there?

Mr. CARTER. Mr. President, I observe that the Senator has given consideration to the subject of the prohibition of firearms amongst the Indians of Alaska. I supposed that this section was, in so far as the introduction of firearms and the regulation of that introduction into the district of Alaska might be concerned, an oversight. If, on the other hand, the Senator has given the matter serious consideration, and with his committee has reached the deliberate conclusion that it is wise and prudent to permit the use of firearms within the Indian country in Alaska without restraint, I have nothing whatever to say about it. I shall offer no amendment on that subject. I will leave that to the committee, which has considered the matter very fully, no doubt. I think, however, it would be well to amend the bill in that particular, because nothing in the measure indicates that any part or portion of the bill requires that that wholesome and necessary provision of law should be repealed in order that the bill may operate without any difficulty in any direction.

Mr. President, the law of the United States to-day enables the Indian Department to regulate the use of firearms by Indians in the State of Montana; and I am very glad that that is the law.

Mr. BEVERIDGE. But, Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. Does the law now, or did the law ever, authorize the President of the United States to prohibit, in his discretion, the importation of firearms into the entire Territory of Alaska, regardless of the Indian country? That is the effect of the statute.

I have been misinformed. I understood that there was objection to the consideration of the bill.

I did not know why, but I meant to find out, and now I have found out, and I intend to call up this bill again. When it is called up, if the committee is not able to give the Senator from Montana or any other Senator a satisfactory explanation of our action—we have reported these bills now twice, once in this omnibus form and once in single form—I shall be very glad at the time when I do call it up to accept any amendments, and then the matter may be taken care of in conference. Will the Senator tell me in what year the law was passed that we propose to repeal? I do not recall it.

Mr. CARTER. The law to which I referred, section 1955 of the Revised Statutes, was passed in 1868.

Mr. BEVERIDGE. Yes. At that time the Senator will recall that there were hardly any white men in Alaska. It was just immediately after we had taken Alaska over from Russia. It was full of Indians. It was practically unsettled. We had merely a few officers there; and that was true for a very long number of years thereafter. It is utterly inapplicable, as the Senator will perceive, to conditions there now.

Mr. CARTER. According to my view, it is applicable to the Indian country, but since the bill is not now before the Senate I will forego, according to the Senator's intimation, any further observation on the subject at this time.

#### PUNISHMENT OF EXTORTION.

Mr. CLARK of Wyoming. I now renew my request for unanimous consent for the present consideration of the bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. CLARK of Wyoming. Certainly.

Mr. CULBERSON. I ask the Senator from Wyoming, who has charge of the bill, to explain it briefly.

Mr. CLARK of Wyoming. The purpose of the measure is this: The present law provides that any officer of the United States who is guilty of extortion under color of his office shall be subject to a penalty. It is now proposed to provide that every officer, clerk, agent, or employee shall be subject to a penalty; in other words, there is a well-defined judicial determination of the word "officer," but it does not include agents and employees, who have the best opportunity, if they are so disposed, to practice extortion.

Mr. President, with reference to the position of the Senator from Georgia [Mr. Bacon] I will say that the section that we passed in the criminal code is identical with the section proposed in this bill, except for the transposition of two or three words. In order to meet the objection of the Senator from Georgia, I move to amend the bill, after line 5, by striking out the remainder of the bill and inserting what I send to the desk, which is in words the provision that was passed in the criminal code.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment which will be stated.

The SECRETARY. After line 5 it is proposed to strike out the remainder of the bill and insert:

SEC. 5481. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than \$500 or imprisoned not more than one year, or both.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Wyoming whether this is a Senate or a House bill?

Mr. CLARK of Wyoming. It is a Senate bill.

Mr. SUTHERLAND. Does the Senator from Wyoming expect the bill to be passed at this session by the other House?

Mr. CLARK of Wyoming. I hope it will, but in the event that it does not pass I hope that it will be far enough advanced on the House Calendar so that it will not be at the foot of a congested Calendar at the short session.

Mr. SUTHERLAND. I was going to suggest to the Senator from Wyoming that the bill as now proposed to be amended is in identical terms the provision as found in the penal code. That penal code has already passed the Senate and is now pending in the other House. I have been assured that it will be taken up for consideration immediately upon the reconvening of Congress next autumn; that it will be passed upon by the House as rapidly as possible; and perhaps the penal code will be adopted as soon as this bill can be passed.

Mr. CLARK of Wyoming. In that event, of course, there will be no necessity for this bill to pass the House, but in case that expectation should fail, I am anxious to get this as a law on the statute books as soon as possible, for there is almost a weekly necessity for exactly this sort of legislation.

Mr. SUTHERLAND. I make no objection to it. I merely suggest that for the consideration of the Senator.

Mr. CLAY. Mr. President, with the Senator's permission—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. CLARK of Wyoming. Certainly.

Mr. CLAY. I could not hear the Senator clearly, but if I caught the explanation, the law as it stands now provides that any officer of the Government of the United States guilty of extortion shall be punished as described in the section.

Mr. CLARK of Wyoming. Yes.

Mr. CLAY. And the committee proposes to amend it by including clerks, agents, or employees of the Government. Then, if this bill shall pass as it came from the committee, any officer, agent, clerk, or employee of the Government guilty of extortion will be subject to punishment as provided in the act.

Mr. CLARK of Wyoming. Anyone who is guilty of extortion under cover of his office.

Mr. CLAY. That is the only change made?

Mr. CLARK of Wyoming. That is the only change made.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXPENSES OF OKLAHOMA CONSTITUTIONAL CONVENTION.

Mr. GORE. If there is no conference report ready to be taken up, I ask unanimous consent for the immediate consid-

eration of the bill (S. 5329) to provide for an appropriation to defray the expenses of the constitutional convention and State election in Oklahoma, and for other purposes.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The Secretary read the bill, which had been reported from the Committee on Territories with an amendment to strike out all after the enacting clause and insert:

That the sum of \$215,393.28 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the unsettled expenses of the constitutional convention of Oklahoma and for the elections held therefor and thereunder; said deficit to be paid upon vouchers approved by the governor and secretary of state of the State of Oklahoma, in such manner and form as may be prescribed by the Secretary of the Treasury.

Mr. KEAN. Is there a report accompanying that bill?

The VICE-PRESIDENT. There is a report.

Mr. KEAN. Let us have the report read.

The VICE-PRESIDENT. The Secretary will read the report, as requested by the Senator from New Jersey.

The Secretary read the report submitted by Mr. BEVERIDGE May 21, 1908, as follows:

The Committee on Territories, to whom was referred the bill (S. 5329) "to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes," having had the same under consideration, report it back to the Senate with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

"That the sum of \$215,393.28 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the unsettled expenses of the constitutional convention of Oklahoma and for the elections held therefor and thereunder; said deficit to be paid upon vouchers approved by the governor and secretary of state of the State of Oklahoma, in such manner and form as may be prescribed by the Secretary of the Treasury."

There are numerous precedents for the payment of the unsettled expenses of constitutional conventions by the National Government, as note the following:

#### North Dakota:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)-----	\$20,000.00
Additional or deficiency appropriation to pay balance of expenses (act September 30, 1890, 26 Stat. L., p. 511)-----	10,854.71

#### South Dakota:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)-----	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)-----	14,850.80

#### Washington:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)-----	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)-----	6,076.27

#### Montana:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)-----	20,000.00
Additional or deficiency appropriation (act May 13, 1892, 27 Stat. L., p. 34)-----	7,231.09

#### Utah:

Original appropriation (act July 16, 1894, 28 Stat. L., sec. 18, p. 111)-----	30,000.00
Additional or deficiency appropriation (act June 8, 1896, 29 Stat. L., pp. 277-278)-----	17,241.50

There are precedents in the enabling acts of Wyoming and Utah for the payment of the expenses of the constitutional convention and for the State elections as well.

In the case of Wyoming (26 Stat. L., 225, sec. 15) an appropriation was made for the expenses of the constitutional convention "and for the elections held therefor and thereunder."

In the case of Utah (26 Stat. L., 217, sec. 15) in like manner funds were appropriated for defraying the expenses of the constitutional convention "and for elections held therefor and thereunder."

In the case of Arizona and New Mexico (34 Stat. L., 285, sec. 41) funds were appropriated—

"for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the submission of the question of joint statehood and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment for the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of \$150,000 shall be paid by said State."

In the case of the Territory of Oklahoma and the Federal district Indian Territory (34 Stat. L., 270, sec. 5) it was provided as follows:

"That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the defraying of the expenses of the elections provided for in this act, and said convention, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislature of the Territory of Oklahoma, and the disbursements of the money appropriated by this section shall be made by the secretary of the Territory of Oklahoma."

On the 8th of February, 1907, the secretary of state of Oklahoma, Charles E. Filson, and the president of the constitutional convention and other officials submitted an estimate of a deficiency amounting to \$135,240.

The constitution of Oklahoma was subjected to numerous assaults by the liquor interests of that State attempting to defeat the constitution

because of its prohibitive clause which had been incorporated by the Congress of the United States and then extended to the entire State by the constitutional convention itself, subject to the vote of the people. These controversies took the matter into court and compelled the constitutional convention to extend its sessions and meet from time to time until these controversies were settled, causing an additional deficiency of \$80,153, which was estimated by Hon. W. H. Murray, president of the constitutional convention, March 1, 1908.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WARREN. Let the bill be again read.

The VICE-PRESIDENT. The Secretary will again read the bill, at the request of the Senator from Wyoming.

The Secretary again read the bill as proposed to be amended by the Committee on Territories.

Mr. WARREN. I do not mean to object to the bill, but I should like to ask a question.

Mr. CURTIS. I object to the consideration of the bill, Mr. President.

The VICE-PRESIDENT. Objection is made, and the bill will go over.

#### COLLECTION DISTRICTS IN OREGON.

Mr. FULTON submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate S. 6788, "A bill to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon."

Mr. FULTON. I now enter a motion to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The motion will be entered.

#### REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON. I ask leave to report from the Committee on Claims the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The resolution reported by the Senator from Oregon will be read for the information of the Senate.

The Secretary read the resolution, as follows:

*Resolved*, That the claims of Annie E. White Shipp (S. 1205); the Pillager band of Chippewa Indians in Minnesota for additional compensation for land ceded to the United States by treaty of August 21, 1847, and for other purposes (S. 3203); the estate of William H. Peyton, sr., deceased (S. 4152); Genevieve Griswold Kennon (S. 5242); the heirs and estate of William B. Miller, deceased (S. 7214); and John H. Gray, administrator of John W. Gray (S. 4074), together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. CULBERSON. I will ask the Senator from Oregon if this is an additional reference to the Court of Claims?

Mr. FULTON. It is, Mr. President. I will say that these few claims mentioned were left out of the original resolution.

Mr. CULBERSON. Is this in addition to the quota that has been allowed under the general resolution?

Mr. FULTON. The claims were omitted by mistake.

Mr. CULBERSON. Does it amount to an addition to the quota of any Senator?

Mr. FULTON. It does not amount to an additional quota—

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. FULTON. The Senator from North Carolina, and perhaps some other Senators, came to me and said they had gone over the list, and these had been left out. Upon investigation I was informed they had been omitted, and so I included them. I had not had time to check up the matter myself.

Mr. CULBERSON. There are several claims which have been referred to the Committee on Claims quite lately, among others by myself, and the answer has been usually, at least, that no additional reference could be permitted, as the list was full. Until I can examine it, I object to the present consideration of the resolution.

The VICE-PRESIDENT. Objection is made to the present consideration of the resolution.

Mr. CULBERSON subsequently said: Mr. President, I have examined the resolution, and I have talked with the Senator from Oregon in reference to it. He assures me that these matters, according to the information he has, were left out of the original resolution. In view of that fact, I have no objection to its passage.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Oregon.

The resolution was agreed to.



## AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. I ask unanimous consent that we may proceed with the consideration of the bill (H. R. 21957) relating to affairs in the Territories.

Mr. CLAY. Mr. President, I hope the Senator will not press the consideration of this bill to-night. The bill deals with Alaska—

Mr. BEVERIDGE. It does.

Mr. CLAY. And New Mexico—

Mr. BEVERIDGE. It does.

Mr. CLAY. The Hawaiian Islands—

Mr. BEVERIDGE. It does.

Mr. KEAN. And Arizona.

Mr. CLAY. And there are embodied in the bill several bills that were introduced in the House pertaining to these Territories, dealing with different subjects.

Mr. BEVERIDGE. They all passed the Senate except the Hawaiian matter.

Mr. CLAY. The Hawaiian bill, I understand, was never even considered by the Senate.

Mr. BEVERIDGE. No.

Mr. CLAY. Take New Mexico. New Mexico has a legislature and a Territorial form of Government. We deal there with a question of issuing bonds in aid of the construction of bridges. Take the Hawaiian Islands. We deal there with the question of furnishing electric lights to the city, and prescribe what company shall do it. I do not say there is anything wrong in any of this legislation, but it seems to me a right serious matter to take up here the day before we intend to adjourn a bill embracing twenty-seven pages and dealing with three distinct Territories and with subjects in those Territories.

Mr. BEVERIDGE. Will the Senator let me ask him a question?

Mr. CLAY. With a great deal of pleasure.

Mr. BEVERIDGE. Has there been any agreement to adjourn a day from now?

Mr. CLAY. No; I can not say—

Mr. BEVERIDGE. No.

Mr. CLAY. But it is generally understood we will adjourn on Monday.

Mr. BEVERIDGE. We are likely to be here longer. The Senator from Georgia has presented his grounds of objection. I hope he will let me reply as far as I can.

Mr. CLAY. I will say to the Senator that if we take up this bill to-night, we ought not to act upon it to-night. I have had only a few moments to examine it. I have been sitting here reading it through hurriedly, as of necessity. If we take it up to-night, it at least ought to go over so that Senators can examine it and pass upon it on Monday.

Mr. BEVERIDGE. If the Senator objects, of course I have nothing further to say. He is within his rights if he does. But the Senator has made some statements, and as far as I am able I should like to explain the matter.

Mr. CLAY. I have no objection to that. I was not quite through, but I am willing to hear the Senator from Indiana.

Mr. BEVERIDGE. I think it will relieve the Senator's mind on everything except one point. With the exception of the item regarding Hawaii, it has all passed the Senate. It came back in omnibus form—

Mr. CLAY. Which is a bad way of legislating.

Mr. BEVERIDGE. Pardon me a moment.

Mr. CLAY. Certainly.

Mr. BEVERIDGE. These bills passed the Senate separately, as they ought to have done, and they come back in omnibus form, because it was necessary to put them in that form in another place, as I understand, due to a certain parliamentary condition there. If they had been brought up separately it is quite likely none would even have gotten through, whereas all put in one bill—and there was really no objection except the parliamentary situation, which would consume time—they could be gotten through. That is the reason they come here in omnibus form, to which I object as much as the Senator does. I think it a very pernicious way of legislating.

In reference to Arizona and New Mexico, the Senator speaks about bridges. He might have mentioned court-houses. In every one of these instances it is to legalize the act of the legislature or authorize the municipality to do the thing for the reason that the Federal statutory limitation on taxation would be exceeded or had been exceeded.

Mr. CLAY. With the Senator's permission on that point, I want to ask him a question. The Senator is chairman of the Committee on Territories.

Mr. BEVERIDGE. Yes.

Mr. CLAY. What is the rule or custom in regard to legislating in the Territories? Where Territories have legislatures, is it not true that we simply legalize their acts?

Mr. BEVERIDGE. Yes; or authorize—

Mr. CLAY. Is it not customary first for the Territorial legislature to act and then for their acts to be submitted to Congress and to be approved? Do we originate legislation for the Territories?

Mr. BEVERIDGE. Very frequently.

Mr. CLAY. We can originate it. Is it not the better practice always to let the legislatures governing those Territories initiate, and to refer the act to Congress for our approval?

Mr. BEVERIDGE. That is my opinion, very decidedly.

Mr. CLAY. That is my idea.

Mr. BEVERIDGE. I think the Senator is quite right about that; but of course the other plan has been followed, and in fact quite frequently in Territorial history. There are sometimes reasons for it. If I remember rightly, for there is such a multitude of things in the bill, there is provided here for taxation by a municipality for a bridge. The bridge is in the county in which Albuquerque is located. It is rapidly filling up with people. The legislature does not meet for some time. There are cases like that which demand the immediate attention of Congress.

The Senator will find that in all these cases relating to the Territories that has been the situation, and the Senate committee have been so careful in reference to those things, because I think they should be very seriously scrutinized, that they held up in committee for further investigation, much to the chagrin of the Territorial Delegate and much to the chagrin of men who came on here, a bill which had passed the House legalizing an act of the legislature of Arizona approving warrants that had been issued for various municipal expenses. We wanted to find out where those warrants were held. I think we ought to find out those things.

There are two or three court-houses provided for here. We found out before we reported the bill favorably that those court-houses were absolutely necessary. One court-house in one county we rejected because we found there really was no public demand for it, the county was so thinly populated. There are matters of that kind which constitute the legislation concerning Arizona and New Mexico.

There is only one thing in here about which the committee does not claim to know anything, and that is as to Hawaii, and therefore, as I explained before the Senator came into the Chamber, we first made a report referring that portion of it to the Committee on Pacific Islands and Porto Rico, where it properly belongs. But the Senator from Ohio, who is chairman of the committee, was ill and, therefore, if we got the bill through at all, unless all of this legislation for these Territories was denied at this session, it became necessary for us to consult the members of that committee, which was done for several hours. Some of the members of that committee, who were familiar with that subject, examined it and came to the chairman of the Committee on Territories and said they approved it. For that reason we reported the whole omnibus bill favorably.

I have made as short a statement as I could to the Senator about these various things. I have no further interest in it than any other Senator. Neither has any other member of the Committee on Territories, except that this is really necessary legislation which should go through.

Mr. CLAY. I had no personal objection, except that I thought it was a matter embracing so many matters and pages—

Mr. BEVERIDGE. The Senator is quite right.

Mr. CLAY. That it was a very difficult thing to grasp it in a minute.

Mr. BEVERIDGE. The Senator will remember that most of these items have already passed the Senate as separate bills.

Mr. CLAY. Does the Senator desire to pass the bill to-night?

Mr. BEVERIDGE. Yes. I understood there would be not the slightest objection to the bill this afternoon. Otherwise I should not have left the Senate Chamber.

Mr. CLAY. Was the committee report unanimous?

Mr. BEVERIDGE. It was.

Mr. CLAY. I have my doubts, but—

Mr. BEVERIDGE. I ask unanimous consent, and if there is objection, that will settle it.

Mr. CLAY. I do not want to be captious.

Mr. BEVERIDGE. If the Senator objects, and if, as he says, we are to adjourn Monday, it will kill the bill. I can not agree that Congress will adjourn with serious legislation needing attention.

I can merely present this matter to the Senate as chairman of the committee. That is all it is permissible for me to do, and it is for the Senate to say whether it will pass the legislation or not.

Mr. PILES. Mr. President, I think the Senator from Georgia [Mr. CLAY] is mistaken in his construction of this bill. The bill simply confirms, in the main, the Territorial acts of the legislatures of Arizona and Hawaii. It also provides for an amendment to the Alaskan code. Alaska has no legislature and can act only through Congress. If the Senator will turn in the bill to the provision with respect to Hawaii to which he referred, he will find that it simply legalizes an act of the legislature of that Territory. For instance, section 34, on page 20—

That the act of the legislature of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Walluku, on the island and county of Maui, Territory of Hawaii," passed by the legislature of the Territory of Hawaii on the 24th and 25th days of April, A. D. 1907, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows, to wit:

Mr. CLAY. The Senator will find that that act to which he has referred was vetoed by the governor of the Territory. I do not know; it may have been passed over his veto by a two-thirds vote, but I know the report here shows that the governor vetoed the very legislation we are trying to approve.

Mr. PILES. With that I am not familiar at the present time.

Mr. CLAY. I have here the veto.

Mr. PILES. I mean whether or not it was passed over the veto, I do not know. But this is simply confirmatory of the legislation that has taken place in the several Territories.

Mr. CLAY. Not entirely so.

Mr. PILES. In what respect is there any difference?

Mr. CLAY. Part of this bill simply approves and affirms legislation heretofore passed by Territories, and some of it is original legislation by Congress granting certain privileges.

Mr. PILES. Where does the Senator find any?

Mr. CLAY. I think I can find two or three features of that kind.

Mr. PILES. I think the Senator is mistaken in that respect, as I now recall the bill as it was before the committee. The legislation with respect to Arizona is to ratify certain acts of that Territory as to some indebtedness that was incurred in the Territory, and it provides that before this indebtedness shall be paid by the people of the Territory or of the cities which have received the benefit of the moneys expended under the warrants issued it shall be submitted to a vote of the people of the city, and if they ratify this indebtedness then the bonds shall be issued. My idea has always been that it is safe to leave to the people of the Territory the ratification of their own indebtedness.

I myself lived for a long time in a Territory, and I know how difficult it has been for the people of the Territory to get legislation, and when an act was questioned as being in violation of the organic act providing for the organization of the Territory, people who had money would not invest it in the Territory until Congress had ratified the act or until it had been tested in every court in which it was proper to test the question.

So I feel in this case that if the people of these Territories find that acting, as they thought, within the scope of the law they have exceeded the powers conferred upon them by the organic act, and they want to ratify that indebtedness—in other words, if they want to pay the money which they have borrowed and that question is to be submitted to the vote of the people who have had the benefit of the money—they should have that right and Congress should grant that right to the people of the Territories. This bill goes to that extent.

When we had this matter before the Territorial Committee, of which I have the honor to be an humble member, these questions were fully submitted to the committee, and the facts I have mentioned were submitted and called to the attention of the committee, and we felt it was nothing more than a matter of right that they should have the right to pay this indebtedness if they saw fit to vote at a general or special election held for that purpose. I think the Senator from Georgia will find on examination that this bill goes merely to the extent I have stated.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, and adheres to its disagreement to the amendments of the Senate Nos. 63, 76, and 77 to the bill.

#### POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives adhering to its disagreement to the amendments of the Senate numbered 63, 76, and 77 to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes.

Mr. PENROSE. I move that the Senate recede from its amendments numbered 63, 76, and 77.

The motion was agreed to.

#### PENSION APPROPRIATION BILL.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its disagreement to Senate amendments numbered 1 and 2, and agree to the same.

2. That the House recede from its disagreement to Senate amendment numbered 3, and agree to the same with an amendment, so that the same may read as follows:

"For salaries of agents for the payment of pension at four thousand dollars each, seventy-two thousand dollars, or so much thereof as may be necessary."

And that the Senate agree to the same.

3. That the House recede from its disagreement to Senate amendment numbered 4, and agree to it with an amendment, striking out in line 2 thereof the word "thirty-five" and insert in lieu thereof the word "ten," and after the word "dollars," in the paragraph, add the words "or so much thereof as may be necessary," so that the paragraph as amended will read:

"For clerk hire and other services in the pension agencies, \$410,000, or so much thereof as may be necessary: *Provided*, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency and the salaries paid shall be subject to the approval of the Secretary of the Interior."

And the Senate agree to the same.

That the House agree to Senate amendment numbered 5 with an amendment, adding thereto the words "or so much thereof as may be necessary;" and that the Senate agree to the same.

That the House recede from its disagreement to Senate amendment numbered 6, and the House agree to the same.

That the House recede from its disagreement to Senate amendment numbered 7, and agree to the same with an amendment striking out the word "forty" and inserting the word "sixty-five;" and the Senate agree to the same.

That the House recede from its disagreement to Senate amendment numbered 8, and agree to the same.

HENRY E. BURNHAM,  
REED SMOOT,  
H. M. TELLER,

*Managers on the part of the Senate.*

J. WARREN KEIFER,  
WASHINGTON GARDNER,

*Managers on the part of the House.*

The report was agreed to.

#### RAINY RIVER DAM—VETO MESSAGE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the President having returned to the House of Representatives in which it originated, the bill (H. R. 15444), extending the time for the construction of a dam across Rainy River, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same and that the bill was passed, two-thirds of the House of Representatives agreeing to pass the same.

Mr. NELSON. I ask that the action of the House be laid before the Senate. It is a privileged matter.

I desire to say, by way of explanation to the Senate, that some time ago the Senate passed a bill for the extension of the time for the building of a dam across the Rainy River on the border of Minnesota and Canada. The President, under a misapprehension, vetoed the bill. The bill has been carefully considered by a committee of the House of Representatives. They have conferred with the President, and the President has expressed his willingness that under the circumstances the bill shall be passed over his veto. His veto was founded on a misapprehen-



sion. The company began the work and expended over \$700,000 in constructing a dam. Its time is about out, and unless an extension of time is given it can not secure more money to complete the dam.

The passage of the bill over the President's veto is satisfactory to the President, and the House has accordingly passed it, and I ask the Senate to pass the bill.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I have the floor. I yield to Senators.

#### HOOR OF MEETING MONDAY.

Mr. HALE. I desire to make a statement as to the order of business.

The conference committee on the deficiency bill was engaged in perfecting that report, expecting to bring it in this evening, and that the House would take up the conference report on the sundry civil bill and pass it to-night, so that we might pass both of those bills. I think I may say, to the surprise of the chairman of the Committee on Appropriations, that word has just come that the House has adjourned to meet Monday morning at 11 o'clock, so that no progress can be made with the appropriation bills this evening. Therefore I move to reconsider the vote whereby the Senate agreed to meet at 10 o'clock on Monday, because it would be to no purpose to meet at that time, for the reason that under the action of the House nothing can be done this evening to expedite the appropriation bills.

Mr. BEVERIDGE. Could not other bills be passed in that time?

Mr. HALE. The agreement was that no bills should be passed except by unanimous consent.

Mr. BEVERIDGE. Now and Monday also?

Mr. HALE. Monday also.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nevada?

Mr. HALE. Certainly.

Mr. NEWLANDS. I wish to ask whether the Senator from Indiana has not already secured unanimous consent for the consideration of the bill regarding the Territories?

Mr. BEVERIDGE. I beg pardon.

Mr. NEWLANDS. I wish to ask whether the Senator from Indiana has not already secured unanimous consent for the consideration of the bill regarding the Territories?

Mr. BEVERIDGE. I am now occupying the floor upon the recognition of the Chair asking for that unanimous consent, and I have had a colloquy with the Senator from Georgia [Mr. CLAY], which I trust is sufficiently satisfactory that the Senate may go on with its consideration.

Mr. HALE. Mr. President, I have made the motion. I should not have asked the Senate to do this, except upon the view that during this long evening we should pass both of these appropriation bills. We can pass neither of them, and therefore the conditions do not obtain which existed when I made the motion. Therefore I move to reconsider the vote by which the Senate agreed to meet at 10 o'clock on Monday.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nevada?

Mr. HALE. Certainly.

Mr. NEWLANDS. I would ask the Senator whether the evening can not be well spent—

Mr. HALE. I am not speaking about the evening.

Mr. BEVERIDGE. And Monday morning, too.

Mr. NEWLANDS. I understood the Senator's—

Mr. HALE. I am not talking about the evening.

Mr. NEWLANDS. I understood the Senator's motion to involve—

Mr. HALE. The session for to-night is in the hands of the Senate.

Mr. ALDRICH. Under the unanimous-consent agreement.

Mr. HALE. Under the unanimous-consent agreement. But there is no point in meeting at 10 o'clock Monday when we can not proceed with the appropriation bills.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to reconsider the vote by which the Senate agreed to meet at 10 o'clock on Monday next. The motion to reconsider was agreed to.

Mr. HALE. It has been suggested that we might agree to meet at 11 o'clock for general business. I do not object to that. So I move that when the Senate adjourns to-day, it be to meet at 11 o'clock on Monday.

Mr. CLAY. Does that change the rule of procedure as heretofore fixed by the Senate under the unanimous-consent agreement?

Mr. ALDRICH. Not at all.

Mr. HALE. It does not interfere with that at all.

Mr. CLAY. When we meet at 11 o'clock on Monday we can consider nothing except conference reports or matters pending between the two Houses, and such matters as may be taken up by unanimous consent.

Mr. BEVERIDGE. Was that the unanimous-consent agreement this afternoon?

The VICE-PRESIDENT. There was no unanimous-consent agreement to that effect.

Mr. CLAY. I so understood.

Mr. HALE. That applied to this evening.

Mr. CULBERSON. I simply want to call the attention of the Senator from Maine, in reply to the suggestion of the Senator from Georgia, to the fact that the unanimous consent does not apply to Monday. It applies only to this evening.

Mr. HALE. Only to this evening.

The VICE-PRESIDENT. That is correct.

Mr. BEVERIDGE. I have the floor, and I yield to the Senator from Minnesota.

The VICE-PRESIDENT. The Senator from Minnesota rises to a privileged question.

Mr. NELSON. I yield for a vote on the motion of the Senator from Maine.

Mr. HALE. Then let us have a vote on my motion.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet at 11 o'clock on Monday next.

The motion was agreed to.

Mr. HALE. I am very sorry to say that the hope we had of final adjournment has, under the action of the House, disappeared. We can not adjourn on Monday.

#### RAINY RIVER DAM—VETO MESSAGE.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,  
May 12, 1908.

The President of the United States having returned to the House of Representatives, in which it originated, the bill H. R. 15444, "An act extending the time for the construction of a dam across Rainy River," with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

A. McDOWELL, Clerk.

I certify that this act originated in the House of Representatives.  
A. McDOWELL, Clerk.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. NELSON. I have stated to the Senate, and I want to state again, that this is satisfactory to the President. The President of the United States, through the Secretary of the Interior, Mr. Garfield, has written a letter to that effect. The Secretary of the Interior says:

These conditions having been fulfilled, the President feels that it is safe, from the viewpoint of the public interest, and equitable to the Rainy River Improvement Company, to enact the bill into law.

The VICE-PRESIDENT. The question of the passage of the bill, notwithstanding the veto of the President, must be taken by yeas and nays. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded to his name.

Mr. NEWLANDS. Mr. President, I wish to make an inquiry of the Senator from Minnesota.

Mr. GALLINGER and others. Too late.

The VICE-PRESIDENT. The Senator from Nevada rose in time.

Mr. NELSON. The Senator from Nevada is out of order, as the roll call has begun.

The VICE-PRESIDENT. The Senator from Nevada rose to address the Chair before the roll call commenced.

Mr. NEWLANDS. The Senator from Minnesota made a statement regarding the President of the United States in connection with this matter. May I ask him to repeat what it was? I did not understand it.

Mr. NELSON. It is to this effect: That the President of the United States makes known through the Secretary of the Interior, that under the circumstances, having vetoed the bill under a misapprehension, it is satisfactory to him to have the bill passed over his veto.

The VICE-PRESIDENT. The Secretary will proceed with the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I will transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

The roll call was concluded.

Mr. WARREN. I wish to announce my pair with the senior Senator from Mississippi [Mr. MONEY].

Mr. CLAY (after having voted in the affirmative). Has the senior Senator from Massachusetts [Mr. LODGE] voted?

The VICE-PRESIDENT. He has not.

Mr. CLAY. In order to maintain a quorum I will let my vote stand.

The result was announced—yeas 49, nays 0, as follows:

#### YEAS—49.

Aldrich	Clay	Hopkins	Simmons
Ankeny	Crane	Johnston	Smith, Md.
Bacon	Culberson	Kean	Smith, Mich.
Bankhead	Curtis	Long	Smoot
Beveridge	Dick	Nelson	Stephenson
Brandegee	Flint	Newlands	Stewart
Briggs	Frazier	Owen	Sutherland
Brown	Fulton	Overman	Tallaferro
Burkett	Gallinger	Paynter	Warner
Burnham	Gore	Penrose	Wetmore
Carter	Guggenheim	Perkins	
Clapp	Hemenway	Piles	
Clark, Wyo.	Hoyburn	Scott	

#### NOT VOTING—43.

Allison	Dillingham	Hansbrough	Money
Bailey	Dixon	Kittredge	Nixon
Borah	Dolliver	Knox	Platt
Bourne	du Pont	La Follette	Rayner
Bulkeley	Elkins	Lodge	Richardson
Burrows	Foraker	McCreary	Stone
Clarke, Ark.	Foster	McCumber	Taylor
Cullom	Frye	McEnery	Teller
Daniel	Gamble	McLaurin	Tillman
Davis	Gary	Martin	Warren
Depew	Hale	Milton	

The VICE-PRESIDENT. Senators, on this question the yeas are 49 and the nays are 0. Two-thirds of the Senate having voted in the affirmative, the bill is passed, notwithstanding the objections of the President, and the title will be agreed to, if there be no objection.

#### AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. I now renew my request for unanimous consent for the immediate consideration of the bill (H. R. 21957) relating to affairs in the Territories.

The VICE-PRESIDENT. Is there objection to the request for the present consideration of the bill?

Mr. HOPKINS. The bill, I find, has been on the Calendar only two days.

Mr. BEVERIDGE. That is true.

Mr. HOPKINS. My attention was not called to it until today, and indeed the feature of the bill to which I desire to have a little time for investigation was not called to my attention until this evening. I will say to the Senator from Indiana that it relates to the practice of medicine in the district of Alaska. A bill of this character was before Congress at the last session, and before the Senate embarks upon the consideration of the bill I desire to have a little time to investigate the various provisions of it. For that reason I shall be compelled to object to its consideration to-night.

Mr. BEVERIDGE. Mr. President—

Mr. HOPKINS. I will say to the Senator from Indiana that I have no objection to taking up the bill on Monday or at any time, because between this and Monday I can examine the provisions of the bill relating to the practice of medicine, and if I think any amendments are necessary I will submit them to the Senator from Indiana.

Mr. BEVERIDGE. I wish to state to the Senator before he takes his seat the situation as I understand it, so that he will know what his objection means. This is the third time I have made the explanation to Senators who have come in later.

First of all, this bill passed the House in the form of an omnibus bill, because of the parliamentary situation existing there at this time. Most of the bills had already passed the Senate separately, after having been considered by the committee and having been sent to the House. That is the way it happens to be in an omnibus form.

Now, at the rate at which things are speeding forward, unless the bill is passed to-night it is quite likely that it will fail. It has encountered one objection after another, and all of them have been overcome when it was explained. I will state that this legislation involves exceedingly necessary legislation for the district of Alaska, which the governor of Alaska has been here a long time urging, and which the Department has very

carefully considered and recommended, as well as several bills for Territories, for instance, some bills for absolutely necessary court-house buildings in one or two counties of Arizona.

Mr. HOPKINS. I will say to the Senator I am not going to antagonize the bill on the proposition he urges. If the Senator will eliminate the provision in the bill relating to the practice of medicine in the district of Alaska, I will have no objection to it.

Mr. BEVERIDGE. I hope the Senator will not ask me to do that, because there is now no regulation whatever of the practice of medicine in Alaska, and this is an exceedingly mild provision.

Mr. HOPKINS. I will say to the Senator that in December we could take it up as a separate bill and consider it.

Mr. BEVERIDGE. Then, if the Senator will move an amendment striking out that provision, I will accept it.

Mr. HOPKINS. If I can have an assurance that it will not go out, I will have no objection.

Mr. BEVERIDGE. I will accept the amendment.

Mr. HOPKINS. Very well.

Mr. BEVERIDGE. That will put it in conference.

Mr. HOPKINS. The Senator will not—

Keep the word of promise to our ear,  
And break it to our hope.

Mr. BEVERIDGE. I can not speak for the conferees of the other House, I will say. But I will say this to the Senator: He ought not to ask me or any other member of the committee to say what it is our duty to do, for whenever a subject like this goes into conference it becomes the duty of the conferees to stand by the action of the Senate so far as they may; and in cases where Senators have been defeated and were appointed on the conference they have, against their own convictions, stood by the action of the Senate. The Senator ought not to ask for such an assurance as that. I can not answer for the House conferees.

Further, I will state what I think the process will be. I think, in view of the necessity of getting this legislation through, this will probably be the course. The Senator can guess about it as much as I can, but the House will probably pass the bill when it gets there, and it probably will not go to conference. I can not answer for that, but I think that course is likely.

Mr. HOPKINS. All I desire upon the part of the Senator from Indiana is, as I said, that the word of promise shall not be broken, with me on this proposition in the conference by putting back this provision in the bill.

Mr. BEVERIDGE. The Senator ought not to use quite that language. It touches one pretty delicately. I say it becomes the duty of the conferees on the part of the Senate and the House to stand by the action of their respective Houses.

Mr. HOPKINS. I recognize that. I understand, also, and so does the Senator, that in legislation of this kind it depends largely upon the spirit with which the Senate conferees adhere to their amendments. I feel that if I were in the Senator's place and one of the conferees the bill would pass with this provision eliminated.

Mr. BEVERIDGE. Certainly; and I am perfectly willing that it shall be taken out. The Senator must know that this is the case where a provision placed on a bill is seriously contested by the conferees. So where I was one of the conferees and we were beaten, as one of the conferees I with the other members of my committee stood out firmly for the action of the Senate against our own conviction.

Mr. HOPKINS. That is what I want the Senator to agree to.

Mr. BEVERIDGE. No; the Senator has no right to ask it and I do not want him to do it. I will accept the amendment, and he can depend upon the members of the committee doing their duty.

Mr. HOPKINS. That is all I want.

Mr. BEVERIDGE. They will do that without anybody's request.

Mr. HOPKINS. I move on page 11, commencing with line 6, to strike out all of page 11 and—

Mr. CULBERSON. I should like to inquire if the bill has been read?

Mr. BEVERIDGE. Yes; I should say it had.

The VICE-PRESIDENT. The bill was read in full, but consent to its consideration has not yet been given.

Mr. CULBERSON. That is the next question I was about to ask. Does the Senator from Illinois object to its consideration?

Mr. BEVERIDGE. He does not.

Mr. HOPKINS. I stated to the Senator from Indiana that I would not object if the provisions relating to the practice of medicine in the district of Alaska should be stricken out, and I



understand from the Senator from Indiana in charge of the bill that that is entirely agreeable to him and to his committee. I am now making my motion in pursuance of the suggestion made by the Senator from Indiana.

Mr. BEVERIDGE. It begins on page 11, line 11.

Mr. CULBERSON. I understand, then, that the Senator from Illinois does not object to the consideration of the bill at this time.

Mr. HOPKINS. I do not, under the statement of the Senator from Indiana.

Mr. BEVERIDGE. Then, as soon as the Senator will move his amendment I will accept it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLAY. As I understand the Senator from Illinois, he will move to strike out section 11, beginning on page 11.

Mr. HOPKINS. And section 10.

Mr. CLAY. And section 12.

Mr. BEVERIDGE. Sections 10 and 11.

Mr. CLAY. Yes; sections 10 and 11, and section 12, on page 12; also section 13, on the same page, and sections 14 and 15, on page 13.

Mr. HOPKINS. Down to "Arizona."

Mr. BEVERIDGE. All of the medicine-practice act. That is what the Senator from Illinois moves to strike out.

Mr. CLAY. I want to call the Senator's attention to the fact that this bill changes four or five sections of the penal code of Alaska.

Mr. BEVERIDGE. It does.

Mr. CLAY. Since I have been in the Senate we passed a penal code for Alaska the consideration of which consumed several weeks.

Mr. NELSON. Will the Senator from Georgia allow me to correct him in one respect?

Mr. CLAY. Certainly.

Mr. NELSON. The provisions he refers to are part of the penal code, but there are portions of it that relate to liquor licenses in Alaska, and it is those portions of the law relating to the granting of liquor licenses in Alaska that are amended. It refers only to those portions of the penal code.

Mr. CLAY. I am not going to object to the immediate consideration of the bill, but in my judgment the practice pursued is a bad one. When you undertake to deal with five or six distinct subjects in one bill and call it an omnibus bill you are almost sure to have dangerous legislation.

Mr. BEVERIDGE. Will the Senator permit an interruption?

Mr. CLAY. Yes.

Mr. BEVERIDGE. I explained to the Senate a few moments ago that all of the bills, except the Hawaiian portion, I believe, passed the Senate as separate bills. They come back from the House in the form of an omnibus bill, because of the parliamentary situation in the House, in roll calls and other things of that kind. The Senator is absolutely right about the proposition of omnibus bills of every kind. They are always dangerous. But this is the only way of getting any legislation for those Territories. It is not the fault of the Senate. The Senator knows whose fault it is.

Mr. CLAY. We are dealing with Arizona, New Mexico, the Hawaiian Islands, and one of these measures has never been considered by a committee.

Mr. BEVERIDGE. Yes; they have been considered.

Mr. CLAY. I have given my views about it. I have nothing more to say.

Mr. HOPKINS. Now, Mr. President, I make my motion to strike out.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The bill is not before the Senate.

Mr. BEVERIDGE. I said that I had no objection to the amendment.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21957) relating to affairs in the Territories.

The VICE-PRESIDENT. The Senator from Illinois proposes the following amendment.

Mr. HOPKINS. On page 11, commencing in line 11, I move to strike out all on that page and all on pages 12, 13, 14, and 15 down to the word "Arizona."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, after line 10, strike out all down to and including line 17 on page 15.

Mr. BEVERIDGE. I accept the amendment.

The amendment was agreed to.

Mr. CLARK of Wyoming. Mr. President—

Mr. BEVERIDGE. I wish to say, so that the Record will

show it, that I accepted the amendment only because I had to do so. I do not believe we ought to have stricken out those provisions.

Mr. HOPKINS. I think that the Senator has acted wisely and well in accepting the amendment.

Mr. GALLINGER. The Record will show that the Senate accepted it, not the Senator from Indiana.

Mr. BEVERIDGE. That is quite true. When I said that I accepted the amendment it was a mistake. I want to correct the Record.

Mr. HOPKINS. I want to say if the Senator desires to suggest that I have coerced him into anything, my answer is that the coercion results in the best kind of legislation on the part of the Senator from Indiana.

Mr. BEVERIDGE. That may be.

Mr. CLARK of Wyoming. Mr. President, I want to make an inquiry of the chairman of the committee, who, I think, has assumed some personal interest in the measure. I am only seeking to get information. I want to get information in regard to section 34 and the following sections. I will ask the Senator whether that part of the bill was ever considered by a committee of the Senate except in connection with this omnibus bill?

Mr. BEVERIDGE. I have explained that to the Senate three times. I cheerfully explain again that that is a portion of the bill about which the Committee on Territories, which is not the appropriate committee for it to go to in the Senate, does not profess to be informed at first hand. It comes here from another place where there is but one committee for all legislation affecting all Territories and districts of the United States, including Porto Rico and the Pacific Islands, as well as Arizona, New Mexico, and the district of Alaska. But in the Senate there are two committees—the Committee on Territories and the Committee on Pacific Islands and Porto Rico.

So when the bill came in omnibus form to our committee, first we examined all those provisions of it with which we are familiar. We then made a report, intending to refer the other part to the appropriate committee, the Committee on Pacific Islands and Porto Rico, but we found the chairman of the committee, the Senator from Ohio [Mr. FORAKER], ill and at home. We then took it back to our committee and made a report favorably, provided the members of the Committee on Pacific Islands and Porto Rico would examine the matter and approve it. That was done, and upon their assurance that they approved it, a favorable report was made from the Committee on Territories. That is as full a statement as I can possibly give the Senator.

Mr. CLARK of Wyoming. I understand the parliamentary situation of the bill perfectly. I also understand perfectly that it is an omnibus bill, containing matters which should have been referred to two distinct committees of this body, and but one committee has taken jurisdiction of it. I want to inquire in regard to the matter which they report to the Senate. I ask the Senator whether the committee in considering his omnibus bill considered the very important matters that should have gone to the Committee on Pacific Islands and Porto Rico.

Mr. BEVERIDGE. Again I state to the Senator that the Committee on Territories considered it only in the way I have said; that is to say, none of us knew anything about it. It belonged appropriately to the other committee. I at first made a report so that I could present it here, referring it to the other committee. It was not done, because the chairman of the committee was ill, whereupon the matter was submitted to the other members of the Committee on Pacific Islands and Porto Rico, who examined it and expressed to the chairman of the Committee on Territories their approval of it. Now, that is as far as we can go.

Mr. CLARK of Wyoming. Then, Mr. President—

Mr. NELSON. Will both the Senators allow me to make a statement in this connection?

When this bill came before the Committee on Territories we discovered that certain provisions relating to the Hawaiian Islands as to the right of certain electric companies was a subject-matter that did not belong to the Committee on Territories, but properly belonged to the Committee on Pacific Islands and Porto Rico. Our committee decided in respect to those matters that unless the Committee on Pacific Islands and Porto Rico would favor the proposition we would report against those two provisions relating to Hawaii. The bill was referred to that committee in reference to those matters, and informally I am advised by at least two members of the committee that they were opposed to those provisions and they did not believe they ought to be considered. I think those provisions in reference to Hawaii should be eliminated from the bill.

Mr. BEVERIDGE. Later on, I will say to the Senator, I was informed that they were approved and the bill should be

reported favorably. Am I right? I ask the Senator from California [Mr. FLINT].

Mr. FLINT. I do not know that any member of the Committee on Pacific Islands and Porto Rico is opposed to this bill. I polled the committee at the request of the chairman and made a statement of what the omnibus bill contained that had been heretofore referred to that committee, and they all favored it. If any member of the committee was not in favor of it, I was not aware of it.

Mr. BEVERIDGE. That was my understanding, Mr. President.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. BEVERIDGE. Certainly.

Mr. NEWLANDS. I observe, in looking over the provisions of the bill regarding Hawaii, the act seems to have been vetoed by the governor of that Territory, and then was passed over his veto. May I ask what the status is in regard to that part of the bill?

Mr. PILES. I can explain that to the Senator. The first act referred to, set forth on page 20, was vetoed by the governor of the Territory of Hawaii, and that bill was passed over his veto by both houses of the legislature of the Territory.

Mr. CLARK of Wyoming. I am very much interested in this matter, and I would like to hear the Senator from Washington.

Mr. PILES. I beg the Senator's pardon, I will repeat my statement.

The first act contained in the bill concerning the Territory of Hawaii was passed by the legislative body of that Territory and vetoed by the governor. It was then passed over the governor's veto by two-thirds of both branches of the Territorial legislature.

The act provides that before it shall become a law it shall be approved by the governor and also by the Congress of the United States. So it becomes necessary, in the first instance, that Congress shall approve this law. Section 10 of the bill, on page 24, provides that—

This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

So by the terms of the Territorial act it became necessary for two things to take place before it could become a law. First, it must be approved by the governor, and, second, it must be approved by Congress. The governor vetoed the bill, but it was passed over his veto, and therefore became in law approved, and now it is presented to Congress for its approval.

Mr. CLARK of Wyoming. Probably the Senator can answer the question for which I sought to get information from the chairman of the committee. I am entirely in the dark in regard to this legislation in reference to Hawaii. I think the chairman of the committee is no less in the dark, as I think is the Senate of the United States, unless it is enlightened by the Senator to whom I am addressing my remarks.

The Senate is entirely in the dark. There are three very important provisions here affecting very large interests, individual interests and interests of the Territories. I want to know, if I can get the information, how the act passed by the Territorial legislature is amended by this bill?

Mr. PILES. It is not, as I understand it, amended at all by this bill.

Mr. CLARK of Wyoming. The bill specifically says that it is amended.

Mr. PILES. Where? Will the Senator point it out, please. I am not aware of it.

Mr. CLARK of Wyoming. That is what I want to understand. I want to know something about the measure we are passing.

Mr. PILES. I shall try to explain it to the Senator.

Mr. CLARK of Wyoming. In section 34, on page 20, line 14, after reciting the statute of the Territory, it says:

Sec. 34. That the act of the legislature of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii," passed by the legislature of the Territory of Hawaii on the 24th and 25th days of April, anno Domini 1907, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows, to wit:

The Territorial legislature passed an act of franchise for these electrical companies, and the governor vetoed that act. We are not asked here to pass a law which the Territorial legislature passed, but another and a different one as amended by the Congress of the United States. What I want some information on is, as to how and in what particulars the law as it appears in this bill is different from the act which was passed by the legislative assembly of Hawaii?

Mr. PILES. I will confess to the Senator—

Mr. CLARK of Wyoming. If there is any Senator who can explain anything about this provision, I wish he would do it, for it is very important legislation. I have no doubt that legislation of this sort is needed for the Hawaiian Islands, but I do not think we want to go stone-blind here in legislation because this is an omnibus bill or because we are in the closing hours of a session of Congress. I should like to have some little information from some Senator, and certainly from some member of one of these two committees, if they can give it—the one committee having jurisdiction and the other taking jurisdiction.

Mr. PILES. Mr. President, I am not at all familiar with that provision. I do not recall its having been presented to the Committee on Territories of the Senate. If so, it was not when I was present. I am, therefore, unable to enlighten the Senator from Wyoming upon this particular provision—that is to say, wherein the Territorial act is proposed to be amended by Congress.

Mr. CLARK of Wyoming. Mr. President, I do not want to move to strike this out, as it may be very necessary and important legislation for those islands, but I do not think it is fair to this Senate for a committee to present an important bill like this for passage with important items, no member of either committee being able to inform the Senate as to what the provisions are and what necessity for them exists.

Mr. PILES. Mr. President, the trouble is that this amendment in relation to Hawaii was inserted in the other House.

Mr. CLARK of Wyoming. Does that relieve a committee of the Senate from considering it?

Mr. PILES. Not at all.

Mr. CLARK of Wyoming. Does it furnish any light to those of us who have got this bill under consideration?

Mr. PILES. This matter has never been presented to the Committee on Territories, so far as my knowledge goes.

Mr. CLARK of Wyoming. But the Committee on Territories reported the bill, and they say they have considered it.

Mr. BEVERIDGE. Mr. President, if the Senator from Wyoming will permit me, I have explained the exact situation with reference to it.

Mr. CLARK of Wyoming. I understand that perfectly, but unfortunately the Senator was absent from the Chamber when I asked my questions.

Mr. BEVERIDGE. No; I explained it once before. The Senate Committee on Territories when it came to a subject as to which it was not usual for the committee to treat—the whole omnibus bill, including this matter, came to our committee because it was the proper committee for most of it to go to—immediately prepared to refer it to the proper committee of the Senate. The chairman of that committee [Mr. FORAKER] was sick. It was then referred to each member of the committee, and the committee was polled by the Senator from California [Mr. FLINT], who is the next ranking member of that committee, and, upon his assurance, the chairman of the Committee on Territories, after considering the matter informally in the committee, reported it in order that we might get the bill before the Senate and that the legislation should not fail.

Mr. CLARK of Wyoming. Mr. President, I must confess that this is the first piece of legislation of this importance I have ever known to be brought before the Senate on the recommendation of a committee when the committee acknowledge that they did not consider it at all.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. PILES. I do.

Mr. FULTON. I will state to the Senator from Wyoming that probably the Senator from California, a member of the Committee on Pacific Islands and Porto Rico, can explain wherein the act of Congress proposes to amend the act of the Territory.

Mr. CLARK of Wyoming. I asked for an explanation, and would be very glad to get it, because I have no doubt that there is an explanation for it, and I have no doubt that it is needed legislation; but at the same time I should like to know what we are doing and why we are doing it. I will ask the Senator from California, who is upon the Committee on Pacific Islands and Porto Rico, wherein the bill presented by the Committee on Territories differs from the law proposed by the legislative assembly of Hawaii—that is, if the Senator is advised?

Mr. FLINT. I did not hear the Senator, as my attention was diverted for a moment.

Mr. BEVERIDGE. I suggest that, if the Senator from Wyoming thinks the legislation is objectionable—although I think it would be seriously a bad thing to adopt the amendment rather than kill the legislation—if he wants to take the responsibility, he can move to strike it out.



Mr. CLARK of Wyoming. Mr. President, I am taking no responsibility—

Mr. BEVERIDGE. Then move to strike it out.

Mr. CLARK of Wyoming. Except for my vote; and before I give my vote in the Senate I want to know why I vote. When a committee recommend to the Senate of the United States important legislation, it seems to me they ought to be able to give me some information.

Mr. BEVERIDGE. Will the Senator move to strike this out?

Mr. CLARK of Wyoming. We are asked solemnly to enact into law here—

Mr. PILES. If the Senator will pardon me, I will move to strike out sections 34, 35, and 36, in order to put the whole thing in conference, because it came from the House and not from the Committee on Territories in the Senate. In that way we will get the matter into conference. Now, I think I can explain to the Senator the other provision.

The VICE-PRESIDENT. If the Senator from Washington will permit, the amendment proposed by the Senator will be stated by the Secretary.

The SECRETARY. On page 20, beginning with section 34, in line 6, it is proposed to strike out all down to and including section 36, on page 34.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CLARK of Wyoming. Before voting on that, I may be allowed to express the hope that the committee will be as well informed on this in conference as it seems to be in the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CLAY. Mr. President, as I understand that amendment now, it is to strike out every feature of this bill relating to Hawaii.

Mr. NELSON. Yes; everything relating to Hawaii.

Mr. CLAY. Beginning in line 6, one page 20, and including the remainder of page 20 and pages 21, 22, 23, 24, 25, 26—

Mr. NELSON. Clear down to New Mexico. [Laughter.]

Mr. CLAY. And 37, down to New Mexico. Is that right?

Mr. PILES. Down to New Mexico.

Mr. CLAY. That convinces me more than I ever was convinced before of the danger of including so many different subjects in one bill.

Mr. BEVERIDGE. The Senator is quite right.

Mr. CLAY. The Senator from Indiana insisted that we ought to pass this bill to-night. I begged that it go over until Monday that we might critically examine it; and now the Senators in charge of the bill have admitted that two-thirds of the bill ought to be stricken out. I am inclined to think, Mr. President, if we consider it a few more minutes the balance of it will be stricken out. [Laughter.]

Mr. BEVERIDGE. With reference to what the Senator has said, I wish merely to say that if the Senator had not agreed to what he states is a sort of general understanding that this Congress should adjourn before the week is out, when important legislation is still to be enacted, we would not be in such a predicament as we are now in an effort to pass this bill. Mr. President, I will inquire if the question on the amendment of the Senator from Washington [Mr. PILES] has been put?

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. LONG. On page 5, line 4, I desire to move an amendment for my colleague [Mr. CURTIS]. I move to strike out the word "white" in that line.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 4, before the word "male," it is proposed to strike out the word "white."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CULBERSON. Let the Secretary read the three or four sentences containing that phrase.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Texas.

The Secretary read as follows:

Sec. 464. That before any license is granted, as provided in this act in relation to intoxicating liquor, it shall be shown to the satisfaction of said court that a majority of the white male and female citizens over the age of 21 years, other than Indians, within 2 miles of the place where intoxicating liquor is to be manufactured, bartered, sold, and exchanged, or bartered, sold, and exchanged, have, in good faith, consented to the manufacture, barter, sale, and exchange, or the barter, sale, and exchange of the same.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Kansas to the fact that this provision is a part of existing law in Alaska. It relates to the matter of a petition for leave to sell liquor. The object of the provision is that white inhabitants, male and female, shall have the

right to express their opinion, and unless there is a given number of signers to a petition no license can be issued. If you strike out the word "white," it makes it ambiguous, for up in that country there are not only a lot of Indians, but a lot of Eskimos; in fact, there are more Eskimos than Indians; and then there are many people of mixed blood up there. I think in the interest of good government in Alaska we ought to leave the provision just as it is.

Mr. LONG. Mr. President, as I said, I made this motion at the request of my colleague, and I understand the amendment was agreed to by the chairman of the committee.

Mr. BEVERIDGE. I told the junior Senator from Kansas [Mr. CURTIS] that I would accept, so far as I could, any amendment he might offer. As the Senator from New Hampshire [Mr. GALLINGER] very well said, it is not within the power of the chairman of the committee to accept an amendment. The Senate itself must accept or reject; but, so far as I can, I certainly accept the amendment.

Mr. LONG. Mr. President, I ask for a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the "noes" have it.

Mr. LONG. I ask that the motion be again put. I think the Senate did not altogether understand the question.

The VICE-PRESIDENT. The Chair will again put the question. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. LONG] on behalf of his colleague [Mr. CURTIS]. [Putting the question.] By the sound, the "noes" have it.

Mr. LONG. I ask for a division.

The question being put, there were, on a division—ayes 5, noes 17.

Mr. GALLINGER. I ask for the yeas and nays.

Mr. CULBERSON. I move that the Senate adjourn.

Mr. BEVERIDGE. Mr. President, I hope the Senator from Texas will withhold that motion for a moment, unless the Senator from Texas wants absolutely to kill all legislation respecting Arizona and New Mexico and this necessary legislation concerning Alaska, because if the Senator intends to agree to final adjournment on Monday or Tuesday—

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. The motion is not debatable.

Mr. BEVERIDGE. I know that; but I am asking the Senator from Texas to withhold the motion.

Mr. CULBERSON. If I believed this bill could be disposed of in a short time—

Mr. BEVERIDGE. It will be, most certainly.

Mr. CULBERSON. Then I will withdraw the motion temporarily.

The VICE-PRESIDENT. The Senator from Texas [Mr. CULBERSON] withdraws his motion. The Senator from New Hampshire [Mr. GALLINGER] demands the yeas and nays on the amendment proposed by the Senator from Kansas [Mr. LONG] in behalf of his colleague [Mr. CURTIS].

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE].

The roll call was concluded.

Mr. CLARK of Wyoming. I wish to announce my pair with the senior Senator from Missouri [Mr. STONE].

Mr. DILLINGHAM. Owing to my pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

The result was announced—yeas 9, nays 16, as follows:

#### YEAS—9.

Beveridge	Gallinger	Penrose	Warner
Carter	Long	Piles	Warren
Curtis			

#### NAYS—16.

Ankeny	Burnham	Nelson	Stephenson
Briggs	Flint	Overman	Stewart
Brown	Guggenheim	Perkins	Sutherland
Burkett	Heyburn	Smith, Mich.	Wetmore

#### NOT VOTING—67.

Aldrich	Daniel	Hale	Newlands
Allison	Davis	Hansbrough	Nixon
Bacon	Depew	Hemenway	Owen
Bailey	Dick	Hopkins	Paynter
Bankhead	Dillingham	Johnston	Platt
Borah	Dixon	Kean	Rayner
Bourne	Dolliver	Kittredge	Richardson
Brandegee	du Pont	Knox	Scott
Burkeley	Elkins	La Follette	Simmons
Burrows	Foraker	Lodge	Smith, Md.
Clapp	Foster	McCreary	Smoot
Clark, Wyo.	Frazier	McCumber	Stone
Clarke, Ark.	Frye	McEnery	Talliaferro
Clay	Fulton	McLaurin	Taylor
Crane	Gamble	Martin	Teller
Culbertson	Gary	Milton	Tillman
Cullom	Gore	Money	

The VICE-PRESIDENT. No quorum has voted.  
Mr. ALDRICH. I move that the Senate adjourn.  
The motion was agreed to, and (at 10 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, May 25, 1908, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 23, 1908.*

##### POSTMASTERS.

###### ARIZONA.

Fred E. Cadwell to be postmaster at Douglas, Cochise County, Ariz.

Louisa Ferrall to be postmaster at Grand Canyon, Coconino County, Ariz.

Reuben S. Galusha to be postmaster at Ashfork, Yavapai County, Ariz.

###### ARKANSAS.

Dan S. Collins to be postmaster at Foreman, Little River County, Ark.

Owen J. Owen, jr., to be postmaster at Conway, Faulkner County, Ark.

###### DELAWARE.

Benjamin I. Shaw to be postmaster at Harrington, Kent County, Del.

###### GEORGIA.

Charles D. O'Kelley to be postmaster at Grantville, Coweta County, Ga.

###### LOUISIANA.

Hiram Fuseller to be postmaster at Eunice, St. Landry Parish, La.

###### MICHIGAN.

Bangs F. Warner to be postmaster at Paw Paw, Van Buren County, Mich.

###### NEW YORK.

William H. Allen to be postmaster at Farmingdale, Nassau County, N. Y.

William D. Smith to be postmaster at Northville, Fulton County, N. Y.

Francis Worden to be postmaster at Coxsackie, Greene County, N. Y.

###### OKLAHOMA.

Elta H. Jayne to be postmaster at Edmond, Oklahoma County, Okla.

Thomas B. Woosley to be postmaster at Mulhall, Logan County, Okla.

###### PENNSYLVANIA.

Harry L. Cooper to be postmaster at Edinboro, Erie County, Pa.

Delos A. Wright to be postmaster at Union City, Erie County, Pa.

###### TENNESSEE.

J. A. Cox to be postmaster at Watertown, Wilson County, Tenn.

###### TEXAS.

J. Wed Davis to be postmaster at Teague, Freestone County, Tex.

###### VIRGINIA.

William D. Amis to be postmaster at Virgilina, Halifax County, Va.

James M. Williams to be postmaster at Broadway, Rockingham County, Va.

###### WISCONSIN.

Joseph E. Parry to be postmaster at Florence, Florence County, Wis.

#### HOUSE OF REPRESENTATIVES.

*SATURDAY, May 23, 1908.*

*[Continuation of legislative day of Tuesday, May 12, 1908.]*

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

##### REPRINT OF A BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, with Senate amendments numbered, so that we can have the bill for use in conference.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of the bill referred to. Is there objection?

There was no objection.

##### JERRY MURPHY.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, and I ask that the statement be read instead of the report.

The SPEAKER. The gentleman from New Jersey calls up the conference report on the bill H. R. 1991, and asks unanimous consent that the statement be read in lieu of the report.

Mr. WILLIAMS. I can not consent to that.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the Senate amendments, and agree to the same with amendments as follows:

On page 6 of the House amendment, line 23, strike out the words "thirty-five" and insert in lieu thereof the word "fifty."

On page 7, line 24, strike out the word "fifteen" and insert in lieu thereof the word "twelve."

On page 11 strike out lines 10, 11, and 12.

On page 12 strike out lines 8, 9, 10, 11, and 12.

On page 13 strike out lines 8, 9, and 10.

On page 15 strike out lines 12 and 13.

H. C. LOUDENSLAGER,

WM. H. DRAFER,

WILLIAM RICHARDSON,

*Managers on the part of the House.*

HENRY E. BURNHAM,

REED SMOOT,

H. M. TELLER,

*Managers on the part of the Senate.*

The statement is as follows:

##### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment to the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

This bill was originally a single private House pension bill. It was amended by the Senate by adding numerous other House pension bills which had been passed by the House with amendments. These amendments of the Senate were agreed to with an amendment carrying the names of persons embraced in sundry House and Senate bills. This amendment was disagreed to by the Senate and a conference held. After full conference the conferees agreed to the amendment of the House, with sundry amendments, as follows:

In the case of Augusta L. B. Curry, page 6, line 21, etc. This bill passed the Senate at \$50 per month, but was amended in the House to \$35 per month. After full conference your conferees have agreed to the rating of \$50 per month.

In the case of Richard M. Robinson, page 7, line 22, etc. This bill originally passed the House at \$15 per month, but was amended in the Senate to \$12 per month. Your conferees have agreed to the rating of \$12 per month.

In the case of Elemon Boles, page 11, lines 10 to 12: This bill originally passed the House at \$10 per month, but was stricken out in the Senate, and your conferees have agreed to such action.

In the case of Nannie E. Lenderman, page 12, lines 8 to 12: This bill originally passed the House at \$12 per month and was stricken out in the Senate, which action your conferees have agreed upon.

In the case of Charles J. Tribble, page 13, lines 8 to 10: This bill originally passed the House at \$8 per month, but was stricken out in the Senate, which action your conferees have agreed upon.

In the case of Carl Roepke, page 15, lines 12 and 13: This bill originally passed the House, but was stricken out in the Senate, which action your conferees have agreed upon.

H. C. LOUDENSLAGER,

WM. H. DRAFER,

WILLIAM RICHARDSON,

*Managers on the part of the House.*



The SPEAKER. The question is on agreeing to the conference report.

Mr. WILLIAMS. Mr. Speaker, I will not call for the yeas and nays on this bill.

The question was taken, and the conference report was agreed to.

#### FORTIFICATION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I call up the conference report on the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The SPEAKER. The gentleman from Ohio calls up the conference report on the fortification appropriation bill. The Clerk will read the report.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 7, 10, 12, 16, 17, 18, 19, 23, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 8, 9, 11, 13, 14, 15, 20, 21, 25, 26, 27, and 28; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of sea-coast fortifications for the protection of the harbor at San Pedro, Cal., and the cities in that vicinity, and if such fortifications are deemed advisable or necessary furnish an estimate of the cost of sites and fortifications separately."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out of the said amendment the words "not to include Subig Bay or Olongapo;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-three thousand dollars;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out of the said amendment the words "not to include Subig Bay or Olongapo;" and the Senate agree to the same.

WALTER I. SMITH,

JOSEPH V. GRAFF,

SWAGAR SHERLEY,

*Managers on the part of the House.*

GEO. C. PERKINS,

F. E. WARREN,

A. S. CLAY,

*Managers on the part of the Senate.*

Mr. KEIFER. Mr. Speaker, I move that the House agree to the conference report.

Mr. WILLIAMS. And on that, Mr. Speaker, I demand the yeas and nays.

Mr. KEIFER. I make the point that there is no quorum.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. All those in favor of agreeing to the conference report will, when their names are called, answer "aye," those opposed will answer "no," those present and not voting will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 148, nays 61, answered "present" 13, not voting 165, as follows:

#### YEAS—148.

Acheson	Bartlett, Nev.	Boutell	Burton, Del.
Adair	Bates	Boyd	Burton, Ohio
Alexander, Mo.	Beale, Pa.	Brodhead	Caldwell
Alexander, N. Y.	Bede	Brownlow	Campbell
Ashbrook	Bonyng	Burleson	Cary

Caulfield  
Chaney  
Chapman  
Cook, Colo.  
Cook, Pa.  
Cooper, Pa.  
Cooper, Wis.  
Coudrey  
Craig  
Currier  
Cushman  
Dalzell  
Davidson  
Davis, Minn.  
Dawson  
Diekema  
Douglas  
Draper  
Driscoll  
Durey  
Edwards, Ky.  
Ellis, Oreg.  
Englebright  
Esch  
Favrot  
Focht  
Foss  
Foster, Vt.  
Foulkrod  
French  
Fuller  
Gaines, Tenn.

Gaines, W. Va.  
Gardner, Mich.  
Gardner, N. J.  
Gilham  
Gillett  
Goldfogle  
Gordon  
Goulden  
Graft  
Graham  
Granger  
Greene  
Hackney  
Hale  
Hall  
Hamilton, Iowa  
Hamilton, Mich.  
Haskins  
Haugen  
Hawley  
Henry, Conn.  
Hill, Conn.  
Hinshaw  
Howell, N. J.  
Howland  
Humphrey, Wash.  
Jenkins  
Jones, Wash.  
Kahn  
Keifer  
Kelher  
Kennedy, Iowa

Kennedy, Ohio  
Kipp  
Knapp  
Kustermann  
Lafean  
Lamb  
Langley  
Lawrence  
Lindbergh  
Littlefield  
Longworth  
Loudenslager  
Lowden  
McGavin  
McGuire  
McKinley, Ill.  
McKinney  
McLachlan, Cal.  
McLaughlin, Mich.  
McMorran  
Madison  
Mondell  
Moore, Pa.  
Morse  
Mouser  
Murdoch  
Murphy  
Needham  
Nelson  
Norris  
Olcott  
Olmsted

Overstreet  
Padgett  
Parker, S. Dak.  
Parsons  
Payne  
Perkins  
Pollard  
Porter  
Pray  
Prince  
Rainey  
Rauch  
Reeder  
Roberts  
Rodenberg  
Rothermel  
Scott  
Sherman  
Smith, Iowa  
Smith, Mich.  
Sperry  
Stanley  
Steenerson  
Sterling  
Suloway  
Sulzer  
Thistlewood  
Volstead  
Washburn  
Wilson, Pa.  
Wood  
Woodyard

#### NAYS—61.

Ansberry  
Beall, Tex.  
Bell, Ga.  
Booher  
Bowers  
Brundidge  
Burgess  
Byrd  
Candler  
Clark, Mo.  
Clayton  
Cooper, Tex.  
Cox, Ind.  
Crawford  
Denver  
Dixon

Ferris  
Floyd  
Foster, Ill.  
Fulton  
Garner  
Garrett  
Gillespie  
Glass  
Hamill  
Hamlin  
Hardwick  
Hardy  
Hay  
Helm  
Henry, Tex.  
Hobson

Houston  
Hughes, N. J.  
Hull, Tenn.  
Humphreys, Miss.  
Johnson, Ky.  
Jones, Va.  
Lloyd  
McLain  
Macon  
Moore, Tex.  
O'Connell  
Page  
Randell, Tex.  
Richardson  
Robinson  
Rucker

Russell, Mo.  
Russell, Tex.  
Sabath  
Saunders  
Sherwood  
Smith, Mo.  
Spight  
Stephens, Tex.  
Taylor, Ala.  
Tou Velle  
Underwood  
Webb  
Williams

Adamson  
Bennet, N. Y.  
Burnett  
Haggott

Harrison  
Lee  
McDermott  
Moon, Tenn.  
Talbot

Nicholls  
Shackelford  
Sheppard  
Watkins

#### ANSWERED "PRESENT"—13.

Alken  
Allen  
Ames  
Andrus  
Anthony  
Bannon  
Barchfield  
Barclay  
Bartholdt  
Bartlett, Ga.  
Bennett, Ky.  
Bingham  
Birdsall  
Bradley  
Brantley  
Broussard  
Brumm  
Burke  
Burleigh  
Butler  
Calder  
Calderhead  
Capron  
Carlin  
Carter  
Clark, Fla.  
Cockran  
Cocks, N. Y.  
Cole  
Conner  
Cousins  
Cravens  
Crumpacker  
Darragh  
Davenport  
Davey, La.  
Dawes  
De Armond  
Denby  
Dunwell  
Dwight  
Edwards, Ga.

Ellerbe  
Ellis, Mo.  
Fairchild  
Fassett  
Finley  
Fitzgerald  
Flood  
Fordney  
Fornes  
Foster, Ind.  
Fowler  
Gardner, Mass.  
Gill  
Godwin  
Goebel  
Gregg  
Griggs  
Gronas  
Hackett  
Hammond  
Harding  
Hayes  
Heflin  
Hepburn  
Higgins  
Hill, Miss.  
Hitchcock  
Holliday  
Howard  
Howell, Utah  
Hubbard, Iowa  
Hubbard, W. Va.  
Huff  
Hughes, W. Va.  
Hull, Iowa  
Jackson  
James, Addison D.  
James, Ollie M.  
Johnson, S. C.  
Kimball  
Kinkaid  
Kitchin, Claude

Kitchin, Wm. W.  
Knopf  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Landis  
Lanning  
Lassiter  
Law  
Leake  
Legare  
Lenahan  
Lever  
Lewis  
Lilley  
Lindsay  
Livingston  
Lolimer  
Loud  
Lovering  
McCall  
McCreary  
McHenry  
McKinlay, Cal.  
McMillan  
Madden  
Malby  
Mann  
Marshall  
Maynard  
Miller  
Moon, Pa.  
Mudd  
Nye  
Parker, N. J.  
Patterson  
Pearre  
Peters  
Pou  
Powers  
Pratt  
Pujo

Ransdell, La.  
Reid  
Reynolds  
Rhinoack  
Riordan  
Ryan  
Sherley  
Sims  
Slayden  
Slomp  
Small  
Smith, Cal.  
Smith, Tex.  
Snapp  
Southwick  
Sparkman  
Stafford  
Stevens, Minn.  
Sturgiss  
Tawney  
Taylor, Ohio  
Thomas, N. C.  
Thomas, Ohio  
Tirrell  
Townsend  
Vreeland  
Waldo  
Wallace  
Wanger  
Watson  
Weeks  
Weems  
Weisse  
Wheeler  
Wiley  
Willett  
Wilson, Ill.  
Wolf  
Young

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. VREELAND with Mr. WOLF.

Mr. WALDO with Mr. WILEY.

Mr. TOWNSEND with Mr. WILLETT.

Mr. TIRRELL with Mr. WATKINS.

Mr. THOMAS of Ohio with Mr. WALLACE.

Mr. STEVENS of Minnesota with Mr. SMITH of Texas.

Mr. SOUTHWICK with Mr. SLAYDEN.

Mr. TAYLOR of Ohio with Mr. THOMAS of North Carolina.

Mr. TAWNEY with Mr. SPARKMAN.  
 Mr. SNAPP with Mr. SHERLEY.  
 Mr. SLEMP with Mr. RYAN.  
 Mr. REYNOLDS with Mr. SMALL.  
 Mr. MOON of Pennsylvania with Mr. RHINOCK.  
 Mr. PEARRE with Mr. RIORDAN.  
 Mr. MILLER with Mr. REID.  
 Mr. MARSHALL with Mr. RANDELL of Louisiana.  
 Mr. MALBY with Mr. PUJO.  
 Mr. MADDEN with Mr. HOWARD.  
 Mr. McMILLAN with Mr. POU.  
 Mr. McCALL with Mr. LEE.  
 Mr. McKINLAY of California with Mr. PATTERSON.  
 Mr. LAW with Mr. MCHENRY.  
 Mr. LORIMER with Mr. McDERMOTT.  
 Mr. LOVERING with Mr. NICHOLLS.  
 Mr. LOUD with Mr. MOON of Tennessee.  
 Mr. LANDIS with Mr. LINDSAY.  
 Mr. KNOWLAND with Mr. LEWIS.  
 Mr. KNOPP with Mr. WEISSE.  
 Mr. HULL of Iowa with Mr. LENAHA.  
 Mr. HUFF with Mr. LEGARE.  
 Mr. HUBBARD of West Virginia with Mr. LEAKE.  
 Mr. HUBBARD of Iowa with Mr. LASSITER.  
 Mr. HOLLIDAY with Mr. CLAUDE KITCHIN.  
 Mr. HEPBURN with Mr. KIMBALL.  
 Mr. HAYES with Mr. OLLIE M. JAMES.  
 Mr. GOEBEL with Mr. HITCHCOCK.  
 Mr. GARDNER of Massachusetts with Mr. HEFLIN.  
 Mr. FOSTER of Indiana with Mr. HAMMOND.  
 Mr. FASSETT with Mr. HACKETT.  
 Mr. FAIRCHILD with Mr. GRIGGS.  
 Mr. ELLIS of Missouri with Mr. GODWIN.  
 Mr. DENBY with Mr. FITZGERALD.  
 Mr. DARRAGH with Mr. FINLEY.  
 Mr. CRUMPACKER with Mr. ELLERBE.  
 Mr. COLE with Mr. DE ARMOND.  
 Mr. COCKS of New York with Mr. DAVEY of Louisiana.  
 Mr. CALDER with Mr. CRAVENS.  
 Mr. BURLEIGH with Mr. COCKRAN.  
 Mr. CANDLER with Mr. CRAVENS.  
 Mr. BURKE with Mr. CLARK of Florida.  
 Mr. BARTHOLOMT with Mr. CARTER.  
 Mr. BARCHFIELD with Mr. CARLIN.  
 Mr. ANTHONY with Mr. BRANTLEY.  
 Mr. BANNON with Mr. BROUSSARD.  
 Mr. AMES with Mr. AIKEN.  
 Mr. ALLEN with Mr. LEVER.  
 Mr. MUDD with Mr. TALBOTT.  
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
 Mr. DUNWELL with Mr. LAMAR of Florida.  
 Mr. BIRDSALL with Mr. LAMAR of Missouri.  
 Mr. MCCREARY with Mr. EDWARDS of Georgia.  
 Mr. HARDING with Mr. PETERS.  
 Mr. POWERS with Mr. PRATT.  
 Mr. GRONNA with Mr. GREGG.  
 Mr. HUGHES of West Virginia with Mr. HILL of Mississippi.  
 Mr. MANN with Mr. SIMS.  
 Mr. BINGHAM with Mr. LIVINGSTON.  
 Mr. ANDRUS with Mr. BURNETT.  
 Friday afternoon until Monday morning:  
 Mr. DWIGHT with Mr. HARRISON.  
 Until Monday:  
 Mr. CALDERHEAD with Mr. SHACKLEFORD.  
 For the session:  
 Mr. WANGER with Mr. ADAMSON.  
 Mr. BENNET of New York with Mr. FORNES.  
 Mr. WATSON with Mr. SHEPPARD.  
 Mr. CONNER with Mr. JOHNSON of South Carolina.  
 Mr. COUSINS with Mr. FLOOD.  
 Mr. BUTLER with Mr. BARTLETT of Georgia.  
 The result of the vote was announced as above recorded.  
 The doors were opened.

## ENLARGED HOMESTEADS.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules, call up the conference report on the bill (S. 6155) to provide for an enlarged homestead, and agree to the same.

The SPEAKER. The Clerk will read the conference report.  
 The Clerk read as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead, having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to House amendments numbered 1, 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert:

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this act."

And that the House agree to the same.

F. W. MONDELL,  
 A. J. VOLSTEAD,  
 JNO. W. GAINES,

*Managers on the part of the House.*

REED SMOOT,  
 C. D. CLARK,  
 A. J. McLAURIN.

*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

The House amendments to which the Senate agrees are as follows:

Amendment No. 1 inserts the words "California, Idaho."

Amendment No. 2 strikes out the word "North Dakota."

Amendment No. 3 strikes out the words "arid and semiarid."

Amendment No. 4 strikes out the words "*Provided, however*, That arid and semiarid lands mentioned in this act are to be deemed lands that will not successfully produce annual crops, other than native grasses, without artificial irrigation."

Amendment No. 5 strikes out the words "now occupying" and inserts the word "of."

Amendment No. 6 strikes out the word "hereinafter" and inserts the word "herein."

Amendment No. 7 strikes out the words "heretofore entered by him."

Amendment No. 8 strikes out the words "lying within 5 miles of" and inserts the words "contiguous to."

These last three amendments of the House extend the privilege of securing additional acreage, not to exceed 320, to the homesteader who shall in the future take a less acreage under this act, but confines the additional entry in every case to lands contiguous to the former entry.

Amendment No. 9 throws additional safeguards around the selection by the Secretary of the Interior of the lands which shall become subject to the provisions of this section, and confines residence within such distance of the lands as will enable the entryman to successfully farm the same.

F. W. MONDELL,  
 A. J. VOLSTEAD,  
 JNO. W. GAINES.

*Managers on the part of the House.*

Mr. REEDER. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Kansas demands a second. Under the rule, a second is ordered. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from Kansas to twenty minutes.

Mr. MONDELL. Mr. Speaker, I desire to call the attention of the House to the fact that since the conference report was printed in the Record there is a slight change in the report as it is now before the House. As reported originally the Senate agreed to House amendment numbered 1. The final agreement resulted in the House receding from that amendment. Otherwise the report is exactly as printed.

Mr. REEDER. Mr. Speaker, I wish the gentleman would please explain that amendment.

Mr. WILLIAMS. Do I understand that the report as read from the Clerk's desk is not the report that the conferees intended to make to the House?



Mr. MONDELL. The Clerk read from the Speaker's desk the printed conference report, but the conference report as it is on the Speaker's table differs from that printed report as regards the first amendment.

Mr. WILLIAMS. This is an indication of the haste with which we are doing business and lack of consideration.

Mr. MONDELL. I think not. The report is in proper form as agreed to by the conferees.

Mr. WILLIAMS. But was not read to the House by the Clerk.

Mr. MONDELL. It was read to the House exactly as it is, except as to amendment numbered 1.

Mr. WILLIAMS. Which was the reverse of what the Clerk read.

Mr. MONDELL. The Senate conferees at one time agreed to House amendment numbered 1. Subsequently there was a disagreement and the House receded from its amendment numbered 1.

Mr. REEDER. At another conference?

Mr. MONDELL. That amendment is a House amendment, which brought the States of Idaho and California within the provisions of the act. As now agreed to the States of Idaho and California are not within the provisions of the bill.

Mr. WILLIAMS. What is the real state of the conference report now?

Mr. MONDELL. The conference report is complete.

Mr. WILLIAMS. Do we bring them in or leave them out?

Mr. MONDELL. It leaves those two States out; the House left them in.

Mr. WILLIAMS. The report as read to the House regarding amendment numbered 1 was exactly the opposite of what was really agreed upon by the conferees.

Mr. MONDELL. That is true, because, instead of reading the conference report as it lies on the table, the Clerk read the printed report.

Mr. WILLIAMS. How are we going to untangle that? It seems to me you will have to have unanimous consent to read the right report.

Mr. MONDELL. The conference report is in proper form on the Speaker's desk. The Clerk read from the printed conference report.

Mr. WILLIAMS. He read the wrong report.

Mr. MONDELL. And the only difference in the report is that the House recedes from its amendment, including those two States—

Mr. WILLIAMS. You had better get permission to correct the Record to-morrow to show it.

Mr. PADGETT. May I ask the gentleman a question? Do I understand you to say you submitted a report first in which the Senate receded from amendment numbered 1? Now, then, how or by what authority did the conferees take up the question a second time and submit a second conference report after they had filed a statement in the House of the conference?

Mr. MONDELL. Because that may properly be done. Under the rules of the House a conference report is simply submitted for printing, and is still in the hands of the conferees until called up, and, as has been done on other occasions, the conferees made a change in the conference report.

Mr. PADGETT. In the second report?

Mr. MONDELL. In the report before the House.

Mr. REEDER. Mr. Speaker, I rise to ask a question as to the condition of this report. I wish to insist that this report is not properly before the House and can not come before the House in this form without unanimous consent. The conferees met and made a report. That report was printed. There is no knowledge on the part of the House that there was any change in the report; but without any authority from the House this conference committee met again and changed that report and now make the second verbal report, and I insist that this can not be done without unanimous consent.

The SPEAKER. One moment.

Mr. PAYNE. It is competent for the House to take up the report under the special rule without being printed if he calls up the original report; there can not be any question about that.

Mr. REEDER. But he does not call up the original report.

Mr. GAINES of Tennessee. May I ask the gentleman from Wyoming what is the bill?

Mr. MONDELL. It is the report on the greater homestead bill.

Mr. GAINES of Tennessee. The conferees have agreed on it?

Mr. MONDELL. The conferees have agreed on it; yes.

Mr. GAINES of Tennessee. Now, what is the matter with the report?

Mr. REEDER. The report has not been printed.

Mr. WILLIAMS. One report was read in the House, and they agreed on a different one.

Mr. GAINES of Tennessee. I do not know about that. I did not hear the reading.

The SPEAKER. The Chair will hear from the gentleman from Kansas.

Mr. REEDER. Mr. Speaker, the point I make is this, that here is an important measure and the conferees make a report. That report is printed and read. That is all the information the House has about the matter. After that report is read and the matter is thus brought before the House as contained in that report, a second verbal report is made which, I think, is out of order and could not be made without unanimous consent.

The SPEAKER. The Chair desires to see if the Chair understands the real point of the matter to which the gentleman calls attention. The Chair has in his hand the conference report which speaks—

Mr. REEDER. And that is the report that was read.

The SPEAKER. The report for the first time was read this morning. The Chair will state the understanding of the Chair touching the matter. The gentleman from Wyoming presented a conference report to the House for printing under the rule; subsequently, before the report was called up, the House conferees took the report, as they had a right to, and with the assent and concurrence of the Senate conferees struck out the following words in the draft as originally presented for printing: "That the Senate recede from its amendment numbered 1," and substituted the words, "That the House recede from its amendment numbered 1." The amended draft of the report is now presented, and a motion is made to suspend the rules and agree to it. The report, under this motion, is in order, although it has never been printed in the Record in its present form.

Mr. WILLIAMS. Mr. Speaker, if the Speaker will hear me for a moment.

The SPEAKER. The Chair will hear the gentleman.

Mr. WILLIAMS. Mr. Speaker, as I understand it, the statement of the Speaker is incorrect in this respect: The conference report which the Speaker has just referred to and in which occurs the language to the effect that the House recedes from amendment numbered 1 was not the report which was read by the Clerk to the House. That is the first point.

The SPEAKER. On the contrary, it is the report that was read by the Clerk to the House.

Mr. WILLIAMS. Upon the contrary, the gentleman from Wyoming [Mr. MONDELL] subsequently stated that the Clerk had by error read the wrong report, and that the right report meant that the House receded and not that the Senate receded. Now, then, I wish to submit this to the Chair independently of that statement: The rules require conference reports to be printed twenty-four hours in advance. By a familiar ruling of the Speaker the other day a motion to suspend the rules does not suspend all the rules. It does not suspend the rules for the orderly carrying on of business. For example, it can not suspend the rule that the House must be in order. It can not suspend the rules so that a Member can not make the point that the House is not in order. It can not suspend the rule that the real report read to the House shall have been lying on the Speaker's table twenty-four hours.

The SPEAKER. The Chair is prepared to rule on the matter as presented. The Chair again states that he holds in his hand the report which has been read to the House, and the gentleman from Wyoming [Mr. MONDELL] moves to suspend the rules and agree to that report. Now, then, as a matter of fact, which may be said to be only aliunde, as the Chair is informed, the gentleman, the chairman of the conference committee on the part of the House, reported as it appears in the Record for printing under the rules—that is, the ordinary rules of the House—a conference agreement, which conference agreement, as printed under the rules of the House, read as follows:

That the Senate recedes from its amendment numbered 1.

Now, then, it was only printed under the rule for the information of the House. The Chair is informed that the conference committee on the part of the House, discovering the clerical error, took the report from the Clerk's desk for correction. It seems to the Chair that they had a right to do this, as the rule requiring a conference report to be printed in the Record before action thereon does not contemplate that the report passes out of the custody of the managers. Having taken the report the House managers met the Senate managers, and then corrected the error by striking out "Senate" and inserting "House."

Now, under the ordinary rules of the House it may be that it should again be submitted to the House for printing. But suppose that this report was presented this morning, as the

Chair will assume the case to be, in fact presented for action by the House for the first time. It is not necessary to print under the rules of the House, because this is the motion to suspend the rules of the House and agree to the conference report. And the motion to suspend all rules means the suspension of such rules as otherwise would stand in the way of immediate consideration of the report. The rule requiring printing would stand in the way, but the motion now offered removes that obstacle.

Mr. REEDER. Mr. Speaker, I just wish to make one remark, if the Chair pleases, and that is that the Chair is mistaken as to the fact. There was no statement made by the gentleman that this was a misprint. It was simply an after-conclusion and an after-conference. There is a mistake in fact, which may not have any effect, however, in the matter of suspending the rules, but it is a mistake in the fact.

The SPEAKER. Well, the House is fully informed, first, by the official conference report which has been read to the House, and it is to that report that the motion to suspend the rules and agree applies.

Mr. MONDELL. Mr. Speaker, for the information of the House I ask that the conference report be read.

The SPEAKER. It has been read.

Mr. MONDELL. Very well. Now, Mr. Speaker—

The SPEAKER. If there is no objection, and the gentleman desires, it can be read in his own time, or if there is no objection it can be read again anyhow.

Mr. WILLIAMS. I think it would be better to have it read again, and read right.

Mr. GAINES of Tennessee. I ask that it be read.

Mr. WILLIAMS. That is the only way the House knows by the Record what we do.

The SPEAKER. The report will again be read.

[The conference report was again read.]

Mr. MONDELL. Mr. Speaker, by this conference report the Senate conferees agreed to all the House amendments to this bill except the first, which included the States of Idaho and California. The Senate insisted to these two States going out of the bill. With that exception, the bill is as it passed the House, with the exception of an amendment which constitutes section 6, and, with these two exceptions, the bill is as it passed the House.

Mr. CHANEY. What is section 6?

Mr. MONDELL. Section 6 is a provision carrying out a recommendation made by the Commissioner of the General Land Office in his last annual report. By the terms of the section the Secretary of the Interior may, if he finds any tracts of land subject to entry under the bill that do not have upon them a sufficient supply of water suitable for domestic purposes, as would make continuous residence upon the lands possible, designate such lands, and as to these particular lands the settler is required to cultivate double the area required under the general provisions of the bill—that is, he must continuously cultivate at least one-half of the area of the entry—but he is not required to live upon the land, but must live near enough to it to enable him to farm it in accordance with the provisions of the act.

Mr. CHANEY. So that he does not have to reside on the land, but near it?

Mr. MONDELL. In these particular localities, as selected by the Secretary, containing no drinkable water.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. MONDELL. I will be glad to.

Mr. GAINES of Tennessee. I desire to say to the House, as one of the conferees, that this is what is known as the "320-acre homestead bill." The bill increases the amount that may be taken in a homestead, 160 acres, to double that amount. The plan it proposes is to permit the proposed homesteader to live on this arid land if he can, but he can not, because there is no water on it. But he is required to live just as near it as he can to "successfully" farm it, which he must do. The land is selected first by the Interior Department. It is also left with the Department as to whether or not he is living near enough to "successfully" farm it. But his rights depend upon whether or not he "successfully" runs the farm, and the Secretary of the Interior is the judge of the fact. Now, I voted against the bill when it was up in the House. We have made the best out of a bad bill that we could—to open this land to homesteads and make this Sahara add to the possible wealth of the land.

Mr. SULZER. What States does it apply to?

Mr. MONDELL. It applies to States west of the Dakotas and Oklahoma, except Idaho and California.

Mr. GAINES of Tennessee. The bill gives 320 acres as a homestead.

Mr. GOLDFOGLE. Why was the ordinary homestead doubled?

Mr. GAINES of Tennessee. It takes 320 acres of nothing out there to make a little something; that is about as near as I can tell my friend. You may find 320 acres of dust where there is absolutely no water. The man who is going to hold it may be 25, 50, or 100 miles away from water. We give him a little more of nothing, and he is supposed to make a little something out of it by "dry farming," but he must work and succeed. He may live 50 miles away, and, with his hogsheads of water, go Monday to his farm and work four or five days, and when he gets out of water he gets on his water wagon and comes back to the well and gets more water and returns.

Mr. GOLDFOGLE. So this is a water-wagon proposition?

Mr. GAINES of Tennessee. Yes; and I stand by that all the time.

Mr. SULZER. Then it relates only to arid lands?

Mr. GAINES of Tennessee. The lands are so dry that sometimes a whole acre will blow off in dust. Now, Mr. Speaker, this conference report is the best we could do with that bad proposition the House passed. It is this, or let this land lie idle and do no one any good.

Mr. MONDELL. I reserve the balance of my time.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question with reference to his bill.

The SPEAKER. Nothing will be done until the House is in order.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Wyoming a question with reference to the merits of this bill.

Mr. MONDELL. I have reserved the balance of my time.

Mr. STEPHENS of Texas. I will ask if the effect of this bill will not be to enable large cattle owners—

Mr. MONDELL. I have no time to yield to the gentleman.

Mr. STEPHENS of Texas. Will it not enable the large cattle companies to secure double the amount of land in that country, making it a great deal easier for them to control the entire range by their cowboys, and for them to prevent the settlement of the lands as they have done heretofore?

Mr. MONDELL. No; it will not. Its effect will be quite the contrary. It will make farms of what is now cattle and sheep pasture.

Mr. STEPHENS of Texas. That will be the result of this bill?

Mr. MONDELL. I will consume sufficient time to answer the gentleman. Not at all. In the first place, this is the first five-year homestead law we have ever had on the statute books. Now, let me answer your question.

Mr. STEPHENS of Texas. The gentleman from Tennessee said that it did not require residence for settlement.

Mr. MONDELL. This is the first five-year homestead law we have had. The man must live on the land five years and cultivate the land five years, which is not required now. There is a section now before the House which was decided upon by the conferees that follows the recommendation of the Commissioner of the General Land Office, made in his annual report, that on certain limited areas to be selected by the Secretary of the Interior that do not contain any water, so that residence is impossible upon them—on those lands—by requiring double the amount of cultivation, the settler may reside sufficiently near the lands so as to make their farming possible.

Now, that applies only to such very limited areas as may be selected by the Secretary and be controlled by him on lands which could not be resided on.

Mr. STEPHENS of Texas. How much land has to be cultivated? One acre?

Mr. MONDELL. One-half of the entire area, continuously.

Mr. STEPHENS of Texas. Cultivated in crops and farming?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Before they are entitled to a patent?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Then you might as well not pass any law, because that is impossible in a great deal of that country.

Mr. MONDELL. The gentleman criticises without knowing what the provisions of the bill are.

Mr. STEPHENS of Texas. I know that country, though.

Mr. MONDELL. The gentleman criticises because the provisions are not severe enough, and then he criticises because the provisions are too severe.

Mr. STEPHENS of Texas. I think the bill should require actual residence on the land.



Mr. FITZGERALD. This bill as it passed the House, as I recollect, restricted these homesteads to the arid and semiarid lands.

Mr. MONDELL. No; it did not. It restricted them to non-irrigable, nontimbered lands.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that under the present law it has been possible for cattle companies to control all the water in a great many ranges? And will not this double the facilities they have heretofore had for controlling these ranges? In the case of a stream running down from a mountain they will take up a little homestead upon that, and then they will control the outside country. The cowboys will be at the headquarters ranch upon this stream, and you are enabling them to hold 320 acres of the stream on the arid lands without any settlement under this bill.

Mr. MONDELL. The provision to which the gentleman refers is entirely within the discretion of the Secretary of the Interior.

Mr. STEPHENS of Texas. That does not make it right.

Mr. MONDELL. It is a recommendation of the Commissioner in his last annual report. There are very many gentlemen who always want to know what the Department recommends. This is the particular part of the bill that the Department recommended in the last annual report; in certain limited localities, to be determined by the Department to be localities where it was impossible to live on the land for lack of water, by cultivating one-half the land continuously and residing in the vicinity for five years the entryman can obtain title to the land. Now, the gentleman knows, just as well as I know, that no cattle company and no one attempting to acquire land for speculative purposes is going to cultivate continuously one-half of a piece of land.

Mr. STEPHENS of Texas. They will not cultivate it at all.

Mr. DAVIS of Minnesota. As this bill passed the House it was limited to nonirrigable, arid, and semiarid lands.

Mr. MONDELL. The gentleman is mistaken. As it passed the House it was in that regard exactly as it is now in this conference report.

Mr. DAVIS of Minnesota. What is the condition at present as to arid or semiarid lands?

Mr. MONDELL. It is confined to nonirrigable lands which do not contain merchantable timber, and which are nonmineral.

Mr. DAVIS of Minnesota. So that it is not confined to arid or semiarid lands?

Mr. MONDELL. There is practically no land in the States embodied in the bill, except arid and semiarid land.

Mr. DAVIS of Minnesota. The words "arid or semiarid," are not in the bill.

Mr. MONDELL. No.

Mr. TAWNEY. Why do not you put those words in?

Mr. BONYNGE. The lands must be either arid or semiarid, if they are nonirrigable, in that country.

Mr. GAINES of Tennessee. This law does not require the homesteader to live on the land, because he can not; but it does require him to live near enough to it, in the judgment of the Department, to successfully cultivate it; and if he does not successfully cultivate it, he does not get any patent.

Mr. MONDELL. The gentleman's remarks refer only to those provisions of section 6, which will be confined probably to a few townships in the United States.

Mr. GAINES of Tennessee. I do not know anything about that, but I am talking about the way the provision works.

Mr. FULTON. Suppose a man settles on this land, and he does not cultivate it the first year and does not cultivate it the second year, what can be done under the bill?

Mr. MONDELL. The entry would be subject to contest and to cancellation. Mr. Speaker, I reserve the balance of my time.

Mr. REEDER. Mr. Speaker, I would like to be notified when I have used ten minutes. I desire to say to gentlemen of this House that this is essentially a bad bill. It should be written that this is a bill to secure large ranches, and nobody knows that any better than my friend from Texas [Mr. STEPHENS]. It will not have the effect of getting people to live on the land, for the simple reason that they can not live on this class of land. It came before the House and was passed with a provision absolutely that they must live upon the land, but even with that provision they would not live upon the land, because they can not sustain themselves; it is absolutely impossible. They can not support themselves on this class of land.

Mr. POLLARD rose.

Mr. REEDER. I desire not to be interrupted unless I am interrupted in the time of gentlemen on the other side. I have

noticed that gentlemen on the other side manage to take up a good deal of my time, but if anybody chooses to ask me a question in the time of the other side, I am quite willing to answer it. As I say, this will not have the effect of compelling people to settle and live upon the lands, but the effect will be that they will settle on it, their stock will starve, their families will starve, until some ranchman comes along and says "I will give you \$50 for your chance." If the homesteader is honest, he may say that it is not worth anything, for they have to prove certain things before title can be had. The ranchman will say "I will take my chances on that. I have a lot of cowboys here, and I will take care of that." Now, some of you Western people know this, but Eastern and Southern people do not know about it.

I would like to talk to you Eastern and Southern Members about this bill, because it is the final move to open up a loophole in the land laws and get rid of all of the Western land, and it will get rid of it in large tracts.

I wish to quote to you what the Senator from Idaho said about this measure when he had his State cut out from the provisions of the bill. He said at that time on the floor of the Senate that this bill would include land that would produce 50 bushels of wheat to the acre, and that is more wheat than land in any Eastern or Southern State will produce one year with another. He said also that this would take in such projects as Twin Falls, in Idaho, where men live on small tracts of land and make the surest and best living of any farmers in the world. That same land will be taken into large ranches under this bill; and if you people knew it, I know you would not vote for it. If the gentleman from Tennessee [Mr. GAINES] had any thought as to what this bill would do and as to what would be done with these lands, I know that he would not be in favor of it. He wishes this land for the people who need homes.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. REEDER. I can not yield unless I yield in the gentleman's time.

Mr. GAINES of Tennessee. I have not any time.

Mr. REEDER. I wish to tell you a story of a settlement made in Kansas and what we did with the fellow—I think we sent him out to the State of Wyoming.

Mr. MONDELL. We have a lot of bad people in our State from Kansas. [Laughter.]

Mr. REEDER. This was a pretty smart fellow, and I wonder they do not send him to Congress. [Renewed laughter.] The law under which this man was taking land required him to build a home thereon, and contained a provision that he must have a board floor and a board roof. He did not have the funds, I guess, or maybe he wanted to save them to go West with, and so he dug into the bank a space about 3 feet wide and 6 feet long and put poles across the top for a roof, put some brush on these poles, and then some hay over the brush, and put some sod over that. Then he sharpened a stick, went into the dugout, bored holes in the ground and then bored holes up through the roof, and made an affidavit that he had a bored floor and a bored roof. [Laughter.]

I wish to assure you that if you allow this bill to become a law, through this loophole all the public lands of any value will be taken, and generally they will go into large ranches. These people are shrewd enough to get it in spite of what is written in law.

Some of you may say, "How are we to know about this?" Well, if you do not know, I want to give you a safe rule to go by. Do not vote any more loopholes in the land laws if you do not know the effect of them. It is no harm to keep the public domain until people can settle on it. I wish to say further that men in the West seldom send men here who do not vote for what they want, and I presume the citizens who advocate this bill have hundreds of thousands of acres of Western land, and they have the American disposition of wanting everything that adjoins them.

Mr. MONDELL. Mr. Speaker—

Mr. REEDER. I object. I do not want this taken out of my time.

Mr. MONDELL. But the gentleman has referred to me specifically.

Mr. REEDER. All right, go ahead, make your objection.

The SPEAKER. The Chair would like to know which gentleman has the floor.

Mr. REEDER. I have the floor. I yield to the gentleman from Wyoming for a moment.

Mr. MONDELL. Mr. Speaker, I ask that the gentleman's words be read.

Mr. COOK of Colorado. It is an outrage.

Mr. REEDER. Very well.

Mr. MONDELL. I want them read, Mr. Speaker; I did not quite understand them.

Mr. REEDER. He can have them read, or I will state them again.

Mr. MONDELL. What the gentleman said was that the gentleman from Wyoming and his friends—

Mr. REEDER. Probably.

Mr. COOK of Colorado. The gentleman did not use the word "probably."

Mr. MONDELL. Did have hundreds of thousands of acres and desired to get all the land adjoining.

The SPEAKER. Does the gentleman desire the words read?

Mr. REEDER. Yes, sir.

The SPEAKER. They will be here in a moment. In the meantime the gentleman will suspend. While the stenographer is writing out what was said the Chair will have read clause 5 of Rule XIV.

The Clerk read as follows:

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The SPEAKER. The Chair understands that the gentleman was called to order and a demand was made that the remarks be taken down. The Clerk will read the words.

The Clerk read as follows:

Men in the West seldom send men here who do not vote for what they want, and I presume that the men who advocate this bill have hundreds of thousands of acres of western land, and they have the American disposition of wanting everything that adjoins them.

The SPEAKER. The Chair will read the words again:

Men in the West seldom send men here who do not vote for what they want, and I presume that the men who advocate this bill have hundreds of thousands of acres of western land, and they have the American disposition of wanting everything that adjoins them.

The words speak for themselves. In the opinion of the Chair, they do not, as they stand, reflect upon a Member of the House [applause]; still it is for the House to say.

Mr. MONDELL. Mr. Speaker, I am rather inclined to the view expressed by the Chair of the words as read, and yet, as the words fell on my ear, there was included in the statement of the gentleman some words that do not appear in the record as written out. I may have been mistaken.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. REEDER. Mr. Speaker, how much time have I consumed?

The SPEAKER. Five minutes.

Mr. REEDER. Mr. Speaker, I would like the attention of the House. I hope that this bill will not become a law. I earnestly hope this because the public domain is fast disappearing. We are not improving our land laws, but we are opening up a method by which other lands can come into the hands of great corporations. When this law passed I regarded it as very bad legislation. I do not think, with mature consideration and in the usual course of business, it would have passed the House, but it has now gotten into conference and the conferees have added to it the largest hole that has been left in the public land laws recently.

It is provided that a man, and I guess I will mention the cowboy, can live on a ranch where they have got control of the water and can farm ostensibly some land at some distance from camp, and by that means hold it, and if they can swear properly to prove up on that land they can thus secure a great ranch. This is put in in the conference report, and I do say we ought not to let this provision remain in the bill, that a man can control and finally prove up on land that he does not live on, because the effect will be to get this land out of the hands of the people before they can improve it under the different laws that have been passed for the purpose of irrigating the public land. As I said a moment ago, the Senator from Idaho objected to this because he said it would include lands that would raise 50 bushels of wheat to the acre. What kind of land would you call that in Illinois or Indiana that would raise 50 bushels of wheat to the acre one year with another? Then I say to you it will have this effect, because they can not live on this land in one case out of ten. I believe I will say of the remainder of the public domain, that is nonirrigable and is really desert land, that they can not in one case out of a hundred live on the land and sustain a family therefrom, and if a man is foolish enough to be inveigled into trying it and goes there with his family, it is only a question of time when he will take \$25- or \$50 to leave the land and go somewhere else, because he can not stay there.

But he can stay just as well on 320 acres as on 640 acres; he can not stay on either. If he could stay at all, he could turn

the cattle out and pasture them and live on 160 acres. But they say it is for dry farming, because you have to farm the land twice as much as you would have to do in one of the older States. If a man had 80 acres under any system of farming that required twice as much work as the ordinary method of farming, he would not need more land, but less. The fact that he can not farm that land without twice as much labor shows he only needs half the land. It is all folly to say the more labor an acre requires the more acres a man needs. I wish now to show you that this report does not quite represent to you people the facts in the case. Here it says on the first page of a report, numbered 1300, this:

In the message of the President of the United States, communicated to the two Houses of Congress at the beginning of the present session of Congress, in speaking of the present land laws and of the conditions of the country to which they apply, he said:

"The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the drier regions of the Great Plains, the mountains, and much of the Pacific slope where a farm of 160 acres is inadequate for self-support."

Now, I have a copy of that message, and I wish to read what follows this statement. I am not sure which one it is, but here it is, page 29, which gives his exact words.

The SPEAKER. The gentleman from Kansas asked the Chair to notify him when ten minutes had expired.

Mr. REEDER. I will occupy just a moment or two more to finish this.

The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the drier regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is inadequate for self-support. In these regions the system lent itself to fraud, and much land passed out of the hands of the Government without passing into the hands of the home maker. The Department of the Interior and the Department of Justice joined in prosecuting the offenders against the law, and they have accomplished much, while where the administration of the law has been defective it has been changed. But the laws themselves are defective. Three years ago a Public Lands Commission was appointed to scrutinize the law and defects and recommend a remedy.

They did not recommend any 320-acre homestead law, and, indeed, every one of them are now against that law, but they recommended that the commutation clause should be taken from the homestead law, so that the effect of the first part of the statement would naturally be to convince the Members that the President favored a bill for a 320-acre homestead when the judgment of the Commission appointed by the President is against such a law.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. MONDELL. I yield two minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, I expect to vote for this bill. I expect to vote for it because it will have the effect of bringing people, not cattle, to these Western lands. The bill is amply safeguarded. It applies, as I understand it, only to nonirrigable lands. For three or four years from fifty to one hundred thousand farmers each year are crossing our northern boundary to settle upon the wheat lands of Canada. We want to keep some of them at home and we can only keep them at home by making it possible to farm these dry, nonirrigable lands in our mountain States.

A man can not make a living upon 160 acres of nonirrigable land; but if you give him 320 acres, ultimately he will farm one-half of it one year and one-half the next year, under what is called "the system of dry farming," a system under which one year you break up the land and by repeated harrowing keep it covered with a dust blanket, thus breaking up the capillary attraction, and keeping the moisture in the ground until the next year. Some moisture falls each year upon all these lands, not much, but enough, if it is retained within the soil for two years, to produce a crop. This is a bill, as I understand it and as I read it, that will prevent great ranches in the West.

If the system of dry farming upon these nonirrigable lands can not be made a success, then there is nothing in the world that will prevent these lands from going back into sheep pastures. Already the ranchmen of the West are endeavoring to get legislation here that will give them long leases on the public domain, and the only way to prevent it is to pass an act of this kind which makes this kind of farming possible. [Applause.]

The SPEAKER. The time of the gentleman has expired. The gentleman from Kansas [Mr. REEDER] is recognized.

Mr. REEDER. Mr. Speaker, the speech of Mr. RAINEY was on the other side of this question, and I am entitled to the closing.



The SPEAKER. No; the gentleman in charge of the report is entitled to the closing.

Mr. REEDER. Then I will yield two minutes to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, my objection to this bill is this: I believe that it is designed to put cattle and not men upon the semiarid lands of the West. I voted against this bill when it was before the House. I do not see how any man who voted against it then can vote for it now; and it seems to me that as it comes before us in this report it is far worse now than it was then.

I want to call the attention of the Members of the House to the fact that this conference report does not require residence on a "homestead." If that is not a contradiction of terms, I do not know what is. Here is a report which authorizes, I say, this state of things, and therefore I say it is designed to put cattle and not men onto this land. This conference amendment provides if there is not sufficient water for domestic purposes on the land, then the man who enters it does not have to live on it. That is exactly what is here provided. Now, what is the result? I submit that any employer of twenty cowboys can enter thousands of acres of this land, and nobody has to live on it. I can not vote for the conference report. [Applause.]

Mr. REEDER. Mr. Speaker and gentlemen, I wish for just a moment now to answer the gentleman from Illinois [Mr. RAINEY]. He says that this bill is amply safeguarded. I have said to you, and as every other Western Member that knows something of what can be done in the way of getting Western lands will tell you, that if a man does not live on 320 acres of land he does not become a settler. Somebody else gets the land. That is all there is to that. There is another thing: The Senator from Idaho says it will take in such tracts of land as the Twin Falls project. It would take in tracts of land in which 10 acres would make a home for a family. On this land, I wish to say to you people—

Mr. PARSONS. In regard to Twin Falls, does that mean what the land in the Twin Falls Reservation would yield before it had been irrigated?

Mr. REEDER. No; what it would yield now under irrigation.

Mr. PARSONS. After irrigation?

Mr. REEDER. Yes, sir.

Mr. PARSONS. May I ask the gentleman this: Supposing this bill should pass, and later it should prove possible through a pumping system to irrigate some of the high mesa land that could be taken in 320-acre homesteads, then would not the irrigation law apply and compel the reduction—the size of the holdings?

Mr. REEDER. Not after they had proved up. Land may be nonirrigable to-day and to-morrow that land may be capable of irrigation. If irrigated it would make a home for a family in the southern part of the United States from a tract of 10 acres, and make the safest and surest proposition of farming that can be had anywhere, while of this land that would come under this law, 40 acres of it would not support a steer. A steer could not find enough grass on 40 acres to live on, and four families probably could live on it later. As to keeping citizens from emigrating to the Canadian possessions, that if you will permit these lands to be taken up in large tracts, men can not live on them; but if we hold this land in the Government's possession until we can irrigate it, we will keep a vast number of these people here as citizens. So that this bill will not have the effect that the gentleman from Illinois thinks it will, and I hope that all of you people who would like to see homes upon the land will say, "Let us retain the public domain until we know that we are making a useful disposition of it."

Mr. RAINEY. Will the gentleman allow me to interrupt him?

Mr. REEDER. Yes, sir.

Mr. RAINEY. Does the gentleman think the farmers who are now emigrating to Canada would wait around here forty or fifty years to see if something does not change so that they can use the land?

Mr. REEDER. No, sir. But we can not prevent them from going to Canada more than one or two years by putting them on these desert lands. They can not stay there. They will take their four or five hundred dollars and go there and squander it trying to make a living and then take \$50 and go on to Canada; but shortly after that we may be able to irrigate that land and keep twenty to thirty families on every 320 acres.

Mr. RAINEY. Does the gentleman claim that a man can not make a living on 100 acres of this land?

Mr. REEDER. I say that he can not make a living on 640 acres of it, nor 1,280 acres. There is the trouble. If he could make a living on 320 acres, it would be all right; but there is

where people are deceived. They can not make a living on 640 acres, in most cases. In other cases, like that referred to in Idaho, they could probably do so on 320 acres. I desire to ask you not to put this loophole into our public-land laws, by which 320 acres of land can be had on one transaction. It would be a great mistake, and I hope you will not make such a mistake, because land is getting scarce and valuable.

Mr. PARSONS. Is it not true that under the irrigation laws a person may even take their 20 or 40 acres without living on the land?

Mr. REEDER. Must live on irrigated land in every case.

Mr. GAINES of Tennessee. Do you say that a man can not make a living on 320 acres of this land, and yet you want to make him live on it?

Mr. REEDER. Let the land alone.

Mr. GAINES of Tennessee. But the House decided that they would not let it alone.

Mr. REEDER. If you let the law alone the land will be let alone.

Mr. GAINES of Tennessee. I say, in behalf of the conferees, that we made the best we could out of the proposition. I voted against the bill when it was before the House.

Mr. REEDER. It is of no use, except, possibly, for pastures.

Mr. GILLESPIE. How is it used for pasture?

Mr. REEDER. I do not think I can describe it at this time. I want the gentlemen to understand that, while this land may be absolutely nonirrigable to-day, it may become very valuable to-morrow. Out in the West I know myself of places where twenty-five years ago there was no water within 500 feet and later it was found within 25 to 30 feet of the surface. I trust no one will vote to put this loophole into the land laws. [Loud applause.]

Mr. MONDELL. Mr. Speaker, I am always disinclined to reply to personal references, and had the gentleman from Kansas in his remarks said what I understood him to say, it would have been proper for "the gentleman from Wyoming" to say that so far as he is concerned he is the proud possessor of 40 acres only—and that is a tract of semiarid land of but limited value—and 160 acres of practically worthless arid land that he bought at a tax sale that he will be glad to sell for \$100; and that constitutes his sole landed possessions, save a few town lots and a modest home for his wife and babies. Now, Mr. Speaker—

Mr. REEDER rose.

The SPEAKER. Does the gentleman yield to the gentleman from Kansas?

Mr. MONDELL. I have only about two minutes.

Mr. REEDER. I would like simply to say that I do not own a foot of land.

Mr. LITTLEFIELD. But would like to.

Mr. REEDER. Would like to, but do not.

Mr. MONDELL. This is the most amply guarded homestead law ever drawn. It is drawn along lines recommended by the President of the United States. The added matter included in the conference report follows the recommendation of the Commissioner of the General Land Office. It is confined entirely to nonirrigable, nontimbered lands. It can not by any possibility include any lands that may be irrigated. If, by any possibility, a man should reside for five years and successfully cultivate a tract of land that might afterwards be irrigated, no harm would certainly be done to anyone. There would be five years of cultivation. But there can be no irrigable land taken under the law, because for five years there is allowed a contest, there is opportunity to cancel if the question be ever raised.

Mr. Speaker, this law will prevent that strong flow of sturdy American citizenship into the Canadian Northwest and make thousands of homes on lands which are to-day but sheep and cattle pastures.

The SPEAKER. The time of the gentleman has expired. All time has expired.

The question was taken on suspending the rules and agreeing to the conference report, and the Speaker announced that the "ayes" seemed to have it.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 100, nays 150, answered "present" 15, not voting 122, as follows:

YEAS—100.

Adair	Brownlow	Cook, Colo.	Diekema
Ames	Burke	Cook, Pa.	Edwards, Ky.
Barchfield	Burleigh	Coudrey	Ellis, Mo.
Bartholdt	Burton, Del.	Crawford	Ellis, Oreg.
Bartlett, Nev.	Caldwell	Currier	Englebright
Bates	Capron	Cushman	Focht
Benle, Pa.	Carter	Dalzell	Fordney
Bede	Caulfield	Davenport	Foulkrod
Bonyne	Chapman	Denby	Fowler

French  
Fulton  
Gaines, Tenn.  
Gardner, N. J.  
Gillespie  
Graft  
Graham  
Haggott  
Hale  
Hall  
Hamilton, Iowa  
Hamilton, Mich.  
Hammond  
Hawley  
Hay  
Hayes

Helm  
Hill, Conn.  
Hinshaw  
Howell, Utah  
Humphrey, Wash.  
Jones, Wash.  
Keller  
Kinkaid  
Küstermann  
Lafane  
Laning  
Littledale  
Lorimer  
Loud  
McGuire  
McKinlay, Cal.

McKinley, Ill.  
McLachlan, Cal.  
McLaughlin, Mich.  
Macon  
Maynard  
Mondell  
Moore, Pa.  
Morse  
Needham  
Norris  
Parker, S. Dak.  
Payne  
Pollard  
Pray  
Rainey  
Ransdell, La.

Richardson  
Rodenberg  
Sherman  
Smith, Cal.  
Smith, Iowa  
Snapp  
Steenerson  
Stevens, Minn.  
Sturgiss  
Thistlewood  
Volstead  
Vreeland  
Waldo  
Wanger  
Woodward  
Young

Adamson  
Alken  
Alexander, Mo.  
Ansberry  
Barclay  
Beall, Tex.  
Bell, Ga.  
Booher  
Bowers  
Brantley  
Burgess  
Byrd  
Candler  
Cary  
Chaney  
Clark, Fla.  
Clark, Mo.  
Clayton  
Cole  
Cooper, Pa.  
Cooper, Tex.  
Cooper, Wis.  
Cox, Ind.  
Crumpacker  
Davis, Minn.  
Dawson  
De Armond  
Denver  
Dixon  
Douglas  
Draper  
Durey  
Ellerbe  
Esch  
Favrot  
Finley  
Fitzgerald  
Floyd

Foss  
Foster, Ill.  
Foster, Vt.  
Fuller  
Garner  
Garrett  
Gillett  
Glass  
Goebel  
Goldfogle  
Granger  
Greene  
Hackney  
Hamil  
Hamlin  
Hardwick  
Hardy  
Haskins  
Haugen  
Hefflin  
Henry, Tex.  
Heppburn  
Higgins  
Hitchcock  
Holson  
Holliday  
Houston  
Howard  
Howell, N. J.  
Howland  
Hull, Tenn.  
Humphreys, Miss.  
Johnson, Ky.  
Jones, Va.  
Kellher  
Kennedy, Iowa  
Kipp  
Landis

Lawrence  
Legare  
Lenahan  
Lindbergh  
Lloyd  
Longworth  
Lovering  
McHenry  
McKinney  
McLain  
Madden  
Madison  
Malby  
Mann  
Miller  
Moon, Tenn.  
Moore, Tex.  
Mouser  
Murdock  
Murphy  
Nelson  
Nicholls  
Nye  
O'Connell  
Olcott  
Olmsted  
Padgett  
Page  
Parsons  
Patterson  
Pearre  
Perkins  
Pou  
Prince  
Pule  
Randell, Tex.  
Rauch  
Reeder

Riordan  
Roberts  
Robinson  
Rucker  
Russell, Mo.  
Russell, Tex.  
Sabath  
Scott  
Sherley  
Sherwood  
Sims  
Slayden  
Small  
Smith, Mo.  
Sperry  
Spight  
Stafford  
Stanley  
Stephens, Tex.  
Suloway  
Sulzer  
Tawney  
Taylor, Ala.  
Taylor, Ohio  
Tou Velle  
Townsend  
Underwood  
Washburn  
Watkins  
Webb  
Weeks  
Willett  
Williams  
Wilson, Pa.  
Wolf  
Wood

## NAYS—150.

## ANSWERED "PRESENT"—15.

Bennet, N. Y.  
Boutell  
Burlison  
Burnett

Butler  
Cockran  
Goulden  
Harrison

Johnson, S. C.  
Kahn  
Lee  
Lever

Shackleford  
Sheppard  
Talbot

## NOT VOTING—122.

Acheson  
Alexander, N. Y.  
Allen  
Andrus  
Anthony  
Ashbrook  
Bannon  
Bartlett, Ga.  
Bennett, Ky.  
Bligham  
Birdsall  
Boyd  
Bradley  
Brodhead  
Broussard  
Brum  
Brundidge  
Barton, Ohio.  
Calder  
Calderhead  
Campbell  
Carlin  
Cocks, N. Y.  
Conner  
Cousins  
Craig  
Cravens  
Darragh  
Davey, La.  
Davidson  
Daves

Driscoll  
Dunwell  
Dwight  
Edwards, Ga.  
Fairchild  
Fassett  
Ferris  
Flood  
Fornes  
Foster, Ind.  
Gaites, W. Va.  
Gardner, Mass.  
Gardner, Mich.  
Gilliams  
Gill  
Godwin  
Gordon  
Gregg  
Griggs  
Groona  
Hackett  
Harding  
Henry, Conn.  
Hill, Miss.  
Hubbard, Iowa  
Hubbard, W. Va.  
Huff  
Hughes, N. J.  
Hughes, W. Va.  
Hull, Iowa  
Jackson

James, Addison D.  
James, Oille M.  
Jenkins  
Kennedy, Ohio  
Kimball  
Kitchin, Claude  
Kitchin, Wm. W.  
Knapp  
Knopf  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Lamb  
Langley  
Lassiter  
Law  
Leake  
Lewis  
Lilley  
Lindsay  
Livingston  
Loudenslager  
Lowden  
McCall  
McCreary  
McDermott  
McGavin  
McMillan  
McMorran  
Marshall  
Moon, Pa.

Mudd  
Overstreet  
Parker, N. J.  
Peters  
Porter  
Powers  
Pratt  
Reid  
Reynolds  
Rhineck  
Rothermel  
Ryan  
Saunders  
Sleep  
Smith, Mich.  
Smith, Tex.  
Southwick  
Sparkman  
Sterling  
Thomas, N. C.  
Thomas, Ohio.  
Tirell  
Wallace  
Watson  
Weems  
Weisse  
Wheeler  
Wiley  
Willson, Ill.

So the conference report was rejected.

The Clerk announced the following additional pairs:

For this session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. VREELAND with Mr. BURLISON.

Mr. GAINES of West Virginia with Mr. BRUNDIDGE.

Mr. SMITH of Michigan with Mr. GORDON.

Mr. FAIRCHILD with Mr. SAUNDERS.

Mr. LOWDEN with Mr. ROTHERMEL.

Mr. LOUDENSLAGER with Mr. LAMB.

Mr. KENNEDY of Ohio with Mr. HUGHES of New Jersey.

Mr. GILLIAMS with Mr. CRAIG.

Mr. KAHN with Mr. GILL.

Mr. GARDNER of Michigan with Mr. FERRIS.

Mr. BURTON of Ohio with Mr. BRODHEAD.

Mr. BOUTELL with Mr. GRIGGS.

Mr. ALEXANDER of New York with Mr. ASHBROOK.

For this vote:

Mr. JENKINS with Mr. SMITH of Texas.

The result of the vote was announced as above recorded.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules, and that the House further insist upon its amendments to the bill S. 6165 and ask for a further conference thereon.

The SPEAKER. The gentleman from Wyoming moves to suspend the rules and further insist. Is a second demanded?

Mr. REEDER. I demand a second.

Mr. CLARK of Missouri. Mr. Speaker, is this the same bill that we have just voted on?

The SPEAKER. Yes; the House has failed to agree on the conference report.

Mr. CLARK of Missouri. It will fail again, so what is the use? [Laughter.]

The SPEAKER. The House has rejected the conference report. This is a Senate bill, and the gentleman from Wyoming moves to suspend the rules and that the House further insist upon its amendments to the Senate bill and ask for a further conference.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is there any rule of the House now by which a vote upon this motion has any effect other than upon the mere motion itself? In other words, does a vote of "no" agree to the Senate amendment?

The SPEAKER. No; it does not. There are no Senate amendments. The Senate passes a bill, and the House amends it. The conference report is made, and the House rejects the conference report—that is, the House fails to agree to it—and this is a motion to suspend the rules and that the House further insist upon its amendment to the Senate bill.

Mr. MANN. And if the motion of the gentleman from Wyoming does not prevail, the bill is before the House for any other action?

The SPEAKER. Precisely.

Mr. GAINES of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Is a motion in order to lay the Senate bill on the table?

The SPEAKER. Not with a motion to suspend the rules.

Mr. GAINES of Tennessee. I wish the House would give me the chance to do it; I am against the bill.

The SPEAKER. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from Kansas to twenty minutes.

Mr. DOUGLAS. Mr. Speaker, will the Chair please enlighten my ignorance on the parliamentary situation of this bill?

The SPEAKER. This is a Senate bill, and the House amended it. The conferees met and came to an agreement between the two bodies. The House refuses to agree to the conference report. That leaves the bill before the House. This is a motion to suspend the rules and further insist upon the House amendments and ask for a further conference.

Mr. DOUGLAS. Another parliamentary inquiry, Mr. Speaker. Why is not a motion, before the rules are suspended, in order to lay this on the table?

The SPEAKER. Such a motion has not been made, and this is a motion to suspend the rules.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to make a motion to lay the whole thing on the table.

The SPEAKER. There is already a motion before the House to suspend the rules, and the gentleman from Wyoming has been recognized for twenty minutes and the gentleman from Kansas, who demanded a second, has been recognized for twenty minutes.

Mr. MONDELL. Mr. Speaker, this is a Senate bill which, as amended by the House Committee on Public Lands, passed the House by a large majority. As amended by that committee, as I have stated on several occasions here, it was the most carefully guarded homestead law—the only real homestead law—that has ever been presented to the House. The bill went to the Senate. In the Senate the only change made in the bill—excepting a change dropping two States from its provisions—was to add a provision which the House had stricken out authorizing or allowing homestead entries on certain limited areas to be designated by the Secretary without fixed residence immediately upon the entry, but requiring double the cultivation in that case.

Now, evidently the House does not approve of that provision. I am of the opinion that in conference, if this bill shall go back



to conference, we shall be able to strike from it every objectionable feature, every feature that anyone could possibly object to. It is universally admitted that for the settlement of the dry lands of the West we must have a larger homestead. I live in a land where for nearly thirty years I have looked out over a vast cow range and sheep pasture. Occasionally we have been able to bring a settler upon these lands, but only occasionally, and one of the principal reasons is that on land of that character the homesteader feels that he is not justified in making the effort, in undergoing the hardships, and only obtaining 160 acres of the second or third or fourth class land for five years' residence. If this motion shall carry and the bill be sent back to conference, I am of the opinion that every feature of the bill that any gentleman can take exception to will be eliminated.

Mr. Speaker, I reserve the balance of my time.

Mr. REEDER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not expect to occupy the five minutes' time, nor to discuss the merits of the proposition. The bill passed the Senate. It came to the House, if I remember rightly, and all after the enacting clause was stricken out.

Mr. MONDELL. Oh, no.

Mr. MANN. It was amended in the House and then it passed the House, not by a large majority, but by a fair majority. It went to conference. On the vote just now had on agreeing to the conference report the ayes were 98 and the noes were 148, a decided vote against it on the merits of the proposition. It seems to me, Mr. Speaker, that the House has indicated its desire that at this time there shall be no legislation along these lines, and having indicated that desire, the proper method for the House to now pursue, it seems to me, is to vote down the motion of the gentleman from Wyoming to further insist and ask for a conference, and then, having voted down that motion, the bill will be before the House and the gentleman from Kansas [Mr. REEDER] will be entitled to recognition on a motion to lay the Senate bill on the table, where it belongs; and if the gentleman desires to bring the matter before Congress at a subsequent time, with a better considered piece of legislation, that will be the privilege of the gentleman or of his committee. I yield back the balance of my time.

Mr. REEDER. Mr. Speaker, I wish to say just a word or two and then I will be ready for a vote. The gentleman from Wyoming [Mr. MONDELL] makes as the principal point in his argument that they will strike out all the objectionable features. If they will do that, as I said before, if they would guarantee that settlement would be had under this bill, I would be for it, and if they would strike out all the objectionable features they would have to commence before the enacting clause and finish up at the end of the bill, and especially cut out the 320-acre provision. That is the objectionable feature. So I say it is not possible that he means what he says, or, at least, I would not define it in that way. What we hope to do is to strike this bill out entirely.

I wish to say one thing further to the House, and that is this: If you will vote as you did before, and we do finally lay this bill on the table, we will have this land left, will we not? It is always safe to keep your money. You can always buy something with it. It is equally safe to keep the public domain, and if we have made a mistake, and next year we desire to give this land to the cattle people, we can do so. We can do it then just as well as now, and it will be just as acceptable, and more so, as it will then be more valuable.

Mr. VOLSTEAD. Is it not a fact that the cattlemen have it now?

Mr. REEDER. No. The title is in the United States now. They have the use of it. They desire the title. Let us not give them the title. The gentleman from Texas made a statement since the other vote was taken that if he were permitted 4 miles of creek and a good big herd of cattle, and some other man equally smart was 30 miles away from him on the creek, under this law they could get all the land between the two, and I would undertake to get it for them within a reasonable time—not only the use of the land, but the title to it. They say nonirrigable. What do you suppose that means? That may mean land which to-day can not be irrigated, and it may mean land which can be irrigated to-morrow and be worth possibly \$500 an acre. I have a friend who went to Colorado and took up land, and he questioned whether it was worth \$50 an acre, and within three years ago he sold it for \$800 an acre.

Mr. BONYNGE. Whereabouts was this land?

Mr. REEDER. At Grand Junction.

Mr. BONYNGE. Oh, fruit land.

Mr. REEDER. Yes.

Mr. BONYNGE. And under irrigation.

Mr. REEDER. The land that can be taken under this bill, if it becomes a law, may be fruit land and worth a thousand dollars an acre within five years. I know of cases in Kansas where thirty-five years ago a man took up land and bored wells 500 feet deep and found a dry bottom. They continued dry for twenty years. Later on it developed that in certain places on that same land water in plenty was found within 27 feet of the top. This same kind of land would have gone in under this bill, and I want to emphasize again the fact that if we make a mistake by keeping this land now, we can remedy that mistake at any time by turning it over to whomsoever we wish to give it to, and I want to emphasize again the fact that nonirrigable land to-day may be irrigable land to-morrow. I wish to cite another case from Colorado. There is being gotten up, so the papers state, an immense organization over at Canyon City to manufacture electricity and take it to the western line of Kansas and do it so cheaply that they can light all of the towns and furnish heat and motor power for towns and so cheaply that a man can afford to use it to pump water on lands which within fifteen years were not worth 50 cents an acre, while some of them are now worth \$200 or \$300 an acre—about Garden City. All I am pleading for is, even if some cattlemen do use the land, let us not let them get title to it, but let us keep it so that people can make homes for themselves thereon. If this can not be done this year, if it can not be done next year, it may not be done in ten years from now, but we may be able to make homes of this land in twenty years from now. These young men that are growing up in the East are entitled to homes, and we should not make them subject to the speculator of the West when they are ready to establish a home on the public domain.

If no one wishes to speak further on this subject, Mr. Speaker, as far as I am concerned, I am ready for a vote.

Mr. GAINES of Tennessee. Will the gentleman from Wyoming yield me three minutes?

Mr. MONDELL. Does the gentleman favor the bill?

Mr. GAINES of Tennessee. I am dead against the bill.

Mr. REEDER. I will yield the gentleman three minutes; I have that much time to yield myself.

Mr. GAINES of Tennessee. Mr. Speaker, when this bill was before the House I voted against it, because I wanted to save the public lands as they were, and I quite agree with the gentleman from Kansas. Then it went into conference and the conferees brought out the only possible bill that could be brought out of the conference. We met on three different dates and spent twelve or fourteen hours of time in conference trying to get to an agreement, which we reported. Now, this land is absolutely useless, unless some such provision is made as will allow a man to homestead it and work it and live where he can get water, because there is no water on it. It is impossible to live on the land.

The only thing that induced the House conferees to agree to the conference report was that this worthless land produces absolutely nothing; it is uninhabitable and can only be worked by letting a man live out in the country somewhere, where there is water, and going down on the farm and working it. We put in the provision that he must "successfully" work it. Some men live on a farm and do not "successfully" work it, so if he does not work it successfully, in the judgment of the Department of the Interior and officers of law, he can not get a patent. I do not believe that the 320-acre proposition is a proper one, and I am opposed to the bill and want to do anything by honorable means in this House to defeat it, but being one of the conferees, of course it was my duty to sign the report to the House. I am going to vote against another conference, because I am against the bill, and then if we get that done I am going to make a motion to lay the whole thing on the table, because I do not believe in the proposition.

[Mr. COLE addressed the House. See Appendix.]

Mr. MONDELL. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I have always supported the proposition to enlarge the homesteads out on lands of the character described in this bill. I never have believed that a man with a family can go out on land of that kind and on 160 acres make a living.

Mr. REEDER. Will the gentleman permit a question?

Mr. GILLESPIE. Well, I have but three minutes.

Mr. REEDER. All right.

Mr. GILLESPIE. Go ahead and ask the question. Now, of course, you might go out in the West and discover a mine or an irrigation proposition, and individuals largely profit by them, and you can cite these individual instances where men

have profited from owning 160 acres of these lands, but the fact remains that vast acres of this territory remain unsettled, and doubtless hundreds of instances could be cited where individuals have lost all they had in undertaking to live upon these lands.

It is being used now by somebody. Somebody is getting the use of that land for practically nothing, and somebody wants to continue the use of that land in the same way. I want to favor a proposition that will give the man with a family who wants a homestead an opportunity to go out there and settle and make a living. I believe this bill accomplishes that result. I never saw a more carefully guarded proposition, careful that the land may be kept out of the hands of anybody but the actual settler, the man that goes with his family and settles upon the land and actually puts it under cultivation—I believe one-half of the 320 acres of land at the end of four years. I do not believe that the actual settler can make a living on less than 320 acres of this land. I want our people to go there and establish homes upon this land, and I shall therefore gladly support this bill, as I have always done when the proposition came up before this House.

Mr. MONDELL. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. The gentleman from Illinois [Mr. MANN] requested the House to vote down this motion in order to defeat the bill and gave as his reason that when the bill passed it passed by a very small majority. The Record shows that the bill passed on the 11th day of May and that there were 141 yeas and 74 nays. The bill passed the House by a vote of nearly two to one. The proposition therefore before the House now is whether we shall insist upon the bill that we passed by a vote of nearly two to one.

Mr. Speaker, I live in the city of Denver, and I have lived in that city for twenty years. I have never taken up a single acre of land under any of the public-land laws of the United States, nor has any member of my family for me. I have never lived on any land of the character described in this bill. I only know it as I have traveled over it time after time and year after year and from an intimate acquaintance of twenty years with the people who live upon it. Some gentlemen have referred to special cases in Colorado. The gentleman from Kansas [Mr. REEDER], in referring to land near Grand Junction, refers to land that is under irrigation, and some of the very best land to be found anywhere in the United States. The gentleman from Ohio [Mr. COLE] spoke about his brother who lives in Morgan County. Morgan County is one of the counties in my district, and I know the gentleman's brother. The land he refers to is along the Valley of the Platte and is rich and fertile land. Such land is not included within the terms of this bill, because land in the valley of the Platte or in the Valley of the Arkansas is irrigable land, and this bill refers only to nonirrigable land. The kind of land which is covered by the terms of this bill is that which is devoted to pasture and grazing purposes. This is a contest to-day, Mr. Speaker, between those who want to keep that land as large cattle ranches and the people who want to go upon the land and settle it, making homesteads upon it. That is the contest that is now being waged upon the floor of this House.

Mr. PARSONS. Will the gentleman yield?

Mr. BONYNGE. No; I have but three minutes, and I can not yield. You can not find a large cattleman or cattle company in the West that would favor this bill. There is no opportunity for speculation under it as it passed the House. It requires that the settler shall live upon the land for five consecutive years. Think for a moment, if you will, gentlemen, of a man going out upon the arid plains of the West, overcoming all the hardships and the obstacles that he has to meet, living upon that land for five consecutive years and cultivating the portion of it that he is required to cultivate under the terms of this bill in order to speculate. Where will you find an American who is willing to spend five years of his life upon land of this character with the hope of making a speculation? Knowing as I do, Mr. Speaker, the hardships that these worthy and strong characters and hardy pioneers have undergone in reclaiming the desert of the West, in making it possible to have habitation upon those arid plains, I submit to you, Mr. Speaker, and to the Members of the House, that in my judgment any man who will comply with the terms of this bill will have earned, and dearly earned, the 320 acres that he would acquire. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I desire to inquire whether the gentleman from Kansas [Mr. REEDER] wishes to consume the balance of his time?

Mr. REEDER. I would like to inquire how much time I have?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. REEDER. I will yield to the gentleman from Illinois [Mr. MANN] two or three minutes.

Mr. MANN. Mr. Speaker, if it had been the intention of the gentleman behind this bill, as the gentleman from Colorado [Mr. BONYNGE] suggests, to insist upon the bill as it passed the House, there was an easy parliamentary method of doing that, and that was to further insist upon the House amendment and let it go back to the Senate. Ah, no! This is to send it back to conference, where the same identical proposition can come.

There was an easy parliamentary method to adopt—simply to say that the House agreed to what it would agree to, and nothing more. This goes back to conference, if it goes at all, for the purpose, and the sole purpose, of the House yielding something. There is no other object in sending a bill to conference except to yield something for the yielding of something on the part of the other body. If the House had desired to "stand pat," if the gentlemen behind the bill had wished to insist that if it become law it should become law as it passed the House, there was a proper parliamentary method remaining open, and that remains open even after this motion should be disposed of. [Applause.]

Mr. REEDER. Mr. Speaker, I would like to ask the gentleman from Wyoming if his remaining time will be occupied in one speech?

Mr. MONDELL. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Wyoming has seven minutes remaining.

Mr. MONDELL. No; I think I will not use it all in one speech.

Mr. REEDER. Then I would like to have you consume some of your time.

Mr. MONDELL. How much time has the gentleman from Kansas remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining. [Cries of "Vote!"]

Mr. MONDELL. I yield two minutes to the gentleman from Iowa.

Mr. HAMILTON of Iowa. Mr. Speaker, as I understand, the proposition now before the House is to send this bill back to conference and insist upon the House amendment—that is, that we insist that the bill become a law as passed by the House.

Mr. DOUGLAS. Will the gentleman state the parliamentary status correctly? I think he does not state it correctly.

Mr. HAMILTON of Iowa. Mr. Speaker, I understand we are voting upon a proposition to send this bill to conference and insist on our amendment, and I am in favor of the motion. I am in favor of the bill as it passed the House, giving 320-acre homesteads, and I would rather, much rather, pass it as it passed the House than to make the concession made by the House conferees as to the nonresidence of homesteads. It was passed by the House, as stated by the gentleman from Colorado [Mr. BONYNGE], by an overwhelming majority in the first instance—nearly 2 to 1—and I believe it is but fair that it be sent back to conference and see if we can not have that bill passed as it was originally passed by the House.

It is not to the interest, as my information leads me to believe, of the cattlemen of the West, but in the interest of the actual homesteader, and against the wishes of the cattle and sheep men, who do not want it settled.

Mr. WILLIAMS. I would like to ask the gentleman a question. Has the gentleman any reason to believe that any other conferees except those that have already acted, and whom the House has already voted down, will be appointed by the Speaker?

Mr. HAMILTON of Iowa. I do not know anything about that proposition. I believe that if we send this bill back under the motion before the House now that the conferees upon the part of the House will insist upon the House amendment. If they do not secure that, the House will then have the opportunity to vote it down. Therefore I shall vote to send the bill back to conference.

Mr. MONDELL. Now I ask the gentleman to consume his time.

Mr. REEDER. I desire to ask the gentleman if he will use all of the remainder of his time in one speech?

Mr. MONDELL. I think not.

Mr. REEDER. I do not know of anyone who wants to say anything further on this matter at this time, but I am going



to speak for a few moments and will then reserve the balance of my time, until the gentleman from Wyoming has the purpose of concluding in one speech.

It was said by the gentleman from Colorado [Mr. BONYNGE] that this was favored by large ranchers. Speaking for myself, and so far as I know, that is not true. I do not know of any rancher who wants any such legislation.

Mr. BONYNGE. I said just the reverse.

Mr. REEDER. Then, what did you say?

Mr. BONYNGE. I said exactly the reverse. What I said was that the cattle ranchers wanted the land to stay as it is, and opposed this bill, because they want the free use of the range, and what we wanted was that a man might stay on the land and make a home. [Applause.]

Mr. REEDER. In answer to that, I assert that so far as I know that is not the case.

The cattle ranchers may continue in the use of the land, but what he wants is the title, and all I desire to do is to prevent his getting the title, because I think that in time it can be and will be used by people for homes. But if we pass this law I am satisfied that the cattlemen will not only get the use of the lands, but the title, and that is what I am opposed to. I would prefer, of course, that they did not even have the use, and would prefer that there should be a settler located on each 160 acres.

Mr. SMITH of California. Will the gentleman permit me to ask him a question?

Mr. REEDER. I yield to the gentleman.

Mr. SMITH of California. If the cattlemen want to get the title, under which law could they get it best? Under the present law, which allows the homesteader to commute in fourteen months, or this law, which requires an absolute residence for five years? [Applause.]

Mr. REEDER. Knowing the ingenuity of the Western cattleman, I should say that he could get it twice as fast in 320-acre blocks as he could in 160-acre tracts. [Applause.]

Mr. SMITH of California. It takes five years' residence.

Mr. REEDER. No; it does not take two years. I have dwelt upon this phase of the question, and I think you should consider it: If a man goes upon this land with his family and undertakes to live there for five years, he simply can not do so; that is all there is to it. He can not get the money to pay his expenses without raising some crops, and he can scarcely raise any crops on this land. The result is that he must do something else, and for a small amount he turns the land over to somebody who takes his chance on getting the title, or at least getting the use of the land for several years, for a small amount. The final effect is that the settler gives it up and goes to Canada or some other place to find a home, and the cattle rancher gets the use of the land and prevents its future irrigation.

You can not make a mistake in keeping the land. You may make a mistake in turning the title over to some one, but you can not make a mistake in keeping the land, because I will insure you that every man on this floor who favors this bill to-day will favor it in the future, and if the rest of us get so we desire to favor it, we can turn the land over at any time. Public land now is like money; you can get rid of it at any time. The only trouble is in keeping it. Let us keep it. This is essentially a bad law. The very thought that was conveyed by the gentleman last upon the floor, that we want to pass this as it passed the House before, is just what I want to defeat, if I can; I do not want to pass it at all. I want to see this bill tabled. We are considering this matter of wasting our national resources every day more and more, and if Congress finally make up their mind that it is advisable to turn this land over in 320-acre blocks, I will guarantee you the support of every man who supports this bill now at any time in the future, because they are made up of the same stuff that we are. They would like to get the land. I would not mind getting four or five thousand acres of it myself, if they would let me have it.

Now, if we vote against the bill, I hope the effect of it will be to defeat the bill. If it is wrong to defeat it, we can take it up in the next session with a better understanding.

I reserve the balance of my time.

Mr. MONDELL. I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. The ruthless killing off of the great herds of buffalo that used to roam over the Western country extended, on scientific principles, the rain belt in Kansas and Nebraska and perhaps in States north and south of these States westward about 300 miles, until it passed what used to be, on the old Mitchell's Atlas, the center of the Great American Desert, where the rain now falls to about the same depth annually as in Ohio, Indiana, and Illinois. But there is a large region still on the high plains farther West that has not been reached by

this rain belt and probably never will be. If we can pass a law that will induce agricultural people to go and settle on 320 acres of that arid land, it will be a great blessing to the country and to the people everywhere. It will take that region out of the situation in which it now is, practically a desert, and convert it into an agricultural region. If the complaint against this bill is that it is generous to the agriculturist who will go there, that makes me ardently in favor of the bill. The new method of dry farming that is being well tested and is proving a success in the West requires twice as much land as the old system. Crops have to be alternated every two years, the land has to be prepared and to lie fallow for a period of time, perhaps over one season; and if it is possible to work out the system of dry farming at all, it will require 320 acres in each farm, in order to enable a man to successfully compete with the farmer and homesteader who settles in a region where there is the ordinary rainfall and who lives upon 160 acres. If this will secure the settlement of this vast region of the Northwest, if it will result in putting a family on every 320 acres all over these now arid, almost desert plains, it will be a great benefit to this country. I am in favor of the principle of the original bill, which requires actual settlement to perfect title.

I yield back the balance of my time. [Applause.]

Mr. REEDER. Mr. Speaker, I wish to answer a few of the arguments made by the gentleman from Ohio [Mr. KEIFER].

Mr. Speaker, this region that the gentleman from Ohio speaks of, that when many of us were boys was marked on the map as the "Great American Desert," will finally be the greatest crop-producing section in the world. It is coming to that gradually and surely. I have lived in that section thirty-seven years now. It will finally produce the greatest crops in the world, probably by rainfall, though when the gentleman from Ohio says that there is as much rain there now as in Ohio and the Central West he is mistaken by about 50 per cent. That is all. I looked it up the other day, and we have about one-half to two-thirds as much rainfall. That is one good reason why we should not vote the land away from the Government. Even they who talk about it most do not seem to know much about it. And even if it does not rain in this section, we will irrigate it, and then, instead of a homesteader requiring 320 acres to make a living on, 20 acres will make him a home. Then where, as they say now, it will only be enough for one family, it will be enough for eight families to live and support themselves on, whereas, according to their theory, only one family can be supported now, and in fact it will only afford a cow pasture for four to six steers.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes.

Mr. MONDELL. I now yield three minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, as I understand the proposition, it is a motion to send this bill back to conference. I take it that the conferees of the House would assume that the vote by which the conference report was rejected was in effect an instruction to them to insist upon the bill as it passed the House. I will frankly state that I do not like the proposition which was put on by the Senate—a proposition to allow an entry under the homestead law without a settlement. I believe the conferees will insist upon the bill as it passed the House by a substantial majority.

The gentleman from Ohio said it was a bill to place cattle on the lands, and not men. That was answered by the question of the gentleman from California a moment ago, showing that under the present law the cattlemen can put their cowboys on the lands and get 160 acres with a residence of only fourteen months, while under the bill as it passed the House a continuous residence for five years is required, and it will be very difficult to keep a cowboy on the land continuously for five years. If he lives on it for five years, he will keep it. It must not be overlooked that there is no commutation allowed under this bill.

Mr. MANN. This does not change the existing law as to homesteads.

Mr. JONES of Washington. It does, so far as the lands described in the bill are concerned. Of course the lands that this bill applies to can be entered under the present homestead laws as well as under this law, but they have not been so entered.

Mr. MANN. Certainly they can; there is no difference at all.

Mr. JONES of Washington. This requires cultivation, in addition to continuous residence. I want to say that a man earns every acre of land he gets of the character and description of these lands in the bill if he lives on it five years and

cultivates it; and if he does not do it, he is subject to contest, and he will be closely watched through the entire time. This bill, in my judgment, means a home. The man who lives on a tract of land for five years has lived there long enough to make it a home and will make it a home and will retain it as a home. There are considerable areas in the West—not so much in my State as in others—where now a homesteader can eke out but a mere existence on 160 acres of land. There is some land which can not be cultivated except every other year. In other words, if the homesteader has 160 acres, he can cultivate only 80 acres in one year, and out of that comes his house and his garden, and so forth; and he can probably get 15 or 20 bushels of wheat to the acre. That is not enough. A man who lives on these lands wants a little bit more than a mere existence and wants to be able to make something in order that his family can have some of the comforts of life, that his children may be educated properly, and a place where he can cultivate more than 80 acres.

I remember when the debate was had upon this bill before the gentleman from Illinois said a man could not cultivate more than 80 acres. They may not be able to cultivate more than 80 acres in Illinois, but on land of this sort they can cultivate more than that because, as a general thing, the land is level and there is a longer season for cultivation. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, this is a motion to send this bill, which passed by a vote of nearly two to one through the House, back to conference. I want to say to the House that if this motion shall carry and the bill go to conference, as one of the conferees I shall not agree except on the bill as the House passed it. I shall insist on striking out these features that the House has objected to. Mr. Speaker, it has been reiterated here that this is a bill in the interest of the cattle companies. If any man anywhere has heard of any large stockman especially favorable to this legislation or who imagines it will enable him to secure large areas of land, let him now say who he is. On the contrary, the great cattle outfit of the West are pressing us for a lease law. They are insisting that we shall favor legislation under which they can control ten, twenty, thirty, forty, fifty, or one hundred thousand acres in single blocks. We want this legislation to put homes upon those grazing lands, in order that we may have settlers on the lands that can be farmed, instead of dividing the lands up in large blocks among the stockmen.

We want settlement, we want homesteaders, and we propose to make the homestead large enough on those dry lands that the homesteader will not only come from your States, but having come, will have a tract sufficiently large that he can establish and maintain a home upon it. The gentleman talks about this applying to irrigable lands. Not over 5 per cent of the lands of any of the Western States can be irrigated. Irrigation is limited by the water supply, and the highest estimate ever made of the irrigable lands of the West is something like 5 per cent. Those lands are well known. They can not be taken under this bill. If a man should settle upon them, he is subject to contest for five years; he is subject to the cancellation of his entry on notice of a Government agent, and for six years after he makes his final proof the title could be challenged and the title canceled.

Mr. Speaker, I hope that the motion will carry, and that the House will send this measure, which it passed by a 2-to-1 vote, back to conference to be perfected. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Wyoming to suspend the rules and that the House do further insist on its amendments to the Senate bill and ask for a conference.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 105, nays 129, answered "present" 14, not voting 139, as follows:

## YEAS—105.

Alexander, Mo.	Caulfield	Floyd	Hamilton, Mich.
Ames	Chapman	Foster, Ind.	Hammond
Ashbrook	Cook, Pa.	Foulkrod	Hawley
Barchfeld	Coudrey	French	Hay
Bartholdt	Craig	Fulton	Hayes
Beale, Pa.	Crawford	Gilhams	Helm
Bede	Cushman	Gill	Hill, Conn.
Bell, Ga.	Dalzell	Gillespie	Hinshaw
Bennet, N. Y.	Dawes	Gordon	Howell, N. J.
Bonyage	Denby	Goulden	Howell, Utah
Boyd	Diekema	Graff	Hughes, N. J.
Bradley	Edwards, Ky.	Graham	Humphrey, Wash.
Brownlow	Ellis, Mo.	Haggott	Humphreys, Miss.
Burleson	Ellis, Oreg.	Hale	Jones, Wash.
Calder	Englebright	Hall	Kahn
Candler	Ferris	Hamilton, Iowa	Keifer

Kennedy, Ohio  
Kinkaid  
Küstermann  
Lawrence  
Legare  
Lorimer  
Loud  
McGuire  
McKinlay, Cal.  
McKinley, Ill.  
McLachlan, Cal.

Macon  
Mondell  
Murphy  
Needham  
Norris  
O'Connell  
Parker, N. J.  
Parker, S. Dak.  
Perkins  
Pollard  
Pray

Rainey  
Ransdell, La.  
Robinson  
Rodenberg  
Rothermel  
Sherman  
Slomp  
Smith, Cal.  
Smith, Iowa  
Smith, Mich.  
Southwick

Steenerson  
Sterling  
Thistlewood  
Volstead  
Waldo  
Wanger  
Weeks  
Young

## NAYS—129.

Adair  
Adamson  
Alken  
Barclay  
Beall, Tex.  
Booher  
Bowers  
Broadhead  
Brundidge  
Burgess  
Caldwell  
Cary  
Chaney  
Clark, Mo.  
Clayton  
Cockran  
Cole  
Cooper, Pa.  
Cooper, Wis.  
Cox, Ind.  
Crumnacker  
Davidson  
Davis, Minn.  
Dawson  
De Armond  
Denver  
Douglas  
Draper  
Driscoll  
Durey  
Ellerbe  
Esch  
Fitzgerald

Foss  
Foster, Ill.  
Foster, Vt.  
Fuller  
Gaines, Tenn.  
Garner  
Garrett  
Gillett  
Glass  
Goldfogle  
Granger  
Greene  
Gregg  
Hackney  
Hamill  
Hamlin  
Hardwick  
Hardy  
Haskins  
Haugen  
Hefflin  
Henry, Tex.  
Hepburn  
Higgins  
Hitchcock  
Houston  
Howard  
Hubbard, W. Va.  
Hull, Tenn.  
Johnson, Ky.  
Jones, Va.  
Keliber  
Kennedy, Iowa

Kipp  
Lafean  
Laning  
Lenahan  
Lindbergh  
Loudenslager  
Lovering  
Lowden  
McDermott  
McMillan  
Madden  
Mann  
Miller  
Moore, Tex.  
Morse  
Mouser  
Murdock  
Nelson  
Nicholls  
Nye  
Olcott  
Olmsted  
Padgett  
Page  
Parsons  
Patterson  
Pearre  
Porter  
Pou  
Prince  
Randall, Tex.  
Rauch  
Reeder

Richardson  
Riordan  
Roberts  
Rucker  
Russell, Mo.  
Russell, Tex.  
Sabath  
Saunders  
Sherley  
Sherwood  
Sims  
Slayden  
Smith, Mo.  
Sparkman  
Sperry  
Spight  
Stafford  
Sulloway  
Sulzer  
Taylor, Ala.  
Tirrell  
Tou Velle  
Underwood  
Washburn  
Webb  
Wheeler  
Williams  
Wilson, Pa.  
Wolf  
Wood

Butler  
Dixon  
Finley  
Harrison

Henry, Conn.  
Landis  
Lee  
Lever

Moore, Pa.  
Shackelford  
Sheppard  
Small

## ANSWERED "PRESENT"—14.

## NOT VOTING—139.

Acheson  
Alexander, N. Y.  
Allen  
Andrus  
Ansberry  
Anthony  
Bannon  
Bartlett, Ga.  
Bartlett, Nev.  
Bates  
Bennett, Ky.  
Bingham  
Birdsall  
Boutell  
Brantley  
Broussard  
Brumm  
Burke  
Burleigh  
Burnett  
Burton, Del.  
Burton, Ohio  
Byrd  
Calderhead  
Campbell  
Capron  
Carlin  
Carter  
Clark, Fla.  
Cocks, N. Y.  
Conner  
Cook, Colo.  
Cooper, Tex.  
Cousins  
Cravens

Currier  
Darragh  
Davenport  
Davey, La.  
Dunwell  
Dwight  
Edwards, Ga.  
Fairchild  
Fassett  
Favrot  
Flood  
Focht  
Fordney  
Fornes  
Fowler  
Gaines, W. Va.  
Gardner, Mass.  
Gardner, Mich.  
Gardner, N. J.  
Godwin  
Goebel  
Griggs  
Gronna  
Hackett  
Harding  
Hill, Miss.  
Hobson  
Holliday  
Howard  
Hubbard, Iowa  
Huff  
Hughes, W. Va.  
Hull, Iowa  
Jackson  
James, Addison D. Maynard

James, Ollie M.  
Jenkins  
Johnson, S. C.  
Kimball  
Kitchin, Claude  
Kitchin, Wm. W.  
Knapp  
Knopf  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Lamb  
Langley  
Lassiter  
Law  
Lenke  
Lewis  
Lilley  
Lindsay  
Littlefield  
Livingston  
Lloyd  
Longworth  
McCall  
McCreary  
McGavin  
McHenry  
McKinney  
McLain  
McLaughlin, Mich.  
McMorran  
Madison  
Malby  
Marshall

Moon, Pa.  
Moon, Tenn.  
Mudd  
Overstreet  
Payne  
Peters  
Powers  
Pratt  
Pujo  
Reid  
Reynolds  
Rhinoek  
Ryan  
Scott  
Smith, Tex.  
Snapp  
Stanley  
Stephens, Tex.  
Stevens, Minn.  
Sturgiss  
Tawney  
Taylor, Ohio  
Thomas, N. C.  
Thomas, Ohio  
Townsend  
Vreeland  
Wallace  
Watson  
Weems  
Weisse  
Wiley  
Willett  
Wilson, Ill.  
Woodyard

So the motion was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. GARDNER of Michigan with Mr. STEPHENS of Texas.

Mr. LAW with Mr. FURNES.

Until further notice:

Mr. WILSON of Illinois with Mr. STANLEY.

Mr. TOWNSEND with Mr. SMALL.

Mr. SCOTT with Mr. RYAN.

Mr. PAYNE with Mr. MOON of Tennessee.

Mr. OVERSTREET with Mr. MAYNARD.

Mr. MOORE of Pennsylvania with Mr. McLAIN.

Mr. MARSHALL with Mr. LLOYD.

Mr. MALBY with Mr. LAMB.

Mr. McMORRAN with Mr. PUJO.

Mr. LONGWORTH with Mr. KIMBALL.

Mr. LITTLEFIELD with Mr. HOWARD.

Mr. GAINES of West Virginia with Mr. HOBSON.

Mr. GARDNER of Michigan with Mr. WILLIAM W. KITCHIN.



Mr. FORDNEY with Mr. FAVROT.  
Mr. FOCHT with Mr. COOPER of Texas.  
Mr. CAMPBELL with Mr. CLARK of Florida.  
Mr. BURTON of Delaware with Mr. BRANTLEY.  
Mr. BURLEIGH with Mr. BARTLETT of Nevada.  
Mr. BATES with Mr. ANSBERRY.  
Mr. LANDIS with Mr. DIXON.

For the session:

Mr. CURRIER with Mr. FINLEY.

The result of the vote was announced as above recorded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. PAYNTER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy.

The message also announced that the Senate had passed without amendment the following resolution:

#### House concurrent resolution 44.

*Resolved by the House of Representatives (the Senate concurring), That the Clerk be authorized, in enrolling the District of Columbia appropriation bill, to transpose the word "hereafter," in the second proviso in the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers."*

#### PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Mr. LARRINAGA. Mr. Speaker, I ask unanimous consent of the House to take from the Speaker's table the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry, and that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to take from the Speaker's table the following bill with Senate amendments and concur in the Senate amendments. The Clerk will report the title of the bill and read the amendments.

The Clerk read as follows:

The bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Virginia objects.

Mr. LARRINAGA. Mr. Speaker, I move to suspend the rules—

The SPEAKER. But the gentleman is not recognized for that purpose at this time.

Mr. LARRINAGA. I thought I had been recognized.

The SPEAKER. The gentleman from Michigan [Mr. DENBY].

#### REMISSION OF A PORTION OF THE CHINESE INDEMNITY.

Mr. DENBY. Mr. Speaker, I move to suspend the rules and pass Senate resolution No. 23 as amended by the House Committee on Foreign Affairs.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the following Senate resolution, with committee amendments, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 23) to provide for the remission of a portion of the Chinese indemnity.

*Resolved, etc., That the President is hereby authorized to consent to a modification of the bond for \$24,440,778.81, dated December 15, 1900, received from China pursuant to the protocol of September 7, 1901, for indemnity against losses and expenses incurred by reason of the so-called "Boxer disturbances" in China during the year 1900, so that the total payment to be made by China under the said bond shall be limited to the sum of \$13,655,492.69 and interest at the stipulated rate of 4 per cent per annum, and that the remainder of the indemnity to which the United States is entitled under the said protocol and bond may be remitted as an act of friendship, such payments and remission to be at such times and in such manner as the President shall deem just: Provided, That within one year from the passage of this resolution any person whose claim upon the Chinese indemnity, 1900, was presented to the United States commissioners or to the Department of State and disallowed in whole or in part may present the same by petition to the Court of Claims, which court is hereby invested with jurisdiction to hear and adjudicate such claim, without appeal, and to render such judgments de novo, or in addition to any allowance or allowances heretofore made, as, in each case shall be fully and substantially compensatory for actual losses and expenses*

of the claimant caused by the antforeign disturbances in China during the year 1900, excluding merely speculative claims or elements of damage: And provided also, That the sum of \$2,000,000 be reserved from the Chinese indemnity, 1900, for the payment of such judgments, the same to be paid by the Treasurer of the United States as and when they shall be certified to the Secretary of the Treasury by the said court, and any balance remaining after all such claims have been adjudicated and paid shall be returned to the Chinese Government in such manner as the Secretary of State shall decide, and the Secretary of the Treasury is hereby authorized and directed to so return the same: And provided further, That all evidence furnished by the claimants, and statements made by them to the said commissioners or to the Department of State, shall be transmitted by the said Department to the said Court of Claims and considered together with such other additional testimony as may be presented by either side, and the Government of the United States shall defend the said claims in the said court by such attorney or attorneys as may be designated for such service by the Attorney-General of the United States: Provided further, That in no case shall the Court of Claims award a principal sum to any claimant which, together with the principal sums said claimant may have already received by decision of the United States commissioners and the Department of State, shall exceed the amount originally claimed by said claimant.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. STAFFORD. I am opposed to the bill.

The SPEAKER. Is the gentleman on the committee? The gentleman from Wisconsin is recognized as demanding a second.

Mr. DENBY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. That is already done under the rule. The gentleman from Michigan is entitled to twenty minutes, and the gentleman from Wisconsin is entitled to twenty minutes.

Mr. DENBY. Mr. Speaker, to lay this bill before the House of Representatives I must refer, but very briefly, to the so-called "Boxer uprising" in 1900. The Boxer disturbance constituted an episode quite unique in human history, and it can be compared only to the Indian mutiny of some fifty years before. To attack the ministers of friendly powers is the blackest crime in the calendar of nations, and of that crime the unhappy Chinese were guilty. And yet they will not stand alone at the judgment seat of history as taking the entire blame for the horrors of 1900. No one can say at whose door lies the greater blame, the Boxer leaders, who madly attacked all the world, or the representatives of Western civilization and religion who drove them to those deeds by their jealous greed and their aggressiveness. The United States has always stood, however, to all the people of China in an attitude of friendliness. Always have we treated China with justice, and generally, and wherever possible, we have treated her with generosity. During the Boxer movement itself the Secretary of State of the United States proclaimed that great doctrine which is destined to be as important and as rigidly adhered to as the Monroe doctrine. The Hay doctrine of the open door was proclaimed by John Hay, Secretary of State of the United States, during the Boxer uprising in 1900. In 1905, during the heat of the Russo-Japanese war, it was the United States that secured from the belligerent powers a promise that they would respect the territorial integrity of the Chinese Empire, and now once more the Government of the United States seeks to do an act of supreme justice, if not generosity, toward that great people emerging into modern civilization. After the uproar in China in 1900, after all the murders and destruction of property, the foreign powers met together and agreed to ask China for indemnities for the losses that they had sustained. The United States did all she could to keep those indemnities down to a small figure, and her own portion of them is disproportionate to that of other powers. However, it was discovered when the indemnities had been allowed that that demanded by the United States was far in excess of what the losses of the United States entitled her to receive.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. DENBY. With great pleasure.

Mr. FINLEY. Is the gentleman satisfied that the amount provided to be retained is sufficient to cover the fair, legitimate, and equitable losses of the people of the United States in the Boxer troubles in China?

Mr. DENBY. If the gentleman will permit me, I will answer his question by explaining a little further what this bill proposes to do. It was discovered by the United States Government that the amount asked for from China, \$24,400,000, was greatly in excess of the amount of our losses, and we have determined to return to them—or at least to ask permission of Congress to return to China—the difference not required, or everything in excess of about \$13,000,000. The gentleman asked me whether or not enough has been retained to pay all losses that may be held to have been sustained by American citizens. I answer him yes. The computation has been very carefully made.

Mr. FINLEY. One question just there. How was that computation arrived at?

Mr. DENBY. That computation was arrived at by the appointment of commissioners to sit at Tientsin and Peking to receive the claims of American citizens. Those claims amounted to some \$3,300,000, and some \$1,500,000 of those claims were allowed by the commissioners plus more than \$400,000 by the Department of State, leaving a balance of \$1,300,000-odd unpaid. The amendment of the House Committee on Foreign Affairs in this bill provides for retaining \$2,000,000 of the amount proposed to be exempted to China for the payment of those \$1,300,000 of claims. It also provides that the balance—

Mr. FINLEY. What money has been paid by China to the United States on this indemnity claim?

Mr. DENBY. About \$6,000,000 has been paid by China, of which \$4,000,000 remains in the Treasury of the United States unappropriated at present.

Mr. FINLEY. What has been done with the other \$2,000,000?

Mr. DENBY. The other \$2,000,000 has been paid to American claimants.

Mr. FINLEY. Now, the other part of it?

Mr. DENBY. The other part is in the Treasury. The other part is that portion which is due on the cost of the Army and Navy during the invasion of China and the allied march to Peking.

Mr. FINLEY. About how much is that?

Mr. DENBY. That was seven million odd for the Army and two million and one half for the Navy, and that has not yet all been paid by China, but some \$4,000,000 are in the Treasury.

Mr. FINLEY. The allowances have been made by this commission to American citizens for losses incurred. Now are the adjudications made by the commission satisfactory to the claimants, who are American citizens?

Mr. DENBY. Adjudications made by the commission were in many instances not satisfactory to the claimants. By that I do not mean to reflect in the slightest degree upon the commission or the Department of State, but merely to say that in their determination that no false or improper claims should be allowed they adhered to a rigid technicality of ruling which threw out, in my opinion, many good claims which should have been allowed. We are simply reserving now enough to cover the balance still claimed by American citizens not paid under the original allowances.

Mr. FINLEY. Now, is there enough retained, do I understand the gentleman, to pay the people who are dissatisfied?

Mr. DENBY. Absolutely, sir; enough to pay them every penny in case the Court of Claims should hold that all the money is properly due.

Mr. BURLESON. There is one controverted claim in behalf of a cotton firm. Is there a sufficient amount of money retained to pay that claim?

Mr. DENBY. That is the China and Japan Trading Company, some five hundred and fifty odd thousand dollars, and it was reimbursed only about \$57,000. The amount that they still claim is about \$500,000, one-quarter of the amount retained to pay all claimants.

Mr. Speaker, I will ask to be informed when I have consumed ten minutes of my time.

Mr. JOHNSON of South Carolina. Was there a time limit fixed within which all the claims must be filed?

Mr. DENBY. The commission gave notice that it would close its hearings upon a certain day. That was all the time limit that was given.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. DENBY. With pleasure.

Mr. SHERLEY. I have been informed that some of this money that was paid by China to the Government of the United States has been expended by the Government in certain war expenditures. Now, I would like to know what sum has been expended, if the gentleman knows, and for what purpose?

Mr. DENBY. Certain of the expenditures?

Mr. SHERLEY. That some of the money paid by China to the United States has been expended by the Government on certain Army expenditures.

Mr. DENBY. I have no information to that effect.

Mr. SHERLEY. The gentleman has just stated that all of this money is now in the Treasury of the United States except some paid for claims. Now, I think the gentleman is mistaken in that. Is he positive about the correctness of that statement?

Mr. DENBY. I stated that claims had been paid to the amount of about \$2,000,000; that China had paid to the United States about \$6,000,000, and that the difference between \$2,000,000 and \$6,000,000 does remain in the Treasury of the United States to-day, which is over \$4,000,000.

Mr. SHERLEY. Is not the gentleman mistaken? Has not some of that balance been expended by the Administration in certain war expenses in the Army?

Mr. DENBY. I have absolutely no information to that effect, and I am informed that it is in the Treasury now.

Mr. WALDO. Will the gentleman allow me to ask him a question?

Mr. DENBY. I would like the gentleman from New York to withhold any question until the other side have consumed some of their time, as I have only ten minutes remaining.

Mr. STAFFORD. Mr. Speaker, I do not wish the House to understand that I am opposed to the generous policy that is embodied in the Senate resolution, and that was proclaimed last June by the President, that after reimbursing the Government for the expenses we were put to in suppressing the Boxer revolution and in restoring order in China, and in reimbursing the claimants the amount determined by the American commissioners that adjudicated all the claims presented, that the balance of the indemnity fund, amounting to \$13,400,000, should be returned to China. But I am opposed to the House amendment that proposes to lessen this amount \$2,000,000 after the State Department last June had notified the Chinese minister that the full amount would be returned to the Chinese Government, and give claimants whose claims have been already adjudicated another chance to maintain their claims after they had full notice and opportunity to be heard and after the State Department had again passed on the claims and decided that they were without merit. The question before the House is whether Secretary Root should be upheld or whether some claimants shall have a further opportunity to loot the Treasury.

Now, I take the position that we stand in good faith with the Chinese people, and return to the Chinese Government the \$13,000,000 instead of \$11,000,000, as embodied in the House provision, and not give these claimants who have had their day in court further opportunity to prosecute their unmeritorious claims. I want to read to you a letter from Secretary Root, addressed to Mr. Denby—

Mr. BURLESON. Do you claim that these claimants have no claim?

Mr. STAFFORD. Secretary Root says that they have been examined fully by the authorized commissioners and reviewed by the Solicitor of the State Department. They were reviewed again by the Secretary of State, and wherever there was any merit in the claimant's position, on appeal, it was allowed, and where it was without merit it was turned down. Now, gentlemen of the House, after three years from the award by the State Department, without any protest whatever from the claimants, and waiting until last June, when the President announced his policy that the balance would be returned to the Chinese Empire, these claimants for the first time filed objections to the last findings of the State Department that had been considered final. I wish to read to you what Secretary Root said in a letter to the gentleman from Michigan [Mr. DENBY], dated February 20 last, which is in this language:

Any legislation which treats the action of the Department of State at that time as a nullity is without justification. Such action can not be maintained upon any theory which would not absolutely prevent the Government from receiving ever, under any circumstances, the protection of the maxim that there must sometime be an end of litigation. If such a course is to be taken in this case, no final judgment can ever be a protection to the Treasury of the United States.

Very sincerely, yours,

ELIHU ROOT.

I make the claim right here, and I wish gentlemen on the other side to refute it if they can, that after they have had their day in court they should be given permission to present their claims to the Court of Claims. Now, I have here a decision on identically the same question arising out of Chinese indemnity for outrages perpetrated on parties fifty years ago, whom the Chinese Government should have protected. In that case, where a portion of the claim, as here, had been allowed by commissioners and Congress had subsequently referred the remainder of the claim to the Court of Claims to determine according to the principles of justice and international law, the Court of Claims held that it was without authority to determine whether the claim was properly a charge against the indemnity fund, and was to determine alone the amount of the injury, without regard to the question of the original liability to pay said claim from the fund. I wish to read to the House two of the syllabi from that decision in the Caldera case, which is found in the fifteenth volume of the Court of Claims' reports, page 547. I will read the fifth syllabus:

V. Where an act authorizing the reexamination of certain international claims, act 19th June, 1879 (21 Stat., L.), was passed with full knowledge on the part of Congress of every fact which ever transpired in regard to them, it must be supposed that Congress regarded them as valid claims according to the principles of international law.



Further, I will read the sixth syllabus.

VI. Where an American vessel was destroyed by Chinese subjects, and it appears that damage to the ship and cargo had been caused by the perils of the sea immediately before capture, the amount whereof has not been established by either party, it must be held that the owners should recover out of the Chinese indemnity fund the full value of their property.

I have read that decision, and I say to the House that under an identically similar resolution as embodied in the House amendment to the Senate resolution the Court of Claims would have no right to pass upon the merits of the claim, but if the claimants proved they have suffered any damage whatsoever, regardless of the justice of their claims or their rights to recover under the treaty or under international law, the Court of Claims would be obliged to find that amount for the claimants.

I have examined every claim, numbering several hundred, that was presented to these commissioners, who were worthy men, appointed specially by the Secretary of State, with full knowledge of the situation, one being a member of the embassy and the other a lawyer of high standing.

I could cite to you where the claims were fabulous in amount, and yet the Government of the United States allowed, for the loss of life of any person, to the heirs the amount of \$15,000, and now at this late day two trading companies, one with a claim of half a million dollars and another in the amount of several hundred thousand dollars, and although their claims have been once passed upon by commissioners to hear and determine, and in the opinion of the Secretary of State, after review by the Solicitor of the Department, to have been found without merit, asking that they be given another opportunity to come before the Court of Claims to have them allowed. I say to the House that it would be far better for this Congress to stand by the President and the Secretary of State in carrying out the policy that he announced last July, that this Government would return to them every cent of the money that was not required for reimbursing the Government and reimbursing the private claimants to the extent of the \$2,000,000 which have been heretofore allowed and paid, and make a direct appropriation to pay all claimants the balance of their pretentious claims than to deduct this from this Chinese indemnity fund that we have stated would be surrendered.

What we desire more than anything else at the present time is to establish a kindly feeling toward us in the Chinese Empire. You are all acquainted with the feeling that has existed heretofore. The trade there is of the utmost value to this nation, and I say to you from my own knowledge of this case, even if these claims, which I believe are unmeritorious, have merit, it would be far better for us as a governmental policy to keep our faith with the Chinese Empire, as stated by President Roosevelt last June, than now to convey to them the idea that we are breaking faith and taking from them \$2,000,000.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. STAFFORD. How much time have I consumed, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. STAFFORD. I yield to the gentleman.

Mr. DRISCOLL. Does the gentleman say that these claims have already been tried and adjudicated by the commissioners?

Mr. STAFFORD. The claims were presented before these two commissioners, who were appointed by the Department of State.

Mr. DRISCOLL. Where did they hold their court?

Mr. STAFFORD. In China. They were persons conversant with the conditions there; and that is one of the strong arguments in this case that is made by Secretary Root—that they were men acquainted with the conditions, who knew exactly what liabilities should be compensated.

Mr. DRISCOLL. And were they both American commissioners?

Mr. STAFFORD. Both American commissioners; acting as a court of inquiry.

Mr. DRISCOLL. And they passed on these claims?

Mr. STAFFORD. Passed on each and every one of them. And these claims were reviewed again by the solicitor of the State Department, and afterwards passed on by the Secretary of State at the instance of those who had complained about them.

Mr. DRISCOLL. Yet now it is proposed to bring them up again?

Mr. STAFFORD. It is proposed to give them another opportunity to get at this excess fund, which I claim the American Government never intended to exact from China. I am told by Secretary Root, who was present at the meeting between President McKinley and Secretary Hay to determine this nation's policy in joining with the other nations in exacting punitive damages from the Chinese Empire, that it was never intended

that this Government should retain this indemnity, but as we had joined in concert of action with other governments to suppress the insurrection, they believed we should take the full amount and manifest our humanitarian spirit afterwards, when we had ascertained the amount the Government had directly suffered, and had paid those claimants who had valid claims.

Mr. DRISCOLL. I am with the gentleman on his proposition. I want to ask one more question. How was the original bond made out, how was the amount made up in this case, if the gentleman knows?

Mr. STAFFORD. That was a joint bond that was entered into by the Chinese Empire with all the other nations, agreeing to pay during the course of forty years by installments the amount of the indemnity to each Government; and of that amount the Chinese Government has only paid up to the present time to this Government, of the total \$24,400,000, something like \$7,000,000.

Mr. DRISCOLL. How was the amount arrived at which is reduced here to dollars and cents?

Mr. STAFFORD. By estimating the direct expenses for our Army and Navy and damage to private parties, and a lump sum for punitive damages.

Mr. COCKRAN. I would like to ask the gentleman a question.

Mr. STAFFORD. I yield to the gentleman from New York.

Mr. COCKRAN. What is the gentleman's alternative proposition to the one submitted by the committee?

Mr. STAFFORD. My position is that we should vote down this measure, and then it will be presented to us in the form that it was presented in the Senate resolution, to reimburse the Chinese Empire to the extent, or rather to only deduct from the indemnity fund \$11,000,000, which will be adequate to reimburse the Government and private claims heretofore allowed, instead of \$13,000,000, and refuse to the claimants a rehearing after they have been adjudicated.

Mr. COCKRAN. Will the gentleman show us how that result can be reached? Because if he can, I am with him. To vote down the resolution offered by the gentleman from Michigan, as I understand it, will leave the situation so that no refund will be made at all.

Mr. STAFFORD. I assume that as soon as we vote this down, there being no dispute as to the amount of \$11,000,000 named in the Senate resolution, there will be unanimity of opinion upon that point.

Mr. COCKRAN. The gentleman is building his argument on the faith and justice of the Speaker.

Mr. STAFFORD. That is the only alternative before the House at this time, and we have to trust in the future as to the way it will be carried out.

Mr. DOUGLAS. Will the gentleman allow me a question?

Mr. STAFFORD. Certainly.

Mr. DOUGLAS. Why may not this follow: That if we vote for this and the money is not used, we can return the balance?

Mr. STAFFORD. I take the position that the claimants have no right to these funds at all, that having once presented their claims they ought not to have another chance, and if any person will examine these claims he must come to the conclusion that nearly all of them are outrageous. Mr. Speaker, I reserve the balance of my time. How much time have I remaining?

The SPEAKER. The gentleman from Michigan has ten minutes and the gentleman from Wisconsin has nine minutes.

Mr. STAFFORD. I now yield three minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I desire to use these three minutes not for discussion of the pending resolution, but in order to make a statement that I believe should be made in justice to the Members on this side of the House and to myself.

From the beginning of the consideration of the fortification bill there has never been the slightest friction among the House members of the subcommittee having that bill in charge, and that was equally true of the work in conference. That being so, I made a request of the gentleman from Iowa that he notify me when the fortification bill would be taken up for consideration, and he agreed so to do. This morning, during his absence, and during my absence, the bill was called up by a member of the Committee on Appropriations, who was not a member of the subcommittee on fortifications, and not a member of the conference, and in consequence of that fact neither the gentleman from Iowa [Mr. SMITH] or myself were able to make a statement to the House as to what was done in conference.

Mr. KEIFER. Will the gentleman allow me to interrupt him? I made the motion because you were not present.

Mr. SHERLEY. I am not reflecting on the gentleman from Ohio at all; I am stating the fact. As a result of that fact it

was impossible for me to give to my side of the House the information that they were entitled to in regard to that conference report. And inasmuch as my failure to do that grew out of no fault of mine, and no fault of the gentleman in charge of the bill, but out of the unprecedented calling up of a bill without the knowledge of the gentleman having it in charge, or without suggestion from him, he at that time being engaged in a conference on the sundry civil bill, I felt it was due to the members of that conference that this statement should be made.

Many Members on this side of the House voted against the bill, and properly voted against it, in the absence of any statement, and I do not believe that the exigencies of the political situation should bring about this method of legislating.

Mr. DENBY. Mr. Speaker, there seems to be a misapprehension about this bill, which I will take one minute to explain. There was no promise made to China to return her any portion of this money. After the President discovered that we did not need it all, he told the Chinese Government, through the Secretary of State, that he would ask the permission of Congress to return a certain stipulated amount, which was what he considered in excess of all we could use for our legitimate claims. That is all there is in regard to a promise to the Chinese Government. They have absolutely no standing in the matter, except that we desire to show them that our civilization means justice as well as battle ships. But it is better to be just and even generous to our own people whose markets and establishments were ruined in China before we begin to be generous to a foreign power, and that is all that is being asked here. I now yield three minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, as I understand this proposed legislation, there is only one question at issue, if the gentleman from Wisconsin [Mr. STAFFORD] represents all of the opposition to the joint resolution. It is proposed to remit to China an amount of money agreed by China to be paid to the United States in excess of actual damages sustained by the United States or citizens of the United States and the cost of the American military expedition sent to China for the purpose of suppressing the Boxer rebellion.

Mr. DENBY. May I interrupt the gentleman a moment to say that it is not to pay back to China, but to exempt China from paying a certain amount, extending over a period of thirty-nine years?

Mr. HOWARD. I fully understand that to be the condition.

Mr. LITTLEFIELD. That is, to reduce the indemnity.

Mr. HOWARD. To pretermitt; it is not to exact it; it is to permit China to keep it in her own treasury and never take it out of her realm. That is the proposition. Mr. Speaker, it will be understood that the only question at issue—and that is put in issue by the amendment offered to the Senate resolution by the House Committee on Foreign Affairs—is to retain of this amount the gross sum of \$2,000,000. This sum of \$2,000,000 is not withheld to be appropriated to claimants without judicial determination of the rights of the claimants to that sum, but is to be withheld until the courts of the United States can pass fully and thoroughly on the character of the claims, the rightfulness of the claims, and to whatever extent they are adjudged to be just, within the limit of the \$2,000,000 reserved, they are to be paid. If these claims are established by our courts as amounting to a million dollars of this reserved two millions, and no more, then an additional million dollars is to be pretermitted to China, not taken from her. The gentleman from Wisconsin [Mr. STAFFORD] seems to suggest that good faith and a proper regard for our relation to China should dictate that no part of this money should be taken away from her in excess of the actual cost of the military expedition. No conceivable—

Mr. STAFFORD. And also paying \$2,000,000 to the claimants whose claims have been allowed by the commissioners and approved by the Secretary of State.

Mr. HOWARD. Yes.

Mr. LITTLEFIELD. Already allowed.

Mr. STAFFORD. Yes.

Mr. HOWARD. Gentlemen will understand that China did not undertake to pass on the validity of one single dollar of these claims. China agreed in the protocol with the allies that a gross sum of money should be paid by her as indemnity, that indemnity to cover certain specified elements of damage. She agreed to pay the total amount of \$333,900,000 to all of the allies, and for these purposes:

Private property of merchants.

Real estate destroyed or damaged, including temporary housing and repairs, expert surveys for determining amount of damages, etc.

Furniture.

Usual and inevitable salary of employees whose services could not be turned to account.

Unavoidable office expenses not made good in consequence of the events.

Stock in trade, goods, provisions, samples possessing pecuniary value, destroyed or deteriorated.

Extraordinary cost of storage and reshipment.

Debts recognized as valid which can no longer be recovered.

Bank notes lost or which can not be cashed.

Specie, bills payable at sight.

Broken contracts of all descriptions, losses suffered in consequence of the nonexecution of contracts entered into for articles of exportation or importation.

Deposits of money in telegraph offices or in banks.

Advances to Chinese merchants who have become insolvent in consequence of the events.

Extraordinary cost of insurance rendered necessary by the events referred to.

Goods requisitioned for foreign troops for defensive works.

Those were the elements of damage which China by her protocol agreed with the allies should be compensated for out of the gross sum of \$333,900,000. The allies got together and by agreement apportioned \$24,000,000 as the necessary part for the United States. The United States—when this sum was allotted to her to be paid in annual installments, to be collected annually out of the revenues of China until paid, extending over a period of some thirty-odd years—appointed an expert commission to inquire into the amount of American damages, American claims, and American losses. This commission ascertained by its own rules that about one million and a half dollars were justly claimed and payable out of this fund.

The SPEAKER. The time of the gentleman has expired.

Mr. HOWARD. I will ask the gentleman from Michigan to yield me two minutes more.

Mr. DENBY. I yield two minutes more to the gentleman.

Mr. HOWARD. This commission allotted to these claimants about a million and a half of dollars. The Secretary of State, reposing confidence, justly, in the intelligence and expertness of the commissioners, stands by their award, and says that it is a just and a fair one and ought to be ultimate. That is the position of the gentleman from Wisconsin [Mr. STAFFORD]. He says the additional claims are unjust, are unfair, are an effort to rob the Treasury, and ought not to be paid. Let me remind gentlemen that this fund agreed to be paid by China was paid to the United States in part in trust for these claimants. It is not Treasury money. No dollar of it is Treasury money until the just and legal claims against it have been allowed for.

Mr. STAFFORD. I beg to challenge that statement. Every dollar that is paid under it goes directly to the Treasury.

Mr. HOWARD. Goes directly to the Treasury in trust for the claimants [applause], because the protocol between China and the allies agreed that all claims of every character and description of citizens, of individuals, whatever the nature of them, should be included in the lump sum, and China was not thereafter to be bothered with any single detail concerning them. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I support the generous side of this question for the reason that it is in keeping with the precedents of the United States in its dealings with weaker powers. In the early sixties, if my memory does not fail me, there was a joint demonstration at Shimonoski, Japan, by Great Britain, France, the Netherlands, and the United States, because of an interruption of commerce passing to and from the inland sea, resulting in the exaction of \$3,000,000 indemnity from the Japanese Government, the money being divided equally between the four powers. Seven hundred and fifty thousand dollars were transmitted and placed in the Treasury of the United States. In due course of time, by the unanimous vote of this Congress America returned the last dollar of it to the Japanese Government.

I recall another parallel. After the war with Spain, Spain was a defeated country. She was helpless. I remember well that after the battle of Santiago our fleet was prepared to cross the Atlantic, destroy Camara's fleet, bombard Cadiz, and drive the war home. Then America under the laws of nations would have been justified in demanding hundreds of millions of dollars of indemnity from the Spanish Government. On the contrary, we invited Spain to send peace commissioners to France to meet our commissioners, and then ended that war by paying a conquered foe \$20,000,000 for what was already ours by process of war, and then we voluntarily transported the Spanish soldiers back to Spain. [Applause.]

I recall another precedent. All the world expected us to keep Cuba, not only because she was ours by the right of conquest, but because we had poured out hundreds of millions of dollars, which under the precedents of the world we had the right to claim that Cuba should pay us back if we should ever set her free. On the contrary—



The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. STAFFORD. Mr. Speaker, to clear up in the minds of Members some doubts that have arisen during the consideration of this proposition, I wish to repeat that the question before this House is whether Secretary Root, whether the President, shall be upheld; whether the position of the Department of State shall be upheld when Secretary Root notified the Chinese minister that he would urge Congress to release the Chinese Government and return all the indemnity that was not necessary to reimburse our Government for its actual expenses and pay to private parties the claims as allowed.

Mr. YOUNG. Will the gentleman permit a question?

Mr. STAFFORD. I can not yield at this time. The question is whether that balance should be returned or whether we should allow these claimants, who have had their day in court, to have the right to have their claim allowed to the full amount whether they are righteous or vicious claimants. No one contends that China has any right to this fund, but I repeat that it was the understanding at the meeting with President McKinley, Secretary Hay, and Secretary Root that the Government would return the amount to China and would not exact any punitive damages from the Chinese Empire.

Now, I ask you to try to create good feeling between this country and the Chinese Empire which will redound to our advantage in commerce and trade much more than \$2,000,000, and carry out the letter and the expressions on the part of the Secretary of State to the Chinese minister last July, when he told him in an official note that this money would be returned. I can not make more clear the position of Secretary Root than in this letter that he addressed to Mr. DENBY last February, where he says, and I repeat again:

Any legislation which treats the action of the Department of State at this time as a nullity is without justification.

Every one of these claimants had their opportunity, they had their chance to have their claims allowed. They accepted the decision of these commissioners, and after waiting for five years until the Department of State announced—

Mr. DENBY. May I interrupt the gentleman to say that his statements of facts are incorrect? The greatest claimant did not wait five years, because he has protested vigorously from the very day the claim was allowed to this day. They have absolutely no redress and—

Mr. STAFFORD. They never made a protest for three years. The principal claimant was guilty of laches and never made a formal protest and virtually accepted it.

Mr. DENBY. Will the gentleman yield?

Mr. STAFFORD. I have not the time.

Mr. DENBY. He has no redress—

Mr. STAFFORD. They waited until the Government had announced its policy, and then as an afterthought it put in its claims to be reimbursed the amount which had been disallowed. No one who studies this question can but come to one conclusion, that they have had their day in court, and they have had their claims tried under the principles of international law. Now, the United States Government in unison with the other nations accepted from China punitive damages in excess of the amount to be reimbursed. The claimants want to get another opportunity to obtain that to which they are not entitled. So I ask the House to vote down this resolution.

The SPEAKER. The gentleman from Michigan [Mr. DENBY] has three minutes remaining.

Mr. DENBY. Mr. Speaker. I yield one minute to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, in one minute I can not state the case, but I think with a statement of a very few moments in length the entire House would see the justice of the position taken by the Committee on Foreign Affairs. We recommend a return to the Chinese Government of \$12,000,000, an act of almost unexampled generosity. This is right; but when we are exercising such an act of generosity we can ask absolute justice for our own citizens. The claims which were rejected have never been passed upon by any court. The Department of State has no more power to decide finally how the \$24,000,000 paid to this Government by China shall be paid out than to decide how \$24,000,000 received from the tax on alcohol shall be paid out. [Applause.] Congress, and Congress only, can pass upon that question.

[Here the hammer fell.]

Mr. DENBY. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the other day I expressed the opinion that domestic dissensions ought to cease in the presence of a question of international comity and courtesy. This is a

higher question yet, in my opinion; this is a question of international justice. I think this resolution ought to pass. I think that the amendment that has been put upon it ought to pass with it, because the amendment merely gives a right to a day in court for American citizens who before that fact had merely had a day before a commission. The amendment emphasizes the idea that the executive department ought not to make final judgments in connection with judicial questions. I hope that this resolution will pass, and it will pass, so far as I am concerned, without the delay of a roll call. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the resolution with amendment.

The question was taken, and a majority having voted in favor thereof, the rules were suspended and the resolution as amended was passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes.

#### COMPENSATION OF EMPLOYEES.

Mr. SLEMP. Mr. Speaker, I move to suspend the rules and pass the following resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Virginia [Mr. SLEMP] moves to suspend the rules and agree to the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House miscellaneous items, fiscal year 1908, and from the unexpended balance miscellaneous items, fiscal year 1907, the amounts hereinafter set forth for the purposes indicated, namely, to the following officers and employees of the House as additional compensation, to wit:

Clerk, \$1,500; Sergeant-at-Arms, \$1,500; Doorkeeper, \$500, Postmaster, \$1,000; Chief Clerk and Journal clerk (for the fiscal year, 1907), disbursing clerk, assistant disbursing clerk, cashier in the Sergeant-at-Arms' office, superintendent House document room, attendant in charge of bathroom, assistant clerk to the Committee on Appropriations, assistant clerk to the Committee on Ways and Means, and assistant clerk to the Committee on Rivers and Harbors, \$400 each.

Document and bill clerk, librarian, document clerk in the Clerk's document room (hereafter to be designated as clerk in charge of binding), assistant superintendent of the House document room, clerk in the House document room (hereafter to be designated as indexer, tally clerk, docket clerk (hereafter to be designated as notification clerk), and assistant clerk to the minority (Charles A. Edwards), \$300 each.

File clerk, \$250; special employee in the House document room, \$230; three pair clerks, stenographer to the Clerk of the House, messenger in the file room, two messengers in the disbursing clerk's office, assistant in the library, chief engineer heating and ventilating department, watchman in the old library space (hereafter to be designated as assistant in the House document room), messenger in the Sergeant-at-Arms' office, printing and bill clerk, stationery clerk, assistant file clerk, financial clerk, assistant postmaster, assistant journal clerk, two assistant librarians, assistant clerk to the Committee on Invalid Pensions, assistant clerk to the Committee on Interstate and Foreign Commerce, index clerk, assistant index clerk, and one clerk (at \$1,600) detailed to assist the disbursing clerk, \$200 each.

Three assistant engineers, machinist, locksmith, one laborer (J. B. Hollander, hereafter to be designated as skilled laborer), janitor to the Committee on the Disposition of Useless Papers in the Executive Departments, and three special messengers to the minority, \$100 each.

One laborer (at \$600), janitors in the House library, file room, Official Reporters' room, janitor to the Committee on Invalid Pensions, attendant ladies' retiring room, janitor in the House document room (hereafter to be designated as messenger), four clerks in the Clerk's office (at \$1,600), assistant in the Clerk's document room, special employee in the Clerk's document room, stenographer to the journal clerk, twenty-four messengers in the Doorkeeper's department, and seven assistants in the House document room, three laborers heating and ventilating department, \$80 each.

To continue from the end of the present session to December 7, 1908, at the rate of compensation now provided, employment of the messengers in the House post-office authorized by the resolution adopted January 16, 1908, and the messenger on the heavy mail wagon. To continue the employment of assistant clerks to the Committee on Agriculture, District of Columbia, Accounts, and Indian Affairs, at the rate of compensation now authorized until otherwise provided for by law. For an assistant clerk to the Committee on Interstate and Foreign Commerce, at the rate of \$1,500 per annum, in lieu of a messenger in the Doorkeeper's department, at \$1,100 per annum; to said clerk \$400 for the fiscal year 1908; for a janitor under the Clerk of the House, at the rate of \$340 per annum, in lieu of a laborer at \$720 per annum, and to said janitor \$120 for the fiscal year 1908; for an assistant clerk in the House document room, at the rate of \$1,600 per annum, in lieu of one assistant at \$1,200, and to said clerk \$400 for the fiscal year 1908; for a janitor under the Clerk of the House (who shall also perform like service in the office of the index clerk and the Heutenants and guardrooms of the Capitol police), at the rate of \$340 per annum, until otherwise provided for by law; to the folder designated in the resolutions adopted February 5 and April 21, 1908, an amount equal to the rate of pay of a folder between said dates and at the same rate from and after July 1, 1908, until otherwise provided for by law; for reporting committee hearings such accounts as may be certified to be correct upon vouchers approved by the Committee on Accounts.

To Ralph W. Gaylor, \$29.17 for services as clerk to the late Representative Abraham L. Brick from April 1 to April 7, 1908, inclusive;

to the clerk of the late Representative-elect Campbell Slem from October 1 to October 13, 1908, inclusive, \$54.17; for clerical and stenographic services rendered the Committee on Banking and Currency, \$350, to be paid to the persons designated by the chairman of said committee; to Henry Neal, for janitor service to the Committee on Rules, \$250; to Robert Williams, for janitor service to the Committee on Expenditures in the Treasury Department, \$100; to John B. Lancaster, for services as messenger to the Committees on Mines and Mining, Irrigation of Arid Lands, and Expenditures in the Department of Agriculture from December 2 to December 31, 1908, inclusive, \$58; to Marie R. English, widow of James F. English, the salary due said English as an employee of the House from July 1 to July 20, 1907, inclusive, \$88.89; to W. M. Stephens, for services rendered as messenger in the House post-office, \$20.

Hereafter employees in the minority conference room shall be subject to appointment and removal by the chairman of that committee, the minority leader.

For two additional clerks to the Committee on Enrolled Bills for the remainder of the present session, at the rate of \$6 per day each, from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands a second. Under the rule, a second is ordered. The gentleman from Virginia [Mr. SLEMP] is entitled to twenty minutes and the gentleman from New York [Mr. FITZGERALD] to twenty minutes.

Mr. SLEMP. Mr. Speaker, will the gentleman from New York [Mr. FITZGERALD] use some of his time now?

Mr. FITZGERALD. I supposed, as this resolution is not printed and nobody has ever seen it, outside of the members of the Committee on Accounts, the gentleman, at least, would be willing to explain what is in it?

Mr. SLEMP. In answer to that, Mr. Speaker, I will have the report of the committee read, which is a full explanation of the action of the committee.

The SPEAKER. The Chair calls the attention of the gentleman from Virginia to the fact that this report would have to be read in his time. The Clerk informs the Chair that the report is just the same as the resolution read, except the latter part, beginning with page 5, which probably the gentleman desires to have read.

Mr. SLEMP. I desire to have that part read.

Mr. PAYNE. I would like to ask the gentleman how much this adds?

Mr. SLEMP. About \$20,000.

Mr. PAYNE. Is that the precise amount?

Mr. SLEMP. Twenty thousand nine hundred and forty dollars.

The SPEAKER. The Clerk will read that part of the report indicated by the gentleman from Virginia.

The Clerk read as follows:

This resolution increases the compensation of 4 elective officers and 104 employees of the House, divided as follows:

Two at \$1,500 each; one at \$1,000; one at \$500; twelve at \$400 each; eight at \$300 each; one at \$250; one at \$230; twenty-three at \$200 each; one at \$120; ten at \$100 each; and forty-eight at \$80 each.

The amount of expenditure authorized from the contingent fund for the current fiscal year is \$9,940, and from the unexpended balance of the miscellaneous items of the contingent fund for the year 1907, \$11,000, or a total of \$20,940 for increases of compensation.

Your committee has diligently labored during this entire session of Congress with general and specific propositions providing for increased compensation to the officers and employees of the House. The resolution numbered 210, submitted by Mr. LEGARE, of South Carolina, authorized increases aggregating approximately \$145,000. By the resolution reported from this committee adopted by the House on April 21, 1908, salaries to clerks of certain large committees of the House and to messengers to committees were increased, involving a total expenditure of \$21,000, which resolution, together with the one herewith reported, makes a total expenditure of a little over \$40,000, \$11,000 of which will come out of an unexpended balance from last year's fund, which will not be available after the end of the present fiscal year.

Your committee has endeavored to rearrange and adjust salaries according to the equities in each case. The claims of every officer and employee have been considered, and we believe that the resolution which we now recommend is equitable to the 108 employees to whom it applies. The increased cost of living is the principal reason for these increases, taken together with the merits of the incumbents and the importance of their duties and the dispatch of the business of the House. The question of granting graduated percentage increases to all of the employees was given the most careful consideration, but that plan was deemed to be too far-reaching, and while doing justice in many cases would raise certain salaries to a figure not in keeping with the duties to be performed. A specific in-

crease, where such was found to be justifiable, is thought to be a more business-like method. It is realized that the resolution reported herewith will not by its omissions, as well as by the amounts recommended, be entirely satisfactory; but when it is taken into consideration that your committee has had to deal with upward of 500 employees, each having some special claim for consideration, conclusions reached are as nearly equitable as it is possible to make them at this time. Due consideration was given the interests of the Government as well as of the employees to be affected.

In the cases of the elective officers of the House, the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, it is well known that these officers have responsible and exacting duties. The Clerk of the House is next in importance to the Speaker, and between Congresses is the highest ranking officer. The Sergeant-at-Arms performs police and fiduciary duties. The Doorkeeper has under his direction the bulk of the working class of employees, such as the folding-room force, the messengers, etc., and the Postmaster is responsible for the business of an office which will equal any important post-office in many of our large cities.

The disbursing clerk, assistant disbursing clerk, and cashier in the Sergeant-at-Arms' office are officials whose duties are exacting and responsible throughout the year, as the titles would indicate. The superintendent of the House document room is placed upon an equality with the superintendent of the Senate document room. The attendant in charge of the bath room is an expert in his line. The assistant clerks to the Committees on Appropriations, Ways and Means, and Rivers and Harbors perform important duties for those great committees, which warrant the proposed increase.

The document and bill clerk is increased so as to more nearly equalize his compensation with that of the distributing clerk, who performs like service. The Chief Clerk and Journal Clerk are granted \$400 each for the fiscal year 1907, to equalize them with the amount received by the reading clerks. The librarian and assistant librarians render service requiring knowledge of library work, and perform their duties in a highly satisfactory manner, justifying the proposed increase. The document clerk in the Clerk's document room is made clerk in charge of binding, at an increased compensation. The assistant superintendent of the House document room and clerk in the House document room—the latter to be hereafter designated as indexer—and the assistant and special employee and janitor in the House document room are all increased commensurately with the increase in the work of that department. The tally clerk and the docket clerk, who hereafter is to be known as "notification clerk," are considered because of the increase in the volume of their duties and to place the former more nearly upon an equality with the other clerks at the desk of the House. The assistant clerk to the minority, while given an increase, practically suffers a decrease, for the reason that the present incumbent recently changed places with the clerk to the minority, such change, with the proposed increase, resulting in a net loss of \$200 in salary to the assistant clerk to the minority.

The group of clerks in the \$200 class, and the file clerk, \$250, and special employee in the House document room at \$230, are increased because of the additional work to be performed resulting from the increased membership of the House since their salaries were fixed.

The employees included in the \$100 and \$80 classes receive at present compensations justifying an increase on account of increased cost of living. Many of the salaries of employees of the House affected by this resolution were fixed ten, twenty, thirty, and forty years ago. The resolution also provides for continued employment of the messengers in the House post-office authorized by the resolution adopted January 16, 1908, and the messenger on the heavy mail wagon. It is customary to continue the latter. The former were provided for on account of the increased work in connection with the work of the House of Representatives Office Building, and their employment during this summer is recommended by the postmaster.

The assistant clerks to the Committee on Agriculture, District of Columbia, Accounts, and Indian Affairs, are continued until the next session at the present compensation, which is recommended because those committees will have work to do during the recess of Congress. One messenger, at \$1,100, is dispensed with, and an additional assistant clerk to the Committee on Interstate and Foreign Commerce provided at \$1,500 per annum. This is justified on the ground that the Committee on Interstate and Foreign Commerce has a large jurisdiction which embraces that of four Senate committees.

The Clerk of the House is provided with a janitor at \$840 in lieu of a laborer at \$720, an increase of \$120. One assistant clerk in the House document room is provided for at \$1,000 per



annum in lieu of one assistant at \$1,200, an increase of \$400. A janitor under the Clerk of the House is authorized who shall also perform service in the office of the index clerk and the lieutenant's and guard rooms of the Capitol police. This is made necessary by the rearrangement of committees in the early part of the session and the removal of the Committee on Expenditures in the Navy Department to the House Office Building.

The resolution of April 21, 1908, is construed by providing for the pay of a folder therein authorized after the end of the present fiscal year. Payment is authorized for reporting committee hearings upon vouchers to be approved by the Committee on Accounts. This is for extra service for reporting committee hearings when the regular force of committee reporters were otherwise engaged. It is the necessary authority for the payment for the work already performed.

The clerks to the late Representatives Brick and Slemple are provided for for the portions of the months in which said Representatives died and for time for which said clerks were not paid.

Payment of \$350 is authorized to persons to be designated by the chairman of the Committee on Banking and Currency for clerical and stenographic services rendered that committee, made necessary by the consideration given the currency question this session.

Payment of \$250 to Henry Neal for janitor service to the Committee on Rules is authorized. The clerk to the Committee on Rules is paid in the deficiency bill, and this amount to the janitor of said committee, there being no regular janitor, is warranted.

One hundred dollars is authorized for janitor service to the Committee on Expenditures in the Treasury Department, while \$58 for janitor service to the Committee on Mines and Mining, Irrigation of Arid Lands, and Expenditures in the Department of Agriculture from December 2 to December 21, 1908, is also authorized. In the former case the rearrangement of rooms made this expenditure necessary, and in the latter no provision was made for services for the janitor covering the period mentioned in the resolution.

The unpaid portion of the salary of James F. English for the month of July, 1907, is authorized to be paid to the widow of said English. This is an asset of the estate and payment in this manner will render unnecessary the taking out of letters of administration in order to obtain the amount direct from the Treasury.

The employees of the minority room are made subject to the appointment and removal of the minority leader.

Two additional clerks are authorized by the Committee on Enrolled Bills, which is the customary provision near the close of a session.

Mr. SLEMP. I reserve the remainder of my time.

The SPEAKER. The gentleman has six minutes remaining.

Mr. FITZGERALD. Mr. Speaker, there are some items in this resolution which if presented singly I should support; but in my judgment it is time for a halt to be called in the payment for services rendered to this House. It is impossible to ascertain just the amount of increase that this resolution gives. The legislative appropriation act for the present fiscal year carries over \$600,000, for the various employees and officials of this House. In my judgment, not only are 95 per cent of the employees of this House well paid, but they are overpaid. I do not know that my opposition will in any way affect the determination of the House in passing this resolution, but I shall not stay here, simply because of personal relations that exist between some of these officials and some of the Members of the House, and keep still while it is attempted not merely to increase the compensation of men who are about to go on their vacations, but to increase the compensation from a date a period six months previous to this day. I believe it is scandalous that the House should be asked to vote for such increases; and if I shall not have an opportunity to vote, I shall at least express at this time my opposition to the resolution, so that it may go in the Record. If any Member desires time upon the resolution, I shall be glad to yield it to him.

Mr. BRUMM. I would like to have a couple of minutes.

Mr. FITZGERALD. I yield to the gentleman.

Mr. BRUMM. Mr. Speaker, under the present circumstances I shall vote against this resolution, and I shall do it because I feel that the appointments made in this House are bartered between the parties that have the power to make these appointments. Unless there is some way by which we can find out the residences of the men that are appointed—I am speaking of them at large—I for one shall vote against this resolution. There is a scandal about these appointments. I might cite an instance that is an outrageous one. A party had been

promised an appointment. He was told that he would be appointed. He was told to bring his family down here, and he brought his family down. He was given an appointment for a few weeks, and then he was told that the appropriation had run out. The man stayed and stayed here with his family until he got to the point of starvation and had to beg money to go home. All the time he was promised, "You will get it; you will get it;" but he never got it, and had to go home. I say that is a state of affairs that should not exist. I am ready to substantiate what I have said. Under these circumstances I shall vote against a single dollar being added to the amount these officials get regularly. I would offer an amendment, but I doubt whether it is in order.

Mr. FITZGERALD. I now yield two minutes to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Speaker, we are called upon to vote an increase of the salaries of 100-odd officers of the House without even the resolution having been printed so as to be available to the various Members, and without any information as to the increase. Now, I do not believe that I am particularly parsimonious about matters of this kind, but it is within the knowledge of every man here that we have about three times as many employees around the Capitol as we need. The House can not afford to talk about economy, it can not afford to lecture the other legislative branch and the Departments unless it begins its economy at home. In the absence of any statement showing the need for this increase, an increase relating back six months, I think we would best do our duty here by not voting this money. The fact that it is not a large sum asked does not make any difference, and the fact that it is disagreeable to say these things also does not make any difference. The House knows and every Member here knows we have a great many more employees than we need. I would be in favor of eliminating a lot of the useless ones and then paying the others full and complete salaries, but I will not vote away money without information as to what it is to be spent for, and if the committee expects the House to vote it without any information, then it is asking the House to do on faith more than I am willing to do.

Mr. FITZGERALD. I yield two minutes to the gentleman from Texas.

Mr. BURLESON. Mr. Speaker, it is not a pleasant thing to resist a resolution of this kind; but I feel that its adoption will be little short of a scandal, if it does not measure fully up thereto. Hence, notwithstanding the disinclination I would ordinarily feel, I desire to enter a protest against it.

Every man here knows that the corridors of this Capitol are now so filled with House employees that it is difficult for us to find our way through them to our committee rooms. Every man here also knows that every one of these employees receives ample compensation for the service that he renders; and to bring in a resolution of this character at this time, having for its purpose the granting of additional compensation reaching back over a period of several months is, as the gentleman from New York [Mr. FITZGERALD] has said, little short of a scandal. I shall vote against it.

Mr. HARDWICK. Will the gentleman answer a question?

Mr. BURLESON. Certainly; with pleasure.

Mr. HARDWICK. Is the gentleman positive that this resolution is retroactive in its effect?

Mr. BURLESON. As I understood it; as it was read from the Clerk's desk, it is.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD]—

Mr. FITZGERALD. I do not wish to use any more time at present, Mr. Speaker.

The SPEAKER. The gentleman from New York yields the remainder of his time.

Mr. SLEMP. Mr. Speaker, I understand that the other side have concluded. I yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from New York has twelve minutes remaining and the gentleman from Indiana has six minutes remaining. The Chair understood that the gentleman from New York had yielded his time, and so stated.

Mr. FITZGERALD. Is the gentleman from Pennsylvania going to conclude the discussion on that side?

Mr. OLMSTED. I do not know. I have not charge of the resolution. I have been yielded two or three minutes.

Mr. FITZGERALD. Then the gentleman from Virginia should occupy his two or three minutes.

Mr. OLMSTED. But, as I understood it, the gentleman from New York had concluded all that he desired to say.

The SPEAKER. Does the gentleman from New York yield the remainder of his time, or does he reserve it?

Mr. FITZGERALD. I reserve it, Mr. Speaker.

The SPEAKER. The gentleman from Virginia has six minutes.

Mr. OLMSTED. I think the gentleman from Virginia wishes the gentlemen on the other side to use their time before he concludes, as he is entitled to.

Mr. FITZGERALD. The gentleman from Virginia can not conclude with two or three speeches. If he states that the gentleman from Pennsylvania will conclude, that is a different matter.

The SPEAKER. On the contrary, the gentleman from New York [Mr. FITZGERALD] has twelve minutes and the gentleman from Virginia [Mr. SLEMP] has six minutes. The gentleman from Virginia is entitled to close the debate.

Mr. FITZGERALD. He has yielded part of his time to the gentleman from Pennsylvania.

Mr. OLMSTED. Go on and use six minutes, and then let us use our six. [Cries of "Vote!" "Vote!"]

Mr. FITZGERALD. I do not believe this side will use any more time.

Mr. OLMSTED. I am as much in favor of economy, and my record will show it, as any man in this House, but having just voted a gratuity of twelve millions to the Empire of China I do not believe that this House wants to make part of it up by taking it off of the pay justly due to some of the hard-worked employees of this House. [Applause.] I am not a member of the Committee on Accounts, but I understand that without regard to party that committee has unanimously recommended this resolution. I have not had an opportunity of going through it thoroughly, but as I have heard it read it seemed to me that most of the items of increase are small ones, \$80 to \$100, and they relate, not to those parties who have been referred to as useless employees of the House, but to those who do the work. A number of the items affect the principal officers of this House; its highest officer next to the Speaker, its Clerk; its Sergeant-at-Arms, its clerks at the desk, those with whom we come in contact every day and upon whom we depend for our convenience and for the accuracy and the success with which we daily transact the business of the House. I do not believe that any parliamentary body was ever better served than this House is to-day. [Applause.]

In every other parliamentary body, so far as I have knowledge, the clerk or secretary receives more pay than the members. Our Clerk, even with the increase provided in this bill, will receive \$1,000 less than a Member's salary and only about half the salary of the clerk of the British House of Commons. Our officers and clerks are men of exceptional ability, competent, and courteous. Some of them have been worked nearly to death for the last two months—as we all know. Their voices can hardly be heard, because they are so worn out from continued calling of the yeas and nays. The Clerk of the House has charge of its contingent fund—a large amount. The Sergeant-at-Arms has charge of a still larger amount—the pay of Members. We work our clerks and other employees by day and we work them at night. For the reasons stated, I am in favor of this resolution. [Applause.]

Mr. SLEMP. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the resolution.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 165, nays 63, answered "present" 13, not voting 146, as follows:

## YEAS—165.

Acheson	Cary	Fassett	Hawley
Adamson	Caulfield	Ferris	Hay
Alken	Chaney	Focht	Hayes
Alexander, N. Y.	Clark, Fla.	Fordney	Henry, Conn.
Ames	Cole	Foss	Heim
Barchfield	Cook, Pa.	Foster, Ind.	Hinshaw
Barclay	Cooper, Pa.	Foster, Vt.	Hobson
Bartholdt	Coudrey	Foulkrod	Houston
Bartlett, Nev.	Cooper, Tex.	French	Howell, N. J.
Bates	Cooper, Wis.	Fuller	Hubbard, W. Va.
Beale, Pa.	Cox, Ind.	Gaines, Tenn.	Huff
Bede	Craig	Gaines, W. Va.	Hughes, N. J.
Bell, Ga.	Currier	Gardner, Mich.	Hull, Tenn.
Bennet, N. Y.	Cushman	Gardner, N. J.	Humphreys, Miss.
Booher	Dalzell	Gilham	Jenkins
Bradley	Darragh	Goebel	Jones, Wash.
Brodhead	Davenport	Goulden	Kahn
Broussard	Dawes	Graham	Kelifer
Brownlow	Dawson	Granger	Kelher
Brundidge	Denby	Greene	Kennedy, Ohio
Burke	Denver	Hale	Kimball
Burleigh	Draper	Hall	Kinkaid
Burton, Del.	Durey	Hamill	Kipp
Burton, Ohio	Englebright	Haskins	Knapp
Capron	Esch	Haugen	Küstermann

Lafean	McKinney	Parsons	Stevens, Minn.
Lamb	McLachlan, Cal.	Payne	Sulloway
Landis	McLain	Polard	Switzer
Legare	McMillan	Porter	Tawney
Lenahan	Madison	Pray	Taylor, Ala.
Lever	Malby	Prince	Taylor, Ohio
Littlefield	Miller	Pujo	Thistlewood
Longworth	Mondell	Ransdell, La.	Tirrell
Lorimer	Moon, Pa.	Rauch	Wanger
Loud	Moon, Tenn.	Roberts	Washburn
Loudenslager	Moore, Pa.	Rodenberg	Wilson, Ill.
Lovering	Nichols	Rothermel	Wilson, Pa.
McDermott	Nye	Slemp	Wolf
McGavin	O'Connell	Southwick	Young
McGuire	Olcott	Sparkman	
McHenry	Olmsted	Stanley	
McKinley, Ill.	Padgett	Sterling	

## NAYS—63.

Adair	Ellerbe	Hardy	Rainey
Alexander, Mo.	Fitzgerald	Henry, Tex.	Randell, Tex.
Beall, Tex.	Floyd	Higgins	Rucker
Bonyuge	Foster, Ill.	Howland	Russell, Mo.
Boyd	Fulton	Johnson, Ky.	Scott
Brumm	Garner	Jones, Va.	Sherley
Burleson	Garrett	Kennedy, Iowa	Small
Byrd	Gill	Lloyd	Smith, Mo.
Chapman	Gillespie	McLaughlin, Mich.	Spight
Clark, Mo.	Gillett	Macon	Stephens, Tex.
Clayton	Glass	Maynard	Thomas, N. C.
Crawford	Gregg	Moore, Tex.	Tou Velle
Crumpacker	Hackney	Morse	Volstead
De Armond	Hamilton, Iowa	Murdoch	Webb
Dixon	Hamlin	Norris	Williams
Douglas	Hardwick	Page	

## ANSWERED "PRESENT"—13.

Ansberry	Candler	Russell, Tex.	Watkins
Boutell	Harrison	Sabath	
Burnett	Johnson, S. C.	Sheppard	
Butler	Richardson	Talbot	

## NOT VOTING—146.

Allen	Finley	Langley	Reynolds
Andrus	Flood	Lanin	Rhinock
Anthony	Fornes	Lassiter	Riordan
Ashbrook	Fowler	Law	Robinson
Bannon	Gardner, Mass.	Lawrence	Ryan
Bartlett, Ga.	Godwin	Leake	Saunders
Bennett, Ky.	Goldfogle	Lee	Shackleford
Bingham	Gordon	Lewis	Sherman
Birdsall	Graff	Lilley	Sherwood
Bowers	Griggs	Lindbergh	Sims
Brantley	Gronna	Lindsay	Slayden
Burgess	Hackett	Livingston	Smith, Cal.
Calder	Haggott	Lowden	Smith, Iowa
Calderhead	Hamilton, Mich.	McCall	Smith, Mich.
Caldwell	Hammond	McCreary	Smith, Tex.
Campbell	Harding	McKinlay, Cal.	Snapp
Carlin	Heftin	McMorran	Sperry
Carter	Hepburn	Madden	Stafford
Cockran	Hill, Conn.	Mann	Steenerson
Cocks, N. Y.	Hill, Miss.	Marshall	Sturgiss
Conner	Hitchcock	Mouser	Thomas, Ohio
Cook, Colo.	Holiday	Mudd	Townsend
Cousins	Howard	Murphy	Underwood
Cravens	Howell, Utah	Needham	Vreeland
Davey, La.	Hubbard, Iowa	Nelson	Waldo
Davidson	Hughes, W. Va.	Overstreet	Wallace
Davis, Minn.	Hull, Iowa	Parker, N. J.	Watson
Diekema	Humphrey, Wash.	Parker, S. Dak.	Weeks
Driscoll	Jackson	Patterson	Weems
Dunwell	James, Addison D.	Pearre	Weisse
Dwight	James, Ollie M.	Perkins	Wheeler
Edwards, Ga.	Kitchin, Claude	Peters	Wiley
Edwards, Ky.	Kitchin, Wm. W.	Pou	Willett
Ellis, Mo.	Knopf	Powers	Wood
Ellis, Oreg.	Knowland	Pratt	Woodyard
Fairchild	Lamar, Fla.	Reeder	
Favrot	Lamar, Mo.	Reld	

So the resolution was agreed to.

The following additional pairs were announced:  
For the session:

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. WOODYARD with Mr. WATKINS.

Mr. WALDO with Mr. SMITH of Texas.

Mr. VREELAND with Mr. SLAYDEN.

Mr. TOWNSEND with Mr. SHERWOOD.

Mr. SMITH of Michigan with Mr. RUSSELL of Texas.

Mr. SMITH of Iowa with Mr. ROBINSON.

Mr. MANN with Mr. SIMS.

Mr. REYNOLDS with Mr. PATTERSON.

Mr. MADDEN with Mr. MURPHY.

Mr. McMORRAN with Mr. HITCHCOCK.

Mr. LOWDEN with Mr. HEFLIN.

Mr. LAWRENCE with Mr. CANDLER.

Mr. HOWELL of Utah with Mr. ANSBERRY.

Mr. GRAFF with Mr. GORDON.

Mr. ELLIS of Oregon with Mr. GOLDFOGLE.

Mr. EDWARDS of Kentucky with Mr. CALDWELL.

Mr. DIEKEMA with Mr. BURGESS.

Mr. DAVIS of Minnesota with Mr. BOWERS.

Mr. DAVIDSON with Mr. ASHBROOK.

Mr. HEPBURN with Mr. RICHARDSON.

Mr. ALLEN with Mr. POW.

The result of the vote was then announced as above recorded.



## POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I call up the conference report on the post-office appropriation bill.

The SPEAKER. The Clerk will read the report.  
The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 36, 43, 44, 45, 51, 52, 54, 60, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 81, 82, 88, 89, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 39, 40, 41, 42, 47, 48, 53, 55, 56, 57, 58, 59, 61, 62, 70, 80, 84, 86, 87, 91, 94, 95, 96, 97, and 98, and agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Page 5, line 15, strike out the words "And provided further," and insert in lieu thereof the word "Provided;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Page 10, line 16, strike out the words "and fifty-one;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Page 10, lines 15 and 16, strike out the words "four hundred and ninety-seven" and insert in lieu thereof the words "five hundred and forty-eight;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Page 11, lines 12 and 13, strike out the words "twenty-nine million" and insert in lieu thereof the words "twenty-eight million seven hundred and twenty-six thousand five hundred;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Page 13, line 21, strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Page 14, line 13, strike out the word "twelve" and insert in lieu thereof the word "eleven;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Page 14, line 19, strike out the words "thirty-eight thousand six hundred" and insert in lieu thereof the words "thirty-seven thousand four hundred;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Page 20, after the word "annum," add the words "and to defray the expenses of said headquarters the sum of twenty thousand dollars is hereby appropriated;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Page 25, after the word "national," insert the words "or State;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Page 25, strike out the amendment, and insert in lieu thereof the following:

"That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following: 'And the term "indecent" within the intentment of this section shall include matter of a character tending to incite arson, murder, or assassination.'"

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 27, line 1, strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 63, 76, and 77.

JESSE OVERSTREET,  
J. J. GARDNER,  
*Managers on the part of the House.*

BOIES PENROSE,  
J. C. BURROWS,  
A. S. CLAY,  
*Managers on the part of the Senate.*

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules and agree to the conference report.

Mr. MOON of Tennessee. I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Indiana [Mr. OVERSTREET] is entitled to twenty minutes and the gentleman from Tennessee [Mr. Moon] to twenty minutes.

Mr. OVERSTREET. Mr. Speaker, if I may have the attention of the House I can explain in a very few words just the status of this bill. On yesterday the House refused to agree to the conference report, which at that time was a complete agreement. The bill now comes back from the conference committee with an agreement upon all of the amendments except three—Nos. 63, 76, and 77. Amendment No. 63 is the one which we recognize as the annual weighing of the mails, and so forth. No. 76 is the increased appropriation of \$1,100,000 consequent upon No. 77, which proposes to amend the ocean mail act.

Your conferees, Mr. Speaker, acting upon the vote of the House on yesterday, seek in a fair and proper way to bring before the House what the conferees understood were not satisfying to the House by the vote of yesterday. But two amendments were criticised in the debate, namely, the ocean mail act, involving two amendments, and the amendment authorizing the annual weighing of the mail, and so forth. It was impossible, Mr. Speaker, for anybody to understand whether or not the action of the House in rejecting the report was on account of one of those propositions or on account of both, and if on account of one, which one. Therefore we have agreed to all of the other amendments in the bill, saving those three involving the two propositions. It will be my course to move, as I have, to agree to the conference report, which will agree upon everything in the report except those three propositions, or two, as a matter of fact, which will be considered, discussed, and acted upon separately, separately from the main body of the bill, and separately from each other. I conceive no criticism can be made by any Member of this body upon this course which your conferees have pursued.

Notwithstanding our belief that their position yesterday relating to the merits of those two amendments was correct, still it gives to the House the opportunity, responsible as it is for the legislation, to determine whether it wishes to disagree to one or both of those propositions. Having adopted the conference report except as to those three amendments, if the House should by vote upon the two remaining propositions separately vote in favor of those two propositions, it would pass the bill and end the legislation for the next fiscal year. If the House should reject either one or both of these propositions—

Mr. MOON of Tennessee. Mr. Speaker—

Mr. OVERSTREET. It would then permit your conferees to understand what portion of the bill it would desire to eliminate.

Mr. MOON of Tennessee. Will the gentleman yield?

Mr. OVERSTREET. I yield to the gentleman.

Mr. MOON of Tennessee. Is it the intention of the gentleman from Indiana, in asking a separate vote for the mail proposition and subsidy proposition, to have twenty minutes' debate on each side on each proposition?

Mr. OVERSTREET. I want to be entirely fair, so as to have the House understand the proposition—

Mr. MOON of Tennessee. I wanted to understand the gentleman—

Mr. OVERSTREET. When we have agreed, as I hope we will, without further debate, because there is nothing as to disagreement to any proposition of the bill saving those two propositions, then it will be my purpose to move to suspend the rules upon the first amendment and to recede and concur. That would give twenty minutes' debate on that one proposition.

Mr. MOON of Tennessee. On each side?

Mr. OVERSTREET. Then when that was disposed of, either denied or approved, I would join the remaining two amendments, because they are related, in a motion to suspend the rules and recede and concur, and after discussion of forty minutes a vote to determine that.

Mr. MOON of Tennessee. That is the way I understand it.

Mr. OVERSTREET. I can conceive of no fairer proposition to the House.

Mr. MOON of Tennessee. Now, would the gentleman from Indiana, with the consent of the House, be willing to have some additional debate on those two propositions?

Mr. OVERSTREET. I think, Mr. Speaker, at this hour of the day, particularly in view of the debate of yesterday, that we can understand both propositions sufficiently for an intelligent vote within the forty minutes of debate.

Mr. MOON of Tennessee. A good many gentlemen on this side desire to be heard. I have no special desire to speak myself.

Mr. OVERSTREET. I have been importuned on this side as well from those favoring the proposition for time, so I think there can be no injustice done to the House.

Mr. MOON of Tennessee. Well, I think it is a matter that ought to have three or four hours' debate to be intelligently determined, but I do not expect to get that in the House, but I would be glad to get a little more time for debate.

Mr. OVERSTREET. I would ask the gentleman from Tennessee if there is objection to adopting the report which leaves unsettled these three amendments? That will give more time.

Mr. MOON of Tennessee. I would not like to concede that at present, until the gentlemen who are interested in some other provisions of the bill have been heard; but I will say this to the gentleman from Indiana, that it is probable there will be but little debate on that question. I have nothing to say myself.

Mr. OLMSTED. How about a roll call?

Mr. MOON of Tennessee. Whatever time we save on that proposition, I presume, will be added to the subsidy debate?

Mr. OVERSTREET. Does the gentleman include in that no roll call? Does the gentleman mean that there will be no roll call?

Mr. MOON of Tennessee. I shall not demand a roll call on the proposition to approve the bill, aside from the two questions to be voted on separately.

Mr. OVERSTREET. On which particular one of the remaining amendments does the gentleman desire additional time?

Mr. MOON of Tennessee. The subsidy proposition.

Mr. OVERSTREET. That is the second proposition. I have no objection to waiting until that time, and if it is not too late in the evening—

Mr. MOON of Tennessee. Oh, we will be here until 12 o'clock.

Mr. OVERSTREET. Well, hardly upon this bill.

Mr. MOON of Tennessee. No; not on this bill.

Mr. OVERSTREET. Other legislation is important. I suggest that we take up these measures as we reach them and first dispose of the report which takes care of all of the bill excepting two propositions, and then start on them.

Mr. MOON of Tennessee. I would prefer to have an understanding with the gentleman from Indiana, and our suggestion is that if the twenty minutes which we now have are not used, and the roll call is disposed of, that we have additional time on the subsidy proposition.

Mr. OVERSTREET. Well, without foreclosing it one way or the other, I would suggest that when that time approaches I will be ready to entertain it.

Mr. MOON of Tennessee. Let us foreclose it now, so that the gentleman can not foreclose me on my suggestion later.

Mr. OVERSTREET. I think I would prefer—

Mr. COCKRAN. Why not ask unanimous consent now for an hour.

Mr. OVERSTREET. Suppose the gentleman would demand a roll call, then I would be foreclosed on my proposition.

Mr. COCKRAN. Why can it not be understood that there will be no roll call on this and no debate on this proposition, but the time thus saved, amounting to an hour, as well as the time on the second roll call, be given to legitimate debate on a subject where there is a wide division on the part of the Members of the House.

Mr. OVERSTREET. I am quite willing, Mr. Speaker, with the clear understanding that there is to be no roll call and no division on the adoption of the report, and then twenty minutes debate on a side on the first proposition to submit to thirty minutes on a side on the second proposition.

Mr. WILLIAMS. Oh, you would have that anyway.

Mr. OVERSTREET. I am addressing the gentleman from Tennessee.

Mr. SULZER. Make it an hour on a side on the ship subsidy proposition.

Mr. OVERSTREET. Oh, no.

Mr. COCKRAN. Then let us have the regular order.

Mr. OVERSTREET. That gives thirty minutes on a side on the ocean-mail question.

Mr. MOON of Tennessee. Will the gentleman agree to forty minutes on a side?

Mr. OVERSTREET. Yes; with no roll call on the first proposition.

Mr. MOON of Tennessee. I can not pledge myself any further than my own action on the roll call.

Mr. OVERSTREET. Mr. Speaker, this is my understanding, that there is to be no debate and no roll call on this proposition; that there is to be a debate of twenty minutes on a side on the second proposition, and forty minutes on a side on the ocean-mail act. Now, I ask unanimous consent that this report be adopted.

Mr. WILLIAMS. Stop a minute. If the gentleman will permit, I will submit a request for unanimous consent.

Mr. OVERSTREET. Mr. Speaker, I have the floor and I do not yield it for that purpose.

Mr. WILLIAMS. Let me suggest—

Mr. OVERSTREET. The gentleman can make a suggestion to me, but I do not yield the floor for him to make a request for unanimous consent.

Mr. WILLIAMS. Very well, yield to me to suggest that the gentleman from Indiana make a request that if we dispense with the twenty minutes debate on a side on the first proposition, and with the roll call, which together constituted seventy-five minutes, that that amount of time be added to the debate on the other propositions, and equally divided between the two sides.

Mr. OVERSTREET. Mr. Speaker, I will not consent to anything other than I have proposed, and upon the adoption at once of the report, and that when we reach the ocean mail proposition there will be forty minutes debate on a side in lieu of twenty minutes debate on a side.

Mr. WILLIAMS. Will you make the request for unanimous consent now?

Mr. OVERSTREET. Mr. Speaker, I renew my request that the conference report be now adopted.

Mr. WILLIAMS. Unless the other unanimous consent is coupled with it—

Mr. OVERSTREET. And that there be forty minutes debate on a side when the ocean mail proposition is up.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that the report of the conference committee shall be agreed to. That is the first branch. The second branch is, that there shall be twenty minutes' debate in the aggregate.

Mr. OVERSTREET. Twenty minutes on a side on the second proposition.

The SPEAKER. Twenty minutes on a side on the second proposition.

Mr. OVERSTREET. That is, the weighing proposition; and forty minutes on a side on the ocean mail proposition.

Mr. MOON of Tennessee. With no roll call on the first proposition, but a roll call on the other two propositions.

The SPEAKER. The proposition, as the Chair gathers, is that unanimous consent is asked that the conference report be now agreed to; and on the motion to suspend the rules on the first amendment, the one touching the mail weighing, that there is to be twenty minutes' debate on a side, and on what is known as the two other propositions, that cover the ocean mail service, there shall be forty minutes' debate on a side.

Mr. FINLEY. Do I understand the gentleman from Indiana [Mr. OVERSTREET] that he asks this House for unanimous consent—in other words, if everybody should agree to all the other items, there will be no roll call? I do not care to be put in the attitude of agreeing unanimously to everything that is in the report as agreed to.

Mr. OVERSTREET. Mr. Speaker, I have asked unanimous consent for agreement to the report. I have no doubt but what there are numerous—

Mr. COCKRAN. A viva voce vote without a roll call.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

So the conference report was agreed to.

The SPEAKER. The Clerk will read the first amendment.

Mr. OVERSTREET. Mr. Speaker, the motion is to suspend the rules, recede, and concur in amendment numbered 63.

The SPEAKER. The gentleman from Indiana moves to sus-



pend the rules, that the House recede from its disagreement in the following Senate amendment, and concur in the same.

Mr. MOON of Tennessee. On which I demand a second.

The SPEAKER. The gentleman from Tennessee demands a second, and by agreement, as well as under the rule, there will be twenty minutes debate on a side.

The Clerk will first report the amendment.

The Clerk read as follows:

Page 18, after line 20, insert:

"That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of mails on railroad routes from and after the 1st day of July, 1909, upon the conditions and at the rates provided by law, the average daily weight to be ascertained in every case by the actual simultaneous weighing of the mails for thirty-five successive days, commencing on such date as the Postmaster-General may designate each year, after June 30, 1908, and the result to be stated and verified in such form and manner as the Postmaster-General may direct; and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route. And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

"And out of the appropriation for inland mail transportation, the Postmaster-General is authorized hereafter to pay rental in Washington, District of Columbia, and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] is entitled to twenty minutes, and the gentleman from Tennessee [Mr. MOON] to twenty minutes.

Mr. OVERSTREET. Mr. Speaker, this amendment involves three factors. The first authorizes an annual weighing of the mails simultaneously throughout the country for thirty-five successive days, the time to be determined by the Postmaster-General. The second proposition is to make permanent law the recent order of the Postmaster-General, requiring that the total number of days in the weighing period shall be used as the divisor in ascertaining the average daily weight of mails. The third requires that where there are two or more competing routes between common terminals, the length of the route shall be the shortest line of those competing routes. The annual weighing of the mails once a year simultaneously for thirty-five days is believed by the Department and those interested in a fair and proper adjustment of pay to be far more equitable and just than one hundred and five days once in four years in the four different sections of the country. The law has been upon the statute books for more than thirty years, requiring quadrennial weighing; until three or four years ago the time of the weighing once in four years was to be thirty days. It was thought a better average in a period of a four-year contract would be ninety days, or, including the Sundays, one hundred and five days. This proposed change will be a benefit to the Government, and, in so far as it may result in an increased volume of pay to the transportation companies, be only fair and reasonable. All will agree that the ideal method of determining the amount of weight of the mails as the basis of pay would be to weigh each separate article of mail at the time it is deposited.

That is thoroughly impossible. It is equally impracticable to weigh once a day or once a week or once a month or once in six months. It is entirely practicable and feasible to weigh once in twelve months. When you weigh simultaneously you overcome the possibility of padding the mails or shuttlecocking from a section of the country that the mail is not being weighed into a section where the mail is being weighed, and then paying double the expense for that character of mail.

It is said by those criticizing the proposition that it will be a heavy increase in expense to the Government. The only increase possible is by reason of the fact that now you pay the railroads for a period of four years upon the minimum weight at the time of the beginning of the contract. For the increment and increased weight rising rapidly within that period the companies could not be paid anything until the succeeding period of four years, whereas under the proposed change they would become entitled to the increment, additional weight in volume, which has been made within the last preceding year. They are paid only for what they carry; and those who criticize the change must of necessity prefer that the roads should not be paid anything for the increased volume of weight within the period of the four-year contract.

The time that the period of weighing shall now begin is left in the discretion of the Postmaster-General, any time prior to the new contract period of four years. When this amendment was first drafted by me and submitted to the Department, I included the provision that the thirty-five successive days should begin on the first Monday in March. The Department claimed that it ought to be left to the discretion of the Department. I arrived at that period from taking the two extremes of the year, the 30th of June and the 1st of July, and running both ways from that line, with the view of determining the period of thirty-five days within the twelve-months' period that there would be the most reasonable average of weight for the entire year. But the Department feels, leaving it to their discretion when the period shall begin, that if in their experience it should be found that the period of thirty-five days' weighing they did not find a reasonable average for the entire year another thirty-five days might be determined upon. The only opportunity, Mr. Speaker, for either fraud, neglect, or connivance whereby the roads might profit by reason of the period of thirty-five days being chosen when they had more than the average weight would be by dishonesty of the officials of the Department. And I can not conceive any Member of this House voting against this amendment because of the possibility of a dishonest Postmaster-General or a dishonest Second Assistant Postmaster-General conniving with the railroads in the selection of the thirty-five-day period so that it would be to the disadvantage of the Government and to the advantage of the roads.

The second proposition makes permanent law what is now known as the divisor. It is now but a Department official order, subject to change or repeal by any subsequent official in control of the Department. By making it permanent law we avoid that possibility.

The third proposition initiates the same principle in ascertaining the length of route and the amount of pay that now obtains in express freight rates and passenger rates. Where there are two or more roads running between common terminals, the distance of all those routes shall be no greater than the length of the shortest route. This proposition is wholly equitable. It is said that it would increase the expense to the Government. Unquestionably the proposed divisor results in a great saving of expense to the Government, because that divisor is enlarged, and therefore the quotient is less. Undoubtedly the installation of the same practice that obtains in the freight and passenger service to the distance of the routes for mail transportation will result in saving hundreds of thousands of dollars to the Government. This credit should be placed against the debit, which gentlemen by criticism claim would be increased by reason of the annual weighing. I state it as my deliberate judgment that these three factors put into law, and in practice, assuming the honesty of the officials, will result in but little increase to the roads, and that little they are entitled to if they actually carry mail that has been increased in volume.

I reserve the balance of my time. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, it is not my intention to discuss this question in detail. I simply want to state the case as I understand it. Under the present law the railway mail is weighed quadrennially, and the pay to the railroads from the Government of the United States is based upon those quadrennial weighings. The contract with the Government with these roads is based on the quadrennial weighings. The contract that the Government has with the railroads provides for the quadrennial weighing. The present proposition contained in the bill provides for thirty-five days' weighing annually. It is a change, therefore, in the contract in reference to the weighing, and the basis of pay or compensation would rest under the new provision on the annual weighing instead of the quadrennial weighing. It is estimated by gentlemen who have made the calculation that the loss to the Government of the United States by the change of law would be \$2,500,000 a year. These are the facts as I understand them. The question is, Is it best, in the judgment of the House of Representatives, so to alter the law of the land as to impose this additional burden upon the Government of the United States?

Mr. LLOYD. I understand the amount to be \$2,700,000. That I understand to be the amount which would be expended in addition to that which we are now expending, estimated on the basis of the present construction of the law for the Postmaster-General. Is not that the fact?

Mr. MOON of Tennessee. I understand so.

Mr. LLOYD. If the construction should be changed with reference to the weighing process, so that it should be the same as it was prior to the 4th day of March last year, then there would be no loss by reason of the change, would there?

Mr. MOON of Tennessee. I do not understand that. The weighing is quadrennial, and four years' compensation is based upon that weighing. If you change it and make an annual weighing, you increase the cost to the Government of the United States three times, and it is estimated at the figure that I have stated. I desire only to state this fact, as I understand it, and yield to the gentleman from Wisconsin.

Mr. SCOTT. Right on the point the gentleman has been discussing, I should like to ask him a question in order to get clear information. Would the loss of \$2,500,000 to the Government, which he says would follow the change in the plan, result on account of the expense of the additional three weighings?

Mr. MOON of Tennessee. I yield to the gentleman from Wisconsin [Mr. STAFFORD], who will discuss the matter and give the gentleman full information on that question better than I can.

Mr. SCOTT. I shall be very glad if the gentleman from Wisconsin will answer that question in the course of his discussion, whether the increased expenditure comes from the cost of the additional weighings, or whether it is because the amount paid to the railroads in the first place would be less than in the other.

Mr. STAFFORD. I understand the gentleman's question, and shall be glad to answer it during the course of my remarks.

Mr. Speaker, I wish to direct my attention to this proposition now before the House, as to the proposed change in the method of weighing the mails.

In 1873 the law was passed fixing the rate of pay, and at the same time providing for quadrennial weighings, and also providing that the weighing shall be had not less frequently than once in every four years. Ever since that time the practice of weighing at four-year intervals has been followed. The country is divided into four sections, and each year a weighing takes place in one of those sections, on the basis of which weighing calculations are made for payments to the railroads for the ensuing four years.

I have before me the computations prepared by the Post-Office Department showing the payments from 1896 to 1907 in each section for transportation of mails, independent of the charge for railway post-office service, which latter increases as the service is put into force, and has no connection with this proposition.

I will take, for example, the rate of pay in the first section, which is the eastern section, in which the railroads received \$8,583,000 in 1905, based upon the weighing had in 1901; but upon the weighing that was held in 1905 as a basis for the payments that the railroads were to receive in that section for 1906 and the three succeeding years the amount was \$10,260,000, or a difference of \$1,677,000 for the three years. Dividing this amount by 3 it makes an annual saving to the Government of \$559,000 during the three years in that one section.

I could take each one of the other sections. For instance, in the third section, which comprises the Northwestern States, the amount that we paid to the railroads in 1903 was \$13,289,000, based upon the weighing had in 1899. In the following year, 1904, we paid \$15,748,000, based on the weighing held in the year previous, 1903; and that \$15,000,000 was virtually the same amount for 1907, three years later, for the total paid to the railroads in that year was \$15,772,000. The difference between the payment for the last year in that weighing section and the last year of the previous weighing period is \$2,459,000, or an average during the three years of \$819,000, which the Government saved each year.

Adding these respective amounts together which the Government saved each year from each of these sections, based on the figures presented to me by the Post-Office Department as the amount paid the railroads for transportation alone, it amounts for one year to \$2,717,000. In other words, if during the four years we had had annual weighing instead of quadrennial weighing, the Government each year on that amount of tonnage would have been obliged to pay \$2,717,000 more than under the present arrangement of weighing every four years, which is the basis of pay during the four succeeding years.

Now, it goes without question that the Government gains this advantage, and I make the point here that when the rates were first formulated it was upon the idea that it should not be an average weight for the four-year period, but the rates were raised sufficiently high on a basis below the average of that which would be carried during the four years.

Mr. LLOYD. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman.

Mr. LLOYD. Is it not true that the saving of the last year is by reason of a change of the order of the Department as to the divisor?

Mr. STAFFORD. The rule of the Department in regard to the divisor does not touch this proposition at all, and this must be considered apart from the divisor proposition, for the question is whether we shall have the quadrennial weighing or the annual weighing.

Mr. SCOTT. Will the gentleman tell us why it would not be better to have a weighing once in ten years, if the gentleman is correct?

Mr. STAFFORD. The present rates were predicated upon the idea, and the requirement is in the law, that it shall be a weighing upon which the rate shall continue for four years. As one official in the Department, a man who has been in the service more than twenty years, and connected with the railway mail service, said to me early in the session when I spoke to him about the suggested change, that if there was going to be an annual weighing, the rates of pay should be reduced correspondingly.

Mr. OVERSTREET. Did the gentleman state the name of that official?

Mr. STAFFORD. The gentleman from Indiana does not doubt that I received that information?

Mr. OVERSTREET. I thought the gentleman named some official.

Mr. STAFFORD. No; I did not.

Mr. OVERSTREET. I think it is only fair that the gentleman should give the name of the gentleman he quoted.

Mr. STAFFORD. If the gentleman wishes, I will say that it was Mr. Stone, who has been chief clerk in the office of the Second Assistant Postmaster-General for many years, and is to-day assistant to the superintendent of the railway-mail service.

I have before me the CONGRESSIONAL RECORD, containing a letter addressed to Mr. PENROSE a few days ago by the Postmaster-General, in which he uses this language in commenting on this change:

Provided this Congress says that there shall be an increase in the expenditure in the transportation of mail by railroad rates.

He also in this letter uses the following language:

It should, however, be borne in mind that such a provision—

Referring to the annual weighing—

would increase the gross amount for the transportation of the mails and add to the annual expense incident to the weighing of the mails.

There is no question whatever that if we adopt annual weighing we will increase by more than two and one-half million dollars the amount now paid to the railroads. Again, even if the tonnage was not increased, I would oppose this proposition, because it restricts it to thirty-five days. Two years ago we believed that we could obtain a more fair average by increasing the number of days to ninety, so as to avoid abuses that might possibly arise from taking a period that was not representative for the year.

I now come to the question propounded by the gentleman from Kansas, as to whether this law involves any added expenditure in the cost of weighing. It goes without saying that if at present we only have a weighing once in four years in these respective sections, this would increase the work three times, and instead of having a weighing once in four years it would be—

Mr. SCOTT. In one case you weigh one hundred and five days and in the other thirty-five days.

Mr. STAFFORD. There is no limit to this provision compelling the Department to weigh thirty-five days only.

In the second section in 1904 the mail was weighed eighty-four days and in one section of the first section, in 1904, they used ninety days, and in another, in 1905, ninety-one days, when the law prescribed thirty days as the basis.

Mr. SCOTT. I understood this amendment did provide thirty-five days.

Mr. STAFFORD. It does not. It only says that the pay shall be computed on the basis of a weighing for thirty-five consecutive days, but the number of days that the Department sees fit to weigh from which to select the thirty-five-day period is not limited. It puts the law exactly where it was before we changed it, and requires that thirty-five days should be the requirement instead of one hundred and five days.

Mr. LLOYD. I know the gentleman does not wish to mislead the House, but he leaves the impression that the law would remain exactly as it was prior to the time of the change. The law prior to the change used the word "working," and the law originally was thirty working-days, and this provision here provides for thirty-five successive days.

Mr. STAFFORD. There is no question whatsoever that the divisor proposition is included in this, but I maintain that the wording leaves it to the Department to weigh more than thirty-



five days so as to get an average during that period of thirty-five days that should be used as a basis for compensation.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. STAFFORD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has consumed nine minutes. He has one minute remaining of the ten minutes.

Mr. OLMSTED. I merely want to ask this question—

Mr. STAFFORD. I can not yield. There is no question whatsoever that with this annual weighing we will increase the cost attendant on ascertaining the weight by at least half a million dollars each year, because it costs in some of these sections, from \$100,000 to \$500,000, but besides that there is no question whatsoever that by having an annual weighing we will increase the mail pay each year over that which is now being paid under the present divisor order and the present law, \$2,700,000, and it will add to the expense of the Government \$500,000 at least each year for the added expense of weighing throughout the entire country, instead of as now in but one section of the country—

Mr. OLMSTED. Is not that because there is more freight carried?

Mr. STAFFORD. Every four years. I want to impress upon the House that the rates as fixed under the present law are predicated upon the idea that the unit of weight shall be that which should govern for four years in advance, and that it was intended that that should be the basis of compensation when the rates were settled by Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I will ask the gentleman from Indiana to consume some of his time.

Mr. OVERSTREET. I expect to consume the remaining time in one speech.

Mr. MOON of Tennessee. Then, Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, for the first time since I have been in Congress the matter of increasing the pay for railroads for the carriage of mail is strictly up for consideration by itself, and the responsibility of the vote is upon the individual. Now, there is no question about this provision for annual weighing, increasing the amount to be paid to the railroads, and the responsibility comes not on the Department, but upon the individuals of this body. The Department approves the annual weighing, but conditionally, and this is the condition, and every man present ought to hear the condition. The Department says, in a letter written on April 23 last:

The bill suggested meets with the approval of the Department, provided that Congress sees fit to thereby increase the expenditures for transportation for mail to the railroads.

The Department has made the recommendation, but it has checked it up to this body and to the Senate that if this body does pass this provision it increases the compensation to the railroads yearly.

There are three propositions here about this increase, as the increase is carried in the provision on annual weighing. The first is this: If you weigh every year in the four-year period, in view of a gradually increasing growth of mail, you will get a higher average over the four-year period than you will if you weigh in the first year of the four-year period. That is the first proposition. The second proposition is this: Owing to the fluctuation of weights of the mail throughout the year it is higher in January, lower in February, lower still in March, going up in April, going up in May, high in June—that is, owing to a regular periodicity of light and heavy mails year after year, you get a fairer and lower average by a long weighing period than you do by a short one. We weigh one hundred and five days to-day. We will weigh thirty-five days under this provision.

The third proposition is this: That the mere operation of weighing the mails will cost in the period of four years \$500,000 a year more to the Government than the present system of weighing. There are three elements in the annual weighing, then, which increase the cost of this service to the Government. It should not be increased. I want to say to the Members of the House of Representatives that the rate of pay was purposely made high in the first place, in 1873, because it was to be based upon the quadrennial basis, and so high was it made that Congress itself, virtually without agitation, cut it down in 1876, and cut it still lower in 1878.

So it remained until last year. Four commissions passed upon it. Postmaster-General after Postmaster-General in that long stretch of time recommended that it was best to readjust it further; but Congress deferred until last year, and last year Congress at last cut it down. Simultaneously with that cut the Department put in force a correction of the old and indefensible miscalculation, the wrong division, and that cut went

in also, and for the first time in the history of this nation we are paying equitable rates to the railroads to-day. Why increase them? [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STEENERSON] the remainder of my time, three minutes.

Mr. STEENERSON. Mr. Speaker, all I have to say is that we have debated this question in the Committee on Post-Office and Post-Roads and voted it down, and it seems to me that it has no merit. The last post-office appropriation bill provided that the Department should investigate the subject of the weight of the different classes of mail, and to weigh the mail for thirty days to ascertain the average load of railway post-office, storage cars and compartment cars. This was to enable us to learn the cost of carrying the mail, because the amount of the load is the controlling element in determining the reasonable compensation for the railway transportation of mail. That Department has just reported. Now, why should we undertake this difficult and technical question of determining what is reasonable compensation for transporting the mail by rail at this time before we have even time to read the report of the Post-Office Department which we authorized at the last session?

It seems to me that it is preposterous, after the proposition has been debated and carefully considered in the committee and turned down, that it should now come here as an amendment of the Senate, containing, as it does, an independent provision of law, new legislation, and I therefore hope that it will be voted down. It increases the railway mail pay at the rate of \$2,700,000 a year for transportation and \$500,000 a year extra for cost of weighing, amounting to over \$3,000,000 a year. This we are asked to give to the railroads, without any investigation, without any special information whatever, and it seems to me that this proposition ought to be voted down very promptly. [Applause.]

The whole subject of railway mail pay ought to be gone into and carefully considered and readjusted. On some railway routes the compensation now allowed by law may be and probably is excessive; on some it may be and probably is inadequate. A great element of cost of such service is volume or density of traffic, and I believe every fair-minded man is willing to allow a reasonable compensation, a compensation adjusted in proportion to the cost of the service. It should be compensatory. It is needless to say such adjustment can not be made now. I hope the amendment will be voted down. [Applause.]

Mr. OVERSTREET. Has the gentleman from Tennessee consumed all the time on that side?

The SPEAKER. The gentleman has one minute remaining. Mr. MOON of Tennessee. I yield that back to the gentleman from Indiana.

Mr. OVERSTREET. For which I am thankful. Mr. Speaker, there is an old saying that figures will not lie; but they are sometimes misplaced; and I fancy that these statisticians from Kansas and Wisconsin in the exuberance of their spirits, in the enthusiasm of their cause, in fear that one of their votes may be registered on the side where the word "railroad" appears, may have some of their figures misplaced, though unintentional. I suggested—

Mr. STAFFORD. Will the gentleman yield?

Mr. OVERSTREET. I will.

Mr. STAFFORD. Were not these figures presented before the House Committee on the Post-Office and Post-Roads and their accuracy has never been disputed since?

Mr. OVERSTREET. I have no recollection of it, just as I have no recollection of the quotation which the gentleman made from one of the officials.

Mr. MURDOCK. Will the gentleman yield to me?

Mr. OVERSTREET. One at a time.

Mr. MURDOCK. Just a minute.

Mr. OVERSTREET. Not a minute, but just for a question.

Mr. MURDOCK. Is it not a fact that everything in this bill save this was given the privilege of a hearing in the House Committee on Post-Offices and Post-Roads?

Mr. OVERSTREET. We have spent days and days in that committee, I will say in a good-natured way, in discussing this measure, as the gentleman from Minnesota [Mr. STEENERSON] has suggested, and I will depart from my subject right now to state that the statement made by the gentleman that this very proposition was voted down in the committee, I think, needs a little explanation.

The proposition was to report an amendment the same as this excepting that the Postmaster-General did not have the option of determining the period of thirty-five days. It failed by a tie vote, counting one Member absent whose absence was well understood. That is the situation there. Now, Mr. Speaker, I

stated at the outset that I consider these three factors as one proposition, and the gentleman from Wisconsin, in his endeavor to persuade this House that the railroads—and how he emphasized the word—will be paid two million and some odd hundred thousand dollars more than they are now receiving, failed to give credit, which I warned the House against at the outset, to the other two factors in the proposition. The gentleman from Kansas, who with such vehemence pounded the desk in front of him to emphasize his enthusiasm, did not pretend to give the credit which the other two propositions contain and which the Government is entitled to under the proposition as a whole.

Until a few years ago the weighing was once in four years, for thirty days, and was changed without question at the request of the Department, to experiment with a longer period. And the gentleman from Kansas [Mr. SCOTT] very well went at the very heart of the argument of the gentleman from Wisconsin [Mr. STAFFORD] when he asked him why we did not weigh once in ten years if once in four years gave a better advantage to the Government than once a year.

Mr. Speaker, in 1880—I may miss the year, but about that time—the total appropriation for postal service was about \$40,000,000. It is more than five times that now. Will the gentleman contend that all of the theories upon which all of the laws of 1880 were made shall be considered forever, regardless of the changed conditions? I repeat my suggestion that, taking these three factors together, the annual increase in pay for transportation of the mails will amount to less than one-fifth of what these men predict. They lay much stress upon the additional expense incident to the weighing itself, separated from the pay, once in a year instead of once in four. But once in a year for 35 days is two-thirds less expense than 105 days—35 is just one-third of 105.

You can not get any pencil that is manufactured nor any paper from the paper trust upon which either one of these self-appointed statisticians can figure out additional expense of half a million dollars within the four-year period, expense solely based upon the weighing itself. More than that, Mr. Speaker, it is stated by the Second Assistant Postmaster-General—I think it was—in the hearings of the Senate committee, that when you have this system worked down to its bearings by an annual weighing with expert weighers that are equipped and with more complete skill and experience, you will thereby effect great saving in the management of that service as well as a saving for the Government from the disadvantage of this possible shuttlecocking and padding of the mails. Gentlemen make much ado about the possibility of a railroad company getting more in a period of one year's weighing than a four-year period. But I repeat the question asked of the gentleman from Wisconsin [Mr. STAFFORD] by the gentleman from Kansas [Mr. SCOTT], that, not once in ten years, but why weigh at all? And I venture, if there were a proposition before this House now to compel the railroads to carry the mail for nothing, that proposition would receive the vote and support of the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Not at all. Will you let me interrupt you just for a minute?

Mr. OVERSTREET. Then I have, at least, one hope for the redemption of the gentleman from his Don Quixotism.

Mr. MURDOCK. Let me say just a word.

Mr. OVERSTREET. I decline to yield further. I am inclined to think the less the gentleman says the better for his own good. Now, Mr. Speaker, there are men who will be much pleased to "put the gaff" into the railroads, as the saying is. They would like to see them thwarted at every point. The gentleman from Wisconsin [Mr. STAFFORD] wants to ingraft the theory which his fertile brain has woven into the law-makers of 1873 and have it adopted now as the policy forever of this Government. But if these roads actually perform the service, if the volume of mail actually increases honestly and honorably, then they are entitled to their fair proportion of the rate of pay, based upon the increased business which they have performed. Now, I give it as my opinion against those gentlemen that there was not any theory formulated in 1873 as the basis of continuing this policy forever. [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired. The motion is to suspend the rules, recede from the disagreement to the Senate amendment, and concur in the same.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. MOON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 94, nays 187, answered "present" 10, not voting 96, as follows:

## YEAS—94.

Alexander, N. Y.	Dalzell	Huff	Payne
Ames	Dawes	Kahn	Pearre
Anthony	Denby	Kelfer	Roberts
Barchfeld	Diekema	Kennedy, Ohio	Rodenberg
Bartholdt	Douglas	Landis	Sherman
Bates	Ellis, Oreg.	Langley	Smith, Cal.
Beale, Pa.	Englebright	Lawrence	Snapp
Bennet, N. Y.	Fassett	Littlefield	Southwick
Bingham	Focht	Longworth	Sperry
Bonyuge	Foster, Ind.	Lorimer	Sterling
Boutell	Foulkrod	Loud	Stevens, Minn.
Brownlow	Gardner, Mich.	Loudenslager	Sturgiss
Burke	Gardner, N. J.	Lovering	Sulloway
Burleigh	Gilhams	McKinley, Ill.	Taylor, Ohio
Burton, Del.	Goebel	McLachlan, Cal.	Thistlewood
Capron	Graham	McMillan	Vreeland
Chancy	Greene	Moore, Pa.	Waldo
Cole	Hayes	Moore, Pa.	Washburn
Cook, Colo.	Hayes	Needham	Weeks
Cook, Pa.	Henry, Conn.	Olcott	Wheeler
Cooper, Pa.	Hepburn	Olmsted	Wood
Coudrey	Holliday	Overstreet	Young
Crumpacker	Howell, Utah	Parker, N. J.	
Currier	Hubbard, W. Va.	Parker, S. Dak.	

## NAYS—187.

Acheson	Denver	Houston	Parsons
Adair	Dixon	Howard	Patterson
Adamson	Driscoll	Howland	Perkins
Aiken	Edwards, Ky.	Hughes, N. J.	Pollard
Alexander, Mo.	Ellerbe	Hull, Tenn.	Pou
Ansberry	Ellis, Mo.	Humphrey, Wash.	Pray
Ashbrook	Esch	Humphreys, Miss.	Prince
Barclay	Favrot	Johnson, Ky.	Pujo
Bartlett, Nev.	Ferris	Jones, Va.	Rainey
Beall, Tex.	Finley	Jones, Wash.	Randell, Tex.
Bede	Fitzgerald	Kelher	Randell, La.
Bell, Ga.	Floyd	Kennedy, Iowa	Rauch
Booher	Foss	Kimball	Reeder
Bowers	Foster, Ill.	Kinkaid	Richardson
Boyd	Foster, Vt.	Klapp	Robinson
Brantley	Fowler	Knapp	Rothermel
Broadhead	French	Klastermann	Rucker
Broussard	Fuller	Lafane	Russell, Mo.
Brundidge	Fulton	Lanning	Russell, Tex.
Burgess	Gaines, Tenn.	Lennan	Sabath
Burleson	Gaines, W. Va.	Lindbergh	Scott
Burnett	Garner	McDermott	Sherley
Burton, Ohio	Garrett	McGavin	Sherwood
Byrd	Gill	McGuire	Sims
Calder	Gillespie	McHenry	Slayden
Campbell	Glass	McKinlay, Cal.	Small
Candler	Goldfogle	McKinney	Smith, Iowa
Carlin	Gordon	McLain	Smith, Mo.
Carter	Granger	McLaughlin, Mich.	Sparkman
Cary	Gregg	Macdon	Spight
Caulfield	Hackney	Madison	Stafford
Chapman	Hall	Malby	Stanley
Clark, Fla.	Hamilton	Mann	Steenerson
Clark, Mo.	Hamilton, Iowa	Maynard	Sulzer
Clockan	Hamilton, Mich.	Miller	Taylor, Ala.
Cooper, Tex.	Hardwick	Moore, Tenn.	Thomas N. C.
Cooper, Wis.	Hardy	Moore, Tex.	Tou Velle
Cox, Ind.	Haugen	Morse	Volstead
Crawford	Hay	Mouser	Wanger
Cushman	Heflin	Murdoch	Watkins
Darragh	Helm	Murphy	Webb
Davenport	Henry, Tex.	Nelson	Williams
Davidson	Higgins	Nicholls	Wilson, Ill.
Davis, Minn.	Hill, Conn.	Norris	Wilson, Pa.
Dawson	Hinshaw	O'Connell	Wolf
De Armond	Hobson	Padgett	Woodyard

## ANSWERED "PRESENT"—10.

Butler	Haggott	Lamb	Talbott
Craig	Harrison	Lever	
Goulden	Johnson S. C.	Sheppard	

## NOT VOTING—96.

Allen	Gardner, Mass.	Knowland	Powers
Andrus	Gillet	Lamar, Fla.	Pratt
Bannon	Godwin	Lamar, Mo.	Reld
Bartlett, Ga.	Graff	Lassiter	Reynolds
Bennett, Ky.	Griggs	Law	Rhinoek
Birdsall	Gronna	Lenke	Riordan
Bradley	Hackett	Lee	Ryan
Brumm	Hale	Legare	Saunders
Calderhead	Hammond	Lewis	Shackelford
Caldwell	Harding	Lilley	Stemp
Cocks, N. Y.	Haskins	Lindsay	Smith, Mich.
Conner	Hill, Miss.	Livingston	Smith, Tex.
Cousins	Hitchcock	Lloyd	Stephens, Tex.
Cravens	Howell, N. J.	Lowden	Tawney
Davey, La.	Hubbard, Iowa	McCall	Thomas, Ohio
Draper	Hughes, W. Va.	McCreary	Tirrell
Dunwell	Hull, Iowa	McMorran	Townsend
Durey	Jackson	Madden	Underwood
Dwight	James, Addison D.	Marshall	Wallace
Edwards, Ga.	James, Ollie M.	Mondell	Watson
Fairchild	Jenkins	Mudd	Weems
Flood	Kitchin, Claude	Nye	Welke
Fordney	Kitchin, Wm. W.	Peters	Wiley
Fornes	Knopf	Porter	Willett

So the motion was rejected.

The following additional pairs were announced:

Until further notice:

Mr. MUDD with Mr. TALBOTT.



Mr. TAWNEY with Mr. WILLETT.  
 Mr. SMITH of Michigan with Mr. STEPHENS of Texas.  
 Mr. MADDEN with Mr. RHINOCK.  
 Mr. LOWDEN with Mr. REID.  
 Mr. JENKINS with Mr. LEGARE.  
 Mr. HOWELL of New Jersey with Mr. LEAKE.  
 Mr. GRAFF with Mr. OLLIE M. JAMES.  
 Mr. FORDNEY with Mr. HACKETT.  
 Mr. DRAPER with Mr. CRAVENS.  
 Mr. BANNON with Mr. HAMMOND.  
 Mr. COCKS of New York with Mr. RIORDAN.  
 Mr. HASKINS with Mr. LAMB (until 7.30 p. m.).  
 Mr. GILLET with Mr. UNDERWOOD.  
 For the session:  
 Mr. BRADLEY with Mr. GOULDEN.  
 On this vote:  
 Mr. ANDRUS with Mr. LLOYD.  
 Mr. SLEMP with Mr. CRAIG.  
 Mr. HARRISON. Mr. Speaker, did the gentleman from New York [Mr. DWIGHT] vote?  
 The SPEAKER pro tempore. He did not.  
 Mr. HARRISON. I voted "no." I would like to withdraw my vote and answer "present."  
 The name of Mr. HARRISON was called and he answered "present."

The result of the vote was then announced as above recorded.

Mr. OVERSTREET. I move to suspend the rules and recede from disagreement, and concur in Senate amendments 76 and 77.

Mr. MOON of Tennessee. I demand a second.

The SPEAKER pro tempore (Mr. OLMSTED). The Clerk will first report the amendments.

The Clerk read as follows:

Amendment 76, page 22, line 24, strike out "three million five" and insert "four million six."

Page 23, strike out lines 12 to 15, inclusive, and insert:  
 "Provided, That the Postmaster-General is hereby authorized to pay hereafter for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act, and in vessels of the third class on said routes at a rate per mile not exceeding the rate applicable to vessels of the second class as provided in said act: *Provided*, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster-General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected: *And provided further*, That the total expenditure of foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year."

Mr. MOON of Tennessee. I demand a second.

The SPEAKER pro tempore. Under the rule a second is ordered. Under the agreement, by unanimous consent, the gentleman from Indiana is entitled to forty minutes and the gentleman from Tennessee to forty minutes.

Mr. OVERSTREET. Mr. Speaker, I shall not undertake to add much to what I said on yesterday with respect to these two amendments providing for additional ocean service. There is no change of principle with respect to the ocean-mail act of March 3, 1891. There is a change by the proposed amendment of rate of pay to the second and third class vessels described in that law. They are now paid \$2 a mile, outgoing, upon vessels plying at a speed less than 20 knots and more than 16 knots, and \$1 where they ply under 16 knots and over 14 knots an hour. The amendment limits this increased rate of pay to vessels carrying the mail upon routes in excess of 4,000 miles from United States ports to ports in South America, Australasia, Hawaii, China, the Philippines, and Japan.

Under the law as it exists to-day there are six contracts, only one of which is at above the 20-knot an hour or \$4 outward voyage rate of pay. The others are second and third class vessels; but they go no farther in their travel under their contract than across the Atlantic or to Cuba and South American ports upon the Caribbean Sea. The limitation, therefore, in the increased rate proposed by this amendment will permit only contracts to points on routes more than 4,000 miles in length and to those countries with whom we are seeking so diligently and urgently new and more friendly relations in South America and in the Orient. The reason for the increased pay to second and third class vessels is that we have been unable to secure ship companies owning vessels of this type to enter upon contracts at this rate. We have no direct communication in American bottoms with either of these countries at

a distance in excess of 4,000 miles. It is believed that by the stimulus which will be given by the increased rate of pay we will be able to secure contracts with these South American and oriental ports which will inure to the advantage of our people.

We have carried annually the same appropriation to pay contracts for ocean mail service under the law of 1891. This increase of \$1,100,000 is an increase of facilities in the ocean mail service. This very bill carries \$1,185,000 for increased pay alone of the letter carriers of the \$1,100 grade. That amendment is to increase the efficiency of that service. That is \$85,000 more than is proposed by this amendment to increase the efficiency of all the ocean mail service. If Members of this House "stick in the bark" because they are not in favor of increasing the ocean mail service, how can you justify the claim that you favor increasing the efficiency of the mail service by your vote for increased pay to the letter carriers in the \$1,100 grade and oppose the effort to increase the ocean mail service? We will be able, if once we get in proper communication with these new countries, to not only enlarge the equipment by way of naval auxiliaries for the support of the Navy, but our trade relations and communication directly with those people will be greatly improved.

The revenue from the ocean mail service last year was \$6,600,000. The expense for the same service, exclusive of whatever expense there may be in transporting this mail to the seaboard, was \$2,900,000. The difference between those two figures is \$3,500,000 as a profit. The proposition of this amendment in this last proviso is to utilize the profit upon the ocean mail service, not counting the expense of the service to the seaboard, in the improvement of the ocean mail service. Can there be any legitimate criticism of an effort to enlarge our trade relations abroad, to facilitate a new auxiliary force for the Navy, to establish direct communication between our people and South American and oriental ports, if we enlarge that service upon the profits of the ocean mail service?

Now, Mr. Speaker, the word "subsidy" will be rung in this Chamber by every gentleman who opposes this proposition. I call the attention of the superconscious individuals who are afraid of that word to the fact that this post-office appropriation bill is full of subsidies. Then have the manhood to vote against all of it! Our income to-day from the revenue on second-class matter, carried as such for the aid of newspapers, which are prompting many Members to fly away from this word "subsidy," is 1 cent a pound. The weighing of the mails, the counting of pieces, the ascertainment of the important statistics authorized by the six months' period ended December 31 last, is now with the Public Printer, and will be made public as soon as proof can be read and the report made official. I ask every opponent of this proposition for ocean mail service who is afraid of the word "subsidy" to note the prediction, that I venture he will find that the second-class matter of mail upon which the Government receives but 1 cent a pound costs the Government now in excess of 6 cents a pound.

What is the difference between these amounts? The rural delivery service to-day nets in dollars and cents a deficiency of approximately \$10,000,000. What do you call it? I approve both of those provisions. The rural delivery service is worth all it costs and more, whether it is a subsidy or a profit, but you can not get away from the fact that both those differences between the expense and the receipts must be known technically as subsidies.

The first, third, and fourth class matter of mail render a net profit to the Government, the second-class matter of mail renders a loss to the Government. The rural delivery service renders a loss to the Government, a deficit annually on the entire service. But we are afraid of the word "subsidy" when it comes to the enlargement of the ocean mail service. That is what this bill does and no more.

I reserve the balance of my time. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, I discussed the features of this bill very briefly yesterday. I have no disposition to go over the argument presented in that short time. But I want to state this to the House, which I did not say yesterday, that when this whole question is reduced to its last analysis it is one of the simplest propositions possible.

We are paying to-day \$4 per mile for first-class vessels, \$2 per mile for second class, \$1 per mile for third class, and 66⅔ cents a mile for fourth class. This proposition is simply to double the pay of the second and third classes, and I defy any man to find one iota of proof that will justify it. It is a practical donation to ships of that class of this much money, and that is all it is. To my mind it is a simple question of honesty or dishonesty in the administration of public affairs. It is not con-

tended by the Post-Office Department that this is a mail facility, except incidentally.

The whole argument in attempting to force this rider upon the appropriation bill will be that it will be an auxiliary to the American fleet, and any man of common sense knows that it is of no service in that respect. The cost now of carrying our mails under the oceanic act—and we have no evidence that there is any more demand for carrying than is already complied with—is \$181,000 a year. You want to revamp some second and third class vessels, put them up to the price of first-class vessels, and donate \$1,100,000. And then, too, under the terms of this act you might enter into a contract for ten years, in view of the act of Congress of which this is amendatory, and place the burden upon this Government of a subsidy of practically \$4,000,000 per annum, for the act provides that you may contract to the extent of the profits earned by the ocean mail service, which in gross figures would be about \$3,400,000.

I do not desire to take any more time, and I yield to the gentleman from Wisconsin [Mr. STAFFORD] five minutes.

Mr. STAFFORD. Mr. Speaker, this proposition, so far as it applies to the oriental trade, is exclusively a subsidy proposition. It can not be defended on the ground that there are not adequate mail facilities at the present time, for the meager hearings had before the post-office committee disclosed the fact that adequate mail service on fast steamers leaving Vancouver and American ports, with frequent sailings for the Orient, was now being had that would not be increased if this bill were enacted into law.

Last year this House by a close vote passed the so-called "Littauer bill." Although the amounts provided in that bill were in stated aggregate amounts for each line, under this bill they not only equal these sums, but in some instances surpass them. And in addition there is that provision in the Senate amendment different from that in the House bill that was voted down in the Committee on Post-Offices and Post-Roads, for the House bill was limited entirely to second-class steamers that were to receive the pay of first-class steamers, as provided in the act of March 3, 1891, whereas the Senate amendment increases and doubles the pay of the third-class steamers and gives them the compensation now paid to second-class steamers.

Under the House bill, which extended to second-class steamers only, there would have been expended when applied to all the lines the total amount of \$3,610,240. I ask this House what justification is there, except on the ground of subsidy, for paying gratuities to steamship companies when there is adequate mail facilities to the Orient and when there is adequate freight facilities for the oriental trade? Can you defend your action when you vote \$1,710,000 for lines to China and the Orient and over \$600,000 additional for the line to Australia? It can not be defended on the ground that additional facilities are needed so far as the mails or freight carriage is concerned.

It comes down in its last analysis, as far as mail and shipping facilities are concerned, to the question of subsidy, because if the service to-day exists, I ask why should we pay out the enormous amount of over \$2,300,000 in developing that which we have no assurance will be continued, when a like service is being maintained by subsidies and gratuities paid by other governments? Shall we inaugurate that policy set out in this bill providing subsidies for third-class steamers which only travel at the rate of 14 knots an hour? Shall we inaugurate the policy that we shall go on this wholesale cruise of voting millions and millions of dollars to some special interest when perchance other governments are furnishing that same service to-day through subsidies and as a burden to them, from which we are receiving the benefits in carrying facilities?

I can not justify a vote for subsidies unless there is no adequate service with those countries. I stand ready to vote a subsidy for the establishment of mail facilities on the Atlantic between New York and South American ports because there are no adequate mail facilities to those points and no adequate connections for dispatching our mails. But where we have adequate facilities, as on the Pacific, furnished, it is true, by other governments, what justification can we have except the sentimental reason of seeing the American flag flying on the ocean, in voting the immense amount of millions and millions of dollars when that service is already in existence? And so, Mr. Speaker, I am going to vote against this amendment because we have no opportunity here to vote separately on the individual proposition of whether a line to South America shall be established, but are obliged to accept all or nothing, and therefore I am going to vote against concurrence. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, I now yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I shall not repeat what I said on

yesterday, but I desire to advert to one provision in this amendment. The last part of the amendment contains this proviso: That the total expenditure for foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.

It is suggested that the profit on the entire ocean mail service at this time is about three and one-half million dollars, and it is said by advocates of this amendment that we ought to spend the profits at least of the ocean mail service. As to that I contend that the profits are not three and a half million dollars nor any such sum as that. In the first place, in arriving at that sum the advocates have taken the amount paid for ocean mail service and have deducted that from the amount received from ocean postage. But I call attention of gentlemen to the fact that they have not taken into consideration the cost of carrying the mail from the interior points to the seaboard.

It is a fact that the great bulk of the mail which goes from the seaboard originates at interior points, and the amount which we pay for bringing this mail to the seaboard, which in the aggregate amounts to a large sum, is not taken into consideration. Neither is the cost of the administration of the ocean service nor the cost of administration of the Department connected with the carrying of mail from the interior points to the seaboard considered. If these two items were calculated, and were added to the gross amount paid for the ocean mail service, and then the deduction should be made from the amount received from the ocean mail postage, instead of being three and a half millions, it would be less than \$2,000,000. Again, I say, that if we are to take the profit from the administration of any part of the post-office service and devote that profit to subsidies for the maintenance of ships upon the ocean, we might as well take the profits from the administration of other parts of the service, and the result would be to increase the already large deficit in the Post-Office Department. So this provision is abortive, does not accomplish the result, and there is no profit of consequence to be expended for subsidies.

I would call the attention of gentlemen to one other provision of the original law of March 3, 1891, which it is now sought to amend. The first section of that act contains this provision:

The Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration.

That provision is not changed by this amendment which is under consideration. Therefore, if we adopt this amendment here, the Postmaster-General can not enter into a contract for less than five years, while the proviso says that no greater amount shall be expended in any one year than is estimated for the profits or gross receipts for the current year. The two provisions are inconsistent. They are impossible of application. Therefore this proviso, which has induced some Members to favor this amendment, is without merit and falls to the ground. I desired to present this view by way of supplementing the argument which has been made by the chairman of the committee and by the gentleman from Wisconsin [Mr. STAFFORD], who has given this subject careful study, and to emphasize the fact that this is not only a subsidy under a new guise, placing a new burden upon the administration of the Post-Office Department, increasing our already large deficit, but in addition to show that this proviso by which it is sought to gain favor with Members who would not otherwise be favorable to the subsidizing of American ships through the Post-Office Department—to show them that this proviso is without merit and will not accomplish the purpose its friends intend. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. OVERSTREET. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. Mr. Speaker, the gentleman from Tennessee [Mr. MOON] has contented himself with the simple statement that this doubles the pay of the second and third class of vessels under the act of 1891. That is true, but there is reason for that. The act of 1891 has been in force for seventeen years. During all that time the Post-Office Department has been utterly unable to carry out the provisions of that act relating to second and third class vessels. To-day we are confronted with the proposition as to whether we shall continue to carry the mail in foreign vessels or whether we shall carry the mail in American vessels under the American flag. [Applause on the Republican side.]

All that it is proposed to do by this amendment is to increase the rate from \$2 to \$4 and from \$1 to \$2 in the hope—I say in the hope, Mr. Speaker—that we may find American enterprise and American capital that is willing to invest in the construction of new ships and thereby aid our Government in the administration of the Post-Office Department by having



our mail carried in American vessels. It is not a subsidy. It is not intended as a subsidy. Who will contend that the original act is a subsidy? If that act is not a subsidy, then any amendment which simply increases the rate can not make it a subsidy. It is hoped that our people will have from thirty to forty millions of dollars invested in new vessels that will carry our mail. Is that an objection? The original act provides they must be American ships, built in America, manned by Americans, and carrying the American flag.

Who is opposed to that proposition? Are you willing that our mails shall be carried in foreign vessels? Ah, my friend from Wisconsin [Mr. STAFFORD] contents himself with the fact that we have ample facilities at present. So we have, but all are foreign vessels, for which we are paying a subvention to foreign countries. Are we not big enough and rich enough to carry in our own ships the American mail? Are we to depend upon foreign vessels and pay to foreign countries the expense for carrying the mail? Mr. Speaker, in this measure we are fully protected. It provides that the contracts shall not exceed the income from that service. Let me say to you, Mr. Speaker, that last year our net profits from ocean mail service were \$3,600,000. It is proposed to take this amount to improve this service.

Mr. MOON of Tennessee. Will the gentleman yield?

The SPEAKER pro tempore [Mr. OLMSTED]. The gentleman's time has expired. He has no time to yield.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from California, Mr. KAHN.

Mr. KAHN. Mr. Speaker, it has been well said by the chairman of the Committee on Post-Offices and Post-Roads that no new principle is involved in this item. It is simply a measure to increase the pay for services rendered. We, on the Pacific coast, have had an experience under the existing law which is exceedingly interesting. Prior to 1900 the Oceanic Steamship Company had formed a combination with a shipping firm in Australia whereby an English ship of 3,000 tons register sailed in conjunction with two American ships of 3,000 tons register and gave a monthly service to the Antipodes. About 1900 the officers of the Oceanic Steamship Company entered into a contract with the Government of the United States to carry the mails on second-class ships to New Zealand and Australia. This is now known as "ocean mail service number 75." The Oceanic Steamship Company built three ships, the *Sonoma*, the *Sierra*, and the *Ventura*, under that contract. They were of 6,000 tons burden and were among the finest ships floating on the Pacific Ocean. Under the terms of the contract they had to make 16 knots an hour. The old ships made but 12 or 14 knots an hour.

The company continued the service for some six years, and during that time, by reason of the fact that the pay was entirely inadequate, it fell into debt to the extent of over \$2,000,000, although, under the conditions that prevailed when they had only the 3,000-ton ships and they were not under contract with the Government, they had been making money. The managers of the Oceanic Steamship Company, realizing that they were losing this enormous amount, served notice on the Government that unless the pay could be increased they would have to give up the contract—that they would have to tie up their vessels. And, as a matter of fact, something over a year ago they did withdraw those magnificent ships from that service. They are no longer running to Australia. They are no longer running to New Zealand. They are tied up in the harbor of San Francisco; and unless relief be given they will not again float the American flag. If no relief be given, it will be only a matter of a short time before this company will have to go into liquidation. And when that happens the rising sun flag of Japan is apt to float from the masthead of those three magnificent vessels.

Is there any gentleman on the floor of this House who wants to see that condition brought about? Is there any gentleman on this floor who wants to see these three ships that employ American officers and American sailors, that have a monthly pay roll of \$6,540, as against a monthly pay roll of \$2,500 of vessels of equal burden under the Japanese flag? I say, does any gentleman on this floor want to see the Stars and Stripes hauled down from those vessels, and in the stead of Old Glory to see the flag of Japan float from their mastheads? This is not idle talk. In discussing a measure of this kind a little over a year ago I warned the House at that time that unless relief was given these vessels would be withdrawn from the Australasian trade; that they would be withdrawn from that run, and that our letters and newspapers would have to be carried on foreign ships to Australia and to New Zealand. At that time many Members of this House thought that it was only a bluff, and they openly declared so. It was only a month after

Congress adjourned when those vessels were tied up, just as I had predicted. And they have been tied up ever since, because it was impossible, with the \$2 per mile pay allowed under the act of March 3, 1891, for the management of that company to continue them in the service.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BURTON] five minutes of my time, and at the request of Mr. LLOYD five minutes of his time.

Mr. BURTON of Ohio. Mr. Speaker, there are Republican Members here, and Democratic Members as well, I believe, who are willing to vote liberal pay for the establishment of mail lines to South America. Exceptional conditions exist in that direction, partly because of the absence of any adequate provision at present, barring ports on the Caribbean Sea, and also because of the close political and commercial relations which are coming to exist between North and South America. I say this with the reservation that any contract should be very carefully guarded and that it should not be a subsidy in disguise. I can not believe that the same conditions exist for the trans-Pacific routes, save possibly in the case of Australia. Mail communication and freight communication can be supplied there, with the possible exception that I have named.

Now, let us notice a little the comparative expense as appears in the discussion before the Committee on Post-Offices and Post-Roads. There is at present a Japanese line from Puget Sound, at a cost of \$333,000 per year. This proposed line under the American flag would cost \$777,000. There is a line from Frisco to the Orient on which the payments are \$500,000 a year. The cost of the proposed American line would be \$932,000 to Manila.

Mr. HILL of Connecticut. Does not the gentleman think that the American flag flying over the vessel and American capital put in it would have some tendency at least to advance American trade? [Applause.]

Mr. BURTON of Ohio. I yield to no one in my spirit of patriotism, but will the gentleman for a minute consider—

Mr. HILL of Connecticut. As a commercial question.

Mr. BURTON of Ohio. I must remind the gentleman that I have but five minutes and can not yield further. I have been ambitious of late to finish one paragraph, or at least one sentence, without interruption.

Two gentlemen have spoken of the desirability of carrying our mails under the American flag. Would you abandon the patronage of the Italian lines, the Spanish lines, the French lines, the German, Danish, and the British lines, connecting with countries to which the great bulk of our exports is sent, and substitute in all our communications with Europe American bottoms at an expense probably twice as great? If you are going to adopt that principle, let us for the moment consider just how far we will go. I congratulate the country that there is a very wide difference between the bills which have been brought in here recently and those of former years. Ten years ago there were provisions in a bill which was introduced giving a tonnage subsidy for speed and for the amount of freight capacity on a mileage basis, sail and steam alike. Figures were presented to show that on some routes boats might run without any cargo at all and make a profitable voyage on that subsidy.

I believe that idea has been entirely abandoned, and I am very glad of it, for you can not point to an instance in any country where a healthy, permanent merchant marine has been built up by subsidies granted in accordance with the principles of that measure. It may be claimed that such subsidies have succeeded, but they have done nothing of the kind. It is true that, beginning about seventy years ago, England began to pay liberal sums for mail communication. The prompt transmission of letters or correspondence—and, incidentally, the ready carriage of freight—was thought to be essential for the promotion of commerce. The commercial supremacy of that country was regarded an object to be highly prized, and, beginning about the time of the organization of the Cunard Line, large payments were made for the carrying of mails to America and to different parts of the world. Germany has taken up this policy. Both countries make certain additional payments on condition that the boats will be available as auxiliary ships in case of war, but it is not correct to call either by the name of "subsidy." Wherever we do not have access, the same course may be a salutary one for us, but it is not good policy for us to pay unnecessary and extravagant sums for carrying mail anywhere—at any rate, where routes already exist.

I tried to point out here a little more than a year ago that there is no analogy between a protective tariff and the proposed subsidies to ships. You can build a wall around a country, you can adopt a domestic policy which will exclude the products of other countries and foster home manufactures, be-

cause it is in a territory over which you have control; but nobody has control over the ocean. The high seas are a common highway for the commerce of the whole world. No walls can be built around them, and there the fittest is bound to prevail. Who are the fittest? Those who have the greatest taste for the sea, the greatest skill in seamanship, those who can build and operate ships most cheaply. In the long run they will be bound to prevail. What are some of the reasons why we have not assumed a more important position on the sea? Because of the unlimited opportunities for investment on land, because of the billions of dollars in mines, in factories, in farms, and all those various investments which belong to a developing country with unparalleled opportunities for profit. When these are exploited, perhaps we will take up the sea.

I want to say just one word about so-called "mail subsidies." The gentleman from Indiana [Mr. OVERSTREET] said this mail bill contains other subsidies. Well, if it does, let us put them out. [Applause.] I have voted here fourteen times—and would one more time if I had the opportunity—against the special mail payment to certain railroad lines. I have spoken here twice against the special privileges given to second-class matter. Subsidy or special privilege always inures to the benefit of the strong and operates to the disadvantage of the weak. They are always taken advantage of by all those who are ready to resort to unfair or unjust methods. No gain can come to the average citizen by the granting of any special privilege, and whether the subsidy be to the iron rails or to the ships on the sea, I am ready, for one, to stand here against the principle at all times. [Applause.]

I yield the balance of my time.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I am very much surprised at the remarks made by the gentleman from Ohio [Mr. BURTON] in regard to the amount of subsidy that would be paid under this bill as compared to the subsidy paid to the Japanese ships running from Puget Sound. These Japanese ships that run from Puget Sound are old, small, and slow vessels that make, perhaps, one trip per month. They have just been voted \$327,000 in gold by their own country. American vessels, under this bill, that would make a trip every fifteen days, according to the figures by the Commissioner of Navigation, would amount to about \$400,000 a year, as I remember.

Mr. BURTON of Ohio. Will the gentleman yield to a question?

Mr. HUMPHREY of Washington. No; you would not yield to me.

These are the figures, I will say to the gentleman, that the Commissioner of Navigation, as I am informed and other gentleman, submitted to me. So that instead of being double the amount, it would be very much less than what is paid to the Japanese line.

Since we defeated in the last Congress the ocean-mail bill, eight out of the fifteen vessels upon the Pacific Ocean have disappeared, and we are to-day paying foreign vessels for a slower and inferior service practically the same amount of money for carrying the mail that we would have to pay American vessels carrying it under this bill. [Applause on the Republican side.]

Mr. STAFFORD. I challenge that statement. It can not be borne out by the facts.

Mr. HUMPHREY of Washington. I do not yield to the gentleman.

Now, there is another side to this question to which I desire to call attention. In Seattle to-day we are entertaining the great battle-ship fleet, and my people, with the enthusiasm and patriotism of American citizens are welcoming it, but are humiliated by the fact that those battle ships were compelled to employ foreign vessels to assist them to reach that port, and that they can not leave it except with the assistance of foreign vessels. Of what use, after all, are our battle ships in time of necessity? They are to-day practically as helpless as if they had neither guns nor ammunition. To-day upon the Pacific Ocean we are compelled to employ foreign vessels to send our mail, supplies, and ammunition to the Philippines. Only a few days ago this Government made a contract to send its ammunition to the Philippines in a Japanese vessel.

Within the last few weeks we were compelled to employ foreign vessels to carry our soldiers down to Cuba. To-day, while we have a naval station on the island of Samoa, we can not communicate with it except by foreign vessels. We are compelled to send the mail to our soldiers in our own territory by foreign vessels. Upon the Pacific Ocean there is to-day a

combination of foreign vessels that have raised the freight rate upon that ocean more than 400 per cent within the last two years. A copy of their agreement is printed in the CONGRESSIONAL RECORD, if anyone desires to see it. To-day there is a combination of foreign vessels on the Atlantic between this country and Europe that has raised freight rates 30 per cent within the last year.

There is a combination of foreign vessels between this country and South America that charges the highest freight rate in the world; and to-day an American merchant has to pay double the freight upon slow and inferior vessels upon the same article for the same distance that the European merchant has to pay to send to the same port in South America.

Now, if we were to pass this bill, it would cause the construction of forty new vessels in American yards. It would give employment to 150,000 men and pay them a quarter of a million dollars in wages each day. If we were to pass this bill, it would give us an auxiliary for our Navy and transports for the Army, and would enable us to carry our mails under our own flag for the same price that we are now paying foreign vessels to do it. [Applause on the Republican side.]

Mr. OVERSTREET. I yield three minutes to the gentleman from West Virginia.

Mr. HUBBARD of West Virginia. Mr. Speaker, on yesterday I voted against the conference report upon this proposition. To-day I have voted in favor of each of its features that have been already presented to the House, and, unless some reasons to the contrary stronger than those to which I have listened shall be given, I expect to vote to-day in favor of the remaining feature, the proposition now presented [applause], and I have not changed my mind upon this question. I did not vote for this yesterday for the simple reason that I was then unable to obtain that accurate information about what was proposed that I thought was due to the people of my district before I could vote upon it. The time which, under present conditions, was permitted to the chairman of the committee to explain this matter is so short that it would not have been possible for him to make that explanation at all full or complete, at least not such an explanation as seemed necessary to me before I could act intelligently.

For those conditions neither he nor this side of the House is responsible—conditions under which a provision of the Constitution that was intended to enable a constituent to know how his representative was discharging his trust has been degraded into part of the performance of a silly game of roll call, at which no one outside of the House of Representatives would be childish enough to play. [Laughter and applause on the Republican side.]

This question, familiar as it may be elsewhere in the country, is not one on which the people of my district have arrived at any definite conclusion, having no direct interest in it. Therefore I felt it incumbent upon me, in determining what I believe should and would be their views as well as my own, to ascertain as well as I could the exact nature of this proposition.

I could not find it stated in the report. I could not find it stated in the statement accompanying that report. That is not to be criticised, because amendments proposed are not ordinarily set forth in the report or statement. They refer to the bill. After several efforts I was unable to procure a copy of the bill containing the Senate amendment, which would show definitely and accurately this proposition for ocean mail service. Therefore I felt not only warranted but constrained on yesterday to vote "no" on the proposition, believing that if it should be adopted, my vote would have done no harm, and that if, as happened, it was defeated, time and opportunity would be given me to obtain the desired information. It has so turned out, because to-day reason has temporarily resumed its sway on the other side of the House, and we have by unanimous consent exchanged a time-wasting and worthless roll call for twenty minutes of intelligent, useful discussion. That discussion and the examination I have had an opportunity to make justify me in casting a vote for this proposition, which I am sure will merit and receive the approval of my constituents. I regret I have not time to state my reasons here. [Applause.]

Mr. OVERSTREET. I yield two minutes to the gentleman from New York [Mr. WALDO].

Mr. WALDO. Mr. Chairman, this is not in any proper sense what is called a "subsidy." It proposes merely to pay proper returns for service in carrying the mail. There is no part of this country that furnishes more to the profit of the postal service than the great city of New York. It desires communication for its merchants and manufacturers with all parts of the world; such communication it has not to-day. Its present communication with South America, if it is desired to be quick and certain, is by way of Europe, and not directly south, ex-



cept occasionally, and then with a loss of time on freight, and very often a loss with the mail. And so to-day we have to send our mails and most of our passengers by way of Europe to reach any part of South America. It seems to me that the gentlemen on the other side, and the gentleman from Ohio [Mr. BURTON], in the river and harbor bill last year, granted a subsidy of from \$10,000,000 to \$15,000,000 to foreign vessels in the deepening of the harbors along the coasts of this country.

Nearly every cent of that expenditure for any of the larger harbors is for the benefit of foreign ships, in order that they may make more profit on their freight money; and I have just looked up the vote in the RECORD, and I find that there was not one man on either side in this House, including the gentleman from Ohio [Mr. BURTON], who did not vote for that bill to grant a subsidy to foreign vessels of from \$15,000,000 to \$20,000,000; and yet they are not willing even to pay, for the carrying of mail in our own vessels, what we are paying to foreign ones; and I can not understand how any American citizen can take any such position. [Applause.]

Mr. OVERSTREET. May I inquire what time is remaining to both sides?

The SPEAKER. The gentleman from Indiana has eight minutes remaining, and the gentleman from Tennessee seventeen.

Mr. OVERSTREET. I thought I had ten minutes. Those two minutes are very precious. I suggest that the gentleman from Tennessee [Mr. MOON] use some of his time.

Mr. MOON of Tennessee. I yield to the gentleman from Wisconsin [Mr. STAFFORD] two minutes.

Mr. STAFFORD. My sole purpose in rising again is to correct a misapprehension and refute the statement made by the gentleman from Washington [Mr. HUMPHREY] who has just spoken, when he said that we paid to-day for mail carriage on the Pacific Ocean as much as we would pay under this subsidy bill. If he had studied the hearings, or, further, if he had made the barest inquiry of the Post-Office Department, he would have learned that for all the mail that is carried across the Pacific to the Orient and Australia, and from there to this country, the total amount we pay annually is \$181,000, while under this bill, for second-class steamers alone, the total amount as provided will aggregate \$2,304,600.

Mr. HUMPHREY of Washington. How many vessels are you going to run to get that and how do you know they will be run?

Mr. STAFFORD. As to the number of vessels operated to-day, the Post-Office Department has not made any complaint that the service is not adequate, and it goes back again to the original proposition; and I now call upon the gentleman from Washington to give me his authority for the statement that we are paying to-day for ocean mail service to the Orient and to Australia as much as the amount provided in this bill, and I yield to the gentleman half a minute for that purpose.

Mr. HUMPHREY of Washington. I will say to the gentleman that I base that statement upon the fact that since the Oceanic mail line went out of service we have been paying to foreign vessels for an inferior service on old, slow vessels as much as we would have paid to the Oceanic line under the bill that was defeated.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield one minute more to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. I wish to say again that if the gentleman had examined any of the records at all, he would have found—and the accuracy of my statement is not questioned—that the total pay for the carriage of the mail upon all steamers to the Orient and to Australia and for return mail is \$181,000, while under this bill it will be \$2,300,000, which is a pure subsidy. I now yield back the balance of my time to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Speaker, I now yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, there is no man in this country more anxious and more willing to enact proper legislation to restore the American merchant marine than myself, but I want to do it honestly, I want to do it along constitutional lines, and I want to do it in harmony with that fundamental American principle of equal rights to all and special privileges to none. [Applause.]

Sir, for years I have been advocating legislation to restore our merchant marine, and for years the Republican majority in this House has turned to my appeals a deaf ear. The Republican party is responsible for the present deplorable condition of the merchant marine.

In 1896 the Republican party wrote in its national platform a plank to restore the American merchant marine by discriminating duties. That meant something, but Mr. Hanna, the then

leader of the Republican party, came to Congress and instead of adhering to that plank he introduced his bill for ship subsidies, an outrageous measure. Thereupon I introduced a bill for discriminating duties, and the Republicans defeated it. The Republican party abandoned the plank of 1896 for discriminating duties and did not have the courage to readopt it or renounce it in its platform of 1900 and ignored the matter in its platform of 1904.

Mr. KEIFER. Will the gentleman yield?

Mr. SULZER. No; I can not yield to the gentleman now. I have only a few minutes. I trust the gentleman will speak in his own time.

Now, Mr. Speaker, the Republicans in Congress have been advocating ever since I have been here the restoration of the American merchant marine by ship subsidies, by gratuities, that rob all the people in order to foster a special industry. It is undemocratic, un-republican, and un-American. I am opposed to ship subsidies, and this proposition is a ship-subsidy measure pure and simple. It is a little ship subsidy, it is true, and that is the apology its advocates make for it. It is just a little subsidy forsooth, but I warn the Members that it is the entering wedge to open the Treasury of the people, and if it is adopted, it means in the end a gigantic raid on the country's finances, not for \$3,000,000 a year, but for thirty millions, or forty millions, or fifty millions of dollars a year, and for years and years to come. This is the beginning of a systematic scheme to rob all the people for the benefit of a few, and if it is rushed through in the closing hours of Congress the people will denounce it from one end of the land to the other. I warn my Republican friends to go slow and be sure.

Sir, I want to say to the Members of this House that the American merchant marine that my friend from Washington [Mr. HUMPHREY] regrets has disappeared has been swept off the high seas by Republican legislation, by Republican policies, and can never be restored by ship subsidies. Let us be honest and restore our shipping interests by repealing antagonistic Republican legislation and reenact our former navigation laws that gave us the finest merchant fleet in the world and made us in the early days of the Republic the mistress of the seas.

If this bill should pass, it would not lay a single new keel in any shipyard in our country; it will not employ an idle man in all the land, and the men who are advocating the subsidy know that to be a fact. It will not build or put in commission a new ship; it will not put the American flag on an additional ship on any sea or on any ocean, and the gentlemen favoring the proposition can not successfully controvert the statement.

Mr. Speaker, the American people are unalterably opposed to a ship-subsidy raid on the Treasury. A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if a subsidy bill should pass it would not restore our American merchant marine or aid materially our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is absolutely opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat, or a barrel of potatoes, or a bale of cotton, or who makes a wagon, or builds a locomotive, as to pay a subsidy to a man who builds a ship or sails a vessel. [Laughter and applause.]

The taxpayers of our country, burdened now almost beyond endurance, are opposed to ship subsidies. They are opposed to any gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling or any business on land or sea at the expense of the taxpayers of our country.

Mr. Speaker, I have always been, and always expect to be, a sincere friend of our shipping industries and an enthusiastic advocate of just and proper and honest legislation that will build up and restore our merchant marine. I believe every true American desires the supremacy of American ships in our over-seas carrying trade, but I believe they prefer it along the lines of tonnage taxes in accordance with the terms of my bill (H. R. 18977) now pending in this House, and which the Republican leaders are opposed to reporting and passing. This bill of mine will restore our merchant marine in all its former glory and not take one dollar out of the pockets of the taxpayers. The people see no necessity of taking money out of the Treasury and paying it to the present trust owners of ships for doing what they are already doing; and those most con-

versant with the subject even go so far as to declare that this subsidy scheme, if enacted into law, will not lay a new keel in any American shipyard or secure an additional ton of freight of over-seas commerce. Practically every dollar granted will go to the ships now afloat owned by the shipping trust.

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible, and no man who understands the question can justify the steal in the face of the facts. [Loud applause.]

Mr. MOON of Tennessee. Will the gentleman from Indiana use the balance of his time in one speech?

Mr. OVERSTREET. I will use it in two. The gentleman can use all of his time except one speech.

Mr. MOON of Tennessee. I yield five minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, the contention on the other side is that this is a mail proposition and not a ship-subsidy proposition. I do not understand how gentlemen on the other side—how the chairman of the Committee on the Post-Office and Post-Roads—could make this mistake. I invite him to read the hearings on what was practically this proposition, embodied in the bill 4068, held by subcommittee No. 4 of the Post-Office Committee of the House. In that hearing it was admitted that the main purpose in securing this legislation was not to give increased mail facilities, was not to give added mail facilities as a main proposition, but to build up the American merchant marine, so that the American goods could be carried to foreign countries in American bottoms; so that in time of war these ships could be used as colliers and transports for the Army. This was admitted by the Second Assistant Postmaster-General, Mr. McCleary.

Now, as to whether it was a subsidy or not, calculate it. I am one of those who believe that a proposition must be judged by the purpose to be accomplished. What is it here? At present the service which is to be supplemented by the operation of this bill costs \$188,000. Under the proposed provision in the post-office bill the service will cost \$3,600,000. So that, roundly speaking, there is 5 per cent of mail service to be accomplished by the passage of this bill and 95 per cent of subsidy [applause] in order to build up the American merchant marine to carry American products to foreign countries in American bottoms and to provide colliers and transport for the Army in time of war. There is in the proposition 5 per cent of mail facilities and 95 per cent of subsidy provided. Not only is this true, but it is a subsidy without compensation to the Government of the United States. It is one that will not benefit the people of this country at all, as has been said here. The mail facilities should be paid for. When the Republican party proposes to inaugurate the ship-subsidy policy, let them come forward and pass a bill for that purpose, and not load down the postal service with it.

I say to the Members of this House that whenever you place upon the postal service an unnecessary burden you cripple and injure the postal service to that extent. Pass this bill and the next time the postal employees ask additional compensation they will be met with the cry that there is a large postal deficit, and to weigh it down with this proposition will postpone their just claims, to the detriment and injury of the postal service. Keep the postal service for one purpose, and that is the transmission and distribution of the mail. Do not load it down with other propositions. Whenever you do, you get into trouble that you can not fathom. The American people to-day have a great postal service. I am proud of it. In the nine years I have been in Congress I have tried to make it better, and I view with alarm any proposition such as this to injure it. [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OVERSTREET. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, there seems to be some difference of opinion as to the effect of this measure in promoting the merchant marine. There are certain technical phases of this question that I believe should be taken account of. At the present time the provision is essentially that of a subsidy. The distances to South America and to the Orient are so great that twenty knots is an impossible speed. A \$2 rate is an impossible rate. Consequently to-day there is no promotion of the American merchant marine. But I believe that a \$4 rate would permit the lines to be built, and if my estimates are not wrong,

allowing 5 per cent for deterioration a year and 5 per cent for partial profits, there ought to be between thirty-five and forty ships created by this assistance.

Let me point out that this is a fair chance to try the proposition and see if it is a subsidy or a promotion for the American merchant marine. If we leave it as it is, it is a subsidy; if you try it the other way, it may prove to be a promotion of the merchant marine. Further, I do not maintain that it will be adequate. I know that a merchant marine is so essential to the nations of the world that even if we secure the transportation to those markets, foreign nations will undercut us. I believe we will have to follow this up with navigation laws. In fact, the time is coming when other governments will own transportation lines and will force this form of government ownership upon us.

Another technical point: We have had an illustration in the war with Spain of the expense of not having an adequate merchant marine. Talk about raiding the Treasury. The "mosquito fleet" and those inefficient colliers are the greatest raid upon the Treasury since the civil war. Possession of a merchant marine would have saved us tenfold the cost of the necessary promotion.

The transportation in that small war was only to Cuba, and yet we exhausted our possibilities of expansion in auxiliaries. We could not buy vessels abroad and had to bring into service small ships poorly adapted to the transportation of coal, which to-day constitute a monument to the waste involved in attempting to provide auxiliaries without a merchant marine. To-day those colliers could not transport themselves to the Philippine Islands or Hawaii.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOBSON. The fleet on which we have spent hundreds of millions would have been impotent and useless in case of war in the Pacific, for it could not have gone there.

[Here the hammer fell.]

Mr. MOON of Tennessee. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, one peculiarity about this measure, or at least this proposal, judging by the speeches made on the other side, is that it seems to be neither "fish, flesh, nor good red herring." They say it does not provide for a subsidy even for sufficient compensation to ships carrying American mail. If that description of it be correct I should think there should be no objection on the part of anyone if it were rejected throughout—brushed from the floor as rubbish to be swept away—not a legislation proposed to be seriously considered. My friend from Alabama [Mr. HOBSON] has of course pictured to us a condition where the only objection to this proposal would be that it is ridiculously disproportionate to the emergency he discerns. According to him there is but one safety for us from the perils which affright him. The Government must own all the shipping sailing from every port of the country, because at some time or other all the world will be by the ears and we will need every ship on the ocean as colliers to supply our war vessels with the necessary materials of steam transportation. [Applause on the Democratic side.]

Now, the great difficulty I have experienced is to determine whether, in the judgment of its promoters, this is really an appropriation for the necessary expenses of the post-office, or whether it is what the gentleman from Alabama scorns to call a "subsidy," but is willing to recognize as a "promotion" to American shipbuilding. Mr. Speaker, mark the distinction between those words. "Subsidy" is to be distinguished from "promotion." One may be reprehensible, but the other is commendable. The statesman that would recoil from a subsidy would not hesitate to support a promotion. [Applause and laughter on the Democratic side.] Mr. Speaker, those of my friends on the other side who have spoken on this subject effectively are not those who have discussed it as a question affecting efficiency of the post-office, but the orators who have appealed to the American flag as their justification. Now, that is at least familiar, even though we may doubt whether it is sensible. We know what that means. [Laughter.] That means appetite thirsting for an appropriation. [Laughter and applause.] It is the old familiar cry with which the judgment of Representatives has been made subject to the schemes of selfish promoters. Cursed be he who would hesitate to throw open the door of the Treasury to an enterprising citizen who approaches it wrapped in the American flag! [Laughter.]

Mr. Speaker, there is a wide distinction between the two sides of this Chamber upon one question. It is not over our desire for the restoration of the American flag to any point of prominence from which it can float with glory. On that we are all unanimous. But there is a wide divergence of opinion be-



tween the two parties as to where the flag can float with credit to itself and where it may be unfolded with doubtful honor. We on this side, sir, believe it is an emblem of glorious self-sacrifice, not a badge of sordid greed. We believe that the true way to restore the merchant marine or any other commercial enterprise to prominence is to furnish the best service. Let us build the best ships, and then we will be proud to see the flag float from them. Then you will not need a subsidy; then they will dominate the transportation trade of the world by the superior excellence of the service they can render. There can be no necessity or excuse for a subsidy except to keep inferior ships in operation. [Applause on the Democratic side.]

We want the American flag restored to the ocean by the construction of splendid ships to float it; you by maintaining squallid ships living, not upon what they can earn in free competition with all the world, but on treasure extracted or extorted from the Treasury of this nation. We want to see the American flag restored by the development of skill in production and ability in business management; you by granting subsidies which will encourage fresh demands until the lobbies will be thronged with the agents of the trusts. [Applause on the Democratic side.] Between those two the American people must judge. You can not becloud this question by misapplication of terms. A man who will pretend that an appropriation of \$186,000, which has sufficed to meet every necessity of this branch of the postal service, increased suddenly by \$3,500,000, without any pretense of extending the facilities, can be anything else than a subsidy must have a very low estimate of popular intelligence. The gentleman from Alabama describes the proposal fairly, even while shrinking from the word "subsidy," when he says that it will promote American shipbuilding. We welcome the definition and the issue it raises.

Between the Democratic policy of restoring the merchant marine by improved industry and your proposal to restore it by subsidy we challenge the judgment of the American people. [Loud applause on the Democratic side.]

Mr. OVERSTREET. How much time have I remaining?

The SPEAKER. Five minutes.

Mr. OVERSTREET. I yield the balance of my time to the gentleman from New York [Mr. FASSETT].

Mr. FASSETT. Mr. Speaker, I regret exceedingly that my health will not permit me to enter into an oratorical contest of vociferation with my friend from New York. I am glad if this may prove to be an entering wedge. [Applause on the Republican side.] I care not whether you call this a subsidy; I care not whether you call it a subvention, or protection, or promotion, or encouragement, or appropriation, so long as it accomplishes the object. [Applause on the Republican side.] No American can differ from another American upon the desirability of restoring our merchant marine to its ancient splendor and majesty upon the seas. We have become the greatest producing nation in the world, and foreigners, our trade rivals, are carrying our goods.

Our friends upon the other side have told us about the sweets of the foreign markets, and look and behold, every foreign market in the world is held under the control of our trade rivals, and when we ask you for permission to enter there you sneeringly say, "subsidy" and "subvention." Gentlemen seem to be hostile against an effort to restore American shipping. The learned orator says that all we need do is to build good ships. Gentlemen, we build the best ships in the world. [Applause.] And gentlemen say we want good management of those ships. Gentlemen, our sailors outlive the world. [Applause.] We build the best ships, we manage the best ships, but we build them at the highest rate of interest, we pay the highest rate of wages to the employees who drive every rivet home, we pay more for food for our sailors, we pay more for wage to our sailors, and, consequently, we can not meet the test of cheapness proposed by the gentleman from Ohio [Mr. BURTON]. Gentlemen, we have got past the worship of the god of cheapness. [Applause.]

What we want is a higher civilization founded upon a higher plane of living through higher possibilities of earning, and under God and the protection policy we have achieved that in America.

The whole business of the world is twenty-four thousand millions of dollars a year, of which we furnish 12½ per cent, and we carry only 1½ per cent. We pay \$210,000,000 a year for transportation, and pay only 12½ per cent to our own people. We are endeavoring by this legislation to make it possible for the best ships, equipped with the best men, managed in the best way, to cover the seas, and we are moved to this by every dictate of prudence and every impulse of patriotism. [Applause.] We need this not alone for our ships, for our Navy in time of war, but we need it for commercial purposes. So long as our productive capacity has not yet overtaken our consuming ca-

capacity, it is well enough, but, with Pittsburg producing more than England and Germany in steel and iron alone, we are overtaking our own capacity to consume with tremendous rapidity, and then when we want to send goods abroad who is going to take them? Our trade rivals.

The *Lusitania* and the *Mauretania*, those great ships, 780 feet long, 80 feet wide, and 103 feet deep, costing \$6,500,000 apiece, were given practically to the Cunard Company by terms of subvention so generous that at the end of twenty years they will not have cost the Cunard Company one penny. If either one of those ships was placed on end in this open common beside the Washington Monument, the ship would tower 200 feet above the monument.

Living upon our commerce in times of peace, they prey upon our vitals in time of war, supported by our own commerce. [Loud and long-continued applause.]

The SPEAKER. The question is on suspending the rules, receding from the disagreement to Senate amendments numbered 76 and 77, and concurring in the same.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. MOON of Tennessee. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 145, nays 153, answered "present" 11, not voting 79, as follows:

## YEAS—145.

Acheson	Draper	Humphrey, Wash.	Overstreet
Alexander, N. Y.	Driscoll	Jenkins	Parker, N. J.
Andrus	Durey	Jones, Va.	Parker, S. Dak.
Anthony	Edwards, Ky.	Jones, Wash.	Parsons
Barchfeld	Ellis, Mo.	Kahn	Payne
Barclay	Ellis, Oreg.	Kelker	Pollard
Bartholdt	Englebright	Kennedy, Ohio	Porter
Bates	Fassett	Kinkaid	Pray
Beale, Pa.	Focht	Knapp	Roberts
Bede	Fordney	Lafean	Rodenberg
Bennet, N. Y.	Foster, Ind.	Landis	Scott
Bingham	Foster, Vt.	Langley	Sherman
Bonyng	Foulkrod	Laning	Slemp
Boutell	Fowler	Lawrence	Smith, Cal.
Bradley	French	Littlefield	Smith, Mich.
Brownlow	Galnes, W. Va.	Longworth	Snapp
Brumm	Gardner, Mich.	Lorimer	Southwick
Burke	Gardner, N. J.	Loud	Sperry
Burleigh	Gillett	Loudenslager	Sterling
Burton, Del.	Goebel	Lovering	Stevens, Minn.
Calder	Graham	McGavin	Sturgiss
Capron	Greene	McGuire	Sulloway
Caulfield	Hale	McKinlay, Cal.	Taylor, Ohio
Cole	Hall	McKinley, Ill.	Thistlewood
Cook, Colo.	Haskins	McLachlan, Cal.	Tirrell
Cook, Pa.	Hawley	McLaughlin, Mich.	Vreeland
Cooper, Pa.	Hayes	McMillan	Waldo
Coudrey	Henry, Conn.	Madison	Wanger
Crumpacker	Higgins	Malby	Washburn
Currier	Hill, Conn.	Mondell	Weeks
Cushman	Hobson	Moore, Pa.	Wheeler
Dalzell	Holliday	Moore, Pa.	Wood
Darragh	Howell, N. J.	Mouser	Young
Dawes	Howell, Utah	Needham	The Speaker
Denby	Howland	Norris	
Diekema	Hubbard, W. Va.	Olcott	
Douglas	Huff	Olmsted	

## NAYS—153.

Adair	Denver	Howard	Rauch
Adamson	Dixon	Hughes, N. J.	Reeder
Aiken	Ellerbe	Hull, Tenn.	Robinson
Alexander, Mo.	Esch	Humphreys, Miss.	Rothermel
Ansberry	Ferris	Johnson, Ky.	Rucker
Ashbrook	Finley	Johnson, S. C.	Russell, Mo.
Beall, Tex.	Fitzgerald	Keliber	Russell, Tex.
Bell, Ga.	Floyd	Kennedy, Iowa	Sabath
Boeber	Foss	Kimball	Saunders
Bowers	Foster, Ill.	Kipp	Sherley
Boyd	Fuller	Kiistermann	Sherwood
Brantley	Fulton	Lamb	Sims
Brodhead	Galnes, Tenn.	Lenahan	Slayden
Broussard	Garner	Lindbergh	Small
Brundidge	Garrett	Lloyd	Smith, Iowa
Burgess	Gilhams	McDermott	Smith, Mo.
Burleson	Gill	McHenry	Sparkman
Burnett	Gillespie	McKinney	Spight
Burton, Ohio	Glass	McLain	Stafford
Byrd	Goldfogle	Macon	Stanley
Candler	Gordon	Mann	Steenerson
Carter	Goulden	Maynard	Stephens, Tex.
Cary	Granger	Miller	Sulzer
Chaney	Gregg	Moore, Tenn.	Tawney
Chapman	Hackett	Moore, Tex.	Taylor, Ala.
Clark, Fla.	Hackney	Morse	Thomas, N. C.
Clark, Mo.	Hamill	Murdock	Tou Velle
Clayton	Hamilton, Iowa	Murphy	Underwood
Cockran	Hamlin	Nelson	Volstead
Cooper, Tex.	Hardwick	Nicholls	Watkins
Cooper, Wis.	Hardy	Padgett	Webb
Cox, Ind.	Haugen	Page	Williams
Craig	Hay	Patterson	Wilson, Ill.
Crawford	Heflin	Pou	Wilson, Pa.
Davenport	Helm	Pratt	Wolf
Davidson	Henry, Tex.	Pujo	Woodyard
Davis, Minn.	Hinshaw	Ralney	
Dawson	Hitchcock	Randell, Tex.	
De Armond	Houston	Ransdell, La.	

ANSWERED "PRESENT"—11.			
Butler	Haggott	Lever	Sheppard
Calderhead	Harrison	Prince	Talbot
Campbell	Lee	Richardson	
NOT VOTING—79.			
Allen	Fornes	Knowland	Pearre
Ames	Gardner, Mass.	Lamar, Fla.	Perkins
Bannon	Godwin	Lamar, Mo.	Peters
Bartlett, Ga.	Graff	Lassiter	Powers
Bartlett, Nev.	Griggs	Law	Reid
Bennett, Ky.	Gronna	Leake	Reynolds
Birdsall	Hamilton, Mich.	Legare	Rhinock
Caldwell	Hammond	Lewis	Riordan
Carlin	Harding	Lilly	Ryan
Cocks, N. Y.	Hepburn	Lindsay	Shackleford
Conner	Hill, Miss.	Livingston	Smith, Tex.
Cousins	Hubbard, Iowa	Lowden	Thomas, Ohio
Cravens	Hughes, W. Va.	McCall	Townsend
Davey, La.	Hull, Iowa	McCreary	Wallace
Dunwell	Jackson	McMorran	Watson
Dwight	James, Addison D.	Madden	Weems
Edwards, Ga.	James, Ollie M.	Marshall	Weisse
Fairchild	Kitchin, Claude	Mudd	Wiley
Favrot	Kitchin, Wm. W.	Nye	Willett
Flood	Knopf	O'Connell	

So the Senate amendments were disagreed to. The Clerk announced the following additional pairs: Until further notice:

Mr. ANDRUS with Mr. RIORDAN.  
 Mr. BANNON with Mr. OLLIE M. JAMES.  
 Mr. KNOWLAND with Mr. GODWIN.  
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
 Mr. ADDISON D. JAMES with Mr. FAVROT.  
 Mr. HULL of Iowa with Mr. DAVEY of Louisiana.  
 Mr. GARDNER of Massachusetts with Mr. CRAVENS.  
 Mr. GRONNA with Mr. CARLIN.  
 Mr. BENNETT of Kentucky with Mr. CALDWELL.  
 Mr. ALLEN with Mr. LEVER.  
 Mr. HEPBURN with Mr. RICHARDSON.  
 Mr. JACKSON with Mr. FORNES.  
 Mr. MARSHALL with Mr. LEAKE.  
 Mr. POWERS with Mr. LIVINGSTON.  
 Mr. NYE with Mr. RHINOCK.  
 Mr. THOMAS of Ohio with Mr. RYAN.  
 Mr. TOWNSEND with Mr. SMITH of Texas.  
 Mr. WEEMS with Mr. WILLETT.  
 Mr. HAMILTON of Michigan with Mr. LEGARE.

For this vote:

Mr. PEARRE (in favor) with Mr. CAMPBELL (against).  
 Mr. LAW (in favor) with Mr. PERKINS (against).  
 Mr. CONNER (against) with Mr. BARTLETT of Nevada (in favor).  
 Mr. McMORRAN with Mr. PRINCE.  
 Mr. MCCALL (in favor) with Mr. LEE (against).  
 Mr. REYNOLDS (in favor) with Mr. MADDEN (against).  
 Mr. AMES (in favor) with Mr. HAMMOND (against).  
 Mr. COCKS of New York with Mr. LOWDEN.  
 Mr. HUGHES of West Virginia (in favor) with Mr. GRAFF (against).

Mr. PRINCE. Mr. Speaker, I desire to know if Mr. McMORRAN voted?

The SPEAKER. No.

Mr. PRINCE. Then I withdraw my vote of "no" and vote "present."

Mr. CAMPBELL. Mr. Speaker, is the gentleman from Maryland [Mr. PEARRE] recorded as voting?

The SPEAKER. He seems to be paired with Mr. CAMPBELL.

Mr. CAMPBELL. I voted "no." I now desire to change my vote to "present."

The name of the gentleman from Kansas [Mr. CAMPBELL] was called and he voted "present."

Mr. HARRISON. Mr. Speaker, is the gentleman from New York [Mr. DWIGHT] recorded as voting?

The SPEAKER. He is not.

Mr. HARRISON. I have a pair with him, and, therefore, as I voted "no," I would like to withdraw my vote.

The SPEAKER. Call the gentleman's name.

The name of the gentleman from New York [Mr. HARRISON] was called, and he voted "present."

The result of the vote was then announced as above recorded.

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules, that the House further insist upon its disagreement to the Senate amendments, and the conferees be instructed to insist on their disagreement.

Mr. MOON of Tennessee. Mr. Speaker—

Mr. OVERSTREET. If I can make myself heard, I move to suspend the rules, that the House adhere to its disagreement to the Senate amendments on the post-office appropriation bill, and that the conferees be requested to adhere.

Mr. MOON of Tennessee. Mr. Speaker—

The SPEAKER. One moment. If the gentleman from Indiana will give his attention. If the House should adhere to its disagreement to the Senate amendments it should not ask for a conference. It is not the usual custom where the House adheres, and a simple motion to adhere would be sufficient, if it is the sense of the House.

Mr. OVERSTREET. Then I make that motion.

The SPEAKER. The gentleman from Indiana moves to suspend the rules, and that the House do adhere to its disagreement to the three amendments before the House.

The question was taken, and the motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21897) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

#### CONSTRUCTION OF DAM ACROSS RAINY RIVER.

Mr. STEVENS of Minnesota. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move that the House do now reconsider the bill H. R. 15444.

The SPEAKER. The gentleman from Minnesota calls up the following bill, which the Clerk will report:

The Clerk read as follows:

A bill (H. R. 5444) extending the time for the construction of a dam across Rainy River.

*Be it enacted, etc.,* That the Rainy River Improvement Company, a corporation organized under the laws of the State of Minnesota, as the successor to the rights and privileges heretofore granted to the Koochiching Company under the following acts of Congress, namely: Chapter 238 of volume 30, Statutes at Large, entitled "An act permitting the building of a dam across Rainy River," approved May 4, 1898; and of chapter 797 of volume 33, Statutes at Large, entitled "An act relating to a dam across Rainy River," approved February 25, 1905, and of the various acts and provisions therein recited amending said act approved May 4, 1898, and further subject to the restrictions, conditions, and terms of all of said acts, is hereby authorized to construct and maintain a dam across Rainy River, Minnesota, at the place designated in said acts in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, so far as the same shall be applicable thereto: *Provided*, That said dam shall be completed on or before July, 1911.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question, under the Constitution, is: Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? The gentleman from Minnesota is recognized.

Mr. STEVENS of Minnesota. Mr. Speaker, this bill is known as the "Rainy River bill," to extend the time of that company to construct a dam across Rainy River, Minnesota, upon which the President sent a veto message to the House upon the 13th day of April last, which was based upon substantially two grounds: First, that the act provided no limitation as to the time for its operation; and, second, that there was no limitation or condition of charge by the Government for the privilege granted to the company.

The bill was referred by the House to the Committee on Interstate and Foreign Commerce, which had extensive hearings upon the measure, and many new facts were developed which were not known to the House nor the President at the time the original action was taken. In these hearings it was developed, as we knew before, that this was an international proposition, Rainy River being the boundary stream between Minnesota and the Province of Ontario. It was necessary, on that account, that this company should obtain franchises and rights from the Dominion of Canada and from the Province of Ontario as well as from Congress. This had been done, and the company in 1905, after acquiring its rights completely in Canada and in the United States, commenced the construction of the dam, and has expended more than \$750,000 without issuing bonds or a dollar's worth of stock, so that it has been done with their own funds, for the purpose of making this improvement as provided by their grant.

Under the act of Congress of 1905, for a three years' provision to finish the work, their time would elapse under this law in July, 1908, and this bill provided for its extension until July, 1911.

It was found further that the Canadian government provided that this project should not only be a part of their system for providing power for the adjacent country, but was a part of the navigation system of Canada; that it was a unit proposi-



tion; that the two sides of the river could not be separated; that there could only be one dam and one project for the whole river, and this is expressly stated in the Canadian grant. It is also stated as a basis for the Canadian grant that this improvement would be of great advantage to navigation. There was a project on the part of our Government to survey that river with a view to improving our own navigation facilities.

The Corps of Engineers reported in December, 1905, that the navigation was on the Canadian side of the river, and that there could be no navigation on our side of the river without a very large expense. It was shown in the testimony before the committee that the navigation would be improved by raising the head of water, affording the facilities without cost, and under the provisions of the general dam act, under which this expense would be provided by lock and dam free of cost to the United States if it should ever be necessary to make these improvements. These matters were presented to the committee at length. During the hearings the Secretary of the Interior, Hon. James R. Garfield, on behalf of the President, appeared to present the views of the Administration upon this matter. He was heard at length to discuss the objections to the bill. After the hearing conferences were had by the representatives of the company with the officers of the Administration.

The officers of the company have been extremely anxious, from the beginning, to comply with all that the Administration has required. It has only been the difference of opinion between those who doubted the full power of Congress to make charges, and those who believed that Congress had the largest power. This bill does not touch or settle that point at all. It was agreed between the Administration and the committee that any points of difference ought not to be settled or discussed by this bill, because they could not be. The bill itself can not be amended. It must pass exactly as it passed the Senate and House and was acted upon by the President. Under these circumstances the officers of the Rainy River Improvement Company—

Mr. WILLIAMS. Mr. Speaker, right there I would like to ask the gentleman a question.

Mr. STEVENS of Minnesota. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. While of course you can not take up the same bill and amend it when the question is, "Shall the bill pass, the objections of the President to the contrary notwithstanding?" why could not the committee have brought in a new bill fixing a limitation of time and fixing a charge, either to be paid to the Federal Government, or providing in the bill that there should be a charge paid to the State of Minnesota satisfactory to that State, the latter being in my opinion the preferable course to pursue?

Mr. STEVENS of Minnesota. Mr. Speaker, I am very glad the gentleman asked that question, because the committee have had that very situation in mind. It is the view of many able lawyers that the present dam act is almost as broad as language can make it. I do not wish to discuss the language of the act. I simply read the action of the committee upon the proposition stated by the gentleman from Mississippi. The language of the present law, which is incorporated as a part of this bill, is as follows:

*Provided, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.*

Now, the committee were in doubt as to whether or not that language was as broad and the powers and authority as extensive as it could be under the Constitution. Accordingly, the Committee on Interstate and Foreign Commerce directed that its subcommittee, which had charge of those affairs, should investigate and consider this very proposition, which is stated in the report filed with this bill. I will read that language:

Your committee realized that such defects might exist, and directed its proper subcommittee to take this whole subject under consideration, to submit such amendments to such general act at the first meeting in December next as should grant to the proper officials of the War Department the largest authority under the Constitution to fix any definite time limit which should be necessary and such charge as could be made under the circumstances of each particular case.

The committee have done all that they could. They stand ready to bring in a measure before this House to give the largest authority, to do exactly what the gentleman from Mississippi desires; but it could not be done at this time in the session, with the pressure of business. For that reason this company and these officials went to the War Department and agreed to do four things which are set forth in this report:

First. Such reasonable limitations as to the time for such grant as the Secretary of War shall impose, conditioned that the United States shall not be subjected to any expense in the removal of such or any obstruction or improvement caused by said company either at the expiration of said grant or at any other time that the United States may direct the same to be removed.

Second. That the said Rainy River Improvement Company has agreed and will agree to the payment of such charge to the United States as may be required by the Secretary of War, either under the present law or as may be hereafter determined by authority of Congress.

Third. That this grant is expressly made subject to any impositions hereinafter authorized or directed by Congress embodied in any general law or special modification or change of this or other acts, and that a special reservation to this effect shall be an essential part of such approval of said plans by the Secretary of War and Chief of Engineers.

Fourth. That any application of said company for the approval of its plans and specifications whenever made shall be agreed by said parties to be within the purview of a part of and as authorized by the pending act of Congress whenever the same shall become a law; and that all the provisions of the approval of the Secretary of War and Chief of Engineers to said plans and specifications and all conditions as a part thereof shall be a part of the authority of said officers now or hereafter conferred by general or special acts of Congress with reference to this project.

Now, that agreement is in writing, signed by these officers of the Rainy River Company, and approved by the War Department officials.

Mr. LITTLEFIELD. Does the gentleman think that will make those conditions legally a part of the legislation?

Mr. STEVENS of Minnesota. No, Mr. Speaker, but it does this, it binds the officials of the company, when they submit their plans for approval, to subject themselves to those very limitations and conditions, and that is what they want to do. They want in good faith to comply with those very things that they have agreed to do. Of course it can not affect this legislation. Nobody pretends that it does. But in connection with this legislation it does show clearly that the intent of your committee and the intent of the company was to comply in the utmost good faith with the requirements laid down by President Roosevelt as to this particular case. It can not affect any other.

Mr. LITTLEFIELD. Your proposition is that if it is not legal, it is a moral estoppel?

Mr. STEVENS of Minnesota. It is more than that; it is an agreement on their part that if the War Department will agree to and approve their plans, they on their part will agree to submit to these conditions. Now, on the strength of this situation to-day, the Secretary of the Interior, James R. Garfield, sent to the Committee on Interstate and Foreign Commerce a letter which I send to the desk to be read in my time. Before that is read I will yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. I rose to ask the gentleman if this would not operate to estop them from claiming an estoppel on the part of the Government?

Mr. STEVENS of Minnesota. I think it would be an estoppel.

The Clerk read as follows:

SECRETARY'S OFFICE,  
DEPARTMENT OF THE INTERIOR,  
Washington, D. C., May 23, 1908.

DEAR SIR: I have discussed the report of your subcommittee on the Rainy River Improvement Company bill with the President, and I am authorized by him to say that he recognizes the conditions which mark this case off very sharply from any which may hereafter arise, in view of the fact that under an existing law much capital has already been invested by the Rainy River Improvement Company which will represent a dead loss if there is no extension of the time within which the company is required to complete its work, and, furthermore, in view of the fact that the parliamentary situation in Congress is such that no new bill nor amendment to the present bill can now be passed.

It also appears that the Committee on Interstate and Foreign Commerce has announced in the report that at the next session of Congress it will endeavor to remedy the defects of the existing general law on the subject by submitting amendments which will permit the Executive to fix definite time limits and impose reasonable charges in all such cases, while on its part the Rainy River Improvement Company, through its president, has filed with the War Department an agreement that it will submit to and abide by such conditions as may be imposed by the Secretary of War, including a time limit and a reasonable charge, when it files as it must, the new plans which must be approved by the War Department before it can proceed under the proposed law.

These conditions having been fulfilled, the President feels that it is safe, from the viewpoint of the public interest, and equitable to the Rainy River Improvement Company to enact the bill into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
Secretary.

HON. FREDERICK C. STEVENS,  
Committee on Interstate and Foreign Commerce,  
House of Representatives.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield now to the gentleman from Alabama, my colleague, Mr. RICHARDSON, who is on the committee and the subcommittee, such time as he desires.

Mr. RICHARDSON. Mr. Speaker, I think in order for the House to fully understand this matter, it is necessary to refer briefly to the conditions and causes that brought it about. I agree in the arrangement that resulted in the work and consultation of the subcommittee of the Interstate and Foreign Commerce Committee with the President and with the Secretary of the Interior. I do that, Mr. Speaker, simply for the reason that in this proceeding is conceded the fact that the veto by the President of the United States of the Rainy River bill, now under consideration, is to be overridden by this House

on the ground that it was not in principle right. That is why I agree to it. If that is not done, then the work and recommendation made in our report is fruitless.

It will be remembered, Mr. Speaker, that recently, in a special message from the President of the United States, he declared that there had been introduced numerous bills granting water-power rights on navigable streams, and that he intended to veto each and every one of them that did not provide for a rental and a charge in behalf of the Government for the use of the water. The bill, known as the "Rainy River bill," came up after that declaration made by the President. It passed both the Senate and the House and the President vetoed it. The President's veto is based on these reasons:

Every permit to construct a dam on a navigable stream should specifically recognize the right of the Government to fix a term for its duration and to impose such charge or charges as may be deemed necessary to protect the present and future interests of the United States in accordance with the act of June 21, 1906. There is sharp conflict of judgment as to whether this general act empowers the War Department to fix a charge and set a time limit. All grounds for such doubt should be removed henceforth by the insertion in every act granting such a permit of words adequate to show that a time limit and a charge to be paid to the Government are among the interests of the United States which should be protected through conditions and stipulations to be imposed either by the War Department or, as I think would be preferable, by the Interior Department.

The veto was sent back to the House and referred to the Committee on Interstate and Foreign Commerce, and a subcommittee was appointed, of which I had the pleasure of being a member, and we made laborious, sincere, and honest efforts to protect an honest company, the Rainy River Improvement Company, that had been acting in absolutely good faith, and at the same time we felt that we were unwilling to sacrifice or compromise one iota of principle on the great question of what jurisdiction the Federal Government has over navigable streams. That is a question that is so vital and far-reaching and so important, and upon which I will not, under any circumstances, surrender the conviction I have until I am convinced I am wrong.

Now, the Rainy River Company was organized in 1898, and the records in the War Department show that the Government engineer had reported in the past few years that it would be unwise and too expensive to the Government to undertake to construct works for the improvement of navigation at the point where the Rainy River Improvement Company had authority to construct its dam. The company has spent, up to date, nearly \$1,000,000, and it is in the act of spending five and a half million dollars more for necessary plants to utilize the water power.

Their lease or term expired the 1st of July, 1908, this year. They simply applied in a formal way for an extension of their charter to carry on this work, and it was that bill that the President of the United States vetoed, because it did not make provision for a charge or rental for the Federal Government for the use of the water power. We can not ignore the fact that the Government had declined to spend a dollar at that point for the improvement of navigation, because it was too expensive.

Mr. HUMPHREYS of Mississippi. Will the gentleman allow me? That was one of the reasons—

Mr. RICHARDSON. I am explaining the bill; I am coming to the results.

Mr. HUMPHREYS of Mississippi. When the President vetoed this bill, is it not a fact that this company had then expended a good deal of money there?

Mr. RICHARDSON. Yes; nearly a million dollars.

Mr. HUMPHREYS of Mississippi. When the bill was vetoed?

Mr. RICHARDSON. Before it was vetoed. It had invested nearly a million dollars before the veto was made.

Mr. HUMPHREYS of Mississippi. One of the reasons given by the President why the veto should be overridden is the fact that they had made this investment there prior to that time?

Mr. RICHARDSON. No; that is not the entire reason. The reason given by the Secretary of the Interior, who represented the President, is that the veto was mistaken in a matter of fact. I would have voted to override the veto if it had come up under other circumstances.

Mr. HUMPHREYS of Mississippi. The President now says, "In view of the fact that under an existing law much capital has already been invested by the Rainy River Improvement Company, which will represent a dead loss if there is no extension of the time within which the company is required to complete its work," he is willing that this shall become a law.

Mr. RICHARDSON. Yes; that is what the Secretary of the Interior says. And I say if this veto stands, the company goes into bankruptcy and sinks every dollar it has invested, and it is unjust and unfair to this company.

Mr. HUBBARD of West Virginia. It is a fact, is it not, although that investment had been made at the time of the veto, that fact was not known to the President.

Mr. HUMPHREYS of Mississippi. Then the President vetoed the bill without knowledge of the facts.

Mr. RICHARDSON. I am glad of the suggestion of the gentleman from West Virginia, because I have no doubt whatever his statement is entirely correct.

Mr. HUMPHREYS of Mississippi. I want the fact made apparent that the President vetoed this bill without knowledge of the facts. This bill was one of two or more applications by the Rainy River Improvement Company to extend the time for the completion of the dam. The company had spent money and time in securing a proper charter or permit from Canada. Rainy River is about 80 miles in length and constitutes a part of the border line between the State of Minnesota and Canada. The Canada permit having been secured, the company commenced work and spent money to a large amount. Then it was that the company applied for an extension of its American charter.

Mr. RICHARDSON. The fact that the War Department, by its engineers, had examined that place in 1905, and reported adversely on any plan for the improvement of navigation at that point on Rainy River, because it was impracticable and too expensive, is a potent fact in the consideration of this question of the veto. I believe, Mr. Speaker, that the Rainy River company had an absolute right to go there and erect that dam and structures without ever consulting the Federal Government, and why? Because there was no question of navigation involved in it, and the Government has no interest whatsoever in any of our navigable streams save to control, use, and supervise navigation. The Government has an "easement," as it is called in law. But that is not involved in this case, because that is conceded when we pass this bill, notwithstanding the veto of the President. We are doing the best we can equitably and fairly to save that company from bankruptcy and suspend at least for a while consideration of other questions. I understand, Mr. Speaker, the reluctance that any company or citizen feels in erecting any works on a navigable stream, even at a point where navigation is entirely impracticable by reason of natural obstructions, without first getting the consent of the Government.

Now, that is so far as the bill is concerned. I do not agree, and I have said as much to my colleague from Minnesota [Mr. STEVENS], because I think practically we agree—but I do not agree with what the Secretary of the Interior, Mr. Garfield, says. He goes in his letter something further, I think, than the committee goes that makes this report. He was representing the President and anxious to treat this company fairly. Well, in the first and foremost place he says in his letter as one of the conditions to be complied with, "to impose reasonable charges in all such cases." I do not admit that the Federal Government, in the matter of navigable streams, has the right to put limits or to put charges unless it involves navigation. A "time limit" enters as an element into the charges or expense. The Government can sell the water.

Mr. HUMPHREYS of Mississippi. Has the Interstate and Foreign Commerce Committee announced that at the next session of Congress it is going to pass such a law?

Mr. RICHARDSON. It has not of my knowledge. I am coming to that now. We have a general law, passed June 21, 1906, to regulate the construction of dams, etc., and you may remember that the gentleman from Michigan [Mr. TOWNSEND] a short time since on the floor of the House asked me the question if I was not a member of the Interstate Commerce Committee, and had I not agreed to that dam bill, and did the bill not provide the War Department to prescribe stipulations for conditions and limitations, and so forth, and could not a rental charge be one of the conditions. I said, "yes, I had agreed to the bill," but I asked him if he ever heard of anybody contending that that bill provided for the Federal Government to make charges where navigation was not concerned. He said no, he did not, he had not heard of that, and now I contend that when any intimation is made—none is made by my colleagues on this committee—that the present dam bill makes any provision for the Federal Government collecting charges, I dissent to that, and the dam bill does not mean it. For the War Department to prescribe stipulations, conditions, and so forth, applies only to the protection of navigation and prevent it from being interfered with.

Mr. WILLIAMS. The gentleman from Minnesota [Mr. STEVENS] a moment ago, pleading with the House to pass this bill over the President's veto—

The SPEAKER. The time of the gentleman has expired.

Mr. STEVENS. I yield three minutes more to the gentleman.



Mr. WILLIAMS. The gentleman from Minnesota a moment ago was pleading with the House to pass this bill over the President's veto upon the ground that the President's demands had been complied with by a contract entered into by the officers of the company in the office of the Secretary of War. Now, the gentleman is pleading with the House to override the veto upon the ground that there was no right to make any such condition.

Mr. RICHARDSON. No; not that.

Mr. WILLIAMS. So that one stands here pleading to pass it over the veto because conditions have been made and will be complied with, and the other on the ground of general denial of the right to make them.

Mr. RICHARDSON. Not at all. The gentleman does not comprehend the situation. I have not said anything about stipulations or agreements by which this bill becomes a law over the veto of the President.

Mr. WILLIAMS. The gentleman has just denied that the Federal Government had the right to charge toll—

Mr. RICHARDSON. Oh, the gentleman's views and mine are entirely different on that question, and that we can agree on. But I say that this whole project, righteous and just as it is, falls to the ground unless this House this evening overrides the President's veto. No one will deny that who comprehends the situation. It is a part and parcel of the programme—

Mr. CLAYTON. And these people will lose a million dollars.

Mr. RICHARDSON. They will lose a million dollars, and we are going to accommodate them by the arrangements, stipulations, and so forth, referred to by the gentleman from Minnesota [Mr. STEVENS] and let the future settle the balance. I am not trying to interfere with the arrangements they have made to save that company from bankruptcy.

I think the company did right, and they have the right now, in my opinion, to go there under the laws of our country and erect that dam, because it does not interfere with but improves navigation; but are they going to do it? No; they are going to get the consent of the Government, because capital is timid, and they will not go there and spend that amount of money—and I do not blame them—without getting the consent of the Government to the erection of the dam and works. That does not give the Government one iota of jurisdiction more than the Constitution gives it over navigable streams. We all know that consent can not give jurisdiction. To concede to the Federal Government the right to prescribe conditions simply is a part and parcel of the unquestioned authority of the Government to control navigation, because the Government is supreme in its authority to prevent any obstruction of the navigation of its navigable streams. The sovereignty of the respective States over the navigable streams is subject to the superior right of the Government to control navigation. This can not be construed to confer on the Federal Government the right to issue toll or make charges or claim suit for the use of water powers where navigation is not at all interfered with or obstructed.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield three minutes to the gentleman from West Virginia [Mr. HUBBARD].

Mr. HUBBARD of West Virginia. Mr. Speaker, the questions which arise on this bill in the light of the President's veto are exceedingly serious and important. They are so serious and important that at this period of the session, in my judgment, this House ought not to undertake to deal with those questions. The five questions presented by the President are all rooted in the deeper question, What is the power of the United States with respect to the flowing waters of a navigable stream? That question can not well be determined upon the consideration of this bill, because it involves the question of fact pointed out by the gentleman from Alabama [Mr. RICHARDSON], the question whether this stream is in fact navigable.

But there is a stronger reason, Mr. Speaker, why we should not insist upon determining now the more important question—the question of the power of the United States. This company has put nearly a million dollars into its enterprise. It went out into the wilderness and established there an enterprise to which have been attracted branch roads connecting with two great trunk lines of railroad. It has brought other capital, other industries, other enterprises into that region; and now, sir, the fact is that the company must come to absolute ruin unless it can be permitted to complete this work. That is the reason why I think this bill ought to be passed.

It is suggested that a new bill might be introduced; but, Mr. Speaker, that would not escape the difficulties which surround this one. We should be embarrassed by the same questions that are peculiar to this bill and that are entirely foreign to the great underlying question.

The condition of this company has appealed to our committee, to our subcommittee, to the representatives of the Executive

Department, to everyone concerned in this matter. To permit this case to be dealt with upon its peculiar facts, which call for the passage of this bill, no matter what we may think about the general question of the power of the United States, everyone has been willing, so far as possible, to postpone the consideration and the determination of that important question until it can be taken up on its merits without affecting this particular enterprise.

There is still, Mr. Speaker, a word to be said in this country in favor of private enterprise. Where, under conditions prescribed by the laws heretofore in existence, a company has gone on in good faith and obtained not merely rights from the United States, but rights from the Dominion of Canada, all of which will become valueless if it can not be permitted to go on with this now, and where it has expended large amounts in the work, I respectfully submit that we ought not to pause in our favorable action in order to try to do now that which can be far better done in the future. No one in voting for this bill need yield any of his convictions on the general question of power. He can stand by them, as I expect to stand by mine, when the whole question shall be taken up afresh at the next session in connection with the amendment of the general law referred to by the gentleman from Alabama [Mr. RICHARDSON], or with the consideration of any private bill which may be introduced in a case where no work has been done or money spent on the faith of former legislation.

Mr. WILLIAMS. Mr. Speaker, I do not believe in the Federal or in any government giving away great public utilities, immensely valuable natural resources of power, to corporations without a limit of time and without a dollar of charge, but under the peculiar circumstances of this bill, the fact that it is an international stream, the fact that his company has gone on beforehand and spent this money, the fact that the expenditure was very largely the fault of the Congress of the United States because it had been lax in its use of the powers of the people and in preserving the rights of the people, I am willing to see the bill pass. But if I thought it could be pleaded by that company later on, or by the officers of that company, that the bill had passed because the Federal Government, in giving an easement, had no right to fix the limits and conditions of an easement in the interest of the people, then the President might desert his position forty times before I would desert it once.

If there be a good reason for passing this bill, it is the reason given by the gentleman from Minnesota, and that is that the company is going to comply with the agreement, to wit, a limitation to the life of the grant and a recognition of a right upon the part of either the State of Minnesota or the United States to charge for the power, and that this company shall hereafter be subject, not only to the provisions of the general law and the provisions of this agreement entered into, but be subject to such other general provisions concerning dams and rivers as Congress may hereafter enact. That is the only reason for passing it.

Mr. RICHARDSON. You do not object to the veto made by the President of the Rainey River bill being overridden by a two-thirds vote of the House?

Mr. WILLIAMS. I do not; I am going to be one of the two-thirds in a minute to override it, but to override it upon the ground stated by me, that the general interest has been taken care of and not upon the ground taken in your speech that the General Government has no right to take care of the general interest. I am going to vote to override it on the ground that the gentleman from Minnesota [Mr. STEVENS] assures me, as well as the balance of the committee, including the gentleman from Alabama [Mr. RICHARDSON], that this company would be, without fault of its own, ruined, and that in order to comply with the general interest it has consented that the Secretary of War shall fix a limit and shall fix a rate of charge.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I am glad the President found a palliative to reconcile his feelings to the overriding of his veto by Congress in this case. [Applause.] I do not believe he meant any harm when he vetoed the bill. He has individually shown great consideration to me, and personally I feel very kindly toward him. I shall not quarrel with him about the validity of the grounds on which he finds he can stand and consent to the action of the House. But, Mr. Speaker, while all others may vote upon any ground they choose to override this veto, I shall vote to override it for the reason that he ought not to have vetoed the bill. The position he has taken is essentially unsound. The fundamental mistake he makes is that he gets lost in talking about a Federal grant and Federal charter, when the Federal Government has nothing to grant and issues

no charters. The Federal Government has the right to regulate the navigation of streams, and there its authority over rivers ends. [Applause.]

Questions of private ownership, regulation locally, and taxation are reserved to the control of citizens and States. I do not care anything about the voluntary contract into which these people are alleged to have entered, nor will I discuss whether they may be held bound by it; but I give notice now that as a precedent or establishment of a doctrine or anything binding anybody else in the future, it is all popycock, not worth the paper it is written on nor the words used to state it. I shall vote to override this veto, because this act is extended in accordance with the general dam act on which I and my committee worked for eight years in order to devise a scheme to facilitate navigation by encouraging riparian owners to build dams to develop their own water power, in order to help the Government develop the navigation of streams which it was either unable or unwilling to expend money enough to improve. By encouraging the owners of shoals to put up the dams on their own property the Government would save the expense of building them, with incidental expense for overflow, and so forth. Then the Government simply puts in a lock and has slack-water navigation on all the streams in which dams are built. I do not want the plan spoiled by any such foolishness.

The general law provides for the protection and exercise of every legitimate right and interest the Federal Government as such has in the stream. If it buys, pays for, and at its own expense improves the property, then it manages the property as owner just like any other private citizen owner would do. But when a citizen is riparian owner and wishes to construct a dam he must, under the general law, comply with such conditions as the Government may prescribe, but it has no rightful power nor authority to present any conditions and requirements except such as affect the question of navigability of the stream. The plan presented in our general law will work wonders, both in utilizing water power and extending inland navigation if the Administration will study the spirit and intention of the law and the necessities which demanded and inspired its passage. Persistence in the President's erroneous notion would inflict a most disastrous blow and setback upon our country and the enterprise of our people.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield five minutes to my colleague [Mr. BEDE], who introduced the bill, and then I will ask for a vote.

Mr. BEDE. Mr. Speaker, I have stood by President Roosevelt on all of his issues, including the big Navy and the simple life. [Laughter.] I am standing by him here in asking you to pass this bill notwithstanding his veto, because he himself has withdrawn his objections to this measure. Some have not heard the speeches already made, and permit me to cover some of the same ground by saying that this company was first organized in 1898, then owning the riparian right on the Minnesota side of an international stream. They thought that railroads would soon get to that point and thought it was about time to develop the water power. There is a fall there of 24 feet. They got the right from Congress and then waited for railroads that did not come. They spent their time and much of their capital inducing railroads to get there, for they could not build the dam until they had railroads to bring in the material. Then they discovered the fact that they could develop only about a thousand horsepower on the American side alone and about an equal amount on the Canadian side alone, but by making one dam for the whole river they could develop 30,000 horsepower.

So they thought it a good proposition to get the riparian rights of the Canadian side also, and build one dam for the whole river. So they began work to secure the riparian rights on the Ontario or Canadian side, and went to the Dominion Parliament and to the Ontario provincial parliament to secure permits. In seven long years of effort they accomplished these things.

That brings us down to 1905. In the meantime their permit had been extended by Congress, and the very day after they secured their rights from the Canadian government their contractors, already engaged, began work, and worked steadily until last summer, when the contractors failed because of the panic which came upon the country.

Mr. BURLESON. A Republican panic.

Mr. BEDE. Well, we adopted one or two of your planks and ran the country into a panic. [Laughter.] The contractors failed, business was suspended, and the company felt that the dam could not be completed before their term expired in July next. They came here to procure an extension of their time. The bill was passed by the House and the Senate, went to the President, and he vetoed it on the ground that there should be

a limit to their license or permit, and that the company should pay some revenue to the Federal Government for the use of the water power.

Now, there is some dispute among lawyers, just a little dispute, because I found most of the opinion on one side as to whether the Federal Government can or ought to tax the use of water power, it being almost universally held that it has only to do with navigation.

This dam, when completed, will be 30 feet high. It will back up the water in Rainy River, submerge the rapids above the falls, thereby improving local navigation for the floating of logs, pleasure boats, and tugs which ply there. It will make a great storage reservoir of Rainy Lake, steady the flow of the river, and thus prevent a low-water stage below the falls and improve the navigation there. It actually does the very thing that was asked of the Government in a recent river and harbor bill, but the War Department rejected the request for a survey.

Are you going to put a cloud upon the title of this company? If you do, it can not go on and build the dam, which will cost a total of \$1,200,000, of which \$750,000 is already in the river, and then spend five or six million dollars more in industrial plants to make the dam financially profitable.

After the President had vetoed the bill I went to him, and I think the reason he vetoed it was because he wanted me to go to him. [Laughter.] As they say down in Oklahoma, he "made me come across." I went there to see him; it seemed he wanted my society, and I have spent most of the last month at the White House [laughter], down at the Forestry Bureau [laughter], down at the Reclamation Bureau [laughter], in the Interior Department, in the Office of the Chief Engineer, with the Secretary of War and Judge-Advocate-General, and Acting Secretary, while the campaign is on. [Great laughter.] I have been pretty busy this last month trying to remove the objections to passing this bill over the President's veto, so that no man, Republican or Democrat, would feel when he goes back to his district that there would be any feeling that he has been opposing the wishes of the Executive of the nation. After the President had enjoyed my society for about a month he withdrew all objection to the passage of this bill. [Laughter.]

While I am not going so far as to say that I will stand by him in all things, I have, for my part, declared that I will stand by him whenever he determines in the interest of the conservation of natural resources to swap off the Philippines for Ireland and raise our own police. [Great laughter.] I do not know that I have covered every point [laughter], but unless there are questions that some one would like to ask me I shall be glad to stop at this point and ask for the passage of the bill. [Great laughter and applause and cries of "Vote!"]

The SPEAKER. The question is, Will the House, in reconsideration, pass the bill, the objections of the President to the contrary notwithstanding? As many as are in favor of the reconsideration and passage of the bill will, as their names are called, answer "yea," those opposed will answer "nay;" and the Clerk will call the roll.

The question was taken, and there were—yeas 240, nays 5, answered "present" 6, not voting 136, as follows:

YEAS—240.

Acheson	Clark, Mo.	Floyd	Helm
Adamson	Clayton	Focht	Henry, Conn.
Alken	Cockran	Fordney	Henry, Tex.
Alexander, Mo.	Cook, Colo.	Foss	Hepburn
Ansberry	Cooper, Pa.	Foster, Ind.	Higgins
Ashbrook	Cooper, Wis.	Foster, Vt.	Hill, Conn.
Barchfield	Coudrey	Foulkrod	Hinshaw
Barclay	Cox, Ind.	Fowler	Hitchcock
Bartholdt	Craig	French	Hobson
Bartlett, Nev.	Crawford	Fuller	Holliday
Bates	Crumacker	Fulton	Houston
Beale, Pa.	Currier	Gaines, Tenn.	Howard
Beall, Tex.	Cushman	Gardner, Mich.	Howell, N. J.
Bede	Dalzell	Gardner, N. J.	Howland
Bell, Ga.	Davidson	Garner	Hubbard, W. Va.
Bonyngo	Davis, Minn.	Garrett	Huff
Boutell	Dawes	Gilhams	Hughes, N. J.
Bowers	Dawson	Gillespie	Hull, Tenn.
Boyd	De Armond	Glass	Humphrey, Wash.
Bradley	Denby	Goebel	Humphreys, Miss.
Brantley	Denver	Gordon	Jenkins
Broussard	Diekema	Goulden	Johnson, Ky.
Brownlow	Dixon	Graf	Jones, Wash.
Brumm	Douglas	Graham	Kahn
Burgess	Draper	Granger	Keller
Burke	Driscoll	Greene	Kellier
Burleigh	Durey	Hackett	Kennedy, Iowa
Burleson	Edwards, Ky.	Hackney	Kennedy, Ohio
Burton, Del.	Ellerbe	Hall	Kimball
Campbell	Ellis, Mo.	Hamill	Kinkaid
Candler	Ellis, Oreg.	Hamilton, Iowa	Kustermann
Capron	Englebright	Hamilton, Mich.	Lafean
Carter	Esch	Hardy	Lamb
Cary	Favrot	Haskins	Landis
Caulfield	Ferris	Haugen	Laning
Chaney	Finley	Hawley	Legare
Chapman	Fitzgerald	Hayes	Lenahan



Littlefield	Murphy	Ranch	Stanley
Lloyd	Needham	Reeder	Steenerson
Lorimer	Nelson	Richardson	Sterling
Loudenslager	Nicholls	Robinson	Stevens, Minn.
Lowring	Norris	Rodenberg	Sturgiss
Lowden	Nye	Rothermel	Sulloway
McBarnett	O'Connell	Rucker	Taylor, Ala.
McGavin	Olmsted	Russell, Mo.	Thistlewood
McHenry	Padgett	Russell, Tex.	Thomas, N. C.
McKinley, Ill.	Page	Sabath	Tou Velle
McKinney	Parker, N. J.	Saunders	Underwood
McLauchlan, Cal.	Parsons	Scott	Volstead
McLain	Patterson	Sherley	Waldo
McLaughlin, Mich.	Payne	Sherwood	Wanger
Macon	Perkins	Slayden	Watkins
Madden	Pollard	Small	Webb
Madison	Porter	Smith, Cal.	Weeks
Moon, Pa.	Pou	Smith, Iowa	Wheeler
Moon, Tenn.	Pratt	Smith, Mich.	Williams
Moore, Pa.	Pray	Smith, Mo.	Wilson, Pa.
Moore, Tex.	Rainey	Southwick	Wood
Morse	Randell, Tex.	Sparkman	Woodyard
Mouser	Ransdell, La.	Spight	Young

## NAYS—5.

Adair	Gregg	Kipp	Sulzer
Boeber			
Bennet, N. Y.	Cooper, Tex.	Lever	Sheppard
Burnett	Foster, Ill.		

## ANSWERED "PRESENT"—6.

## NOT VOTING—136.

Alexander, N. Y.	Flood	Lamar, Fla.	Powers
Allen	Fornes	Lamar, Mo.	Prince
Ames	Gaines, W. Va.	Langley	Pujo
Andrus	Gardner, Mass.	Lassiter	Reld
Anthony	Gill	Law	Reynolds
Bannon	Gillett	Lawrence	Rhinoek
Bartlett, Ga.	Godwin	Lenke	Riordan
Bennett, Ky.	Goldfogle	Lee	Roberts
Bingham	Griggs	Lewis	Ryan
Birdsall	Gronna	Lilley	Shackleford
Brodhead	Haggott	Lindbergh	Sherman
Brundidge	Hale	Lindsay	Stms
Burton, Ohio	Hamlin	Livingston	Slemp
Butler	Hammond	Longworth	Smith, Tex.
Byrd	Harding	Loud	Snapp
Calder	Hardwick	McCall	Sperry
Calderhead	Harrison	McCreary	Stafford
Caldwell	Hay	McGuire	Stephens, Tex.
Carlin	Hefflin	McKinlay, Cal.	Talbott
Clark, Fla.	Hill, Miss.	McMillan	Tawney
Cocks, N. Y.	Howell, Utah	McMorran	Taylor, Ohio
Cole	Hubbard, Iowa	Malby	Thomas, Ohio
Conner	Hughes, W. Va.	Mann	Tirrell
Cook, Pa.	Hull, Iowa	Marshall	Townsend
Cousins	Jackson	Maynard	Vreeland
Cravens	James, Addison D.	Miller	Wallace
Darragh	James, Ollie M.	Mondell	Washburn
Davenport	Johnson, S. C.	Mudd	Watson
Davey, La.	Jones, Va.	Murdock	Weems
Dunwell	Kitchin, Claude	Olcott	Weisse
Dwight	Kitchin, Wm. W.	Overstreet	Wiley
Edwards, Ga.	Knapp	Parker, S. Dak.	Willett
Fairchild	Knopf	Penner	Wilson, Ill.
Fassett	Knowland	Peters	Wolf

So, two-thirds voting in favor thereof, on reconsideration, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following additional pairs:

For the remainder of this session:  
Mr. BENNET of New York with Mr. FORNES.  
Until further notice:

Mr. KNAPP with Mr. GOLDFOGLE.  
Mr. MILLER with Mr. GILL.  
Mr. McMORRAN with Mr. PUJO.  
Mr. LONGWORTH with Mr. DAVENPORT.  
Mr. LAWRENCE with Mr. COOPER of Texas.  
Mr. KNOWLAND with Mr. CLARK of Florida.  
Mr. HALE with Mr. CALDWELL.  
Mr. COCKS of New York with Mr. BYRD.  
Mr. CALDER with Mr. BRUNDIDGE.  
Mr. ALEXANDER of New York with Mr. BRODHEAD.  
Mr. SLEMP with Mr. HAMLIN.  
Mr. ANDRUS with Mr. BURNETT.  
Mr. AMES with Mr. HAMMOND.  
Mr. MANN with Mr. SIMS.  
Mr. LOUD with Mr. MAYNARD.  
Mr. TAWNEY with Mr. WOLF.  
Mr. ROBERTS with Mr. STEPHENS of Texas.  
Mr. OVERSTREET with Mr. RYAN.  
Mr. OLCOTT with Mr. JONES of Virginia.  
Mr. WILSON of Illinois with Mr. HEFLIN.  
Mr. WASHBURN with Mr. HARDWICK.  
For the remainder of this day,  
Mr. ANTHONY with Mr. HAY.

On this vote,

Mr. SNAPP with Mr. FOSTER of Illinois.  
The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

## ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22009. An act authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes; and

H. R. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

## ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on May 22, 1908, they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 19158. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909;

H. R. 21927. An act to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes; and

H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle.

## HEARINGS ON THE HEPBURN BILL.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to have printed 1,500 extra copies of the hearings before the subcommittee of the Committee on the Judiciary on the Hepburn amendment to the Sherman antitrust law, the original print having been exhausted.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. FINLEY. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Maine if he can not get that printing done without the passage of any resolution?

Mr. LITTLEFIELD. No; I can not.

Mr. FINLEY. Why not?

Mr. LITTLEFIELD. The committee are not authorized to have printing done where the cost will be in excess of \$200, without special authority.

Mr. FINLEY. I am aware of that.

Mr. LITTLEFIELD. This will cost \$531.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I wish to say that I think this matter ought to be printed, and I think the information ought to go to the country. I regard this as a mere perfunctory matter of routine, and I shall not object.

Mr. PAYNE. The House having the opinion of the gentleman from Mississippi, I hope business may now go on.

The SPEAKER. The Chair did not understand. Is there objection?

Mr. LITTLEFIELD. I do not understand that there is any.

The SPEAKER. The Chair hears no objection.

## CHANGE OF REFERENCE—PHILIPPINE TARIFF.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent to discharge the Committee on Rules from the further consideration of House resolution No. 315, and to refer the resolution to the Committee on Ways and Means.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to discharge the Committee on Rules from the further consideration of the resolution, and that the same be referred to the Committee on Ways and Means. Is there objection?

Mr. WILLIAMS. Mr. Speaker, what is it? We have not heard it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas it is apparent that the tariff will be revised at the coming session of Congress; and

Whereas at said session it is declared that tariff legislation affecting tariff rates between the Government of the United States and the Philippine Islands will be proposed; and

Whereas under both contingencies it is necessary and wise that data should be secured for the information of the House; and

Whereas any legislation with reference to the tariff now existing between the Government of the United States and the Philippine Islands

will necessarily affect our home industries of beet and cane sugars, rice, tobacco, etc.; and

Whereas, under reports made by the War Department, there appears to be a necessity for legislation to encourage those industries in the Philippine Islands: Therefore be it

*Resolved*, That a committee of five Members of this House be appointed by the Speaker, whose duty it shall be to proceed to the Philippine Islands and investigate the condition of these industries, and, if in the discretion of said committee it be deemed necessary, to investigate the policy of Japan toward the encouragement of the production of cane sugar in Formosa and beet sugar in Korea, and report to this House at its next session the condition of these industries in the Philippine Islands; and to recommend at the next session of the House a plan for improving the condition of said industries in the Philippine Islands; the expenses and the necessary clerical and expert help to be paid out of the contingent expense fund of the House.

The SPEAKER. The request is to discharge the Committee on Rules and to refer the resolution to the Committee on Ways and Means.

Mr. WILLIAMS. A mere change of reference—I have no objection to that.

There was no objection.

#### PORTO RICO PROVISIONAL REGIMENT.

Mr. LARRINAGA. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 18618) fixing the status of the Porto Rican Provisional Regiment of Infantry, with Senate amendments, and to concur in the Senate amendments.

The SPEAKER. The Chair will recognize the gentleman to ask unanimous consent that the bill be taken from the Speaker's table and the Senate amendments concurred in.

Mr. LARRINAGA. Then I make that request, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. SLAYDEN. I object.

The SPEAKER. The gentleman from Texas objects.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to:

Mr. SLEMP, for three days, on account of important business.

Mr. TOWNSEND, for remainder of session, on account of serious illness in family.

#### WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to:

Mr. HUBBARD of West Virginia, to withdraw from the files of the House, without leaving copies, the papers in the case of Enoch S. Blackwell, Fiftieth Congress, no adverse report having been made thereon.

#### RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do take a recess until Monday next at 11 o'clock a. m.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 154, nays 66, answered "present" 6, not voting 161, as follows:

#### YEAS—154.

Acheson	Dawson	Howell, N. J.	Olmsted
Adair	De Armond	Howell, Utah	Overstreet
Alexander, Mo.	Denby	Howland	Padgett
Barclay	Diekema	Hubbard, W. Va.	Parker, N. J.
Bartholdt	Douglas	Huff	Parsons
Bates	Draper	Humphrey, Wash.	Payne
Bede	Durey	Jenkins	Perkins
Bonyngo	Edwards, Ky.	Johnson, Ky.	Pollard
Boher	Ellis, Mo.	Jones, Wash.	Pray
Boutell	Ellis, Oreg.	Kahn	Rainey
Boyd	Englebright	Keifer	Rauch
Bradley	Favrot	Kennedy, Iowa	Reeder
Brownlow	Focht	Kimball	Roberts
Brumm	Fordney	Kinkaid	Rodenberg
Burleigh	Foss	Kuistermann	Russell, Mo.
Burton, Del.	Foster, Ind.	Lafean	Scott
Burton, Ohio	Foster, Vt.	Lamb	Smith, Cal.
Calderhead	Foulkrod	Landis	Smith, Iowa
Campbell	Fowler	Laning	Smith, Mich.
Capron	French	Lawrence	Smith, Mo.
Cary	Fuller	Lindbergh	Southwick
Caulfield	Gardner, Mich.	Lovering	Steenerson
Chaney	Gardner, N. J.	Lowden	Sterling
Chapman	Gilbams	McKinley, Ill.	Stevens, Minn.
Cole	Gordon	McKinney	Sturgiss
Cook, Colo.	Graff	McLaughlin, Mich.	Taylor, Ala.
Cook, Pa.	Graham	Madden	Thistlewood
Cooper, Pa.	Greene	Madison	Volstead
Cooper, Tex.	Hall	Mondell	Waldo
Cooper, Wis.	Hamilton, Iowa	Moore, Pa.	Wanger
Coudrey	Hamilton, Mich.	Morse	Washburn
Crawford	Haugen	Mouser	Weeks
Crumpacker	Hawley	Murdock	Wheeler
Currier	Hayes	Murphy	Wilson, Ill.
Cushman	Hepburn	Needham	Wood
Dalzell	Higgins	Nelson	Woodyard
Davidson	Hill, Conn.	Norris	Young
Davis, Minn.	Hinshaw	Nye	
Dawes	Holliday	Olcott	

#### NAYS—66.

Adamson	Dixon	Heflin	Ransdell, La.
Ansberry	Ellerbe	Helm	Richardson
Ashbrook	Finley	Henry, Tex.	Rothermel
Bartlett, Nev.	Fitzgerald	Hobson	Rucker
Beall, Tex.	Floyd	Houston	Russell, Tex.
Bell, Ga.	Foster, Ill.	Hughes, N. J.	Sabath
Bowers	Fulton	Hull, Tenn.	Sherley
Brodhead	Gaines, Tenn.	Humphreys, Miss.	Sparkman
Brundidge	Garner	Keliber	Stanley
Burleson	Garrett	Lloyd	Thomas, N. C.
Candler	Gillespie	Macon	Tou Velle
Cartier	Goulden	Moore, Tex.	Watkins
Clark, Mo.	Gregg	Nicholls	Webb
Clayton	Hackney	O'Connell	Williams
Cox, Ind.	Hamill	Pou	Wilson, Pa.
Craig	Hardwick	Pratt	
Denver	Hardy	Randell, Tex.	

#### ANSWERED "PRESENT"—6.

Bennet, N. Y.	Legare	Small	Talbott
Harrison	Sheppard		

#### NOT VOTING—161.

Aiken	Fornes	Langley	Powers
Alexander, N. Y.	Gaines, W. Va.	Lassiter	Prince
Allen	Gardner, Mass.	Law	Pujo
Ames	Gill	Leake	Reld
Andrus	Gillett	Lee	Reynolds
Anthony	Glass	Lenahan	Rhinock
Bannon	Godwin	Lever	Riordan
Barchfeld	Goebel	Lewis	Robinson
Bartlett, Ga.	Goldfogle	Lilly	Ryan
Beale, Pa.	Granger	Lindsay	Saunders
Bennett, Ky.	Griggs	Littlefield	Shackelford
Bingham	Gronna	Livingston	Sherman
Birdsall	Hackett	Longworth	Sherwood
Brantley	Haggott	Lorimer	Sims
Broussard	Hale	Loud	Slayden
Burgess	Hamlin	Loudenslager	Slemp
Burke	Hammond	McCall	Smith, Tex.
Burnett	Harding	McCreary	Snapp
Butler	Haskins	McDermott	Sperry
Byrd	Hay	McGavin	Spight
Calder	Henry, Conn.	McGuire	Stafford
Caldwell	Hill, Miss.	McHenry	Stephens, Tex.
Carlin	Hitchcock	McKinlay, Cal.	Sulloway
Clark, Fla.	Howard	McLachlan, Cal.	Sulzer
Cockran	Hubbard, Iowa	McLain	Tawney
Cocks, N. Y.	Hughes, W. Va.	McMillan	Taylor, Ohio
Conner	Hull, Iowa	McMorran	Thomas, Ohio
Cousins	Jackson	Malby	Tirrell
Cravens	James, Addison D.	Mann	Townsend
Darragh	James, Ollie M.	Marshall	Underwood
Davenport	Johnson, S. C.	Maynard	Vreeland
Daye, La.	Jones, Va.	Miller	Wallace
Driscoll	Kennedy, Ohio	Moon, Pa.	Watson
Dunwell	Klpp	Moon, Tenn.	Weisse
Dwight	Kitchin, Claude	Mudd	Weems
Edwards, Ga.	Kitchin, Wm. W.	Page	Willey
Esch	Knapp	Parker, S. Dak.	Willett
Fairchild	Knopf	Patterson	Wolf
Fassett	Knowland	Pearre	
Ferris	Lamar, Fla.	Peters	
Flood	Lamar, Mo.	Porter	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. ESCH with Mr. RUSSELL of Texas.

Mr. TOWNSEND with Mr. UNDERWOOD.

Mr. TIRRELL with Mr. SPIGHT.

Mr. TAWNEY with Mr. SULZER.

Mr. SULLOWAY with Mr. SLAYDEN.

Mr. PEARRE with Mr. SHERWOOD.

Mr. PARKER of South Dakota with Mr. SAUNDERS.

Mr. MOON of Pennsylvania with Mr. PATTERSON.

Mr. MALBY with Mr. PAGE.

Mr. McMILLAN with Mr. MOON of Tennessee.

Mr. LOUDENSLAGER with Mr. MAYNARD.

Mr. LORIMER with Mr. McLAIN.

Mr. LAW with Mr. MCHEERY.

Mr. KNAPP with Mr. LENAHAN.

Mr. LANGLEY with Mr. HACKETT.

Mr. KENNEDY of Ohio with Mr. GRANGER.

Mr. HENRY of Connecticut with Mr. GLASS.

Mr. GARDNER of Massachusetts with Mr. FERRIS.

Mr. GAINES of West Virginia with Mr. COCKRAN.

Mr. DRISCOLL with Mr. BYRD.

Mr. BURKE with Mr. BRANTLEY.

Mr. BARCHFELD with Mr. AIKEN.

The result of the vote was then announced as above recorded.

Accordingly (at 9 o'clock and 20 minutes p. m.) the House was declared in recess until 11 o'clock a. m. on Monday next.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channels connecting Mobile Bay and Mississippi Sound, Alabama (H. R. Doc.



967), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustration.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,  
Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15444) extending the time for the construction of a dam across Rainy River, reported the same without amendment, accompanied by a report (No. 1767), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Rules was discharged from the consideration of the resolution (H. Res. 315) providing for a commission of five Members to investigate the tariff conditions in the Philippine Islands, and the same was referred to the Committee on Ways and Means.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILHAMS: A bill (H. R. 22123) to erect a public building in Fort Wayne, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 22124) to authorize the acquisition of a site and the erection of a Federal building at Jackson, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Indiana: A bill (H. R. 22125) for the construction of a lock and dam in the Ohio River below mouth of Green River—to the Committee on Rivers and Harbors.

By Mr. COOPER of Pennsylvania: A bill (H. R. 22126) to regulate entries under the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. GOULDEN: Joint resolution (H. J. Res. 190) making the 21st day of October in each and every year a national holiday and designing it Discovery Day—to the Committee on the Judiciary.

By Mr. WEBB: Resolution (H. Res. 425) referring H. R. 21524, for relief of the estate of George W. Hines, to the Court of Claims—to the Committee on War Claims.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 22127) granting an increase of pension to James Knox—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 22128) granting an increase of pension to George W. Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22129) granting an increase of pension to John D. Lloyd—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 22130) granting a pension to Anna F. Abbott—to the Committee on Pensions.

By Mr. DUNWELL: A bill (H. R. 22131) to remove the charge of desertion from the military record of Frederick C. Philpitt—to the Committee on Military Affairs.

By Mr. FORNES: A bill (H. R. 22132) for the relief of James Welch, his heirs or representatives—to the Committee on Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 22133) authorizing the President of the United States to confer rank upon Maj. Joseph W. Wham, United States Army, retired—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 22134) granting a pension to Patrick McClafferty—to the Committee on Pensions.

By Mr. HUFF: A bill (H. R. 22135) granting an increase of pension to William M. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22136) granting an increase of pension to John L. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22137) granting an increase of pension to Frank W. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22138) granting an increase of pension to Herman Lerner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22139) to correct the military record of Joseph R. Berg—to the Committee on Military Affairs.

Also, a bill (H. R. 22140) to correct the military record of James Green—to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 22141) granting an increase of pension to Charlotte A. Hanna—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22142) granting a pension to Palo Alto Westerfield—to the Committee on Pensions.

By Mr. PRAY: A bill (H. R. 22143) for the relief of Edward Brassey—to the Committee on Claims.

Also, a bill (H. R. 22144) for the relief of J. M. Burlingame—to the Committee on Claims.

Also, a bill (H. R. 22145) for the relief of Andrew W. Swaney—to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 22146) for the relief of Thomas Reed—to the Committee on Claims.

By Mr. SAUNDERS: A bill (H. R. 22147) granting a pension to Kate G. Johnson—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 22148) for the relief of Jesse Bell—to the Committee on War Claims.

Also, a bill (H. R. 22149) granting an increase of pension to Georgia A. Driggers—to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 22150) granting a pension to Mary A. Phillips—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of New Castle Clearing-House Association, urging selection of one-third of the currency commission outside of Congress—to the Committee on Banking and Currency.

By Mr. ASHBROOK: Paper to accompany bill for relief of James Knox—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of Rhode Island State Council, Knights of Columbus, favoring the bill making October 12 in each year a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

Also, petition of Woman's Home Missionary Society of the Methodist Episcopal Church, of Woonsocket, R. I., favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Matthew N. Chapell—to the Committee on the Judiciary.

By Mr. BURKE: Petition of Engineers' Society of Western Pennsylvania, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BUTLER: Petitions of citizens of the Seventh Pennsylvania Congressional District and Carpenters' Local Union No. 1491, for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DALZELL: Petitions of Meadville Council, No. 388; Isabella Council, No. 328; Latrobe Council, No. 940, and Kane Council, No. 15, Knights of Columbus, of Pennsylvania, for H. R. 7559, making October 12—date of discovery of America by Christopher Columbus—a legal holiday—to the Committee on the Judiciary.

By Mr. DAVIDSON: Petition of labor organizations in the Eighth Congressional District of Wisconsin, for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Lodge No. 34, Brotherhood of Locomotive Firemen and Engineers of Clinton, Iowa, favoring the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Daniel Rogers and other citizens of Streator, Ill., for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Merchant Marine League, for an ocean mail subsidy—to the Committee on the Post-Office and Post-Roads.

Also, petition of Trades' League of Philadelphia, for placing certain employees under civil-service regulations, etc.—to the Committee on the Census.

Also, petition of Chicago Association of Commerce, for an appropriation of \$1,500,000 for an auxiliary post-office at Chicago—to the Committee on Public Buildings and Grounds.

Also, petition of Penrose Elevator Company, favoring Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Woman's Foreign Missionary Society of the United Presbyterian Church, representing 150,000 people, favoring the Foraker bill forbidding opium importation into Hawaii except in medicine—to the Committee on Interstate and Foreign Commerce.

Also, petition of United Mine Workers of America, for Senate legislative bill in original form appropriating \$195,000 for protecting lives of miners—to the Committee on Mines and Mining.

Also, petition of Mesta Machine Company, against anti-injunction bills—to the Committee on the Judiciary.

Also, petition of Lodge No. 219, Brotherhood of Locomotive Firemen and Engineers, for the Rodenberg anti-injunction bill and the Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

Also, petition of Division No. 108, Brotherhood of Locomotive Engineers, for the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

Also, petition of Keystone Division, No. 293, Brotherhood of Locomotive Engineers, for Rodenberg anti-injunction bill (H. R. 17137) and for the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

Also, petition of Thomas J. Stewart, adjutant-general, favoring H. R. 14783—to the Committee on the Militia.

Also, petition of Engineers' Society of Western Pennsylvania, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of Blue Mountain Lodge, No. 694, Brotherhood of Railway Trainmen, of Marysville, Pa., for the Allison bill, for the relief of Pembroke B. Banton—to the Committee on Claims.

By Mr. GRANGER: Petition of Rhode Island Branch, National Metal Trades Association, against the passage of anti-injunction legislation—to the Committee on the Judiciary.

By Mr. HAMIL: Petition of citizens of Jersey City, N. J., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of National Print Cutters' Association, of New York, for H. R. 20584, amendment to Sherman antitrust law, for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HUFF: Papers to accompany bills for relief of Herman Lerner, of Saxonburg, and William M. Taylor—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John L. Miller, of Scottsdale, Pa., and Frank W. Mills, of Chicora, Pa.—to the Committee on Invalid Pensions.

Also, petition of Joseph Woods and other citizens of Butler, Pa., for amendment to Sherman antitrust law, Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of citizens of New Hope, Newtown, and Doylestown, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Milton Vandervort, of Carr, Pa., James Green, of Callery, Pa., and Joseph R. Berg—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petition of labor organizations of the State of Washington, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Government, an anti-injunction law, etc.—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petition of residents of Sturgeon Bay, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. LAMB: Petition of citizens of Virginia, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of National Business League of America, for legislation looking to conservation of the natural resources of the country—to the Committee on Agriculture.

By Mr. McKINNEY: Petition of Local No. 230, Iron Molders' Union of North America, of Rock Island, Ill., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MANN: Petition of Chicago Grain Elevator Employ-

ees' Union, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Western Society of Engineers, of Chicago, Ill., for legislation looking to conservation of the natural resources of the country—to the Committee on Agriculture.

By Mr. SHERMAN: Petition favoring H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of Laredo Trades Council, of Laredo, Tex., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of Stoneburg, Tex., favoring legislation to prohibit bucket-shop gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petitions of F. H. Shaner and Josiah Watt, of Royersford, Pa., and Howard Kirk, of Spring City, Pa., in behalf of Spring City Local Union, No. 1491, for H. R. 20584, amendment to Sherman antitrust law, for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WEBB: Petitions of labor union of Spartanburg, S. C., John F. Miller and others, and J. L. Cannon and others, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

## SENATE.

MONDAY, May 25, 1908.

The Senate met at 11 o'clock a. m.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

### THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. BEVERIDGE. I ask that the further reading of the Journal be dispensed with.

Mr. KEAN. No, Mr. President; let the Journal be read.

Mr. HALE. I must object, Mr. President.

The VICE-PRESIDENT. The reading of the Journal will be proceeded with.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 11 o'clock and 14 minutes a. m.). The Senate has now been entertained for some time by hearing the Journal read, and I ask that the further reading be dispensed with.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. Let the Journal be read, Mr. President.

The VICE-PRESIDENT. Objection is made, and the Secretary will proceed with the reading.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 11 o'clock and 26 minutes a. m.). The Secretary has now spent nearly half an hour reading the Journal. I ask unanimous consent that the further reading be dispensed with.

Mr. KEAN. I am sorry the Senator from Indiana was not listening to what the Secretary was reading, because he was reading at that time a most important report, that of the committee of conference on the omnibus public buildings bill. It is eminently proper that those reports should be read and we should know that they are accurately stated in the Journal. I object.

The VICE-PRESIDENT. Objection is made. The Secretary will resume the reading.

Mr. BEVERIDGE. May I ask the Senator from New Jersey—

The VICE-PRESIDENT. The Secretary will resume the reading.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 11 o'clock and 31 minutes a. m.). Mr. President, in view of the fact that the Senator from New Jersey has not for some time been following the Journal and the rest of the Senate are engaged in something else, I again ask that the reading of the Journal be dispensed with.

Mr. CULLOM. I object.

The VICE-PRESIDENT. The Senator from Illinois objects.



Mr. KEAN. The Senator from Indiana may speak for himself. The Senator from New Jersey has been listening to the reading of the Journal.

The VICE-PRESIDENT. The Secretary will resume the reading of the Journal.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 12 o'clock meridian). Mr. President, the Secretary has now been reading the Journal for one hour. It is apparent that not many Senators are paying any attention to it. Except on Saturday last it has not been read in full during the present session. It never is read in full. Reading it in full now only consumes precious time and prevents the consideration of extremely important measures before the Senate. I ask that its further reading be dispensed with.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. KEAN. I trust the Senator from Indiana has been listening attentively to the Journal and that we may continue to have it read.

The VICE-PRESIDENT. Objection is made. The Secretary will proceed with the reading of the Journal.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 12 o'clock and 25 minutes p. m.). Inasmuch as there is seriously important legislation pending—I refer to the bill to compensate Government employees for injuries sustained—I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. The Secretary is now reading the message of the President of the United States. Let the reading be proceeded with.

The VICE-PRESIDENT. Objection is made. The reading will continue.

The Secretary resumed the reading of the Journal.

Mr. NEWLANDS (at 12 o'clock and 30 minutes p. m.). The Secretary has concluded the reading of the President's message in regard to the development of waterways. I think a bill that would promote that object should be passed now—

Mr. GALLINGER. The reading of the Journal can not be interfered with except by unanimous consent.

Mr. NEWLANDS. Rather than that, the reading of the Journal should be continued.

Mr. KEAN. Let us have the regular order, Mr. President.

Mr. NEWLANDS. So I ask unanimous consent that the further reading of the Journal be dispensed with, and that the Senate proceed to the consideration of the bill (S. 7112) for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States.

Mr. KEAN. That can not be done except by unanimous consent.

The VICE-PRESIDENT. It requires unanimous consent, under the rule, to dispense with the reading of the Journal. The Secretary will proceed with the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal.

Mr. BEVERIDGE. I move that the Journal be approved.

Mr. CLARK of Wyoming. I wish to make an inquiry. As the clerk read the Journal it should be corrected. Whether it was an inadvertence in reading or otherwise, I do not know.

I refer to the entry where at the evening session Senate bill 4062 was called up. It was upon the question of proceeding to the consideration of that bill which proposes to amend section 5481 of the Revised Statutes. As read from the Journal it was 4481. It was after the approval of the Military Academy conference report and after preliminary discussion of the Territorial bill.

Mr. KEAN. It is the bill for the punishment of extortion.

Mr. CLARK of Wyoming. Yes; the bill for the punishment of extortion.

The VICE-PRESIDENT. The entry in the Journal will be read.

The Secretary read as follows:

On motion by Mr. CLARK of Wyoming, the Senate proceeded to consider, as in Committee of the Whole, the bill (S. 4062) to amend section 4481 of the Revised Statutes of the United States.

Mr. CLARK of Wyoming. I think it should be to amend section 5481.

Mr. KEAN. It is 5481 in the Record.

The VICE-PRESIDENT. Without objection, the Journal will be corrected.

Mr. BEVERIDGE. I move that the Journal as corrected be approved.

The VICE-PRESIDENT. The question is on approving the Journal as corrected.

The Journal as corrected was approved.

#### INJURIES TO GOVERNMENT EMPLOYEES.

Mr. DEPEW. I wish to give notice that immediately after the conclusion of the morning business I shall call up the bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

Mr. BEVERIDGE. Is morning business first in order before any motion?

The VICE-PRESIDENT. It is first in order.

#### TREATMENT OF NAVAJO INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the employment of the United States soldiers during the year 1907, within or near the Navajo Indian Reservation, Ariz., in arresting By-a-lille and other Navajo Indians, etc., which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

#### IMPROVEMENT OF HARBOR OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a report on the improvement of the harbor front of the city of Washington, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. GALLINGER. I move that 500 additional copies of the communication, together with the illustrations, be printed for the use of the Senate document room.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 1991. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain and other wars and to the widows of such soldiers and sailors;

H. R. 19355. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 20063. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes; and

S. R. 23. Joint resolution to provide for the remission of a portion of the Chinese indemnity.

#### BOARD OF VISITORS TO WEST POINT.

Mr. McCREARY. Mr. President, I was honored by the President of the Senate by being appointed a member of the Board of Visitors to the United States Military Academy. I find that my engagements in Kentucky will prevent me from discharging the duties, and I ask to be excused from serving as a member of the Board of Visitors.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the Senator is excused. The Chair appoints in place of the Senator from Kentucky the Senator from Louisiana [Mr. FOSTER].

#### PETITIONS AND MEMORIALS.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 2701) to increase the pension of Robert Allen Mears, which were referred to the Committee on Pensions.

Mr. HALE (for Mr. FRYE) presented a petition of sundry citizens of Bar Harbor, Me., and a petition of sundry citizens of Madison, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of Alliance, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. McLAURIN presented a petition of sundry citizens of Water Valley, Miss., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to

labor organizations, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of Merrimac Lodge, Brotherhood of Railroad Trainmen, of Nashua, N. H., and a petition of Subdivision No. 335, Brotherhood of Locomotive Engineers, of Concord, N. H., praying for the passage of the so-called "Rodenberg anti-injunction" and the "Hemenway-Graff safety ash-pan" bills, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Manchester, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust bill" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. FLINT presented sundry petitions of citizens and labor organizations of Oakland, Cal., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BACON. I have received two telegrams, addressed to the Senate and House of Representatives in my care. I presume it is proper that I should lay them before the Senate in the way of memorials. They are very short, and I ask that they be read and properly referred.

Mr. ALLISON. I ask the Senator from Georgia to allow them to be printed in the Record.

Mr. BACON. Very well; so they go in the Record, it is all right.

There being no objection, the memorials were ordered to lie on the table and be printed in the Record, as follows:

YORK, PA., May 23, 1908.

United States Senate and House of Representatives,  
care Senator A. O. Bacon, Washington, D. C.:

The general synod of the Reformed German Church in the United States earnestly petitions Congress to enact bill to protect no-license territory.

JOHN P. STEIN, Stated Clerk.

READING, PA., May 25, 1908.

United States Senate and House of Representatives,  
care Senator A. O. Bacon, Washington, D. C.:

Salem Evangelical Church, representing denomination of German stock, earnestly petitions Congress to pass bill to protect no-license territory, repudiatory to those who claim German vote oppose such legislation.

ALEXANDER REBER.  
DAVID KIEFER.  
ALBERT WEIDENHOLD.  
FRANK PETERSON.  
GEO. SCHROEDER.  
JOEL MANWILLER.  
FRED HEFFELFINGER.  
C. WILAND.  
S. NEIDIG.

Mr. DICK presented a petition of Local Union No. 494, United Brotherhood of Carpenters and Joiners of America, of Columbus, Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Dixon and Convoys, in the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Warren and Mansfield, in the State of Ohio, remonstrating against the passage of the so-called "Rodenberg anti-injunction bill," which were referred to the Committee on the Judiciary.

He also presented a petition of the Hamilton Club, of Hamilton, Ohio, praying for the enactment of legislation providing for a survey for a canal between Toledo, in that State, and Chicago, Ill., which was referred to the Committee on Commerce.

He also presented a memorial of the Retail Jewelers' Association of Cincinnati, Ohio, remonstrating against the passage of the so-called "Vreeland stamping bill," which was referred to the Select Committee on Standards, Weights, and Measures.

#### REPORT OF A COMMITTEE.

Mr. DICK, from the Committee on Mines and Mining, to whom was referred the bill (H. R. 20883) to establish in the Department of the Interior a Bureau of Mines, reported it with amendments, and submitted a report (No. 692) thereon.

#### BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 7225) for the relief of Mary Priscilla Shipman and other heirs at law of John J. Shipman, deceased, which was read twice by its title and, with accompanying paper, referred to the Committee on Claims.

Mr. OWEN introduced a bill (S. 7226) granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla., which was read twice

by its title and, with the accompanying paper, referred to the Committee on Public Lands.

#### CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 20112) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, prohibiting fraud in registrations and elections, and providing data for the apportionment of Representatives among the States, which was referred to the Committee on Privileges and Elections and ordered to be printed in the Record, as follows:

That the act of February 8, 1894, entitled "An act to repeal all statutes relating to supervisors of elections and special deputy marshals and for other purposes," be, and the same is hereby, repealed; and the several sections of the Revised Statutes specified in said act relating to the appointment, qualification, power, duties, and compensation of supervisors of elections, and the several sections of the Revised Statutes specified in said act relating to the appointment, qualification, power, duties, and compensation of special deputies, and the several sections of the Revised Statutes relating to crimes specified in said act, and the part of section 643 of said statutes specified in said act and also all statutes and parts of statutes specified in section 2 of said act be, and the same are hereby, reenacted and put in full force and effect the same as if they had not been repealed by said act; this act of repeal and reenactment to take effect from and after its passage.

#### WITHDRAWAL OF PAPERS—CHARLES HUGHES.

On motion of Mr. CARTER (for Mr. PENROSE), it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Charles Hughes accompanying Senate bill 2454, Sixtieth Congress, first session, subject to the provision of clause 2 of Rule XXX.

#### NATIONAL INITIATIVE AND REFERENDUM.

Mr. OWEN. I present a memorial from the Initiative and Referendum League of America, relative to Senate bill No. 7208 and Senate joint resolution No. 94, providing for the establishment of a national initiative and referendum. I move that it be printed as a document.

The motion was agreed to.

#### STEAMSHIP TABASQUENO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with the accompanying papers, concerning the claim of the owners of the Mexican steamship *Tabasqueno* and of her cargo against the United States.

In view of our admitted liability in principle in this case, I recommend the claim to the favorable consideration of Congress and that an appropriation of the sum mentioned by the Secretary of State be made in settlement of the claim.

THEODORE ROOSEVELT.

Inclosures from the Secretary of State to the President, May 23, 1908, with six inclosures.

THE WHITE HOUSE, May 25, 1908.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On May 22, 1908:

S. 4639. An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912.

On May 23, 1908:

S. 3153. An act to make Monterey and Port Hartford, in the State of California, supports of entry, and for other purposes;

S. 902. An act authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes; and

S. 4186. An act amending the act of January 14, 1889, and acts amendatory thereof, and for other purposes.

#### PATENTS TO INDIAN LANDS.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 32, 33, 39, 40, and 41.



That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 21, 23, 24, 25, 28, 29, 30, and 31, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"That when any Indian who has heretofore received or who may hereafter receive an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee or heir so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in section 1 herein contained shall apply to the States of Minnesota and South Dakota."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"*Provided, however*, That the Cherokee Nation shall have the right to protest against the payment of any claim to any such person or persons and upon the protest being filed by or on behalf of the Cherokee Nation the claim of any such person or persons shall be referred to the Court of Claims, and said court is given full jurisdiction to hear and determine the same."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows:

In line 11 of the proposed amendment, after the word "lands," insert "and place the proceeds derived therefrom."

In line 12, after the word "Nation," change the comma to a semicolon and insert the words "*Provided, That*."

In line 13, strike out the word "to" and insert in lieu thereof the word "shall."

In line 15, after the word "*Provided*," insert the word "*further*."

In line 19, strike out the words "charged to the Cherokee Nation and."

Change the number of the section from 12 to 13.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In the first line of the proposed amendment change the number from 13 to 14; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In line 10 of the proposed amendment, after the word "Oklahoma," strike out the balance of the paragraph ending with the word "respectively;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: At the end of the proposed amendment, after the words "containing ten acres, more or less," add the following:

"That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to 'The Bureau of Catholic Indian Missions,' organized under an act of the assembly of Maryland entitled 'An act to incorporate the Bureau of Catholic Indian Missions,' approved April 6, 1894, for the lands set apart to the Catholic Church on the White Earth and Red Lake Indian reservations, in the State of Minnesota, as follows:

"On the White Earth Indian Reservation, at or near White Earth: The southwest quarter of the southeast quarter of section twenty-six, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres, more or less; also the northwest quarter of the northwest quarter and lots two, three, and four of section thirty-five, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing one hundred and thirty-one and seventy-five hundredths acres, more or less; also the northeast quarter of the northeast quarter of section thirty-four, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres,

more or less; also the southeast quarter of the southeast quarter of section twenty-seven, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres, more or less.

"On the White Earth Indian Reservation, at or near Pembina Settlement: The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section ten, township one hundred and forty-four north, range forty-two west of the fifth principal meridian, containing eighty acres, more or less.

"On the White Earth Indian Reservation, at or near Rice River: Lots one, two, and twelve of section seven, township one hundred and forty-four north, range forty west of the fifth principal meridian, containing ninety-five and ninety hundredths acres, more or less.

"On the Red Lake Indian Reservation, at or near Red Lake: Lots two and three of section twenty, and the west half of the northeast quarter and the east half of the northwest quarter of section twenty-nine, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing two hundred and forty-five and forty hundredths acres, more or less;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with amendments as follows:

In line 45 of the proposed amendment, after the word "seven," place the words "Thirty-fourth Statutes at Large, pages one thousand and fifteen to one thousand and eighteen" in parentheses.

At the end of the proposed amendment, after the word "lands," add the following:

"That this grant is made upon the condition that payment therefor shall be made within two years from the date of the approval of this act; that as to any land not paid for within that time the grant shall be void, and that said State shall not convey or lease or agree to convey or lease any of said land or any interest therein within ten years from the date of such approval. Any such conveyance, lease, or agreement shall cause the land affected thereby to vest in the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"SEC. 20. That the Court of Claims is hereby authorized to consider and adjudicate and render judgment as law and equity may require in the matter of the claim of Clarence W. Turner, of Muskogee, Okla., against the Creek Nation, for the destruction of personal property and the value of the loss of the pasture of the said Turner or his assigns by the action of any of the responsible Creek authorities, or with their cognizance and acquiescence, either party to said cause in the Court of Claims to have the right of appeal to the Supreme Court of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Change the number of the section from 28 to 27 and in line 16 of the proposed amendment, after the word "deceased," insert the following:

"*Provided*, That the evidence of the intervenors shall be immediately submitted: *And provided further*, That the lands allotted to the said Mississippi Choctaws are hereby declared subject to a lien to the extent of the claims of the said Winton and of the other plaintiffs authorized by Congress to sue the said defendants subject to the final judgment of the Court of Claims in the said case."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Change the number of the section from 29 to 28; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Change the number of the section from 30 to 29; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows:

Change the number of the section from 31 to 30.

At the end of the proposed amendment, after the word "repealed," add the following:

"That the Secretary of the Interior is authorized and directed to turn over to the treasurers of the cities of Lawton, Hobart, and Anadarko the unexpended balance of the proceeds arising

ing from the sale of town lots in said cities heretofore appropriated and set apart for public improvements in such cities by the act of March 3, 1901, and the acts of June 30, 1902, and March 14, 1906."

And the Senate agree to the same.

MOSES E. CLAPP,  
CHARLES CURTIS,  
T. H. PAYNTER,  
*Managers on the part of the Senate.*

J. S. SHERMAN,  
C. L. KNAPP,  
JOHN H. STEPHENS,  
*Managers on the part of the House.*

Mr. ALDRICH. I should like to ask the Senator from Minnesota [Mr. CLAPP] to explain the changes which have been made by the conference committee.

Mr. CLAPP. Among the amendments some of the important are, first, the amendment authorizing the Secretary of the Interior to convey to Minnesota about twelve hundred acres of land for the purpose of creating a forest reserve. The other amendment is to convey to the Episcopal diocese of Duluth and the Catholic Board of Missions certain sites which they had been using in the Indian reservations in that State. The amendment is to grant this authority so far as the authority of the Department is concerned.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I submit the report of the conferees on the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes.

The VICE-PRESIDENT. The report will be read.

Mr. ALDRICH. I should like to have the amendments that have been acted upon by the conference read. It is not material to me whether they are read in the first instance or in the second instance. It is a very important bill, and it is impossible for anyone to know what has been done unless the amendments are read.

Mr. ALLISON. I have no objection, of course, to the amendments being read, and if they are to be read they may as well be read now as afterwards.

Mr. ALDRICH. Yes.

Mr. ALLISON. Although I think it might be better to have the report read.

Mr. ALDRICH. The report might be read and then the amendments.

Mr. ALLISON. Or the amendments may be read as they are reached in the report.

Mr. BEVERIDGE. Does not the report state the amendments?

Mr. ALDRICH. Not except by number, and we can not tell in that way what is the effect of the amendments.

Mr. BEVERIDGE. No doubt the Senator from Iowa can explain it more quickly than to have the amendments read.

Mr. ALLISON. If the amendments are to be read, and the report is read, I think the amendments had better be read at the moment, and I think the Senator from Rhode Island will not ask that all the amendments be read. As an illustration of what I mean, the first amendment is amendment No. 9, wherein the Senate recedes. That is an amendment which provided for the purchase of a large tract of land on the southeast corner of Fifteenth street and Pennsylvania avenue. The Senate conferees receded from the amendment, because the whole matter is embraced in another bill which is now pending in the House of Representatives. I think it would hardly be necessary to have that amendment read.

Mr. ALDRICH. I am interested in several amendments made in the Senate to the bill. I understand that they have all been given up by the conference committee. I shall not be able to know anything about the result of the conference unless I hear the amendments read, and I ask that all the amendments may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. ALLISON. Then I submit that the best way to facilitate the consideration of the report is to have the amendments read as the Secretary proceeds.

Mr. ALDRICH. That course will be perfectly satisfactory to me.

Mr. ALLISON. That is, for example, that the Senate recedes from amendment No. 9, on page 11, which is as follows.

Mr. ALDRICH. Yes, which is as follows. I desire to facilitate the consideration of the report as much as possible.

Mr. OVERMAN. I ask the Senator from Rhode Island whether he wants to have the amendments read that were agreed to by the conferees?

Mr. ALDRICH. Yes, sir.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. I ask unanimous consent that the unfinished business may be temporarily laid aside. Of course I should like to have a vote on it, but I do not want to interfere with the conference report.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. BEVERIDGE. What is the request?

The VICE-PRESIDENT. The request of the Senator from New Jersey is that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Secretary will proceed to read the report, and the amendments indicated in the report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 13, 14, 15, 26, 36, 82, 84, 148, 160.

The VICE-PRESIDENT. The amendments will be read.

The Secretary read amendment No. 9, as follows:

9. Land for buildings for the Departments of State, Justice, and Commerce and Labor: To enable the Secretary of the Treasury, in his discretion, to acquire by purchase, condemnation, or otherwise, the whole of squares Nos. 226, 227, 228, 229, and 230, in the city of Washington, and toward the erection of one or two buildings thereon, \$3,000,000. That part of C street, Ohio avenue, D street, and E street lying between the squares named herein is hereby made a part of the site authorized by this provision. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (United States Statutes at Large, vol. 26, chap. 837).

That a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, which is hereby created, shall report to Congress preliminary plans and an estimate of cost for one or two buildings to be erected on said site for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, said preliminary plans and estimates of cost to be paid for out of the appropriation herein made.

The Secretary read amendment No. 13, as follows:

13. For the construction of one steam revenue cutter of the first class, for duty on the coast of Oregon, \$250,000.

The Secretary read amendment No. 14, as follows:

14. For the construction and equipping of a steam revenue cutter, for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I., to take the place of the revenue cutter *Dexter*, \$225,000.

Mr. ALDRICH. Mr. President, the steamer *Dexter*, that is now on duty at the collection port of Newport, was built in 1874. It is practically unseaworthy. The Senate has passed bills for the construction of a new revenue cutter for that service on three several occasions. Those bills have never been acted upon in the House of Representatives. If I could properly designate or characterize the action of the House in regard to matters of this kind, I should be glad to do so.

They apparently pay no attention whatever to bills which are sent there from here, and they insist that a rule should be adopted that no appropriation shall be made except for objects of public service that have been agreed to by both Houses. They send bills to the Senate and they are favorably acted upon. They secure appropriations for the purpose for which they desire appropriations, and Members of the Senate, unless they happen to be upon the Committee on Appropriations—and I do not know that that makes any particular difference—are absolutely powerless to secure appropriations for the public service that are absolutely necessary.

The case in point is only one of numberless cases where the Senate finds itself without any means whatever of providing appropriations for necessary public service. I do not find fault with the Committee on Appropriations for not insisting upon this amendment, but I do say that we are fast arriving at a condition which is absolutely intolerable, so far as this body is concerned. There is a similar case on the Pacific coast and another at the port of New York, where it is absolutely neces-



sary that something shall be done, but we find ourselves obliged to either stop the appropriations for the Government or permit another branch of Congress to prevent any appropriations that are desired by the Senate.

Mr. BEVERIDGE. Does the Senator propose to resist the report?

Mr. ALDRICH. No; I shall not resist the report, but I make this statement so that there may be an understanding about the matter.

Mr. FORAKER. I suggest to the Senator from Rhode Island that this same thing, in principle, has happened repeatedly during my service here, and it is always passed by in this way. Why is not this as good a time as any to assert the right that we certainly have? If the good of the public service be involved, as the Senator states it is, I think it is our duty to stand to that which we believe ought to be embodied in the bill. I do not like to hear the Senator say this is not the right kind of treatment for the Senate to receive about a matter of this nature, but we will acquiesce in it. That only invites a repetition of it. Therefore I hope the Senator will change his mind about it, and we will insist upon it.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. ALLISON. I do.

Mr. CULBERSON. Merely for a question. I desire to ask the Senator from Iowa if this item has been left out of appropriation bills heretofore?

Mr. ALLISON. I am not sure.

Mr. ALDRICH. I am not sure about that; but the Senate on three occasions have passed a bill providing for a new revenue cutter at this point, and the House itself has reported the bills favorably, but they have never been acted on, and we are absolutely powerless to provide a remedy.

Mr. BEVERIDGE. I understand the Senator does not intend to resist the report.

Mr. ALDRICH. I do not know whether I do or not. There is great force in the suggestion made by the Senator from Ohio, and this may be a good time to follow the course he suggests. The House does not seem to be inclined to adjourn, and I do not know that we can take up the time of Congress better than by asserting on the part of the Senate, so far as we can, a certain spirit of independence, if the rights of the Senate are to be considered.

Mr. ALLISON. Mr. President, these appropriation bills, like every other bill that becomes a law, must necessarily pass both Houses. The difference between the appropriation bills, particularly this one, and many other bills, is that the appropriation bill is composed of a great many items. The Senate Committee on Appropriations, I think, have fairly made an endeavor to do what they thought ought to be done as respects a revenue cutter for Narragansett Bay. The committee itself made an examination of this question and inserted the item in the bill and reported favorably upon it to the Senate. We inserted a provision in the bill for four new revenue cutters because we believed, at least the committee believed, that they are all necessary to the commerce of the country. I believe personally that the four that we have surrendered are necessary and that their construction ought to be entered upon.

The House of Representatives, however, presented to us the point that there was no law authorizing their construction, that the House of Representatives had never passed upon this question, and therefore that they were not prepared to agree to the construction of these several revenue cutters.

Mr. ALDRICH. Can the Senator state how many items of appropriation are contained in the bill upon which the two Houses have not acted? There must be hundreds of items in the bill, and in every bill of this character there are new items, inserted without any provision of law governing their insertion.

Mr. ALLISON. I will say to the Senator from Rhode Island that I do not think there are any items in this bill or in any bill reported from the Committee on Appropriations that are not already covered by a previous statute authorizing the expenditure. Of course I know there are a few in this bill, but there are not a great number, and there never are a great number in the bills which are reported from the Committee on Appropriations.

Mr. President, one word more as respects these particular items. When we were confronted in the first conference by the House conferees we were told that they could not agree to these provisions. We endeavored in our way to try to show the House conferees that we thought these revenue cutters were necessary to the commerce of the localities for which they were

proposed. The House conferees, however, said to us that we were not very well advised respecting the matter; that there were already in course of construction seven revenue cutters which could be sent to these various places and thus relieve the situation. The response made by us was that the revenue cutters in the course of construction were for the particular harbors indicated in the statute providing for their construction—as, for example, one at San Francisco, one at Savannah, Ga., another at New Orleans—and that it would not be within the power—

Mr. FULTON. The Senator from Iowa is now speaking of the revenue cutters?

Mr. ALLISON. Yes.

Mr. FULTON. There is none in the bill for San Francisco, as I remember.

Mr. ALLISON. I understand that, but that was the argument of the conferees on the part of the other House; and I have a right here to speak of the reasons which were given by the House through their conferees as to why they would not agree to these items. Therefore it was insisted upon by the conferees of the other House that we could draw the revenue cutter from San Francisco that is now in process of construction, and if it was greatly needed, it could be transferred to and used at Portland, Oreg.; that we could draw the revenue cutter from Savannah, Ga., if it was greatly needed in New York Harbor or at Narragansett Bay, and it could be used at either of those places. Our answer to that contention was that these revenue cutters were provided for by law for particular localities as respects their use, and that they could not be thus scattered about by a mere revenue officer.

But, Mr. President, notwithstanding these arguments and suggestions, the committee of conference on the part of the House refused to agree to the items embracing these revenue cutters. We asked them to submit the question again to the House of Representatives, and thus all these revenue cutters were put in disagreement by the conferees on the part of the Senate. We therefore supposed that we were fairly discharging our duty when we insisted that this matter should be again submitted to the House of Representatives. The several items were disagreed to on that ground, and were again submitted to the House.

This conference report embraces some thirty-nine or forty different amendments on one side or the other, many of them important amendments, and all of the provisions for revenue cutters are important amendments. This report now embraces every item that was carried into disagreement by the last conference, and this is the final report on the question.

I wish to say to the Senate that I believe your conferees have exerted whatever influence and power they had to persuade the conferees on the part of the House that these items were necessary. Some of them were surrendered, others were modified, and others were agreed to.

That is the situation of this report. I make this general statement because it applies to practically all the different amendments in controversy.

Mr. FULTON. Mr. President, I do not doubt that the Senate conferees have done everything in their power up to date. Whether it is advisable to ask them to continue longer in their efforts I am not prepared to say, for I realize that they have had much wider experience in this body than I; but I would be glad, if it were the temper of the Senate, that at least as to some of these items—I only speak of those with which I am personally acquainted—the conferees might be requested—I understand we can not instruct them—to decline to agree to the report.

The Senator from Rhode Island [Mr. ALDRICH] speaks of the importance of having constructed an additional revenue cutter on the coast which he immediately represents. He of course can speak for that locality. I can testify to the very great importance of having retained in this bill the appropriation which the Senate inserted of \$250,000 for the construction of a revenue cutter for the coast of Oregon. That item was inserted on an amendment offered by me, which read, I think, originally that the cutter should be for the Columbia River. It was designed for the Columbia River, and would of course have been assigned to that river.

It is very well for gentlemen to say that there are revenue cutters elsewhere that may be assigned to this or that port, but I have been endeavoring for two years, Mr. President, to get a revenue cutter assigned to the Columbia River, one of the greatest rivers of the continent and on which is situated one of the three great ports on the Pacific coast, having a commerce of millions and millions of dollars annually. The greatest shipping port in the world for wheat and flour, the greatest shipping port in the world for lumber—as an export

point, I mean—is without a revenue cutter. I do not think there is another first-class port which is thus circumstanced and situated.

Over a year ago I went to the Treasury Department and requested it to assign one of the revenue cutters that are now elsewhere on the Pacific coast to the Columbia River. They said they could not spare it. I went there twice before I offered the amendment to the sundry civil bill providing for this revenue cutter, indeed before I introduced the bill, which I should have before said the Senate passed, providing for the construction of that revenue cutter, which bill was sent to the other House. Before all this I went to the Treasury Department and requested that a revenue cutter be assigned to the Columbia River. The officials there admitted the vital importance of it, and yet they asserted that they were without a cutter for that purpose which was suitable for that place and stated that the only thing to be done was to get authority from Congress to construct a revenue cutter. I then introduced a bill, which was referred to and reported by the Commerce Committee. It passed the Senate unanimously, went to the other House, was reported by the committee there favorably back to the House, and there it rests.

There is no item in this bill, Mr. President, of more importance than the item providing for the construction of this revenue cutter for the Columbia River. I wish that the conferees might again take this matter under consideration in view of the vital importance of it to a great section, to a great port, and insist further on the allowance of that item. Aside from the mere current expenses of the Government, I say again there is no item carried in this bill that is more vitally important than that item.

Mr. GALLINGER. Mr. President, I am very familiar with the provision for the revenue cutter the Senator from Rhode Island [Mr. ALDRICH] is interested in, that matter having been before the Committee on Commerce several times, a favorable report having been made on the bill, and it having passed the Senate; but I want to call attention to another phase of this discussion.

The Senator from Rhode Island calls attention to the fact that appropriations are being resisted in another place, which, in his opinion, ought to be allowed. I want to speak of the District of Columbia appropriation bill, which passed the Senate with amendments aggregating about \$2,000,000. In the judgment of the chairman of the Committee on the District of Columbia, those appropriations should have been made. They were resisted very vigorously, and the result was that \$1,500,000, or thereabouts, was stricken from the bill. I will say frankly that had I not supposed that Congress would adjourn last Saturday, some of those provisions probably would have been retained in the bill; or, at any rate, we should have been in conference now on some of them. After the conference report had passed the Senate and was taken up in another body and agreed to there, a member of the conference committee on the part of that body made a speech calling attention to the extravagance of the Senate, and, among other things, Mr. President, he used these words:

I say that we should take steps, if not at this session, then at the next, to clearly and firmly indicate to the other body that they can not increase these money bills as they have done in the past. I believe that a careful perusal of the history of the making of our Constitution will bear me out in the statement that it was intended by its framers that when the Senate proposed amendments to an appropriation bill, if same were rejected by the House, it was the duty of the Senate to promptly recede.

Mr. President, if this is to be the rule, it is very manifest that not only will revenue cutters hereafter be stricken from appropriation bills, but that every amendment of the Senate that does not commend itself to another body will go out of these appropriation bills. I take it, Mr. President, that the Senate will never agree to that proposition; I take it that the Senate will insist that, under the Constitution, it has the right to amend appropriation bills to any extent it sees fit to do; that those matters become proper subjects of free and full conference between the two Houses, and that the Senate has the same right to insist upon its amendments as the other body has to resist them.

I mention this matter, Mr. President, simply to emphasize the fact that the Senator from Rhode Island, who says that it is time that an issue should be framed, will find in the words I have read an added reason why, in my opinion, it is important, or will be important in the near future, to raise precisely an issue of that kind.

Mr. DEPEW. Mr. President, in regard to the revenue cutter for New York, the Senate adopted an amendment to this bill appropriating \$80,000 for the construction of such a revenue cutter. I presented that amendment at the request of the Bureau of Navigation and of the officer having charge of the Revenue-Cutter Service. The reason is that the revenue cutter

stationed there performs a special duty in the most crowded harbor there is in the United States. Its business is to so locate vessels that they shall not interfere with each other and shall not be obstructive of navigation. The revenue cutter there now has been there for so many years performing that service, that I am informed by the Department it is practically useless, and that, if it can be used at all, it can only be used with great danger to the engineer, to the crew, and to the officers.

The item is not for a new revenue cutter for a new service, but it is to replace a revenue cutter which as I regard it, from an undue spirit of economy, has been in the Service until its usefulness is gone, and it is dangerous to those who are operating it.

Hon. J. B. Reynolds, Assistant Secretary of the Treasury, when asked the opinion of the Department, reported to the Committee on Commerce in regard to the matter. When I introduced the amendment it went to the Committee on Commerce and that committee, following its usual rule, before it would report the amendment and ask that it be put upon the sundry civil bill, asked the Department for its opinion. After Mr. Reynolds's letter was received, the amendment was unanimously reported by the Committee on Commerce to the Senate. The letter of Mr. Reynolds is as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, January 27, 1908.

SIR: I am in receipt of a letter dated January 24, 1908, from the Committee on Commerce, transmitting a bill (S. 4380) "for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York," and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I have to state as follows:  
A new vessel to perform anchorage duty at the port of New York is urgently needed. The small steamer *Manhattan*, which is now detailed on this anchorage work, is in poor condition and is not worth rebuilding or many repairs. She is 34 years old, having been built in 1873, has been in constant service and is now obsolete and nearly worn out. The machinery of the *Manhattan* is of an antiquated and uneconomical type and requires frequent and expensive repairs. The boiler is the fifth that has been installed since the vessel was built and is liable to give out at any time. The *Manhattan* is engaged in important duty in supervising the anchorage system of New York Harbor, which includes the North and East rivers and Kill van Kull, and I recommend that she be replaced by a modern vessel as provided in the bill.

Respectfully,

J. B. REYNOLDS,  
Acting Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,  
United States Senate.

Now, Mr. President, I trust that the Senate will request that the conferees on the part of the Senate insist on these amendments, and that they insist upon a further conference, especially on this amendment.

Mr. TELLER. Mr. President, these questions were considered by the committee in the first instance. The items were recommended by the Department, and we put them in the bill for the reason, perhaps, given by the Senator from New York.

The true rule in the consideration of appropriation bills is to put in only such matters as are provided for by law; to make appropriations recommended to Congress to carry out existing law. The custom has grown up, however, of putting in a good many items that do not properly belong to such bills. In the other body, of course, the question of order is raised upon such matters, and if they have not been provided for by law, they promptly go out. We do not quite do that. We sometimes put such items in. The House has that rule. They will not put in an appropriation bill matters that have not been provided for by law. That places the Senate, when it puts items in an appropriation not provided for by law, at a great disadvantage, and practically under control of the House.

Neither body, Mr. President, can say arbitrarily when they put in a provision that it must be adhered to. If you did that, you would have no conference whatever. It would be certainly out of order for the Senate to say, "We put this item in the bill on information that is sufficient to us, and we do not intend to let it go out." The House conferees would be justified by the rules that govern conferences of this kind to say immediately, "We will retire."

Mr. President, we sent these very questions to the House, twice at least, for their action. The House conferees declined to yield to the Senate and took it back to the House. The House sustained their conferees, and then the conferees, of course, made the point on us that we were making exceedingly large appropriations this year, and undoubtedly the appropriations for this session of Congress will greatly exceed the revenues, to the extent, perhaps, of \$150,000,000 or \$160,000,000. There was great force in that, and we heard from nobody, Mr. President, that these revenue cutters were absolutely necessary.



They have gotten along without them for some time, and they can get along without them for the future.

I was myself anxious particularly to secure for the Western coast the revenue cutter about which the Senator from Oregon [Mr. FULTON] has spoken, and I would have favored some other things of the same character for the Western coast, but these items were not in pursuance of any statute. There was really no reason for us to say to the House conferees that they must yield, and, after a suitable time, of course we had to yield.

Mr. President, if we return this bill to the House, I do not believe there will be any advantage gained by the Senate. The House will stand for what they have stood for; and if we are to adjourn in the course of a few days this conference report ought to be accepted. The committee did the best they could, and I think, under the circumstances, they did pretty well. So I hope the conference report will be accepted.

Mr. ALDRICH. Mr. President, I am not intending in any respect to reflect upon the Committee on Appropriations for their action, but I desire in the most emphatic way I can to call the attention of the Senate and of the Committee on Appropriations of the House of Representatives to the manner in which Senate amendments to appropriation bills are treated. I have before me a list of the subjects in disagreement between the two Houses upon this bill, which are included in this report, and I find that most of those items are not items provided for by existing law. They were put in the bill contrary to the very rule which the House of Representatives are asserting governed their conduct in the case of the revenue cutters. I desire to read it, so that the Senate will understand what frequent occasions there are for a departure from that rule whenever such action suits the House of Representatives or somebody else in authority.

The first amendment in disagreement is the one in regard to land for buildings for the Departments of State and Commerce and Labor, for which there is no provision of law. The next three items are for revenue cutters, for which there is no provision of law. The next item is for a wharf and storehouse in Neah Bay, Wash., for which there is no provision of law. The next is for a custodian for the public building at St. Paul, Minn., for which there is no provision of law. The next relates to some provision forbidding the payment of details from the secret-service division.

Mr. TELLER. The Senator is now reading amendments—

Mr. ALDRICH. I am reading the items in disagreement upon this very bill.

Mr. TELLER. Put in by the Senate?

Mr. ALDRICH. They were all put in by the Senate, and they were all of them matters which were not covered by existing law, and yet a good many of them have been agreed to by the House of Representatives, contrary to what is here said to be their established rule.

The next item is for anchorage buoys in the port of New York, for which there is no provision of law. The next item is for a tender for light-house depot at San Francisco, for which there is no provision of law. The next is for a light vessel for St. Johns River bar, Florida, for which there is no provision of law. The next is for a survey of Fort Keogh, Mont., for which there is no provision of law. The next is for the establishment of a boundary line between Idaho and Washington, for which there is no provision of law. The next is an item in regard to education in Alaska, for which there is no provision of law. Then a provision for reindeer in Alaska, for which there is no provision of law. Then an item for a survey of Galveston Harbor, for which there is no provision of law. Then for strengthening the levees along the west bank of the Mississippi River between Flint Creek and Iowa River, for which there is no provision of law. Then for erecting new military barracks and quarters, for which there is no provision of law. Then for fixing the salary of the United States attorney for the eastern district of Pennsylvania, for which there is no provision of law. Then follow international investigation of the opium evil, for which there is no provision of law; international commission at Rio de Janeiro, for which there is no provision of law; purchase of two steamships of American registry for use of the Isthmian Canal Commission, for which there is no provision of law; requiring the National Academy of Sciences to make report on scientific surveys, for which there is no provision of law; Alaska-Yukon-Pacific Exposition, for which there is no provision of law, and international exposition at Albuquerque, N. Mex., for which there is no provision of law.

I call attention to these facts, not to find fault with the Committee on Appropriations, but to show that the rule to which attention has been called here is not a rule that either the Senate or the House follows, though they try to follow it as well as they can, perhaps, and they may be doing the best they can.

I do not intend to ask the Senate to disagree to this conference report, but I desire to call the attention of the Committees on Appropriations of both Houses to the fact that the treatment of the Senate in these matters is not fair and, in my judgment, it will not continue when it is called to the attention of the Senate.

Mr. TELLER. Mr. President, I did not assert, and no one who has had experience will assert, that the appropriation bills are entirely made up of items to carry out existing law, although that is the theory upon which we originally started. The House of Representatives, to some extent, has maintained that theory, because they have a provision in their rules that will enable any Member to object and raise a point of order on an amendment and have it stricken out. We have never had that rule, Mr. President. We have never claimed it. And a great part of the legislation which we have enacted in these late years has come from the fact that we did not have such a rule and did not attempt to enforce such a rule. We have within the last ten years put some of the most important provisions of law as amendments to this very bill.

Mr. ALDRICH. Perhaps I ought to complete my statement by saying that the House of Representatives receded from their disagreement to this class of amendments in fourteen cases out of twenty.

Mr. TELLER. In this bill?

Mr. ALDRICH. In this report which is now under consideration, showing that the rule they have adopted applies only in certain cases.

Mr. TELLER. The Senator from Rhode Island may complain of that, but no member of the committee will complain of it. We were very glad to get them to recede on some of these items. For myself, I was exceedingly sorry they would not recede on these revenue cutters, and we all did the best we could to secure it.

Mr. ALDRICH. I am only finding fault because the House did not recede from their disagreement to the amendments to which I have referred and that they have established a rule to exclude those amendments which they have not followed in any other case.

Mr. TELLER. There never has been an inflexible rule, but they have asserted that that was the rule, and they occasionally graciously allowed us to violate that rule.

I believe, perhaps, it would be better for the country if the rule was established and complied with in both bodies against putting in what amounts to legislation. We put in the Yukon-Alaskan provision at the very earnest request of our Western friends, who wanted it in. There was some reason why they could not get a separate bill through the House. We followed the rule which has been adopted in such cases—to put it in. That is the way we have legislated for these expositions ever since 1877, since I have been acquainted with affairs here.

I do not think there is so much complaint to be made of the House as the Senator from Rhode Island does. They did give way on a majority of the amendments we reported. I think they ought to have given way on a few more, but if they had I suppose there would have been complaints from the sponsors of the others that were not kept in.

There is some considerable force in what the chairman of the Committee on Appropriations in the House, who was chairman of the House conferees, said when he complained that we were making this a tremendously extravagant bill; that we were adding things not absolutely necessary. Do Senators realize that at this session of Congress we are going to have a bill which will be as great as a few years ago an entire Congress appropriated—and it pretty nearly overturned the political parties of this country when you had a billion-dollar Congress. This time, if we do as much next session as we have done at this, we will have a \$2,000,000,000 Congress, and you are going to have mighty little to show for it when you get through. That is the fact.

Something ought to be said about the extravagance of Congress in both Houses; for that matter. If we go on at the rate at which we are going on, it will not be long before we will be selling bonds to meet the ordinary current expenses of the Government; and I am pretty sure the people will never consent to that. I remember that when we had a Democratic administration there was great excitement when a couple hundred million dollars of bonds were sold. Mr. President, when we began this Congress we had \$250,000,000 in the Treasury in surplus money. When we get through we will have very little, if any, in the Treasury; not more than will be necessary to carry on the daily business of the Government.

Of course, the House of Representatives is charged with a duty in respect to the revenue with which this body is not charged. Revenue legislation must originate there, and after

all there is an obligation upon the House to see that there is a proper revenue in the country which does not lie with us.

I think myself we got out of these amendments pretty well. While I should like to have seen the revenue cutter at Narragansett Bay retained, because it struck me as being needed, and while I should like to have seen the revenue cutter on the Pacific coast and Oregon retained, at the same time we could not say to the House conferees that we would not make a final report unless the House men agreed to those items. I repeat, you must have a system that enables the conferees to surrender some things. If you do not, you will cease having conference committees at all. I do not believe our conferees surrendered anything they ought to have stood for, and I can not say, after all, that the House conferees demanded that we should surrender anything that they did not have good reason to say we should surrender.

The VICE-PRESIDENT. The Secretary will resume the reading of the amendments.

The Secretary read amendment No. 15, which was to insert the following:

For the construction of one steam revenue cutter for anchorage patrol duty in the harbor of New York, \$80,000.

The Secretary read amendment No. 26, which was to strike out the following:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the secret-service division of the Treasury Department or who may at any time, during the fiscal year 1909, have been employed by or under said secret-service division.

The Secretary read amendment No. 36, which was to insert: Tender, San Francisco, Cal.: For tender for the use of the inspector of the twelfth light-house depot, San Francisco, Cal., \$215,000.

The Secretary read amendment No. 82, which was, on page 96, line 1, to strike out "two" and insert "three," so as to read: For geological surveys in the various portions of the United States, \$300,000, to be immediately available.

The Secretary read amendment No. 84, which was, on page 98, line 8, to strike out "three" and insert "four," so as to read: In all, for the United States Geological Survey, \$1,435,520.

The Secretary read amendment No. 148, which was to insert: (148) International commission at Rio de Janeiro: For the payment of compensation and necessary expenses of a commissioner to represent the United States in the international commission, which, in pursuance of the convention signed at the Third International Conference of American States, on August 23, 1906, approved by the Senate on February 3, 1908, and ratified by the President on February 8, 1908, is to meet at the city of Rio de Janeiro in July, 1908, for the purpose of preparing draft codes of private and public international law regulating the relations between the nations of America: and for the payment of the quota of the United States of the expenses incident to the preparation of the drafts, including the compensation of the experts provided for in Article IV of the said convention, \$20,000, or so much thereof as may be necessary, to be immediately available.

The Secretary read amendment No. 160, which was to strike out:

(160) SEC. 8. The National Academy of Sciences is required, at their next meeting, to take into consideration the methods and expenses of conducting all surveys of a scientific character, and all chemical, testing, and experimental laboratories and to report to Congress as soon thereafter as may be practicable a plan for consolidating such surveys, chemical, testing, and experimental laboratories so as to effectually prevent duplication of work and reduce expenditures without detriment to the public service.

It is the judgment of Congress that any person who holds employment under the United States or who is employed by and receives a regular salary from any scientific bureau or institution that is required to report to Congress should refrain from participation in the deliberations of said National Academy of Sciences on this subject and from voting on or joining in any recommendation hereunder.

Mr. BEVERIDGE. I hope the Senator from Rhode Island will not insist upon something being done which has never been done before in the history of the Senate, certainly not within the memory of the veteran chairman of the Appropriations Committee [Mr. ALLISON]—the reading of the amendments upon a conference report. A great deal of time has been spent upon it.

Mr. ALDRICH. If the Senator will permit me, the reading will be finished in a moment.

The Secretary resumed the reading, when,

Mr. ALDRICH. Let the last sentence be read again.

Mr. ALLISON. Of course, as a matter of history, it is rather important, I suppose, to have this information. But all that has been eliminated.

Mr. ALDRICH. It is all out?

Mr. ALLISON. Yes.

Mr. ALDRICH. That is all right.

Mr. ALLISON. The Senate recedes.

I want to submit a request to the Senator from Rhode Island.

Mr. ALDRICH. How many more amendments are there?

Mr. ALLISON. A good many more. If there is any particular amendment the Senator from Rhode Island thinks ought

to be considered at length or at large or about which he wishes information, I shall be glad to give it. I hope he will allow the report proper to be read.

Mr. ALDRICH. The purpose I had in view has been accomplished. I will not ask for the further reading of the amendments, if the Senator from Iowa desires.

Mr. ALLISON. I shall be much obliged to the Senator if he will refrain from asking for the further reading. If there is any special amendment about which he desires information or as to which he wishes to ascertain the phraseology as finally agreed to, of course it can be read.

Mr. ALDRICH. I withdraw the request.

The Secretary resumed and concluded the reading of the conference report, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 16, 33, 78, 79, 86, and 102; and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For custodian of public buildings at St. Paul, Minnesota, one thousand six hundred dollars, who shall be appointed by the Secretary of the Treasury without reference to the laws or regulations applying to classified or civil service and shall discharge such additional duties as the Secretary of the Treasury may from time to time require."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Light and signal, St. Johns River, Florida: For a light and signal or whistling buoy, to be placed off the entrance to St. Johns River, Florida, and a relief buoy for same, twenty-five thousand dollars."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Add at the end of the last line of the matter inserted by said amendment the following: "And provided further, That all investigations hereunder commenced or undertaken shall be completed and fully reported on prior to the first day of July, nineteen hundred and nine, and all investigations and work now in progress under appropriations heretofore made for the purposes mentioned in this paragraph shall also be completed and finally reported on before the close of the fiscal year nineteen hundred and nine;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "this" and insert in lieu thereof the words "the foregoing;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two million one hundred and thirty-nine thousand and sixty dollars;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from the disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The annual salary of the United States attorney for the eastern district of Pennsylvania shall be, after the beginning of the fiscal year nineteen hundred and nine, six thousand dollars; and the annual salary of his first assistant shall be, after the beginning of the fiscal year nineteen hundred and nine, such sum as the Attorney-General shall from time to time fix and determine, not to exceed four thousand dollars."

And the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"International investigation of opium evil: To enable the President to appoint not more than three commissioners to col- late and complete on behalf of the United States information bearing on the opium question, and a secretary, who shall act as disbursing officer, and for traveling expenses, stationery, printing, and other incidental expenses connected with the investigation and the meeting of the commissioners for the pur-



pose of finding common ground for joint and several recommendations and reports to their respective Governments with a view to the suppression of the opium evil, twenty thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "And to enable the Secretary of War to purchase for the Panama Railroad Company two steamships of American register, each to be of not less than nine thousand gross registered tonnage and at a cost of not to exceed one million five hundred and fifty thousand dollars, said ships to be controlled and operated by said Panama Railroad Company in like manner as other ships of said company, including the transportation of supplies, equipment, and material for use in the construction of the Panama Canal and the transportation of officers and employees of the Panama Canal Commission: *Provided*, That when said ships are no longer required for use as aforesaid in the transportation of supplies, equipment, and material for the construction of the Panama Canal the same shall be transferred to the Secretary of the Navy for use as colliers or other auxiliary vessels belonging to the Navy;" and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "twelve million eight hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-nine million one hundred and seventy-seven thousand dollars;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the figure "7" and insert in lieu thereof the figure "9;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

**"ALASKA-YUKON-PACIFIC EXPOSITION.**

"Sec. 10. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Alaska-Yukon-Pacific Exposition, to be held at Seattle, State of Washington, in the year nineteen hundred and nine, upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

"Sec. 11. That there shall be exhibited at said exposition by the Government of the United States from the Smithsonian Institution and the National Museum such articles and material of an historical nature as will impart a knowledge of our national history, especially that of Alaska, Hawaii, and the Philippine Islands and that part of the United States west of the Rocky Mountains. There shall be exhibits from the Executive Departments of the United States such exhibits as will illustrate their principal administrative functions and their educational value in connection with the development of commerce in the countries bordering upon the Pacific Ocean; the preservation of forests, the reclamation and irrigation of arid and semiarid lands; the improving and enlarging of transportation facilities and the safeguards of navigation, and the economic value of the investigations and operations of the Government with reference to public health, geology, experiment stations, coast and geodetic survey, and public roads. To se-

cure a complete and harmonious arrangement of such Government exhibit a United States Government board of managers is hereby authorized to be appointed to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such articles and materials as the heads of the several Departments, the Secretary of the Smithsonian Institution, the superintendent of the National Museum, respectively, decide shall be embraced in the Government exhibit herein authorized. The President of the United States may also designate additional articles of peculiar interest for exhibition in connection with the said Government exhibit. Said Government board of managers shall be composed of three persons now in the employ of the Government and shall be appointed by the President, one of whom shall be designated by the President as chairman of the said board and one as secretary and disbursing officer. The members of said Government board, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army or Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said Alaska-Yukon-Pacific Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time three-fourths of the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created. The Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for this purpose, one of the life-saving stations authorized to be constructed on the Pacific coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in life-saving stations in the United States. The Secretary of Commerce and Labor is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, in such building or aquarium as shall be allotted for this purpose, a complete exhibit of the fish and fisheries of the United States, paying special attention to the fish and fisheries of the Pacific Ocean, with a view to demonstrating in the fullest manner possible the economic value of such fish and fisheries: *Provided*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, shall not exceed the sum of \$200,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Sec. 12. That the Secretary of the Interior is hereby authorized and directed to aid the people of the district of Alaska and of the Territory of Hawaii in providing and maintaining appropriate and creditable exhibits of the products and resources of Alaska and Hawaii at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Territories at said exposition: *Provided*, That the total expenditure for said exhibit for said district of Alaska on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of one hundred thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *And provided further*, That the total expenditure for said exhibit for the Territory of Hawaii on the part of the Gov-

ernment, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of twenty-five thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Sec. 13. That the Secretary of War is hereby authorized and directed to aid the people of the Philippine Islands in providing and maintaining an appropriate and creditable exhibit of the products and resources of the Philippine Islands at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Philippine Islands at said exposition: *Provided*, That the total expenditures for said exhibit on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of twenty-five thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Sec. 14. That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of said Alaska-Yukon-Pacific Exposition for said Government exhibit, including an irrigation and biograph building; also a fisheries building complete, with mechanical apparatus; also buildings for the exhibits of the district of Alaska, the Territory of Hawaii, and the Philippine Islands; also buildings for such other purposes in connection with the exhibits herein authorized as in the judgment of the Secretary of the Treasury may be necessary. Said buildings shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States, but the contract for said buildings, including the preparation of ground therefor and the approaches thereto and the interior and exterior decorative wiring and lighting thereof shall not exceed the sum of two hundred and fifty thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of the Treasury is authorized and required to dispose of said buildings, or the materials composing the same, at the close of the exposition, giving preference to the State of Washington or to the Alaska-Yukon-Pacific Exposition corporation or to the city of Seattle to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"Sec. 15. That the allotment of space for exhibitors in the building or buildings erected under authority of this act for the use of the district of Alaska, the Territory of Hawaii, and the Philippine Islands shall be done and performed without charge to exhibitors by the Government board created by this act.

"Sec. 16. That dies for medals bearing appropriate devices, emblems, and inscriptions commemorative of said Alaska-Yukon-Pacific Exposition and of the awards to be made to the exhibitors thereat shall be prepared by the Secretary of the Treasury at some mint of the United States for the board of trustees of Alaska-Yukon-Pacific Exposition, a corporation, subject to the provisions of the fifty-second section of the coinage act of eighteen hundred and seventy-three, and upon the payment by said Alaska-Yukon-Pacific Exposition of a sum not less than the cost thereof; said medals shall be coined by the coining press located in and being part of the Government exhibit, and without cost to the Alaska-Yukon-Pacific Exposition: *Provided*, That said Alaska-Yukon-Pacific Exposition shall furnish free of charge the electric power necessary to operate said coining press, and all provisions of law against the counterfeiting or imitating of coins of the United States shall apply to the medals issued under this act. Said Alaska-Yukon-Pacific Exposition shall furnish without cost to the United States all materials used by the printing and engraving presses exhibited by the Government at said exposition in the production of the usual souvenirs of appropriate design, and said Alaska-Yukon-Pacific Exposition is hereby authorized, through any agent, employee, privilege holder, or concessionaire appointed by its proper officer, to vend and sell at or near the place of manufacture any medal, print, or engraving authorized under the provisions of this act: *Provided*, That the vending and selling of all such medals, prints, and engravings shall be subject to the approval of the Secretary of the Treasury.

"Sec. 17. That the United States shall not be liable on account of said exposition for any expenses incident to or growing out of the same, except for the construction of the building or buildings hereinbefore authorized and for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government and for the employment of proper persons as officers and assistants by the Government board created by this act, and for other expenses, and for the maintenance of said building or buildings and other contingent expenses to be approved by the chairman of the Government board, or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers: *Provided*, That no liability against the Government shall be incurred and no expenditure of money appropriated by this act shall be made until the president of said exposition shall have furnished to the satisfaction of the Secretary of the Treasury proof that there has been obtained for the purpose of completing and opening said exposition bona fide subscriptions to the stock of the Alaska-Yukon-Pacific Exposition (a corporation), by responsible parties, contributions, donations, and appropriations, from all sources, aggregating a sum not less than one million dollars: *Provided*, That no appropriation made by any State or Territory and no appropriation herein made shall be considered as any part of said million dollars.

"Sec. 18. That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of said Alaska-Yukon-Pacific Exposition (a corporation), its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses, of any kind or nature whatever, attending such exposition corporation, or accruing by reason of the same.

"Sec. 19. That nothing in this act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

"Sec. 20. That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the Alaska-Yukon-Pacific Exposition or for the benefit of said exposition or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act."

And the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL IRRIGATION CONGRESS, ALBUQUERQUE, N. MEX.

"Sec. 21. To enable the Secretary of the Treasury to pay to the city of Albuquerque, N. Mex., to assist in defraying the expenses of the International Irrigation Congress, to be held in that city commencing September twenty-ninth, nineteen hundred and eight, thirty thousand dollars.

"Nothing in this section shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations that may be created on account of said International Irrigation Congress beyond the sum hereby appropriated."

And the Senate agree to the same.

W. B. ALLISON,  
EUGENE HALE,  
H. M. TELLER,

*Managers on the part of the Senate.*

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,

*Managers on the part of the House.*

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.



## INJURIES TO GOVERNMENT EMPLOYEES.

Mr. BEVERIDGE obtained the floor.

Mr. GORE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. I yield for morning business.

Mr. GORE. I have two resolutions of a local character which I wish to present.

Mr. BEVERIDGE. Let them be introduced and referred.

Mr. ALDRICH. Let the resolutions be read for the information of the Senate.

Mr. BEVERIDGE. Then I decline to yield for their introduction.

Mr. DEPEW. Mr. President—

Mr. BEVERIDGE. I yield to the Senator from New York.

Mr. DEPEW. I desire to call up Order of Business 674.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALDRICH. I understood the Senator from Indiana was to call up his Alaskan bill.

Mr. BEVERIDGE. I was going to, but I said I would yield to the Senator from New York for this purpose.

Mr. ALDRICH. A motion will have to be made.

Mr. DEPEW. I move—

The VICE-PRESIDENT. Is there objection to the request of the Senator from New York for the present consideration of the bill the title of which has just been read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DEPEW. Mr. President—

Mr. GALLINGER. Will the Senator allow me?

Mr. DEPEW. Certainly.

Mr. GALLINGER. In reprinting the bill there are two obvious mistakes. In line 6, page 1, the words occur in italics "or as postal clerks on railway trains." I offered the amendment and withdrew it; and I ask that the words be stricken from the bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. There is one other amendment I offered, and that was agreed to. In the reprint, on page 4, line 19, occur the words "at least once in six months." That was agreed to, as I say, but the words should be inserted on page 5, line 4, after the word "Labor;" and I ask that that transposition be made.

The VICE-PRESIDENT. Without objection, it is agreed to.

Mr. DEPEW. One word about this bill, which I think is misunderstood.

The VICE-PRESIDENT. The Chair will state that the question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. McLAURIN], which will be stated.

The SECRETARY. On page 2, line 10, it is proposed to strike out the words "Secretary of Commerce and Labor" and insert "court of the United States in which the injury is inflicted."

Mr. DEPEW. In regard to that amendment, just one word: The principle of this bill, that compensation shall be given to employees who have been injured in the service, has been the principle for a long time—

Mr. ALDRICH. The Senator from Mississippi [Mr. McLAURIN] is absent from the Senate Chamber.

Mr. BEVERIDGE. I have just sent for the Senator from Mississippi.

Mr. ALDRICH. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Rhode Island suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clark, Wyo.	Gallinger	Paynter
Allison	Clay	Gore	Perkins
Ankeny	Cullom	Hale	Piles
Bacon	Depew	Heyburn	Rayner
Bankhead	Dick	Hopkins	Scott
Beveridge	Dillingham	Johnston	Smith, Mich.
Borah	Dixon	Kean	Smoot
Brandegee	du Pont	Long	Stephenson
Briggs	Flint	McCreary	Sutherland
Brown	Foraker	McLaurin	Warner
Burkett	Foster	Nelson	Warren
Carter	Frazier	Newlands	Wetmore
Clapp	Fulton	Overman	

The VICE-PRESIDENT. Fifty-one Senators have responded to their names. A quorum of the Senate is present.

Mr. DEPEW. Let the Secretary state the pending amendment.

The VICE-PRESIDENT. The Secretary will report the pending amendment.

The SECRETARY. On page 2, line 10, it is proposed to strike out the words "Secretary of Commerce and Labor" and insert "court of the United States in which the injury is inflicted," so that if amended it will read:

All questions of negligence or misconduct shall be determined by the court of the United States in which the injury is inflicted.

Mr. SUTHERLAND. I call the attention of the Senator from New York to the fact that if amended the clause will read:

All questions of negligence or misconduct shall be determined by the court of the United States in which the injury is inflicted.

It implies that the injury has been received in some court. I suggest it ought to be determined by the "court of the United States for the district," and I move that amendment to the amendment.

Mr. McLAURIN. I approve of the criticism of the Senator from Utah, and I would add "in the district."

Mr. SUTHERLAND. "For the district."

Mr. McLAURIN. "For the district." I have no objection to that.

Mr. SUTHERLAND. I suggest further to the Senator from Mississippi that he insert before the word "court," the word "circuit," so as to read "circuit court of the United States."

Mr. CLAY. Mr. President, if the bill shall pass as it is now, the question of negligence will be determined by the circuit or district court of the United States for the district wherein the injury occurred. Purely the question of negligence is submitted to a jury, and the amount of the recovery under this bill, I presume, would be left to the Department of Commerce and Labor. Is it not a very peculiar situation when we divide up a question of recovery in a case and we submit to a court the right to try the question of negligence, and then after the question of negligence has been passed upon, the amount of the recovery is to be fixed by the Department of Commerce and Labor? Now, is not it a departure entirely from the rules that have been fixed in the trial of causes? If a railway employee is injured, he goes into court and the law fixes the rules of negligence and the methods by which the case is tried. If the employee of a manufacturing establishment is injured, he goes into court and his case is tried under established rules.

In this case we are providing that all of the employees of the Government in Panama and in every State in the Union when they are injured shall have submitted to the court the question of negligence, but as to the amount of the recovery it shall be left to the Department of Commerce and Labor.

Mr. NELSON. Mr. President—

Mr. CLAY. In one minute. How could the Department of Commerce and Labor ever pass upon all of these cases? We have had in the past fixed rules for the trial of causes where employees have been injured, and I believe that the Government ought to be liable where the Government has been negligent and an employee is injured; but ought we not to resort to the usual rules and methods, to the usual procedure in the trial of causes to ascertain the liability and the amount that should be paid?

Mr. DEPEW. Mr. President, I wish to make a brief statement upon the amendment offered by the Senator from Mississippi [Mr. McLAURIN] and the remarks made by the Senator from Georgia [Mr. CLAY].

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. DEPEW. Certainly.

Mr. McLAURIN. I wish to respond to the suggestion that was made by the Senator from Utah, who asked, I believe, if I would be willing to have the word "circuit" inserted before the word "court."

Mr. SUTHERLAND. Yes; I think we should designate the court, as I understand the circuit court of the United States is the court which would have jurisdiction of this class of actions.

Mr. McLAURIN. I have no objection to that.

Mr. DEPEW. Mr. President, the criticism made by the Senator from Georgia is correct if we are to adopt in this bill the amendment offered by the Senator from Mississippi. This bill was gotten up upon one scheme for giving payment to the employees of the Government who may be injured in the service, and the amendment offered by the Senator from Mississippi

necessitates an entire remodeling of the bill, because it provides a different scheme for the recovery of compensation.

This measure to provide compensation for the employees of the Government who may be injured in the service was before the other House all winter. Every proposition which could be suggested to meet the case has there been thoroughly considered, and the net result has been this bill, which subsequently passed the House unanimously, and then was reported by the Committee on the Judiciary of the Senate. While the recovery from corporations and individuals has always been possible for an employee who has been injured, and while defenses have been taken away almost entirely in regard to the employees of an individual of a firm or a corporation, there is not now and never has been any possibility of an employee of the Government who is injured in the service securing any recovery whatever.

That probably arose from the fact that it was never anticipated that the Government of the United States should become one of the largest employers of labor and one of the greatest manufacturers in the country. We are making ships in shipyards, with all that that implies of labor and of risk. We are making guns in the arsenals, with all that that implies. We are placing in position in fortifications those great guns which are to defend our harbors and our coasts. We are engaged in hazardous service in the harbors of the country in building docks and in the Reclamation Service and in digging the Panama Canal. Yet when accidents occur, this just measure, recognized by every country, of payment to the employee who is injured in his employment has never been accorded in our Government.

The question naturally arises, How should that employee receive his compensation if he is injured, and how should it be ascertained? Of course, the only method, so far as corporations and individuals and firms are concerned, is access to the courts, because you can not, as a rule, trust corporations nor firms nor individuals to deal justly with an employee who might be injured in the service. Therefore the application is made to the court, and there is a trial and a jury decides what the compensation may be.

But, Mr. President, it is well known that in these cases the injured party reaches his damages in cash long after the suit has been tried.

There are all sorts of opportunities for the interposition of objections, and all sorts of opportunities for appeals and for reversals and for new trials. I think it will be found that the average time between the bringing of an action for injury or for death and the recovery in cash to the party injured or his representatives is at least five years.

In the meantime, sir, there has grown up in the United States because of the practice in such cases a special bar on negligence, and there are representatives of that bar who are known as ambulance chasers, and they have arrangements with the people in various places, for instance, with coroners and officers of every kind, by which they know first, and are on hand with their contracts for 25 or 33 or 50 per cent of the amount of the recovery in case they succeed. The object of this bill is to do away with that, and enable the injured man to secure speedy examination and payment.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Michigan.

Mr. DEPEW. Certainly.

Mr. SMITH of Michigan. If the Senator will permit me to ask him a question, I ask him how this proposed legislation seeks to avoid that very condition?

Mr. DEPEW. That is just what I am coming to, Mr. President.

Mr. SMITH of Michigan. It does not seem to me to be relieving it, that lawyers are forbidden to take one of these cases.

Mr. DEPEW. Except that he can not sue the Government of the United States.

Mr. SMITH of Michigan. He can not sue the Government, but he may take the ex parte testimony of the claimant and present it to the Bureau. I see no inhibition upon him.

Mr. DEPEW. But, Mr. President, in this case the employee or his representatives, if he were killed, would be very foolish to do anything of the kind. The Secretary of Commerce and Labor is authorized under the bill to make rules and regulations covering the whole question and the whole scheme of recovery; and in every navy-yard, and in every arsenal, and upon every dock and every work in the United States the superintendent in charge is directed, immediately upon an injury, to take the necessary steps to ascertain what it may be and report it immediately to the Secretary of Commerce and Labor.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Oregon?

Mr. DEPEW. Certainly.

Mr. FULTON. I ask the Senator if he does not think, however, that the superintendent in charge—or whatever may be his position, the person in charge—will be disposed at all times to report against the employee, because in the nature of things he will want to protect himself. He will have an interest in protecting himself, to show that there was no negligence on his part or on the part of any superior officer. As a result, I ask the Senator if he does not think that these claimants will be compelled to employ counsel to present their cases, to represent them, before the Secretary of Commerce and Labor or whatever so-called court or board he establishes for hearing the cases?

I call the attention of the Senator in this connection to the fact that in every Department where claims are presented against the Government there has grown up in this city a bar practicing before that Department. There are regular claims attorneys here presenting claims to Congress. There are pension attorneys taking charge of pensions. If there is one branch of the Government where it would seem that the benefits the Government wishes to give to its citizens could be obtained without the employment of counsel, one would think it would be the Pension Department.

But we all know as a matter of fact and practice that there are attorneys who do nothing else but practice before the Pension Bureau.

I mention that to call the attention of the Senator to what seems to me will be the result here, that there will grow up right in this city a bar whose sole business it will be to present claims of this character; and I think it will be far more difficult and far more expensive for a claimant to secure his money under this bill than if we referred the whole matter to the court and allowed the court with jurisdiction where the action should occur to hear the case, allowing it to be presented in any court of competent jurisdiction. I make that suggestion to the Senator.

Mr. CLARK of Wyoming. Mr. President, I am interested in what the Senator from Oregon says, but if he will notice the bill he will observe that the amount allowed the employee is very small. If this matter is allowed to be thrashed out in court, in an indirect way, at least, and possibly in a direct way, we are removing the bar of sovereignty and allowing the United States to be sued. If we do that, does not the Senator believe that the right to recover under the bill should be very, very much enlarged?

Mr. FULTON. Undoubtedly. My own view, if the Senator will allow me right there, and asking permission of the Senator from New York—

Mr. DEPEW. Certainly.

Mr. FULTON. My own view would be to allow probably whatever is allowed under the State law where the action occurs, and if not that, then frame some general bill of our own and very materially increase the amounts that are allowed under the provisions of this bill.

Mr. CLARK of Wyoming. My suggestion was drawn out from the fact, which is well known by those who have investigated the subject, in this Chamber and elsewhere, that any attempt at this time to pass this bill with the court amendment would be absolutely futile.

Mr. FULTON. I am very decidedly in favor of the Government paying where employees are injured in the service and without their fault. I think the Government should pay as other employers pay; but I would send the matter to the court.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. DEPEW. Certainly.

Mr. GALLINGER. If the Senator will permit me, I will say, in the first place, that I think it would be a very great misfortune to these men to send their cases to the courts. But I simply want to call the attention of the Senator from New York to the fact that all these classes of employees have men representing them now who will look after their cases before the Department of Commerce and Labor.

I have a dispatch here from a gentleman in Boston who represents the League of Navy Yard Employees. They have lawyers and others who will, I think, look very carefully after their interests, if this matter is kept out of the courts. But if these men are sent to the courts with claims of from one hundred dollars perhaps to a couple thousand dollars, it is very evident they will never recover enough to warrant the trouble to which they will be subjected.



Mr. HOPKINS. Will the Senator from New York allow me?  
Mr. DEPEW. Certainly.

Mr. HOPKINS. In reply to the suggestions of the Senator from New Hampshire and the Senator from Oregon, I would suggest that the matter can be remedied by limiting the amount that should be paid to any person, lawyer or otherwise, to assist the party who has been injured. Take the case of pension claimants. The law provides that a very limited amount is to be paid to the attorney in such a case. I think experience has shown that the service which has been rendered by the attorneys has very much aided the old soldiers, and the compensation has been so small that it has not been burdensome to the soldier.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Minnesota?

Mr. DEPEW. Certainly.

Mr. CLAPP. I should like to ask the Senator from New York a question, not in a spirit of opposition to the measure, for I am heartily in favor of it, but I was out of the Chamber for a moment. I ask the Senator whether he favors the amendment printed in lines 10 and 11, on page 2, referring all questions of negligence or misconduct to the court?

Mr. DEPEW. I do not.

Mr. CLAPP. Mr. President, it has occurred to me that perhaps it would be going too far to leave the determination of these questions to the Department of Commerce and Labor, to be passed upon, as they necessarily must be passed upon, by subordinates, and that a very simple solution would be to provide that in case of an accident the whole matter should be laid before the district attorney for the district in which the accident occurred.

As he would stand there in a relation between the Government and the injured, it would require no service of an attorney in such a proceeding. Anyone could present the matter to the district attorney. We would then have the judgment and opinion of one familiar with the law and the rules of evidence. Let him then forward the case with his recommendation to the Secretary of Commerce and Labor. It strikes me that that would be a very simple proposition, easy to work out, and yet would bring into this matter the judgment of one trained in this kind of work and would entail no additional expense upon the claimant.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Michigan?

Mr. DEPEW. Certainly.

Mr. SMITH of Michigan. I have been somewhat impressed by the suggestion of the Senator from Illinois [Mr. HOPKINS], who says that in the case of a claimant for pension provision has been made for the payment of attorneys, and therefore that ought to be done in this case. I want to say that this very remarkable departure from the fixed principles of our Government strikes me as a serious innovation. The suggestion of the Senator from Illinois prompts me to say that if a soldier who served his country in war, in the thick of the fray, when his life was not worth anything every moment, perhaps, of his enlistment, did not serve over ninety days he can not get a penny from the Government, nor can his widow or his children, whereas under this bill a civil employee, in a position of absolute security and safety, may, if he works one day for the Government, demand a year's pay.

Mr. HOPKINS. Mr. President, will the Senator from New York yield to me a moment?

Mr. DEPEW. Certainly.

Mr. HOPKINS. I desire to call the attention of the Senator from Michigan to this difference between the civilian and the soldier. If the soldier was injured within the limits spoken of, the Soldiers' Homes are open to any man who has served the country either in the Army or the Navy.

Mr. SMITH of Michigan. Yes; but if he lost his life in the war a Soldiers' Home would not do him much good, nor would it do his wife and children any good. His widow and his children, who have been for years trying to get a pension, never can get anything. I have seen during my service in Congress, Mr. President, bill after bill that was refused even consideration by the committee of the Senate or by the House because the soldier had not served longer than ninety days. I want to know what emergency it is that requires us, when a man is culled from every private employment into the public service, where thousands are so eager to come, to insure him absolutely both against the negligence of his fellow-servants and against the negligence of the master.

Mr. NELSON. Mr. President, will the Senator from Michigan allow me to remind him of a fact? I presume that the

Congress of the United States has considered the position of a Senator extra hazardous, because it has been the practice of the United States Senate ever since I have been here to appropriate a year's salary to the widow every time a Senator dies.

Mr. SMITH of Michigan. I hope the Senator's widow will never get that salary.

Mr. BURKETT. If the Senator will yield to me, I want to call his attention to the fact that the soldier who has been injured can get a pension; it makes no difference how short a time he was in the Army.

Mr. SMITH of Michigan. The ninety days' limit has cut off scores and scores.

Mr. BURKETT. That is only as to a service pension; it does not apply to an injury received in the service.

Mr. SMITH of Michigan. Mr. President, if the Senator from New York will allow me, I would like to observe that the bill now before the Senate is a most startling one to me. Stripped of all its verbiage, this act establishes a civil pension list, and will ultimately lead to the placing of every employee of the Government under this or similar provision. While this bill may not cover over 100,000 employees, laborers, and artisans in the public service, it is an entering wedge, and it will be easy to take on all other grades. I must confess that I do not like it.

The Government has steadfastly refused to recognize the services of the soldier who did not happen to serve ninety days, although he may have stood in the face of a deadly fire for eighty-nine days, and I can not understand the theory of justice upon which this is based. If the Government is at fault the laborer should be given his legal remedy, an adequate one, fully compensating the injured person. This bill does not even pretend to do more than tide the poor unfortunate over for a year or less. This is not justice; this is charity, creditable, perhaps, but not just; let the courts be authorized to extend jurisdiction to claimants, but in the name of all that is fair and just do not shield yourself behind a special privilege as an employer, and then treat claimants with scant justice, and thus avoid responsibility. I hope this will be so amended as to be practicable, and, if not, pass an enabling act which will permit employees of the Government to seek such redress as is accorded to employees in every private employment.

I think this is dangerous legislation. It goes too far.

Mr. HOPKINS. Does the Senator from Michigan think an employee of the Government should be held liable for the negligence of a coemployee, if he is injured?

Mr. SMITH of Michigan. I know that under the common-law rule, recognized in our courts for generations, it was thought that a higher degree of care and responsibility would be exercised if employees depended upon their fellow-servants for the exercise of care; and for one I am not ready to abolish it.

Mr. HOPKINS. I want to say to the Senator that that practice has been outgrown by this Government for many years.

Mr. SMITH of Michigan. It may have been, but—

Mr. HOPKINS. In most of the State tribunals it is not regarded, and it ought not to be regarded by the Federal Government. The idea, Mr. President—

Mr. DEPEW. Mr. President—

Mr. HOPKINS. Just one word further.

Mr. DEPEW. I think the bill we passed here this winter has abolished that rule.

Mr. SMITH of Michigan. It did as to a certain class of employment that I submit is very hazardous, but not as to any other. I think this opens the door too wide. I do not like to differ with the distinguished Senator from New York, whose experience and large judgment along the lines that this bill follows we must all respect. I dislike very much to disagree with him, but I feel that when we turn the Government over as an insurance company for every employee and every Department of the public service and say that for the hurt of a day he may be compensated for a year, it is going altogether too far.

Mr. CLARK of Wyoming. I wish to say before the Senator from Michigan takes his seat that of course he does not want to incorrectly interpret the bill. I want to say that in the bill as printed and presented to the Senate there is no such interpretation as the Senator from Michigan puts upon it.

Mr. DEPEW. Mr. President—

Mr. SMITH of Michigan. If the Senator will permit me, if the principle is introduced it will certainly extend to every employment of the Government.

Mr. DEPEW. Mr. President, one would think from the character of this discussion, from the wide range it has taken, and from the alarm which this proposition has created, that this was a new suggestion which had never been tried. But, sir, in 1897 the British Government enacted similar legislation. The British Government has gone further in legislation on the sub-

ject of the rights to recovery by an employee than has this Government or any State in the United States or any government in the world.

In 1897 the British Government adopted a bill substantially on these lines, and I understand that none of the evils which are predicted here have resulted, but, on the contrary, that it has worked equitably and justly, and that the Government has been no more damaged than it ought to have been as an employer of labor. That legislation fixes the limit of recovery and this is proposed in this bill. We are simply introducing, in the mildest kind of way, a proposition that the Government shall treat its employees who are engaged in hazardous work with as much justice and equity as we compel a corporation or a firm or an individual to treat its employees.

Now, as to the apprehension that ultimately hundreds of thousands and possibly a million of employees may be affected by this bill, that is impossible. By the investigation which has been made, the whole number of employees in the Government engaged in hazardous occupations is 71,000. Leaving out those in the postal and wrecking service already provided for by law, there are 54,000, and when the Panama canal is completed the number will be much less. The bill originally introduced in the other House, which was rejected by the House, and which is now covered by the amendment offered by the Senator from Indiana [Mr. BEVERIDGE], included the whole civil service, amounting to 330,000 or 340,000 or 350,000 employees, but this bill is designed to reach only those who are engaged in hazardous occupations, say 54,000.

So far as the Government is concerned, I am informed by the representatives of the Department of Commerce and Labor that they see no difficulty whatever in the just administration of the provisions of this bill or in carrying them out in a way which will neither embarrass the Department nor do injustice to the Government or injustice to the employee. Surely no class in the United States are more alert to their own interests, are better organized to protect them, have abler and shrewder men in charge of them wherever they are affected than the labor organizations of this country, and I am authorized to state that the labor organizations have given attention and examination to this bill and that they are unanimously in favor of its passage. Of course it does not grant as much as they would like, because it is very narrow in its limitations, while the recovery, either for injury or for death, so far as the private claimant in private or corporate employment is concerned, is limited only by the discretion of the jury.

This bill limits the maximum recovery either for injury or for death to one year's salary. Instead of being able to recover, as some Senators seem to think, for the slightest injury, a whole year's salary, it is for the Department of Commerce and Labor to decide whether the man shall be paid for thirty days or sixty days or six months or a year.

Sir, as to the number of cases that are likely to arise, in looking over this report, made by the House committee, I find that the number of injuries, so far as they could be ascertained by the Departments which employ labor, amounts to a little over 2 per cent a year on the 71,000 who would be affected by this bill; and, sir, on such a calculation as that, even if it were 3 or 5 per cent a year, the amount which would be paid out of the Treasury would be small.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Washington?

Mr. DEPEW. Certainly.

Mr. PILES. Mr. President, I should like to ask the Senator if this 71,000 he speaks of is predicated upon the bill as it came from the other House?

Mr. DEPEW. Upon the bill as it came from the other House.

Mr. PILES. It does not, then, include those provided for in the bill as amended in the Senate?

Mr. DEPEW. Not included in the amendment as offered in the Senate. The amendment offered to this bill in the Senate would include about 340,000.

Mr. PILES. The bill has been amended in the Senate. I will state, while I am on my feet, that the more I look at this bill the greater dislike I seem to have for it. Take, for instance, the Senate amendments in section 1 relating to postal clerks on railway trains.

Mr. GALLINGER. That is out of the bill, I will say to the Senator from Washington.

Mr. DEPEW. Postal clerks on railway trains have been taken out.

Mr. PILES. How about persons engaged in work on fortifications; has that provision been taken out?

Mr. DEPEW. "Fortification" is in the bill.

Mr. PILES. How about those engaged in construction work on the reclamation of arid lands? That is still in, as I understand it.

Mr. DEPEW. Yes; that is in.

Mr. PILES. Turning to section 2, that section provides—

That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow or a child or children under 16 years of age, or a dependent parent—

payments may be made under the provisions of the bill. Section 2 limits the right of recovery to the dependent parent, to the widow, or to the child or children of artisans or laborers. It does not include the other persons named in the bill as amended by the Senate. That ought to be changed by all means. It ought to be provided in section 2 that if any person so employed—

Mr. BEVERIDGE. Any person named in this act.

Mr. PILES. "Any person so employed" is perfectly clear.

Furthermore, Mr. President, there is another thing about section 2 that does not appeal to me at all. I must say that I do not believe that this bill is of such a character as Congress ought to pass on this subject. If we are to give the persons referred to in this bill anything we ought to give them something substantial. It may be possible, as the Senator from New York [Mr. DEPEW] says, that we can not get any other bill through at this session of Congress, but I want to say now that I do not favor this bill in its present form, although I do not say that I will not support it, but if I do, it will be upon the theory that it is the best bill that can be passed at this session of Congress.

Referring again to section 2, that section provides that the amount of recovery shall be limited to one year's salary. I call the Senator's attention, for instance, to the fact that if an injured person dies during the year his widow or his dependent parent or his children, or all combined, may receive proportionately the balance of his salary for the remainder of the year. But here is a provision which, it seems to me, is harsh, cruel, and unjust. Turning to line 1, on page 3 of section 2, we find the following:

And if any child shall arrive at the age of 16 years during the said year, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

In other words, Mr. President, under the provisions of section 2 a child is absolutely cut off as soon as it reaches its sixteenth birthday, irrespective of its condition. Why should that be? There may be three months' pay coming to the dead man. He may have lived nine months, and his child at his death may be a cripple; it may be a little girl who is unable to earn anything for herself, and because, forsooth, she has arrived at the age of 16, this so-called "compensation" which the Government offers ceases absolutely under the language as it reads, even though there be no other beneficiary. It does seem to me that ought to be amended.

Do not cut the child off, as it would be under the provisions of this bill, if there are no beneficiaries. I do not believe that this bill has had the careful consideration its importance demands.

Mr. GALLINGER. Why not strike out that language entirely?

Mr. PILES. Well, strike it out. It should be stricken out.

Mr. GALLINGER. I had that in view. I think it is a cruel provision.

Mr. PILES. I think it is also an unjust provision.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Ohio?

Mr. FORAKER. I thought the Senator from Washington was through.

Mr. PILES. I am entirely through, Mr. President.

Mr. FORAKER. Mr. President, I want to ask a question of the Senator having the bill in charge. I see the bill was considered by and reported favorably from the Judiciary Committee. I happened to be ill at the time the bill was considered there, and did not know any such bill had been considered in the committee or that any such bill had been reported until the Senator called it up for consideration. Looking over the bill, it seems to me it is indefinite in some particulars, and I should like to ask the Senator in charge of it, who is no doubt entirely familiar with it, what the provision of the bill is, for I can not understand it from a mere reading of the text—in case of death by accident occurring to one of the employees?

Mr. DEPEW. A year's salary.

Mr. FORAKER. I do not so understand. It is a year's salary when there is an injury as provided in the first section. Then there is a provision in the second section as to how that year's



salary shall be distributed in the event the injured person dies within the year.

Mr. DEPEW. If the Senator will look at the third section—

Mr. FORAKER. Then, when we come to the third section I find it to read as follows:

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the origin and nature of the accident and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports.

That does not say anything about what finding shall follow the making of these reports.

Mr. BEVERIDGE. Mr. President, I think perhaps I can answer the Senator's question if I understand it.

Mr. FORAKER. I am not through with what I wanted to read.

Mr. BEVERIDGE. I wanted merely to see whether I have in mind what the Senator is asking, and that is this: Does the Senator ask what indemnity for the beneficiary is provided in this act in case a man is instantly killed? If so, I will say none.

Mr. FORAKER. I was just coming to that, if the Senator will bear with me for a moment.

Mr. BEVERIDGE. I can not find language in the act to cover that, and I have prepared an amendment covering that very point.

Mr. FORAKER. I think the Senator's explanation will be more in order in a moment. I have read section 3 all the way through, and I find nothing there, except only a provision as to the character of evidence that shall be required with respect to the accident, how it happened, whether it occurred while the injured person was in the course of his employment, or otherwise. I will read section 4.

SEC. 4. That in the case of any accident that shall result in death—This is the case of death from accident—

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall within ninety days after such death file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days the injured party or his legal representatives desiring to take the benefit of this act shall within a reasonable period after the expiration of such time file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of his attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate satisfactorily accounted for.

All that, Mr. President, refers to the case of an accident resulting in death. None of this section is applicable unless the injured person dies as the result of the accident. Among other things, we are to have set forth the probable duration of his incapacity. Now, further—

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. Let me finish the reading of the section, if the Senator please, and then I will yield. The section concludes:

If the Secretary of Commerce and Labor, at least once in six months, shall find from the report and affidavit or other evidence produced by the claimant or his legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.

Now, it seems to me, that that fourth section is not, with all due respect to the draftsman, very intelligently drawn. I find my mind in confusion as to just what it means, and I want to ask the Senator a further question, for I did not have the benefit of hearing the discussion in committee. If I correctly understand this provision, waiving the confusion that I have referred to for the moment, it is a provision that in case of injury resulting in death in the one case and of injury not resulting in death in the other, there shall be reports made to the Secretary of Commerce and Labor. These reports shall be made by the superior officer of the workman who is injured,

the one, I suppose, who is immediately in control of him—it may be the foreman. He is to report all the facts and circumstances and is to report whether the party was injured on account of his negligence or whether he was free from negligence; and then upon these reports there is to be a determination by the Secretary of Commerce and Labor as to what he is entitled to receive from the Government as compensation.

Now, I want to ask the Senator if in the Judiciary Committee the question was considered whether this was not an exercise, as here provided, of judicial power? I do not understand how anybody, except only a judge, can exercise judicial power; and it appears to me that it is a judicial function to pass on the question whether or not there is negligence or the absence of negligence in determining these questions of liability for an accident, and certainly also judicial power in determining the amount of the liability of the Government, if it be determined that he was injured in the course of his employment while in the line of duty without negligence on his part, unless there is something in the bill that fixes absolutely and arbitrarily the amount. I do not understand that it does, though it may, because to my mind that is an indefinite provision, which I do not clearly understand. It is perhaps because I have not had a chance to study the bill as other Senators have studied it, but it seems to me that it is a judicial power that we are proposing to confer upon the Secretary.

Mr. NELSON. Mr. President, with the permission of the Senator from New York [Mr. DEPEW] and in response to what the Senator from Ohio [Mr. FORAKER] and other Senators have suggested, I desire to call the attention of the Senate to the scope of this bill. This is not a bill that proposes to give a person injured in the Government service a right to get full compensation as in cases between private individuals. It is simply to provide a system of giving such persons what might be called a "pension." The whole amount of the compensation in any case is limited to a year's salary. If a man is injured and is laid off as a result of that injury for more than fifteen days, he gets pay at the rate of his salary for the time he is laid off, not to exceed a year. If he is injured—and that responds to the inquiry of the Senator from Ohio—and dies as a result of that injury, his compensation is only his salary. He gets pay for the time he is laid off and disabled from the date of the injury; and then, if he dies, his family get the balance of the compensation for the remainder of the year.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly I do.

Mr. BORAH. I simply want to ask a question for information. Do I understand that the injured employee receives his pay so long as he lays off from work?

Mr. NELSON. From injury, not exceeding a year.

Mr. BORAH. Who is to determine when he should go back to work and when he is well?

Mr. NELSON. That is determined by a medical examination, as the bill subsequently provides. There is no novelty about this proposed legislation.

Mr. FULTON. I should like the Senator—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NELSON. I wish the Senator would allow me to make a statement of the case, and then he can ask any question he wishes.

Mr. FULTON. I wish the Senator would point out where that provision is.

Mr. NELSON. There is no novelty in this proposed legislation. I desire to call the attention of the Senate to the fact that by the act of May 4, 1882, we applied this principle to the men employed in the Life-Saving Service. Section 7 of that act reads as follows:

SEC. 7. That if any keeper or member of a crew of a life-saving or lifeboat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the Service, he shall be continued upon the rolls of the Service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable; but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

The determination of the question as to whether or not he is injured in the service is left to the Department.

Section 8 of the same act reads as follows:

SEC. 8. That if any keeper or member of a crew of a life-saving or lifeboat station shall hereafter die by reason of perilous service or

any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under 16 years of age, such widow and child or children shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount payable quarterly, as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall remarry at any time during the said two years, her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of 16 years during the said two years, the payment of the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

Mr. FORAKER. Does the act from which the Senator has read make any provision in regard to negligence?

Mr. NELSON. No; it speaks about injury. It does not use the word "negligence." The same principle has been applied to the postal employees. For the last five years we have had the following provision in the post-office appropriation bill, and we have acted under it:

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of \$1,000, which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, \$100,000.

Then, in addition to that, in the Post-Office Regulations there is a provision which I will read.

SEC. 1424. Whenever a railway postal clerk shall be disabled while in the actual discharge of his duties by a railroad or other accident beyond his power to control, he shall send to the division superintendent a certificate of his attending physician or surgeon, sworn to before an officer authorized to administer oaths, who has an official seal, setting forth the nature, extent, and cause of his disability, and the probable duration of the same; and such further evidence as to the character of the disability as may be necessary shall be furnished.

2. The division superintendent will forward the certificate, with his recommendation, to the general superintendent of the railway mail service, who will submit the matter to the Postmaster-General, who may, in his judgment, the facts justifying such action, grant such disabled clerk leave of absence with pay for periods of not exceeding sixty days each, and not exceeding one year in all.

2. A sworn statement from the attending physician must accompany every application for additional leave.

There you have the law, Mr. President, that gives to the families of employees of the railway postal service in case of death a compensation of \$1,000, and in case of injury the employees are allowed their salary for one year. That compensation is administered through the Department. They do not have to go into a court to adjudicate those matters. It is just the same as it is in the case of pension claims. All the pension claims in the country are submitted to the Commissioner of Pensions and adjudicated through the Pension Bureau. The question of disability occurs in all such cases. In the Life-Saving Service it is submitted to the Secretary of the Department of Commerce and Labor, who passes upon it. If an employee is injured in that service, he can get compensation to the extent of two years' salary. If he is killed in that service, his widow and surviving children get two years' salary. In the postal service in case of death \$1,000 is granted to the widow and children, and in case of injury the employees are allowed compensation to the extent of one year's salary.

In the case of the bill under consideration, all that we aim to do is to apply the same principle to this class of people who are engaged in hazardous employment in the Government service. The Senator from New York [Mr. DEPEW] said it would affect 71,000 employees; but if you take the report of the House and deduct the employees of the railway postal service and the employees of the Life-Saving Service, who are now provided for, it will only apply to 54,000, instead of 71,000.

It seems to me that it would be as idle and mischievous and as much of an impediment to ask the claimants in these cases to go into a court and have their claims adjudicated as it would in the case of the men in the Life-Saving Service and in the railway postal service. It is a matter that can be done through an administrative Department of the Government. There is only one change I can suggest, and that was suggested by the Senator from Illinois. Let us do as we do in the case of pension claims—limit the attorney's fee to a certain amount.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. FORAKER. Before the Senator takes his seat, I want to ask him—for I am quite in sympathy with the purpose of the legislation—if it would not be an improvement of this bill to strike out all the provisions about negligence? If a man be

injured while in the course of his employment, why should not the Government pay him? That is the only requirement in the laws the Senator has read.

Mr. NELSON. I think myself it would be well.

Mr. FORAKER. We would thereby avoid this question of determining whether or not there is negligence, which certainly is a judicial question. That is the reason I interrupted the Senator to ask about the provision in regard to the Life-Saving Service.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. Mr. President, does the Senator from Ohio mean to say that the Government ought to respond for the death of a person who, through his own sheer negligence, caused his own death?

Mr. FORAKER. Ordinarily not; but evidently the Government is doing so in the case of the Life-Saving Service under the provision that was read by the Senator from Minnesota [Mr. NELSON] a few moments ago. Also in the other cases he mentioned. The point in my mind is simply this, if the Senator from New Hampshire will bear with me a moment: I do not see how we are going to intrust to any administrative officer a judicial power, and, it seems to me, there can not be any question that it is a judicial power to determine for the purpose of fixing liability, whether in a given case there has been negligence or the absence of negligence.

Mr. GALLINGER. The superior officer reports upon that, and in the Life-Saving Service of course the work is performed under such circumstances that there can not be negligence. The men go out to sea to save some one's life, and lose their own lives.

Mr. FORAKER. I do not know. I was in charge of one a year or two ago, and I thought he was guilty of very gross negligence. But I was willing to square the account when I got on dry land.

Mr. GALLINGER. It seems to me if we are going to abandon all defense and put fifty or sixty thousand or more employees of the Government where they can be compensated for injuries, or their families in case of their death, without reference to the question of negligence, and when we stop and reflect that this is the entering wedge, which means that almost every Government employee is going to be provided for in the same way in the near future, I think we had better be a little careful.

Mr. FORAKER. I will say in answer to that suggestion that every man is supposed to have regard for his own personal safety, and ordinarily a man is not going to put himself in the way, negligently, of receiving injuries, especially those which may result in death. That would be some protection.

But I was only asking my colleague on the Judiciary Committee for the purpose of getting his opinion with respect to a bill which I did not have an opportunity to consider with him in the committee when it was under consideration there. I noted in the legislation read about the men in the Life-Saving Service and in the other cases mentioned that there was no provision about negligence, and I thought that distinguished that legislation from this legislation.

Any administrative officer could make a finding as to the fact whether or not when the man lost his life he was engaged in the service in which he was employed. It seems to me, however, that when it comes to the question, beyond that, of determining whether or not there has been negligence, or any degree of it, we are on doubtful ground and that we had better pay all claims without regard to negligence than to disregard the separation of governmental powers by which we are bound by the provisions of our Constitution.

Mr. DEPEW. There is a very extraordinary report in one of the New York morning papers—I think the New York Sun—on the workings of the act passed, I think, a year ago by the British Parliament, which removed entirely from a certain class of employees the question of negligence.

Mr. FORAKER. The Senator from New York perhaps overlooks the fact that the British Parliament can make anything law that it wants to make law. There is no written constitution to prohibit it—

Mr. DEPEW. No; that is not the point.

Mr. FORAKER (continuing). From making a statute in such form as it wants to frame it.

Mr. DEPEW. This act in regard to certain classes of employees made the employer liable, whether the employee deliberately injured himself or not, the supposition being that under no circumstances would an employee deliberately injure



himself to recover damages. On that theory the insurance companies began to issue policies against that class of liability. They now find that there is a large number of claims, principally of domestic servants, where the employees have deliberately sustained injuries which would enable them to recover under the act. But the negligence clause in this bill prevents any such methods.

Mr. FULTON. I should like to ask the Senator from Ohio—

Mr. FORAKER. If the Senator will allow me just one word, that would be a case of actual fraud.

Mr. DEPEW. Under the terms of that act the employee was entitled to recover damages, no matter how the injury was received, and the courts have so held—

Mr. BEVERIDGE. The British act uses the term "serious and willful misconduct."

Mr. FULTON. I should like to ask the Senator from Ohio a question. Suppose that does involve judicial power? Does the Senator have any doubt about our right in a case of this kind (where we are simply waiving rights, allowing people to present a claim) to have the matter submitted to the Secretary of Commerce and Labor? Is it not competent for Congress so to do, even if it does involve judicial power? It does not seem to me there can be any question in a case of this kind.

Mr. FORAKER. I do not know that I understand fully the scope of the suggestion of the Senator from Oregon. I understand we are conferring upon an administrative officer in an affirmative way a power which he is to exercise, and by the exercise of which power he is to determine rights of complainants against the Government on the one hand and of the Government on the other. That is purely and solely a judicial power. Now, that is a judicial power, as the Senator says it is—I understand the Senator to agree with me that it is a judicial power—

Mr. FULTON. I do, fully agree that it involves an inquiry of a judicial character.

Mr. FORAKER. It seems to me we have no right to lodge a judicial power anywhere except only in these courts. But the Senator suggests that we may waive our right to intrust this power to the courts and confer it upon somebody else. I fear I do not get the force of that suggestion. If all the judicial power of the Government is to be intrusted to the judicial department of the Government, nobody else has a constitutional right to exercise it, no matter what Congress may see fit to say about the matter, and therefore our legislation would be invalid. That is why I suggested to the Senator from Minnesota that it might be better—I do not know that it would be—to waive the provisions about negligence.

Mr. FULTON. Let me say this in answer to the Senator about the question of judicial power. I think it involves a judicial investigation and the determination in one sense of a judicial question. But it does not follow that we can not lodge it in an administrative officer where it does not involve the determination of legal rights or the determination of rights where the parties have a legal right to have it submitted to a court. Of course if you were seeking to force a party, who has a legal right to go into court to enforce his claim, to go before an administrative officer to determine the question, you could not do it. But here is a case where the Government can not be sued at all. The claim is not one that the law recognizes at all, hence there are no legal rights involved, consequently it is inaccurate to speak of judicial power. No such power is to be exercised.

Mr. HOPKINS. It is a privilege we are conferring.

Mr. FULTON. It is a privilege we are conferring; and we say that we will voluntarily recognize a claim and pay a certain amount if you will go and satisfy this officer that it is just. Now, it may be that he has to exercise what we will call not judicial power, but judicial judgment. Of course it is not judicial power. A judicial question in a sense is submitted to him, because it requires the exercise of judgment to determine just what the evidence establishes, but it is not conferring on this official "judicial power" within the meaning of the Constitution. His action is simply advisory to Congress.

Mr. HOPKINS. Is it any more judicial than the determining of any fact—

Mr. FULTON. No.

Mr. HOPKINS. I want to say—

Mr. FULTON. Such as where you refer a matter to the Auditor of the Treasury to determine the matter.

Mr. HOPKINS. That is it.

Mr. FULTON. It is a question which you may say requires the exercise of judgment, but it is not a judicial power within the sense of the Constitution, nor is it the exercise of a judicial function.

Mr. FORAKER. The Senator will agree with me, I am sure, that a finding as to whether or not in a given case a party has been guilty of negligence or contributory negligence is not like the finding of a specific fact. It involves a mixed question of both law and fact in every jurisdiction, I suppose.

Mr. FULTON. Certainly.

Mr. FORAKER. And it is not like a finding whether it was raining on a certain day or whether a man was actually in his lifeboat undertaking to save the life of somebody who had been wrecked at the time when he himself met with his death. This is quite different. This is the exercise of judgment, and it seems to me in the nature of judicial power.

But I want to say to the Senator that I have not entered into this debate in any controversial spirit. I was unfortunate enough not to be able to attend the meeting of the committee when this bill was considered there. I do not know what took place there. When I read the bill here in my seat these questions occurred to my mind. I was simply trying to get the benefit of the opinion of those in whose judgment I have confidence, who perhaps did consider these questions in committee.

Mr. HOPKINS. Before the Senator from Ohio takes his seat I want to ask him if it is not a fact that the Comptroller of the Currency passes upon questions of law and fact in more marked degree than the Secretary of Commerce and Labor would be required to pass upon them if this bill should become a law.

Mr. FORAKER. I do not know what the Comptroller of the Currency does. I have never had any business with him. I have heard of him as a powerful official, having more authority than even the President; and if that be true, he is really a great power. But beyond that I have no comments to make upon his power. I do not know the nature of it, except in the most general way.

Mr. RAYNER. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Certainly.

Mr. RAYNER. Mr. President, I should like very much to vote for this bill, and I should like to vote for a much stronger bill. I would be absolutely in favor of passing an act similar to Lord Campbell's act, as to compensation, allowing the family full compensation in case of death. But is there any doubt that the Senator from Ohio is right upon the proposition he states? It seems to me there can not be any doubt about it in the mind of any man who carefully examines it. This bill seems to be very inartificially drawn.

Mr. FORAKER rose.

Mr. RAYNER. In just a moment.

Mr. FORAKER. Certainly. I am obliged to the Senator—

Mr. RAYNER. A number of us want to have this bill passed, and will vote for it. But let me ask the Senator from New York a question. The clause we are on now provides—

That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, or unless it shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

Mr. FORAKER. Beyond appeal.

Mr. RAYNER. That is a judicial question. You are vesting in—

Mr. DEPEW. Mr. President—

Mr. RAYNER. One moment.

You are vesting in a ministerial officer the right to determine a judicial question. What constitutes contributory negligence is a question of law. When the proof in the case comes up to the standard then it becomes a question of fact.

Mr. FULTON. Let me ask the Senator a question first.

Mr. RAYNER. The Senator will let me finish, then I will submit to any interruption.

I read from Maryland cases:

The question of negligence is for the jury. The only province of the court is to define the degree of care exacted of the parties and to leave to the jury to determine whether or not the conduct of the parties concerned was what would have been that of prudent and discreet men under similar circumstances. (*B. & O. R. R. Co. v. Fitzpatrick*, 35 Md., 32.)

The Government has no right to vest in a ministerial officer any judicial function. If it can invest a judicial function in a Cabinet officer, it can invest it in any other officer of the Government. It can repose it in a clerk.

Mr. FULTON. Will the Senator permit me?

Mr. RAYNER. Will you not kindly let me give these authorities? There will be plenty of time.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. RAYNER. Yes; I suppose so.

Mr. FULTON. Suppose it all be true, suppose it is a judicial question that you are confiding to the Secretary of Commerce and Labor, then what? How does that affect the bill?

Mr. RAYNER. It makes the bill unconstitutional.

Mr. FULTON. Then what happens, if that be true? They now have no claim against the Government.

Mr. RAYNER. Does the Senator think that I would like to vote for a bill that I think is unconstitutional?

Mr. FULTON. Let me ask the Senator this: Was the Southern Claims Commission unconstitutional?

Mr. RAYNER. At this late day and hour I do not want to go into a discussion of the Southern Claims Commission. Let me finish with these cases:

Where there is no evidence before the jury of a fact, or the evidence offered is so vague and indefinite that no rational inference of such fact can be deduced from it, the court ought to direct the jury that it is not competent for them to find that fact. (*Riggin v. Patapsco Ins. Co.*, 7 H. & J., 279.)

Where there is no evidence applicable to the issue or tending to prove any material fact, there is a total failure of evidence, and the court will direct the jury accordingly. (*Davis v. Barney*, 2 G. & J., 382.)

You understand I am very anxious to vote for this bill. I am not only in favor of this bill, but absolutely in favor of allowing full compensation in case of death. We ought to pass a statute, as I have said, similar to Lord Campbell's act as to compensation, and allow the family full compensation in case of death. Therefore, I am not opposing this bill, but I am afraid of it.

Let us take a case. A claimant comes before the Department of Commerce and Labor. The Government contends that the employee has been guilty of negligence. That is the question before the Secretary—that the employee has been guilty of contributory negligence. That is a question of law—perhaps a mixed question of law and fact—and the Secretary of Commerce and Labor in considering whether he has or has not been guilty of negligence is entering upon a judicial inquiry.

The Government is not waiving the question of negligence. The cases the Senator from Minnesota has cited are not cases involving the question of negligence. There is no question of negligence involved in the cases which have been cited by the Senator from Minnesota at all. If the Government waived the question of negligence, I might admit it would be a mere ministerial function, but the Government can not waive the Constitution. Some of the officers of the Government are waiving the Constitution, but the Government can not waive it. That is very evident.

Mr. FULTON. Let me ask the Senator another question. I suggest to the Senator that questions of judicial power do not rise unless you constitute or endeavor to constitute a judicial tribunal and submit controversies of a legal nature or character to it. There is no such controversy whatever here submitted to this official. You simply refer to him a matter to investigate and report; and if his findings are one way the Government makes a voluntary payment. There can be no question of judicial power, because there is no controversy or question which the courts would recognize. There is not any judicial question submitted. It is simply a question of fact submitted for report.

Mr. RAYNER. There is no judicial tribunal under this bill. The Senator from Oregon, I submit, is mistaken when he says we submit no controversy. The Government is bound to defend these cases.

Mr. NELSON. Mr. President—

Mr. RAYNER. Let me finish. If an employee has been guilty of contributory negligence, the Government is bound to make that defense, and the question before the Secretary of Commerce and Labor will be, Has the employee been guilty or not guilty of contributory negligence? You can not invest the Secretary of Commerce and Labor with the trial of that question.

I am in favor of this proposed law. Do not misunderstand me. I am willing to vote for this bill, and I am in favor of a bill giving full compensation in case of death, but let us perfect it.

I now have a case pending before the committee, as the junior Senator from Illinois [Mr. HOPKINS] knows, where a party was seriously injured, and I have been trying to obtain compensation for him. I am strongly in favor of this bill, but with this clause in it I am afraid the whole law will fall to the ground. That is my judgment, and that is my only ground of opposition to it. Let us frame a statute that will pass the test of the Supreme Court. I will take this if I can not get anything better, but I predict here, now, it will be set aside if it ever gets to the courts.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. NELSON. I had the floor. I have been yielding to other Senators. I yield to the Senator from Ohio.

Mr. FORAKER. I am obliged to the Senator from Minnesota.

Mr. President, it seems to me the contention of the Senator from Oregon [Mr. FULTON] is not tenable—that there is a controversy here. There is a claim preferred against the Government, and evidence is offered in support of the claim, and an officer of the Government is to sit in judgment as to the sufficiency of that proof, presumably as an impartial judge between the Government and the complainant. So I think there is an exercise of judicial power called for, and I think if it be a judicial power, and I understand the Senator to agree with me that it is, it ought not and can not constitutionally be conferred upon a ministerial officer.

Mr. President, I did not think it necessary to say more than once or twice or three or four times that I am in favor of some law of this kind. Every Senator who knows what a battle I had here a year ago to help a constituent of mine who, walking through one of the Government buildings, fell through the floor because of a trapdoor or something of that kind being open, will remember that I have given some attention to this question. I finally succeeded in passing a bill, largely due to the kind consideration given it by the Senator from Oregon [Mr. FULTON], who is chairman of the Committee on Claims, by which my constituent was authorized to go into the Court of Claims and bring suit.

Mr. FULTON. I should like to ask the Senator a question right here. Does he not think the submitting of it to the committee was unconstitutional?

Mr. FORAKER. No.

Mr. FULTON. It was a judicial question, was it not, fully as much so as any question that might arise under this measure?

Mr. FORAKER. It was nothing except only authority to go to the Court of Claims and bring a suit in the Court of Claims to recover damages, if he was entitled to them. That was all I asked. That was all I could get; and I got it finally.

The Senate and House passed it and the complainant went to the Court of Claims, and he has been in the Court of Claims now for more than a year. He brought suit there to recover for injuries that have made him a cripple for life. I would not have had the injuries to which he has been subjected for a hundred thousand dollars. The modest sum of \$10,000, I believe, is what he has sued for, and yet the Government is meeting him at every turn of the case in the Court of Claims with the claim that he ought to have seen as he walked through the corridor that there was a hole there and that he ought to have walked around it. In other words, that he was guilty of contributory negligence.

His contention is that it was the fault of the Government that it permitted an insecure and unsafe place for the people to walk by, and people were invited to walk there by its being kept open. He had a right to assume, as I thought, that it was safe for him to walk there. He was there in the early morning, before it was light, going to work, he being an employee of the Government.

I think we ought to give an opportunity to men who are injured in the employment of the Government to hold the Government responsible. A man is unfortunate to have a claim against the Government when there is no way to assert it.

Mr. BACON. Will the Senator from Ohio pardon me if I make an inquiry more by way of suggestion?

There has been something said here about the number of cases that would probably come up for determination—I think a good many thousand in the course of a year. If we are to enact any legislation of this kind, would it not be better for us to constitute some tribunal, charged with the duty in a proper way, summarily to determine the question whether there has been negligence on the part of the employee?

Mr. FORAKER. I think the suggestion of the Senator from Georgia is a very proper one and a very important one, and it is a suggestion that ought to be carefully considered in the committee—whether we can not frame a bill that will be free from the objection that it is unconstitutional. I do not—

Mr. BACON. I want to say to him, in making the inquiry, that I myself would favor a bill whereby we could have a court charged with this jurisdiction, charged with no other jurisdiction, if you please, giving its entire time to it, for the field of labor will certainly be large enough to occupy the time of the court.

Mr. FORAKER. Of course I do not know, and neither does anybody else know, how many cases will arise in the course of a year. It has been stated here that this will apply to more than 50,000 employees of the Government employed in hazardous occupations. There are likely to be a great many cases.



I think it is high time the Government was making provision whereby men injured in its employment may have a remedy against the Government when they are injured through the fault of the Government. At least, if we are not to strike out this provision about negligence—

Mr. BEVERIDGE. I wish to ask whether an amendment, in lines 7 and 9, striking out in each instance the words "negligence or" and leaving it "misconduct," would be acceptable to the Senator who has charge of the bill?

Mr. FULTON rose.

Mr. BEVERIDGE. I ask the Senator in charge of the bill.

Mr. FORAKER. To strike out the entire proviso?

Mr. BEVERIDGE. No.

Mr. FORAKER. I want to apologize to the Senate again, as I have done two or three times—

Mr. NELSON. Mr. President, I think I have the floor, and I shall have to resume it some time during the debate.

Mr. FORAKER. I ask pardon of the Senator.

Mr. NELSON. I have the floor. I want to reply to the constitutional argument of the Senator from Ohio [Mr. FORAKER], and more particularly to the constitutional argument of the Senator from Maryland [Mr. RAYNER]. Nobody disputes the constitutional principle that has been invoked. The unfortunate thing about it is that it has no application to the facts in this case. Here are a class of Government employees who to-day are without any remedy at all. We say to those employees, "If you are injured in the Government service and will submit your claim to the Department of Commerce and Labor, we will give you this compensation." It is in the nature of a gift, a gratuity from the Government of the United States, small as it is, and we have a right to prescribe the conditions under which it shall be given. It is not an invasion of any constitutional right any more than it is an invasion of the constitutional right in the case of the men in the Life-Saving Service or in the case of the men in the postal service.

We are not letting these men go into court. We do not say, "You shall have a right of action in court to recover for the injuries sustained in the Government service," or that the widow and children may have the right to go into court to recover for death. We say here to this class of employees, "You have had no remedy heretofore. We will give you this slight relief upon these terms and conditions. Present your claims to the Department of Commerce and Labor, which will pass upon them," just as the Pension Office does in the matter of pensions.

Mr. FORAKER. Mr. President—

Mr. NELSON. Let me finish. The Senator has had his time.

Mr. FORAKER. I want to ask the Senator a question.

Mr. NELSON. Let me finish my argument. We say to the men who are disabled in the military service of the United States, "You shall have a pension. We will allow you such and such a pension if you have been injured in the service of the United States;" but, we say, "You must submit your claim to the Commissioner of Pensions. He must pass upon it, and adjudicate, first, whether you have been in the service of the United States; second, whether you have been injured in the line of duty, and in the third place the degree of injury." He passes upon those questions.

Now, you might as well say that the pension claimants should be required to submit those questions to a court of justice to have them adjudicated as to say so in this case. The principle is exactly the same. We simply lay down in this case a certain rule, as the Pension Office has laid down rules which pension claimants are required to follow.

Pension claimants submit their claims to and they are adjudicated by the Commissioner of Pensions. We say to these parties, "We will give you this small compensation." I grant it is a small one, and I should be glad myself to have it larger. But under present legislative conditions, the approach of the close of the session, that does not seem practicable. We say to these parties, "You can have this small compensation, but you must submit your claim to the Department of Commerce and Labor and have it adjudicated there," just as in the case of pensioners.

Mr. CLARK of Wyoming. I should like to ask the Senator whether the Commissioner of Pensions does not also pass upon questions of negligence—

Mr. NELSON. Certainly he does.

Mr. CLARK of Wyoming (continuing). In this, that in certain cases the claimant has to show to the Commissioner of Pensions by proper evidence that the affliction under which he is suffering is not due to his own misconduct.

Mr. NELSON. Yes. To his own misconduct. Under the dependent pension law of 1900 that evidence has to be passed

upon in all cases. The Commissioner of Pensions has to determine whether the injury was directly caused by his military service or whether it was caused, as the law says, by his own vicious habits. There is a question of fact, and you might say a question of law, to be adjudicated. It is no more an invasion of a constitutional proposition to have the Department of Commerce and Labor investigate and adjudicate in cases of this nature than it is in the matter of pensions.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. FORAKER. I do not think what the Senator has said about the administration of the pension laws is applicable. To entitle one to a pension, the claimant must show how the disability was incurred, and that it was incurred in the service, and in the line of duty. That is a plain, simple fact, and the question is whether in such cases it was incurred in the line of duty, or incurred, as the Senator says, by reason of some vicious conduct or bad habit of the claimant, or while not in the line of duty. That also is a question of fact, pure and simple.

But the question I wanted to ask the Senator goes further than that. And I want to repeat it to the Senator. He need not get excited—

Mr. NELSON. I am not excited.

Mr. FORAKER (continuing). Because I am not arguing this question in a controversial sense. I want to get the benefit of the Senator's opinion. It is provided in the bill that the Secretary of Commerce and Labor shall pass on the question of negligence. If he finds that the claimant incurred his injuries by reason of his own negligence, there is no liability. Is not that a question of judgment as well as fact?

Mr. NELSON. Yes.

Mr. FORAKER. It is stated in the bill that there shall be no appeal from this decision by the Secretary of Commerce and Labor. If there be no appeal, I want to know what the effect of that decision is, as to whether it is a bar or not; if the complainant, having pursued his remedy before the Secretary, and having failed, then goes into court and brings an action, whether he may be allowed to go into court, as I suppose we will authorize him to do before we get done with this legislation, to recover damages for injuries sustained, on the ground that it was the Government's negligence and not his.

Is it not a clear case of the exercise of a judicial power and the exercise of a judicial power which is final and settles once and for all and without appeal, under the language of the statute, the rights of the complainant as against the Government on that account?

Mr. FULTON. Will the Senator allow me to make a suggestion?

Mr. FORAKER. Certainly.

Mr. FULTON. In all deference, I suggest to the Senator, and we have all been guilty of it more or less in this controversy, that he is improperly using the words "judicial power." Judicial power is one thing; a question involving the exercise of judicial faculties is another. If men agree to submit a claim to arbitration, the arbitrators may exercise judicial faculties, but judicial power under the Constitution is quite another proposition.

Mr. FORAKER. It is for the purpose of showing that it is judicial power in an absolute and unqualified sense that I cited the provision of the proposed statute, that the Secretary of Commerce and Labor is to sit in judgment, in impartial judgment, between the Government and the complainant, and his judgment, if it be against the complainant, is a final judgment against him. Does not that bar him from an appeal to the court?

Mr. FULTON. The claimant has no legal right at all.

Mr. FORAKER. The Secretary of Commerce and Labor may hold that he has no right, just as in the case I cited a moment ago, where I finally succeeded in getting authority for a constituent of mine to bring a suit in the Court of Claims. The United States attorney decided by the defense he interposed that he had no right, but fortunately the law does not authorize the district attorney to render such a judgment.

Mr. FULTON. Does not the Senator from Ohio admit that when the Government is to be sued it can stipulate the terms on which it will permit itself to be sued, and when it permits a claim to be presented against it it can state that it will recognize the claim if it is presented in a certain manner and in a certain way, and that it has an absolute right to so dictate?

Mr. FORAKER. I may concede for the sake of the argument all that the Senator suggests.

Mr. FULTON. The Senator must know—

Mr. FORAKER. That does not reach the question.

Mr. FULTON. It does reach the question, because here is a claim for which the Government is not liable. The Government may say, "If you present that to Senator CULLOM, for instance, and he is satisfied, all right, we will pay it; but if he finds that you are guilty of contributory negligence, we will not pay it." The Government has a right to do that, because it need not recognize the claim at all, but, recognizing it, it has a right to stipulate the terms on which it will pay it.

Mr. FORAKER. Mr. President, the answer to that, it seems to me, is very simple and very short, so far as it is necessary to make any answer, and that is that there are two parties to this controversy, for it is a controversy in the case put by the Senator. The complainant comes and says, "I have been injured while in the employment of the Government—"

Mr. FULTON rose.

Mr. FORAKER. I hope the Senator will let me conclude.

Mr. FULTON. Certainly.

Mr. FORAKER. I tried to interrupt him a moment ago and he would not let me. So I hope he will not interrupt me until I get through. I do not want to return in kind, but I do want to finish the sentence. It is not in any other spirit that I decline to yield than that.

The complainant comes and says, "I have been in the employment of the Government; I was injured while I was in that employment, without any negligence on my part; it was the fault of the Government." He submits the case to the Secretary of Commerce and Labor. The Secretary acts as a judge between him and the Government, and the Secretary comes to a conclusion that the testimony is not sufficient, or that the testimony shows that he was guilty of negligence. He makes an affirmative finding of that kind.

Now, that is a decision against the complainant. It is not something that the Government has a right to do, that the complainant will be bound by, because the complainant is the other party to the suit.

Mr. HOPKINS. Will the Senator from Ohio allow me to interrupt him?

Mr. FORAKER. Certainly.

Mr. HOPKINS. I think the Senator from Ohio has misconceived the purpose of the bill itself. As I read the bill it is not a controversy between the individual who is injured and the Government of the United States where the individual himself is a party to the proceeding. The bill provides that when a person is injured in Government employ under the conditions indicated in the first section, the superior officer or the superintendent of the Department where the employee who is injured is at work at once takes up that question and gathers all the facts in it and sends it to the Secretary of Commerce and Labor, and then it is determined whether a gratuity shall be given to the man in case of his injury or to his family in case of his death. So from first to last it is a matter of gratuity upon the part of the Government, for there is no controversy whatever, and it seems to me that the rule relating to the question of negligence is simply a rule of guidance upon the part of the Secretary of Commerce and Labor.

In my State and in many of the States the question of negligence is not a question of law; it is a question of fact; and the Secretary can determine that fact as easily as he can determine the broad fact whether the party whose name is presented by the superintendent or the superior officer in charge of the work has been injured at all.

So I think the whole trouble has come from the assumption on the part of Senators who raise this constitutional question that a lawsuit is to be presented immediately upon a Government employee being injured. That is not the fact.

Mr. FORAKER. Mr. President, the Senator from Illinois has interrupted me to say that I have misconceived the character of this proposed legislation in this that the bill does not provide, as I seem to have assumed, that there should be a controversy and that the complainant should be a party. The Senator said the complainant was not to be a party, within the contemplation of this proposed statute, and he cites us to some of its provisions. Let me call the Senator's attention to the provision that he has apparently overlooked, the fourth section, which provides—

That in the case of any accident which shall result in death, the persons entitled to compensation under this act, or their legal representatives, shall within ninety days after such death file with the Secretary of Commerce and Labor, etc.

And then shall prosecute the claim for damages because of the death resulting from the wrongful negligence of the Government.

Mr. BEVERIDGE. Will the Senator allow me?

Mr. FORAKER. In just a moment. If that be not a controversy to which there are two parties, then I do not know how

you could provide for one. The person who is authorized by the law to settle that controversy is designated in the statute, and his judgment is to be as to whether or not there was negligence, which is not a specific fact, and his judgment is to be final; there shall be no appeal from it; and therefore the complainants who submit their case are to have judgments rendered against them, if this be a valid statute and he be validly clothed with power, that will be a bar to the prosecution of that claim before any other tribunal.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. I wish to ask the Senator from Ohio just two questions. First, does the Senator think it is competent for the Government to grant either a gratuity, a pension, or any other privilege to any citizen?

Mr. FORAKER. Yes; I do. I think so without doubt.

Mr. BEVERIDGE. That is the first question. That being true, does he think it competent for the Government to determine the conditions upon which it shall be granted? Is not that the whole question?

Mr. FORAKER. Certainly, within the constitutional limitations, which should always be observed; and that is all I ask, for I want a law that will stand the test. I want a law under which a constituent of mine, if I have another suffering a misfortune as one did suffer last year here in this city, can go somewhere and get relief, and get substantial relief, and get it without having to spend all he will recover for attorneys' fees and other expenses.

Mr. FULTON. The Senator says that this finding which the Secretary of Commerce and Labor would make would be a bar to any other action on the part of the claimant.

Mr. FORAKER. No; I asked if it would not be a bar. It says there shall be no appeal.

Mr. FULTON. But what other action has he? He has none.

Mr. FORAKER. Mr. President, the complainant says, "I was not guilty of negligence." The Secretary of Commerce and Labor says, "You were guilty of negligence, and I so find." The complainant says, "I want to appeal; I want to go to some other tribunal." The law says you shall not go to any other place. It is a good deal like the statement of the President in a letter read here, in which he said, "I do not want any court of inquiry; I have already found the facts."

I think when the complainant is injured, as my constituent was last year, he ought to have the right to be heard and ought not to be cut off and then told, "This is a mere privilege which we have given you." I think we should provide a just remedy for the complainant. He is the party who needs our protection.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Maine?

Mr. HALE. I do not want to take the Senator off the floor, but I wish he would yield to me to make a statement in regard to the order of business.

Mr. FORAKER. Certainly.

#### ORDER OF BUSINESS.

Mr. HALE. The Senate to-day has made this progress: After the House agreed to the conference report on the great sundry civil appropriation bill the Senate took up and passed upon that report, so that that bill has now gone to the enrolling clerks.

Mr. CULLOM. The report having been agreed to by both Houses.

Mr. HALE. It has been agreed to by both Houses, and will be ready for the Presidential signature. The committee of conference between the two Houses has been in session nearly all the day upon the only other great appropriation bill still held back, the deficiency appropriation bill. The committee has finally agreed upon that bill and I am ready to submit the report, which takes it away from Congress and passes the bill, but for one condition. A provision in that bill covers the amounts needed during the year and until the next session of Congress under the public-buildings bill, aggregating something like \$12,000,000, distributed in detail, as reported by the Treasury Department from the office of the Supervising Architect of the Treasury. When the bill as reported passes, the money necessary for the different objects embraced in the public-buildings bill will be appropriated and will be expended during the next year.

I should under these conditions submit the report on that bill at once, but I am held up by the fact that the report on the public buildings bill itself, which has passed the Senate, is awaiting the action of the House. It has not yet had upon



it the action and approval of that body, so the public buildings bill, which is the basis of the appropriations contained in the deficiency bill, has not yet passed both Houses.

I have sent to the chairman of the Committee on Public Buildings and Grounds of the House, who has charge of the measure there, in order to learn whether that report agreed to would come to this body either this afternoon or during the evening, so that I might then report and have the Senate pass upon the deficiency appropriation bill, embracing the money needed for public buildings during the year. I have received a reply from him that in the condition of the business in the House he will not only not be able to take up the bill and pass it this afternoon, but he can give no encouragement that it can be passed before to-morrow morning.

Mr. CULLOM. The Senator refers to the public buildings bill?

Mr. HALE. To the public buildings bill, which of course is the foundation of the appropriations under that head in the deficiency bill.

Therefore, under these conditions, as the Senate has been here in a long session since 11 o'clock, I am prepared now, unless there is some necessity for an executive session, to submit a motion that the Senate do now adjourn.

Mr. BEVERIDGE. I hope the Senator will not press the motion.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. The Senator from Oklahoma [Mr. GORE] endeavored to submit a couple of resolutions in the morning hour. The morning hour, however, was consumed in the consideration of other business. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. I did not expect that so reasonable a proposition as I made would be unattended by expostulation. I will withdraw the motion for the moment, but I know that the majority of the Senators desire to be relieved from further practically useless duty here during this hot day. While I hold the floor, I will yield to the Senator from Oklahoma.

#### RIGHTS TO MINE COAL IN OKLAHOMA.

Mr. GORE. Mr. President, I send two resolutions to the desk, which I ask may be read and agreed to.

Mr. ALDRICH. Let the resolutions be read, subject to objection.

The VICE-PRESIDENT. The Senator from Oklahoma submits a resolution, which will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Whereas an act of Congress, approved October 1, 1890, entitled "An act giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation," contains the following quotation, to wit: "That no higher rate per ton than the average rate per ton for which such coal has for the next six months next preceding the 1st day of September, 1890, been sold by said lessees, or those holding under them, shall, during said thirty years, be exacted of any purchaser, except upon the written permission of the Secretary of the Interior: "Now, therefore, be it

*Resolved*, That the Secretary of the Interior be respectfully requested to advise the Senate whether the provision cited in the preamble herofore has ever been, either directly or indirectly, repealed by Congress;

2. If not repealed, whether the written permission therein provided for has ever been given either by himself or by any of his predecessors, and if given, to furnish a copy of the same;

3. If no such written permission has ever been given, the Secretary of the Interior is directed to investigate and advise the Senate as to the average price of coal during the six months designated in said provision, and also during the six months next preceding the adoption of this resolution; and

4. If it be found that a higher price for said coal has been charged than that prescribed by the provision above set out, the Secretary of the Interior is directed to furnish all available data in his Department to the Attorney-General of the United States and otherwise assist him in all necessary legal proceedings to enjoin the coal companies involved from continuing to charge such excessive price for coal and to recover the excessive price heretofore charged for the benefit of the Chickasaw and Choctaw tribes of Indians.

Mr. ALDRICH. I object to the present consideration of the resolution. I ask that it be referred to the Committee on Indian Affairs.

Mr. BEVERIDGE. I ask the Senator from Maine to allow me—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Indiana?

Mr. BEVERIDGE. What is the request as to this resolution?

The VICE-PRESIDENT. The resolution will be printed and referred to the Committee on Indian Affairs.

Mr. GORE. I have sent another resolution to the desk, which I ask may be read.

The VICE-PRESIDENT. The Senator from Oklahoma asks for the present consideration of a resolution, which will be read.

The Secretary read the resolution, as follows:

*Resolved*, that the Attorney-General of the United States be, and he is hereby, directed to ascertain whether the provision of an act of

Congress approved October 1, 1890, entitled "An act giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation," said provision being as follows, to wit: That no higher rate per ton than the average rate per ton for which such coal has for the six months next preceding the 1st day of September, 1890, been sold by said lessees, or those holding under them, shall, during said thirty years, be exacted of any purchaser, except upon the written permission of the Secretary of the Interior, is still in force; and if so, whether it has been complied with and is being complied with or not; and if not, the Attorney-General is directed to institute and conduct all necessary legal proceedings for the enforcement of said provision and to recover the excessive price for coal, if any, heretofore charged, for the benefit of the Chickasaw and Choctaw tribes of Indians.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. Let it go to the same committee.

The VICE-PRESIDENT. Objection is made to the present consideration of the resolution, and it will be referred to the Committee on Indian Affairs.

#### HOUSE OFFICE BUILDING.

Mr. BACON. By courtesy of the Senator from Maine [Mr. HALE] I introduce a joint resolution, which I ask, by unanimous consent, may be considered at this time.

The joint resolution (S. R. 95) relating to the assignment of space in the House Office Building was read twice by its title.

The VICE-PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideration of the joint resolution.

Mr. BACON. The joint resolution relates exclusively to the House Office Building. It is a matter that the House can not control by its rules, because the House is not a continuing body, and therefore this matter requires the action of Congress.

Mr. HALE. It will give rise to no debate, I take it?

Mr. BACON. I do not think it will. I suppose it will not be necessary to read the joint resolution, as I have stated the object of it. It relates exclusively to the other House.

Mr. HALE. Let the joint resolution be read.

The VICE-PRESIDENT. The joint resolution will be read for information, subject to objection.

The Secretary proceeded to read the joint resolution.

Mr. BEVERIDGE. If the joint resolution is to be read, I will object to its present consideration.

Mr. HALE. Then I will insist on my motion.

The VICE-PRESIDENT. The Secretary is proceeding to read the joint resolution.

Mr. BEVERIDGE. I will withdraw my objection.

The Secretary resumed and concluded the reading of the joint resolution, which is as follows:

*Resolved, etc.*, That the assignment of rooms in the Office Building of the House of Representatives, which shall hereafter be designated as the House Office Building, heretofore made by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of this resolution, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member-elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of this resolution, and no Representative shall allow his office room to be used for any other purpose.

Any Member or Member-elect of the House of Representatives may file with the Superintendent of the Capitol Building and Grounds a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested. If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member-elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives-elect make request for the same room, preference shall be given to the one first preferring his request. A Representative or Representative-elect making request for the assignment of a vacant room may withdraw the same at any time, and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him.

Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members-elect of the House of Representatives. The Superintendent of the Capitol Building and Grounds shall keep a record of the assignment of rooms heretofore or hereafter made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives-elect of the House.

In the matter of the assignment of rooms under this resolution, Delegates in Congress and the Commissioners from Porto Rico and the Philippine Islands shall be treated the same as Representatives.

The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in this resolution shall be construed to affect or repeal the provisions of law heretofore enacted placing said House Office Building under the control of the Superintendent of the Capitol Building and Grounds, subject to the approval and direction of the Commissions provided for respectively in the act of March 3, 1903, and the act of March 4, 1907.

Unoccupied space in said building shall be assigned by the Superintendent of the Capitol Building and Grounds, under the direction of the Commission and subject to the control of the House of Representatives.

Mr. HALE. Let me ask the Senator from Georgia if the joint resolution has passed the House of Representatives?

Mr. BACON. It has passed the House of Representatives, and I introduce it for the purpose of having certain action upon it before we adjourn.

Mr. HALE. Of course it is a House matter.

Mr. BACON. Yes, exclusively; and the only reason—

Mr. HALE. And it has passed the House?

Mr. ALDRICH. I think the joint resolution had better go to the Committee on Rules. I was asked by the chairman of the House committee if the Committee on Rules would not consider the joint resolution when it reached the Senate from the House. As I understand, it has not yet reached the Senate from the House. I think it ought to be considered by the Senate Committee on Rules.

Mr. BACON. I may have had misinformation from the Member of the House who gave me the joint resolution and requested that I bring it to the attention of the Senate.

Mr. ALDRICH. It has not yet reached the Senate, although it may have passed the House.

Mr. BACON. Well, Mr. President, I will ask that it lie on the table for the present.

Mr. ALDRICH. I think it had better be referred to the Committee on Rules.

Mr. BACON. Very well, let it be referred to the Committee on Rules. That course is satisfactory to me.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Rules.

#### ORDER OF BUSINESS.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Indiana?

Mr. HALE. I do not yield for debate. I will yield for a moment.

Mr. BEVERIDGE. I am perfectly well aware—that is the reason I ask the Senator kindly to yield to me—that a motion to adjourn is not debatable. I merely want to state two or three things, upon which I shall appeal to the Senator from Maine not at this hour to move to adjourn. In the first place, as the Senator knows, this morning one hour and a half was taken up in the reading of the Journal—

Mr. HALE. Not so much as that.

Mr. BEVERIDGE. Yes; about that. I marked it down at the time. That was the second time this session that the Journal has been completely read; usually its reading is dispensed with. Only on last Saturday and to-day has any one insisted on its being read in full, and only on Saturday and to-day has precious time thus been needlessly wasted.

Mr. KEAN. I do not think that is an accurate statement.

Mr. BEVERIDGE. In the second place, when the report on the sundry civil bill, of which the Senator spoke, came to the Senate, not only was the report read, but for the first time in many years—certainly for the first time in the memory of the veteran Senator who is chairman of the committee [Mr. Allison]—the amendments were required to be read. The Senator from Rhode Island [Mr. Aldrich] insisted on those amendments being read. This took up the time for another hour and more.

Now, we are in the midst of the consideration here—the Senator has been out, and of course perhaps is not aware of that fact—of an exceedingly important measure, a measure which, in some particulars, is as important as any measure that has come before this Congress. It is perfectly patent that Congress is proceeding with speed, and that if the Senate adjourns now for the day in the midst of the consideration of this bill, the bill's life is endangered, if, in fact, it is not certainly defeated by the lapse of time, in view of the apparent determination to adjourn both Houses sine die as early as possible.

For that reason, in view of the fact that, although we met at 11 o'clock this morning, all but a little of the time to-day has been consumed in extraordinary proceedings, the reading of the Journal, and the reading of amendments to appropriation bills—which has never been done before—and that it is now a quarter past 4, I appeal to the Senator not to insist on his motion at this hour, because it would be hazardous to adjourn at this hour.

Mr. HALE. That is all in the discretion of the Senate.

Mr. BEVERIDGE. That is so.

Mr. HALE. I am told that there are some appointments which should be referred to committees, and therefore I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. That will be the same thing—result in the same thing.

Mr. HALE. The same thing.

Mr. BEVERIDGE. I hope the motion will not carry.

Mr. DEPEW. I appeal to the Senator from Maine either that we may go on with this bill or that an hour may be appointed to-morrow for the completion of it.

Mr. HALE. I must insist on my motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound, the "ayes" have it.

Mr. BEVERIDGE. I ask for a division.

The question being put, there were, on division—ayes 27, noes 8.

Mr. BEVERIDGE. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CULBERSON. I rise to a parliamentary inquiry—

Mr. BEVERIDGE. May I ask the Chair how many seconds the call for the yeas and nays?

The VICE-PRESIDENT. Six.

Mr. BEVERIDGE. Is that a quorum?

The VICE-PRESIDENT. That is not a quorum.

Mr. HALE. Let us have the regular order, Mr. President. Some things can be done without the Senator from Indiana.

Mr. BEVERIDGE. I know; but the Senate has business to consider, and I insist that we go on with the business before us.

Mr. HALE. That is what we are doing now.

Mr. ALDRICH. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. A division having disclosed the absence of a quorum, no business is in order except a call of the Senate or a motion to adjourn.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 26, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 25, 1908.*

##### SURVEYOR OF CUSTOMS.

Joseph T. Spence, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, in place of James Jeffreys, deceased.

##### RECEIVER OF PUBLIC MONEYS.

John A. Steele, of Tusculumbia, Ala., to be receiver of public moneys at Montgomery, Ala., vice Nathan H. Alexander, to be transferred to register.

##### REGISTER OF THE LAND OFFICE.

Nathan H. Alexander, of Montgomery, Ala., to be register of the land office at Montgomery, by transfer from receiver of public moneys there, vice Robert D. Johnston, resigned.

##### PROMOTIONS IN THE NAVY.

Lieut. Walter J. Manion to be a lieutenant-commander in the Navy from the 23d day of April, 1908, vice Lieut. Commander John C. Leonard, promoted.

Boatswain David White to be a chief boatswain in the Navy, to rank with, but after, ensign, from the 11th day of March, 1908, upon the completion of six years' service in his present grade.

##### POSTMASTERS.

###### CALIFORNIA.

Alonzo F. Hann to be postmaster at Gardena, Los Angeles County, Cal. Office became Presidential April 1, 1908.

Harry E. Meyers to be postmaster at Yuba City, Sutter County, Cal., in place of Harry E. Meyers. Incumbent's commission expired December 18, 1907.

###### COLORADO.

Wesley W. Parshall to be postmaster at Durango, La Plata County, Colo., in place of George N. Raymond. Incumbent's commission expired November 19, 1907.

###### INDIANA.

John A. Hall to be postmaster at Cicero, Hamilton County, Ind., in place of John A. Hall. Incumbent's commission expired April 21, 1908.

###### MARYLAND.

Samuel S. Yingling to be postmaster at Reisterstown, Baltimore County, Md. Office became Presidential January 1, 1908.



## MISSOURI.

Wilbur J. Clark to be postmaster at Hamilton, Caldwell County, Mo., in place of Florence M. Low. Incumbent's commission expired January 22, 1908.

Carl Weber to be postmaster at Bloomfield, Stoddard County, Mo., in place of William G. Kitchen. Incumbent's commission expired March 4, 1908.

## NEBRASKA.

John Ring to be postmaster at Hooper, Dodge County, Nebr., in place of John Ring. Incumbent's commission expired March 16, 1908.

## NEW MEXICO.

George Bringle to be postmaster at Nara Visa, Quay County, N. Mex. Office became Presidential April 1, 1908.

## PENNSYLVANIA.

Joseph C. Eves to be postmaster at Millville, Columbia County, Pa. Office became Presidential January 1, 1908.

John J. Mather to be postmaster at Benton, Columbia County, Pa., in place of John J. Mather. Incumbent's commission expired January 22, 1908.

## WEST VIRGINIA.

John L. Dangerfield to be postmaster at Princeton, Mercer County, W. Va. Office became Presidential April 1, 1907.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 25, 1908.

[Continuation of the legislative day of Tuesday, May 12, 1908.]

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 23) to provide for the remission of a portion of the Chinese indemnity.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had receded from its amendments numbered 63, 76, and 77 to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had passed the following:

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act extending the time for the construction of a dam across Rainy River," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890.

The message also announced that the Senate had passed the following bill, in which the concurrence of the House of Representatives was requested:

S. 4062. An act to amend section 5481 of the Revised Statutes of the United States.

## MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On May 16, 1908:

H. R. 4063. An act for the widening of Benning road, and for other purposes.

On May 14, 1908:

H. R. 20784. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

On May 15, 1908:

H. R. 3610. An act granting a pension to James M. Fitch.

On May 18, 1908:

H. R. 5297. An act to complete the naval record of John Shaughnessy; and

H. R. 17296. An act providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

On May 19, 1908:

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank deposits;

H. R. 13577. An act providing for the resurvey of certain public lands in the State of Nebraska;

H. R. 16770. An act granting land to Anna Johnson;

H. R. 17005. An act authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho; and

H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

On May 20, 1908:

H. J. Res. 178. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota.

On May 21, 1908:

H. R. 20345. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909.

On May 22, 1908:

H. J. Res. 124. Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution; and

H. R. 14382. An act to establish a United States court at Jackson, in the eastern district of Kentucky.

On May 22, 1908:

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

On May 23, 1908:

H. R. 15841. An act to amend section 4896 of the Revised Statutes;

H. R. 17703. An act to amend section 4885 of the Revised Statutes;

H. R. 21277. An act to reimburse certain Departments of the Government for expenses incurred incident to the recent fires in Chelsea, Mass., and for other purposes;

H. R. 21884. An act granting an annuity to Jennie Carroll and Mabel H. Lazear;

H. R. 19158. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909; and

H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle.

On May 25, 1908:

H. R. 1062. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors; and

H. R. 17874. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and other wars and to certain widows and dependent relatives of such soldiers and sailors.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, and I move to suspend the rules and adopt the same.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second, for the purposes of explanation.

The SPEAKER. Under the rule a second is ordered. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. I have no objection to that.

The SPEAKER. The Chair hears no objection, and it is so ordered. The Clerk will read the statement in lieu of the report. The conference report is as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, having met, after full and free

conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 13, 14, 15, 26, 36, 82, 84, 148, and 160.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 33, 78, 79, 86, and 102.

And agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For custodian of public buildings at St. Paul, Minnesota, one thousand six hundred dollars, who shall be appointed by the Secretary of the Treasury without reference to the laws or regulations applying to classified or civil service, and shall discharge such additional duties as the Secretary of the Treasury may from time to time require."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Light and signal, St. Johns River, Florida: For a light and signal or whistling buoy, to be placed off the entrance to St. Johns River, Florida, and a relief buoy for same, twenty-five thousand dollars."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Add at the end of the last line of the matter inserted by said amendment the following: "And provided further, That all investigations hereunder commenced or undertaken shall be completed and fully reported on prior to the first day of July, nineteen hundred and nine, and all investigations and work now in progress under appropriations heretofore made for the purposes mentioned in this paragraph shall also be completed and finally reported on before the close of the fiscal year nineteen hundred and nine;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "this" and insert in lieu thereof the words "the foregoing;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two million one hundred and thirty-nine thousand and sixty dollars;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The annual salary of the United States attorney for the eastern district of Pennsylvania shall be, after the beginning of the fiscal year nineteen hundred and nine, six thousand dollars; and the annual salary of his first assistant shall be, after the beginning of the fiscal year nineteen hundred and nine, such sum as the Attorney-General shall from time to time fix and determine, not to exceed four thousand dollars."

And the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"International investigation of opium evil: To enable the President to appoint not more than three commissioners to collate and complete on behalf of the United States information bearing on the opium question, and a secretary, who shall act as disbursing officer, and for traveling expenses, stationery, printing, and other incidental expenses connected with the investigation and the meeting of the commissioners for the purpose of finding common ground for joint and several recommendations and reports to their respective Governments with a view to the suppression of the opium evil, twenty thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "And to enable the Secretary of War to purchase for the Panama Railroad Company two steamships of American regi-

ter, each to be of not less than nine thousand gross registered tonnage and at a cost of not to exceed one million five hundred and fifty thousand dollars, said ships to be controlled and operated by said Panama Railroad Company in like manner as other ships of said company, including the transportation of supplies, equipment, and material for use in the construction of the Panama Canal and the transportation of officers and employees of the Panama Canal Commission: *Provided*, That when said ships are no longer required for use as aforesaid in the transportation of supplies, equipment, and material for the construction of the Panama Canal the same shall be transferred to the Secretary of the Navy for use as colliers or other auxiliary vessels belonging to the Navy;" and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "twelve million eight hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-nine million one hundred and seventy-seven thousand dollars;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the figure "7" and insert in lieu thereof the figure "9;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

#### "ALASKA-YUKON-PACIFIC EXPOSITION.

"Sec. 10. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Alaska-Yukon-Pacific Exposition, to be held at Seattle, State of Washington, in the year nineteen hundred and nine, upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

"Sec. 11. That there shall be exhibited at said exposition by the Government of the United States from the Smithsonian Institution and the National Museum such articles and material of an historical nature as will impart a knowledge of our national history, especially that of Alaska, Hawaii, and the Philippine Islands and that part of the United States west of the Rocky Mountains. There shall be exhibited from the Executive Departments of the United States such exhibits as will illustrate their principal administrative functions and their educational value in connection with the development of commerce in the countries bordering upon the Pacific Ocean; the preservation of forests, the reclamation and irrigation of arid and semiarid lands; the improving and enlarging of transportation facilities and the safeguards of navigation, and the economic value of the investigations and operations of the Government with reference to public health, geology, experiment stations, coast and geodetic survey, and public roads. To secure a complete and harmonious arrangement of such Government exhibit a United States Government board of managers is hereby authorized to be appointed to be charged with the selection, purchase, preparation, transportation, arrangement, safekeeping, exhibition, and return of such articles and materials as the heads of the several Departments, the Secretary of the Smithsonian Institution, the superintendent of the National Museum, respectively, decide shall be embraced in the Government exhibit herein authorized. The President of the United States may also designate additional articles of peculiar interest for exhibition in connection with the said Government exhibit. Said



Government board of managers shall be composed of three persons now in the employ of the Government and shall be appointed by the President, one of whom shall be designated by the President as chairman of the said board and one as secretary and disbursing officer. The members of said Government board, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army or Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said Alaska-Yukon-Pacific Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time three-fourths of the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created. The Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for this purpose, one of the life-saving stations authorized to be constructed on the Pacific coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in life-saving stations in the United States. The Secretary of Commerce and Labor is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, in such building or aquarium as shall be allotted for this purpose, a complete exhibit of the fish and fisheries of the United States, paying special attention to the fish and fisheries of the Pacific Ocean, with a view to demonstrating, in the fullest manner possible, the economic value of such fish and fisheries: *Provided*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, shall not exceed the sum of \$200,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Sec. 12. That the Secretary of the Interior is hereby authorized and directed to aid the people of the district of Alaska and of the Territory of Hawaii in providing and maintaining appropriate and creditable exhibits of the products and resources of Alaska and Hawaii at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Territories at said exposition: *Provided*, That the total expenditure for said exhibit for said district of Alaska on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of one hundred thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *And provided further*, That the total expenditure for said exhibit for the Territory of Hawaii on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of twenty-five thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Sec. 13. That the Secretary of War is hereby authorized and directed to aid the people of the Philippine Islands in providing and maintaining an appropriate and creditable exhibit of the products and resources of the Philippine Islands at the said Alaska-Yukon-Pacific Exposition, and for that purpose he

is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Philippine Islands at said exposition: *Provided*, That the total expenditures for said exhibit on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of twenty-five thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Sec. 14. That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of said Alaska-Yukon-Pacific Exposition for said Government exhibit, including an irrigation and biograph building; also a fisheries building complete, with mechanical apparatus; also buildings for the exhibits of the district of Alaska, the Territory of Hawaii, and the Philippine Islands; also buildings for such other purposes in connection with the exhibits herein authorized as in the judgment of the Secretary of the Treasury may be necessary. Said buildings shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States, but the contract for said buildings, including the preparation of ground therefor and the approaches thereto and the interior and exterior decorative wiring and lighting thereof shall not exceed the sum of two hundred and fifty thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of the Treasury is authorized and required to dispose of said buildings, or the materials composing the same, at the close of the exposition, giving preference to the State of Washington or to the Alaska-Yukon-Pacific Exposition corporation or to the city of Seattle to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"Sec. 15. That the allotment of space for exhibitors in the building or buildings erected under authority of this act for the use of the district of Alaska, the Territory of Hawaii, and the Philippine Islands shall be done and performed without charge to exhibitors by the Government board created by this act.

"Sec. 16. That dies for medals bearing appropriate devices, emblems, and inscriptions commemorative of said Alaska-Yukon-Pacific Exposition and of the awards to be made to the exhibitors thereat shall be prepared by the Secretary of the Treasury at some mint of the United States for the board of trustees of Alaska-Yukon-Pacific Exposition, a corporation, subject to the provisions of the fifty-second section of the coinage act of eighteen hundred and seventy-three, and upon the payment by said Alaska-Yukon-Pacific Exposition of a sum not less than the cost thereof; said medals shall be coined by the coining press located in and being part of the Government exhibit, and without cost to the Alaska-Yukon-Pacific Exposition: *Provided*, That said Alaska-Yukon-Pacific Exposition shall furnish free of charge the electric power necessary to operate said coining press, and all provisions of law against the counterfeiting or imitating of coins of the United States shall apply to the medals issued under this act. Said Alaska-Yukon-Pacific Exposition shall furnish without cost to the United States all materials used by the printing and engraving presses exhibited by the Government at said exposition in the production of the usual souvenirs of appropriate design, and said Alaska-Yukon-Pacific Exposition is hereby authorized, through any agent, employee, privilege holder, or concessionnaire appointed by its proper officer, to vend and sell at or near the place of manufacture any medal, print, or engraving authorized under the provisions of this act: *Provided*, That the vending and selling of all such medals, prints, and engravings shall be subject to the approval of the Secretary of the Treasury.

"Sec. 17. That the United States shall not be liable on account of said exposition for any expenses incident to or growing out of the same, except for the construction of the building or buildings hereinbefore authorized and for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government and for the employment of proper persons as officers and assistants by the Government board created by this act, and for other expenses, and for the maintenance of said building or buildings and other contingent expenses to be approved by the chairman of the Government board, or, in the event of his absence or disability, by such off-

cer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers: *Provided*, That no liability against the Government shall be incurred and no expenditure of money appropriated by this act shall be made until the president of said exposition shall have furnished to the satisfaction of the Secretary of the Treasury proof that there has been obtained for the purpose of completing and opening said exposition bona fide subscriptions to the stock of the Alaska-Yukon-Pacific Exposition (a corporation), by responsible parties, contributions, donations, and appropriations, from all sources, aggregating a sum not less than one million dollars: *Provided*, That no appropriation made by any State or Territory and no appropriation herein made shall be considered as any part of said million dollars.

"SEC. 18. That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of said Alaska-Yukon-Pacific Exposition (a corporation), its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses, of any kind or nature whatever, attending such exposition corporation, or accruing by reason of the same.

"SEC. 19. That nothing in this act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

"SEC. 20. That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the Alaska-Yukon-Pacific Exposition or for the benefit of said exposition or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act."

And the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL IRRIGATION CONGRESS, ALBUQUERQUE, N. MEX.

"SEC. 21. To enable the Secretary of the Treasury to pay to the city of Albuquerque, N. Mex., to assist in defraying the expenses of the International Irrigation Congress, to be held in that city commencing September twenty-ninth, nineteen hundred and eight, thirty thousand dollars.

"Nothing in this section shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations that may be created on account of said International Irrigation Congress beyond the sum hereby appropriated."

And the Senate agree to the same.

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,

*Managers on the part of the House.*

W. B. ALLISON,  
EUGENE HALE,  
H. M. TELLER,

*Managers on the part of the Senate.*

The Clerk read the statement as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the sundry civil appropriation bill submit the following written statement in explanation of the effect of the action agreed upon as to each amendment, namely:

On amendment No. 9: Strikes out the appropriation of \$3,000,000, proposed by the Senate for a site for a building for the Departments of State, Justice, and Commerce and Labor.

On amendments Nos. 13, 14, 15, and 16: Strikes out the appropriations proposed by the Senate of \$250,000 for a revenue cutter for the coast of Oregon, \$225,000 for a revenue cutter for Narragansett Bay, and \$80,000 for a revenue cutter for New York Harbor; and appropriates \$24,000, as proposed by the Senate, for a wharf and storehouse at Neah Bay, Washington.

On amendment No. 22: Appropriates for a custodian for buildings in St. Paul, Minn., at a salary of \$1,600 instead of \$2,200, as proposed by the Senate.

On amendment No. 26: Restores to the bill the provision passed by the House forbidding payments on account of details from the Secret Service Division of the Treasury.

On amendment No. 33: Appropriates \$10,000, as proposed by the Senate, for anchorage buoys for the port of New York.

On amendments Nos. 36 and 38: Strikes out the appropriation of \$215,000 for a light-house tender at San Francisco, Cal., and appropriates \$25,000 for a light and signal at the entrance of St. Johns River, Florida, instead of \$125,000 for a light-ship at that point.

On amendment No. 78: Appropriates \$4,200 as proposed by the Senate for the survey of Fort Keogh Military Reservation in Montana.

On amendment No. 79: Appropriates \$25,000 as proposed by the Senate for surveying the boundary line between Idaho and Washington.

On amendment No. 82: Appropriates \$200,000 as proposed by the House instead of \$300,000 as proposed by the Senate for geological surveys.

On amendments Nos. 83 and 84: Inserts the provision proposed by the Senate relative to the tests of fuels by the Geological Survey and adds thereto a provision requiring that all such work of testing shall be completed and finally reported upon by the close of the fiscal year 1900.

On amendment No. 86: Appropriates \$15,000 as proposed by the Senate instead of \$8,500 as proposed by the House for reindeer for Alaska.

On amendment No. 101: Provides for the survey of Galveston Harbor as proposed by the Senate.

On amendment No. 102: Authorizes the use of \$10,000 of an appropriation made for improving the Mississippi River, to repair the levee between Flat Creek and the Iowa River.

On amendment No. 107: Appropriates \$2,139,060 instead of \$1,987,260 as proposed by the House and \$2,737,260 as proposed by the Senate for barracks and quarters at artillery posts.

On amendment No. 131: Fixes the salary of the United States attorney for the eastern district of Pennsylvania at \$6,000 per annum and of the first assistant attorney at \$4,000.

On amendment No. 144: Appropriates \$20,000, as proposed by the Senate, for the investigation of the opium evil.

On amendment No. 148: Strikes out the appropriation of \$20,000, as proposed by the Senate, for the international commission at Rio de Janeiro.

On amendments Nos. 154, 155, and 156: Appropriates \$1,550,000 instead of \$1,600,000, as proposed by the Senate for the purchase of two steamships for the Panama Railroad Company in connection with the work of the construction of the Isthmian Canal.

On amendments Nos. 160 and 161: Restores to the bill the provision proposed by the House requiring the National Academy of Sciences to report with reference to certain scientific work of the Government.

On amendment No. 162: Appropriates \$600,000 instead of \$700,000, as proposed by the Senate, for the Alaska-Yukon-Pacific Exposition.

On amendment No. 163: Appropriates \$30,000 to aid the city of Albuquerque, N. Mex., to defray expenses incident to the International Irrigation Congress instead of \$50,000, as proposed by the Senate, for the International Exposition in said city.

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,

*Managers on the part of the House.*

Mr. TAWNEY. Mr. Speaker, I would say to the House, in explanation of the conference report, that this is a final report on the disagreeing votes of the two Houses, and as a result of the conference the bill now carries more than \$6,000,000 less than it did when it was originally reported to the House from the Senate. In other words, as a result of the conference, \$6,000,000 have been eliminated from the sundry civil appropriation bill. In round numbers, it carried \$118,000,000 when it came to the House from the Senate. It now carries, in round numbers, about \$112,000,000.

The principal Senate amendments that have been modified or taken out of the bill entirely are two amendments for new revenue-cutter boats which were not authorized by law, each authorizing the appropriation of \$250,000. Then the amendment authorizing the construction of a light-ship off the coast of Florida was so modified that the bill now authorizes the construction of a gas and whistle buoy, at a cost of \$20,000, while the light-ship was to cost \$150,000, as I now recall it. The



amendment authorizing the construction of a light-house tender at San Francisco, Cal., and appropriating \$215,000 for that purpose has been eliminated. Another important amendment was that increasing the amount carried in the bill as it passed the House for barracks and quarters for the seacoast artillery. The Senate amendment increased the appropriation for this purpose as it passed the House \$750,000. All of that amount has been eliminated with the exception of \$151,000, which the House conferees finally agreed to give for barracks and quarters at Fort Crockett, at Galveston, Tex. Another important amendment was the one authorizing the purchase of two vessels to be owned and operated by the Government for the purpose of transporting supplies and materials and equipment used in the construction, or to be used in the construction, of the Panama Canal.

That provision, as it was reported to the House from the Senate, has been taken out of the bill entirely, and a substitute has been inserted in lieu of the Senate amendment, which substitute I will not stop to read, but which I can state briefly. Instead of the Government buying these ships and operating them as Government vessels, the amendment which has been agreed to authorizes and directs the Secretary of War to purchase these ships for the Panama Railroad Company, to be controlled and used by the Panama Railroad Company in like manner as it uses the ships that the railroad company now owns, including the transportation of materials, supplies, equipments, and employees of the Panama Canal Commission, and then there is this important proviso:

*Provided, That when said ships are no longer required for use as aforesaid in the transportation of supplies, equipment, and material for the construction of the Panama Canal, the same shall be transferred to the Secretary of the Navy for use as colliers or other auxiliary vessels belonging to the Navy.*

To that the Senate finally agreed.

Mr. FINLEY. To what extent does the Government pay for the cost of these vessels?

Mr. TAWNEY. The Government will pay the entire cost of the vessels, \$1,550,000, which is \$50,000 less than the Senate amendment authorizes.

Mr. FINLEY. Do I understand the gentleman that the vessels will be nominally owned by the Panama Railroad Company?

Mr. TAWNEY. No; they will be actually owned by the Government, but the purchase is made for the Panama Railroad Company, and then they are to be controlled and used by the Panama Railroad Company the same as the vessels now owned by the Panama Railroad Company are operated and controlled.

Mr. FINLEY. To what extent does the Government own the Panama Railroad?

Mr. TAWNEY. The Government owns the Panama Railroad Company.

Mr. FINLEY. Entirely?

Mr. TAWNEY. Entirely. We own all the stock of the Panama Railroad Company, every share of it. There is not a share of the stock owned by anybody else. There were two reasons for the position taken by the conferees on the part of the House in respect to this particular item. The conferees on the part of the House resisted the Senate amendment on the ground that if the Government owned these vessels there would be no return cargo, for the reason that we could not carry miscellaneous cargo outside of the Government miscellaneous cargo. Another fact was that in going from American ports to Colon or to Panama these vessels could not carry any miscellaneous cargo outside of the Government miscellaneous cargo. The ships can be operated more economically by the Panama Railroad Company, and they can be operated under the same management that is operating the other vessels which are owned by the Government and operated by the Panama Railroad Company.

Mr. FINLEY. Just there. Under the arrangement as carried in the conference report, will it be possible for these vessels provided for to carry as a cargo other than Government supplies and material?

Mr. TAWNEY. Yes; the same as the Panama Railroad Company's vessels now are doing.

Mr. FINLEY. They carry other cargoes?

Mr. TAWNEY. Yes; and when coming from Panama to American ports they have a return cargo.

Mr. FINLEY. Why the necessity for this when the Government owns both the railroad and the ships?

Mr. TAWNEY. Because the ships owned and operated by the Panama Canal Company are owned and operated by a private corporation, and while the Government owns the stock of the company, the company is operated under a charter originally obtained from the State of New York.

Mr. FINLEY. As a matter of fact, then, in legal parlance, the vessels will be loaned or hired to the Panama Railroad Company?

Mr. TAWNEY. The effect of this will be equivalent to the chartering of these vessels to the Panama Railroad Company, and when they are no longer required for service in the transportation of materials and supplies to Panama they are to be transferred to the Secretary of the Navy as colliers or other naval auxiliary vessels.

Mr. FINLEY. Now, what does the Panama Railroad Company give to the Government for the use of these ships? Anything?

Mr. TAWNEY. The Panama Railroad Company pays the Government nothing, not any more than it pays the Government for the use of the ships it now operates.

Mr. FINLEY. I understand that, but I understand the Panama Railroad Company owns certain ships of its own. Now, the Government charters to this Panama Railroad Company certain ships that are to be provided for under the provisions of the bill. Now, what advantage will the Panama Railroad Company get out of that operation?

Mr. TAWNEY. Well, if the Panama Railroad Company gets any advantage whatever out of the operation of these vessels, it will inure to the Government, for the revenues of the Panama Railroad Company over and above the operating expenses belong to the Government of the United States by virtue of its being the sole and only stockholder of the company; and there is another advantage which the Government will get, I will say, that under this plan these ships can be operated at least without a loss, for the reason that now the ships of the Panama Railroad Company are not of sufficient capacity to transport all the materials and supplies for the Panama Canal which we are shipping down there. If, however, the Government operated the ships, they would be, as the chief purchasing agent of the Panama Canal Commission said to me last week, a "white elephant" that could not be operated except at an enormous loss by the Government, and it is to save that loss and also to give the railroad company the facilities necessary to transport all the material possible in the construction of the canal that the House conferees have proposed the change in the proposition as it passed the Senate.

Mr. FINLEY. Now, what control will the Government of the United States have over the operations of the ships provided for and what regulations of freight rates, I mean particularly in the matter of freight rates?

Mr. TAWNEY. Well, the rates charged by the Panama Railroad Company are fixed under the direction of the board of directors. The board of directors consists of the Secretary of War, the president of the Panama Canal Commission, and other Government officials. The directors of the Panama Canal Company, with the exception, I think, of one man, are all Government officials.

Mr. FINLEY. In the event these vessels are lost after they are chartered to the Panama Canal Company, whose loss will it be?

Mr. TAWNEY. It will be the Government's loss, just the same as if we lost any ships now owned and operated by the Panama Railroad Company it would be a Government loss, because our ownership of the stock of the railroad company makes the Government the owner of the property of the Panama Railroad Company. I reserve the balance of my time, Mr. Speaker.

Mr. CLARK of Missouri. Mr. Speaker, I yield ten minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the huge total of this bill indicates that it is very properly and very consistently an integral part of the huge total of the expenditures of the Sixtieth Congress. This Congress has demonstrated that it can spend money at the rate of \$40,000,000 a minute without a blink of the eye or a pang of conscience, and now, with a brief forty-minute discussion and without exciting the interest of this House, another tremendous appropriation bill is about to be passed. The chairman of the Committee on Appropriations, vigilant and active in his effort to guard the Treasury of the people, has actually congratulated the House upon the fact that he has been able to reduce that appropriation from \$118,000,000 to \$112,000,000—a mere bagatelle.

One item of that bill particularly, Mr. Speaker—that which is described as Senate amendment numbered 162, providing for the Alaska-Yukon-Pacific Exposition to be held at Seattle, in the State of Washington, and which I presume will meet the approval of a majority of the Members of this House—in my judgment ought not to be in the bill. The country is exposition tired. Hardly a Congress has met and

adjourned for twenty years that has not been called upon to make large appropriations for expositions. We are suffocated with them. The people are tired of them. They will not attend them. They are nothing but a transparent effort to boom real estate in certain localities, and they succeed in booming real estate in localities where they are backed by sufficient political influence to open the doors of the Treasury, as evidently will be the case on this occasion.

My recollection is that in the last twenty years we have had two expositions on the Pacific coast—one in San Francisco and one in Portland—and this one in Seattle will be the third, all inaugurated and supported by Government appropriations. There have been in the South one at New Orleans, one at Atlanta, and one at Nashville; in the Middle States one at St. Louis, one at Chicago, and one at Buffalo, and then we had that calamitous venture at Jamestown. The expositions that have been supported by appropriations from the Government have been distributed over the country, and the people have lost interest in them.

This money ought not to be taken away from the taxpayers of Texas, of New York, of Massachusetts, and of Virginia, and of other sections of this country in order to boom the real estate of a city which, if half the tales that are told about it are true, is already having a wonderful degree of prosperity. We are getting the expositions down to the county-fair basis, and if we mean to continue it, if it is to be adopted as a permanent policy of the Government, then let us have a general statute declaring that when a certain number of high-bred bulls and extraordinary pumpkins can be guaranteed for exhibition, the Government will contribute a proportionate share of the expense of maintaining the exposition.

Now, Mr. Speaker, in contrast with the exposition bearing this extraordinary name, "the Alaska-Yukon-Pacific Exposition, to be held at Seattle," and so forth, I want to call the attention of the House to what one small community in a frontier State has done. In the city of San Antonio, for nine years, the people, dipping down into their own pockets for the capital with which to organize and control and manage the exposition, have held an annual international fair; and let me say, sir, in passing, that the word "international" does not figure only on their letter heads, but it is in fact an international fair. For nine years, with the exception of the years in which there were Government-aided fairs in this country, at Buffalo, St. Louis, and Atlanta, the Federal Government of Mexico has made an important exhibit at the San Antonio fair, one which in the amount of stuff on exhibition, one which for its dignity and its importance, one which for the variety of resources shown, and the industrial development displayed, has compared favorably with the exposition of its manufactures and industries made by that same great Government in the city of St. Louis during the Louisiana Purchase Exposition. Each year a committee of gentlemen—possibly, as was suggested by a friend in my vicinity just now, they may have been guilty of treason in that, but I do not know—but each year a committee of gentlemen from the city of San Antonio, paying their own expenses, asking nothing from the Federal Treasury, equipped merely with a letter of introduction from the Secretary of State of the United States and from the governor of the State of Texas, have gone to the capital of the Republic of Mexico, have interviewed the wonderful man who presides over that country, his secretary of the interior, and other officials, and have interested them in the enterprise and have induced a splendid exhibit.

That exhibition will be given again this year, and those of you who do not find it convenient to go to the Pacific coast are invited to come to San Antonio and see how a great international fair can be given by unaided enterprise of a few energetic American citizens. [Applause.] Furthermore, Mr. Speaker, we have national exhibits at that fair.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. I yield three minutes more to the gentleman.

Mr. SLAYDEN. Mr. Speaker, I thank the gentleman from Missouri for his courtesy, but three minutes will not suffice to tell of the glories of the great San Antonio International Fair. I will have to renew my invitation and ask you to come and see for yourselves. I can not tell half its glories in the forty minutes' debate allowed on this bill.

But I wish to say not only do we have international exhibits from the Republic of Mexico as a Republic, but from San Juan Bautista, Coahuila, and Tamaulipas, and other States of that great Republic; and we also, at our own expense, make exhibits of certain industrial features of the Government of the United States. We have built the necessary equipment, and each year have an attractive exhibit by the biological bureaus of the

Government Departments of the city of Washington. I yield back my time to the gentleman from Missouri. [Loud applause.]

Mr. TAWNEY. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes remaining, and the gentleman from Missouri also has ten minutes remaining.

Mr. TAWNEY. I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, I deeply regret that the House conferees thought it necessary to yield on Senate amendments 101 and 102. The first provides for a survey in Galveston Harbor, the second for a diversion of money for levees on the west bank of the Mississippi River. The chief reason for my regret is that such yielding is a gross injustice to the Members of this House. It was not until after long consideration that it was concluded best to allow surveys to be provided for only in the regular river and harbor bill. In that way every Member of the House and the Senate might be treated fairly and with equality; in that way the Engineer Corps might be allowed to complete the projects already commenced. So we have refused for the last four or five years, save in the case of grave danger to life or property, to authorize any surveys except in the river and harbor bill. But it appears that privilege belongs not only to those who have royal prerogatives, but even to legislators in the Senate. Here this provision, which would have been impossible in the House, has been tacked on in the Senate, and the House conferees have found it necessary to yield in order to secure the passage of the bill. I will not vote for the adoption of a conference report including these items; but at this late day I do not feel like urging others to stand by me in voting against the bill.

I want to give due credit to the members of the House Committee on Appropriations for what they have done in seeking to secure economy in expenditures. What is the reason why we are deploring extravagance? The main reason is the system under which we are working, a system under which one House, charged originally with all responsibility for initiating and passing measures for raising the revenue and disbursing it, must submit their measures to another House that has unlimited authority to make additions, and has added \$73,400,000 to the regular appropriation bills at this session. This is the evil in the system, that another House, with different ideas and more readily reached by those who represent local or special interests, has unlimited right to add to all appropriation bills any amount its members choose.

Mr. BURLESON. I will say to the gentleman if he will include the public buildings bill it will amount to \$83,000,000.

Mr. BURTON of Ohio. The figure I gave does not include the public buildings bill. Under the English system the Lords do not even provide for their own clerical assistance, and it is left to the Commons to determine what they shall receive. The upper house can only reject items, or, rather, bills, in toto. The same relation is maintained between the Chamber of Deputies and the Senate in France. But here what is being done to check these large expenditures in order to bring them within reasonable limits? No one should try to make any political capital on the subject of these large appropriations. All parties alike are responsible for this situation. It is further true there is no active sentiment in the country for economy and there are powerful forces behind these numerous demands upon the Treasury—demands for extensions of the activities of the Government, for divers undertakings which heretofore have been prosecuted by municipalities and by States.

There is another contributing condition, which arises from the relation of the Treasury Department to Congress in the very first instance. Estimates are not controlled by any one responsible head, but representatives of any bureau or of any Department can come here and before House committees assert their claims to larger appropriations. There is, besides, no correlation between the committee which provides the revenue and those committees which expend it. It is not to be wondered at in this year 1908, with all these defects in our system, with the growing wealth of the country, with the demands everywhere for these extravagant expenditures, that the appropriations for the coming year should mount up to more than a billion dollars; and it is an impressive lesson to this House that we should call for a halt. [Loud applause.] The first place for action, as I maintain, is not to yield the prerogative of the House to the Senate. [Applause.]

Let the relations between the upper House and the lower House, as they are sometimes called, be fixed, as they should be. Let this House, which is responsible to the country for the initiative of measures for revenue, be also responsible for the aggregate amount of appropriations. [Applause.]



Mr. CLARK of Missouri. I should like to ask the gentleman from Ohio a question, and I will lend him a minute to answer it. Does the gentleman believe that that state of affairs that he so much desires, and that we all desire about appropriations, will ever be brought until there is a House elected here that is willing to stay until the beginning of the short session rather than be overridden by the Senate?

Mr. BURTON of Ohio. Oh, I do not regard that question as particularly bearing on this subject.

Mr. CLARK of Missouri. That is what you are making a speech about.

Mr. BURTON of Ohio. I have not found, in my experience here, any difference between the two sides as regards staying here until the short session begins.

Mr. CLARK of Missouri. I was not saying anything about one side or two sides or three sides. I was asking you how you were ever going to attain the end that you seek to attain.

Mr. BURTON of Ohio. I think the more appropriate way is for the House to insist on its prerogatives, and especially that no Member of this House, when he is disappointed about an appropriation, shall go over to the Senate and have it tacked on there. That is one of the beginnings of extravagance.

Mr. CLARK of Missouri. That will be done when human nature has been entirely remodeled.

Mr. BURTON of Ohio. I think this House might well take the initiative in beginning the remodeling of legislative human nature by rejecting any item that is put on in that way.

Mr. DOUGLAS. May I ask the gentleman from Ohio [Mr. BURTON] a question?

Mr. CLARK of Missouri. I thought you were going to ask me a question?

Mr. DOUGLAS. No; I wanted to ask a question of the gentleman from Ohio.

Mr. CLARK of Missouri. I can not yield to the gentleman for that purpose. I yield now five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the character of this Government is not likely to be changed overnight, and the Republican party will hardly be able in this campaign to escape responsibility for its actions in this House by complaining of the Constitution under which we are operating. The Senate is complaining that the House does not treat it with respect; that it sends legislation here from year to year which receives no consideration. It has an equal right to propose amendments to appropriation bills, and this House can not dodge behind that right in order to escape responsibility for what the party in power does. Before the Congress adjourns a statement will be made showing just what this Congress has done in the way of appropriations, and then gentlemen will be calling to the mountains and rocks to fall on them and hide them from the wrath of their constituents, and will be glad to have some excuse to justify the action of the majority in this session of Congress.

Mr. Speaker, the gentleman from Ohio complains of the conferees receding upon two items to which he has referred. One provides for a survey of Galveston Harbor, the cost of which is to be paid from an appropriation already made for an improvement there; the other diverts \$10,000 of an appropriation of \$500,000 to do some work of an extraordinary character.

The House conferees had to consider 164 amendments made by the Senate to this bill, which amendments carried close to \$12,000,000. It was necessary that some concessions be made by the House as well as by the Senate, and I wish to say that as these two items did not carry a single dollar additional of appropriation, the House conferees were well justified in yielding upon them, rather than upon some items that would add to the burdens under which some people will suffer. The result of the conference between the two Houses has been that of the \$12,000,000 added by the Senate the House has succeeded in reducing by \$8,000,000, in round numbers, the amount added by the Senate to the bill.

I undertake to say that those who will give careful attention to the report of the conference committee, and who will analyze what has been done, will believe that the House conferees were justified in acting as they have. They were not in a position to say to the Senate conferees, You must wait until the House is ready to prepare a general bill, that everybody may be taken care of, before we shall consider items in this bill upon their merits. They were in the bill. They could not have been put in the bill under our rules, but they were in the bill, placed there regularly under the Senate rules. The conferees of the House could not raise the question as to the right or the power or the jurisdiction of the Senate to place such items upon the bill. It would have been a matter of congratulation for the

House if the only items the House conferees had been compelled to yield upon were items which would have made possible only the utilization of some of the money appropriated for a little broader purpose than that intended by the House. Had that been possible, then this bill would have carried \$12,000,000 less than the Senate proposed, instead of \$8,000,000 less than the Senate proposed. While I have no desire that one committee of the House shall encroach upon the jurisdiction of another committee, yet I hardly feel that when a bill carrying \$112,000,000 is to be passed upon finally by the House, that any Member would be justified in refusing his assent to the passage of the bill merely because in two items the House consented that the money appropriated should be expended for purposes broader than the language contained in the bill when it passed the House.

Later on, Mr. Speaker, I hope to present a statement which I believe will startle the country regarding the extravagance of this Congress, and I shall challenge gentlemen on that side to evade their responsibility by hiding behind the action of the Senate. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, the House heard the gentleman from New York [Mr. SHERMAN], a member of the Committee on Rules, announce amid Republican applause that a Republican House would legislate when it pleased and as it pleased, and that it would take full responsibility for what it does and what it fails to do. I ask that the boast then made be now lived up to. Do not try to claim credit for the good things and escape the responsibility for the bad. The distinguished chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY] could testify most eloquently as to the amount of support he has had from the majority side in trying to reduce appropriations. [Applause on the Democratic side.] Is it possible that a party that levies taxes, not to raise revenue, not for the purpose of providing means for administering the Government, but for an entirely different purpose, and then makes its expenditures without any regard to the revenues, should conduct the business of the country upon business principles? No individual would dare run his business as this Congress runs the business of the nation. There is no budget brought in, there is no attempt to estimate what the income of the Government will be and then to fit the expenditures to that income, but there is a general grab on the part of the different chairmen of the different appropriating committees to get their full amount and to let the Treasury take care of itself. Here is the real trouble. The fact that there is no opportunity for a proper, scientific discussion of the budget and no consideration of expenditures in accordance with the income is the reason that to-day, with a diminishing Treasury balance, we are having an increased amount of appropriations. Then the suggestion made by the gentleman from Missouri, which was ignored by the gentleman from Ohio, has much of force in it. Jefferson pointed out many many years ago that the length of tenure of Senators would result in giving them an undue power over the House.

The House is always anxious to adjourn, and in the closing days, when it comes to an issue between the two branches, the fact that the House has a political reason for going home makes it willing to yield to the Senate, that has no such reason, and therefore we see the continued adding of appropriations by the other end of the Capitol. It was never contemplated that the right of amendment should be carried to the extent that it has been carried by the Senate in regard to appropriation bills. The makers of the Constitution looked to the House of Representatives to guard the purse strings of the nation, and I repeat that the party in control of the House can not escape its responsibility. If the present system is bad, you have made the system, or at least you permit it to continue. You have the votes; you have challenged us and thrown in our faces the fact that you had the power. Make your answer to an outraged people as to the extravagance of expenditure, and do not undertake to shift the burden upon this side. [Applause on the Democratic side.]

Mr. TAWNEY. Mr. Speaker, I yield to the gentleman from Kansas for a question.

Mr. CALDERHEAD. I want to call the attention of the chairman of the committee to amendment numbered 106 in the bill. I would like to have a definite statement from him as to the limitation proposed by that amendment. It occurs to me, in reading it, that if this amendment is permitted to stand, it will suspend the work of building barracks and quarters at artillery posts. If that is the case, the amendment ought to go out.

Mr. TAWNEY. The amendment was not offered by the Senate for that purpose. It is not agreed to by the House conferees with any thought that it would have that effect, and, as I read the amendment, it does not and will not have that effect. The House provision, which the Senate amendment was intended to limit, was the amount that could be expended for quarters for officers in the Army, from general officers down to quarters for the lieutenants.

Heretofore there has been no limitation whatever upon the amount that could be expended for quarters for officers of the Army, and we found at this session of Congress that at one point in the United States there was an item for quarters for a brigadier-general at a cost of \$25,000, which did not include plumbing, or lighting, or heating, and the committee concluded that it was about time some limitation should be placed upon the cost of quarters. The Senate took that amendment, and in reading it came to the conclusion that the limitation did not apply to quarters for officers of the coast artillery, and put in amendment 106 in this language, "or for barracks and quarters for the artillery." There is nothing in the amendment that puts any limitation at all upon barracks. It only has relation to the next paragraph, "for the erection of barracks and quarters for the artillery in connection with the adopted projects for sea-coast defenses." The limitation is intended, and I think will have the only effect of applying to the amount to be expended for quarters in both the Army and the sea-coast artillery. The House provision was intended to apply to both, but the Senate amendment makes that intention certain. The gentleman from Kansas need not fear that there will be any interference at all with the construction of barracks.

Mr. CALDERHEAD. I just want to add a word more as to the necessity of being careful in the language that is used in such an amendment. In speaking of quarters for the officers in all appropriation bills and in all legislation, the term has a specific meaning, and the words used are "quarters for the officers." Whenever the term "barracks and quarters" is used in all legislation it has reference to barracks and quarters for enlisted men.

Mr. TAWNEY. Well, there is no limitation whatever upon the cost of barracks, and, that being so, the language or word "barracks" in this paragraph has no relation whatever, and will not operate as a limitation at all upon the construction of barracks. Now, Mr. Speaker, I call for a vote on the report, which I hope will be adopted.

The SPEAKER. The question is on suspending the rules and agreeing to the conference report.

Mr. CLARK of Missouri. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 135, nays 123, answered "present" 8, not voting 121, as follows:

## YEAS—135.

Andrus	Draper	Howell, N. J.	Nelson
Anthony	Driscoll	Howell, Utah	Nicholls
Barclay	Durey	Hubbard, W. Va.	Nye
Bartholdt	Edwards, Ky.	Huff	Olcott
Bates	Ellis, Mo.	Humphrey, Wash.	Olmsted
Beale, Pa.	Ellis, Oreg.	Jenkins	Pearse
Bede	Esch	Jones, Wash.	Porter
Bennet, N. Y.	Fairchild	Kahn	Prince
Boyanage	Fitzgerald	Keller	Reader
Boutell	Focht	Kellher	Reynolds
Burleigh	Fordney	Kennedy, Iowa	Roberts
Burton, Del.	Foss	Kennedy, Ohio	Rodenberg
Calderhead	Foster, Ind.	Knapp	Rothermel
Caldwell	Gardner, Mich.	Lafean	Sherley
Campbell	Gardner, N. J.	Landis	Sherman
Capron	Gillett	Lee	Sims
Cary	Gordon	Longworth	Smith, Iowa
Caulfield	Goulden	Loud	Smith, Mich.
Chapman	Graff	Loudenslager	Snapp
Cocks, N. Y.	Graham	Lovering	Sperry
Cooper, Pa.	Greene	Lowden	Stafford
Cooper, Tex.	Gregg	McCall	Sterling
Cooper, Wis.	Haggott	McCreary	Sullivanway
Coudrey	Hale	McGavin	Sulzer
Crumpacker	Hamilton, Iowa	McGuire	Tawney
Currier	Hamilton, Mich.	McKinley, Ill.	Thistlewood
Cushman	Haskins	McKinney	Tirrell
Dalsell	Hawley	McLaughlin, Mich.	Waldo
Darragh	Hayes	McMillan	Wanger
Davidson	Hepburn	Madden	Washburn
Davis, Minn.	Higgins	Mann	Weems
Dawson	Hill, Conn.	Mondell	Wilson, Ill.
Denby	Hitchcock	Moon, Tenn.	Wood
Diekema	Holliday	Murphy	

## NAYS—123.

Acheson	Beall, Tex.	Burgess	Clayton
Adair	Bell, Ga.	Burleson	Cole
Adamson	Boober	Burnett	Cox, Ind.
Aiken	Bowers	Burton, Ohio	Craig
Alexander, Mo.	Boyd	Byrd	Crawford
Alexander, N. Y.	Brodhead	Candler	Davenport
Ashbrook	Broussard	Carlin	De Armond
Bartlett, Nev.	Brumm	Clark, Mo.	Denver

Dixon	Helm	Macon	Russell, Mo.
Douglas	Henry, Tex.	Madison	Russell, Tex.
Ellerbe	Hinshaw	Maynard	Sahath
Englebright	Hobson	Moore, Tex.	Scott
Favrot	Houston	Morse	Sherwood
Ferris	Howard	Mouser	Slayden
Finley	Howland	Murdock	Small
Floyd	Hughes, N. J.	Needham	Smith, Mo.
Foster, Ill.	Hull, Tenn.	Norris	Sparkman
Foster, Vt.	Humphreys, Miss.	O'Connell	Spight
French	James, Olie M.	Padgett	Stanley
Fulton	Johnson, Ky.	Page	Stephens, Tex.
Garner	Jones, Va.	Parker, N. J.	Taylor, Ohio
Garrett	Kimball	Parsons	Thomas, N. C.
Gillespie	Laning	Payne	Tou Velie
Glass	Lawrence	Pollard	Volstead
Granger	Lindbergh	Pou	Watkins
Hackney	Lindsay	Rainey	Webb
Hall	Lloyd	Randell, Tex.	Williams
Hamilton	McDermott	Rauch	Wilson, Pa.
Hardy	McHenry	Richardson	Woodyard
Hay	McLachlan, Cal.	Robinson	Young
Hellin	McLain	Rucker	

## ANSWERED "PRESENT"—8.

Ansberry	Butler	Lever	Sheppard
Brundidge	Harrison	Patterson	Talbott

## NOT VOTING—121.

Allen	Fowler	Knowland	Pujo
Ames	Fuller	Kiestermann	Ransdell, La.
Bannon	Gaines, Tenn.	Lamar, Fla.	Reid
Barchfield	Gaines, W. Va.	Lamar, Mo.	Rhinock
Bartlett, Ga.	Gardner, Mass.	Lamb	Riordan
Bennett, Ky.	Gilham	Langley	Ryan
Bingham	Gill	Lassiter	Saunders
Birdsall	Godwin	Law	Shackelford
Bradley	Goebel	Leake	Stemp
Brantley	Goldfogle	Legare	Smith, Cal.
Brownlow	Griggs	Lenahan	Smith, Tex.
Burke	Gronna	Lewis	Southwick
Calder	Hackett	Litfield	Steenerson
Carter	Hamill	Livingston	Stevens, Minn.
Chaney	Hammond	Lorimer	Sturgis
Clark, Fla.	Harding	McKinlay, Cal.	Taylor, Ala.
Cockran	Hardwick	McMorran	Thomas, Ohio
Conner	Haugen	Malby	Townsend
Cook, Colo.	Henry, Conn.	Marshall	Underwood
Cook, Pa.	Hill, Miss.	Miller	Vreeland
Cousins	Hubbard, Iowa	Moore, Pa.	Wallace
Cravens	Hughes, W. Va.	Mudd	Watson
Davey, La.	Hull, Iowa	Overstreet	Weeks
Dawes	Jackson	Parker, S. Dak.	Weisse
Dunwell	James, Addison D.	Perkins	Wheeler
Dwight	Johnson, S. C.	Peters	Wiley
Edwards, Ga.	Kinkaid	Powers	Willett
Fassett	Kipp	Pratt	Wolf
Flood	Kitchin, Claude	Pray	
Fornes	Kitchin, Wm. W.		
Foulkrod	Knopf		

So, a majority having voted in favor thereof, the rules were suspended and the conference report was agreed to.

The Clerk announced the following pairs:

For balance of this session:

Mr. DAWES with Mr. TAYLOR of Alabama.

Mr. COUSINS with Mr. FLOOD.

Mr. CONNER with Mr. JOHNSON of South Carolina.

Mr. WATSON with Mr. SHEPPARD.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Until further notice:

Mr. KINKAID with Mr. WILLIAM W. KITCHIN.

Mr. KNOWLAND with Mr. LAMB.

Mr. LANGLEY with Mr. LASSITER.

Mr. LITTLEFIELD with Mr. LEAKE.

Mr. LORIMER with Mr. LEGARE.

Mr. MCKINLAY of California with Mr. LEWIS.

Mr. MCMORRAN with Mr. PUJO.

Mr. MALBY with Mr. PATTERSON.

Mr. MARSHALL with Mr. RANSDELL of Louisiana.

Mr. MILLER with Mr. REID.

Mr. MOON of Pennsylvania with Mr. RHINOCK.

Mr. MOORE of Pennsylvania with Mr. RYAN.

Mr. OVERSTREET with Mr. SAUNDERS.

Mr. PERKINS with Mr. SMITH of Texas.

Mr. SLEMP with Mr. UNDERWOOD.

Mr. SOUTHWICK with Mr. WILLETT.

Mr. STEVENS of Minnesota with Mr. WALLACE.

Mr. THOMAS of Ohio with Mr. WILEY.

Mr. VREELAND with Mr. WOLF.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. POWERS with Mr. PRATT.

Mr. HARDING with Mr. PETERS.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. DUNWELL with Mr. LAMAR of Florida.

Mr. MUDD with Mr. TALBOTT.

Mr. ALLEN with Mr. LEVER.

Mr. KNOPF with Mr. WEISSE.

Mr. TOWNSEND with Mr. SHACKLEFORD.

Mr. FULLER with Mr. ANSBERRY.

Mr. LAW with Mr. FORNES.



Mr. BROWNLOW with Mr. BRUNDIDGE.  
 Mr. BRADLEY with Mr. RIORDAN.  
 Mr. BANNON with Mr. CLARK of Florida.  
 Mr. BARCHFELD with Mr. BRANTLEY.  
 Mr. CALDER with Mr. CARTER.  
 Mr. CHANEY with Mr. COCKRAN.  
 Mr. COOK of Pennsylvania with Mr. CRAVENS.  
 Mr. FASSETT with Mr. DAVEY of Louisiana.  
 Mr. FOULKROD with Mr. EDWARDS of Georgia.  
 Mr. GAINES of West Virginia with Mr. GILL.  
 Mr. GARDNER of Massachusetts with Mr. GAINES of Tennessee.  
 Mr. GILHAMS with Mr. GODWIN.  
 Mr. GOEBEL with Mr. GOLDFOGLE.  
 Mr. HAYDEN with Mr. GRIGGS.  
 Mr. HENRY of Connecticut with Mr. HACKETT.  
 Mr. DWIGHT with Mr. HARRISON.  
 Mr. HUBBARD of Iowa with Mr. HAMILL.  
 Mr. HUGHES of West Virginia with Mr. HILL of Mississippi.  
 Mr. HULL of Iowa with Mr. CLAUDE KITCHIN.  
 Mr. ADDISON D. JAMES with Mr. HARDWICK.  
 Until Tuesday:  
 Mr. BURKE with Mr. KIPP.  
 For the balance of the day:  
 Mr. GRONNA with Mr. HAMMOND.  
 The result of the vote was announced as above recorded.

## NAVIGATION LAWS.

Mr. GREENE. Mr. Speaker, I move to suspend the rules and take up the bill H. R. 21815 for passage.

The SPEAKER pro tempore. (Mr. LAWRENCE in the chair). The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21815) to amend the laws relating to navigation, and for other purposes.

Be it enacted, etc., That section 2792 of the Revised Statutes be, and is hereby, amended by adding thereto, thirty days after the passage of this act, the following:

"Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained."

Sec. 2. That section 4435 of the Revised Statutes is hereby amended to read as follows sixty days after the passage of this act:

"Sec. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over 700 gross tons or of any other vessel of over 100 gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense."

Sec. 3. That section 4467 of the Revised Statutes is hereby amended to read as follows:

"Sec. 4467. The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: *Provided, however*, That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding 300 miles: *Provided further*, That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports."

Sec. 4. That section 4468 of the Revised Statutes is hereby amended to read as follows:

"Sec. 4468. Every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by the preceding section shall be liable to a penalty of \$100."

Sec. 5. That whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce and Labor may authorize and direct the customs authorities at the various ports and supports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or support of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce and Labor may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise in a form prescribed by him, before they shall be allowed under the provisions of this act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce and Labor may deem proper: *Provided*, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States unless such ownership or charter was acquired prior to February 5, 1897.

Sec. 6. That section 4216 of the Revised Statutes is hereby repealed.

Sec. 7. That thirty days after the passage of this act if a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give

public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion can not easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions.

Sec. 8. That section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," be, and the same hereby is, amended so as to read as follows, sixty days after the passage of this act:

"Sec. 3. That section 3 of the act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, approved June 29, 1888, shall be, and hereby is, amended so as to read as follows:

"Sec. 3. That in all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$1,000 nor less than \$500, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

"And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section 1 of the said act of June 29, 1888; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this act or of the said act of June 29, 1888, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever shall operate to release the owners and masters and employees of scows and towboats from the penalties hereinbefore mentioned.

"Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least 14 inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. Each such scow or boat shall be equipped at all times with a life line or rope extending at least the length of and 3 feet above the deck thereof, such rope to be attached to the coaming thereof, also with a life-preserver and a life buoy for each person on board thereof, also with anchor to weigh not less than 275 pounds, and at least 100 feet of cable attached thereto; a list of the names of all men employed on any such scow or boat shall be kept by the owner or master thereof, and the said list shall be open to the inspection of all parties. Failure to comply with any of the foregoing provisions shall render the owner of such scow or boat liable upon conviction thereof to a penalty of not more than \$500.

"The supervisor of the harbor of New York, designated as provided in section 5 of the said act of June 29, 1888, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this act and of the act aforesaid, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so appointed by him, shall have power and authority:

"First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section and by the act of June 29, 1888, aforesaid, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

"Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit, as required in this section of this act, or otherwise violating any of the provisions of this section of this act, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

"Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibited material, the said witnesses to be released under proper bonds.

"Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of this act and of the act aforesaid.

"Fifth. To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section 1 of the aforesaid act of June 29, 1888.

"Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward, or makes any offer of the same to

any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violation of the provisions of this section or of the said act of June 29, 1888, shall, on conviction thereof, be fined not less than \$500 nor more than \$1,000, and be imprisoned not less than six months nor more than one year.

"Every permit issued in accordance with the provisions of this section of this act, which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an indorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than \$500 nor less than \$100."

Sec. 9. That section 4414 of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words "and Burlington, Vt.," and before the words "one inspector of hulls," the words "Honolulu, Hawaii, and San Juan, P. R.;" and that the said section be further amended by inserting, in the fifth paragraph thereof, after the words "and Norfolk, Va.," and before the words "at the rate of \$2,000," the words "Honolulu, Hawaii, and San Juan, P. R."

Sec. 10. That on and after January 1, 1900, the local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of 100 gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. They shall then issue a certificate of inspection in the manner and for the purposes prescribed in sections 4421 and 4423 of the Revised Statutes.

Sec. 11. That every such barge shall be equipped with the following appliances of kinds approved by the Board of Supervising Inspectors: At least one lifeboat, at least one anchor with suitable chain or cable, and at least one life-preserver for each person on board.

Sec. 12. That a register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificates of inspection prescribed by section 10 and on board the equipment prescribed by section 11.

Sec. 13. That if any such barge shall be navigated without such certificate of inspection, or without any part of the equipment prescribed by section 11, the owner shall be liable to a penalty of \$500 for each offense.

Sec. 14. That the chairman of the Light-House Board, the Supervising Inspector-General of the Steamboat-Inspection Service, and the Commissioner of Navigation shall convene as a board at such times as the Secretary of Commerce and Labor shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to section 2 of the act approved February 19, 1895, and such regulations when approved by the Secretary of Commerce and Labor shall have the force of law.

Sec. 15. That the master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to section 14 in the manner now prescribed for incompetency, misconduct, or unskillfulness.

The SPEAKER pro tempore. Is a second demanded?

Mr. SPIGHT. Mr. Speaker, I demand a second.

Mr. STAFFORD. I demand a second.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GREENE] is entitled to twenty minutes and the gentleman from Mississippi [Mr. SPIGHT] to twenty minutes.

Mr. GREENE. Mr. Speaker, this is a bill which comprises several bills that were reported from the committee to the House unanimously, and nearly all of them have passed the Senate. It amends the law in relation to navigation. The first section relates to the bill H. R. 9119, and provides that passenger vessels engaged triweekly or oftener in trade between ports of the United States and smaller ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained. On Puget Sound, and possibly between the ports of Maine and Nova Scotia, there are passenger vessels making trips three times a week or oftener, though they are not ferryboats. These vessels are in competition with railroads, and the principle of the bill is to exempt those vessels from charges which railroads are not required to pay. It covers a very small sum, but it is required in order to make the competition proper with the railroads.

Mr. MADDEN. What are the charges made for?

Mr. GREENE. I said that on Puget Sound, and possibly between the ports of Maine and Nova Scotia, there are passenger vessels making trips three times a week or oftener, which, though not ferryboats, serve almost the same purposes. These vessels are in competition with railroads, and this is to exempt them from the fees that the railroads are not required to pay.

Mr. MADDEN. And what does the fee amount to on each vessel?

Mr. GREENE. If the gentleman from Washington [Mr. HUMPHREY] is here, he can tell. It is a very small amount, but I have not got the exact amount. It is very small, indeed. It is favored by the Department as the proper thing to do, and is recommended by the full committee.

Mr. MADDEN. Has it any reference to ships other than those having pleasure parties on board?

Mr. GREENE. No, sir.

Mr. MADDEN. Does it make that provision for ships entering from a foreign port with pleasure parties?

Mr. GREENE. No; that is not in this part of the bill. Now, section 2 is identical with the bill which has passed the Senate and which was introduced by Senator FRYE.

Mr. MADDEN. Does this affect lake navigation?

Mr. GREENE. No; lake navigation is exempt.

Mr. MADDEN. Is there anything in the bill that affects it?

Mr. GREENE. Not at all. Lake navigation is exempt, and this applies the same provisions to Puget Sound as to the Great Lakes.

Mr. MANN. Outside of the Puget Sound section is there anything in this bill which affects the Great Lakes?

Mr. GREENE. Not at all.

Mr. MANN. I was informed by some member of the committee that it does affect them.

Mr. OLCOTT. Does not the section require a count instead of a list of the passengers?

Mr. GREENE. Sections 3 and 4 provides for a count instead of a list. I am endeavoring to take up each section and to explain the bill.

Mr. MANN. If the gentleman will not take up all the time on this first section.

Mr. GREENE. I will now take up the other sections.

Mr. SPARKMAN. I would like to ask the gentleman a question in respect to the section of the bill relating to mud scows used in New York Harbor. What is the change there?

Mr. GREENE. There is very little change in that. It will be explained, and I will call upon the gentleman from New York to explain it fully when we come to it. I am trying to briefly pass along in the consideration of the bill and give all a chance to find out about the bill.

Section 3 provides for a correct account of all the passengers instead of a list of the passengers. The law requiring a list to be furnished has been in existence a number of years, but it is impossible to successfully carry it out. This provides for a count, which secures all that is necessary.

Mr. STAFFORD. Will the gentleman explain the reason for not waiving that exception to the steamers on the Great Lakes now provided in section 3? They still require a correct list to be kept on passenger steamers plying on the Great Lakes on routes exceeding 300 miles.

Mr. GREENE. That covers routes where they have ample opportunity to get the list. This is to cover the case of excursions where it would be impossible to find out the names, just as it is on an excursion train, where there are as many as 2,000 or more passengers. If you require them to furnish a list of the passengers, it would stop all the excursion business.

Mr. MANN. What is the law now in that respect?

Mr. GREENE. The law is that there shall be a list, but it is not complied with.

Mr. MANN. There is often a great deal of complaint in the city of Chicago about overcrowding excursion steamers.

Mr. GREENE. The law provides now clearly that there shall be a list, and in my section there is a count taken of the number of passengers, and they are counted. An excursion steamer is allowed to have a certain defined number on board, and when that number has passed on the boat no more are allowed in my section. I do not know how it is in Chicago. When the number are on board that the vessel is allowed to carry, they are not allowed to take anybody else. If there is any overcrowding in Chicago, it is because the Chicago people do not obey the law.

Mr. MANN. Oh, the Chicago people are like everybody else. The question is what is the law, and whether the Government officials are enforcing the law.

Mr. GREENE. That has been the law. As usual, it rests a good deal on the officers of the vessels to see that it is carried out, but they are liable if it is not enforced.

Mr. MANN. I would like to know what the law is.

Mr. GREENE. The law has been—

Mr. STAFFORD. Why do you waive it as to passenger steamers on the high seas travelling more than 300 miles and do not waive it as to passenger steamers on the Great Lakes?

Mr. GREENE. Vessels on the Great Lakes go a certain length of time, and it allows them to list their passengers. It exempts excursions on the Great Lakes.

Mr. COOPER of Wisconsin. Do you mean 300 miles from the bank or 300 miles altogether?

Mr. GREENE. Three hundred miles. The officers can get a list of the passengers in that time.

Mr. COOPER of Wisconsin. You mean 300 miles one way?

Mr. GREENE. Three hundred miles one way.



Mr. MANN. May I ask the gentleman, Does the law now provide that these excursion steamers shall furnish a list of passengers?

Mr. GREENE. Yes; and that is impossible.

Mr. MANN. Oh well, it is not a question whether it is impossible. The point is that you seek to change the law so that they shall not be required hereafter to furnish a list.

Mr. GREENE. Only the number—not a list.

Mr. MANN. Hence they will not be required to keep a list.

Mr. GREENE. They will not be required to keep a list, because they can not.

Mr. MANN. Then if the vessel goes down, you do not know who is on board.

Mr. GREENE. Just the same as on a railroad train.

Mr. MANN. Oh, well, there is a difference between going to the bottom of the lake and being spilled out onto the ground in a railroad accident.

A MEMBER. The result to the passenger is just about the same. [Laughter.]

Mr. GREENE. The next is section 5. The principle of reciprocal exemption from tonnage taxes applied to yachts in section 4216, Revised Statutes, is the same as the principle of reciprocal exemptions from tonnage taxes applied to merchant vessels by sections 11 and 12 of the act of June 19, 1886 (Navigation Laws, 1907, pp. 146-147). In the application there is this distinction: The reciprocal exemption in the case of yachts under section 4216 is on the basis of nationality. The reciprocal exemption in the case of merchant vessels under the act of June 19, 1886, is on the basis of the port. S. 5333 extends the basis of reciprocal exemptions in the case of yachts to the port basis, as in the case of merchant vessels. To S. 5333 this section adds the proviso of February 5, 1897, as follows:

*Provided, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States, unless such ownership or charter was acquired prior to February 5, 1897.*

It was decided by the committee that this was a fair and honorable thing to do, and so it was favorably reported by the committee.

Section 7 provides for an international signal code, giving a means of indicating from a distance at sea the names of vessels.

Section 8 embodies the provisions of a bill introduced by the gentleman from New York [Mr. PARSONS], and I now yield to him three minutes.

Mr. PARSONS. Mr. Speaker, section 8 consists of a bill introduced by me. It is a long section, but the only part of it that is new law is the part in italics on page 8. It relates entirely to the mud scows or boats in the harbor of New York that take garbage out to sea, and the object of the amendment is to require on each one of these scows a life line or rope, which they are now not required to have, and a life-preserver and life buoy for each person on board, and a drag anchor, so that if they get adrift the anchor will retard the progress of the scow, and it will be possible to overtake it. It also requires them to keep a list of all the men employed.

This section was recommended by the Legal Aid Society and the Seamen's Church Institute in New York, which have done a great deal of work among the seamen and which were active a couple of years ago in behalf of the bill that we passed to prevent shanghaiing. There was a hearing before the committee, where the scow people were represented, and the provision that is now in the bill is the compromise provision that was evolved at that time.

Mr. WALDO. Will the gentleman from Massachusetts [Mr. GREENE] yield for a question?

Mr. GREENE. Yes.

Mr. WALDO. I see you have extended the length of an excursion of a steamboat from 100 miles to 300 miles. Is not that too much?

Mr. GREENE. It was not thought so by the Department or the committee.

Mr. WALDO. It seems to me that 300 miles on a steamboat is not an excursion, and that a list of the passengers ought to be kept, certainly where the excursion is over 200 miles.

Mr. DOUGLAS. They stop to let passengers on and off, and it is impossible to keep a list.

Mr. HUMPHREY of Washington. That is the trouble. They stop to let passengers on and off at way ports.

Mr. THOMAS of North Carolina. What is section 4216 of the Revised Statutes, which is hereby repealed?

Mr. GREENE. Section 4216 provides that—

Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof or paying tonnage tax: *Provided, That the privileges of this section*

shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States, unless such ownership or charter was acquired prior to the passage of this act.

You can see the difference that was made in this provision. What I have read is what is repealed.

Mr. SPIGHT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Speaker, I think the sections of the bill under consideration in which, perhaps, the Members of the House are most interested are sections 4467 and 4468. The first provides that instead of keeping a list on vessels traveling 300 miles or less in one direction, a count of the passengers shall be kept. That applies especially in New York City to the Albany Day Line, which has a carrying capacity of over 2,000 passengers. It is utterly impossible for that company to keep a correct list of the passengers going aboard their steamers which run up to Albany and back—a distance of 150 miles each way. It is intended by this section, that instead of a list of the names, which, as I say, it is utterly impossible to keep, they shall have a correct count of all those going aboard, subject to inspection by the inspectors of the Bureau of Navigation and by the officers of customs at all times.

Mr. WALDO. The distance from New York to Albany is only 150 miles?

Mr. GOULDEN. Yes.

Mr. WALDO. There is no need of extending this distance 300 miles, is there?

Mr. GOULDEN. We discussed that at length in the committee and were unanimously in favor of making it 300 miles. There are other cities besides New York on the American continent, and we appreciate the fact that Philadelphia, Boston, Chicago, Cleveland, Buffalo, and other cities may have day lines of steamers running the same as our line to Albany, which would go a longer distance than 150, or even 200 miles. Again, the law of 1871 allowed a distance of 100 miles. Since then the speed of steamers has more than doubled, so that excursion boats can cover much longer distances by daylight. Hence the necessity of making the distance 300 miles.

Mr. WALDO. There are no cities anywhere that are 300 miles apart which a day line can reach in one day, are there?

Mr. GOULDEN. It is not expected that excursions will be confined to cities alone. With the rapidity with which steamers move they could easily make 300 miles in one day. The Sandy Hook boat, which makes 22 miles an hour, could very easily make 300 miles in twelve hours. The same is true of the *Mary Powell*, a Hudson River steamer, and many others in and around New York.

The second part to which I wish to direct the attention of the House is that in relation to providing safety lines aboard the mud scows and sea barges that go out, particularly from New York Harbor. All of the refuse of the city of New York is taken out of New York and dumped into the sea, and scores of men are drowned each year by not having the necessary protection on these boats. It provides that life lines shall be put on each scow and barge, kept there at all times, extending the length of the boat and 3 feet above the deck, such rope to be attached to the coaming, and also that a life-preserver and a life buoy shall be kept for each person on board; also an anchor, to weigh not less than 275 pounds and with at least 100 feet of cable attached thereto. Then a list of the names of all the men employed on any such scow or boat shall be kept by the owner or the master thereof, and said list shall be open to the inspection of all parties. Failure to comply with any of the foregoing provisions shall render the owner of any such scow or boat liable upon conviction thereof to a penalty of not more than \$500. Now, this has been found absolutely necessary for the protection of human life. As I said, scores of men are drowned or lost or missing each year who work aboard these boats. Something therefore must be done in the cause of humanity and the safety to human life. This was thought to be the best and simplest method of protecting life and giving it some degree of safety. The anchor provision is intended in case the scow breaks loose from its tow, that they can throw out the anchor and drag. We do not mean to say for a moment that they would be able perhaps to keep off the shore, but they would drag slowly so that some tugboat could pick them up and save them from being wrecked.

The other parts of the bill, Mr. Speaker, containing fifteen amendments, have met with the approval of the minority members of the committee, and we believe, upon the whole, that the entire bill is entitled to a favorable consideration on the part of the Members of the House. I commend it to their support and hope that it will pass. [Applause.]

Mr. SPIGHT. Mr. Speaker, the gentleman from New York [Mr. GOULDEN] has discussed the most important feature of this bill, the question of the protection of life on the scows in

New York Harbor. There is another provision of the bill, however, which seems to me to be objectionable. It is a provision which discriminates against yachts constructed in foreign yards and not acquired by American citizens prior to 1897. I think that is objectionable. I think that the provision ought to apply to all American owners of yachts at the time of the passage of this bill, if it is going to apply to any, without regard to when they were built or when acquired. In the main, I think the bill is a good one and ought to pass.

I now yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Speaker, as was said by the gentleman from New York, there is no opposition to this bill from any of the minority members of the committee. One part of this bill I do not approve of; however, upon the main, I am going to vote for the bill as it is presented. The part of the bill which I do not approve of is the part which provides for the exemption of foreign yacht owners from paying tonnage taxes and clearance dues. I do not approve of that, because I can see no reason why the class of people who are able to own and equip yachts should be permitted to enter and clear without paying tonnage taxes and clearance dues; but upon the principle of comity between this Government and other nations, if they extend to our people the same privilege, probably there is not so much serious objection to it after all. The most important section of this bill, as I consider it, is that part of the bill which relates to New York Harbor.

The evidence disclosed before the committee from whence this bill comes is that for years and years there has been a practice going on in New York Harbor of dumping the refuse of New York City out into the ocean, where a great many human lives have been lost. An opposition was disclosed before the committee upon this part of the bill upon the ground, as usual, that if the scow owners were compelled to safeguard them, so as to protect the lives of their employees, it would add greatly to the expense of the scows. The committee determined that when the question of cost was upon one side and the question of human life upon the other, that the argument in favor of the preservation of human life far outweighed that of the cost of taking such precautions upon the other so as to preserve human life. The evidence failed to disclose the number of people who were lost every year who are engaged in this occupation, but according to the best evidence that we could get hold of not less than one person was lost every month in this hazardous employment by reason of the fact that the scows were not safeguarded with proper safety equipment. Therefore I regard that part of the bill as being the most important, purely, however, of a local nature, affecting only the city of New York, and if there was nothing else in the bill except this it would commend itself to me very strongly. Up until this bill was reported, as I understand the navigation laws, there has been no Federal statute in force giving to the inspectors power to inspect seagoing barges of 100 tons and over. This bill gives to the inspectors power to inspect seagoing barges of 100 tons and over, and the right to inspect each with a view of seeing whether or not they are seaworthy and are safe to operate upon the high seas. The evidence disclosed that by reason of failure to have a Federal statute conferring upon the local inspectors power to inspect seagoing barges the loss of property heretofore has been considerable, as well as the loss of life. These two measures taken together, in my judgment, commends the bill to its passage and appeals to the Members of this House. There is another section of the bill which adds likewise a delinquent statute, as it were—

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. SPIGHT. I yield the gentleman two more minutes.

Mr. COX of Indiana. And that is the section of the statute which authorizes the Commissioner of Navigation to appoint a board of inspectors at Hawaii and Porto Rico. While that is going to add some additional expense to the Government in maintaining those two boards, yet the proof disclosed the fact that it was exceedingly necessary that he be given the power to appoint these boards of inspectors for Hawaii and for Porto Rico, because the evidence disclosed the fact that for as much as two weeks at a time vessels had been tied up in Hawaii and in Porto Rico awaiting inspectors to be sent from the continent of the United States to inspect the hulls and the vessels, with a view of seeing whether or not they were seaworthy. Therefore, in the main, I believe, the entire bill commends itself to the support of every Member in this House. [Applause.]

Mr. SPIGHT. I yield two minutes to the gentleman from New York [Mr. Sulzer].

Mr. SULZER. Mr. Speaker, all I desire to say is that, in my judgment, this is a most commendable bill, and it ought to receive the unanimous approval of the Members of this House. The bill is designed to regulate, so far as may be feasible at this time, the most dangerous form of navigation along our seaboard. There are between 400 and 450 seagoing barges of over 100 gross tons employed at present. During the past two fiscal years 60 of these barges were lost. Of the 60 vessels lost 49 were built before 1898, and nearly half were over 30 years old. Many of these barges years ago were stanch ships and barks. As they have deteriorated they have been dismantled, and large hatches have been cut in them, rendering them structurally even weaker. When from any cause these towed barges break loose from the towing steamer those on board are practically helpless. Of 192 persons on board these 60 barges 49 lost their lives, or over 25 per cent, a death rate far in excess of the rate in other classes of marine casualties here or abroad. A great demand in favor of this legislation comes from prominent people of New York desirous to more carefully safeguard life on these seagoing barges. It should have been done long ago, and I hope this bill will now pass and go over to the Senate and meet the approval of that body before we adjourn.

Mr. SPIGHT. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Mississippi has five minutes remaining.

Mr. SPIGHT. Well, I yield two minutes to the gentleman from New Jersey [Mr. Hughes].

Mr. HUGHES of New Jersey. It has been impossible, of course, for me or any other Member of the House not specially interested in this bill to make himself familiar with all its provisions. There is one section, however, with the provisions of which I am familiar, and so far as it is concerned it commends itself to me. Of course I do not like to pass upon the other provisions. I do not like to vote upon the whole bill without having had an opportunity to examine into its provisions and hearing it freely discussed and debated before this House. The situation as it now exists with regard to sailing vessels of any tonnage, as I understand it, is that they are now and may be lawfully in charge of a man who is not a master, not a licensed inspector, or who has not any particular knowledge of navigation. For instance, at the present time there is nothing that I know of to prevent a man from going upon a sailing vessel in the harbor of New York, and if circumstances were such that he could get control of it lawfully, to navigate it up and down that very important highway to the great risk and detriment of other men who are engaged in navigation and are familiar with the rules that obtain upon the waters of the harbors and the high seas. I have sailed small craft myself, and I know the grave danger involved, and how the danger increases as the size of the craft and the traffic increases.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GREENE. I yield one minute more.

Mr. HUGHES of New Jersey. It is really a matter of surprise to me that this very important subject has not long before this had the consideration of Congress. This section provides:

The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire.

So the very language of the act shows that up to this time it has not been necessary for a man, in order to sail a vessel of that tonnage and to carry passengers for hire on the high seas or on any harbor over which we have control or jurisdiction, to pass any sort of an examination at all. I propose to vote for this bill in order to place this provision upon the statute books.

The SPEAKER pro tempore. The gentleman's time has again expired.

Mr. GREENE. Will the gentleman from Mississippi [Mr. Spight] kindly use his time now?

Mr. SPIGHT. Mr. Speaker, I yield my time to the gentleman from Washington [Mr. Humphrey].

The SPEAKER pro tempore. The gentleman from Washington [Mr. Humphrey] is recognized for two minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I just wish to say this to the House: There is not time to discuss the details of the bill, but it was reported unanimously. It contains a great deal of very valuable legislation, for which there is great necessity for immediate action. There is no one on the committee who is opposed to the bill, and I trust that the House will pass it, so that it can get to the Senate and become a law before Congress adjourns.



Mr. MANN. Does not the gentleman think that the House ought to know what the important legislation is that is brought in in a bill of this sort?

Mr. HUMPHREY of Washington. I think the majority of the House do, excluding the gentleman from Illinois [Mr. MANN] in that statement.

Mr. MANN. I know the gentleman from Washington always knows more than anyone else, but I have asked a dozen gentlemen on the floor of the House as to what is in the bill, and I have found no one that knew.

Mr. HUMPHREY of Washington. I will say to the gentleman that in two minutes I would not undertake to explain to him.

Mr. MANN. I do not think the gentleman could.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. SPIGHT. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. WANGER. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. There is evidently no quorum present. The Doorkeeper will close the doors and the Sergeant-at-Arms will notify absent Members. Those in favor of suspending the rules and passing this bill will, as their names are called, answer "yea," those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 230, nays 7, answered "present" 14, not voting, 136, as follows:

## YEAS—230.

Adair	Durey	Howland	Parsons
Adamson	Ellis, Oreg.	Hubbard, W. Va.	Payne
Aiken	Englebright	Huff	Pearre
Alexander, Mo.	Fairchild	Hughes, N. J.	Perkins
Alexander, N. Y.	Fassett	Hull, Tenn.	Pou
Andrus	Favrot	Humphrey, Wash.	Prince
Anthony	Ferris	Jones, Wash.	Pujo
Ashbrook	Fitzgerald	Kahn	Rainey
Barchfeld	Floyd	Keller	Randall, Tex.
Barclay	Focht	Kellher	Rauch
Bartholdt	Fordney	Kennedy, Iowa	Reeder
Bartlett, Nev.	Foss	Kennedy, Ohio	Reynolds
Beale, Pa.	Foster, Ill.	Knapp	Richardson
Beall, Tex.	Foster, Ind.	Lafean	Roberts
Bede	Foster, Vt.	Lamb	Robinson
Bell, Ga.	Foulkrod	Langley	Rodenberg
Bonyuge	Fowler	Law	Rothermel
Booher	French	Lawrence	Rucker
Bowers	Fulton	Lee	Russell, Mo.
Bradley	Gaines, W. Va.	Lennahan	Russell, Tex.
Broadhead	Gardner, Mich.	Lindsay	Sabath
Broussard	Gardner, N. J.	Lloyd	Saunders
Burgess	Garrett	Longworth	Scott
Burleigh	Gillespie	Lovering	Sherley
Burleson	Gillet	Lowden	Sherman
Burnett	Glass	McCall	Sherwood
Burton, Del.	Goldfogle	McCreary	Slayden
Byrd	Gordon	McDermott	Smith, Cal.
Calder	Goulden	McGavin	Smith, Iowa
Calderhead	Graft	McGuire	Smith, Mich.
Candler	Graham	McHenry	Smith, Mo.
Capron	Granger	McKinlay, Cal.	Sperry
Cary	Caulfield	McKinley, Ill.	Spight
Chaney	Chapman	McKinney	Stafford
Clark, Mo.	Clark, Mo.	McLachlan, Cal.	Stanley
Clayton	Cocks, N. Y.	McLain	Steenerson
Cole	Cooper, Pa.	McLaughlin, Mich.	Stephens, Tex.
Cooper, Wis.	Coudrey	McMillan	Sulloway
Coudrey	Cox, Ind.	Macon	Sulzer
Craig	Crumpacker	Malby	Taylor, Ohio
Currier	Cushman	Maynard	Thistlewood
Dalzell	Dalzell	Miller	Thomas, N. C.
Darragh	Davenport	Moon, Tenn.	Tirrell
Dawson	Denby	Moore, Pa.	Tou Velle
Denby	Denver	Moore, Tex.	Volstead
Diekema	Douglas	Morse	Waldo
Douglas	Draper	Mouser	Wanger
Draper	Driscoll	Murphy	Washburn
Driscoll		Needham	Watkins
		Nicholls	Webb
		Norris	Weeks
		Nye	Williams
		O'Connell	Wilson, Ill.
		Olcott	Wilson, Pa.
		Olsted	Wood
		Padgett	Woodyard
		Page	
		Parker, N. J.	

## NAYS—7.

James, Ollie M.	Jones, Va.	Slms
Johnson, Ky.	Mann	

## ANSWERED "PRESENT"—14.

Ansberry	Carter	Dixon	Madden
Bennet, N. Y.	Cousins	Humphreys, Miss.	Wheeler
Boutell	Davis, Minn.	Johnson, S. C.	
Butler	De Armond	Lindbergh	

## NOT VOTING—136.

Acheson	Ellis, Mo.	Kitchin, Claude	Powers
Allen	Finley	Kitchin, Wm. W.	Pratt
Ames	Flood	Knopf	Pray
Bannon	Fornes	Knowland *	Ransdell, La.
Bartlett, Ga.	Fuller	Kuistermann	Reid
Bates	Gaines, Tenn.	Lamar, Fla.	Rhinock
Bennett, Ky.	Gardner, Mass.	Lamar, Mo.	Riordan
Bingham	Garner	Landis	Ryan
Birdsall	Gilhams	Lanning	Shackleford
Boyd	Gill	Lassiter	Sheppard
Brantley	Godwin	Leake	Slomp
Brownlow	Goebel	Legare	Small
Brumm	Gregg	Lever	Smith, Tex.
Brundidge	Griggs	Lewis	Snapp
Burke	Gronna	Lilly	Southwick
Burton, Ohio	Hackett	Littlefield	Sparkman
Caldwell	Haggott	Livingston	Sterling
Campbell	Hamill	Lorimer	Stevens, Minn.
Clark, Fla.	Hammond	Loud	Sturgiss
Cockran	Hardag	Loudenslager	Talbott
Conner	Hardwick	McMorran	Tawney
Cook, Colo.	Hepburn	Madison	Taylor, Ala.
Cook, Pa.	Hill, Miss.	Marshall	Thomas, Ohio
Cooper, Tex.	Hitchcock	Mondell	Townsend
Cravens	Howard	Moon, Pa.	Underwood
Crawford	Hubbard, Iowa	Mudd	Vreeland
Davey, La.	Hughes, W. Va.	Murdock	Wallace
Davidson	Hull, Iowa	Nelson	Watson
Dawes	Jackson	Overstreet	Weems
Dunwell	James, Addison D.	Parker, S. Dak.	Wesle
Dwight	Jenkins	Patterson	Wiley
Edwards, Ga.	Kimball	Peters	Willett
Edwards, Ky.	Kinkaid	Pollard	Wolf
Ellerbe	Kipp	Porter	Young

The following additional pairs were announced:

Until further notice:

Mr. TAWNEY with Mr. SMALL.

Mr. ACHESON with Mr. BRANTLEY.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. SNAPP with Mr. KIMBALL.

Mr. MADDEN with Mr. HARDWICK.

Mr. LOUDENSLAGER with Mr. HOWARD.

Mr. LOUD with Mr. HITCHCOCK.

Mr. KNOFF with Mr. WEISSE.

Mr. JENKINS with Mr. GARNER.

Mr. HEPBURN with Mr. GREGG.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. DWIGHT with Mr. FINLEY.

Mr. COOK of Colorado with Mr. ELLERBE.

Mr. BURTON of Ohio with Mr. EDWARDS of Georgia.

Mr. BOYD with Mr. DE ARMOND.

Mr. BENNETT of Kentucky with Mr. CRAWFORD.

Mr. BATES with Mr. COOPER of Texas.

Mr. AMES with Mr. CARTER.

Mr. LANDIS with Mr. DIXON.

The SPEAKER pro tempore (Mr. LAWRENCE). On this question the yeas are 230, the nays are 7, answering "present" 14—a quorum; the Doorkeeper will open the doors; the yeas have it; the rules are suspended and the bill with amendments passed.

## PORTO RICAN REGIMENT.

Mr. LARRINAGA. Mr. Speaker, I ask unanimous consent of the House to take from the Speaker's table the bill H. R. 18618, and that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to take from the Speaker's table the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18618) fixing the status of the Porto Rican Provisional Regiment of Infantry, with Senate amendments.

The SPEAKER. The amendments have been read. The gentleman asks unanimous consent to concur in the Senate amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. [Applause.]

## MEXICAN STEAMSHIP TABASQUEÑO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on War Claims, and, with accompanying papers, ordered to be printed.

To the Senate and the House of Representatives:

I transmit herewith a report, by the Secretary of State, with the accompanying papers, concerning the claims of the owners of the Mexican steamship *Tabasqueño* and of her cargo against the United States.

In view of our admitted liability in principle in this case, I recommend the claim to the favorable consideration of Congress, and that an appropriation of the sum mentioned by the Secretary of State be made in settlement of the claim.

THEODORE ROOSEVELT.

Inclosures: From the Secretary of State to the President, May 23, 1908, with six inclosures.

THE WHITE HOUSE, May 25, 1908.

## RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following request of the Senate, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,  
May 22, 1906.

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890.

The SPEAKER. The Committee on Ways and Means will be discharged and the bill returned to the Senate.

Mr. WILLIAMS. I understand this is merely a formal matter between the two Houses, Mr. Speaker, concerning certain papers.

The SPEAKER. That is correct.

## CEMETERY IN DUBUQUE, IOWA.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent for the present consideration and passage of the bill S. 6363.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Union Calendar the following bill and pass the same. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6363) granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly.

*Be it enacted*, etc., That all that tract or parcel of land in the city of Dubuque heretofore known as St. Raphael's Cemetery, and described as follows: "A tract of land 382 feet in width and 405 feet in length, bounded on the north by Third street, on the south by outlots 698 and 693 A, on the east by outlots 693, and on the west by outlots 723," the same being the identical property which was in use as a Catholic cemetery in 1836, and having been in the open, continuous, and uninterrupted possession of the Catholic Church of Dubuque from said date until the present time, the title of the church to the same having never been contested nor questioned, and the boundaries of the property to-day being identical with those described in the original plat of Dubuque is hereby granted to the Most Rev. John J. Keane as archbishop of Dubuque, and to his successors in office, and the title thereto is confirmed and established accordingly.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I want to explain why I do not object.

Mr. DAWSON. I yield to the gentleman for a brief explanation.

Mr. WILLIAMS. As I understand, this is a case where the land has been used ever since 1838 for a cemetery. The dead are resting there, and now it is discovered that there is no patent that can be found from the United States to the land. I think this may come, ethically at least, within the line of exceptions that I have made to the rule that I have adopted, and I shall not object.

Mr. DAWSON. The land referred to, Mr. Speaker, has not only been used as a Catholic cemetery since 1836, but is so used now. It is a tract of land 380 feet in width and 405 feet in length, and has been in the possession of the church of Dubuque from a time prior to the act of July 2, 1836, under which the town site of Dubuque was authorized to be surveyed, and on this survey this particular tract of land was designated "R. Catholic graveyard." There has never been any adverse claim to the same.

The SPEAKER. The Chair hears no objection, and the bill is passed.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

## ASSIGNMENT OF OFFICE ROOMS.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

House joint resolution (H. J. Res. 186) relating to the assignment of space in the House Office Building.

*Resolved*, etc., That the assignment of rooms in the Office Building of the House of Representatives, which shall hereafter be designated as the House Office Building, heretofore made by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of this resolution, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member-elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of this resolution, and no Representative shall allow his office room to be used for any other purpose.

Any Member or Member-elect of the House of Representatives may file with the Superintendent of the Capitol Building and Grounds a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the

room shall be assigned as requested. If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member-elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives-elect, make request for the same room, preference shall be given to the one first preferring his request. A Representative or Representative-elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him.

Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members-elect of the House of Representatives. The Superintendent of the Capitol Building and Grounds shall keep a record of the assignment of rooms heretofore or hereafter made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives-elect of the House.

In the matter of the assignment of rooms under this resolution, Delegates in Congress and the Commissioners from Porto Rico and the Philippine Islands shall be treated the same as Representatives.

The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in this resolution shall be construed to affect or repeal the provisions of law heretofore enacted placing said House Office Building under the control of the Superintendent of the Capitol Building and Grounds, subject to the approval and direction of the Commissions provided for respectively in the act of March 3, 1903, and the act of March 4, 1907.

Unoccupied space in said building shall be assigned by the Superintendent of the Capitol Building and Grounds under the direction of the Commission and subject to the control of the House of Representatives.

Mr. ADAMSON. I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Illinois is entitled to twenty minutes and the gentleman from Georgia is entitled to twenty minutes.

Mr. MANN. Mr. Speaker, some time ago the House passed a House resolution for the assignment of space in the Office Building. That resolution contemplated and provided for the assignment of space beyond the existence of this term of Congress; but, of course, the House can not by simple House resolution make a law effective after the 4th of March next, and there would then be no law covering the assignment of space or that would continue to the Members the use of those rooms until the beginning of the next Congress. Now, the object of passing this resolution is to have in the form of law the resolution already passed by the House, so that the rooms of the Members in the Office Building shall remain theirs practically permanently while they are Members of Congress under the terms of the resolution.

In addition to that there is some unoccupied space in the building yet to be assigned. For instance, as to the folding room of the House and the post-office of the House and to other services in connection with the House. Under the terms of the sundry civil bill of last year the House Office Commission is not authorized to assign space, and it is desirable to have authority to assign this space and make arrangements for it during the summer vacation. So far as the rooms of the Members are concerned, it would be sufficient to pass this resolution at the next session of Congress, but it is desirable to have such resolution passed now in order that the folding room or the other branches under the House may have their space assigned to them during the vacation as it becomes complete, and that is contained in the last provision of the resolution, to which I call attention:

Unoccupied space in said building shall be assigned by the Superintendent of the Capitol Building and Grounds, under the direction of the Commission, and subject to the control of the House of Representatives.

A gentleman has just asked me in reference to that provision of the resolution concerning exchanges, which provides that Members may effect exchanges which shall remain effective so long as they are both Members of the House. That was a matter which was discussed at the time the first resolution was passed by the House. It was not thought desirable by the committee that an outgoing Member of the House should have the permission to grant to somebody else the authority to use his room after his term had expired, as would be the case if an outgoing Member of the House, two days before his term expires, could make an exchange of a room, for he would then determine who would go into that room, and the purpose of the resolution is to place all Members of the House on an equality, preference being given only to longevity of service.

Mr. PADGETT. Take the case that an exchange has been made at the present time and one Member goes out. Does that vitiate the exchange so far as the remaining Member is concerned?

Mr. MANN. The exchanges which are already made are confirmed by the resolution and are not affected by it.



Mr. DRISCOLL. This resolution provides that in case, for instance, there are two or more applications filed for the same room, the Member who has the longest service in the House has the preference?

Mr. MANN. It does.

Mr. DRISCOLL. That is strictly laid down in the rule?

Mr. MANN. That is in the resolution, and in case there are two of the same length of service, the one filing the first application has the preference. I may say on that point that that follows the rule in reference to seats in the Senate.

Mr. HARDY. I am not sure what the regulation of the House is, Mr. Speaker, about the matter, but I was applied to for the use of my room during the vacation, to be used by members of the convention on consumption. My recollection is that I wrote they might have it if there was no objection in the way of the rules of the House.

Mr. MANN. I may say to the gentleman that so far as that particular case is concerned, the necessity for it, I take it, has gone by. In the general deficiency bill there is a provision that the Tuberculosis Congress shall have the use of the new National Museum, and there is an amendment proposed by the Senate, which I understand will be agreed to, appropriating \$40,000 to suitably make temporary preparation of that building for that purpose, but because of the applications which were made to Members in reference to that and for other purposes, this resolution contains the provision that no Representative shall allow his office room to be used for any other purpose. Of course the House at any time could give permission.

Unless some gentleman desires further information, I reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, I suppose there is no doubt that, so far as the work we have already done is concerned, it would remain undisturbed without this additional action, but in order to make sure that nobody could claim that the work was temporary and died with the expiration of the session, we deemed it proper to bring in this resolution in order to make sure that everything was made permanent. Certainly it was necessary to bring it in as to the last proposition and provide permanent control over the unallotted space, and arrange that proper authority should control and allot that if necessary.

If any gentleman desires time, I will cheerfully yield to him. I am satisfied with the explanation made by the gentleman from Illinois, and I do not care myself to talk any further. I reserve the balance of my time.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and pass the resolution.

The question was taken.

Mr. ADAMSON. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

Mr. NEEDHAM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from California makes the point of no quorum. Evidently no quorum is present, and the point is sustained. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion of the gentleman from Illinois to suspend the rules and pass the resolution. The Clerk will call the roll.

The question was taken, and there were—yeas 202, answered "present" 10, not voting 175, as follows:

## YEAS—202.

Adair	Cary	Foss	Henry, Conn.
Alken	Chaney	Foster, Ill.	Henry, Tex.
Alexander, Mo.	Chapman	Foster, Ind.	Higgins
Andrus	Clark, Mo.	Foster, Vt.	Hill, Conn.
Ashbrook	Clayton	Foulkrod	Hinshaw
Barchfeld	Cocks, N. Y.	French	Houston
Barclay	Cole	Fulton	Howard
Bartholdt	Cooper, Pa.	Gaines, W. Va.	Howell, N. J.
Barthlett, Nev.	Cooper, Wis.	Gardner, N. J.	Howell, Utah
Bates	Coudrey	Garner	Howland
Beall, Tex.	Cox, Ind.	Garrett	Hubbard, W. Va.
Beile	Crumpacker	Gilham	Huff
Bell, Ga.	Currier	Gillespie	Hughes, N. J.
Booher	Cushman	Gillett	Hull, Tenn.
Bowers	Darragh	Goldfogle	James, Oille M.
Boyd	Davidson	Goulden	Johnson, Ky.
Bradley	Dawson	Graft	Jones, Va.
Brantley	Denby	Graham	Jones, Wash.
Broussard	Denver	Granger	Kahn
Brumm	Diekema	Greene	Kelfer
Burgess	Draper	Hackney	Kelher
Burleigh	Driscoll	Hall	Kennedy, Iowa
Burleson	Ellerbe	Hamilton, Iowa	Kinkaid
Burnett	Ellis, Oreg.	Hamilton, Mich.	Knapp
Burton, Del.	Esch	Hamlin	Kuftermann
Byrd	Favrot	Hardy	Lafean
Calderhead	Ferris	Haskins	Langley
Caldwell	Finley	Haugen	Lanin
Campbell	Fitzgerald	Hawley	Lee
Candler	Floyd	Hay	Lenahan
Capron	Focht	Hayes	Lindbergh
Carlin	Fordney	Helm	Lindsay

Lloyd  
Loud  
Lowden  
McCall  
McGavin  
McHenry  
McKinley, Ill.  
McKinney  
McLain  
McLaughlin, Mich.  
Macon  
Mann  
Maynard  
Miller  
Moon, Tenn.  
Moore, Pa.  
Moore, Tex.  
Morse  
Murdock

Murphy  
Needham  
Nicholls  
Norris  
Nye  
O'Connell  
Olmsted  
Overstreet  
Padgett  
Page  
Parker, N. J.  
Parsons  
Patterson  
Pollard  
Pou  
Prince  
Pujo  
Raney  
Rauch

Richardson  
Riordan  
Roberts  
Robinson  
Rodenberg  
Rothermel  
Rucker  
Russell, Mo.  
Russell, Tex.  
Sabath  
Saunders  
Sims  
Slayden  
Smith, Iowa  
Smith, Mo.  
Sparkman  
Sperry  
Stafford  
Stanley

Stephens, Tex.  
Sterling  
Stevens, Minn.  
Sulzer  
Thistlewood  
Thomas, N. C.  
Underwood  
Volstead  
Waldo  
Washburn  
Watkins  
Webb  
Weeks  
Weems  
Williams  
Wood  
Young

## ANSWERED "PRESENT"—10.

Adamson  
Ansberry  
Butler

Dixon  
Glass  
Harrison

Humphreys, Miss. Talbott  
Lewis  
Madden

## NOT VOTING—175.

Acheson  
Alexander, N. Y.  
Allen  
Ames  
Anthony  
Bannon  
Bartlett, Ga.  
Beale, Pa.  
Bennet, N. Y.  
Bennett, Ky.  
Bingham  
Birdsall  
Bonyne  
Boutell  
Brodhead  
Brownlow  
Brundidge  
Burke  
Burton, Ohio  
Calder  
Carter  
Caulfield  
Clark, Fla.  
Cockran  
Conner  
Cook, Colo.  
Cook, Pa.  
Cooper, Tex.  
Cousins  
Craig  
Cravens  
Crawford  
Dalzell  
Davenport  
Davey, La.  
Davis, Minn.  
Dawes  
De Armond  
Douglas  
Dunwell  
Durey  
Dwight  
Edwards, Ga.  
Edwards, Ky.

Ellis, Mo.  
Englebright  
Fairchild  
Fassett  
Flood  
Fornes  
Fowler  
Fuller  
Gaines, Tenn.  
Gardner, Mass.  
Gardner, Mich.  
Gill  
Godwin  
Goebel  
Gordon  
Gregg  
Griggs  
Gronna  
Hackett  
Haggott  
Hale  
Hamill  
Hammond  
Harding  
Hardwick  
Heffin  
Hepburn  
Hill, Miss.  
Hitchcock  
Hobson  
Holliday  
Hubbard, Iowa  
Hughes, W. Va.  
Hull, Iowa  
Humphrey, Wash.  
Jackson  
James, Addison D.  
Jenkins  
Johnson, S. C.  
Kennedy, Ohio  
Kimball  
Kipp  
Kitchin, Claude  
Kitchin, Wm. W.

Knopf  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Lamb  
Landis  
Lassiter  
Law  
Lawrence  
Leake  
Legare  
Lever  
Lilley  
Littlefield  
Livingston  
Longworth  
Lorimer  
Loudenslager  
Lovering  
McCreary  
McDermott  
McGuire  
McKinlay, Cal.  
McLachlan, Cal.  
McMillan  
McMorran  
Madison  
Malby  
Marshall  
Mondell  
Moon, Pa.  
Mouser  
Mudd  
Nelson  
Olcott  
Parker, S. Dak.  
Payne  
Pearre  
Perkins  
Peters  
Porter  
Powers  
Pratt  
Pray

Randell, Tex.  
Ransdell, La.  
Reeder  
Reid  
Reynolds  
Rhinoek  
Ryan  
Scott  
Shackelford  
Sheppard  
Sherley  
Sherman  
Sherwood  
Slomp  
Small  
Smith, Cal.  
Smith, Mich.  
Smith, Tex.  
Snapp  
Southwick  
Spight  
Steenerson  
Sturgiss  
Sulloway  
Tawney  
Taylor, Ala.  
Taylor, Ohio  
Thomas, Ohio  
Tirrell  
Tou Velle  
Townsend  
Vreeland  
Wallace  
Wanger  
Watson  
Weisse  
Wheeler  
Wiley  
Willett  
Wilson, Ill.  
Wilson, Pa.  
Wolf  
Woodyard

The Clerk announced the following additional pairs:  
Until further notice:

Mr. ALEXANDER of New York with Mr. BEALL of Texas.  
Mr. BOUTELL with Mr. GRIGGS.  
Mr. DALZELL with Mr. COCKRAN.  
Mr. FAIRCHILD with Mr. CRAIG.  
Mr. BENNET of New York with Mr. FORNES.  
Mr. GARDNER of Michigan with Mr. COOPER of Texas.  
Mr. JENKINS with Mr. DAVENPORT.  
Mr. LAWRENCE with Mr. HITCHCOCK.  
Mr. LONGWORTH with Mr. GLASS.  
Mr. LOUDENSLAGER with Mr. HOBSON.  
Mr. MCCREARY with Mr. GORDON.  
Mr. McMILLAN with Mr. McDERMOTT.  
Mr. PEARRE with Mr. HEFLIN.  
Mr. PAYNE with Mr. SHERLEY.  
Mr. MALBY with Mr. RANDELL of Texas.  
Mr. MOUSER with Mr. SHERWOOD.  
Mr. OLCOTT with Mr. RANDELL of Louisiana.  
Mr. SHERMAN with Mr. SPIGHT.  
Mr. SMITH of Michigan with Mr. TOU VELLE.  
Mr. TAYLOR of Ohio with Mr. WILSON of Pennsylvania.  
Mr. WANGER with Mr. ADAMSON.  
Mr. WOODYARD with Mr. BRODHEAD.

The SPEAKER. On this question the yeas are 202, the nays 0, present, 10, a quorum. The Doorkeeper will open the doors, and the joint resolution is passed.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 19355. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 1991. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors;

H. R. 20063. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 21260. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes; and

H. R. 18618. An act fixing the status of the Porto Rico Provisional Regiment of Infantry.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 23. Joint resolution to provide for the remission of a portion of the Chinese indemnity.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken to the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4062. An act to amend section 5481 of the Revised Statutes of the United States—to the Committee on the Judiciary.

AUTHORIZING RESURVEY OF CERTAIN TOWNSHIPS IN THE STATE OF WYOMING, ETC.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill S. 6190 with an amendment striking out pages 3 and 4 of the Senate amendment.

The SPEAKER. The gentleman from Wyoming moves to suspend the rules, concur in the Senate amendments with an amendment to the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming—

And so forth.

The Senate amendments were read.

The SPEAKER. As the Chair understands the gentleman's motion, it is to concur in the Senate amendments just read.

Mr. MONDELL. Mr. Speaker, my motion is to concur in the amendment on pages 1 and 2 and nonconcur in the amendment on pages 3 and 4.

The SPEAKER. There are but two Senate amendments in the bill.

Mr. MONDELL. Mr. Speaker, there is a Senate amendment providing for a resurvey—

The SPEAKER. That is the first amendment.

Mr. MONDELL. Yes.

The SPEAKER. You want to concur in that?

Mr. MONDELL. In that amendment.

The SPEAKER. And to the next amendment you want to disagree?

Mr. MONDELL. To disagree to the amendment.

The SPEAKER. And ask for a conference?

Mr. MONDELL. No; pass the bill.

The SPEAKER. How can you pass the bill when you disagree to an amendment? The gentleman can agree to the Senate amendments and pass the bill, or disagree and ask for a conference. What does the gentleman want to do?

Mr. MONDELL. Mr. Speaker, my motion was to concur in the Senate amendment, with an amendment striking out the second amendment.

The SPEAKER. The Chair is trying to ascertain—

Mr. MONDELL. There are two distinct amendments, and, Mr. Speaker, I move to suspend the rules, concur in the first Senate amendment and nonconcur in the second amendment.

The SPEAKER. Does the gentleman also ask a conference?

Mr. MONDELL. Mr. Speaker, my understanding was that it would be proper to move to accept the first Senate amendment and to disagree to the second Senate amendment, and so pass the bill.

The SPEAKER. Not at all; it does not pass the bill; it leaves the amendment still hanging to the bill that is disagreed to.

Mr. MONDELL. Mr. Speaker, as I do not seem to make the purpose of my motion clear, I now move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Wyoming moves that the House disagree to the Senate amendments and ask for a conference.

Mr. ROBINSON. Mr. Speaker, on that I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from Arkansas to twenty minutes.

Mr. MONDELL. Mr. Speaker, I do not desire to take up the time of the House in a lengthy discussion of this matter. This is a Senate bill, to which the House made numerous amendments, all of which were accepted by the Senate with two amendments. My original motion was to concur in one Senate amendment and nonconcur in the other Senate amendment, but as such a motion does not seem to be in order, I move to nonconcur in both amendments and ask for a conference. There is no objection, I believe, on the part of any Member of the House to the first Senate amendment, which simply authorizes the Secretary of the Interior to make some resurveys, if in his opinion they are necessary. The second Senate amendment refers to the disposition of Fort Keogh and the Fort Keogh Military Reservation. There was some objection on the part of some Members of the House to the amendment, and therefore the House committee was of the opinion that the House should not concur in that amendment. I reserve the balance of my time.

Mr. ROBINSON. Mr. Speaker, this is the omnibus public-lands bill passed by the House of Representatives a few days ago. To that bill the Senate made some amendments, as stated by the gentleman from Wyoming. One of those amendments simply provides for a resurvey of certain public lands within the State of Colorado, I believe, and we have no objection to that. The other amendment, however, is a very important one. It relates to a large reservation in the State of Montana. The latter amendment was before the Committee on Military Affairs in the form of a bill which has not been reported, and for those reasons, among others, perhaps, it was not or could not be incorporated in the omnibus public-lands bill. In view of these considerations the House Committee on the Public Lands did not think proper to urge upon the House a discussion of this amendment at this time. We are opposed to the amendment. We therefore respectfully requested a conference.

There is nothing further that I care to say on the subject. If any Member on either side of the House desires time to discuss it, I will gladly yield to him. Otherwise I will yield the floor and ask for a vote.

Mr. HITCHCOCK. I would like to know what this amendment is. Is it to give away some public lands?

Mr. ROBINSON. Sir, I did not hear the gentleman's question.

Mr. HITCHCOCK. What is this amendment that you disagreed to?

Mr. ROBINSON. This is an amendment, as I have stated to the gentleman, relating to the disposition of a large military reservation called Fort Keogh, in the State of Montana. There are many provisions to the amendment. Among others it provides for the giving of the buildings on the reservation to the State of Montana, for the giving to a certain fair association of 160 acres of land, or the disposition of it to that association, and makes final disposition, or seeks to do so, of all the lands on that military reservation by opening the remainder to settlement. As I have already stated, the Committee on Military Affairs have had that bill under consideration in the House of Representatives and have not reported it. As a member of the Committee on the Public Lands, I do not feel that it would be proper to insist upon that provision going into this bill, even granting that its provisions are meritorious.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. ROBINSON. Certainly.

Mr. STEPHENS of Texas. What is the purpose to which this land shall be dedicated if it is given by the United States to the State? Some eleemosynary institution?

Mr. ROBINSON. One 160-acre tract was to go to the city of Miles and another was to go to the Custer County Fair Association.

Mr. STEPHENS of Texas. How much land is involved?

Mr. ROBINSON. I do not remember the area of the entire tract.

Mr. BURLESON. Approximately.



Mr. ROBINSON. I will ask the gentleman from Wyoming what the area of that military reservation is.

Mr. MONDELL. Fort Keogh is quite a large military reservation—about 57,000 acres. It was proposed to open them to settlement under the public-land law. There is no objection to that part of the amendment as a general proposition, but there were some matters in the amendment that the committee did not believe the House ought to agree to, and therefore my motion was to disagree to that amendment.

Mr. STEPHENS of Texas. Has your committee passed upon this bill at all, then?

Mr. ROBINSON. No, sir; not this feature of it. I have so stated repeatedly. The bill was before the Committee on Military Affairs of the House.

Mr. MONDELL. Except the Senate amendment, and my motion was to disagree to that Senate amendment. That motion not being put, my motion now is to ask for a conference on the bill.

Mr. STEPHENS of Texas. Is the gentleman aware that in the Fifty-eighth Congress there was a precedent of this kind on a bill I introduced taking a part of the reservation in Texas known as "Fort Elliot Reservation" for a normal school that was defeated by the gentleman from New York [Mr. PAYNE]? Now, I do not understand why this bill should pass when that did not.

Mr. ROBINSON. Mr. Speaker, I want the House to understand that we do not mean to agree to this amendment. So far as I know, there is not a Member of the House that expects to ask the House to agree to this amendment, the sole object being to eliminate it from the bill and pass the bill without the amendment. I also want to say to my friend from Wyoming [Mr. MONDELL] that I do understand that the proposition to open all of these lands to settlement is without objection. I understand from some members of the Committee on Military Affairs that it is the purpose of that committee, or it seems to be the purpose of that committee, to hold these lands for military purposes, but I want it made distinct that nobody, so far as I know, expects to agree to this amendment, our sole object being to eliminate the amendment from the bill and pass the bill without the amendment.

Mr. MONDELL. I think the gentleman from Arkansas misunderstood me. I did not mean to say that in this particular case it would be perhaps the best thing to do to open these lands to settlement, but as a general proposition, of course, there was nothing objectionable in that sort of a proposition.

Mr. ROBINSON. Mr. Speaker, I understood the gentleman from Wyoming [Mr. MONDELL] to say that there was no objection to opening these lands for settlement.

Mr. MONDELL. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules, disagreeing to the Senate amendments, and asking for a conference.

Mr. ROBINSON. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

Mr. MADDEN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] No quorum is present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. As many as favor the motion will answer "yea," and as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 212, nays 2, answered "present" 18, not voting 155, as follows:

## YEAS—212.

Acheson	Calderhead	Diekema	Gilliams
Adair	Campbell	Dixon	Gillespie
Adamson	Candler	Draper	Gillett
Alken	Capron	Durey	Glass
Alexander, Mo.	Carter	Edwards, Ky.	Goldfogle
Andrus	Cary	Ellerbe	Goulden
Ashbrook	Chaney	Ellis, Mo.	Graff
Barchfeld	Chapman	Ellis, Oreg.	Graham
Barclay	Clark, Mo.	Esch	Granger
Bartholdt	Clayton	Fairchild	Greene
Bates	Cocks, N. Y.	Fassett	Hackett
Beale, Pa.	Cole	Ferris	Hackney
Beall, Tex.	Cook, Colo.	Finley	Hall
Beede	Cooper, Pa.	Floyd	Hamilton, Iowa
Bell, Ga.	Coudrey	Focht	Hamilton, Mich.
Benning	Cox, Ind.	Foss	Hamlin
Boeker	Crawford	Foster, Ill.	Hardy
Bowers	Crumpacker	Foster, Ind.	Haskins
Boyd	Currier	Foster, Vt.	Haugen
Bradley	Cushman	Foulkrod	Hawley
Brantley	Dalzell	French	Hay
Brodhead	Darragh	Fulton	Hedin
Burleigh	Davenport	Gaines, W. Va.	Helm
Burnett	Davidson	Gardner, N. J.	Henry, Conn.
Burton, Del.	Dawson	Garner	Henry, Tex.
Ryrd	Denver	Garrett	Hepburn

Hinshaw  
Hitchcock  
Hobson  
Holliday  
Houston  
Howell, N. J.  
Howell, Utah  
Howland  
Huff  
Hughes, N. J.  
Hull, Tenn.  
Humphrey, Wash.  
Johnson, Ky.  
Jones, Va.  
Jones, Wash.  
Keifer  
Keliber  
Kennedy, Iowa  
Kennedy, Ohio  
Kinkaid  
Knapp  
Küstermann  
Lafean  
Lamb  
Landis  
Laning  
Lawrence

Lindbergh  
Lindsay  
Longworth  
Loud  
Loudenslager  
Lowden  
McCall  
McCreary  
McGavin  
McHenry  
McKinley, Ill.  
McKinney  
McLachlan, Cal.  
Macon  
Madison  
Maynard  
Mondell  
Moon, Tenn.  
Moore, Pa.  
Moore, Tex.  
Morse  
Mouser  
Murdock  
Murphy  
Needham  
Nelson  
Nichols

Nye  
O'Connell  
Olcott  
Overstreet  
Padgett  
Page  
Parker, N. J.  
Parker, S. Dak.  
Parsons  
Payne  
Pollard  
Pou  
Prince  
Randell, Tex.  
Rauch  
Reynolds  
Richardson  
Riordan  
Robinson  
Rucker  
Russell, Mo.  
Russell, Tex.  
Scott  
Sherman  
Sherwood  
Slayden

Small  
Smith, Cal.  
Smith, Iowa  
Smith, Mo.  
Sparkman  
Sperry  
Spight  
Steenerson  
Stephens, Tex.  
Sterling  
Stevens, Minn.  
Thistlewood  
Thomas, N. C.  
Tirrell  
Tou Velle  
Tou Velle  
Underwood  
Volstead  
Walde  
Wanger  
Webb  
Weems  
Wheeler  
Williams  
Wilson, Ill.  
Wilson, Pa.  
Wood  
Woodyard

## NAYS—2.

Burleson Sulzer

## ANSWERED "PRESENT"—18.

Ansberry  
Bennet, N. Y.  
Boutell  
Butler  
Cooper, Wis.

Cousins  
Davis, Minn.  
Driscoll  
Haggott  
Harrison  
Johnson, S. C.  
Lever  
Madden  
Olmsted  
Sheppard

Sims  
Talbot  
Watkins

## NOT VOTING—155.

Alexander, N. Y.  
Allen  
Ames  
Anthony  
Bannon  
Bartlett, Ga.  
Bartlett, Nev.  
Bennett, Ky.  
Bingham  
Birdsall  
Broussard  
Brownlow  
Brumm  
Brundidge  
Burgess  
Burke  
Burton, Ohio  
Caldwell  
Carlin  
Caulfield  
Clark, Fla.  
Cockran  
Conner  
Cook, Pa.  
Cooper, Tex.  
Craig  
Cravens  
Davey, La.  
Dawes  
De Armond  
Denby  
Douglas  
Dunwell  
Dwight  
Edwards, Ga.  
Englebright  
Favrot  
Fitzgerald

Flood  
Fordney  
Fornes  
Fowler  
Fuller  
Gaines, Tenn.  
Gardner, Mass.  
Gardner, Mich.  
Gill  
Godwin  
Goebel  
Gordon  
Gregg  
Griggs  
Gronna  
Hale  
Hamill  
Hammond  
Harding  
Hardwick  
Hayes  
Higgins  
Hill, Conn.  
Hill, Miss.  
Howard  
Hubbard, Iowa  
Hubbard, W. Va.  
Hughes, W. Va.  
Hull, Iowa  
Humphreys, Miss.  
Jackson  
James, Addison D.  
James, Ollie M.  
Jenkins  
Kahn  
Kimball  
Kipp  
Kitchin, Claude  
Kitchin, Wm. W.

Knopf  
Knowland  
Lamar, Fla.  
Lamar, Mo.  
Langley  
Lassiter  
Law  
Lenke  
Lee  
Legare  
Lenahan  
Lewis  
Lilly  
Littlefield  
Livingston  
Lloyd  
Lorimer  
Lovering  
McBennett  
McGuire  
McKinlay, Cal.  
McLain  
McLaughlin, Mich.  
McMillan  
McMorran  
Malby  
Mann  
Marshall  
Miller  
Moon, Pa.  
Mudd  
Norris  
Patterson  
Pearce  
Perkins  
Peters  
Porter  
Powers  
Pratt

Pray  
Pujo  
Rainey  
Ransdell, La.  
Reeder  
Reid  
Rhinoek  
Roberts  
Rodenberg  
Rothermel  
Ryan  
Saunders  
Shackelford  
Sherley  
Slomp  
Smith, Mich.  
Smith, Tex.  
Snapp  
Southwick  
Stafford  
Stanley  
Sturgiss  
Sulloway  
Tawney  
Taylor, Ala.  
Taylor, Ohio  
Thomas, Ohio  
Townsend  
Vreeland  
Wallace  
Washburn  
Watson  
Weeks  
Weisse  
Wiley  
Willett  
Wolf  
Young

The following additional pairs were announced:

Until further notice:

Mr. ALEXANDER of New York with Mr. BARTLETT of Nevada.

Mr. BENNETT of Kentucky with Mr. BROUSSARD.

Mr. CAULFIELD with Mr. BURGESS.

Mr. DENBY with Mr. CALDWELL.

Mr. KENNEDY of Ohio with Mr. CARLIN.

Mr. HALE with Mr. FAVROT.

Mr. HAYES with Mr. FITZGERALD.

Mr. HIGGINS with Mr. HOWARD.

Mr. HUBBARD of West Virginia with Mr. OLLIE M. JAMES.

Mr. JENKINS with Mr. LEE.

Mr. KAHN with Mr. LLOYD.

Mr. MANN with Mr. SIMS.

Mr. MCGUIRE with Mr. McLAIN.

Mr. McLAUGHLIN of Michigan with Mr. PATTERSON.

Mr. McMORRAN with Mr. PUJO.

Mr. MILLER with Mr. RAINEY.

Mr. NORRIS with Mr. ROTHERMEL.

Mr. ROBERTS with Mr. STANLEY.

Mr. RODENBERG with Mr. WATKINS.

The SPEAKER. On this question the yeas are 212, nays 2, present 18—a quorum. The Doorkeeper will open the doors; the motion prevails; and the Chair announces the following conferees: Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON.

## SALE OF CLOTHING BY SOLDIERS, ETC.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent for the present consideration and passage of the bill H. R. 19462.

The SPEAKER. The gentleman from Texas asks unanimous consent for the passage of the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19462) to amend section 5438 of the Revised Statutes.

The bill was read, as follows:

A bill (H. R. 19462) to amend section 5438 of the Revised Statutes.

*Be it enacted, etc.,* That section 5438 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"Sec. 5438. Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, shall be imprisoned at hard labor for not more than five years, or fined not more than \$5,000; and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be punished by imprisonment for not more than two years and by a fine not exceeding \$500."

Mr. SLAYDEN. According to this report on the bill H. R. 19462, section 5438 of the Revised Statutes, in which a penalty is provided against the sale of clothing by soldiers has been variously interpreted by the United States courts that have had such cases before them for trial.

The SPEAKER. Is there objection?

Mr. BENNET of New York. I object.

Subsequently:

Mr. SLAYDEN. Mr. Speaker, I renew the request for unanimous consent to consider and pass the bill (H. R. 19462), the gentleman from New York [Mr. BENNET] having withdrawn his objection.

The title of the bill was again read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the bill as amended is passed.

## RAILROAD SIDING TO WASHINGTON NAVY-YARD.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent for the adoption of the conference report on the bill H. R. 20120.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the adoption of the conference report, which the Clerk will read:

The Clerk read as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

Page 2, line 23, strike out the period after the word "same" and insert a colon and add:

"Provided, That the Commissioners of the District of Columbia shall, as far as consistent with the public interests, cause said railroad track to be located on public grounds and streets."

Page 4, line 3, strike out the proviso beginning in line 3, page 4, "Provided, That upon the completion of the branch track herein," etc., and ending with the word "appropriated" in line 14.

Page 6, line 6, strike out the period after the word "Commissioners" and insert a colon and add:

"Provided, That in case any other railroad company may desire to connect with the track herein authorized and required

to be constructed it shall have the right so to do; such connecting road shall have the right to use the track herein authorized on terms and conditions satisfactory to the said Philadelphia, Baltimore and Washington Railroad Company, its successors or assigns, or in case of failure to agree on terms and conditions of joint use then on such terms and conditions as the supreme court of the District of Columbia may determine to be equitable and just."

And the Senate agree to the same.

J. HAMPTON MOORE,  
JOHN H. FOSTER,  
T. W. SIMS,

*Managers on the part of the House.*

THOS. H. CARTER,  
E. J. BURKETT,  
*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the agreed amendment to the House bill, namely:

Section 1 provides for the arrangement and location of the track, and the House recedes.

Section 2 provides for the approval by the Commissioners of the District of Columbia of the location of the track, grade, and plans of construction outside of the navy-yard, for the regulation by the Commissioners of the movement of trains, etc., and for the paying and keeping in repair of certain portions of the public space occupied by the railroad company as directed by the Commissioners, and the House recedes after adding an amendment to require the construction of the track upon public streets and grounds where consistent with the public interests, thereby reserving the fee simple to the United States.

Section 3 provides for the laying and maintaining of sidings under the direction of the Commissioners of the District of Columbia, and the House recedes.

Section 4 provides that the entire cost of construction and obtaining the necessary right of way shall be borne by the Philadelphia, Baltimore and Washington Railroad Company, and the House recedes after striking out the provision providing for a contribution from the Government to defray part of the cost.

Section 5 provides for the acquirement of the right of way, and the House recedes.

Section 6 provides for the beginning and completion of the work within a certain time, and the House recedes after adding an amendment enabling other railroads to connect with the track authorized.

Sections 7 and 8 are the usual sections repealing acts inconsistent, and reserving the right to Congress to alter, amend, or repeal this act.

J. HAMPTON MOORE,  
JOHN H. FOSTER,  
T. W. SIMS,

*Managers on the part of the House.*

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the conference report is agreed to.

## MANGANIFEROUS IRON ORE.

Mr. COOK of Colorado. Mr. Speaker, I ask unanimous consent for the passage of the following resolution as amended.

The SPEAKER. The gentleman from Colorado asks unanimous consent for the passage of the following resolution, which the Clerk will report.

The Clerk read as follows:

## Resolution 363.

*Resolved,* That the Secretary of the Treasury be, and he is hereby, requested to send to the House of Representatives such reports and documents as will show by what authority of law 207,068 tons of manganiferous iron ore were admitted free of duty at the ports of entry, New York, Baltimore, Boston, Newark (N. J.), Philadelphia, New Orleans, San Francisco, Chicago, and Cincinnati for the fiscal year ended June 30, 1907, under the designation of manganese ore.

Mr. WILLIAMS. Reserving the right to object, I understand this is simply a House resolution of inquiry.

Mr. COOK of Colorado. Yes, sir.

Mr. WILLIAMS. I shall not object.

The SPEAKER. The Chair hears no objection, and the resolution is agreed to with the amendments.



## AGRICULTURAL STATISTICS.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for the passage of the bill (H. R. 21847) to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That it shall be unlawful for any person in the employment of the Government of the United States to divulge, or cause to be divulged, or in any way to give out, or cause to be given out, publish, or make known to anyone not authorized by law to have or receive the same, any information, statistical or otherwise, acquired by virtue of his employment by or official position with any Department of the Government of the United States regarding the reports on crop conditions prior to the hour that the crop estimate is published as is now required by law.

SEC. 2. That it shall be unlawful for any person in the employment of the Government of the United States to divulge, or cause to be divulged, or in any way to give out, or cause to be given out, publish, or make known to anyone not authorized by law to have or receive the same, any information, statistical or otherwise, obtained by virtue of his employment by or official position with the Government of the United States regarding the amount of cotton ginned prior to the day fixed by law for the publication of the ginner's report obtained by the Census Department.

SEC. 3. That it shall be unlawful for any officer or employee of the United States of America, whose duties require the collection, compilation, or report of statistics or information relative to the products of the soil, knowingly to collect, compile, or report for issuance or issue any false statistics or information relative to such products.

SEC. 4. That any person who shall violate any of the provisions of this act shall upon conviction be punished by a fine of not more than \$10,000 or by imprisonment for a period of not more than five years, or both fine and imprisonment, in the discretion of the court.

The SPEAKER. Is there objection?

Mr. PAYNE. I object, Mr. Speaker.

Mr. HEFLIN. Will the gentleman withhold his objection a moment?

Mr. PAYNE. No; this matter is thoroughly understood by the House. I object to the passage of the legislation and want the opportunity to vote against it.

The SPEAKER. The gentleman from New York objects.

## SPOKANE INDIAN RESERVATION, WASH.

Mr. JONES of Washington. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 6163) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest, and that the bill as amended by the House Committee on Indian Affairs do pass.

The SPEAKER. The gentleman from Washington moves to suspend the rules and pass, with amendments, a bill which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to cause allotments to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on the Spokane Indian Reservation and who have not heretofore received allotments.

SEC. 2. That upon the completion of said allotments to said Indians the Secretary of the Interior shall classify the surplus lands as agricultural and timber lands, the agricultural lands to be opened to settlement and entry under the provisions of the homestead laws by proclamation of the President, which shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation.

SEC. 3. That the price of the lands classified as agricultural shall be \$5 per acre, and said price shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by the entry shall cease and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be reoffered for sale and entry under the provisions of the homestead laws at the same price at which it was first entered: *Provided,* That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301 of the Revised Statutes of the United States by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is \$1.25 per acre, and when an entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made the required payments as aforesaid he shall be entitled to a patent for the lands entered: *And provided further,* That all lands classified as agricultural remaining undisposed of at the expiration of four years from the opening of said lands to entry shall be appraised by the Secretary of the Interior from time to time and sold at public auction or under sealed bids to the highest bidder for cash at not less than the said appraised value, under such regulations as the Secretary of the Interior may prescribe: *Provided,* That the rights

of honorably discharged Union soldiers and sailors of the late civil and Spanish wars or the Philippine insurrection as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further,* That sections 16 and 36 of the agricultural lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at \$1.25 per acre, and the same are hereby granted to the State of Washington for such purpose.

SEC. 4. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians; and he is further authorized and directed to reserve and set aside such tracts as he may deem necessary or convenient for town-site purposes, and he may cause any such reservations to be surveyed into lots and blocks of suitable size and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be deposited in the Treasury of the United States to the credit of the Indians of the Spokane Reservation.

SEC. 5. That the lands so classified as timber lands shall remain Indian lands subject to the supervision of the Secretary of the Interior until further action by Congress, and no provision authorizing the sale of timber upon Indian lands shall apply to said lands unless they be specially designated: *Provided,* That until further legislation, the Indians and the officials and employees in the Indian Service on said reservation shall, without cost to them, have the right, under such regulations as the Secretary of the Interior may prescribe, to go upon said timber lands and cut and take therefrom all timber necessary for fuel, or for lumber for the erection of buildings, fences, or other domestic purposes upon their allotments; and for said period the said Indians shall have the privilege of pasturing their cattle, horses, and sheep on said timber lands, subject to such rules and regulations as the Secretary of the Interior may prescribe: *Provided further,* That the Secretary of the Interior is hereby authorized to sell and dispose of for the benefit of the Indians such timber upon such timber lands as in his judgment has reached maturity and is deteriorating and which, in his judgment, would be for the best interests of the Indians to sell, the purpose being to as far as possible protect, conserve, and promote the growth of timber upon said timber lands. The Secretary of the Interior shall deduct from the money received from the sale of such timber the actual expense of making such sale and place the balance to the credit of said Indians, and he is authorized to prescribe such rules and regulations for the sale and removal of such timber so sold as he may deem advisable.

SEC. 6. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations for the purpose of carrying out the provisions of this act, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, or so much thereof as may be necessary, to pay the Indians for the lands granted to the State of Washington, as provided in section 3 of this act, and there is hereby appropriated the further sum of \$7,000, or so much thereof as may be necessary, for the purpose of carrying out the other provisions of this act: *Provided,* That the appropriation other than that to pay for the lands granted to the State of Washington shall be reimbursed to the United States from the proceeds of the sale of the lands described herein, or from any money in the Treasury of the United States belonging to the said Spokane Indians.

SEC. 7. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 of the agricultural lands or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of the said lands and to expend and pay over the proceeds received from the sale thereof only as received as herein provided: *Provided,* That nothing in this act shall be construed to deprive said Indians of the Spokane Indian Reservation, in the State of Washington, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

Amend the title so as to read: "An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and for other purposes."

Mr. FINLEY. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman demands a second, and is entitled to twenty minutes, and the gentleman from Washington [Mr. JONES] is entitled to twenty minutes.

Mr. JONES of Washington. Mr. Speaker, this bill relates to the surplus lands remaining after the allotment to the Indians on the Spokane Reservation, which allotment will be completed some time during the present year. The remaining lands are divided into agricultural and timber lands. The bill provides that the agricultural lands shall be disposed of to homesteaders who, in addition to complying with the homestead law, pay \$5 an acre, which money goes to the Indians. Now, this price was fixed upon by the special agent of the Department who was sent out to confer with these Indians last fall, this being the price agreed upon. These lands are arid and semiarid and are not valuable except with irrigation, so that the \$5 an acre, without irrigation, is a very fair value for the lands.

This money goes to the Indians. There will be about 5,000 acres of this agricultural land.

The surplus of timber lands will be about 80,000 acres, but these lands are not disposed of under this bill. They are left for future legislation by Congress and are placed under the control of the Secretary of the Interior, who may allow the Indians and the Indian agents to cut such timber as may be necessary for fuel, building purposes, and matters of that kind of interest to the Indians. The Secretary of the Interior is also authorized to sell, for the benefit of the Indians, matured timber, the pur-

pose of the bill with reference to the timber lands being to conserve the timber and promote its growth and development. Then there are the usual provisions we have in all these bills for opening Indian reservations, providing that the United States is simply acting as a trustee for the Indians, but does not bind itself to find purchasers or anything of that sort, and simply providing for the payment for sections 16 and 36. Unless some one has some questions to ask, I will reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question. Does this carry the provision in the bill usually carried in these bills opening up Indian reservations, providing that there shall be no charge upon the United States Treasury, but that the money received for the sale of the lands only shall be paid to the Indians?

Mr. JONES of Washington. It does.

Mr. STEPHENS of Texas. It is guarded in that respect?

Mr. JONES of Washington. Yes.

Mr. STEPHENS of Texas. As I understood the gentleman, there are only about 5,000 acres of agricultural lands that will be disposed of.

Mr. JONES of Washington. That is the estimate by the Department.

Mr. STEPHENS of Texas. This land is semiarid land and is not agricultural except where it can be irrigated.

Mr. JONES of Washington. Practically so.

Mr. STEPHENS of Texas. Does the gentleman consider that a fair price?

Mr. JONES of Washington. I consider that a high price for these lands.

Mr. STEPHENS of Texas. Does the Northern Pacific Railroad run over these lands?

Mr. JONES of Washington. Not at all. I think it is 50 miles away. There is no railroad, in fact, to these lands at the present time.

Mr. STEPHENS of Texas. I believe the bill has been unanimously reported from our Committee on Indian Affairs, and it corresponds with the other bills we have passed for the same country.

Mr. JONES of Washington. That is correct.

Mr. STEPHENS of Texas. There being no substantial difference between them?

Mr. JONES of Washington. That is correct.

Mr. STEPHENS of Texas. I think it has the unanimous report, as well as I remember.

Mr. FINLEY. To what extent is the land here designated as agricultural land watered?

Mr. JONES of Washington. There is no irrigation now.

Mr. FINLEY. Never mind the irrigation, but to what extent is there water on these lands that can be used for irrigation purposes?

Mr. JONES of Washington. As I understand, there are some small streams coming down from the mountains that can possibly be used for irrigation purposes, although these streams, most of them, are very small and probably all go dry in the summer time.

Mr. FINLEY. How much land is reserved for the Spokane Indians?

Mr. JONES of Washington. Every Indian—man, woman, and child—gets 80 acres of land under the allotment law, and that leaves about 5,000 acres of agricultural lands as surplus, and then about 80,000 acres of the timber land, which will be held for the Indians and looked after by the Secretary of the Interior; but each man, woman, and child is allotted 80 acres under the general allotment law, and that allotment will be completed, I understand, this summer.

Mr. FINLEY. And the price here fixed is \$5 per acre?

Mr. JONES of Washington. Yes; that is the price, as I say, agreed upon by the Indians and the special agents of the Department last winter.

Mr. FINLEY. I understood the gentleman to say a moment ago that the Government did not bind itself to do more than act as trustee for the Indians and did not bind itself to find a purchaser.

Mr. JONES of Washington. That is true; that is the usual provision in these bills. That is put in here.

I reserve the balance of my time.

Mr. FINLEY. Mr. Speaker, for a great many years I have paid some attention to bills opening up Indian reservations for settlement. I have observed that while the position, as stated by the gentleman, as to the attitude of the Government is correct—that is, the Government assumes to act as trustee for the Indians, and that it does not bind itself to find a purchaser for the lands of the Indians—yet invariably it fixes a price, and that price in this case is \$5 per acre. Now, I ask this House, would

it not be better in the interests of fair dealing, to the end that the Indian receives what belongs to him, as a matter of right, that the Government open these lands, if they are to be opened, and receive bids for them? It may or it may not be that \$5 per acre is a sufficient price. I do not know nor do I believe that there is a man in this House who can answer that question accurately.

But I, for one, am tired of the proposition that the Government fix a maximum price on the land of the Indians. I believe that when lands belonging to the Indians are to be opened for settlement there should be a proposition made to sell the lands in the open market at not less than a minimum price. Anything that can be obtained more than that would inure to the benefit of the Indian and would result in fair dealing to him. I think this bill is objectionable.

It is true, no doubt, that these lands are unimproved. It is true, no doubt, they are semiarid, but it is also true there is water there not utilized at present, but water that can be utilized, and who will stand up here and say that he knows for a certainty that none of these lands are worth more than \$5 per acre; 5,000 acres to be opened for settlement at \$5 per acre? Why would it not be better to receive bids for the land and fix the minimum price at \$5 per acre? When Congress is to act as trustees for the Indians, as the gentleman from Washington states, let us be fair, let us give the Indian what belongs to him.

Mr. WILLIAMS. The question I would like to ask the gentleman before he sits down is, I notice here that sections 16 and 36 are to be carved out and are to be given by the United States to the State of Washington for school purposes.

Mr. FINLEY. Yes.

Mr. WILLIAMS. And I notice the Government is to pay over to the Indians the sum of \$1.25 an acre for that much.

Mr. FINLEY. Yes.

Mr. WILLIAMS. And that it furthermore provides that it shall be sections 16 and 36 of the agricultural land. So the bill fixes \$5 as the fair value of the land, but when it comes to that part which the United States Government is to pay for it fixes \$1.25 as the fair value for it. Now, if \$5 be a fair value, then the Government of the United States in sections 16 and 36 is cheating the Indians out of \$3.75 an acre.

Mr. FINLEY. And give it to the State of Washington. That is another objectionable provision in the bill. Why should the Government of the United States take over sections 16 and 36 for school purposes at \$1.25 an acre? Why should it do that and pay the Indians that amount and then give these sections to the State of Washington? Now, with lands belonging to the Government, where Territories have been created into States, I understand this practice has been followed in the past as to Government lands, but we are asked to indorse a proposition for taking lands from the Indians for school purposes and then give those lands to a State. Why should this be done? Mr. Speaker, this bill is objectionable in many respects.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit me, in his time, to suggest that land sections 16 and 36, under the enabling act of this State will permit it to select these sections in each township, and they really belonged to the State when these Indian reservations were made by Executive order, consequently the Indians could not claim this land without a settlement between the State and the Indians, and hence the bill had to be drawn in this way.

Mr. FINLEY. Do I understand the gentleman from Texas to state that sections 16 and 36 of the Indian lands throughout this country belong to the States in which the reservations are?

Mr. STEPHENS of Texas. Under the enabling acts of several Western States they were permitted to select these sections 16 and 36 for school purposes.

Mr. FINLEY. That applies to Government lands.

Mr. STEPHENS of Texas. Those were Government lands before they were turned over to the Indians by treaty or Executive order. I do not know whether this was a treaty reservation or an Executive order reservation; probably the gentleman from Washington can tell you.

The gentleman is speaking about something he does not understand and which is not applicable to this bill. Does the gentleman know that these lands were turned over to the State of Washington under the agreement set forth in the enabling act? Hence they did not, in my judgment, become Indian lands, because they had been reserved to the State of Washington for school purposes.

Mr. FINLEY. But were they reserved?

Mr. STEPHENS of Texas. I understand that they were reserved, but I do not know without looking up the treaty and enabling act the exact terms of the reservation.



Mr. FINLEY. If that is true, why should the Government pay \$1.25 an acre?

Mr. STEPHENS of Texas. Because that is the valuation set upon the lands at the time the enabling act was passed when such lands were sold to actual settlers as homesteads.

Mr. FINLEY. If that is true, why should the Government pay anything to the Indians for the land?

Mr. STEPHENS of Texas. That is the value at which the settler was entitled to take the land, and in addition they were required to live upon it five years—

Mr. FINLEY. That is not the question involved here, as I understand it; this is a case of opening up to settlers a part of an Indian reservation.

Mr. STEPHENS of Texas. But it was originally public land, the gentleman must remember, that had prior thereto been granted to the State for school purposes.

Mr. FINLEY. I understand that. Originally all the land in this country belonged to the Indians, too. There is no doubt about that. So that, according to the gentleman's own contention, if what he states is true, then the Government should pay nothing to the Indians for sections 16 and 36. I do not see that the gentleman's point is applicable at all. Why, the States the gentleman speaks of as a rule obtain lieu land, or lands in place of the lands that were allotted to the Indians for school purposes. Is not that true?

Mr. STEPHENS of Texas. Sometimes.

Mr. FINLEY. Generally it is true. In the States where the lands were allotted the States obtained lieu lands in place of the reservation set apart to the Indians. Now, as to sections 16 and 36, as in this case, you would give additional sections for school purposes, would you not? I yield to the gentleman from Mississippi [Mr. WILLIAMS] such time as he desires.

Mr. WILLIAMS. Mr. Speaker, sections 16 and 36, within this reservation, are or are not a part of the public domain of the United States. If they are a part of the public domain of the United States, then there is no reason why the Federal Government should pay the Indians \$1.25 an acre for them.

Mr. JONES of Washington. Will the gentleman allow me a suggestion?

Mr. WILLIAMS. The minute I finish putting the logical horns of the dilemma. If they are not a part of the public domain, but are the property of the Indians, then the Federal Government should not fix the price of \$5 per acre upon the agricultural lands for others while it itself pays the Indians only \$1.25 per acre for what it so generously takes in order to give the State of Washington, thereby cheating the Indians out of \$3.75 upon each acre of the land which the Federal Government gives to the State of Washington. Now, I have no objection giving it to the State of Washington. I am very much in favor of setting aside sections 16 and 36. If I had my way, I would set aside more to each State, to be held for public-school purposes. But it strikes me that one of two things must be true—either this land belongs to the Government already or it belongs to the Indians. If it belongs to the Government, then I have no objection to the Government giving it to the State of Washington without any payment to the Indian at all, because the Indian has not right to any payment for the land which belongs to the Government, whereas if it does belong to the Indian and has been reserved to him, I presume that some time in the past lieu lands were given to the State of Washington for sections 16 and 36; but even if not, it was a lax piece of carelessness, for which the Indian was not responsible, at any rate, and therefore the Government of the United States ought not to fix the price of \$1.25 for payment by it to the Indian upon land which it admits by a public act to be worth \$5. And that is the point upon which I would like to hear the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, I simply desire to say that in the enabling act admitting the State of Washington, sections 16 and 36 were granted to the State, and in case of Indian reservations the grant simply held in abeyance until the reservation was opened. So, in my judgment, the Federal Government is not under any obligation whatever to pay the Indian a dollar for these sections. But as it has been the policy of Congress for a great many years—I know since I have been here—in opening reservations, and States were admitted on similar enabling acts, we have put in this provision giving the Indians \$1.25 an acre for these lands. So it was done in this case.

Mr. WILLIAMS. Does the gentleman know whether or not, when this particular land was put in reservation for these particular Indians, lieu lands were granted to the State of Washington elsewhere for so much of the land as constituted sections 16 and 36 in the reservations?

Mr. JONES of Washington. They have not.

Mr. WILLIAMS. It has not been done?

Mr. JONES of Washington. It has not been done.

Mr. WILLIAMS. Now, then, the gentleman's contention is, that the original enabling act gave to the State of Washington this land?

Mr. JONES of Washington. It held it in abeyance.

Mr. WILLIAMS. Held it in abeyance; but the gentleman must remember that an enabling act could not give to the State of Washington land which belonged to the Indians without any sort of an agreement by the Indians or any sort of treaty with them agreeing to that.

Mr. SMITH of Arizona. It would depend on the nature of the reservation, I would say to my friend.

Mr. JONES of Washington. This was an Executive-order reservation, as I understand it.

Mr. WILLIAMS. Was this land part of the public domain and subject to homestead entry before it was set aside for the Indian reservation?

Mr. JONES of Washington. It was, so I understand.

Mr. WILLIAMS. Or was land never thus far acquired from the Indians?

Mr. JONES of Washington. It was public land before and set aside as a reservation.

Mr. WILLIAMS. Or acquired from the Indians once?

Mr. JONES of Washington. I suppose you would consider it that way. It had been taken and considered as public land. But afterwards the Indians were roving all over that country and the Government put them on these lands and established them on this as a reservation.

Mr. FINLEY. What objection would the gentleman have to a minimum price fixed of \$5 an acre?

Mr. JONES of Washington. I will revert to that point of the gentleman. I want to say, as I said before, that this price was agreed upon between the Indians and the special agents. Now, I would oppose an open sale of these lands in the first instance that the gentleman seems to advocate. We want settlers in this territory if we can get them there. It is better for the Indian and better for the State, and even if the lands should be worth a little bit more than \$5 an acre it is better to get \$5 an acre and the settler than to get \$7 and no settler. As a matter of fact, these lands, in my judgment, are not worth \$5 an acre, and that the homesteader who takes these lands will pay really more than he ought to be required to pay, but this was put in there because it was agreed upon between the representative of the Indian Department, who was looking after the welfare of the Indians, and the Indians themselves, and this is a higher price than almost any other reservation.

Mr. STEPHENS of Texas. Is it not a fact that the Indians had a council and agreed to the terms proposed by the Indian Department?

Mr. JONES of Washington. Yes; they had a regular meeting.

Mr. STEPHENS of Texas. And \$5 was the amount mentioned as the highest price for these agricultural lands?

Mr. JONES of Washington. That is true.

Mr. STEPHENS of Texas. And there are only 5,000 acres?

Mr. JONES of Washington. This land is not in a compact body. It is at different points in this reservation. There may be 40 acres here and 80 acres yonder and 100 acres somewhere else.

There is one other point in the bill, and that is that if after five years there is any of this agricultural land that is not disposed of by homestead under the \$5 price, then the Secretary is authorized to appraise the land and sell it from time to time—after four years, of course.

Mr. FINLEY. Will not that result in the best land being sold at \$5 per acre and the less desirable land be retained for future appraisalment?

Mr. JONES of Washington. Where is there any objection to that? The desirable land of course will be taken, and if homesteaders consider it all worth \$5 an acre it will all be taken by homesteaders.

Mr. FINLEY. Does the gentleman think that none of this land is worth more than \$5 an acre?

Mr. JONES of Washington. I do not believe it is unless irrigation works were put in—that is, none of this agricultural land. I do not know how much the timber land is worth, but we do not dispose of it anyway. It is not involved in this bill. I reserve the balance of my time, Mr. Speaker.

The SPEAKER pro tempore (Mr. GREENE in the chair). The question is on suspending the rules, agreeing to the amendment, and passing the bill.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER pro tempore. The point is sustained. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees; as many as are in favor of the motion will, as their names are called, answer "yea," those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 171, nays 61, answered "present" 14, not voting 141, as follows:

## YEAS—171.

Acheson	Ellis, Mo.	Holliday	Nye
Adair	Ellis, Oreg.	Houston	Olmsted
Andrus	Esch	Howell, Utah	Overstreet
Barchfeld	Fairchild	Howland	Padgett
Barchley	Fassett	Huff	Parker, S. Dak.
Bartholdt	Ferris	Humphrey, Wash.	Parsons
Bates	Focht	James, Ollie M.	Payne
Beale, Pa.	Fordney	Jones, Wash.	Pearre
Beall, Tex.	Foss	Kahn	Perkins
Bede	Foster, Ind.	Keller	Porter
Bonyage	Foster, Vt.	Kennedy, Iowa	Pray
Boyd	Foulkrod	Kinkaid	Prince
Bradley	French	Knapp	Reeder
Burgess	Gaines, W. Va.	Kuftermann	Reynolds
Burleigh	Gardner, Mich.	Lafren	Richardson
Burleson	Garner	Lamb	Robinson
Burnett	Gilliams	Landis	Rodenberg
Barton, Del.	Gill	Langley	Russell, Tex.
Calderhead	Gillespie	Laning	Scott
Campbell	Gillet	Law	Sherman
Capron	Goulden	Lindbergh	Slayden
Carter	Graft	Lindsay	Smith, Iowa
Cary	Graham	Longworth	Southwick
Caulfield	Greene	Loudenslager	Sperry
Chaney	Gregg	Lowden	Steenerson
Chapman	Hackett	McCall	Stephens, Tex.
Clark, Mo.	Hackney	McCreary	Sterling
Cocks, N. Y.	Hale	McGavin	Stevens, Minn.
Cook, Colo.	Hall	McKinley, Ill.	Tawney
Cooper, Tex.	Hamilton, Iowa	McKinney	Taylor, Ohio
Coudrey	Hamilton, Mich.	McLachlan, Cal.	Thistlewood
Crumppacker	Hamlin	McMillan	Volstead
Dalzell	Hardy	Madison	Waldo
Cushman	Haskins	Malby	Wanger
Davenport	Haugen	Maynard	Washburn
Davis, Minn.	Hawley	Mondell	Weeks
Dawson	Hay	Moore, Pa.	Weems
Denby	Hayes	Moore, Tex.	Wheeler
Draper	Henry, Conn.	Morse	Wilson, Ill.
Driscoll	Henry, Tex.	Mouser	Wilson, Pa.
Durey	Higgins	Murdock	Wood
Edwards, Ky.	Hill, Conn.	Needham	Young
	Hinshaw	Norris	

## NAYS—61.

Adamson	Dixon	Lloyd	Rucker
Atken	Ellerbe	McLain	Russell, Mo.
Alexander, Mo.	Finley	Macon	Sabath
Ashbrook	Floyd	Moon, Tenn.	Sherley
Bell, Ga.	Foster, Ill.	Murphy	Sherwood
Booher	Garrett	Nichols	Small
Bowers	Glass	O'Connell	Spight
Brodhead	Granger	Page	Thomas, N. C.
Broussard	Heflin	Patterson	Tou Velle
Candler	Helm	Pou	Underwood
Clark, Fla.	Hughes, N. J.	Pujo	Watkins
Clayton	Hull, Tenn.	Rainey	Webb
Cox, Ind.	Johnson, Ky.	Rauch	Williams
Craig	Jones, Va.	Riordan	
De Armond	Keliber	Roberts	
Denver	Kimball	Rothermel	

## ANSWERED "PRESENT"—14.

Ansberry	Cooper, Wis.	Humphreys, Miss.	Stanley
Bennet, N. Y.	Cousins	Jenkins	Talbot
Boutell	Haggott	Madden	
Brundidge	Harrison	Sheppard	

## NOT VOTING—141.

Alexander, N. Y.	Davidson	Hill, Miss.	Littlefield
Allen	Dawes	Hitchcock	Livingston
Ames	Diekema	Hobson	Lorimer
Anthony	Douglas	Howard	Loud
Bannon	Dunwell	Howell, N. J.	Lovering
Bartlett, Ga.	Dwight	Hubbard, Iowa	McDermott
Bartlett, Nev.	Edwards, Ga.	Hubbard, W. Va.	McGuire
Bennett, Ky.	Englebright	Hughes, W. Va.	McHenry
Bingham	Favrot	Hull, Iowa	McLain, Cal.
Birdsall	Fitzgerald	Jackson	McLaughlin, Mich.
Brantley	Flood	James, Addison D.	McMorran
Brownlow	Fornes	Johnson, S. C.	Mann
Brumm	Fowler	Kennedy, Ohio	Marshall
Burke	Fuller	Kipp	Miller
Burton, Ohio	Fulton	Kitchin, Claude	Moon, Pa.
Butler	Gaines, Tenn.	Kitchin, Wm. W.	Mudd
Byrd	Gardner, Mass.	Knopf	Nelson
Calder	Gardner, N. J.	Knowland	Olcott
Caldwell	Godwin	Lamar, Fla.	Parker, N. J.
Carlin	Goebel	Lamar, Mo.	Peters
Cockran	Golfogle	Lassiter	Pollard
Cole	Gordon	Lawrence	Powers
Conner	Griggs	Leake	Pratt
Cook, Pa.	Gronna	Lee	Randell, Tex.
Cooper, Pa.	Hamill	Legare	Randell, La.
Cravens	Hammond	Lenahan	Reid
Crawford	Harding	Lever	Rhinock
Darragh	Hardwick	Lewis	Ryan
Davey, La.	Hepburn	Lilly	Saunders

Shackleford	Snapp	Thomas, Ohio	Willey
Sims	Sparkman	Tirrell	Willett
Siemp	Stafford	Townsend	Wolf
Smith, Cal.	Sturgis	Vreeland	Woodyard
Smith, Mich.	Sullivan	Wallace	
Smith, Mo.	Sulzer	Watson	
Smith, Tex.	Taylor, Ala.	Weisse	

The following additional pairs were announced:

Until further notice:

Mr. COLE with Mr. SULZER.

Mr. LOVERING with Mr. SPARKMAN.

Mr. DIEKEMA with Mr. SMITH of Missouri.

Mr. DAVIDSON with Mr. RYAN.

Mr. DARRAGH with Mr. MCHEMBRY.

Mr. COOPER of Pennsylvania with Mr. HOWARD.

Mr. DOUGLAS with Mr. FULTON.

Until Wednesday morning:

Mr. LOUD with Mr. GOLDFOGLE.

The SPEAKER. On this question the yeas are 171; the nays, 61; present, 14; a quorum; the Doorkeeper will open the doors; the motion prevails.

## CUSTOMS ADMINISTRATIVE LAW.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the conference report on the Senate amendments to the bill H. R. 17506, and agree to the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

On page 5, lines 17, 18, 19, 20, 21, and 22 of said Senate amendment, strike out the following words: "When a case has been remanded to the Board of General Appraisers as above provided, the United States attorney for the district in which the appeal is pending may appear in the proceedings had before the Board under the order remanding the case."

On page 8, in line 5 of said Senate amendment, strike out the word "ten" and insert in lieu thereof the word "nine."

And the Senate agree to the same.

SERENO E. PAYNE,  
JOHN DALZELL,  
*Managers on the part of the House.*

NELSON W. ALDRICH,  
W. B. ALLISON,  
JNO. W. DANIEL,  
*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

The managers on the part of the House on the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, submit the following written statement in explanation of the effect of the action agreed upon in the conference report:

The Senate amendment strikes out all after the enacting clause and inserts an amendment which follows, substantially, the House bill, the only material changes being that the Senate amendment authorizes an appeal from the decision of the Board of General Appraisers to the circuit court, instead of directly to the circuit court of appeals. It also provides that a rehearing may be ordered before the Board of General Appraisers, and provides, on such rehearing, as follows: "When a case has been remanded to the Board of General Appraisers, as above provided, the United States attorney for the district in which the appeal is pending may appear in the proceedings had before the Board under the order remanding the case." This latter provision is stricken out by the report of the conference.

The House fixed the salary of the general appraisers at the rate of \$8,000 per annum. The Senate amendment fixes this salary at \$10,000. The conference agree upon a salary of \$9,000;



and the House agrees to the Senate amendment with the two amendments as noted above.

The effect of this agreement is to provide, according to the original provision in the House bill, that parties must exhaust their evidence before the Board of General Appraisers, and that they can not have a new trial before the circuit court, but simply an appeal on the case as made before the Board of Appraisers. This is the important part of the amendments to the general law by the bill proposed by the House, and your conferees deem it of much more importance than the mere question of salary.

SERENO E. PAYNE,  
JOHN DALZELL,

*Managers on the part of the House.*

Mr. UNDERWOOD. I demand a second, Mr. Speaker.

The SPEAKER. Under the rule a second is ordered. The gentleman from New York [Mr. PAYNE] is entitled to twenty minutes, and the gentleman from Alabama [Mr. UNDERWOOD] is entitled to twenty minutes.

Mr. PAYNE. Mr. Speaker, originally the House bill sought to do what the House has been trying to do for two sessions past, and that is to so amend the general appraisers act that in the hearings before the Board of General Appraisers all the evidence should be exhausted before there was any appeal. Heretofore the importer simply went before the appraiser, perhaps with only one witness, and without sometimes submitting a brief, and left the case for decision, with the sole object of appealing and sending it to the circuit court for trial. Before the appraisers the solicitor of customs appeared for the Government, and before the circuit court the district attorney. Often the district attorney was not informed in the various matters arising in the claim of the importer. We remedied that in the House bill by requiring the importer to exhaust the evidence before the appraiser and send the decision from the Board of Appraisers to the circuit court of appeals in the first instance for review on that evidence.

The Senate have retained that part of the provision of the House which compels all the evidence to be exhausted before the Board of Appraisers, but they will not agree to have the appeal taken directly to the circuit court of appeals, but send it to the circuit court. While the House conferees thought that their plan was much the best, yet, for the purpose of producing good results, which will give an opportunity for these cases on appeal to be heard on their merits on the evidence before the appraisers, we yielded to that part of the change which the Senate made.

The Senate inserted a provision that a rehearing, which was in the House bill, might be ordered before the Board of General Appraisers, and in that they inserted that the district attorney should appear for the Government. We did not consent to that, because the solicitor of customs, being familiar with the facts, was the man to appear in support of the facts which came out before the Board of Appraisers. The Senate conceded this and struck out that provision.

The other matter of disagreement was on the question of salaries. The salaries of the members of the General Board of Appraisers now are \$7,000 per annum. The House made the salary \$8,000 per annum, convinced that there ought to be an increase in those salaries. The Senate increased it to \$10,000, and in order to get an agreement, the House conferees finally split the difference with the Senate and agreed upon a salary of \$9,000 per annum, thinking it was much better to pay out this additional amount of \$9,000 a year in order to have a better administration of the customs laws, saving, as we believe, annually many thousands of dollars of duties that ought to be paid, and from which importers now often escape because of the loose methods of practice under the present law.

Those are the important changes in the House bill as it comes before the House now, although the Senate amendments struck out the whole of our bill and inserted a provision of their own, nearly all of which is precisely like the original House bill, after a method sometimes employed by legislative bodies I will not mention where.

I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, as a member of the conference committee that had this matter in charge, I refused to sign the conference report, because I do not believe that the purposes for which this bill originally passed this House were carried out by the bill as amended by the Senate. More than that, I dissented from the proposition to raise the salaries from \$7,000 to \$9,000.

The original purpose of this bill was to prevent delays in the decision of these customs cases, to simplify appeals, and to protect the interests of the Government thereby. Under

the present law, when an importer is not satisfied with the collector's decision in reference to the classification of goods coming into the United States, he can appeal to this General Board of Appraisers. Their testimony is taken; but if he is still dissatisfied, he can take an appeal to the United States district court, and the whole case is opened de novo, with the result that in many cases the importer merely makes out a fictitious case before the Board, in order to draw the fire of the Government and see what testimony will be developed, and then carries the case to the district court of the United States, and there develops his testimony and brings on the real trial. In the meantime the attorney representing the Government before the Board no longer has anything to do with the case and the United States district attorney, an entirely new man in the procedure, takes it up in the district court.

There was unquestionably a necessity for some legislation for relief against that evil and those conditions, and for that reason, when this bill was before the House, I stated that outside of the increase in salary I thought it was a good bill. But I do not agree with my colleagues on the conference committee that we have carried out the purposes of the House bill by agreeing to these amendments. We provided that the Board of Appraisers should be the court where the case was tried de novo, and that there should be a direct appeal to the United States circuit court of appeals. Instead of that, they have substituted an appeal to the circuit court of the United States. Now, it is true that under this amended bill, which the conferees bring back here, the circuit court can not itself take new testimony, but it can remand the original case, whenever it sees fit, back to the General Board of Appraisers with orders to take additional testimony. In other words, it amounts to the same thing, in my judgment, as if we had provided that when the circuit court tries one of these cases it shall take testimony by a commissioner instead of in the presence of the court and constitute the General Board of Appraisers the commissioners to take the additional testimony. That does not eliminate the two trials of the case de novo and does not accomplish what the committee originally intended it should—that is, that the importer shall have a fair trial before one court, and if an appeal is taken, that it shall be taken on the legal questions involved, and not give him two chances against the Government instead of one.

Therefore I do not agree with the conferees in reference to the changes which have been made, and am in favor of disagreeing to the conference report and carrying the bill back to conference again.

The other question involved is the question of salary. The salary now of this General Board of Appraisers is \$7,000 a year each. The Ways and Means Committee, not by a unanimous report, but by a divided committee, reported this bill to the House increasing the salary from \$7,000 to \$8,000. When the bill went to the Senate the salary was increased to \$10,000, and the conferees in this case compromised the matter by making the salary \$9,000, which the conference report now provides for. This Board of Appraisers is an important board, an important body of men. I do not deny that proposition, but the district court to which their appeals were taken heretofore was presided over by a judge who receives only \$6,000 a year. The judge of the circuit court of appeals who will now try the case, if this conference report is adopted, gets only \$7,000, as do the other circuit judges of the United States. The Board of Appraisers in New York, in my judgment, are no more important than the circuit courts of appeal throughout the United States, who are paid \$7,000, and I do not think it is wise, just, or equitable for this House to provide a salary of \$9,000 for the judges of the inferior court and allow the judges of the superior court only \$7,000 a year. I believe that the present salary is sufficient, and if we want to increase these salaries the Committee on the Judiciary ought to bring in a general bill increasing the salaries of the judges throughout the United States, but that we ought not to provide an increase of salary for one set of judges and leave their superiors in office with an inferior amount of salary. For these reasons I am opposed to the adoption of the conference report.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I want to say just a word in answer to what the gentleman has said. The bill as it comes now, if it is enacted into law, requires all the evidence to be taken before the Board of General Appraisers. The hearing before the circuit court is on that evidence, and nothing more. No evidence can be taken there. They may send it back for additional evidence, and it is then taken before the Board of Appraisers, and the same solicitor of customs appears for the United States. Then all the evidence is certified again to the circuit court, and the circuit court must hear it on the evidence.

That changes the practice from what it is to-day. It does away with one great evil, and I am satisfied to take one long step in this matter. There are some other matters of great importance which I did not mention which were stated to the House when the bill was before the House, and there are other advances along this line. It certainly does very much to clear up the practice and will enable the courts and the Board of Appraisers to make a fair decision between the Government and the importer and will save many thousands of dollars. The bill is a good deal like the original bill when it first went from the House to the Senate, when it first became a law, and the alteration was made by the Senate then. We have taken a long step in advance in the last ten or fifteen years to get this much into the legislation with the other body opposing it. I hope, Mr. Speaker, that the bill will pass.

The SPEAKER. The question is on suspending the rules and agreeing to the conference report.

Mr. UNDERWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The point is well taken. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion of the gentleman from New York to suspend the rules and agree to the conference report. The Clerk will call the roll.

The question was taken, and there were—yeas 131, nays 85, answered "present" 11, not voting 160, as follows:

## YEAS—131.

Acheson	Dawson	Hubbard, W. Va.	Olcott
Anthony	Denby	Huff	Olmsted
Barchfeld	Dickema	Humphrey, Wash.	Parker, S. Dak.
Barclay	Draper	Jenkins	Parsons
Bartholdt	Edwards, Ky.	Jones, Wash.	Payne
Bates	Ellis, Oreg.	Kahn	Pearre
Beale, Pa.	Esch	Kelfer	Perkins
Bede	Fassett	Kennedy, Iowa	Pray
Bonyng	Focht	Knapp	Prince
Boutell	Foss	Kislermann	Reeder
Boyd	Foster, Ind.	Lafean	Reynolds
Bradley	Foster, Vt.	Landis	Roberts
Brumm	Foulkrod	Langley	Rodenberg
Burleigh	French	Lindbergh	Scott
Burton, Del.	Gaines, W. Va.	Longworth	Sherman
Calderhead	Gilham	Loudenslager	Smith, Cal.
Campbell	Gillet	Lovering	Smith, Iowa
Capron	Graft	Lowden	Southwick
Cary	Graham	McCreary	Sperry
Caulfield	Greene	McGavin	Steenerson
Chaney	Hale	McKinlay, Cal.	Sterling
Chapman	Hall	McKinley, Ill.	Taylor, Ohio
Cocks, N. Y.	Hamilton, Mich.	McKinney	Thistlewood
Cole	Haskins	Malby	Tirrell
Cook, Colo.	Hawley	Mondell	Volstead
Cooper, Wis.	Henry, Conn.	Moore, Pa.	Waldo
Condrey	Hepburn	Morse	Wanger
Crumpacker	Higgins	Mouser	Washburn
Currier	Hill, Conn.	Murdock	Weeks
Cushman	Hinsshaw	Needham	Weems
Dalzell	Holliday	Nelson	Wood
Davidson	Howell, Utah	Norris	Young
Davis, Minn.	Howland	Nye	

## NAYS—85.

Adair	Craig	Howard	Richardson
Adamson	Denver	Hull, Tenn.	Riordan
Aiken	Dixon	James, Ollie M.	Robinson
Alexander, Mo.	Ellerbe	Johnson, Ky.	Rothermel
Ashbrook	Finley	Kelther	Rucker
Bartlett, Nev.	Floyd	Kimball	Russell, Mo.
Beall, Tex.	Foster, Ill.	Lamb	Russell, Tex.
Beil, Ga.	Garrett	Lindsay	Sabath
Bowser	Gillette	Lloyd	Sherley
Brantley	Goulden	Macon	Sherwood
Brodhead	Granger	Maynard	Slayden
Broussard	Hackett	Moore, Tenn.	Smith, Mo.
Burgess	Hackney	Moore, Tex.	Stanley
Burleson	Hamilton, Iowa	Murphy	Stephens, Tex.
Barnett	Hamlin	Nichols	Thomas, N. C.
Candler	Hardy	O'Connell	Underwood
Carter	Hay	Padgett	Watkins
Clark, Mo.	Hefflin	Page	Webb
Clayton	Helm	Pou	Wilson, Pa.
Cooper, Tex.	Henry, Tex.	Pujo	
Cox, Ind.	Houston	Rainey	
		Randell, Tex.	

## ANSWERED "PRESENT"—11.

Andrus	Driscoll	Lever	Sims
Ansherry	Haggott	Madden	Talbott
Bennet, N. Y.	Humphreys, Miss.	Sheppard	

## NOT VOTING—160.

Alexander, N. Y.	Butler	Crawford	Englebright
Allen	Byrd	Darragh	Fairchild
Ames	Calder	Davenport	Favrot
Bannon	Caldwell	Davey, La.	Ferris
Bartlett, Ga.	Carlin	Dawes	Fitzgerald
Bennett, Ky.	Clark, Fla.	De Armond	Flood
Bingham	Cockran	Douglas	Fordney
Birdsall	Conner	Dunwell	Fornes
Brownlow	Cook, Pa.	Durey	Fowler
Brundidge	Cooper, Pa.	Dwight	Fuller
Burke	Cousins	Edwards, Ga.	Fulton
Burton, Ohio	Cravens	Ellis, Mo.	Gaines, Tenn.

Gardner, Mass.	James, Addison D.	McGuire	Slomp
Gardner, Mich.	Johnson, S. C.	McHenry	Small
Gardner, N. J.	Jones, Va.	McLachlan, Cal.	Smith, Mich.
Gill	Kennedy, Ohio	McLain	Smith, Tex.
Glass	Kinkaid	McLaughlin, Mich.	Snapp
Godwin	Kipp	McMillan	Sparkman
Goebel	Kitchin, Claude	McMorran	Spight
Goldfogle	Kitchin, Wm. W.	Madison	Stafford
Gordon	Knopf	Mann	Stevens, Minn.
Gregg	Knowland	Marshall	Sturgiss
Griggs	Lamar, Fla.	Miller	Suloway
Gronna	Lamar, Mo.	Moon, Pa.	Sulzer
Hamill	Laning	Mudd	Tawney
Hammond	Lassiter	Overstreet	Taylor, Ala.
Harding	Law	Parker, N. J.	Thomas, Ohio
Hardwick	Lawrence	Patterson	Tou Velle
Harrison	Leake	Peters	Townsend
Haugen	Lee	Pollard	Vreeland
Hayes	Legare	Porter	Wallace
Hill, Miss.	Lenahan	Powers	Watson
Hitchcock	Lewis	Pratt	Weisse
Hobson	Lilley	Ransdell, La.	Wheeler
Howell, N. J.	Littlefield	Rauch	Wiley
Hubbard, Iowa	Livingston	Reld	Willett
Hughes, N. J.	Lorimer	Rhinock	Williams
Hughes, W. Va.	Loud	Ryan	Wilson, Ill.
Hull, Iowa	McCall	Saunders	Wolf
Jackson	McDermott	Shackelford	Woodyard

So the motion was agreed to.

The Clerk announced the following additional pairs: Until further notice:

Mr. DUREY with Mr. BYRD.

Mr. ENGLEBRIGHT with Mr. CLARK of Florida.

Mr. FAIRCHILD with Mr. DAVENPORT.

Mr. FORDNEY with Mr. FERRIS.

Mr. GARDNER of Michigan with Mr. GLASS.

Mr. LANING with Mr. HILL of Mississippi.

Mr. OVERSTREET with Mr. HUGHES of New Jersey.

Mr. POLLARD with Mr. JONES of Virginia.

Mr. SLEMP with Mr. RAUCH.

Mr. SULLOWAY with Mr. SULZER.

Mr. VREELAND with Mr. TOU VELLE.

Mr. WILSON of Illinois with Mr. WILLIAMS.

Mr. BANNON with Mr. CALDWELL.

The result of the vote was announced as above recorded.

The doors were opened.

## CHILD LABOR BILL.

Mr. OLCOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the conference report on the bill (S. 4812) and to adopt the conference report. I also ask unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the conference report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report is as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4812) entitled "An act to regulate the employment of child labor in the District of Columbia," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same as amended, so that it will read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no child under fourteen years of age shall be employed or permitted to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph or telephone office, restaurant, hotel, apartment house, club, theater, bowling alley, laundry, bootblack stand, or in the distribution or transmission of merchandise or messages. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of six o'clock in the morning or after the hour of seven o'clock in the evening: *Provided*, That the provisions of this section shall not apply to children employed in the service of the Senate: *And provided further*, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend of said child, issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed



mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

"SEC. 2. That no child under sixteen years of age shall be employed or permitted to work in the District of Columbia in any of the establishments named in section one, unless the person or corporation employing him procures and keeps on file and accessible to the inspectors authorized by this act and the truant officers of the District of Columbia an age and schooling certificate, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed.

"SEC. 3. That an age and schooling certificate shall be approved only by the superintendent of public schools, or by a person authorized by him in writing, who shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

"SEC. 4. That no age and schooling certificate shall be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth or the affidavit of the parent or guardian or custodian of a child, which affidavit shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not procured and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor.

"SEC. 5. That the age and schooling certificate of a child under sixteen years of age shall be in the following form:

*"Age and schooling certificate."*

"This certifies that I am the (father, mother, guardian, or custodian) of (name of child) \_\_\_\_\_, and that (he or she) was born at (name of town or city) \_\_\_\_\_, in the county of (name of county, if known) \_\_\_\_\_ and State of (or country) \_\_\_\_\_, on the (day and year of birth) \_\_\_\_\_, and is now (number of years and months) \_\_\_\_\_ old.

"Signature of (father, mother, guardian, or custodian).

"(Date.)

"There personally appeared before me the above-named (name of person signing) \_\_\_\_\_ and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) \_\_\_\_\_; complexion (fair or dark), \_\_\_\_\_; hair (color), \_\_\_\_\_. Having no sufficient reason to doubt that (he or she) is of the age therein certified, I hereby certify that (he or she) can read at sight and can write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to applying for such school record, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, and arithmetic.

"This certificate belongs to (name of child in whose behalf it is drawn) \_\_\_\_\_ and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools.

"(Signature of person authorized to approve and sign, with official character of authority.)

"(Date.)

"A duplicate of each age and schooling certificate shall be filled out and kept on file by the superintendent of public schools. Any explanatory matter may be printed with such certificate, in the discretion of said superintendent: *Provided*, That in exceptional cases the judge of the juvenile court, upon the recommendation of the superintendent of public schools or the person authorized to act for him, may, in writing, waive the necessity of the schooling certificate provided for in this act, and in such cases the age certificate shall entitle the holder to be employed without a violation of this act.

"SEC. 6. That whoever employs a child or permits a child to be employed in violation of sections one, two, eight, or nine of this act shall be deemed guilty of a misdemeanor and, for such offense, be fined not more than fifty dollars; and whoever

continues to employ any child in violation of any of said sections of this act, after being notified by an inspector authorized by this act, or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not more than twenty dollars. A failure to produce to an inspector authorized by this act, or a truant officer of the District of Columbia, any age or schooling certificate or list required by this act shall be prima facie evidence of illegal employment of any person whose age and schooling certificate is not produced or whose name is not listed. Any corporation or employer retaining any age and schooling certificate in violation of section five of this act shall be fined not more than twenty dollars. Every person authorized to sign the certificate prescribed by section five of this act who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars.

"SEC. 7. That the inspectors authorized by this act and the truant officers of the District of Columbia shall visit the establishments named in section one and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of public schools and the corporation counsel of the District of Columbia. The inspectors authorized by this act and the truant officers of the District of Columbia shall require that the age and schooling certificates and lists provided for in this act of minors employed in the establishments named in section one shall be produced for their inspection.

"SEC. 8. That no minor under sixteen years of age shall be employed, permitted, or suffered to work in any of the establishments named in section one more than eight hours in any one day, or before the hour of six o'clock antemeridian, or after the hour of seven o'clock postmeridian, and in no case shall the number of hours exceed forty-eight in a week.

"SEC. 9. That every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspectors authorized by this act and the truant officers of the District of Columbia, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section.

"SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding one thousand two hundred dollars each per annum.

"SEC. 11. That no male child under ten and no girl under sixteen years of age shall exercise the trade of bootblacking or sell or expose or offer for sale any newspapers, magazines, periodicals, or goods, wares, or merchandise of any description whatsoever upon the streets, roads, or highways, or in any public place within the District of Columbia.

"SEC. 12. That from and after July first, nineteen hundred and eight, no male child under sixteen years shall exercise the trade of bootblacking or sell or expose or offer for sale any newspapers, magazines, periodicals, or goods, wares, or merchandise of any description whatsoever upon the streets, roads, or highways, or in any public place within the District of Columbia, unless a permit and badge as hereinafter provided shall have been issued to him by the superintendent of public schools of the District of Columbia or by a person authorized by him in writing for that purpose upon the application of the parent, guardian, or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian, or custodian, then on the application of his next friend, being an adult.

"SEC. 13. That such permit and badge shall be issued free of charge to the applicant, but shall not be issued until an age and schooling certificate shall have been issued as provided in this act.

"SEC. 14. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian, or next friend, as the case may be, and describe the color of hair and eyes, the height and weight, and any distinguishing facial mark of such child, and shall further state that the age and schooling certificate has been duly examined and filed, and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. The badge provided for herein shall be worn con-

spicuously at all times by such child while so working, and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person, nor be engaged in the District of Columbia in any of the trades or occupations mentioned in this section without having conspicuously upon his person such badge, and he shall exhibit the same upon demand to any police or truant officer or to the inspectors in this act provided for.

"Sec. 15. That no child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers, magazines, or periodicals, or goods, wares, or merchandise of any description whatever after ten o'clock in the evening or before six o'clock in the morning.

"Sec. 16. That nothing in this act contained shall apply to the employment of any child in a theatrical exhibition, provided the written consent of one of the Commissioners of the District of Columbia is first obtained. Such consent shall specify the name of the child, its age, the names and residence of its parents or guardians, together with the place and character of the exhibition.

"Sec. 17. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act." And the House concurs in said Senate amendments to the House amendment.

J. VAN VECHTEN OLCOTT,  
E. L. TAYLOR, Jr.,

*Managers on the part of the House.*

J. P. DOLLIVER,  
BOIES PENROSE,  
JNO. W. DANIEL,

*Managers on the part of the Senate.*

The statement was read as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, submit the following written statement, namely:

In view of the fact that the amendment of the House to this bill struck out all after the enacting clause and inserted its own bill, it was necessary in the conference report to print the bill, as agreed upon by the conferees, in full.

The changes in the bill as passed by the House are as follows:

"First. The hour at which children can begin to work is made 6 o'clock in the morning instead of 8 o'clock.

"Second. A provision has been agreed to, as proposed by the Senate, as follows:

"*Provided*, That the provisions of this section shall not apply to children employed in the service of the Senate: *And provided further*, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend of said child, issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe."

"Third. The provision in section 5 has been agreed to, making provision that in exceptional cases the judge of the juvenile court, on the recommendation of the superintendent of public instruction, may waive the necessity of the schooling certificate and allow employment when only an age certificate is given. This is to provide for families with children coming to the District after the close of the school year, when it would be impossible for any certificate to be given that the child had been in the schools of the District during the year preceding."

Upon the recommendation of the House conferees it is provided that this matter should be left in the hands of the juvenile court, so that it is believed that all protection is accorded.

The Senate has agreed to all of the other amendments recommended by the House conferees, including the provisions from section 11 to section 16, both inclusive, which make provision for children selling newspapers and other goods, wares, and merchandise in the streets.

J. VAN VECHTEN OLCOTT,  
E. L. TAYLOR, Jr.,

*Managers on the part of the House.*

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and the conference report is agreed to.

#### PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I call up the conference report on the pension appropriation bill (H. R. 16268), and move to suspend the rules and concur in the report, and I also ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report is as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its disagreement to Senate amendments numbered 1 and 2, and agree to the same.

2. That the House recede from its disagreement to Senate amendment numbered 3, and agree to the same with an amendment, so that the same may read as follows:

"For salaries of agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

3. That the House recede from its disagreement to Senate amendment numbered 4, and agree to it with an amendment striking out, in line 2 thereof, the word "thirty-five" and inserting in lieu thereof the word "ten;" and after the word "dollars" in the paragraph add the words "or so much thereof as may be necessary," so that the paragraph as amended will read:

"For clerk hire and other services in the pension agencies, four hundred and ten thousand dollars, or so much thereof as may be necessary: *Provided*, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior."

And the Senate agree to the same.

4. That the House agree to Senate amendment numbered 5 with an amendment adding thereto the words "or so much thereof as may be necessary;" and the Senate agree to the same.

5. That the House recede from its disagreement to Senate amendment numbered 6, and agree to the same.

6. That the House recede from its disagreement to Senate amendment numbered 7, and agree to the same with an amendment striking out the word "forty" and inserting the word "sixty-five;" and the Senate agree to the same.

7. That the House recede from its disagreement to Senate amendment numbered 8, and agree to the same.

J. WARREN KEIFER,  
WASHINGTON GARDNER,

*Managers on the part of the House.*

HENRY E. BURNHAM,  
REED SMOOT,  
H. M. TELLER,

*Managers on the part of the Senate.*

The statement was read as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the pension appropriation bill submit the fol-



following written statement in explanation of the effect of the action agreed upon as to each of the said amendments, namely:

On amendments Nos. 1 and 2: Appropriates \$162,000,000, as proposed by the Senate, instead of \$150,000,000, as proposed by the House, for the payment of pensions, and inserts the proviso proposed by the Senate with reference to the payment of pensions in State Soldiers' and Sailors' Homes.

On amendments Nos. 3, 4, 5, 6, 7, and 8, with reference to the abolishment of the pension agents: Appropriates the sum of \$72,000, or so much thereof as may be necessary, for salaries of agents without specifying the number of such agents; reduces the amount for clerk hire from \$435,000, as proposed by the Senate, to \$410,000, or so much thereof as may be necessary; appropriates \$4,500 for rent of the New York agency, or so much thereof as may be necessary, and \$1,500 for examination and expenses of pension agencies; \$65,000 for stationery and other expenses of pension agencies instead of \$40,000, as proposed by the Senate, and \$30,000, as proposed by the House, and inserts the provision proposed by the Senate for furnishing franked envelopes to pensioners.

J. WARREN KEIFER,  
WASHINGTON GARDNER,  
*Managers on the part of the House.*

Mr. KEIFER. Mr. Speaker, I would ask unanimous consent, unless my colleague on the conference committee desires to be heard—

Mr. BOWERS. Mr. Speaker, I desire to be heard.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and agree to the conference report.

Mr. BOWERS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Ohio is entitled to twenty minutes, and the gentleman from Mississippi is entitled to twenty minutes.

Mr. KEIFER. Mr. Speaker, I shall be very brief. The conference report is signed by all the conferees on the part of the Senate. It is signed by two of the conferees on the part of the House. This bill went into conference some weeks ago, and there were quite a number of meetings of the conferees, and a report was agreed upon very recently. There was not much radical difference, save on one question, and I can explain a little about it. The first amendment of the Senate, which is concurred in by all the conferees on the part of the House, was to increase the appropriations for the payment of pensions, as fixed in the House bill, from \$150,000,000 to \$162,000,000. The additional \$12,000,000 were put in in consequence of the passage of the widows' pension bill, known as the "Sulloway bill." It was the opinion, it seems, of the Commissioner of Pensions that it would add to the value of the pension roll \$12,000,000, and for that reason it was added. I myself was of the opinion that on account of changes in the pension roll from deaths and otherwise it was not necessary to have added so much, at least at this time; but we have agreed to that amendment of the Senate.

The second amendment, also agreed to, provides that all pensions to inmates of Soldiers and Sailors' Homes in States shall receive their pensions directly as all others do. It seems to have been the impression somewhere that pensions were paid to some of these Homes directly instead of to the pensioner. I understand from the Commissioner of Pensions that it has not been the rule heretofore, but in order that there might be no dispute about it the Senate put in the amendment, which is Senate amendment numbered 2.

Mr. CRUMPACKER. Will the gentleman allow a question upon this subject?

Mr. KEIFER. Certainly.

Mr. CRUMPACKER. Does the bill, as agreed upon, prevent a State Soldiers' Home from withholding or exacting any portion of pensions of members of these Homes?

Mr. KEIFER. It does not, but it leaves that wholly as a matter to be arranged with the State Soldiers' Home and the pensioner, but the pensioner is to receive his pension directly whether he is an inmate of the Home or not. I understand that has always been the rule, however.

Mr. HINSHAW. Will the gentleman allow a question?

Mr. KEIFER. Yes.

Mr. HINSHAW. Is it not the custom of some Soldiers' Homes located in the various States to exact a part of the pension when he goes there to protect themselves, or to exclude the man from the Home?

Mr. KEIFER. That is not the effect of the amendment at all. It simply makes it impossible for the pension agencies to pay the Homes directly, leaving the Homes to negotiate with the pensioners. The third amendment of the Senate was on the matter of pension agencies. It will be remembered that the

House bill, as it was passed here, provided but \$4,000 for the purpose of paying one pension agent.

The number of pension agencies in the United States now is eighteen, and we appropriated in the bill originally for but one. The amendment of the Senate was similar to the law in previous years, mentioning eighteen pension agents to be paid \$4,000 each, making the sum of \$72,000. This amendment had other provisions in it, but the matter agreed upon between the conferees does not mention any number of pension agents, but appropriates enough money to maintain the present agencies in the United States, with a proviso that of the \$72,000 thus appropriated only such part of it shall be used as shall be found necessary. That was the point upon which the conferees differed. It is proper to say that the Senate never discussed this question of agencies, and its conferees claimed that it was too late in the session to take it up and debate it, although in a former Congress it was provided that the whole matter of the continuation of these agencies should be referred to the Secretary of the Interior, and perhaps the Commissioner of Pensions, for a report; and it will be remembered that the Secretary of the Interior and the Commissioner of Pensions did report in favor of disestablishing all the agencies save one, and that at Washington, and that recommendation was carried into our bill.

But here it is agreed that we provide money enough to carry them all on, if found necessary.

We come to another amendment, which was an addition to the House provision of \$100,000 for clerk hire. We appropriated \$335,000 in the original bill. The Senate added \$100,000. That amendment was agreed to by the conferees by cutting down the amount to \$410,000 and providing, as we did in the case of the appropriation for the agents, that only so much of it was to be used as might be found necessary. In another amendment—

Mr. CAMPBELL. Mr. Speaker, may I ask the gentleman a question?

Mr. KEIFER. Yes.

Mr. CAMPBELL. Is the matter as to whether or not these agencies shall be maintained left to anybody's discretion?

Mr. KEIFER. Absolutely left to the discretion of the President of the United States, where, as is observed by the gentleman from New York [Mr. PAYNE] to me privately, the present law leaves it. That is true in a general way, but not absolutely true. Under the present law (R. S., sec. 4780) the agencies were required to be established by the President of the United States. He could make one, two, or eighteen, or a hundred, if he chose. I think we were unanimously of the opinion that the President, having the right to establish agencies, had the right to disestablish them.

Mr. CAMPBELL. Do you make any changes in this bill?

Mr. KEIFER. We make no change here in that, except I want to say that there are probably four or five of the agencies that were originally established by law, and those he would not, I think, have the right to disestablish. He might reduce the agencies very materially, but perhaps not down to one. I think the matter is left entirely with the President with that exception.

In the original bill we appropriated \$30,000 for stationery and other necessary expenses, to be used by the Secretary of the Interior in paying agents and making provision for their payment. The Senate added \$10,000 to that, making it \$40,000. In the conference report it will be seen we have added \$25,000 more, making it \$65,000. The purpose of adding the \$10,000 on the part of the Senate was to provide for the additional expense that would be incurred by the Department in providing free franking privilege on envelopes that are to be furnished with the voucher to each of the pensioners, so that when he receives his voucher he would receive a penalty frank envelope, addressed to the proper pension agent in which to return the voucher after it is filled up to the proper agent.

That is provided for in Senate amendment No. 8, and we have concurred in that, and I think this will avoid some mistakes and save the pensioners trouble and expense. This \$65,000, however, or a part of it, was put in for the purpose of enabling the Department to purchase adding machines and addressers and in reducing the expenses of paying the pensions. In my opinion, that being done and a provision for it being made, the President is at liberty, if not required, to reduce these pension agencies down to at least the number that was provided originally by law, though perhaps not to one. I may say that the conferees on the part of the House were of one mind about this matter. We had frequent conferences, and we have agreed upon this as the best provision that could be made and agreed

upon. The Senate has concurred in this conference report already, and I think we should concur now.

I reserve the balance of my time.

Mr. BOWERS. Mr. Speaker, as one of the conferees on the part of the House, I am unable to concur in this report, and I ask the House to reject it, for the reason that it marks a square backdown and recession from the position that this House has twice taken on the subject of the discontinuance of these unnecessary pension agencies, and a backward step in a praiseworthy attempt to abolish useless offices, and thereby prevent a shameful waste of public money.

This report as it comes back to this body carries not only every dollar that was proposed for the maintenance of these agencies and for the payment of their expenses, but carries \$10,000 more for administration than was suggested when the bill was originally considered here, that sum being added to the appropriation for stationery for the purpose of furnishing the pensioners with addressed franked envelopes to be used by them in returning their vouchers. As to that particular expenditure I make no special complaint; but I do say that this House, after having twice declared itself by decisive majorities with reference to the abolition of these pension agencies, ought to stand its ground and not permit itself to be run over by the Senate in any such manner as this report instances. [Loud applause.]

Now, the gentleman from Ohio [Mr. KEIFER], the chairman of the House conferees, says that this whole matter is in the discretion of the President. Ah, that is true as to all these pension agencies established under the act of 1867 and the subsequent acts, which are practically reprints thereof; but there were pension agencies established by acts of Congress before that time—four or five in number, if I mistake not—which are beyond the President's power. But whether that be true or not, I for one object to putting on the Executive a responsibility that the legislative department of this Government ought to assume. [Renewed applause.] I for one object to asking the President to take the responsibility of destroying these agencies, when it is the duty of Congress to attend to this matter. We should do our duty and not shirk it, in the hope that the President will do it for us. I want to call your attention to the fact that the President has had this matter put up to him in at least as vigorous shape as is proposed by this report and by the language of the bill as agreed on in conference for over a year, and he has done nothing whatever in the premises. The last pension appropriation bill carried this proviso:

*Provided, That the Secretary of the Interior shall make inquiry and report to Congress at the beginning of its next regular session the effect of the reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed to interfere with or limit the right of the President under existing law in respect to reduction or consolidation of existing pension agencies.*

Now, in response to that inquiry, an inquiry addressed to the Secretary of the Interior and the Commissioner of Pensions by the Senate as well as the House, the information comes here in the shape of an emphatic recommendation for the disestablishment of these agencies and an unequivocal statement that no pensioner in the United States will suffer any inconvenience by reason of their abolition. This information was asked by both Houses.

It has been acted on by one, but the Senate passed this bill, as I am advised, in three and one-half minutes without any consideration whatever of the report of the Secretary of the Interior or of the information that he communicated in response to the joint request of the House and Senate; and without debate or division adopted, as a part of the bill, the amendments restoring these agencies and multiplying and increasing the cost of administration.

There has not been an appropriation bill considered by this House during this session that the attention of the Congress has not been called to the facts that the revenues are decreasing, expenditures increasing, and that each day's operations increase the deficit in the Treasury.

What are you going to do about it? The pensioners have to be paid. The amount necessary for their payment is ascertained by a mathematical calculation, but this reform will save hundreds of thousands of dollars in administration annually. Is the House going to stand here and permit itself to be walked over roughshod and the expense of maintaining this useless and expensive machinery continued, when a clear way is pointed out to reduce these expenditures and save money without the slightest inconvenience to the pensioners or anybody else except the useless agents who so vigorously object to being separated from the Public Treasury?

Now, it may be said that we are justified in yielding here, are justified in surrendering the position of the House, because to contend further will endanger the bill, endanger the provisions for the payment of the pensioners.

Mr. HAMLIN. What would be saved in cost if the number of these pension agencies were reduced to one?

Mr. BOWERS. Why, the gentleman from Ohio [Mr. KEIFER] is authority for the statement that it will save over \$400,000 a year. His latest estimates show an annual saving of about \$450,000, and from my investigation I am convinced that he is correct.

Mr. HARDY. Without any detriment to the service?

Mr. BOWERS. On the contrary, to the positive improvement and betterment of the service. Now, let me return to this question as to whether the refusal to agree to this conference report will endanger the payment of pensions.

I can not for the life of me see how it can. It is apparent that this Congress is going to sit here several days longer, at least. Two joint resolutions, one carrying every dollar necessary to pay the pensioners, and the other providing for the cost of administration, could be put through this House in less time than it takes to describe it, and I speak for this whole minority when I say that if you will vote down this conference report and resort to one joint resolution carrying enough money to pay the pensioners, and another joint resolution to provide for the expenses of administration, according to the idea of the House of the amount needed for administration, those resolutions will be permitted to go through by unanimous consent, and without a roll call, and the minority leader [Mr. WILLIAMS] nods his approval of that proposition. So it is up to you, gentlemen, to save this money or to waste it, just as you choose.

You can save it by voting down this report and passing a joint resolution providing the money to pay the pensioners, and another joint resolution providing in a lump sum what you think necessary—not what the Senate wants—for the administration of the Pension Office, leaving it for the head of that Bureau to work out the details and method of payment the best way he can, and that, of course, will mean a reduction of these agencies to one. And it must not be understood that the defeat of this report will defeat the bill. It will mean simply that the House refuses to concur in the amendments of the Senate, and the bill can and will go at once back to conference.

Mr. OLLIE M. JAMES. Is it not true that in the Fifty-ninth Congress the House abolished these agencies and the Senate pursued the same tactics and forced them back upon the House in a conference report?

Mr. BOWERS. Certainly; and we really got more out of the conference in the Fifty-ninth Congress than we get here. If you adopt this report, you will be one year behind where you were at the beginning of this Congress.

Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has used nine minutes.

Mr. BOWERS. I yield three minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, I shall vote against the measure now pending, and I take this opportunity to call the attention of the country to the attitude of the Republican floor leader [Mr. PAYNE] toward the farmers and toward their interests generally.

I have a measure here unanimously reported by the Agricultural Committee, a bill that seeks to safeguard the matter of gathering agricultural statistics and the publication of the same, to prevent falsification, and so forth. That bill is unanimously reported and is now on the Calendar, and to-day I asked unanimous consent to call that measure up and to pass it, and objection came not from the Democratic side.

The president of the Farmers' National Congress favors this legislation. The president of the Southern Cotton Association indorses it, and the president of the Farmers' Union is enthusiastically for it. The farmers all over the country favor it, and they want this legislation, but their wants amount to but little with the Republican floor leader [Mr. PAYNE] and his party in this House.

If this were a trust measure or a ship subsidy you could count on the gentleman from New York [Mr. PAYNE] to give to it his unqualified and enthusiastic support. [Applause on the Democratic side.]

But, sir, if the legislation is in the interest of the people generally, or the farmers of the country, the gentleman from New York [Mr. PAYNE], ever watchful of certain special interests, rises and objects. [Applause on the Democratic side.]

How long, Mr. Speaker, will the people be deceived by the deception that we see practiced by Republican leaders every



day? How can any honest man oppose this bill to safeguard agricultural statistics?

Here is the bill and report:

A bill (H. R. 21847) to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same.

*Be it enacted, etc.,* That it shall be unlawful for any person in the employment of the Government of the United States to divulge, or cause to be divulged, or in any way to give out, or cause to be given out, publish, or make known to anyone not authorized by law to have or receive the same, any information, statistical or otherwise, acquired by virtue of his employment by or official position with any Department of the Government of the United States regarding the reports on crop conditions prior to the hour that the crop estimate is published as is now required by law.

SEC. 2. That it shall be unlawful for any person in the employment of the Government of the United States to divulge, or cause to be divulged, or in any way to give out, or cause to be given out, publish, or make known to anyone not authorized by law to have or receive the same, any information, statistical or otherwise, obtained by virtue of his employment by or official position with the Government of the United States regarding the amount of cotton ginned prior to the day fixed by law for the publication of the ginners' report obtained by the Census Department.

SEC. 3. That it shall be unlawful for any officer or employee of the United States of America, whose duties require the collection, compilation, or report of statistics or information relative to the products of the soil, knowingly to collect, compile, or report for issuance or issue any false statistics or information relative to such products.

SEC. 4. That any person who shall violate any of the provisions of this act shall upon conviction be punished by a fine of not more than \$10,000 or by imprisonment for a period of not more than five years, or both fine and imprisonment, in the discretion of the court.

Mr. HASKINS, from the Committee on Agriculture, submitted the following report, to accompany H. R. 21847:

"The Committee on Agriculture, to whom was referred the bill (H. R. 21847) to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same, have had the same under consideration and unanimously recommend the passage of the bill."

Mr. HEFLIN. I am glad to say that the Democrats here are all in favor of it. Here is a petition to the Speaker of the House, signed by the Democratic Members, requesting him to allow me or some one else to call up the bill and pass it. Here is the petition:

To the Speaker of the House of Representatives:

We, the undersigned, Members of the House, respectfully request that you recognize Mr. HEFLIN or some one else to move a suspension of the rules and pass the bill above mentioned. It is an important measure and ought to pass at this session of Congress.

Mr. Speaker, I want the country to know that there is no law now to punish an employee of the Government for obtaining and selling statistical information to the cotton and grain gamblers of this country. There is no law to punish them for giving out false information on the day fixed by law for publishing crop reports, and so forth.

Mr. Speaker, we can pass my bill in one minute, if the gentleman from New York will withdraw his objection. Speculation in the coming crop will amount to a great deal to the speculators, and in the absence of some law to protect agricultural statistics the farmers are at the mercy of the smart rascals of the gambling exchanges. If a man can be found like Holmes, who will sell this information, the gamblers will rejoice and the man can not be punished.

Mr. Speaker, in the coming campaign the gentleman from New York, along with the other leaders of your party, must face the charge of deceit and unfaithfulness to the American people. [Applause on the Democratic side.]

Mr. GARDNER of Michigan. Mr. Speaker, I am very much in sympathy with the attitude taken by the gentleman from Mississippi [Mr. BOWERS] on this question. I agree with him almost wholly in the statement of facts. The conferees of the Senate did declare that they gave no consideration whatever to the question of consolidating the pension agencies, or any other feature of the bill. It is a fact that I think they declared they passed this measure, carrying \$162,000,000, in three and one-half minutes of time; that they utterly ignored the fact that they had joined with the House in asking information of the Interior Department concerning the propriety of consolidating the pension agencies; but in the agreement here there is a provision which has not existed in any previous bill. There are two provisions. First, we have heretofore appropriated for eighteen agencies. Now we appropriate an amount of money to carry eighteen agencies—and here is the difference—"or so much thereof as may be necessary."

The Pension Commissioner stated in the hearings, as I remember, that if he had undertaken to consolidate he had no money to meet the necessary expenses attending consolidation. If the consolidation shall take place at any time, there is in the next provision, namely, an appropriation for clerical hire, or so much thereof as may be necessary, something which will give him a contingent fund, or a fund out of which he may meet the expenses necessary to the transfer of the agencies to this city and their consolidation. There is all we have in this bill. It

opens the way. It does put it up to the President. In a way it has been there, but it calls his attention directly to it. It is not what we wanted, we are frank to say. It is not what we believe we ought to have, but it is the best that we could get at this time, and therefore we accepted it rather than throw the whole matter over and take the chances of not having the provision with which to meet the payment of the pensioners.

Mr. BOWERS. I yield three minutes, Mr. Speaker, to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, I shall vote against the adoption of this conference report. I do not agree with the distinguished gentleman from Michigan [Mr. GARDNER] that this is the best that we can get at this time. The idea! When a proposition is submitted to this House, as it now is, that we can effect a saving of \$400,000 money admittedly to be expended for the payment of useless salaries, that we ought to submit to the payment of these salaries and continue this useless expense because the Senate sees fit to insist upon it, telling us at the same time that they have given the matter no consideration! Mr. Speaker, if this House will maintain its self-respect and insist upon the consolidation of these agencies, I have not the least doubt that the Senate will ultimately recede. When this matter was before the House, the chairman of the Committee on Appropriations made it perfectly plain that this saving could be effected if these agencies were consolidated.

I now desire to place the responsibility upon the individual Republicans here, so you can not escape it. In the face of the fact that we are going to have a billion-dollar session of Congress, are you willing to save \$400,000 by voting against this report? The issue is now squarely before you. If you vote for the adoption of this report, do not go back to your constituents and say you could not prevent extravagance. The chance is now given you. One more opportunity is afforded the distinguished leaders of the Republican party to come to the aid of the chairman of the Committee on Appropriations and effect a saving of the public money. Will you do it, or would you rather have the jobs? Will you swing to the jobs that are at the bottom of this \$400,000 rather than protect the purses of the people by voting to reject this conference report? I fear you can not resist the temptation.

I say now, again, the responsibility is placed directly upon every individual Republican Representative upon this floor when you vote on this report, and you can not escape the consequence to follow unless you are willing to return to your constituents and deliberately falsify, and that surely you will not do. [Applause on the Democratic side.] I repeat, Mr. Speaker, the opportunity is given the Republican majority here to save this money that your chairman tells you can be saved without injury to the public service, that the Senate conferees admit they have refused to consider whether it should be saved, that the gentleman from Michigan [Mr. GARDNER], who has just preceded me, tells you ought to be saved. Now, will you do it? If you vote for this conference report, I say to you that the country will know, and every intelligent constituent in your districts will know, that you belie your words when you say you have sought to keep down extravagant appropriations. [Applause on the Democratic side.]

Mr. BOWERS. Mr. Speaker, I want to make just a few observations in response to the suggestion of the gentleman from Michigan [Mr. GARDNER] that this report marks the best the House can get. I have listened with some care to find out what it was that the House gets in this report and I have not found that it gets anything except every dollar and item of unnecessary expense restored to this bill with \$10,000 on top of it, and we are just \$10,000 worse off than we were this time one year ago, so far as expense is concerned. I do not believe any gentleman within the sound of my voice is going to deceive himself with the idea that there is anything in the words "or so much thereof as may be necessary."

I want you to understand that the sum of \$72,000 "for the payment of pension agents at \$4,000 a year," is put back into this bill by this report, and \$72,000 at \$4,000 a year means eighteen pension agencies just as surely as figures do not lie; and that \$435,000 has been put back into the bill for the clerical force of these agencies, except that \$25,000 has been shifted from the appropriation for clerk hire to that for stationery, in order that some of the money that has heretofore been expended for clerks may be used for the purchase of labor-saving devices, such as addressing machines, and the like, for use in the various pension agencies throughout the country.

The suggestion of my friend from Michigan, that this is the best that the House can get, reminds me very forcibly of the division made of the results of a day's hunt between an Indian and a white man. They went out and hunted very faithfully

for one full day and killed a buzzard and a turkey, and as they were about to separate the white man said to the Indian, "You can take the turkey and I will take the buzzard, or I will take the turkey and you can take the buzzard, whichever you see fit." The Indian, after thinking about it a little while, said, "Umph, never heard white man say Indian turkey once." [Applause on the Democratic side.] And the House and the cause of economy gets just about as much out of this report as the Indian got out of his hunt. [Applause on the Democratic side.]

Mr. KEIFER. Mr. Speaker, It is not worth while to get excited over this matter, nor is it worth while to arraign the Republican party for not getting through good legislation. We have had 224 recent roll calls here, and if we had not had them we could have had twenty-two or twenty-three days, with sessions of five hours each, if it had not been for the opposition and conduct of gentlemen who now are claiming that if we do not get good legislation we are responsible for it. [Applause on the Republican side.] Now, let us be fair. My colleague on the conference committee [Mr. BOWERS] was not more zealous than myself in trying to reduce these agencies. We had no dispute among ourselves as to our attitudes, but he now comes and suggests as an alternative that we pass, before we adjourn this session, a joint resolution continuing the appropriation of last year into the next. Why does he do that? That will not discontinue an agency, but make certain the continuance of all of them. That will not touch the question at issue at all; it will leave us just where he complains we are now left, and worse.

But we are not left there, as the law will be if the conference report is agreed to. There was an argument made to a Democratic President in Cleveland's time that he should not discontinue agencies, because Congress had appropriated specifically for eighteen agencies. We appropriate, it is true, \$72,000 for the agents, but we provide, "or so much thereof as may be necessary." In that way we put in an entering wedge, and, in my opinion, if the President of the United States remains of the opinion he is said to have expressed, and the Secretary of the Interior remains in the same view, and also the Commissioner of Pensions, it will be their duty to examine and see whether there is any misapplication of money in continuing these agents. It is said that the President has the power to discontinue agencies under the law now. I think he has, and yet a Democratic President refused to act under it at one time. We have the power and we are proposing to make it easier.

The law was first passed in 1867 authorizing the President of the United States to establish agencies, and it was reenacted in 1882 with the same provision with reference to the establishment of agencies, but we have not cut them down lately. We are now proposing to do as my colleague from Michigan [Mr. GARDNER] said, the best we can. We have obtained some material concessions from the Senate. The conferees on the part of the Senate reported to the conferees on the part of the House that the Senate was unanimously against it. We were not unanimous here in this House, there was a division on the passage of this bill, and we propose to leave it with the provisions I have mentioned where it belongs, namely, with the administration of the law. Now, that is enough to be said. The suggestion that we could do better by being obstinate and remaining a little longer is a good enough one under some circumstances, but it will not reach this case. The conferees have had seven sessions.

The conferees on the part of the Senate, the original conferees, were wholly changed. The final conferees agreed on this proposition because they could not do any better at this session. We have simply come to a place where the best we can do is to put the responsibility on the Administration in a more emphatic way than hitherto. I understand we have the largest pension appropriation bill that ever passed a Congress of the United States. The total for the payment of pensioners alone is \$162,000,000 and something over a million dollars in addition for the purpose of paying pensions, and in that we have had but very little difference among the conferees. We have provided, as my colleague on the other side said, for a step to be taken in the reduction of agencies by giving money enough to the Commissioner of Pensions to purchase addressing machines and equipping them, adding machines, so that the whole work can ultimately be done very much cheaper and with less agencies. This conference has been concurred in on the part of the Senate. To my mind it is impossible to accomplish anything more than we have accomplished in this conference report and I think the wisdom of the House will be shown by adopting it.

The SPEAKER pro tempore. The question is upon suspending the rules and agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BOWERS. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. OLMSTED. Mr. Speaker, I think there is no quorum present, and I make that point.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently there is no quorum present and the Door-keeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 152, nays 89, answered "present" 10, not voting 136, as follows:

## YEAS—152.

Acheson	Dawson	Huff	Nye
Adair	Denby	Hughes, N. J.	Olcott
Andrus	Denver	Jenkins	Olmsted
Ansberry	Diekema	Johnson, Ky.	Parker, N. J.
Anthony	Draper	Kahn	Parker, S. Dak.
Ashbrook	Driscoll	Kelley	Parsons
Barchfield	Edwards, Ky.	Kennedy, Iowa	Pearre
Barclay	Ellis, Oreg.	Kinkaid	Porter
Bartholdt	Englebright	Knapp	Prince
Bates	Esch	Klistermann	Rauch
Beale, Pa.	Fairchild	Lafren	Reeder
Bede	Fassett	Langley	Reynolds
Bonyne	Focht	Laning	Rodenberg
Boutell	Fordney	Law	Rothermel
Boyd	Foss	Lawrence	Russell, Mo.
Brodhead	Foster, Ill.	Lindbergh	Scott
Brumm	Foster, Ind.	Lindsay	Sherwood
Burleigh	Foster, Vt.	Loudenslager	Smith, Cal.
Burton, Del.	Foulkrod	Lovering	Smith, Iowa
Calderhead	French	Lowden	Smith, Mich.
Campbell	Gardner, Mich.	McCreary	Smith, Mo.
Capron	Gilham	McGavin	Southwick
Cary	Goulden	McKinlay, Cal.	Sterling
Caulfield	Graham	McKinney	Sturgiss
Chaney	Greene	McLachlan, Cal.	Sullivan
Chapman	Hale	McLaughlin, Mich.	Tawney
Cocks, N. Y.	Hamill	Madison	Taylor, Ohio
Cole	Hamilton, Mich.	Miller	Thistlewood
Cook, Colo.	Haskins	Mondell	Tirrell
Cooper, Pa.	Hawley	Moon, Tenn.	Tou Velle
Cooper, Wis.	Hayes	Moore, Pa.	Waldo
Coudrey	Higgins	Morse	Wanger
Cox, Ind.	Hill, Conn.	Mouser	Washburn
Currier	Hinsbaw	Murdoch	Weems
Dalzell	Holliday	Murphy	Wheeler
Davenport	Howell, Utah	Needham	Wilson, Pa.
Davidson	Hubbard, W. Va.	Nelson	Wood
Davis, Minn.		Norris	Young

## NAYS—89.

Adamson	Ellerbe	Henry, Conn.	Pou
Aiken	Ellis, Mo.	Henry, Tex.	Rainey
Alexander, Mo.	Finley	Hepburn	Randell, Tex.
Bartlett, Nev.	Floyd	Hobson	Richardson
Beall, Tex.	Fowler	Houston	Robinson
Bell, Ga.	Garner	Howard	Rucker
Booher	Garrett	Howland	Russell, Tex.
Bowers	Gillespie	Hull, Tenn.	Sabath
Broussard	Gillett	Humphrey, Wash.	Sherley
Burgess	Glass	James, Oilla M.	Slayden
Burleson	Gordon	Jones, Va.	Splight
Burnett	Granger	Jones, Wash.	Stanley
Burton, Ohio	Hackett	Keliber	Steenerson
Candler	Hackney	Kimball	Stephens, Tex.
Clark, Mo.	Hall	Lamb	Thomas, N. C.
Clayton	Hamilton, Iowa	Lloyd	Underwood
Cooper, Tex.	Hamlin	Macon	Volstead
Craig	Hardy	Moore, Tex.	Watkins
Crawford	Harrison	Nicholls	Webb
Crumpacker	Haugen	O'Connell	Williams
Cushman	Hay	Padgett	
De Armond	Heflin	Page	
Douglas	Helm	Payne	

## ANSWERED "PRESENT"—10.

Bennet, N. Y.	Haggott	Riordan	Talbot
Dixon	Humphreys, Miss.	Sheppard	
Goldfogle	Lever	Sims	

## NOT VOTING—136.

Alexander, N. Y.	Davey, La.	Hill, Miss.	Livingston
Allen	Dawes	Hitchcock	Longworth
Ames	Dunwell	Howell, N. J.	Lorimer
Bannon	Durey	Hubbard, Iowa	Loud
Bartlett, Ga.	Dwight	Hughes, W. Va.	McCall
Bennett, Ky.	Edwards, Ga.	Hull, Iowa	McDermott
Bingham	Favrot	Jackson	McGuire
Birdsall	Ferris	James, Addison D.	McHenry
Bradley	Fitzgerald	Johnson, S. C.	McKinley, Ill.
Brantley	Flood	Kennedy, Ohio	McLain
Brownlow	Fornes	Kipp	McMillan
Brundidge	Fuller	Kitchin, Claude	McMorrison
Burke	Fulton	Kitchin, Wm. W.	Madden
Butler	Gaines, Tenn.	Knopf	Malby
Byrd	Gaines, W. Va.	Knowland	Mann
Calder	Gardner, Mass.	Lamar, Fla.	Marshall
Caldwell	Gardner, N. J.	Lamar, Mo.	Maynard
Carlin	Gill	Landis	Moon, Pa.
Carter	Godwin	Lassiter	Mudd
Clark, Fla.	Goebel	Leake	Overstreet
Cockran	Gregg	Lee	Patterson
Conner	Griggs	Legare	Perkins
Cook, Pa.	Gronna	Lenahan	Peters
Cousins	Hammond	Lewis	Pollard
Cravens	Harding	Litlefield	Powers
Darragh	Hardwick		Pratt



Pray	Shackleford	Stafford	Watson
Pujo	Sherman	Stevens, Minn.	Weeks
Ransdell, La.	Siemp	Sulzer	Welsse
Reid	Small	Taylor, Ala.	Wiley
Rhinock	Smith, Tex.	Thomas, Ohio	Willett
Roberts	Snapp	Townsend	Wilson, Ill.
Ryan	Sparkman	Vreeland	Wolf
Saunders	Sperry	Wallace	Woodyard

The Clerk announced the following additional pairs:

For balance of this session:

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. LANDIS with Mr. DIXON.

Mr. WEEKS with Mr. SMALL.

Mr. PRAY with Mr. MAYNARD.

Mr. PERKINS with Mr. LENAIIAN.

Mr. OVERSTREET with Mr. HITCHCOCK.

Mr. FULLER with Mr. BRANTLEY.

Mr. SPERRY with Mr. CARTER.

For this vote:

Mr. BRADLEY with Mr. WILLETT.

The SPEAKER. Upon this vote the ayes are 152, nays 89, answering "present" 10—a quorum. The Doorkeeper will open the doors. The ayes have it, the rules are suspended, and the conference report is agreed to.

#### COAL DEPOSITS IN ALASKA.

Mr. MONDELL. Mr. Speaker, I am instructed by the Committee on Public Lands of the House to move, and I do move, to suspend the rules and pass the bill S. 6805, an act to encourage the development of coal deposits in the Territory of Alaska.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] moves to suspend the rules and pass the following Senate bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 6805) to encourage the development of coal deposits in the Territory of Alaska.

*Be it enacted, etc.,* That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest, prior to November 12, 1906, or in accordance with circular of instructions issued by the Secretary of the Interior May 16, 1907, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed 2,560 acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated, and for this purpose such persons, their heirs or assigns, may form associations or corporations who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: *Provided*, That no corporation shall be permitted to consolidate its claims under this act unless 75 per cent of its stock shall be held by persons qualified to enter coal lands in Alaska.

SEC. 2. That the United States shall, at all times, have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase.

SEC. 3. That if any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect any combination, or are in any wise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of 2,560 acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose.

SEC. 4. That every patent issued under this act shall expressly recite the terms and conditions prescribed in sections 2 and 3 hereof.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I ask a second.

The SPEAKER. The gentleman from Mississippi demands a second. The gentleman from Wyoming [Mr. MONDELL] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. MONDELL. Mr. Speaker, this Senate act, as its title indicates, is an act to encourage the development of coal deposits in the district of Alaska. It becomes necessary by reason of the conditions existing in the coal fields there. It authorizes those who have heretofore made valid locations to consolidate their locations in areas not to exceed 2,560 acres, and, by paying the Government price of \$10 per acre, obtain a title to the consolidated entry. The Senate act now before the House is in the form proposed by the Interior Department. It is a carefully guarded piece of legislation, required in order to make possible the development of the coal regions of the Territory of Alaska. The second and third sections of the bill are new in our land legislation.

The second section is one which gives the United States the preference right to purchase the products of these mines for the use of the Army and the Navy at a price to be fixed by the President. The third section is, in my opinion, the most drastic, binding, comprehensive, and all-embracing antimonopoly, anticombination statute ever presented to Congress, and the credit of that, as I understand, belongs to the gentleman from New York [Mr. PARSONS]. Mr. Speaker, the necessity for this legislation is fully appreciated by all those who know the situation in Alaska. It is highly important that the hardy prospectors who located the coal fields of that far distant country should have an opportunity by combining their original locations to make an entry of sufficient area to make a coal operation profitable. We are now paying, as I understand it, from \$9 to \$10 a ton for Pocahontas coal alongside of our war vessels in San Francisco Harbor, while we could just as well be using this Alaskan coal, which could undoubtedly be laid down at from \$3 to \$4 a ton. We are now buying nearly all the coal used on the Pacific coast from the Canadian mines, or at least a large portion of it. The opening and development of the Alaskan field will bring these American coals into competition with the Canadian coals and very greatly reduce the price.

Mr. Speaker, I reserve the balance of my time.

Mr. COOPER of Pennsylvania. I would like to ask the gentleman a question, if he will yield?

Mr. MONDELL. I will be glad to.

Mr. COOPER of Pennsylvania. I would like to ask how much an entryman may take up under this law?

Mr. MONDELL. One hundred and sixty acres.

Mr. COOPER of Pennsylvania. What is the law covering the entry of coal lands in Alaska?

Mr. MONDELL. Under the present law entries are limited to 160 acres. It is entirely impossible to carry on a coal operation in that country on 160 acres of land. This will enable them to consolidate a sufficient number of claims in order that it may be possible to establish a working plant.

Mr. COOPER of Pennsylvania. The effect of this, then, will be to modify and suspend all the laws and allow the acquisition of large tracts of coal lands.

Mr. MONDELL. Not at all. It applies to the locations made heretofore under the law, and simply enables these people to consolidate those locations so as to make it possible to operate in that region. The maximum area is very much smaller than the area generally occupied by a large coal operation in the gentleman's own State.

Mr. COOPER of Pennsylvania. I would like to ask the gentleman if there is any precedent for this legislation?

Mr. MONDELL. Yes; the House passed a bill like this a year ago; not so good and not so carefully guarded a bill. It passed the Senate, but did not reach the President until just before adjournment.

Mr. WILSON of Pennsylvania. How far are these lands from the means of water transportation?

Mr. MONDELL. Well, one field, as I understand it, is about 125 miles from the coast; the other field is nearer.

Mr. WILSON of Pennsylvania. Are there means of railroad transportation now?

Mr. MONDELL. There is not any railroad transportation at this time; and those who are contemplating building roads do not feel justified in their construction until the entrymen secure a means of acquiring title to their coal lands.

Mr. WILSON of Pennsylvania. How long does the settler have to be upon the 160 acres that you have mentioned before he gets title to the same and is in a position to sell it to others?

Mr. MONDELL. There is no residence required on a coal claim, as the gentleman knows. These locations were made from three to five years ago, but have not been perfected. This simply provides for the perfection of these entries made a number of years ago, and limits the amount which any company or association or combination can acquire to 2,560 acres.

Mr. WILLIAMS. If any gentleman on this side desires time I will yield it to him.

Mr. ROBINSON. I would like to have four or five minutes.

Mr. WILLIAMS. I yield to the gentleman.

Mr. ROBINSON. Mr. Speaker, the Committee on Public Lands had very extended hearings on this subject. Those hearings developed the fact that under the limit fixed in the existing law as to the amount of coal land which may be acquired by any person, association of persons, corporation, or association of corporations are inadequate. Many attempts have been made to evade the laws. The hearings also disclosed the fact that for the proper operation of mines or coal lands of the character which probably exist in Alaska it is necessary that the area be enlarged.

There is another feature of this bill which is deemed of considerable importance, and that is the provision which seeks to prevent a monopoly in the coal lands in Alaska. The House committee during the hearings adopted a provision which I myself had the honor to draw, and we were fairly well satisfied with that, but a member of the committee, the gentleman from New York [Mr. PARSONS], afterwards called attention to the fact that the amendment as drawn would probably not prevent holding corporations from acquiring control of larger areas, and so, as I understand it, he drafted the provision in the Senate bill to prevent monopoly and it was incorporated in the Senate bill as prepared by him.

The Senate bill in that regard is more rigid than the House bill, and the object of that provision is to prevent, if possible, what has already occurred in some parts of the United States—the creation of a monopoly which might control the coal output of the great Territory of Alaska for all time to come. I believe that the provisions of this bill are meritorious. I believe that it will enable honest men who seek to do business in a legitimate way to develop that great country. Many years ago, when the United States acquired the Territory of Alaska, it was universally regarded as an unimportant acquisition. The past forty years have already evidenced a degree of growth and development that is amazing to all the world; and no man, even in this day, can look into the future and tell what possibilities lie locked within the embrace of that great Territory.

I believe that this legislation will result in the development of the coal fields of this country. It will be beneficial to the United States. Instead of securing its coal from foreign countries, from the British provinces, the United States, when it sends its fleet to the Pacific coast, can then secure Alaskan coal. I believe if this bill be adopted, it will prevent the acquisition of a monopoly in the coal mines of Alaska.

I yield back such time as I have not used to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Is there any other gentleman who desires to speak on this side?

Mr. HACKNEY. I should like to ask the gentleman from Arkansas a question. I should like to inquire if the purpose of this bill is to apply only to past locations?

Mr. ROBINSON. This applies only to past locations.

Mr. HACKNEY. How about future locations? Do you intend to give the same benefits to persons locating hereafter? Would not the same argument apply to those cases?

Mr. ROBINSON. Yes; the argument would apply, but it was not thought by the Committee on the Public Lands that it was best to undertake a revision of the general coal laws at this time. That committee has, I believe, under consideration a bill looking to the general revision of the coal laws.

Mr. HACKNEY. I should like to ask another question.

Mr. ROBINSON. I want to make another statement in this connection. I have been asked by some of my friends over here why it was that the limitation of 2,560 acres was placed in this bill. The only answer I can make to that is that some limitation had to be fixed. The Department of the Interior thinks, and that seemed to be the well-supported opinion on the subject, that 2,560 was a fair and reasonable limitation. Some limitation was necessary to be made, and we think that coal operations can be carried on under that limitation profitably.

Mr. HACKNEY. We have had a good deal of talk about the Government giving away its valuable rights. Has the Committee on the Public Lands considered the propriety of making a charge on the coal that these parties take out; the propriety of exacting some revenue to the Government for the vast amount of coal that it gives away?

Mr. ROBINSON. No; we had under consideration a number of matters—a proposition to provide for the leasing of coal lands—but this bill does not contemplate any such action.

Mr. COOPER of Wisconsin. Will the gentleman state how much in area these coal fields amount to?

Mr. ROBINSON. That is not known. We can not give definite information as to that. Much of the territory is unexplored.

Mr. COOPER of Wisconsin. How many 2,560-acre tracts could be put together under this bill?

Mr. ROBINSON. Only one. The object of the bill is, as I tried to make clear, to prevent the putting together of more than 2,560 acres under one management.

Mr. COOPER of Wisconsin. How many entries have been made up there on coal lands? Is the number one, ten, or fifty, or what?

Mr. MONDELL. Will the gentleman yield to me?

Mr. ROBINSON. Yes.

Mr. COOPER of Wisconsin. How many 2,560-acre tracts could be made under this bill under the entries already made?

Mr. MONDELL. Mr. Speaker, there have been 231 surveys made in the district of Alaska of 160-acre tracts, comprising 37,000 acres of land. There are probably a few more entries that have not been surveyed. There is at least that area.

Mr. WILSON of Pennsylvania. Has the gentleman from Arkansas any information, or has the committee any information, as to the numbers of veins of coal there are on these lands?

Mr. ROBINSON. No.

Mr. WILSON of Pennsylvania. Nor the thickness of the veins?

Mr. ROBINSON. No.

Mr. WILSON of Pennsylvania. Then how does the gentleman arrive at the conclusion or the determination as to what the limitation should be on the amount of land involved if the committee has no means of estimating the amount of coal?

Mr. ROBINSON. I will state to the gentleman that the question presents great difficulty, not alone in Alaska, but in the United States itself. That is a very vital question and a very difficult one to answer. The only answer to it is that some arbitrary limitation must be fixed, but it is thought that past experience in the operation of coal mines, not in Alaska—because there have been no mining operations in coal there to any considerable extent—but in the United States, where surveys indicate that the character of coal is similar to that in Alaska, the area of 2,560 acres would be a fair and reasonable limitation, looking both to the progress and development of the country and at the same time preventing the existence or the creation of monopolies there.

Mr. WILSON of Pennsylvania. Two thousand five hundred and sixty acres of land with several veins of coal on it from 4 feet in thickness upward would produce an enormous amount of coal. Coal usually produces, after allowing for the waste, about 1,000 tons per foot in thickness per acre. If you have a 4-foot vein on your acreage of 2,560 acres you would have over 10,000,000 tons of coal on that acreage alone. If you have several veins of coal, some of them thicker than that, it runs up to an enormous tonnage, and how the committee or this body is able to determine what the limitation should be on the amount of acreage, when they do not know what the thickness of coal is, is beyond my comprehension.

Mr. ROBINSON. Unquestionably, Mr. Speaker, the existence of the veins are questions to be determined largely hereafter, as well as their thickness. But as I have already stated, it has been definitely determined that 160 acres is not sufficient in area to warrant persons going there and investing their capital in developing the coal mining industries of Alaska. It has been necessary to extend that so as to get transportation facilities.

The Interior Department and those who investigated the matter agree on the limitation of 2,560 acres, which I repeat again is necessarily arbitrary. Many areas of coal lands in Alaska, as in every part of the United States, are more valuable and produce more than other coal lands, but you have to fix some limitation, or at least we thought some limitation ought to be fixed, and we thought that a limitation of 2,560 acres was about the best that could be determined.

Mr. SIMS. Are they vertical or lateral veins?

Mr. ROBINSON. All sorts.

Mr. WILSON of Pennsylvania. Does the gentleman not think we ought to have some information as to the value of those lands before we determine the limit?

Mr. ROBINSON. I will state to the gentleman that that is a new country. Men who go there and take their picks on their shoulders and go into that wild country take the chances that all explorers take, and you can not get that information until somebody has gone there and started to develop.

Mr. HUMPHREY of Washington. And surveyed it.

Mr. ROBINSON. Yes. And I will state further, proceeding along that line, that at the last session of Congress I sought to get some legislation looking to the Government going there and making those surveys, but the Government is not doing that and is not proposing to do so, and if the Alaskan coal fields are to be developed, and I think they ought to be developed, we ought to permit explorers to go there and take the chances that explorers have taken always since the beginning. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, from the investigations made in our committee, as I gather it, these are entries which have already been made and have been made for many years. They were made under the coal-land laws, which provide a flat rate of \$10 per acre for the payment for Government coal lands in Alaska. These men went there and entered some 240 or 250 of those 160-acre tracts, and they entered them under the coal laws.

Now, we found out that they can not work these lands prof-



itally unless they are allowed to combine these entries which have already been made, and that is what they are asking for. They do not ask in this bill to be allowed to take any more land or to take in large areas, but they ask to be allowed to combine entries which they have now and to develop their claims and go ahead and develop the country. Now, it may be that a very rich vein of coal in this country could be worked profitably on a far less area than 2,500 acres. I do not gainsay that for a moment; but these men are a long way from their supplies. They have to carry all of their material from Seattle. They have to ship everything there now a long way from railroad transportation. Even after they get their supplies from this country up to Alaska, they have to transport them overland for a long ways; and in order to get railroads into this country it is necessary to show them that the mines are to be opened up, and it is impossible to show that unless you show them that there are enough acres combined to justify people in opening the mines.

That is all that this bill is, as I understand it. It does not ask for any more land, but it asks that these prospectors, who have been hardy enough to go up into this frozen country and make these claims to find out what was there, may get together and combine their entries, so that they can make money out of what they have there; and they have paid their \$10 an acre under the flat rate in Alaska, as I understand it. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I do not care to use any more time.

Mr. MONDELL. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. CUSHMAN].

Mr. CUSHMAN. Mr. Speaker, I do not know that there is anything that I can contribute to this debate in addition to what has been already said on this bill. However, there are one or two points which, if well understood by the House in the beginning, would relieve some of the embarrassment regarding the consideration of this bill. In the first place, this bill does not seek to give to any man any more coal land than he is now entitled to under the law.

Under the present law an individual entryman is entitled to 160 acres, and this bill does not seek to enlarge that amount for any individual entryman whatever. Under this bill the entryman simply gets the same amount in area of coal land to which he is now entitled. However, the situation is that men have found out by actual experience in Alaska that no man can go to work up there with any degree of success or satisfaction and develop a coal mine on 160 acres of land. Now, this bill simply seeks by law to give to sixteen individuals, who hold 160 acres each of coal land, the right to consolidate those sixteen entries into one tract and then secure a patent therefor.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. CUSHMAN. Certainly.

Mr. FITZGERALD. Suppose sixteen other individuals hereafter take claims, why should they be denied the same right to combine in order to compete with these sixteen?

Mr. CUSHMAN. Well, the Secretary of the Interior in making this recommendation limited his recommendation to entries made prior to November 12, 1906. Personally I have no objection to the suggestion made by the gentleman from New York.

Mr. FITZGERALD. This bill would tend to give a monopoly to those who made entries prior to the time limit fixed.

Mr. CUSHMAN. As I understand it, practically all the coal land in Alaska has been located, at least in the fields now known. Men have been up there for many years locating in these coal fields, but they have been unable to successfully develop and operate these coal lands by reason of the tremendous cost and lack of railroad facilities. No man would build a railroad that cost several million dollars that reached only one coal claim of 160 acres. The men who are expected to furnish the railroad transportation to get this coal out desire that the men who hold the coal lands shall develop the coal lands until a sufficient tonnage is in sight to justify the building of a railroad.

Mr. TIRRELL. May I ask the gentleman whether these coal lands are in the interior or on the coast?

Mr. CUSHMAN. The Katalla coal field is about 125 miles from the coast, along the line of the railroad that is expected to be built. The other coal lands, farther north and west, lie farther to the interior and farther from tide water. Mr. Speaker, I suggest we now have a vote. [Cries of "Vote!"]

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The point is well taken. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absentees;

and as many as favor the motion will, as their names are called, answer "yea," and those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 147, nays 38, answered "present" 14, not voting 188, as follows:

## YEAS—147.

Acheson	Denver	Howard	O'Connell
Adair	Dickema	Howland	Olcott
Adamson	Douglas	Hubbard, W. Va.	Padgett
Ashbrook	Edwards, Ky.	Huff	Parsons
Barchfeld	Ellerbe	Hughes, N. J.	Payne
Barclay	Ellis, Mo.	Hull, Tenn.	Pollard
Bartholdt	Englebright	Humphrey, Wash.	Pray
Bartlett, Nev.	Esch	Jones, Wash.	Prince
Beale, Pa.	Fairchild	Kahn	Randell, Tex.
Bede	Fassett	Keifer	Reynolds
Bell, Ga.	Floyd	Kennedy, Iowa	Robinson
Bonyng	Focht	Kennedy, Ohio	Rothermel
Brantley	Foss	Kimball	Rucker
Brodhead	Foster, Ill.	Knapp	Scott
Burleson	Foster, Ind.	Kilstermann	Sherwood
Burton, Del.	Foulkrod	Lafean	Smith, Cal.
Burton, Ohio	French	Laning	Smith, Iowa
Calderhead	Gardner, Mich.	Law	Smith, Mo.
Campbell	Gardner, N. J.	Lindbergh	Southwick
Candler	Garrett	Lloyd	Stafford
Capron	Gilhams	Lowden	Stanley
Chaney	Gillett	McCall	Steenerson
Chapman	Greene	McCreary	Stevens, Minn.
Clark, Mo.	Hackney	McGavin	Sturgiss
Cocks, N. Y.	Hale	McKinlay, Cal.	Taylor, Ohio
Cook, Colo.	Hall	McKinney	Thistlewood
Cooper, Pa.	Hamill	McLachlan, Cal.	Tirrell
Coudrey	Hamilton, Iowa	Macon	Underwood
Craig	Hamilton, Mich.	Madison	Volstead
Crumpacker	Haugen	Miller	Waldo
Currier	Hawley	Mondell	Wanger
Cushman	Hay	Moon, Tenn.	Washburn
Dalzell	Hayes	Moore, Pa.	Weems
Davenport	Henry, Tex.	Needham	Williams
Davidson	Hinshaw	Nicholls	Wood
Dawson	Hobson	Norris	Young
Denby	Houston	Nye	

## NAYS—38.

Alexander, Mo.	Finley	Helm	Sparkman
Beall, Tex.	Fitzgerald	James, Oille M.	Spight
Booher	Garner	Johnson, Ky.	Thomas, N. C.
Boutell	Gillespie	Jones, Va.	Tou Velle
Bowers	Gordon	Kelber	Watkins
Caulfield	Granger	Moore, Tex.	Webb
Clayton	Gregg	Olmsted	Wilson, Ill.
Cooper, Tex.	Hamlin	Page	Wilson, Pa.
Cox, Ind.	Harrison	Rainey	
Darragh	Healin	Sherley	

## ANSWERED "PRESENT"—14.

Cary	Goulden	Pou	Sheppard
Cooper, Wis.	Haggott	Rauch	Slayden
De Armond	Humphreys, Miss.	Riordan	
Dixon	Mann	Russell, Mo.	

## NOT VOTING—188.

Aiken	Ellis, Oreg.	Kitchin, Wm. W.	Patterson
Alexander, N. Y.	Favrot	Knopf	Pearre
Allen	Ferris	Knowland	Perkins
Ames	Flood	Lamar, Fla.	Peters
Andrus	Fordney	Lamar, Mo.	Porter
Ansberry	Fornes	Lamb	Powers
Anthony	Foster, Vt.	Landis	Pratt
Bannon	Fowler	Langley	Pujo
Bartlett, Ga.	Fuller	Lassiter	Ransdell, La.
Bates	Fulton	Lawrence	Reeder
Bennet, N. Y.	Gaines, Tenn.	Leake	Reid
Bennett, Ky.	Gaines, W. Va.	Lee	Rhinock
Bingham	Gardner, Mass.	Legare	Richardson
Birdsall	Gill	Lenahan	Roberts
Boyd	Glass	Lever	Rodenberg
Bradley	Godwin	Lewis	Russell, Tex.
Broussard	Goebel	Lilley	Ryan
Brownlow	Goldfogle	Lindsay	Sabath
Brumm	Graft	Littlefield	Saunders
Brundidge	Graham	Livingston	Shackleford
Burgess	Griggs	Longworth	Sherman
Burke	Gronna	Lorimer	Sims
Burleigh	Hackett	Loud	Slemp
Burnett	Hammond	Loudenslager	Small
Butler	Harding	Loving	Smith, Mich.
Byrd	Hardwick	McBermott	Smith, Tex.
Caldwell	Hardy	McGuire	Snapp
Carlisle	Haskins	McHenry	Sperry
Carlin	Henry, Conn.	McKinley, Ill.	Stephens, Tex.
Carter	Hepburn	McLain	Sterling
Clark, Fla.	Higgins	McLaughlin, Mich.	Sullivan
Cockran	Hill, Conn.	McMillan	Sulzer
Cole	Hill, Miss.	McMorran	Talbot
Conner	Hitchcock	Madden	Tawney
Cook, Pa.	Holliday	Malby	Taylor, Ala.
Cousins	Howell, N. J.	Marshall	Thomas, Ohio
Cravens	Howell, Utah	Maynard	Townsend
Crawford	Hubbard, Iowa	Moon, Pa.	Vreeland
Davey, La.	Hughes, W. Va.	Morse	Wallace
Davis, Minn.	Hull, Iowa	Mouser	Watson
Dawes	Jackson	Mudd	Weeks
Draper	James, Addison D.	Murdoch	Weisse
Driscoll	Jenkins	Murphy	Wheeler
Dunwell	Johnson, S. C.	Nelson	Wiley
Durey	Kinkaid	Overstreet	Willett
Dwight	Kipp	Parker, N. J.	Wolf
Edwards, Ga.	Kitchin, Claude	Parker, S. Dak.	Woodyard

The Clerk announced the following additional pairs:

For the balance of the session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. FOSTER of Vermont with Mr. POW.

Mr. GRAHAM with Mr. BURGESS.

Mr. STEVENS of Minnesota with Mr. LLOYD.

Mr. LOVERING with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. LAMB.

Mr. WHEELER with Mr. RICHARDSON.

Mr. NELSON with Mr. ROTHERMEL.

Mr. CARY with Mr. RUSSELL of Texas.

Mr. TAWNEY with Mr. SABATH.

Mr. MCKINLEY of Illinois with Mr. MURPHY.

Mr. HEPBURN with Mr. LINDSAY.

Mr. BURLEIGH with Mr. DE ARMOND.

Mr. ANDRUS with Mr. BURNETT.

Mr. ALEXANDER of New York with Mr. AIKEN.

For the balance of the day:

Mr. DRISCOLL with Mr. HARDY.

The SPEAKER pro tempore (Mr. HAUGEN in the chair). On this vote the yeas are 147, nays 38, answering "present" 14—a quorum. The Doorkeeper will open the doors. The yeas have it, and the bill is passed.

#### REARRANGEMENT OF SEATS IN HOUSE.

Mr. McCALL. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### House resolution 419.

*Resolved*, That the Superintendent of the United States Capitol Building and Grounds is hereby directed to rearrange in a temporary way before the reassembling of the Congress in December, 1908, under the supervision and direction of the Speaker, the Hall of the House of Representatives and the seating arrangements therein, to conform to the purposes of the plans submitted to the Fifty-fifth Congress, third session, House Report No. 2206, and the expenses of such rearrangement are hereby authorized to be paid out of the contingent fund of the House.

Mr. THOMAS of North Carolina. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from North Carolina demands a second. The gentleman from Massachusetts [Mr. McCALL] is entitled to twenty minutes and the gentleman from North Carolina [Mr. THOMAS] to twenty minutes.

Mr. THOMAS of North Carolina. I wanted to know if I could not arrange with the gentleman from Massachusetts to let this matter go over until to-morrow morning. It is very important.

Mr. McCALL. I would be delighted to have it go over until to-morrow, but I would say to the gentleman that I have been endeavoring for a week to bring this up, and at this stage of the session we have got to give way to conference reports. I should be glad to have it voted on to-morrow.

Mr. OLMSTED. Mr. Speaker, the regular order.

Mr. McCALL. Mr. Speaker, this resolution was, as I supposed, reported unanimously by the Committee on the Library, but the gentleman from North Carolina, who has just demanded a second, was not present at our meeting; so that I would say that it was reported by a unanimous vote of the members present, all being present except one member. It is a matter in which many of the Members of the House of Representatives have taken a great interest. It was a favorite plan of one who was a very great figure in the history of this House—Speaker Reed. The gentleman from Indiana [Mr. CRUMPACKER] has in a previous Congress introduced a resolution of similar purport to this one; the gentleman from Illinois [Mr. BOUTELL] proposed to present this very proposition at the present session, but was unable to do so because of his work upon a special investigating committee of the House; and the gentleman from Texas [Mr. BURLESON] has taken a great interest in the matter and has really prepared the resolution which is now pending.

I might mention other Members, but I shall not take the time. The resolution has for its purpose making the Chamber of the House of Representatives suitable for a deliberative body. It is only necessary to say that the extreme dimensions of this House are 139 feet over the galleries by 93 feet, containing an area of nearly 13,000 square feet, by all odds the largest legislative hall existing anywhere in the world—three times as large as the House of Commons in England, with its 673 members; more than twice as large as the Chamber of Deputies of the French Republic, with its 558 members.

Now, it is proposed to put a partition across just this side the door upon the side leading to the cloakrooms and at the corresponding door on the other side. That will leave this Chamber very much larger than that of the House of Com-

mons in Great Britain and larger than the hall of the Chamber of Deputies in France.

Desks were put in the House originally because of the necessity that Members were under of conducting their correspondence while they were in attendance upon the House. By a very close vote, in 1859, those desks were ordered removed; and then, by a very close vote, the size of the Hall not having been changed, they were at the session next following again restored. Mr. Asher Hinds, in the forthcoming edition of his book on Parliamentary Precedents, says that the reason given for the restoration of the desks really was the strongest reason for their abolition, and that was that the Members could frank their documents and write their letters while in attendance upon the House. That was an excuse of some validity at that time, when they had no private secretaries and were compelled to do a great amount of clerical work themselves, and when they had no rooms in close proximity to the House where they might conduct their correspondence.

To-day, Mr. Speaker, we have our private secretaries, and each Member has, very near to the House, an office where his files and his letters are kept, a place to do his correspondence, and there is no reason and no excuse why a Member whose duty it is to pay attention to public business should be engaged in his correspondence in the Hall of the House. Times and conditions have radically changed since that close action of the House was taken to which I have referred.

Now, Mr. Speaker, there are gentlemen who have voices sonorous enough to fill this Hall if the House is quiet; but the normal condition is one of confusion, and then there is nobody whose voice can entirely fill the Hall. We have often had the experience of taking people to the galleries, possibly constituents of ours, possibly people from other countries, who are studying the workings of American institutions and who are ready to look sympathetically upon the workings of the great representative body of the American people; and it is almost the invariable rule that they look down upon a scene of noise and confusion and are able to hear nothing that is going on. They look down upon a scene similar to that which the imagination of Milton pictured in another assembly, very different, where the noise was so great that it "frightened the reign of Chaos and Old Night." [Laughter.]

It is unnecessary to argue that we can not deliberate under such conditions as these. Nature aims to distribute her gifts. Sometimes, it is true, she gives to one man a fine brain and a powerful voice, but that is the exception. More often she unites a fine intellect with a slender voice, and she gives a powerful voice to a man to whom she is somewhat parsimonious in the matter of brains. [Laughter.]

And so it happens oftentimes that we can not hear the man whom we desire to hear, while the man whom we do not desire to hear, whose observations would give us about as much pleasure as a severe attack of the toothache, we are compelled to listen to, or else fly from the Hall.

Mr. CRUMPACKER. Will the gentleman yield to a question?

Mr. McCALL. Certainly.

Mr. CRUMPACKER. Will the gentleman inform the House about what will be the cost of making the change?

Mr. McCALL. I wish the gentleman would bring my attention to that a little later. Upon the line on which I was speaking, I intended to cite the case of Governor Dingley, of Maine, with whom many Members now present served, a man of most extraordinary talent, but he had a delicate voice, and it was impossible to hear him unless you were somewhat close to him; and I doubt if in all the service of the gentleman from Maine in this House he was ever heard in the galleries.

Mr. PAYNE. Does the gentleman mean to say that Governor Dingley was not heard whenever he made a speech here?

Mr. McCALL. I say Governor Dingley's voice was not able to fill the entire Hall.

Mr. PAYNE. The gentleman's recollection is different from mine.

Mr. OLMSTED. Governor Dingley was heard over the whole country.

Mr. McCALL. I will cite the case of the gentleman from Indiana, Mr. Holman, and I would like the attention of the gentleman from New York [Mr. PAYNE] to this also. The gentleman from Indiana, Mr. Holman, was chairman of the Committee on Appropriations, and Mr. Reed said of him that he was a man of marvelous information, and yet it was impossible to hear the gentleman unless we crowded about him. That is a statement that I make upon the authority of Mr. Reed, and it was made to this House by Mr. Moody, then a Member of the House, who is now a justice of the Supreme Court.

Mr. MANN. Before the gentleman takes his seat—



Mr. McCALL. First, I should like to know how much time I have occupied.

The SPEAKER pro tempore. Nine minutes.

Mr. McCALL. I can only yield a moment, because I must give way to other gentlemen.

Mr. MANN. I want to get information.

Mr. McCALL. Certainly; I will give any I have.

Mr. MANN. Is the size of the room to be decreased?

Mr. McCALL. Mr. Speaker, I should say that the size of the room is to be much decreased. I wish to say further that this change is only proposed, by the resolution, to be a temporary change. The architect says that he can easily make it at a comparatively small expense, and it is designed to have it for the use of the House at its next session. Then, if the House does not like the experiment, the old Hall will not be injured—we can restore it again—while, if the House does like the experiment, there will be an opportunity for the architect to struggle with a question which is vital to the health of the individual Members, and that is to see if he can not give this Hall somewhere a frontage upon the outer air.

Mr. MANN. The gentleman says the size of the room is to be decreased. Is the size of the upper part of the room to be decreased?

Mr. McCALL. The size of the room is to be decreased right through, but not the ceiling.

Mr. MANN. What I want to know is, are the galleries to be decreased?

Mr. McCALL. Undoubtedly, the size of the galleries upon the sides would be smaller than now. Mr. Speaker, as there is great interest in this matter I should like to ask unanimous consent that we may have more time for discussion, fifteen minutes more on a side.

Mr. PAYNE. I will not object to that, Mr. Speaker, if a part of that time can be controlled by those on this side who are opposed to the proposition.

Mr. McCALL. This is not coming out of my time—

Mr. CLARK of Missouri. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded.

Mr. McCALL. Now, Mr. Speaker—

Mr. CLARK of Missouri. I did not mean to shut off the request of the gentleman from Massachusetts. Although I do not believe much debate will do any good on the subject, I am perfectly willing to have the fifteen-minute extension on each side, but I want the Members to sit down and listen. I was referring to the confusion.

Mr. McCALL. Will the Chair put the request to the House?

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the time for debate be extended fifteen minutes on a side.

Mr. HENRY of Texas. Coupled with that request, I should like to ask unanimous consent that this matter go over until 11 o'clock to-morrow, in order that all the Members can be heard on both sides.

Mr. NEEDHAM. I object.

Mr. HENRY of Texas. Mr. Speaker, then I ask unanimous consent—

Mr. McCALL. Mr. Speaker, I should be glad if the vote could be taken to-morrow.

Mr. OLMSTED. I would like to amend that request by making it the first Thursday in December next.

Mr. HENRY of Texas. Mr. Speaker, I can not accept that. I am willing to settle it to-morrow, but I do think that we ought to have a full membership present.

Mr. OLMSTED. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the time for debate be extended fifteen minutes on a side. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL. How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. Ten minutes.

Mr. McCALL. I will now reply to the question of the gentleman from Indiana [Mr. CRUMPACKER].

Mr. MANN. Before the gentleman does that, if he will tell the House what the proposition is, as to how it is to be divided, I think he would add a great deal of enlightenment.

Mr. McCALL. I will say to the gentleman from Illinois that the proposition is to put a partition across on this side of the first door that leads to the cloakroom near each end of the Hall.

Mr. MANN. How high up is that partition to go?

Mr. McCALL. Up to the level of the gallery.

Mr. PAYNE. And then there is to be another partition above the galleries?

Mr. McCALL. When you get to the proper width of galleries there will be an additional partition to the ceiling, so the Hall will be symmetrical with the floor space to the extent I have given and the galleries of the same width they are now, encircling the Hall.

Mr. MANN. That would narrow the ceiling of the room.

Mr. McCALL. That would narrow the ceiling, but still the ceiling would not be out of proportion in height to the Hall of the House. The House of Commons and the House of Lords, both very beautiful chambers in appearance, with much smaller areas, are higher than the Hall of the House. By the way, I would say that this rearrangement of rooms would leave a lobby upon each side of the House 80 by 40 feet, which would go clear up to the roof, which would be of great use to Members.

Mr. MANN. Do I understand from the gentleman that the present galleries would be floored over and that there would be a partition on this side where the outer wall now is?

Mr. McCALL. The proposition is that it will not be floored over. I do not know just what the plan would be in the temporary arrangement, but in the permanent arrangement the partitions would come at the point I have indicated, and the galleries then would extend about 12 feet beyond that, and then beyond that it would be walled up, and there would be a high room going clear to the ceiling, 80 by 40, on each side of the House.

Mr. MANN. That would shut off the ventilation up above almost entirely.

Mr. McCALL. The architect assures me that the ventilation would be as good as it is now.

Mr. MANN. Every architect always assures that in respect to ventilation.

Mr. McCALL. Well, it could not be worse.

Mr. MANN. Oh, yes; it has been worse.

Mr. McCALL. If we contemplated a permanent change, then we could easily go to the outer air.

Now, with reference to the cost of this work, it can be done, Mr. Woods thinks, for \$25,000 or \$30,000, and done in very good shape. As that is only the cost of running the House for perhaps two days, while the Speaker wastes at least seven days in every session rapping for order. The expense would be comparatively nothing. The American people would gain it many-fold over in the increase of the efficiency of the House of Representatives. It is useless for us to delude ourselves. People who come to Washington and want to hear debate go to the Senate, not because the Senate is made up of abler men, but they look down here upon a chronic scene of chaos and confusion, and they do not carry home from the inspection a very exalted opinion of the American House of Representatives.

Mr. CUSHMAN. Mr. Speaker, it is my understanding that this new arrangement proposes to take out the desks and thereby lessen the confusion. Now, my experience for nine years here has taught me that it is not the desks that create the confusion. I never saw a more orderly and quiet set of desks in my life [laughter]; the behavior of the furniture is ideal; it is the Members that create the confusion and not the desks.

Mr. McCALL. Yes; but the desks have operated as a temptation to Members to indulge in work that is not work of deliberation, and therefore I would say to the gentleman that the desks are of no use here whatever but an injury. There is no reason why the Members should have the desks when they are attending the sessions of the House.

I would say furthermore upon that point that the inability to hear in this great Hall leads Members to talk with each other and use their desks rather than to gaze idly upon a scene of confusion when they can hear nothing.

Mr. PAYNE. Does the gentleman mean to say that each Member of the House can carry in his mind information on the various subjects that are likely to come up without having memoranda in his desk, documents, and so forth, which he can take up and refresh his memory when the matter comes up?

Mr. McCALL. I think my friend from New York will be able to supply himself with memoranda from the committee room to meet any question that might come before the House.

Mr. PAYNE. Would the gentleman have a Member go to his committee room to get memoranda on every subject coming up before the House?

Mr. McCALL. I do not understand that Members carry full information in their desks—

Mr. PAYNE. A great many of them do.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman—

Mr. McCALL. I yield to the gentleman from Wisconsin.

Mr. CLARK of Missouri. Mr. Speaker, may we have order? We would like to hear what the gentleman is saying.

Mr. McCALL. That is an illustration of what we have a

hundred times in the course of a session, and every Member knows it. [Applause.] You gentlemen with a beautiful voice like my friend from Washington [Mr. CUSHMAN], who could be heard in a hall much larger than this, ought to be generous to those whom nature has not so royally endowed.

Mr. MURDOCK. May I ask the gentleman a question: Is each person under your plan to have an individual seat, or have all seats common?

Mr. McCALL. It is the purpose under this plan to have the change made under the direction of the Speaker. I have refrained from going too closely into details, because some gentlemen were favoring one plan and some another, and there might be danger that we would try none if the resolution dealt too much with details; but there could be either individual chairs provided or benches with divisions in them for each Member and a wide arm upon which he might take notes, with a pocket in the back of the bench in front of him, where, for instance, the gentleman from New York might put his papers.

Mr. MURDOCK. Do you preserve a dividing center aisle?

Mr. McCALL. Yes; we have a large open division there and a desk or table at which the members of the committee who are in charge of the business at the time before the House will have their places, both the majority and minority. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has eighteen minutes remaining.

Mr. McCALL. I reserve the balance of my time.

Mr. THOMAS of North Carolina. Mr. Speaker, this resolution proposes not only to remodel this splendid Hall of the House of Representatives of the people of the United States, but also to take out the desks, which have been used in the Hall, except for a brief period, from time immemorial, and to put benches in the place of the desks, similar to the British House of Commons. Mr. Speaker, this resolution is final and sweeping. It proposes that under the supervision and direction of the Speaker of the House, the Superintendent of the Capitol Building shall rearrange the Hall of the House and seating arrangements, that the desks shall be removed, and benches shall be put in before Congress reassembles, so that if the Members of the House vote this resolution through to-night this change will be made during the recess. Mr. Speaker, I am a member of the Committee on Library which reported this resolution, but I was not present when the resolution was considered and reported, on account of illness and death in my family, hence I did not vote in the committee for this resolution, nor did I agree to the report. I have not filed any minority report, because I hardly thought the matter would be pressed at this time. I regret to differ with my colleagues on the committee, but I can not now assent, and never have been able to give my assent, to the proposition contained in the resolution. I have had no full opportunity, Mr. Speaker, in the press of other matters during the last few weeks to examine carefully all the arguments pro and con, but I have always been opposed to converting this Hall into practically a British House of Commons. We have not only the greatest legislative body in the world in its personnel, in its ability, in the integrity of its membership, but also one of the best and most imposing Halls in which any parliamentary body in the world holds its sessions. [Applause.] To say the least, Mr. Speaker, and with all due respect to any gentleman who may differ with me, and speaking in a conservative way, the change proposed is a dangerous experiment and likely to prove unsatisfactory.

The resolution is mandatory. If you vote it through to-night or in the morning, this resolution changes the desks and puts benches in their place before the second session of this Congress. The plan proposed for remodeling the Hall and change in seating arrangement according to the resolution is in accordance with a report made by the Hon. Joel Heatwole in the Fifty-fifth Congress, which I have before me. I have here the plan for benches in place of desks proposed in that report, which, I take it, is similar to the map placed in front of the Speaker's desk. The Heatwole plan adopted by the committee proposes benches upon either side of the Hall in the place of desks.

Now, Mr. Speaker, the report declares the ground for the proposed change is to make the House more suitable for the transaction of business. The House tried the benches once, and the plan was unsatisfactory and very soon was abandoned. It appears in the report of the Library Committee that in 1859 the House, by a close vote, directed that the desks be removed and benches substituted for them; but in February, 1860, almost immediately afterwards, the desks were restored. It is true, Mr. Speaker, the dimensions of the Hall were not changed then, but we do not want to change the dimensions.

We want the Hall of the House, not for the people who go to the galleries, but we want it for the membership of the House, and for myself I prefer the Hall of the House of Representatives as it has always existed and as modeled by those who built the Capitol in preference to a hall which is modeled after the British system.

It is said we need a more deliberative body and one less noisy, in which Members can be heard. Mr. Speaker, if a Member has anything to say and knows how to say it, he has never had any difficulty in making himself heard in this Hall. Many a time, when important debates have been before the House, the silence has been so intense here that you could hear a pin drop almost, and no Member had any difficulty in being heard. Take out the desks and with the Office Building, Mr. Speaker, the attendance will be still less than it is now.

The desks are needed, in my opinion, for the convenience of the Members, not to write letters upon and to frank documents, but for convenience and to hold many valuable documents and data to be used in the debates which often unexpectedly arise. I believe to take the desks out would rather destroy than promote interest in debates. Now, what is it proposed to substitute? Benches, with individual chairs. The gentleman from Massachusetts [Mr. McCALL] says—he does not go into details—there would possibly be an arm on each chair, like the chairs I suppose we had in our school and college days, on which to take notes. The proposed rearrangement, Mr. Speaker, is said to be temporary only, but these benches, with individual chairs, or without chairs, are to be put in the Hall before December 1, which runs the date up to the beginning of the second session of this Congress. And the change once made, it would be difficult to replace the desks. Mr. Speaker, with all due respect to the gentlemen upon the Committee on the Library—I have the highest respect for all of them—personally I can not bring myself to support this resolution. I prefer the Hall of the American House of Representatives as it now exists. [Applause.]

Mr. Speaker, that is all I care to say now. How much time have I used?

The SPEAKER pro tempore. Seven minutes.

Mr. THOMAS of North Carolina. I now yield to the gentleman from Texas [Mr. HENRY], unless the gentleman from Massachusetts [Mr. McCALL] wishes to yield to some one upon that side.

Mr. McCALL. I think the gentleman had better consume some more of his time.

Mr. THOMAS of North Carolina. I then yield five minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, a service of more than ten years as a Representative has convinced me that there should be some radical changes in the arrangement of this Hall. What we need more than anything else is to arrange it so that it will be healthful, so that it will be wholesome and comfortable. To make the changes proposed in the resolution and report from the Library Committee would not add to our comfort. Gentlemen in their report speak of reason and thought being impaired by vehemence of voice, necessary here in order to be heard. The trouble is that the architect who planned this structure provided for a hall within a hall. What really should be done is this: Tear out that partition immediately behind the Speaker and the one beyond it and give the Members ventilation from the outside. Let the open air of heaven sweep in upon us and give us life and vigor to sustain us through the day. [Applause.]

As it is arranged now, Mr. Speaker, at the end of the day's work we are exhausted. If you are going to make this change, change it so as to make it comfortable and wholesome for Members, no matter if it costs \$100,000 or \$200,000, or whatever the cost may be. And if we can not properly arrange this Hall, let us construct one above this; add another story if necessary.

But all this is aside from the main proposition. Mr. Speaker, I served in Congress when Mr. Reed was Speaker of the House of Representatives. I remember that whenever he sought to maintain order we always had good order. And I say this without meaning to reflect upon the present Speaker. Order can be maintained by him. When a Member has anything to say that is of great value, my experience is that the House and the galleries are anxious and willing to listen to him.

Whoever heard the gentleman from Massachusetts [Mr. McCALL] address this body on a great occasion when he did not have the complete attention of the House of Representatives? Reference has been made to Mr. Dingley, the chairman of the Ways and Means Committee. I had the honor of serving in this House with him, and say to the present membership that whenever he arose in his place on that side he was listened to by both sides and had the very best attention from every Mem-



ber on the floor. [Applause.] Mr. Speaker, whenever any Member desires to be heard, as a rule, if order is invoked, this House listens to him. Only the other day I was almost at the Senate Chamber and heard some gentleman like my friend from North Carolina [Mr. THOMAS] addressing the House, and could hear every word he uttered. The doors were thrown wide open in that direction. [Laughter.] The trouble is not the desks.

Mr. HAMILTON of Michigan. It must have been Mr. CLAYTON.

Mr. HENRY of Texas. It might have been my friend Mr. CLAYTON, and I am sure we could hear him much farther, and he would be talking sense all the time. The House listens to the gentleman from Alabama as it does to many other Members. There are a number of points to which I would like to revert. However, time forbids.

The gentleman talked about the British Parliament doing its work better than the American House of Representatives. Why, Mr. Speaker, I say that our—

Mr. McCALL. Will the gentleman permit me to ask him a question?

Mr. HENRY of Texas. Certainly.

Mr. McCALL. May I ask who made the observation that the gentleman has just referred to?

Mr. HENRY of Texas. I understood the gentleman from Massachusetts [Mr. McCALL] to make it.

Mr. McCALL. I made no such statement.

A MEMBER. It is the plan he spoke of.

Mr. HENRY of Texas. But whether he said it or not, with the splendid working committees and our work being done there, I say that the statutes and the public enactments of the American Congress are not only equal to those of the House of Commons of Great Britain, but they are superior to those of any other legislative body on the earth. [Applause.]

Now, Mr. Speaker, the gentleman speaks of confusion on this floor, and the galleries looking down and having a mean and small opinion of the membership. If you arrange the House as he proposes, you do not lessen the real size of the Chamber, and the confusion would be the same. I fail to see where we make any substantial progress in obliterating confusion by that sort of change. My vote shall be against this new plan, and I shall never be content until the House is so constructed by tearing out the partitions to the south and east of me as to give us thorough outside ventilation, giving us God's pure air and bright sunshine. [Applause.]

Mr. THOMAS of North Carolina. I yield five minutes to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, this is no new proposition. It has been suggested times without number, but I never could bring myself to approve of it in any way. [Applause.] It is no argument to compare the British House of Commons and their house with the Representatives of the United States and their Hall. In the British House of Commons forty constitute a quorum, and they do not often have any more than that number present. Of course a well with benches will accommodate them. Whenever they have an important vote and every member is whipped in, there are not seats enough, even with the gallery and all, to accommodate the members.

Now, Mr. Speaker, this House is a box within a box. The outside walls constitute one box, and this Hall is one within. This proposition is to have a third box inside of the two boxes. I remember the gentleman from Tennessee [Mr. GAINES] made one of the best suggestions the other night I ever heard him make, and that was that the doors of the galleries be opened so that we might have a little fresh air; and every gentleman in this House will remember that in five minutes there seemed to be a change in this Hall and we could breathe.

Now, if the proposition was to run a partition right through the center of this Hall and then clean out the other part of this inside box and run the galleries out to the outside walls, so that we could have windows open to the fresh air, and thus give us a chance to breathe, I would favor it in preference to this proposed plan.

Now, as to this talk about the desks being used by Members for distributing documents and writing letters. A Member scarcely ever writes a letter and never distributes documents from his desk, and there is a very important reason why the desks should be retained here. Every gentleman has to have certain information at his hand. He does not know when a bill is coming up, and he wants this data in his desk. I know some gentleman can carry it in their minds, but some of us have got to have the information where we can put our hands on it at the time we need it, in order to give the House the benefit of any knowledge we have acquired on the subject we are discussing. Without an opportunity to file our papers where

they would be available, the House would very often lose a great deal of valuable information upon the subject coming before it.

Seriously, we need the desks. Every Member needs his desk. I do not think this is a step in the direction of improvement. I think it is a step backward. If, instead of a box inside of a box, we could have an extension, with the galleries extending to the outer walls, and doors open and windows open so that we could get the fresh air we so much need, every one of us would not go away from here at 5 o'clock in the evening feeling depressed and tired out from sitting in this Hall and breathing this air; then when we have been out of the room a few minutes we are invigorated, because we have had a chance to breathe the fresh air. Do not make it any worse in that respect than it is now. [Applause.]

Mr. THOMAS of North Carolina. Will the gentleman from Massachusetts use some of his time now?

Mr. McCALL. I think I have used more time than the gentleman.

Mr. THOMAS of North Carolina. I yield to the gentleman from Pennsylvania [Mr. OLMSTED] five minutes. [Applause.]

Mr. OLMSTED. Mr. Speaker, the events of the last fifteen minutes have indicated what all of us have long observed, that whenever any gentleman has had occasion to address this House upon any subject in which the House is at all interested he has had no difficulty in obtaining a hearing. [Applause.] Once or twice there have been calls for order, because several gentlemen interested in this matter have been striving at the same time to ask questions of the one having the floor.

Now, unfortunately, the Constitution of the United States requires that it shall take a majority of the whole number of Members elected to this House to constitute a quorum to do business. At present it takes something over 190. Until that Constitution is amended so that we can have a quorum of 40 or 50 who may transact business, it is not, in my judgment, at all a good thing to attempt to imitate the arrangement of seats in the hall of the House of Commons in England. Why, here are 190-odd Members sitting now, as the gentleman from New York [Mr. PAYNE] has said, in a box within a box, complaining of the ventilation. Now, it is proposed to crowd us into a box within this inner box, having about half the space, with about half the air, and, of course, double the trouble about ventilation.

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield for a question?

Mr. OLMSTED. Certainly.

Mr. WILLIAMS. Does not the gentleman think perhaps the wisest thing we could do, instead of having a box within a box here, would be to move the hall of the House of Representatives into the southeast corner of this wing of the Capitol, so that we could have windows opening to the open air on the south and on the east both, and then Members would stay here, because they could do so without having their lungs injured?

Mr. OLMSTED. I think it would be far preferable. But, Mr. Speaker, if you are going to crowd us together, conditions will be worse than they now are. We have been sitting here now continuously for eight hours and four minutes. You could not keep 190 men sitting here on benches eight hours and four minutes, even if you had 40 sergeants-at-arms.

Gentlemen say the desks are no longer of any use. I should like to ask you, What would you do with the CONGRESSIONAL RECORD of our proceedings, that gentlemen wish to refer to every few minutes? And what would you do with your Manual that must be consulted whenever a point of order is raised, and the Congressional Directory? Look at the documents on the desks all about you. Look at the 150 pairs of arms on the desks. Even the gentleman from Massachusetts himself is resting his arm upon the desk. We could not sit here eight hours bolt upright on a bench.

Mr. OLLIE M. JAMES. And how would Members draw amendments if they had no place to write?

Mr. OLMSTED. How would you draw amendments?

Mr. CLARK of Missouri. I want to ask the gentleman from Pennsylvania a question.

Mr. OLMSTED. Certainly.

Mr. CLARK of Missouri. Of course we are all interested in getting the thing straightened out. Don't you think it would add very much to the order of this House if we should have what I understand the French have in their Chamber of Deputies—a raised desk, or tribune, in front of the Speaker's desk, where every man who wanted to make a speech should go and get up there?

Mr. OLMSTED. Suppose a gentleman wanted to interrogate me, as you do now, would he want to go and get up there to do it?

Mr. CLARK of Missouri. No; and that is not making a speech. I referred to making a speech.

Mr. OLMSTED. In the five-minute debate, where the most important business is discussed, would a man want to get up there for five minutes?

Mr. CLARK of Missouri. Let him get up. What's the difference if he does get up?

Mr. OLMSTED. Most of us are more modest than the gentleman from Missouri.

Mr. CLARK of Missouri. It does not hurt him to be looked at. If the gentleman will permit me to interlard a remark: I have experimented in making speeches here, and by long and short the best place to make a long speech is in that semicircle in front of the Speaker's desk.

Mr. OLMSTED. That is true as to long speeches, but gentlemen would not go down there to make the ordinary five-minute speech.

Mr. CLARK of Missouri. Oh, no.

Mr. OLMSTED. And it is under the five-minute rule that very important debates occur. Let me suggest also that under our present rules any Member who desires may address the House from the semicircle or from the Clerk's desk. The great trouble is in the acoustic properties of the Hall. If a man sits over there at the side, on the Cherokee strip, he can not be heard whether in a chair or on a bench. If he sits in here and the House wants to hear him, he will be heard, and there will be no trouble about it at all.

Mr. Speaker, I can not agree with this report upon which this resolution is based in all that it says. For instance, it says that this is "the most disorderly and noisiest legislative body in the world." I have read something about the proceeding in other parliamentary bodies in other countries which, if the newspaper reports are correct, are far more disorderly than this.

Now, the disorder comes not from the desks, but from the fact that there are so many of us required to be here to do business, and sometimes from the fact that somebody wants to talk, and does talk in a loud voice, making a speech in which speech we have no interest and are not expected to have, as it is purely for home consumption. You can not pass an act of Congress which will make 190 people sit still and listen to a speech that they do not care to hear. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. McCALL. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Speaker, it seems to me we ought to try to understand as nearly as possible the plan proposed. The present length of this Hall is 139 feet over the galleries, and it is 93 feet wide over the galleries. The floor space is 113 feet long by 70 feet wide. The proposition is to shorten that space; that is, to draw in the length of the Hall, east and west, and bring the galleries forward accordingly. The floor plan, as I understand the plan, would practically be to have a space some 15 by 40 feet long in front of the Speaker's desk, which would remain as it now is. A long table would be in this open space.

The seats would rise as they recede on each side. Aisles would open from this space between the seats. Some gentleman behind me asks what the table would be for. Suppose the Committee on Ways and Means or the Committee on Appropriations, or any other committee, should have consideration of some bill. The majority would arrange itself on one side of that table and the minority on the other. Suppose a gentleman under general debate desired to make a set speech. It would seem to me preferable, and more convenient than the present arrangement, for that gentleman to step back to the end of this long table, facing the Speaker, having the House on his right-hand, and on his left, and address the House from that place. If he wanted to refer to papers, he could have them on the table before him.

Mr. CLARK of Missouri. That would leave him absolutely with nobody in front of him, would it not?

Mr. HAMILTON of Michigan. No; that would leave him with the table in front of him. [Laughter.]

Mr. CLARK of Missouri. What does he want with a table in front of him?

Mr. HAMILTON of Michigan. And all the membership of the House on the right and the left hand of him, unless there should be an arrangement for Members behind him, and in that case it would be as easy for him to turn around and face the few who may be behind him as it is now for a gentleman addressing the House to turn around and address a large section of the House behind him.

Mr. CLARK of Missouri. If he would stand down there in that semicircle where he ought to be, he would have the whole House in front of him.

Mr. HAMILTON of Michigan. But a great many Members do not care to do that in making a speech.

Mr. OLMSTED. You could do that without changing the arrangement of the Hall.

Mr. HAMILTON of Michigan. It strikes me that as far as order is concerned, that would guarantee much better order than at present. It is useless to try to hypnotize ourselves into the idea that we have good order here. We constantly have illustrations of disorder. The man has to have leather lungs—harveyized lungs—in order to make himself heard here, and ordinarily he gets a hearing from only a small section of this House. Gentlemen know that. Gentlemen who want to hear what is taking place on the floor day after day come in here and have to gather down in little groups to ascertain what gentlemen are saying, even though the gentlemen speaking may be endowed with strong lungs.

We all know that. Why pretend we do not know it? We do not hear each other. The men who can be heard on the floor of this House are few and exceptional, and the ordinary man has to make so much exertion in making himself heard on the floor of this House that it frequently subtracts somewhat from his mental product. In the disturbance that frequently prevails here Members who try to make themselves heard are a good deal like the steamboat down on the Illinois River described by Lincoln. He said that steamboat had a 6-foot boiler and a 6-foot whistle and every time the whistle blew the boat had to stop. I agree with the gentleman from Texas that the light is bad. I maintain that some people have had their eyesight impaired by service on the floor of this House.

I agree that the ventilation of this House is about as bad as it could be, but the ventilation could certainly be made no worse by the plan proposed here and the lighting might be better. Certainly it would introduce a new era so far as deliberation is concerned and give an opportunity to Members to know what is going on. The gentleman says that certain Members can be heard here. That is true. He says that some men, when they have a speech to deliver, can get a hearing. Occasionally that is so. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS of North Carolina. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, this Hall is distinctly a success. The trouble is that it is used for the wrong purpose. It was made for a cellar and it is utilized as an auditorium. As a cellar it is a success, with no air to reach us or sunlight to touch us.

With its great, spacious galleries and flat roof to kill sound and stagnant ventilation to decay air, and it does both. I will add also, to kill Members. Nothing but the exalted patriotism of the Members of this House induces them to stay here. [Applause.] The last one of you now has the prison pallor on you, but your high sense of duty and your realization of the fact that your successor can not be found in your district is the only thing that induces you to risk your life to serve your country longer in this place.

Mr. Speaker, speaking seriously, the trouble with this Hall is that it is unhealthy; that it is a cellar, and Members become dead and heavy and leave it. The trouble here is that with the Office Building immediately adjacent, with the calls upon us elsewhere, with the incapacity for debate, nobody is here, and the House is brought into disrepute by having just a few Members scattered throughout the Hall.

Now, to take out your books, making a man hunt the CONGRESSIONAL RECORD, making him hunt for a paper, making him hunt for a book of rules and everything else, every time he needs any of those things he will have to go and get it, and when he gets it something else will call him, and he will be going back and forth and—

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. STANLEY. I can not yield in three minutes. Mr. Speaker, the greatest trouble with this Hall is the confusion of moving about from one place to another. You put the ablest man in an uncomfortable seat, where he can not get his hands on anything, and he will move about much more. [Applause.] You take the most religious, most pious man in this House and put him in a comfortable chair, and he will listen to four hours of opera and never complain, but you take him to church and in fifteen minutes he is wiggling around. The difference is between the chair and the bench, not that he does not enjoy the church more than he does the opera. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAMILTON. I will say to the gentleman it is not necessary to have benches; we can have chairs.



Mr. THOMAS of North Carolina. Does the gentleman wish to use any more of his time?

Mr. McCALL. How much time have I remaining?

The SPEAKER. Thirteen minutes.

Mr. McCALL. How much time has the gentleman from North Carolina?

The SPEAKER pro tempore. Eleven minutes.

Mr. McCALL. I will yield three minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I am heartily in favor of the resolution. I believe the experiment is well worth a trial. It will not involve an expenditure to exceed \$25,000, and after having given the new plan a fair trial, if the House is not satisfied it can bring back the desks. This Hall is too large and the facilities are such as to detract from the public business. It can hardly be styled a good share of the time a hall for serious deliberation; it is more like a private workshop.

These papers and books scattered around upon the desks of Members are not used in the deliberations of the day. Members bring novels, fiction, poetry, and that sort of thing here, and read during the progress of consideration of public bills. What would be thought of the proposition of having members of a church take newspapers and books and women carry their sewing to religious services every Sunday morning? I can hardly conceive of a place that is more unsuited for the proper transaction of the public business than this Hall. There is always noise and confusion and distracting influences, and, in my judgment, if the desks should be taken out and the Hall be brought down in size to something in reason, we could dispatch the business with much less time than it requires now.

Why not make the experiment? Why not vote the desks out for one session of Congress and try it? It will not cost much, I repeat, and I believe that every Member of the House is satisfied in his own mind that this is not an ideal place in which to do public business. We can only improve by experiment. Let us try it. Let us adopt the resolution this evening and make the experiment at the next session of Congress. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BEALE of Pennsylvania. Will the gentleman allow me to interrogate him?

Mr. CRUMPACKER. My time has expired.

Mr. THOMAS of North Carolina. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, perhaps I may come under the category denominated by the gentleman from Massachusetts [Mr. McCALL] as one of the unfortunate individuals who possesses a feeble voice. [Laughter.] I am glad that the gentleman from Massachusetts [Mr. McCALL] possesses a strong voice. I deplore the fact that he said that sometimes some of those with his strength of voice are given feeble intellects. The gentleman from Massachusetts has both a strong voice and a strong intellect, and he is always able to make himself fully understood in this House or in any hall much larger than this.

I had not intended, Mr. Speaker, to say anything on this occasion, but it seems to me that the gentleman from Indiana [Mr. CRUMPACKER] has taken us back to our schoolboy days in his reference to the boys sitting on the benches, when we all read from the old blue-backed spelling book, that "six small boys can sit on one long bench," and to old days when we were taught—

Reading, writing, and arithmetic  
To the tune of the hickory stick.

Instead of this being a step forward it is distinctly a step backward.

Mr. Speaker, the trouble in this House is not the inability of any man to make himself heard and understood. The difficulty is that when the Members of this House do not want to hear anybody, they resolve themselves into a confusion like unto the confusion of a women's sewing society, and all go to talking at once. That is the whole trouble. Now, let us specify.

Take our eloquent young friend from Texas [Mr. SHEPPARD], a man of small stature, and not of very large voice. Who has any difficulty in hearing him when he delivers one of his convincing arguments or splendid orations? Who had any difficulty in hearing that magnificent tribute that the gentleman from Illinois [Mr. BOUTELL], a man of small physique, paid to "Uncle Joe" CANNON here in this Hall a few weeks ago? We can hear anybody here when we want to hear him, and we do not hear anybody when we do not want to hear him. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS of North Carolina. Mr. Speaker, will the gentleman from Massachusetts [Mr. McCALL] use some of his time?

Mr. McCALL. How much time is remaining to each side, Mr. Speaker?

The SPEAKER pro tempore. Ten minutes to the gentleman from Massachusetts [Mr. McCALL] and nine minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Will the gentleman use all of his time in one speech?

Mr. McCALL. I will yield two minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I want to appeal to the House as an auditor. I have never known a time when a man who wanted to make a speech was ever daunted by a lack of audience or by noise or anything else. Whenever a man wants to make a speech in this House he will make it whether he has attention or not. But most of us here want to hear some of the time. This plan will afford us the opportunity. There are two kinds of speeches here—the speeches made in general debate and the speeches, largely conversational, relating to appropriation bills—and I submit to all of you that when appropriation bills are under discussion the only place to hear clearly is in the region around the first two or three rows of seats in front.

Mr. HENRY of Texas. I would like to ask the gentleman if he thinks anybody failed to hear him on yesterday, when he was discussing the mail-weighting question?

Mr. MURDOCK. Well, probably the Members could hear me, because there was not much noise.

Mr. PARSONS. You stood right in the center aisle.

Mr. MURDOCK. Yes; I had to leave this part of the House and had gone down there to the charmed circle to make myself heard. Who ever knew of a chairman of a committee coming away back here, or here, or here [indicating], to explain his bill? It is impossible for him to be heard from this part of the Hall. He is always to be found down there in the immediate circle surrounding the Speaker's desk. Give us a chance to hear; give us a chance to hear the little conversations which go on when we are making up the great appropriation bills.

Get us together! Why, there is some fear expressed here that we are copying the British House of Commons. I am not copying the House of Commons in favoring the adoption of this scheme. Why, I am copying after the Roman Senate and the theater of ancient Athens. Cicero did not have a desk. [Laughter.] Cicero did not have at hand the rules of the House and the CONGRESSIONAL RECORD. [Great laughter.] Give us benches; get us together, if you want us to hear. [Laughter and applause.] I would go even further, possibly, and have the tribune of the French Deputies for general debate.

Mr. THOMAS of North Carolina. I understand that this side has nine minutes remaining. I would like to ask if the gentleman proposes to use the remainder of his time in one speech.

Mr. McCALL. I think I have eight minutes remaining.

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. McCALL. I yield two minutes to the gentleman from Ohio.

Mr. LONGWORTH. Mr. Speaker, I am in favor of this proposition, not so much because I sometimes am unable to hear gentlemen who are speaking, as because I am deprived of hearing gentlemen who, were the conditions in this Hall more favorable, would more often speak. [Applause.] I would be in favor of this resolution, Mr. Speaker, if for no other reason than we would be able to hear more frequently from gentlemen like the gentleman from Georgia [Mr. HOWARD] whom we listened to with the greatest pleasure the other day, and who does not care to take part in debate frequently, because he is not gifted with what, I believe, Speaker Reed once termed "lungs and language" to an equal degree with which many gentlemen who often occupy this floor. There are many gentlemen like the gentleman from Georgia, whose voices are not often raised and whose views would be of real value to this House did they have an opportunity to express them. If we pass this resolution the opportunity will be afforded. [Applause.]

Mr. McCALL. I would like to ask if the gentleman is going to have more than one speech?

Mr. THOMAS of North Carolina. Yes, sir; I have a number of speeches.

Mr. OLMSTED. Will the gentleman yield to me for a moment? I merely wish to call attention to the suggestion of

the gentleman from Missouri and to say that under the present rules of the House—

Mr. RODENBERG. I ask for order. It is impossible to hear the gentleman. [Laughter and applause.]

Mr. OLMSTED. It is owing to some defect in the gentleman's organs of hearing and not to the desks. I merely desire to call attention to our Rule XIV, which provides that any Member, "on being recognized, may address the House from any place on the floor or from the Clerk's desk." No change in the arrangement of this Hall is necessary to carry into effect the suggestion of the gentleman from Missouri.

Mr. CLARK of Missouri. A parliamentary inquiry. Does not this resolution provide that if this change is made it shall be made under the supervision of the Speaker?

Mr. THOMAS of North Carolina. It does.

Mr. CLARK of Missouri. Then, if that is true, I submit before the vote upon this proposition is taken we ought to ask the Speaker, the Hon. JOSEPH G. CANNON, to use five minutes to explain this scheme, so that Members can intelligently vote upon the resolution. [Laughter and applause.] That is all I want to say.

Mr. THOMAS of North Carolina. I yield five minutes to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, in the second session of the Fifty-sixth Congress a question similar to this was under discussion. On the 20th of February, 1901, I used this language:

Seats are placed here for the use of Representatives. The settees were placed in the Hall, and after a trial of about three months the seats were all removed and seats like the kind we have now, only larger, were put in the place of them, and the seats or settees that were used on that occasion can be found in the Supreme Court room to-day and can be found at St. Elizabeth's Insane Asylum.

[Laughter and applause.]

Mr. McCALL. Will the gentleman have the kindness to tell us why the seats were taken out, and whether the House was reduced in size—and whether the Hall was reduced in size?

Mr. PRINCE. In 1859 the vote was 103 ayes and 73 noes. The desks remained out for three months, and by a vote of 95 yeas to 86 nays they were restored.

Mr. McCALL. Was the Hall of the House reduced in size at that time?

Mr. PRINCE. I want to go on in my own way. We discussed that once before. At that session, on February 20, 1901, on page 2708 of the CONGRESSIONAL RECORD, the gentleman from Illinois [Mr. CANNON], now Speaker of the House, spoke as follows:

Mr. CANNON. Mr. Chairman, with some length of service in this House, I have noticed that when any Member had a message to his fellow-Members that they wanted to hear, there was no difficulty in their hearing it. So much for that. We have heard gentlemen quite well during this little debate of twenty minutes on a side. Now, the Architect of the Capitol tells me he can a little decrease the size of the desks and put them into blocks of four or five, and then it is quite practicable to seat all the Members in the Hall under the new apportionment. Three legs is enough for a bunch of these desks, and my own judgment is, with the necessity for a quorum, that we will get along better to retain the seats a little bit decreased in size and put closer together, and have more room than we now have. I ask for a vote.

A vote was taken, and the gentleman from Indiana [Mr. CRUMPACKER] called for a division. The committee divided and there were—ayes 45, noes 161. That was on the 20th of February, 1901, when this Hall was the same size that it is now.

Mr. McCALL. That was a proposition to make a permanent change, was it not?

Mr. THOMAS of North Carolina. I yield one minute to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, the moment allotted does not permit of more than one or two suggestions. I have observed in this House frequently, when points of order were made that required serious consideration, that gentlemen who made them took the Manual from the desk and cited authorities from the Digest, which could not be done if we had the bench system. Then, again, as effective work as any that is done on this floor is when the appropriation bills are under discussion under the five-minute rule. Members follow the appropriation bills as they are read; they are required when a paragraph is concluded to raise the point of order, if it is raised at all. Again, upon the spur of the moment, they draw amendments, and amendments to amendments, and substitutes, all of which could not be done if the bench system prevailed. [Applause.] This is the American House of Representatives, which operates under rules quite different from those in the English House of Commons. I am opposed to the adoption of the English system, which is far at variance with the system we have thus far successfully followed in this American House. [Applause.]

Mr. THOMAS of North Carolina. I yield one minute to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. This is a scientific question. Ventilation is one of the latest sciences, acoustics is the very latest. Ventilation is the most difficult problem we have in naval construction. We take advantage of the law of gases and secure natural ventilation, as far as possible, and supplement this by the use of power. I submit that the problem of ventilation in this Chamber can be solved by extending on the south side, and perhaps also on the east and west sides, to the outer wall. In acoustics it has been discovered that size is but a small factor. Form is more important, and surface is even still more important. I have seen auditoriums many times the size of this one in which a conversation could be heard across in any part, while I have seen halls smaller than the one proposed where the acoustics were wretched. I have applied to be placed on the Committee on Ventilation and Acoustics. By extending this auditorium, as indicated, to the fresh air, by using the parabolic form in the rear and in the ceiling, and by taking advantage of other modern discoveries in acoustics and ventilation, we can get a magnificent result, in keeping with the heroic proportions of the building, and I ask that this question be allowed to go to a committee having authority to call in architects and engineers, and that after thorough investigation a full report be made before we take any hasty measures that might injure this magnificent Hall.

Mr. McCALL. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. THOMAS] has three minutes remaining, the gentleman from Massachusetts [Mr. McCALL] has seven minutes remaining.

Mr. McCALL. I yield two minutes to the gentleman from Texas [Mr. BURLESON].

The SPEAKER pro tempore. The gentleman from Texas [Mr. BURLESON] is recognized for two minutes.

Mr. BURLESON. Mr. Speaker, no civilized country in the world is cursed with such an assembly room for its legislative body as we have here.

Mr. SHERMAN. No; it is blest if it has one like this.

Mr. BURLESON. I know that I am safe in saying that in no assembly room in the world is so little attention given to what is being said during the time the legislative body is deliberating. The principal reason for this want of attention to what is taking place is that some of its Members are engaged in reading newspapers or books, some are writing, and others are engaged in conversation, and to those few who desire to give attention the Member speaking has the greatest difficulty in making himself heard.

In his effort to make himself heard he not alone strains his voice, but sometimes loses the thread of the subject under discussion. The gentleman from Alabama [Mr. HOBSON] has spoken of the ventilation of this Chamber, saying it could be improved; yes, but it will not be. I have no doubt, Mr. Speaker, that the atrocious ventilation of this Chamber has occasioned the death of a score of men. He has also spoken of the acoustics of this Chamber, saying great improvement could be made, and also that the size of the Chamber has nothing to do with its acoustic properties. I am sure that is an entirely new proposition in the science of acoustics. Experience in other countries has taught that we should have a small chamber for deliberative purposes if the best results are to be secured; and I say to you, having seen many assembly rooms elsewhere, that there is no country in the world having such a spacious assembly hall as we have here. I appeal to the Members of this House to give a trial to the suggestion embodied in this resolution. It will involve the expenditure of but little money.

The Superintendent of the Capitol building says the trial can be made for a trifling sum and—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCALL. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, the first man whom I ever heard discuss the proposed change, or the change now proposed, was Mr. Thomas B. Reed. I heard him talk in the room yonder and in the cloakroom a half dozen or more times, in his forceful, powerful way, and he said it was the one thing needed to make the House of Representatives what it ought to be; that the room was too large, and as long as the desks were in it the confusion would be too great. I remember distinctly his talking to Mr. George Shaw in there and converting him to the view.

Mr. CANNON, the present Speaker, was opposed to putting that on an appropriation bill, as I understand it, and to making it a permanent thing. Now the Speaker is willing that this shall come up for experiment. I talked with the architect who will make this change, or the plans for the change. He told



me that there would be as good accommodations for the RECORD for each individual Member, and just as good for the book on rules and the other pamphlets and documents which we need, arranged for in the back of the sofa in front. Gentlemen speak of "benches;" but they are not such "benches" as are found in a country railroad station, not at all. They are to be upholstered, leather benches—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCALL. I yield one minute to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Speaker, I have seen many of the parliamentary halls of the world. I never have seen one that to my mind was so ill adapted to the work as this. One reason, I think, is that these galleries encircle the entire Hall, and however orderly you may be on the floor or in the galleries there is a constant buzz of conversation going on all of the time, no matter where you stand in this room. Now, then, if we could change and extend this Hall to the outer wall I would be in favor of it, but we can not do that except by joint resolution. We can, under a House resolution, try this experiment for the short session, ten weeks, and it will not cost much to know whether it will be a failure or not. Let us try. We can not make it any worse than it is, and possibly for a slight expenditure of money we may start toward an improved condition. We can not make it any worse. [Applause.]

Mr. THOMAS of North Carolina. Mr. Speaker, I yield the balance of my time, three minutes, to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I would like to have order. [Laughter.] Oh, I notice the gentlemen who just now laughed about order are all within the charmed circle. All of the gentlemen now practically within the Hall of the House, or the great majority of them, are within the space that would be in the new Hall of the House.

Mr. Speaker, Congress moved into this Hall in 1857, coming out of the Hall over to the north. Shortly after coming in, it was said, it was so noisy that people could not be heard speaking, with the desks in the Hall. The desks were ordered moved as an experiment, and after a little while the desks were ordered back again. This is proposed as an experiment. I would like to make this suggestion—

Mr. McCALL. May I ask the gentleman a question?

Mr. MANN. Not in three minutes, unless the gentleman will give me time. We will have in the new Office Building a large conference room, capable of giving seating capacity for more than 500 people. If you want to make an experiment at the next session of Congress, suppose you have the Committee of the Whole hold a meeting over here in the caucus or conference room. [Applause.] Then you can ascertain without the slightest difficulty so far as the experiment is concerned. It may work well; I do not know; but I know this in reference to this Hall now, that the experiment now proposed will injure us so far as our health is concerned, so far as ventilation is concerned. When the Hall of the House was created as it is now the lobby was committee rooms. They were removed in order to give more ventilation to the Hall of the House. I think the rooms of the Committee on Appropriations and the other committee rooms on the other side ought to be removed so as to give the House better ventilation and more air. [Applause.]

But what is this proposition? To put a box in here, a room absolutely shut off from direct connection with the corridors, cutting off the ventilation of the House. We ought to have a hall that reaches outside to the outer air, but this puts us inside of two walls, aye, three walls according to the gentleman's information. What good will it do? They say that gentlemen can not be heard and by this gentlemen will be heard easier. The gentleman from Missouri said that this is the best place to speak in down here in front of the desk. Mr. Speaker, I served in the House more than ten years before I had nerve enough to come down in front of the Speaker's desk and speak to the House. The House rules now provide that a Member may speak from the Clerk's desk. Has anyone here seen a Member speak from the Clerk's desk? This arrangement will keep all new Members from speaking in the House. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. McCALL. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. FASSETT].

Mr. FASSETT. Mr. Speaker, in this House, under exceptional circumstances, a man with an exceptional voice can be heard if there is an exceptional desire to hear him. But not otherwise. My good friend [Mr. MANN] always has something worth hearing, and we could hardly understand him now, and he had to use more voice than is consistent with deliberate debate, as you have all noticed. I would like to see muscular

oratory exchanged for intellectual oratory [applause], and instead of a contest of violent vociferation I would like to see a contest of deliberate debate. It is only an experiment that is suggested and every speaker has admitted that there was something wrong with this Hall. The ventilation is bad, the acoustic properties are bad, and the cubic space is too great.

We have to stir up too much air to make ourselves understood by those most willing to listen, and this debate itself has been a most admirable illustration of our dire distress. It is only a proposition to experiment. The short session is at hand and we can try it for ten weeks. The expense is but trifling. Mr. MANN suggests we go outside the Capitol. We might hire a tent, we might construct a temporary building outside, but what we want is an opportunity to test various experiments, one by one, in this Hall itself. It is not a British system, as has been urged; it is not a French system; it is an American system to try to be heard on all subjects worth hearing in this Hall. [Applause.] We can hear oratory but we can not hear ordinary debate, the humdrum important business that disposes of millions and billions of the people's money.

We want to hear and to be heard on real business, and if I had my way, sir, I would be glad to dispense with the RECORD, so that all debate here might be focused upon the subject in hand. Now, this committee proposes to leave in discreet hands, in the proper place, the power to initiate the experiment—and that is American; that is not English. We want to break away from a system that has been tried and found, by unanimous consent, to be faulty. The only way to improve is to try until we succeed. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the motion to suspend the rules and pass the resolution.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 105, nays 141, answered "present" 9, not voting 132, as follows:

## YEAS—105.

Acheson	Denby	Holliday	Reeder
Adamson	Diekema	Howard	Reynolds
Alexander, Mo.	Douglas	Hubbard, W. Va.	Rodenberg
Alexander, N. Y.	Ellis, Mo.	Hughes, N. J.	Rothermel
Barclay	Fassett	Humphreys, Miss.	Saunders
Bartlett, Nev.	Fordney	Kahn	Scott
Bates	Foster, Ill.	Kennedy, Ohio	Sherley
Beale, Pa.	Foster, Vt.	Kinkaid	Sims
Bede	Foulkrod	Lanin	Slayden
Bonyne	Fowler	Lawrence	Small
Boutell	Galnes, W. Va.	Lindbergh	Smith, Cal.
Boyd	Garrett	Longworth	Smith, Iowa
Brantley	Gillespie	Lowden	Smith, Mich.
Burleigh	Gillett	McCall	Smith, Mo.
Burleson	Graff	McKinley, Ill.	Snapp
Burton, Ohio	Granger	McLaughlin, Mich.	Steenerson
Campbell	Haggott	Madison	Sturgiss
Capron	Hale	Mondell	Underwood
Caulfield	Hall	Morse	Volstead
Chaney	Hamill	Murdoch	Washburn
Chapman	Hamilton, Mich.	Needham	Webb
Cocks, N. Y.	Harrison	Nelson	Weeks
Cooper, Wis.	Haskins	Olcott	Weems
Coudrey	Hay	Parker, N. J.	Young
Crumacker	Higgins	Parsons	
Currier	Hill, Conn.	Pollard	
Davidson	Hinshaw	Pou	

## NAYS—141.

Adair	Ellerbe	Hull, Tenn.	Page
Alken	Ellis, Oreg.	Humphrey, Wash.	Patterson
Andrus	Englebright	James, Oille M.	Payne
Ashbrook	Esch	Johnson, Ky.	Pray
Barchfeld	Fairchild	Jones, Va.	Prince
Beall, Tex.	Favrot	Jones, Wash.	Rainey
Bell, Ga.	Ferris	Keliber	Rauch
Booher	Finley	Kennedy, Iowa	Riordan
Bowers	Fitzgerald	Kimball	Robinson
Broussard	Floyd	Knapp	Rucker
Burnett	Foster, Ind.	Küstermann	Russell, Mo.
Burton, Del.	French	Lafean	Sabath
Calderhead	Gardner, Mich.	Lamb	Sherman
Candler	Gardner, N. J.	Law	Sherwood
Carlin	Garner	Lenahan	Southwick
Carter	Gilham	Lindsay	Spight
Clark, Mo.	Gordon	Lloyd	Stanley
Clayton	Goulden	Loudenslager	Sterling
Cole	Greene	McCreary	Stevens, Minn.
Cook, Colo.	Gregg	McGavin	Sullivan
Cooper, Pa.	Hackett	McGuire	Tawney
Cooper, Tex.	Hackney	McHenry	Taylor, Ohio
Cox, Ind.	Hamilton, Iowa	McKinney	Thistlewood
Craig	Hamlin	McLachlan, Cal.	Thomas, N. C.
Crawford	Haugen	Macon	Tirrell
Cushman	Hawley	Malby	Tou Velle
Dalzell	Hayes	Mann	Waldo
Darragh	Hedlin	Moon, Tenn.	Wanger
Davenport	Heim	Moore, Tex.	Watkins
Dawson	Henry, Tex.	Murphy	Wilson, Pa.
De Armond	Hobson	Nicholls	Wilson, Ill.
Denver	Houston	Norris	Wood
Draper	Howell, N. J.	Nye	Woodyard
Driscoll	Howell, Utah	O'Connell	
Durey	Howland	Olmsted	
Edwards, Ky.	Huff	Padgett	

## ANSWERED "PRESENT"—9.

Ansberry	Dixon	Jenkins	Madden
Bennet, N. Y.	Goldfogle	Keifer	Sheppard
Brundidge			

## NOT VOTING—132.

Allen	Focht	Lamar, Fla.	Porter
Ames	Fornes	Lamar, Mo.	Powers
Anthony	Foss	Landis	Pratt
Bannon	Fuller	Langley	Pujo
Bartholdt	Fulton	Lassiter	Randell, Tex.
Bartlett, Ga.	Gaines, Tenn.	Leake	Ransdell, La.
Bennett, Ky.	Gardner, Mass.	Lee	Reid
Bingham	Gill	Legare	Rhinock
Birdsall	Glass	Lever	Richardson
Bradley	Godwin	Lewis	Roberts
Brodhead	Goebel	Lilley	Russell, Tex.
Brownlow	Graham	Littlefield	Ryan
Brumm	Griggs	Livingston	Shackelford
Burgess	Gronna	Lorimer	Slemp
Burke	Hammond	Loud	Smith, Tex.
Butler	Harding	Lovering	Sparkman
Byrd	Hardwick	McDermott	Sperry
Caldier	Hardy	McKinlay, Cal.	Stafford
Caldwell	Henry, Conn.	McLain	Stephens, Tex.
Cary	Hepburn	McMillan	Sulzer
Clark, Fla.	Hill, Miss.	McMorran	Talbott
Cockran	Hitchcock	Marshall	Taylor, Ala.
Conner	Hubbard, Iowa	Maynard	Thomas, Ohio
Cook, Pa.	Hughes, W. Va.	Miller	Townsend
Coudins	Hull, Iowa	Moon, Pa.	Vreeland
Cravens	Jackson	Moore, Pa.	Wallace
Davey, La.	James, Addison D.	Mouser	Watson
Davis, Minn.	Johnson, S. C.	Mudd	Weisse
Dawes	Kipp	Overstreet	Wheeler
Dunwell	Kitchin, Claude	Parker, S. Dak.	Wiley
Dwight	Kitchin, Wm. W.	Pearre	Willett
Edwards, Ga.	Knopf	Perkins	Williams
Flood	Knowland	Peters	Wolf

So the resolution was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BRADLEY with Mr. HARDY.

Mr. SLEMP with Mr. WILLIAMS.

Mr. ROBERTS with Mr. SPARKMAN.

Mr. MOUSER with Mr. RICHARDSON.

Mr. MOORE of Pennsylvania with Mr. REID.

Mr. FOCHT with Mr. McDERMOTT.

Mr. HENRY of Connecticut with Mr. MAYNARD.

Mr. JENKINS with Mr. WILLIAM W. KITCHIN.

Mr. BARTHOLDT with Mr. FULTON.

Mr. FOSTER of Vermont with Mr. BRODHEAD.

Mr. PARKER of South Dakota with Mr. McLAIN.

## ADDITIONAL FEDERAL JUDGES.

Mr. ALEXANDER of New York. Mr. Speaker, by direction of the Committee on the Judiciary, I move to suspend the rules and pass the bill H. R. 21896, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.

Be it enacted, etc., That section 86 of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii," be, and the same is hereby, amended so as to read as follows:

"Sec. 86. There shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges. The said court while in session shall be presided over by only one of said judges. The two judges shall from time to time, either by order or rules of court, prescribe at what times and in what class of cases each of them shall preside. The said two judges shall have the same powers in all matters coming before said court.

"The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint two district judges, a district attorney, and a marshal of the United States for the said district, and said judges, attorney, and marshal shall hold office for six years unless sooner removed by the President.

"The said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and the said judges, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States.

"Writs of error and appeals from the said district court shall be had and allowed to the circuit court of appeals for the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeal as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held in Honolulu on the second Monday in April and October, and special terms may be held at such times and places in said district as the said judges may deem expedient. The said district judges shall appoint a clerk of said court at a salary of \$3,000 per annum and shall appoint a reporter of said court at a salary of \$1,200 per annum."

SEC. 2. That section 4 of chapter 1 of title 1 of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, is hereby amended so as to read as follows:

"Sec. 4. That there is hereby established a district court for the district of Alaska, with the jurisdiction of circuit and district courts of the United States and with general jurisdiction in civil, criminal, equity, and admiralty causes; and four district judges shall be appointed for the district, each at an annual salary of \$7,500, who shall during their terms of office reside in the divisions of the district to which they may be respectively assigned by the President. The court shall consist of four divisions, which shall also be recording divisions. Division No. 1 shall consist of all that part of the district of Alaska lying east of the one hundred and forty-first meridian of west longitude. Division No. 2 shall consist of all that territory lying west of a line commencing on the Arctic coast at the one hundred and forty-eighth meridian; thence extending south along the easterly watershed of the Colville River to a point on the Rocky Mountain divide between the headwaters of Colville River on the north and west and the waters of the Chandalar on the south; thence southwesterly along the divide between the waters of the Colville River, the Kotzebue Sound, and Norton Sound on the north and west and the waters of the Yukon on the south to the one hundred and sixty-first meridian of west longitude; thence along said meridian to the Kuskokwim River; thence southwesterly along the center of the channel of said Kuskokwim River to Bering Sea; the said division to include all the islands lying north of the fifty-ninth parallel of north latitude. Division No. 3 shall consist of all that territory lying south and west of the line starting on the coast of the Gulf of Alaska at the one hundred and forty-first meridian of west longitude; thence northerly along said meridian to a point due east from Mount Kimball; thence west to summit of Mount Kimball; thence southwesterly along the southerly watershed of the headwaters of Tanana River; thence westerly along the divide between the waters of the Gulf of Alaska on the south and the waters of the Yukon on the north to the summit of Mount McKinley; thence continuing westerly along the divide between the waters of the Gulf of Alaska and Bristol Bay on the south and the waters of the Yukon and Kuskokwim on the north to the one hundred and fifty-ninth meridian of west longitude; thence northwesterly to the Kuskokwim River on the one hundred and sixty-first meridian of west longitude; thence southwesterly along the center of said river to Bering Sea; said division to include the Alaska peninsula, the Aleutian Islands, and all islands along the coast of this district south and west of the said district and all lying south of the fifty-ninth parallel of north latitude. Division No. 4 shall consist of all that part of the district of Alaska lying east of the second division and north of the third division. One general term of court shall be held each year at Juneau, and such additional terms at other places in the first division as the Attorney-General may direct. One general term of court shall be held each year at Nome, and such additional terms at other places in the second division as the Attorney-General may direct. One general term of court shall be held each year at Valdez, and such additional terms at other places in the third division as the Attorney-General may direct. One general term of court shall be held each year at Fairbanks, and such additional terms at other places in the fourth division as the Attorney-General may direct. Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court at such times and places in their respective districts as any of them, respectively, may deem expedient, or as the Attorney-General may direct; and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court and to employ an official court stenographer at such compensation as shall be fixed by the Attorney-General. At least thirty days' notice shall be given by the judge, or the clerk, of the time and place of holding the several terms of the court."

SEC. 3. That section 7 of said chapter 1 of Title 1 is hereby amended so as to read as follows:

"Sec. 7. That four clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office shall reside at such place in the division as the Attorney-General may direct. Each clerk shall, in his division of the district, perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also collect and receive all moneys arising from the fees of his office, from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from licenses, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury: Provided, That moneys accruing from violations of the customs laws, civil customs cases, or internal-revenue cases, moneys, not including costs, accruing from civil post-office suits, fines, in criminal cases for violations of the postal laws, the net proceeds of sales of public property under section 3618, Revised Statutes, as amended, and any other moneys the disposition of which is otherwise specially provided for by law, shall not be available for the expenses of the court, but shall be paid over or deposited as provided by law for other districts. And after all payments ordered by the judge shall have been made, any balances remaining in the hands of the clerk shall be by him deposited to the credit of the United States and be covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk shall be ex officio recorder of instruments as hereinafter provided and also register of wills for the division, and shall establish secure offices for the safe-keeping of his official records where terms of his division of the court are held. He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval and at compensation to be fixed by the court or judge, subject to the approval of the Attorney-General. Any person so appointed or employed shall be paid by the clerk on the order of the judge, as other court expenses are paid."

SEC. 4. That section 8 of said chapter 1 of title 1 is hereby amended so as to read as follows:

"Sec. 8. That four district attorneys shall be appointed for the district, one of whom shall be assigned to each division and shall reside at such place in the division as the Attorney-General shall direct."



They shall each perform the duties required to be performed by United States district attorneys in other districts, and such other duties as may be required by law; and they shall each receive a salary of \$5,000 per annum and shall not while in office accept retainers or engage in any other law business in the district than that pertaining to the duties of their office. The Attorney-General may, upon the recommendation of the district attorney, appoint and at pleasure remove one or more assistant district attorneys and one or more clerical assistants, who shall receive such compensation as the Attorney-General may fix, to be paid as other assistant United States district attorneys and clerical assistants are paid. In the case of the death or disability of a district attorney the judge may appoint a suitable person to fill the office until his successor is appointed and qualified or until the disability is removed."

Sec. 5. That section 11 of chapter 1, title 1, of said act is hereby amended so as to read as follows:

"Sec. 11. That an accurate detailed account of all fees earned and expenses incurred by commissioners and deputy marshals shall be prepared in duplicate quarterly, duly verified by the oath of the commissioner or deputy marshal rendering the account, and forwarded to the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law. After approval by the judge the original of each such account shall be forwarded by the clerk to the Department of Justice for revision and the duplicate filed in the court. All net fees earned in excess of the sum of \$3,000 per calendar year or in excess of that rate for a less period, by any commissioner or deputy marshal, shall be annually paid to the clerk of the proper division of the court to be available for incidental expenses of the district court of the proper division, such payment of such incidental expenses to be accomplished by a verified detailed statement of said clerk."

Sec. 6. That four United States marshals shall be appointed for the district, one of whom shall be assigned to each division, and shall reside at such place in the division as the Attorney-General shall direct.

Sec. 7. That section 728 of chapter 74, title 2, of said act is hereby amended so as to read as follows:

"Sec. 728. That each deputy clerk has the power to perform any act or duty relating to the clerk's office that his principal has, and his principal is responsible for his conduct and for all money received by him in his official capacity."

Sec. 8. That nothing in this act shall be construed to limit or terminate the term of office of any of the judges, district attorneys, or marshals now serving in Alaska; but each shall serve out the term for which he was appointed unless sooner removed. The judge, district attorney, and marshal now serving in the third division of said district shall hereafter have their residence and hold their respective offices in the fourth division created by this act: *Provided*, That the President may, in his discretion, change the assignment of any of said officers from one division to another.

Sec. 9. That section 771 of chapter 80, Title II, of said act, approved June 6, 1906, be, and the same is hereby, repealed, and the Attorney-General is authorized and directed to prescribe a schedule of fees for the services rendered by the United States commissioners acting as ex officio probate judges.

Sec. 10. That when, in the opinion of the Attorney-General, it will be impossible for the accounts of any court official or other person whose accounts pertain to the United States courts in Alaska to be transmitted to the Department of Justice within the period prescribed by law, the Attorney-General may modify, as he may deem proper, any requirement of law concerning the time when such accounts shall be rendered and transmitted.

Sec. 11. That with the approval of the Attorney-General the governor shall appoint and at pleasure remove the commissioners in and for the district, who shall have the jurisdiction conferred by law in any part thereof, but who shall, during their term of office, each reside at the place in the district designated in the respective orders of appointment; but the district judges may, in cases of emergency, temporarily fill vacancies in the office of commissioner. New offices of commissioners may be created by the governor with the approval of the Attorney-General.

Sec. 12. That hereafter the supreme court of the Territory of New Mexico shall consist of a chief justice and six associate justices, any four of whom shall constitute a quorum: *Provided*, That the judge who presided at the trial of a cause in the court below shall not sit at the hearing of the same case on appeal or writ of error in the supreme court of the Territory.

Sec. 13. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years and until his successor is appointed and qualified.

Sec. 14. That the said Territory shall be divided into seven judicial districts, and a district court shall be held in each district by one of the justices of the supreme court at such time and place as is or may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

Sec. 15. That the judicial districts in New Mexico be divided and assigned as follows: First district to consist of the counties of Santa Fe, Rio Arriba, Taos, and San Juan; second district to consist of the counties of Bernalillo, McKinley, and Sandoval; third district to consist of the counties of Dona Ana, Sierra, and Luna; fourth district to consist of the counties of San Miguel, Mora, Colfax, and Union; fifth district to consist of the counties of Eddy, Roosevelt, and Chaves; sixth district to consist of the counties of Otero, Lincoln, Guadalupe, Quay, and Torrance; seventh district to consist of the counties of Socorro, Grant, and Valencia.

Sec. 16. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually at such places within said district as may be designated by the chief justice and his associates, or a majority of them; and grand and petit jurors shall be summoned therein in the manner now required by law.

Sec. 17. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect, except as to the number of judges, as if this act had not passed.

Sec. 18. That the northwestern division of the northern judicial district of the State of Alabama is hereby established, composed of the counties of Lauderdale, Colbert, Marion, Franklin, and Winston. All other counties now in the northern division of the northern judicial district of the State of Alabama shall constitute the northeastern division of the northern district of Alabama, and the courts of the northeastern division of said northern district of Alabama shall be held at Huntsville, as now provided by law.

Sec. 19. That a term of the circuit and the district courts of the northwestern division of the northern judicial district of the State of Alabama shall be held at Florence, in Lauderdale County, in said State, on the first Monday in February and on the first Monday in November of each year: *Provided, however*, That suitable rooms and accommodations are furnished for holding of said courts free of all expenses to the Government.

Sec. 20. That all civil process issued against persons residing in said counties of Lauderdale, Colbert, Marion, Franklin, and Winston cognizable before the United States court shall be made returnable to the courts of the United States, respectively, to be held at Florence, as provided by this act, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at Florence: *Provided*, That no process or prosecutions commenced or suits instituted before the passage of this act shall be in any way affected by the provisions hereof, and that all prosecutions heretofore commenced for offenses heretofore committed against the United States in any of the said counties of Lauderdale, Colbert, Marion, Franklin, and Winston shall be prosecuted and tried as though this act had not been passed.

Sec. 21. That it shall be the duty of the clerks, marshals, and other officers of the northern judicial district to attend said terms of said court and perform the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district; and that the clerks of the circuit and district courts of said northern district shall maintain an office, in charge of themselves or a deputy, at Florence, which shall be kept open at all times for the transaction of the business of said division.

Sec. 22. That the United States district attorney for the eastern district of Oklahoma shall receive a salary of \$4,000 per annum, payable monthly, in twelve equal installments.

The United States district attorney for the western district of Oklahoma shall receive a salary of \$4,000 per annum, payable monthly, in twelve equal installments.

The United States marshal for the eastern district of Oklahoma shall receive a salary of \$4,000 per annum, payable monthly, in twelve equal installments.

The United States marshal for the western district of Oklahoma shall receive a salary of \$4,000 per annum, payable monthly, in twelve equal installments.

Such salaries shall be paid out of the Treasury as the salaries of other like officers are paid; and each of said officers shall receive their expenses and subsistence when necessarily employed in the performance of their official duties in like manner and to the same extent as are allowed to other like officers.

Such officers shall receive such salaries, respectively, and such expenses and subsistence from the time they entered upon the discharge of their duties.

Sec. 23. That section 18 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, be, and the same is hereby, amended so as to read as follows:

"SEC. 18. That the supreme court or other court of last resort of said State shall be deemed to be the successor of Territorial appellate courts, and shall take and possess any and all jurisdiction as such not herein otherwise specifically provided for, and shall receive and retain the custody of all books, dockets, records, and files not transferred to other courts as herein provided, subject to the duty to furnish transcript of all book entries in any specific case transferred to complete the record thereof. That all books, dockets, records, and files relating to the organization, management, and control of corporations which at the time of the approval of the act of which this act is amendatory were in the custody and possession of the clerk of the United States court of appeals for the Indian Territory shall be transferred to the custody of the secretary of state of the State of Oklahoma, and the then clerk of said court shall certify to the identity of said books, dockets, records, and files, and when the said clerk of the United States court of appeals for the Indian Territory has certified all books, records, documents, and files in his office relating to corporations to the secretary of the State of Oklahoma, it shall be the duty of the secretary of the State of Oklahoma to receive and retain the custody and control of the said records, books, documents, and files certified to him by the clerk of the court of appeals for the Indian Territory, and when received by the secretary of state of Oklahoma the same shall become a part of the records of the office of the secretary of the State, and the secretary of state is hereby empowered to furnish copies and to certify to the same, whose certificate, when made under the great seal of the State of Oklahoma, shall have the same force and effect as if the said books, records, documents, and files had been originally filed in the office of the secretary of the State of Oklahoma."

Sec. 24. That this act shall take effect and be in force on and after the 1st day of July, 1908. In so far only as the provisions of this act are in conflict with other or prior acts the other or prior acts are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from New York [Mr. ALEXANDER] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. ALEXANDER of New York. Mr. Speaker, this is an omnibus bill made up of six bills, which have been unanimously reported by the Judiciary Committee, except one. The first gives an additional judge to the Hawaiian Islands. The second gives an additional judge to Alaska, creates an additional district, and increases the salary of the judges from \$5,000 to \$7,500 a year. It also provides for an additional United States marshal and an additional United States attorney in the district which is created by this bill. One member of the Judiciary Committee has filed a minority report. The third bill gives an additional judge to New Mexico and creates an additional district.

The fourth bill creates the northwestern division of the northern judicial district of Alabama and provides for holding

a court at Florence on the first Monday in February and November of each year. The fifth fixes the salary of the United States attorney and United States marshal of Oklahoma at \$4,000 a year. The sixth bill transfers the documents and papers of the Territorial courts of Oklahoma to the courts of the State.

Mr. Speaker, I reserve the balance of my time.

Mr. KEIFER. Will the gentleman let me ask him a question?

Mr. DOUGLAS. Did you mean to the Federal courts or to the courts of the State?

Mr. ALEXANDER of New York. To the courts of the State.

Mr. KEIFER. I want to ask the gentleman a question, Mr. Speaker. I wanted to learn if the provision in reference to the Hawaiian Territory interferes with the judgeship there now.

Mr. ALEXANDER of New York. In no wise. It simply creates one additional judge.

Mr. WILLIAMS. Does the gentleman from Alabama [Mr. RICHARDSON] desire time?

Mr. RICHARDSON. Yes.

Mr. WILLIAMS. I yield five minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I desire to call attention to but one feature of this omnibus bill, and that is section 18, which provides for a Federal court at Florence, Ala. It does not create a new district nor provide for a new judge. It simply creates a northwestern division of the northern judicial district of the State of Alabama, composed of the counties of Lauderdale, Colbert, Marion, Franklin, and Winston, and court to be held at the town of Florence, and makes no appropriation.

I hold in my hand, Mr. Speaker, a communication from the Federal judge who presides over the northern district of Alabama recommending the passage of this bill—Judge Thomas G. Jones, the United States district judge. I also hold in my hand the recommendation of the United States district attorney. These Federal officials declare that a court at Florence will greatly reduce the expenses of jurors and witnesses. In other words—and I desire the gentlemen of the House to listen to me on this question—the five counties that constitute this new court at Florence, Ala., all attend the Federal court at my home town, at Huntsville, Ala.

All the counties that report to the Federal court at Florence are now reporting to the Federal court at Huntsville. In other words, we are simply carrying the Federal judge to the people instead of the people going to the judge, and saving to the people that expense.

I have here the most conclusive statement from the Young Men's Business Men's Club of Florence, as well as from Judge Jones and the district attorney, that the expenses of jurors and witnesses attending the Florence court will amount to not more than one-fourth of the expenses of going to Huntsville, and if I had the opportunity and the time I could explain fully and entirely how that is, because I am fully acquainted with the locality. But it is a fact that it will not cost the people of Lauderdale, Colbert, Marion, Franklin, and Winston counties, that constitutes the counties that attend this court at Florence, more than one-fourth of the expenses that it will cost jurors and litigants to go to Huntsville, Ala. I think that we present the case with all the force that it can be presented as a matter of economy and convenience.

As I said, we are not contending or claiming to create a new judge or new district. We are simply carving out of the northern district of Alabama the northwestern division.

As I said, it does not add one dollar to the expenses of the Federal Government. It simply carries a Federal judge to the people instead of the people, at great expense and loss of time, going to the Federal judge. The bill further provides that all other counties now in the northern division of the northern district of Alabama shall constitute the northeastern division of the northern district of Alabama with court at Huntsville, Ala. The town of Florence, Ala., is a prosperous town with a population now of 10,000 people, and many great industrial enterprises are located there. The revenue coming from the post-office is over \$10,000 annually. There is a large number of manufactories, cotton mills, and so forth. Free delivery exists in the city. The town is prosperous in every respect, and there can be no objection whatsoever as a part of this omnibus bill to the holding of the court at Florence, and I sincerely hope and trust it will pass. The population is not only a thrifty, energetic people, but a more refined, cultivated, patriotic, enterprising people can be found nowhere.

Mr. CAMPBELL. How many people will be within this district?

Mr. RICHARDSON. There are five counties, with an average population each of 90,000 people.

Mr. CAMPBELL. How many district judges have you now in the State of Alabama?

Mr. RICHARDSON. We have two, and another nominated by the President, but not yet confirmed.

Mr. CAMPBELL. Does this call for an increase in the number of judges?

Mr. RICHARDSON. The number of judges are not increased. The counties comprising this northwestern division are most conveniently located to Florence. The three towns of Florence, Sheffield, and Tusculumbia are covered in an area of 1 mile. They are connected by electric railway, and the three towns aggregate a population of 25,000 people.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. It calls for the establishment of another court in one of the most prosperous and hopeful sections of the South.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I have asked this time in order to ascertain whether in the present parliamentary situation an amendment would be in order to this bill; if so, when the proper time comes—

The SPEAKER. An amendment is not in order on a motion to suspend the rules.

Mr. HUMPHREYS of Mississippi. I will ask the gentleman in charge of the bill if he is not willing to have a bill which is reported favorably from his committee included in this? The bill provides for holding a court in Clarksdale, Miss. It has been considered by the Committee on the Judiciary and reported favorably to this House. In the Fifty-eighth Congress that bill was reported to this House, was passed by the House, but failed of passage in the Senate. In the Fifty-ninth Congress it was reported to this House, passed the House, and then failed again of passage in the Senate. The committee in this Congress has reported that bill favorably, and I hope the gentleman from New York will permit it to be included in this bill. It does not provide for any additional district, but provides that the present judge shall go to the town of Clarksdale and hold a court there twice a year. The counties which are to compose this division are in the extreme northwest section of the State of Mississippi, and it is now necessary for the people of those counties to travel 200 miles in order to get to the Federal court. They have to go out of the State of Mississippi, into the State of Tennessee, and there spend a night or day, and then go back into the State of Mississippi by an entirely different railroad in order to reach the Federal court. I have been advised by the district attorney that it has been impossible for him properly to enforce the criminal laws of the United States in those counties, for the very good reason, which will be apparent to everyone here, that he can not secure the attendance of witnesses before the grand jury to inform upon those who violate the law. The business of the court there is very much hampered in this way.

The expense to the Government will not be materially increased by creating this new division, because the saving in mileage paid to the witnesses and officers will be very great. But even if it will cost more, the question for us to consider is the efficiency of the courts. Are the criminal laws of the United States being enforced properly in this territory, and are the people there being provided with proper court facilities? These are the questions for us to consider, and it is our duty to see that the fault, if there be any, can not be laid to our charge. There are too many lawyers in this House for me to consume time discussing the proposition that it is not possible to enforce the criminal statutes reasonably or tolerably well when it is necessary to send 200 miles and consume two days to get witnesses before the grand jury. It is difficult enough when all conditions are most favorable. One of the most serious menaces to the peace and good order of this division is the illicit whisky traffic. Everybody understands that and everybody appreciates it, and so it is not necessary to enlarge upon that topic. We differ in our views as to the best method of regulating the sale of intoxicants, but we all agree that the illicit liquor traffic is an abomination. In the Fifty-ninth Congress we passed a law which requires the internal-revenue collectors to furnish the local authorities the names of all who take out what we usually call "internal-revenue license." Under State laws the possession of this Federal license, or tax receipt, is evidence that the possessor is running a "blind tiger," and as a result they have quit paying it. As long as the Federal court



is 150 or 200 miles away, however, they enjoy comparative immunity.

I do not suggest this as the principal reason for establishing this court, but simply as an illustration. I think the broader ground, which is generally stated, is the correct one, that as far as practicable the courts ought to be brought to the people, instead of requiring the people to travel long distances to reach the court.

A MEMBER. Why did your bill fail in the Senate?

Mr. HUMPHREYS of Mississippi. I will say to my friend from Kansas that the arguments which were given to me will not appeal to his judgment; in fact, in my opinion, they were never addressed to anybody's judgment. It was claimed—

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I will ask unanimous consent, Mr. Speaker, that this bill, which has twice passed the House, which is now favorably reported, which does not create a new judge, which does not cost another dollar of expense, but simply provides that the judge of the court shall go to this town of Clarksdale and hold his court, be added to this bill.

Mr. PAYNE. I object.

Mr. WILLIAMS. Mr. Speaker, so far as this bill goes, it appears to be a good bill. I judge that by the explanation made by the gentleman from New York, by the explanation made by the gentleman from Alabama, and also by the fact that it received the unanimous support of the Committee on the Judiciary. I am sorry that the gentleman would not modify his motion so as to include my colleague's bill. It would not have required unanimous consent for the gentleman to have done that. But the bill so far as it goes seems to be all right, and I do not care to consume any further time of the House in discussing it.

The SPEAKER. The question is on agreeing to the motion.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair sustains the point of order. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. As many as are in favor of the motion will, as their names are called, answer "yea," those opposed will answer "no," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 199, nays 4, answered "present" 18, not voting 167, as follows:

## YEAS—199.

Acheson	Diekema	Howell, Utah	Olmsted
Adair	Draper	Hubbard, Iowa	Padgett
Adamson	Durey	Hubbard, W. Va.	Page
Alexander, Mo.	Edwards, Ky.	Huff	Parker, S. Dak.
Alexander, N. Y.	Ellerbe	Hull, Tenn.	Parsons
Andrus	Ellis, Oreg.	Humphrey, Wash.	Patterson
Anthony	Engelbright	James, Ollie M.	Pollard
Ashbrook	Esch	Jenkins	Porter
Bartfield	Fairchild	Jones, Wash.	Pruy
Barclay	Fassett	Kahn	Pujo
Bartholdt	Ferris	Kelther	Raney
Bartlett, Nev.	Finley	Kennedy, Iowa	Reynolds
Bates	Floyd	Kennedy, Ohio	Riordan
Beall, Tex.	Focht	Kimball	Robinson
Bede	Fordney	Kinkaid	Rothermel
Bonyng	Foster, Ill.	Küstermann	Russell, Mo.
Booher	Foster, Ind.	Lafey	Sabath
Bowers	Foster, Vt.	Lamb	Scott
Brodhead	Foulkrod	Laning	Sherley
Burleigh	Fowler	Lawrence	Sherman
Burton, Ohio	French	Lenahan	Sherwood
Calderhead	Gardner, Mich.	Lindbergh	Slayden
Campbell	Garner	Lindsay	Small
Candler	Garrett	Littlefield	Smith, Iowa
Capron	Gilliams	Lloyd	Smith, Mich.
Carlita	Gillespie	Loudenslager	Smith, Mo.
Carter	Gordon	Lowden	Snapp
Caulfield	Graft	McCall	Sparkman
Chaney	Graham	McCreary	Steenerson
Chapman	Granger	McGuire	Sterling
Clark, Fla.	Greene	McHenry	Sturgis
Clark, Mo.	Hackett	McKinley, Ill.	Sulloway
Clayton	Hackney	McKinney	Sulzer
Cocks, N. Y.	Hale	McLachlan, Cal.	Thistlewood
Cook, Colo.	Hall	McLain	Thomas, N. C.
Cooper, Pa.	Hamilton, Iowa	Macon	Tirrell
Cooper, Tex.	Hamilton, Mich.	Madison	Tou Velle
Coudrey	Hamlin	Malby	Underwood
Cox, Ind.	Haskins	Moon, Tenn.	Volstead
Craig	Hawley	Moore, Pa.	Waldo
Crawford	Hayes	Moore, Tex.	Wanger
Crumpacker	Hedlin	Morse	Webb
Curtier	Henry, Tex.	Murdock	Weeks
Cushman	Higgins	Murphy	Weems
Dalzell	Hill, Conn.	Nelson	Williams
Darragh	Hinshaw	Nicholls	Wilson, Pa.
Davenport	Holliday	Norris	Wood
Dawson	Houston	Nye	Woodyard
Denby	Howard	O'Connell	The Speaker
Denver	Howell, N. J.	Olcott	

## NAYS—4.

Burleson	Helm	Howland	Johnson, Ky.
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## ANSWERED "PRESENT"—18.

Ansberry	Dixon	Madden	Sheppard
Bennet, N. Y.	Goulden	Parker, N. J.	Stephens, Tex.
Boutell	Haggott	Payne	Talbot
Burton, Del.	Humphreys, Miss.	Prince	
De Armond	Lever	Richardson	

## NOT VOTING—167.

Aiken	Favrot	Kitchin, Claude	Pratt
Allen	Fitzgerald	Kitchin, Wm. W.	Randell, Tex.
Ames	Flood	Knapp	Ransdell, La.
Bannon	Fornes	Knopf	Rauch
Bartlett, Ga.	Foss	Knowland	Reeder
Beale, Pa.	Fuller	Lamar, Fla.	Reid
Bell, Ga.	Fulton	Lamar, Mo.	Rhinock
Bennett, Ky.	Gaines, Tenn.	Landis	Roberts
Bingham	Gaines, W. Va.	Langley	Rodenberg
Birdsall	Gardner, Mass.	Lassiter	Rucker
Boyd	Gardner, N. J.	Law	Russell, Tex.
Bradley	Gill	Leake	Ryan
Brantley	Gillett	Lee	Saunders
Broussard	Glass	Legare	Shackleford
Brownlow	Godwin	Lewis	Sims
Brumm	Goebel	Lilly	Slemp
Brundidge	Goldfogle	Livingston	Smith, Cal.
Burgess	Gregg	Longworth	Smith, Tex.
Burke	Griggs	Lorimer	Southwick
Burnett	Gronna	Loud	Sperry
Butler	Hamill	Lovering	Spight
Byrd	Hammond	McDermott	Stafford
Calder	Harding	McGavin	Stanley
Caldwell	Hardwick	McKinlay, Cal.	Stevens, Minn.
Cary	Hardy	McLaughlin, Mich.	Tawney
Cockran	Harrison	McMillan	Taylor, Ala.
Cole	Haugen	McMorran	Taylor, Ohio
Conner	Hay	Mann	Thomas, Ohio
Cook, Pa.	Henry, Conn.	Marshall	Townsend
Cooper, Wis.	Hepburn	Maynard	Vreeland
Cousins	Hill, Miss.	Miller	Wallace
Cravens	Hitchcock	Mondell	Washburn
Davey, La.	Hobson	Moon, Pa.	Watkins
Davidson	Hughes, N. J.	Mouser	Watson
Davis, Minn.	Hughes, W. Va.	Mudd	Welase
Dawes	Hull, Iowa	Nedham	Wheeler
Douglas	Jackson	Overstreet	Wiley
Driscoll	James, Addison D.	Pearre	Willett
Dunwell	Johnson, S. C.	Perkins	Wilson, Ill.
Dwight	Jones, Va.	Peters	Wolf
Edwards, Ga.	Kelfer	Pou	Young
Ellis, Mo.	Kipp	Powers	

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

For the remainder of this session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. GARDNER of New Jersey with Mr. AIKEN.

Mr. GILLET with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. LONGWORTH with Mr. BURNETT.

Mr. MCGAVIN with Mr. BYRD.

Mr. McLAUGHLIN of Michigan with Mr. FITZGERALD.

Mr. McMORRAN with Mr. HUGHES of New Jersey.

Mr. McMILLAN with Mr. JONES of Virginia.

Mr. ROBERTS with Mr. POU.

Mr. RODENBERG with Mr. RANDELL of Texas.

Mr. SOUTHWICK with Mr. RAUCH.

Mr. TAWNEY with Mr. RUCKER.

Mr. TAYLOR of Ohio with Mr. STANLEY.

Mr. AMES with Mr. WATKINS.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. DRISCOLL with Mr. HARDY.

Mr. KNAPP with Mr. HOBSON.

Mr. MANN with Mr. SIMS.

For the remainder of this day:

Mr. PRINCE with Mr. HAY.

Mr. RICHARDSON. I should like to know whether the gentleman from Pennsylvania [Mr. WHEELER] is recorded as voting?

The SPEAKER. He is not.

Mr. RICHARDSON. I voted "aye," Mr. Speaker, but I am paired with the gentleman from Pennsylvania [Mr. WHEELER], and I recall that vote, and vote "present."

The SPEAKER. On this vote the yeas are 199, the nays are 4, answering "present" 18. A quorum is present and the bill is passed. The Doorkeeper will open the doors.

## INFERIOR COURTS IN THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL. Mr. Speaker, I call up the bill (S. 6359) to change the name and the jurisdiction of the inferior courts in the District of Columbia, and ask unanimous consent for its present consideration and passage.

The SPEAKER. The gentleman from Kansas calls up the following bill and asks unanimous consent to pass the same. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the inferior court known as "justice of the peace" in the District of Columbia shall remain as now constituted,

but shall hereafter be known as "the municipal court of the District of Columbia." It shall consist of the six present justices of the peace of said District, who shall serve as the judges of said court for the unexpired terms of their now existing commissions, and who shall not be required to be recommissioned for said unexpired terms. Thereafter, and upon the expiration of the commission of any of said members, his successor shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have been a judge of said court for at least one year or shall have been engaged in the actual practice of law before the supreme court of the District of Columbia for a period of at least five years prior to his appointment. Each judge, when appointed, shall take an oath for the faithful and impartial performance of the duties of his office. The judges of said court shall no longer be required to give bond, as heretofore, but a bond shall be given by the clerk of said court, who shall receive and account for all fees as hereinafter provided. Said municipal court shall sit for the trial of causes in one building, to be designated by the Commissioners of the District of Columbia, to be rented by said District of Columbia at a rental not to exceed \$1,800 per annum.

The said court and each member thereof shall exercise the same jurisdiction as was vested in them as justice of the peace immediately before the passage of this act, and no more, and shall be governed by the laws then in force, except as said laws and said jurisdiction are expressly changed or enlarged hereby.

Any member of said court may try any case within his jurisdiction according to law regardless of the place and residence of the defendant therein. The jurisdiction of said court is hereby increased from \$300 to \$500 in the class of cases over which it had jurisdiction immediately prior to the passage of this act; that said jurisdiction shall be exclusive when the amount claimed for debt or damages or the value of personal property claimed does not exceed \$100, and concurrent with the supreme court of the District of Columbia when it exceeds \$100 and is not in excess of \$500, with the same right to remove any case by certiorari, as heretofore, in cases of concurrent jurisdiction.

All pending actions and all actions hereinafter instituted shall be assigned for trial among the members of said court in nearly equal numbers and in such manner as may be agreed upon between them. The judges of said court shall hold separate sessions as heretofore, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the act of said court. Each of said judges is hereby empowered to administer oaths. The judges of said court shall receive the annual salary of \$2,500 in lieu of the salary heretofore provided for justices of the peace by section 6 of the Code of Law for the District of Columbia, to be paid monthly as heretofore, but they shall not receive the allowance heretofore granted for rent, stationery, and other expenses. In case of sickness, absence, disability, expiration of term of service or death of either of the judges of the police court or of the juvenile court, any one of the justices of the supreme court of the District of Columbia may designate one of the judges of the municipal court to discharge the duties of said judges until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for these judges.

The said court shall have power to appoint a clerk at an annual salary of \$1,500 and an assistant clerk at an annual salary of \$1,000, payable monthly by the District of Columbia, which clerks shall hold office at the pleasure of the court.

The clerks shall receive and care for all deposits for costs made and fees exacted under the rules governing the fee charges of said court, and shall make a weekly deposit with the collector of taxes for the District of Columbia of all fees earned during the preceding week.

He shall return to suitors making such deposits any proportion of a deposit which shall remain in his hands over and above the earned fees in completed cases, and shall render an itemized statement to the auditor of the District of Columbia of every fee earned, on such forms and in such manner as shall be prescribed by the auditor of the District of Columbia. In case there shall remain in the hands of the said clerk for a term of three years a balance or part of a deposit in any case which shall not have been called for by the party or parties entitled to receive the same, the same shall revert to the District of Columbia, and be paid forthwith to the collector of taxes as part of the revenues of the District of Columbia.

In all suits in said court process shall be signed by the said clerk or assistant clerk in the name of the court. The assistant clerk may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk. In such case the signature shall be "\_\_\_\_\_, Clerk, by \_\_\_\_\_, Assistant Clerk."

Both the clerk and assistant clerk are hereby given authority to administer oaths in all cases pending in said court, or about to be filed therein.

The clerk shall perform such other and further duties as may from time to time be prescribed by the municipal court.

He shall give bond to the District of Columbia in the sum of \$5,000, with surety or sureties to be approved by the Commissioners of the District of Columbia, for the faithful performance of the duties of his office, and the assistant clerk shall give a like bond in the sum of \$2,000.

The said clerk shall keep a docket similar to the one heretofore provided for justices of the peace.

**THE SPEAKER.** Is there objection?

**MR. CLAYTON.** Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kansas to explain this measure. Perhaps I will not object if I know what it is.

**MR. CAMPBELL.** Mr. Speaker, the purpose of this bill is to consolidate the offices of justice of the peace in a building to be designated by the Commissioners of the District somewhere centrally located in the city, and to change the name from justice of the peace to the municipal court. The municipal court shall be composed of six judges, the six present justices of the peace to hold until the expiration of the terms of their appointment. The salaries of the justices of the peace now are \$3,000 a year each. This bill provides for a salary

of \$2,500 a year each for the judges, and provides for the appointment of a clerk, at \$1,500, and an assistant clerk, at \$1,000.

The clerk is required to give bond to take charge of the money that is deposited for costs and all moneys paid into court, and the judges of the court are therefore relieved from giving bond. It is contended by those who have been advocating the bill—and everyone has advocated its passage who has come before the committee or who has written a letter to the committee. The change is urged because of the necessity of having these justices brought to a central point—

**MR. SHERLEY.** What is the reason for that?

**MR. CAMPBELL.** The reason for that is this: A litigant may employ a lawyer to have a case tried before a justice of the peace who has his office down here in the northeast part of the town. This same lawyer may have a case before another justice of the peace up in Georgetown at the same hour.

**MR. SHERLEY.** There is nothing unusual about that. That is the condition of the justice of the peace courts all over the United States, and it is better to have the courts where the people are. They are nothing but neighborhood cases.

**MR. CAMPBELL.** But the people here want the courts centralized.

**MR. SHERLEY.** The gentleman means the lawyers want it centralized.

**MR. CAMPBELL.** No; the people who really want it are the real estate men and the people who own real estate, who want to get quick action when they have a forcible detainer case, or any other kind of case.

**MR. SABATH.** The real estate agents who desire quick action?

**MR. CAMPBELL.** Yes.

**MR. MADDEN.** In all cities where they have municipal courts is it not a fact that they divide the city into districts, so that a court may be held in various places of the city in order to accommodate the people who have litigation in these courts?

**MR. CAMPBELL.** I think probably that is true.

**MR. MADDEN.** And is it not a fact that there are other people in the city interested in litigation of the courts besides the real estate agents?

**MR. CAMPBELL.** Oh, yes; and it is the other people who have been demanding this change along with real estate men.

**MR. MADDEN.** It seems to me there ought to be some consideration given to the people who have suits started against them as well as those who are beginning the suits.

**MR. CAMPBELL.** The people who have been before the committee urging the passage of this bill are as likely to be defendants as they are plaintiffs in a case.

**MR. MADDEN.** I shall object to the consideration of the bill unless the bill provides for the districting of the city, so that the courts can be held in convenient places for the people.

**MR. CAMPBELL.** That is the way they are held now, and the people do not want it in that way.

**MR. MACON.** Mr. Speaker, I object.

**THE SPEAKER.** The gentleman from Arkansas objects.

#### ENROLLED BILLS SIGNED.

**MR. WILSON** of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20120. An act to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes;

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897; and

H. R. 16268. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

**MR. WILSON** of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 22009. An act authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes;

H. R. 1991. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors;

H. R. 19355. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;



H. R. 20063. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes; and

H. R. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

#### EFFICIENCY OF THE MILITIA.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, and to pass the same, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 1 of said act be, and is hereby, amended and reenacted to read as follows:

"SECTION 1. That the militia shall consist of every able-bodied male citizen of the respective States and Territories and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into two classes: The organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories; the remainder to be known as the reserve militia: *Provided*, That the provisions of this act and of section 1661, Revised Statutes, as amended, shall apply only to the militia organized as a land force."

SEC. 2. That section 3 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. On and after January 21, 1910, the organization, armament, and discipline of the organized militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular Army of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War: *Provided*, That in peace and war each organized division of militia may have one inspector of small-arms practice with the rank of lieutenant-colonel; each organized brigade of militia one inspector of small-arms practice with the rank of major; each regiment of infantry or cavalry of organized militia one assistant inspector of small-arms practice with the rank of captain, and each separate or unassigned battalion of infantry or engineers or squadron of cavalry of organized militia one assistant inspector of small-arms practice with the rank of first lieutenant: *Provided also*, That the President of the United States in time of peace may, by order, fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *And provided further*, That any corps of artillery, cavalry, and infantry existing in any of the States at the passage of the act of May 8, 1792, which, by the laws, customs, or usages of the said States have been in continuous existence since the passage of said act, under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of Title XVI of the Revised Statutes of the United States, relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law, in like manner as the other militia."

SEC. 3. That section 4 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper."

SEC. 4. That section 5 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 5. That whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President: *Provided*, That no commissioned officer or enlisted man of the organized militia shall be held to service beyond the term of his existing commission or enlistment; *Provided further*, That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion, can not be met by the regular forces, the organized militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise."

SEC. 5. That section 7 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, shall be numbered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: *Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself for such muster, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct."

SEC. 6. That section 8 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 8. That the majority membership of courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers."

SEC. 7. That section 11 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is called forth under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous."

SEC. 8. That section 13 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 13. That the Secretary of War is hereby authorized to procure, by purchase or manufacture, and issue from time to time to the organized militia, under such regulations as he may prescribe, such number of the United States service arms, together with all accessories and such other accouterments, equipments, uniforms, clothing, equipage, and military stores of all kinds required for the Army of the United States as are necessary to arm, uniform, and equip all of the organized militia in the several States, Territories, and the District of Columbia, in accordance with the requirements of this act, without charging the cost or value thereof, or any expense connected therewith, against the allotment of said State, Territory, or the District of Columbia, out of the annual appropriation provided by section 1661 of the Revised Statutes as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition or parts thereof suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms heretofore issued to said State, Territory, or the District of Columbia by the United States: *Provided*, That said property shall remain the property of the United States, except as hereinafter provided, and be annually accounted for by the governors of the States and Territories as required by law, and that each State, Territory, and the District of Columbia shall, on receipt of new arms or equipments, turn in to the War Department, or otherwise dispose of in accordance with the directions of the Secretary of War, without receiving any money credit therefor and without expense for transportation, all United States property so replaced or condemned. When the organized militia is uniformed as above required, the Secretary of War is authorized to fix an annual clothing allowance to each State, Territory, and the District of Columbia for each enlisted man of the organized militia thereof, and thereafter issues of clothing to such States, Territories, and the District of Columbia shall be in accordance with such allowance, and the governors of the States and Territories and the commanding general of the Militia of the District of Columbia shall be authorized to drop from their returns each year as expended clothing corresponding in value to such allowance."

"The Secretary of War is hereby further authorized to issue from time to time to the organized militia, under such regulations as he may prescribe, small arms and artillery ammunition upon the requisition of the governor, in the proportion of 50 per cent of the corresponding Regular Army allowance, without charge to the State's allotment from the appropriation under section 1661, Revised Statutes, as amended. To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of procuring, exchanging, or issuing of arms, accouterments, equipments, uniforms, clothing, equipage, ammunition, and military stores to be exchanged or issued hereunder is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of \$2,000,000 in any fiscal year: *Provided also*, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section."

SEC. 9. That section 15 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 15. That the Secretary of War is authorized to provide for participation by any part of the organized militia of any State or Territory, on the request of the governor thereof, in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, and no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the organized militia of any State, Territory, or District of Columbia, while engaged in joint encampments, maneuvers, and field instruction of the Regular Army and militia, but all payments to the militia under the provisions of this section and all allowances for mileage shall be made solely from the sums appropriated for such purposes: *Provided*, That the command of such military post or camp and the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity: *Provided further*, That except as herein specified the right to command during such joint encampments, maneuvers, and field instruction shall be governed by the rules set out in articles 122 and 124 of the rules and articles for the government of the armies of the United States. The sums appropriated for the organized militia for such joint encampment, maneuvers, and field instruction shall be disbursed as, and for that purpose shall constitute, one fund; and the Secretary of War shall forward to Congress, at each session next after said encampment, a detailed statement of the expenses of such encampments and maneuvers."

SEC. 10. That section 16 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 16. That whenever any officer or enlisted man of the organized militia shall, upon the recommendation of the governor of any State, Territory, or the commanding general of the District of Columbia militia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the Army the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation and subsistence at the rate of \$1 per day, and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction."

SEC. 11. That section 20 of said act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 20. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this

act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers or enlisted men of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the organized militia so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, D. C., for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the organized militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.

"The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section 1661, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report."

The SPEAKER. Is a second demanded?

Mr. PARKER of New Jersey. Mr. Speaker, I demand a second.

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New Jersey demands a second. Is the gentleman opposed to the bill?

Mr. PARKER of New Jersey. I am opposed to the bill.

Mr. WILLIAMS. Mr. Speaker, I am opposed to the bill also, and I demanded a second.

The SPEAKER. But the Chair understands that the gentleman from New Jersey is on the committee.

Mr. PARKER of New Jersey. Oh, no; I am not on the committee.

The SPEAKER. Is any member of the Committee on the Militia opposed to this bill?

Mr. STEENERSON. Not anyone who is present.

The SPEAKER. Is the gentleman from Mississippi opposed to the bill?

Mr. WILLIAMS. Yes.

The SPEAKER. The Chair will recognize the gentleman from Mississippi. The gentleman from Minnesota is entitled to twenty minutes, and the gentleman from Mississippi to twenty minutes.

Mr. STEENERSON. Mr. Speaker, in order that the House may understand the nature and effect of this measure I will call attention to the fact that the Constitution makes it the duty of Congress to provide for the organization, the arming, the disciplining and calling forth of the militia in certain cases. This duty, strangely enough, was neglected for over one hundred years, so that when the Spanish war in 1908 broke out we found that the militia of the different States was not uniformly organized, disciplined, and armed, and our experience in that war called attention to this defect which resulted in a harvest of delay, sickness, death, and disappointment, which was entirely unnecessary if a satisfactory system had been provided by Congress. As a result of this recognized fact the subject of legislation in regard to militia became a live question and resulted in the enactment of the Dick law in 1903, the provisions of which are familiar to most of you.

That law has now been in force a little more than five years, and in that five-year period certain defects have been discovered by our experience under it which it is sought to remedy by this bill, which is a revision and amendment of the Dick law. The history of the preparation of this measure may be briefly alluded to in order that you may realize that it has received the most careful consideration. The subject has been agitated for several years by those patriotic citizens who took an interest in militia matters and national guard affairs, and in their meetings and conventions they appointed committees to draft and propose amendments to the Dick law. This resulted in the preparation of the measure which was submitted to a convention of representatives of the National Guard throughout the United States held in Boston last winter, and a bill was submitted to Congress, introduced in the Senate by Senator Dick and in the House by myself as chairman of the Committee on Militia.

The Committee on Militia of the House held extended hearings upon the measure. We heard representatives of the National Guard of the various States, adjutants-general, and public-spirited citizens interested in the cause of the training and development of the citizen soldiery of the country. We also heard the officials of the War Department, including the Assistant Secretary of War and the Judge-Advocate-General. All the features of the bill and the changes affected by it in the existing law were carefully considered. Various amendments were proposed, some of which were adopted. The committee made its

report and reported the bill which is on the Calendar known as H. R. 14783. In the report of that bill I took occasion to print the Dick law on one page and the proposed measure on the opposite page, beginning on pages 44 and 45, so that those of you who have that report can easily see the proposed changes, because they are printed in italics.

But, briefly stated, this bill does not change in any material respect the Dick law, the existing law, except in two or three particulars. The first change is in regard to the calling out of the militia, and it provides that when called out they shall serve during the term of their enlistment, and not as now, nine months. That limitation of nine months was put in the Dick law as a concession to certain parties who could not otherwise consent to the bill at that time, but it has been found that it is utterly useless and its omission has met with the approval of the committee of both the House and Senate, who agreed that this limitation should be removed. The bill also provides on that point that the National Guard, or organized militia, as it is denominated in this bill, when called out by the President of the United States for the purposes for which it may be constitutionally called forth, as the Constitution says, shall be preferred over any volunteer force that it may be determined to raise.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. HUMPHREYS of Mississippi. I notice in the section to which the gentleman has just referred a change in this law from the Dick law in this, that the President has the right to call out the National Guard for services within or without the United States.

Mr. STEENERSON. That is true.

Mr. HUMPHREYS of Mississippi. Why was that added to this bill?

Mr. STEENERSON. Briefly stated, the reason was this: The Constitution vests in Congress the right to declare war and to call forth the militia in execution of the laws of the Union.

The Judge-Advocate-General in a very elaborate brief upon the subject advises us—and it was the opinion of the lawyers of the committee and other members—that offensive warfare necessarily means calling out a force beyond the jurisdiction of the United States. Such warfare can only be begun by a declaration of war, which is itself a law, and therefore a law that forbade the calling forth of the militia and ordering it beyond the United States by the Government would be unconstitutional. The President has the right to enforce the laws of the Union, and a declaration of war being a law of the United States, he has the right to enforce it by all the constitutional forces at his command.

That is the opinion of the Judge-Advocate-General, and it is supported by citations from decisions of the Supreme Court of the United States and the opinion of the members of my committee was unanimous on that point.

Mr. HUMPHREYS of Mississippi. The power that the President has derived from the Constitution?

Mr. STEENERSON. The power derived from the Constitution.

Mr. HUMPHREYS of Mississippi. From that clause of the Constitution that gives Congress power to call out the State militia and enforce the laws of the nation?

Mr. STEENERSON. To enforce the law of the nation.

Mr. HUMPHREYS of Mississippi. Or to suppress insurrections or rebel invasions?

Mr. STEENERSON. To execute the laws of the Union or rebel invasions. The clause they construe to authorize force outside of the nation is the one to enforce the laws of the Union.

Mr. HUMPHREYS of Mississippi. That is a very remarkable construction.

Mr. STEENERSON. It has been enforced on three different occasions: In the war with Mexico, and the war when we sent our militia into Florida, into Spanish territory, and under the authority of the Constitution, because we had previously declared war against Spain.

Mr. HUMPHREYS of Mississippi. Because you had power to rebel invasion?

Mr. STEENERSON. Because we had made declaration of war, which is a law of the Union, and we have a right to use the forces of the United States to enforce that law.

The other provisions in the bill—

Mr. KEIFER. Do I understand you to say that we used the militia in the Mexican war?

Mr. STEENERSON. We did. I did not say so, but we did; and we did it in the invasion of Florida.

Mr. KEIFER. Yes; but we claimed the territory.

Mr. STEENERSON. No; I do not think we did.



Mr. KEIFER. Oh, yes. We took it.

Mr. STEENERSON. It is cited in the brief of Judge-Advocate-General Davis, which I will insert in the Record.

Mr. KEIFER. Is not this the fact, that the nearest we can get to it under the Constitution is to use the militia when they are called out—

Mr. STEENERSON. I am afraid I will lose all my time.

Mr. KEIFER. During an invasion, and the question then is whether we can take them across a Territorial line?

Mr. STEENERSON. I agree. You can always do it to repel invasion.

How much time have I left, Mr. Speaker?

The SPEAKER pro tempore (Mr. Esch in the chair). The gentleman has eight minutes.

Mr. STEENERSON. The next provision of importance is a provision that authorizes the Secretary of War to supply to the militia of the different States uniforms, arms, ammunition, and equipment, without charging them against the quota under the \$2,000,000 appropriation, under section 1661 of the Revised Statutes, which, if not used for that purpose, will be used by the States in their State encampments of instruction.

Mr. TAWNEY. Can the gentleman tell us what the total appropriation is under section 1661 of the Revised Statutes as amended?

Mr. STEENERSON. Two million dollars.

Mr. TAWNEY. Up until the time of the amendment the appropriation was \$200,000 for the militia.

Mr. STEENERSON. Oh, no; it was \$400,000 until the Dick law was enacted, and in that act they increased it to \$1,000,000.

Mr. TAWNEY. What is carried in section 1661?

Mr. STEENERSON. Four hundred thousand dollars in the original Revised Statutes.

Mr. TAWNEY. It is \$200,000 in the original Revised Statutes.

Mr. STEENERSON. That is not the last print. Anyway, that is immaterial, because it is \$2,000,000, and this supply of clothing, arms, and ammunition authorized by this act can not exceed in any one year \$2,000,000. It may be, and probably will be, less, as the strength of the militia stands to-day.

Now, I contend that, notwithstanding that expenditure, this is a measure of economy.

Mr. SULZER. Will the gentleman yield?

Mr. STEENERSON. In a minute. The reason for this is that we believe in a small Regular Army and, with an efficient militia, we need not in the future increase the strength of the Regular Army.

That is the opinion of the War Department, and it is the opinion of all those who have given this matter consideration. What is the question of the gentleman from New York?

Mr. SULZER. I would like to ask the gentleman if this is a unanimous report of the Committee on the Militia?

Mr. STEENERSON. It is a unanimous report from the Committee on the Militia, and also unanimously passed by the Senate.

In reporting the bill to the House Committee the Assistant Secretary of War said:

It is proper to say in conclusion that those to whose hands the administration of the Army is intrusted are most earnest in the advocacy of a measure which is calculated to secure the efficient, harmonious, and abiding cooperation of the two great branches of the constitutional military establishment. I earnestly commend the bill to the favorable attention of your committee, and I believe that its adoption at the present time will secure the purpose of national defense at a minimum of public expenditure.

And his report to the Senate Committee on Military Affairs contains the following:

The bill was prepared by a committee of the National Guard Association, composed of officers of high rank and long experience in the organized militia, who have been honorably identified with its development and who are deeply interested in its welfare and efficiency. In the preparation of the bill the cooperation of the Department, of the General Staff, and the several staff corps has been cordially extended and the measure, as perfected, represents the views of the officers of the regular establishment and of the organized militia in respect to those branches of the constitutional military establishment which are immediately concerned in solving the important problem of national defense. It should also be said that the bill fully embodies the experience gained in the execution of the general militia law of 1903 and in the operation of the system of joint maneuvers and brigade camps, which the liberality of Congress has made it possible for the Department to inaugurate in recent years.

It is the view of the Department that the measure will be productive of highly valuable results. The amount involved is not considerable, and will give to the organized militia of the United States a degree of efficiency which can only be obtained by affording it a reasonable measure of Federal support and assistance. While the adoption of the measure will result in great and immediate benefit to the National Guard, it is also calculated to advance the efficiency of the Regular Army by bringing it into closer and more helpful contact with the organized militia.

For the reasons above stated, the bill is strongly commended to your favorable consideration as a measure of great and immediate national concern.

The bill, I repeat, is strongly recommended to our favorable consideration by the War Department as one of great and immediate national concern.

It is a timely recognition of the important public service by the membership of the organized militia. The young men who constitute these organizations in the different States and Territories of the Union, who freely contribute their time and their effort in order that they may acquire the military training and education necessary to enable them to serve their country with efficiency in time of need and national peril, are deserving of our tender affection and highest praise.

The Regular Army numbers only a little over 50,000 men. Admittedly it is only a nucleus around which a larger force may be built up in case of need. The Navy is important as a means of national defense, but it is in the skill, bravery, and strength of our land forces after all that our security as a nation depends. It has been the policy of our country to maintain only a small Regular Army, and to depend in times of war on the citizen soldiery of our land. This will be our policy in the future. In order, however, to justify keeping our Regular Army down to its present authorized numbers we should encourage the young men of our land to prepare for military service in time of peace. This is the aim of the present bill. It is good economy to adopt this course, for unless we do, an increase in our Regular Army would undoubtedly become necessary.

It is a measure that concerns all the people of all sections and parties alike. [Applause.]

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, this is a wonderful bill in some respects. It is brought up at 10 o'clock at night, and brought up for consideration with twenty minutes' debate on each side. It provides for the creation of courts-martial, and provides that the majority of the members of the courts-martial shall be officers of the Regular Army. It makes a new provision of law, that these men shall be mustered into the service, and when they are enlisted and not present at that muster they will be punished with that sort of a court-martial, composed of a majority of Regular Army officers. It then amends the law by inserting the words "either within or without the territory of the United States." So that the President can call out this entire militia to serve either "within or without the United States."

The gentleman says Congress has the power to declare war. Yes; but if this bill passes, the President will have the right to carry on war without a declaration by Congress and send the entire militia into foreign parts in order to carry it on. But why I am most against giving this power to the President is because after the declaration of war by the President the President should have the right to execute the laws of the United States, and that would be the law. But while this bill makes no such provisions, I should judge from what I read of it it will literally accomplish the purpose of increasing for all practical purposes the Army of the United States by the number of militia herein provided for.

Mr. Speaker, I find it impossible for me in this time to run over the many changes that it will make from existing law. The gentleman says Congress had power to do all this long ago. That is the point. We have undoubtedly neglected it heretofore. Congress never intended to put the organized militia of the United States at the service of the President, either within or without the United States, at his will. It never intended to make another change that is made here. It says that the militia shall be subject to the rules and regulations prescribed for the Regular Army of the United States, subject, in time of peace, under such general exceptions as may be authorized by the Secretary of War. This is a pretty dangerous bill to pass after forty minutes of debate, with no greater opportunity to tell us what is in it than we have had. I will not talk about the increase of the expense.

I know it is stated that the National Guard wants it, but the National Guard does not know much about it except the increase of the money to be expended on the National Guard encampment. The balance of the influence behind this bill comes from some other source far more potent than the officers of the National Guard within your respective States.

How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has consumed three minutes.

Mr. WILLIAMS. I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, there is no one who cares more for the militia than I do. I served in it for over ten years. The reason I asked a second is because I think it is not only too important a bill to be disposed of on a motion

to suspend the rules, but because I find that by inadvertence the chairman and the committee, who desired to increase the power of the President over the militia of this country, have limited his power to the organized militia, whereas before he could call out every able-bodied citizen in this land. I speak of the old acts of 1792 and 1795, and I will read only two sections:

R. S., Sec. 1651. Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years and under the age of 45 years, shall be enrolled in the militia.

Then follow the provisions as to enrollment of "every able-bodied citizen." True, enrollment was neglected. But when we had war Abraham Lincoln called for nine-months' men, and he got authority there for that under this provision.

Another section (No. 1669 of the Revised Statutes), originally passed in 1795, is still stronger.

Whenever the United States are invaded, or are in imminent danger of invasion—

I think under that they could have been taken out of the country—

from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Now, Mr. Speaker, as a member of the Committee on the Militia years ago we refused to bring up that law for revision for fear that by some mistake or amendment this power should be taken away from the President.

This bill, strange to say, without intending to do so, does take away that power; for in the first section, after saying that all males of a certain age belong to the militia, the bill divides them into two classes, the organized militia and the reserve militia, and with a proviso that the provisions of this act shall apply only to the militia organized as a land force. As a result the subsequent section 4, in which the authority for calling out the militia is reenacted, only applies to the organized militia, and the power of the President over every able-bodied citizen is taken away by this act. I consider that to be a matter that goes back of all questions of finance.

The old law of 1795 gave the President direct authority over every citizen of this land, and in this bill, in the section which provides that in case of rebellion or invasion, or threatened invasion, the President may issue a call, it is not provided that he may call out every able-bodied man, through their officers, but it provides that he may issue his orders for that purpose through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may deem proper. Why, we remember a time, at the beginning of the civil war, when some of the governors did not desire to have the militia called out, but we got our militia from West Virginia, and eastern Tennessee and Kentucky by the orders of the President direct.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PARKER of New Jersey. I am very sorry. I wanted to say one word or two more about some of the other sections. I do not believe that the President should be forbidden to call out volunteers until he has called out the militia.

Mr. WILLIAMS. I now yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I regret that a bill of this importance must be disposed of without an opportunity for consideration in all of its details. It is a bill that deals with the power of the Federal Government over the organized militia of the States. It is a bill which contemplates, as an adjunct to the Regular Army of the United States, adding the organized militia of the States, and I am opposed to a standing army of several hundred thousand men, nor am I in favor of conferring upon the President the power over the State militia that this bill confers upon him.

I have for twelve years served in the organized militia of the State of Minnesota. I have great respect for the officers and for the enlisted men in all of these militia organizations; but, like the gentleman from New Jersey and the gentleman from Mississippi, I can say that I do not believe that the officers or men of the organized militia know what the effects of the provisions in this bill are.

Mr. Speaker, the Federal Government in the last five years has been very liberal with our organized militia. Up until five years ago the highest amount the Federal Government had ever appropriated for the organized militia of the United States was \$400,000. To-day the organized militia receives from the Fed-

eral Government, under a permanent appropriation, \$2,075,000 annually, because, in addition to the \$2,000,000 permanent appropriation which they have received since the passage of the so-called "Dick bill" five years ago there is another appropriation of \$75,000.

Now, Mr. Speaker, it is proposed to increase this appropriation 100 per cent by giving to the organized militia a permanent annual appropriation of \$2,000,000 more, making the permanent annual appropriation for the organized militia \$4,075,000 annually hereafter—not for one year, but for all time to come. In addition to this, we have appropriated one million to enable the militia to participate in the camp maneuvers of the Regular Army, making \$3,000,000 appropriated at this session for the State militia.

If the officers and the enlisted men of the Army of the United States can in five years' time increase the annual appropriations for this adjunct to the Regular Army of the United States to this extent, there is no telling to what extent they may be able to go in securing further appropriations hereafter. They say that this expenditure is limited to \$2,000,000. The proviso at the end of that section which authorizes the Secretary of War to furnish equipment, to furnish clothes, to furnish small arms, to furnish ammunition, reads as follows:

*Provided, That the sum expended in the execution and purchase of the issues provided for in this section shall not exceed the sum of \$2,000,000 in any fiscal year.*

That does not cover all of the expenditures, however, which are authorized to be made in behalf of the militia under this bill. In addition to this annual appropriation we are to have a new division established in the War Department here in Washington. What for? For the purpose of administering the affairs of the National Guard of the United States. I read from page 12, beginning on line 23 of the bill:

The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated, etc.

Mr. STEENERSON. For the militia.

Mr. TAWNEY. For the militia.

Mr. STEENERSON. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. STEENERSON. That does not increase the expense one cent.

Mr. TAWNEY. That does not increase the expense, but you get an organization here in the city of Washington; that organization will be most potential and powerful in securing further increases for the National Guard, regardless of the will or wish of Congress. [Applause.]

Mr. STEENERSON. That clerical force is already there.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. TAWNEY. Will the gentleman give me one-half minute more?

Mr. WILLIAMS. I yield one-half minute more to the gentleman.

Mr. TAWNEY. I want to say just one word further: That at this session of Congress we have appropriated for the Army and Navy \$43,000,000 in excess of the current appropriations for the Army and Navy. When will the spirit of militarism that has taken hold of the Government and the country cease? When will we cease to appropriate as extravagantly as we have at this session for war purposes?

Mr. STEENERSON. Mr. Speaker, I yield three minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD. Mr. Speaker, I do not think the gentlemen who are opposing this bill understand the objects and purposes of it as they were understood by the committee. While this is a Senate bill, we considered it very carefully. I want to state the proposition briefly, as I understand it. The object is to build up the militia organizations, to make them conform as near as possible in their organization, number of men in the company, to the Regular Army forces, so that in the event of war, if the militia are called into service of the United States, they will all be trained in the same school.

That is, the militia will be familiar with the regular duties of the Army of the United States, so that you can bring the troops together and harmonize them and make one potent force of them. That relates to their duties in the Army when called into the service of the Army of the United States. I think that is a laudable purpose. It is true it carries an appropriation for the purpose of aiding the State guard, the National Guard of the different States. We are spending over forty millions on the Regular Army, and yet whenever we get involved in a war the President of the United States calls upon the governors of the States for men to aid in that work, and I think it would



be to the highest interests of the whole country to have trained men equipped in methods of warfare.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. FLOYD. My time is so limited that I regret I can not. There is one other question, and that is the constitutional question. A great argument is made against this bill by gentlemen who claim it enlarges the power of the President. I want to express my views on that question. The Constitution, as I understand it, provides that the President of the United States, through the governors of the several States, in time of war may call out the militia of the different States to repel invasion, suppress insurrection, or to execute the laws of the United States. It is not within the power of this committee, it is not within the power of Congress to take from or add to that constitutional provision. That is a provision of the Constitution of the United States and lodges that power in the President of the United States, and it is not within our power to add to or take from it, and we do not undertake to do that and do not understand we are doing that by this provision of the bill. [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. STEENERSON. I yield one minute to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, this is a very simple proposition. It costs to-day \$80,000,000 per year to take care of the Regular Army of 50,000 men, and this bill asks for only \$4,000,000 to take care of an army of 105,000 men. [Applause.]

Mr. STEENERSON. Two million dollars.

Mr. GRAHAM. Yes; two million per year or four million each Congress. This bill does not give them any salary. It simply gives them equipment. It is a small sum to equip 105,000 soldiers. I do not think there can be any valid argument against this bill. It is asked for by the adjutant-general of every State in the Union. Every national guardsman desires the bill, the whole 105,000 are asking for it, and I trust they will not plead in vain. [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WILLIAMS. Mr. Speaker, I do not think many of us want an army of 125,000 men, even if it does not cost much. I now yield four minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, there is no emergency that demands the passage of this bill at this time. It is a good bill to postpone until we come together next December. [Applause.] If we vote down this proposition to suspend the rules the bill loses none of its privileges. It will appear on the Calendar on the first Monday of December next, and when we get together I hope we will not come for roll calls, but for discussion, and there will be ample opportunity to discuss this bill from beginning to end.

If it is a good bill, the gentleman from Minnesota ought to welcome discussion. If it is a bad bill, discussion will show the weaknesses of the bill and the reasons there may be for not enacting it into law. So, Mr. Speaker, I hope the action of the House will be to vote down this motion and simply postpone action upon this bill until next December. We ought to be careful how we add \$2,000,000 more to the burden we are to have for the year to come—

Mr. GRAHAM. Will the gentleman permit?

Mr. PAYNE. It does not make any difference what the object is, the burden is already beyond what we anticipated when we entered upon this session of Congress. Why add to it? Why not wait until next December and see how our revenues come out, see how our deficiencies come out, see whether we ought to pass this bill? There is plenty of time, and I hope the motion will be voted down.

Mr. STEENERSON. I am willing to have more time on this bill now. I am willing to ask unanimous consent to extend the time. I ask unanimous consent for thirty minutes more time for debate.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that general debate be extended thirty minutes.

Mr. WILLIAMS. If the gentleman from Minnesota will ask unanimous consent for six hours, to be equally divided between the two sides, I will readily consent, although that is not sufficient. If he does not, I will object. [Cries of "Regular order!"]

Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, it is almost impossible in this short time to discuss this bill. Whenever any question is raised as to its wisdom, it is suggested that the provision is substantially the Dick law. Well, that only shows to my mind that when

the Dick law was passed it was not fully understood. But this bill does enlarge very greatly the existing laws relative to the militia.

Mr. GRAHAM. Will the gentleman permit—

Mr. SHERLEY. I will not; I have not the time.

Mr. GRAHAM. Is the gentleman aware that one hundred years—

Mr. SHERLEY. Mr. Speaker, I must ask for my time. This bill gives to the President of the United States the power to order the militia of the country outside of the limits of the United States. Under the provisions of the bill the President of the United States could send the militia to the Philippines to-morrow, and I do not believe that that ought to be the law of the land, and I would not vote for it if every member of every militia organization in America petitioned me to so vote. I believe it is vicious. I am in favor of having an efficient militia, but I do not think that you need, in order to have the militia efficient, to make it really the same as the standing Army of the United States; and I do not believe in trying to bribe the militia into supporting a bill of this kind by offering to pay certain of their expenses out of the Treasury if they will forego their liberties as American citizens. I am opposed to the bill. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. WILLIAMS. Now, Mr. Speaker, in the one and one-half minutes I have left I want to call attention to the language of section 5 again, that this militia shall continue to serve "during the term so specified," "either within or without the territory of the United States." I also desire to call attention to this new language in the bill:

That when the military needs of the Federal Government, arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion, can not be met by the regular forces, the organized militia shall be called into the service of the United States—

Understand, "United States," not the States—

in advance of any volunteer force which it may be determined to raise.

Not only is the gentleman from Kentucky right in saying that the militia under this law could be ordered by the President, without an act of Congress, to the Philippine Islands, not only was I right in saying that the militiaman can under it be judged by a court-martial composed in part of the officers of the Regular Army, Mr. Speaker, but in many other respects this bill is an entirely new departure, and it amounts to organizing an auxiliary arm of the Regular Army 125,000 men strong.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. STEENERSON. Mr. Speaker, it seems to me that all of these objections are untenable. The law is perfectly constitutional, and we can not take away or add to the power of the President under the Constitution to enforce the laws of the Union. It seems to me to be very poor economy to refuse to furnish clothing, ammunition, and arms to the militia of the different States when they are the men that you have got to depend upon in case of war. [Applause.] It is the citizen soldier that has always been the support of this country in time of war, and we hope by this provision to so encourage the citizen soldiers throughout the different States, who patriotically serve without pay in order that they may acquire discipline and a military education. We want to encourage them everywhere in order that the strength of the country may be in its citizens and not in its Regular Army. It is economy as well as expediency that demands it. [Applause.]

[Memorandum by the Judge-Advocate-General.]

EMPLOYMENT OF THE ORGANIZED MILITIA IN THE EXECUTION OF A DECLARATION OF WAR.

Among the several war powers vested in Congress by the Constitution are the following:

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." (Constitution, Art. I, sec. 8, par. 11.)

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." (Ibid., par. 14.)

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." (Ibid., par. 15.)

The following war powers are vested in the President:

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States." (Constitution, Art. II, sec. 2, par. 1.)

It will thus be seen that very broad powers, in respect to the national defense, are vested in Congress by the Constitution. In the execution of those powers:

(1) It may create a standing army, as a main reliance, relegating the militia to a subordinate position.

(2) It may make the militia a chief reliance and entirely dispense with the standing army.

As a matter of fact, Congress has acted under all the grants of war power which are vested in it by the Constitution. It has fostered and developed the militia and has employed it in occasions of national emergency; it has organized standing armies; it has raised volunteer armies for a limited term, and has resorted to conscription as a means of obtaining a military force with a view to meet a national emergency.

In framing the Constitution it was necessary to prescribe three heads under which the several war powers of Congress should be arranged, this to meet the following cases of emergency:

1. Offensive war, involving an invasion of foreign territory.
2. Defensive war, due to the invasion of the territory of the United States by a public enemy.
3. Insurrection or rebellion against the authority of the United States or against that of a State. (Under this head falls the case where there is forcible opposition to the execution of the laws of the United States.)

Each of these cases had to be provided for, and was in fact made the subject of a specific grant of power to Congress in the Constitution.

In the case of offensive war, hostilities would begin, and could only begin, with a formal declaration of war, originating in that branch of the Government having authority under the Constitution to act in the case.

In the case of defensive war, as no declaration has ever been regarded, at international law, as necessary by the state acting on the defensive, it was necessary to vest a power in Congress and the Executive to provide and employ troops with a view to resist such invasion.

In the case of insurrection, rebellion, or forcible resistance to the execution of the laws, it was necessary to vest authority in some branch of the Government to suppress such insurrection or rebellion or to overcome such resistance.

There have been three declarations of war in our constitutional history, in each of which offensive operations are expressly contemplated, and each took the form of an act of Congress, which received Executive approval in the usual manner. Each contained other matter than the mere declaration of war and vested certain duties in the Executive. The following are the declarations:

Declaration of war against the Barbary powers. (Act of Feb. 6, 1802, 2 Stat. L., 129.)

Declaration of war against Great Britain. (Act of June 18, 1812; act of June 18, 1812, 2 Stat. L., 755.)

Declaration of war against Spain. (Act of Apr. 25, 1898, 30 Stat. L., 364.)

The Mexican war began without declaration, and its existence was recognized by Congress in an appropriate act of legislation. (Act of May 13, 1846, 9 Stat. L., 9.) Similar legislative recognition of an existing state of public war was given at the outbreak of the civil war.

It has been seen that each of the enactments above referred to constituted a constitutional act of legislation, which it was in the power of Congress to adopt and which it was the duty of the Executive to carry into effect. It is interesting to note that the act of May 13, 1846, recognizing the existence of war with Mexico, expressly authorized the Executive to use the militia, among other forces, for its prosecution, and Congress by an appropriate enactment, which had some of the aspects of retrospective legislation, required the militia forces called forth in its operation to serve for six months, instead of three, as required by then-existing law.

It is conceded that what may be called the popular view of the operation of the Constitution is contrary to that herein explained—that is, that the militia may not be employed in offensive operations, i. e., in the invasion of foreign territory. This view has influenced the action of the Government upon several occasions; but I think it will be apparent, if the cases be carefully studied, that in the early history of the Republic such action was due to the fact that the militia was not a sufficiently disciplined force to be employed successfully in the operations of offensive warfare. For this reason, and to give the Federal Government complete control over the forces raised by its authority, the expedient of volunteer forces has been resorted to upon several occasions of national emergency, especially during the wars with Mexico and Spain and the civil war.

It is submitted, however, that a declaration of war is an act of constitutional legislation, requiring the performance of corresponding executive duties on the part of the President. It differs in no respect from other legislation acts, and equally charges the President with the duty of execution.

In this connection attention is invited to the correspondence in connection with the Seminole war in 1818. The operations undertaken involved an invasion of the Spanish territory of Florida. For this purpose the militia was called forth and employed. Whether the militia forces, which were slow in assembling, were actually used in carrying out the invasion of Spanish territory is not fully apparent from the correspondence. (American State Papers, Vol. XII, "Military affairs," pp. 981 to 769.) See also a letter from Secretary of War Monroe to Congress under date of February 11, 1815. (Ibid., 605.)

Very respectfully,

GEO. B. DAVIS.

FEBRUARY 4, 1908.

The following are extracts from messages of Presidents relative to the militia:

PRESIDENT WASHINGTON, 1789.

Along with this object (the preservation of peace and tranquillity on the frontiers) I am induced to suggest another, with the national importance and necessity of which I am deeply impressed; I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure on which the honor, safety, and well-being of our country so evidently and so essentially depend; but it may not be amiss to observe that I am particularly anxious it should receive as early attention as circumstances will admit, because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several States by means of the many well-instructed officers and soldiers of the late Army, a resource which is daily diminishing by death and other causes. To suffer this peculiar advantage to pass away unimproved would be to neglect an opportunity.

PRESIDENT WASHINGTON, 1790.

Among the many interesting objects which will engage your attention, that of providing for the common defense will merit particular regard. To be prepared for war is one of the most efficient means of preserving peace.

A free people ought not only to be armed but disciplined, to which end a uniform and well-digested plan is requisite.

PRESIDENT WASHINGTON, 1791.

The first (militia) is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order.

PRESIDENT WASHINGTON, 1793.

They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which can not be too solemnly pursued, whether the act more effectually to provide for the national defense by establishing a uniform militia throughout the United States has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme, and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

PRESIDENT WASHINGTON, 1794.

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia, and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasion.

PRESIDENT WASHINGTON, 1795.

With the review of our Army establishment is naturally connected that of the militia. It will merit inquiry what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed until the greatest attainable perfection shall be accomplished. Time is wearing away some advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

PRESIDENT JEFFERSON, 1801.

These considerations render important that we should, at every session, continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are sufficiently perfect. Nor should we now, or at any time, separate until we can say we have done everything for the militia which we could do were an enemy at our door.

PRESIDENT JEFFERSON, 1802.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review and give it those improvements of which you find it susceptible.

PRESIDENT JEFFERSON, 1804.

Should any improvement occur in the militia system, that will be always seasonable.

PRESIDENT JEFFERSON, 1805.

I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps for real and active service, and to be called to it in regular rotation.

PRESIDENT JEFFERSON, 1806.

A militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time, are means which may always be ready, yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity.

PRESIDENT JEFFERSON, 1808.

For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others. Congress alone has power to produce a uniform state of preparation in this great organ of defense; the interests which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

PRESIDENT MADISON, 1809.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

PRESIDENT MADISON, 1810.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are to be governed. Toward an accomplishment of this important work I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field, at the public expense and for a given time, certain portions of the commissioned and noncommissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army in fitting it for the final duties which it may have to perform.



PRESIDENT MADISON, 1812.

A revision of the militia laws, for the purpose of rendering them more systematic and better adapting them to emergencies of war, is at this time particularly desirable.

PRESIDENT MADISON, 1813.

The militia, being always to be regarded as the great bulwark of defense and security for free States, and the Constitution having wisely committed to the national authority a use of that force as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws for the purpose of securing more effectually the services of all detachments called into the employment and placed under the Government of the United States.

PRESIDENT MADISON, 1814.

I earnestly renew at the same time a recommendation of such changes in the system of the militia as by classing and disciplining for the most prompt and active service the portions most capable of it will give to that great resource for the public safety all the required energy and efficiency.

PRESIDENT MADISON, 1815.

And I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free State. If experience has shown in the recent splendid achievements of militia the value of this resource for public defense, it has shown also the importance of that skill in the use of arms, and that familiarity with the essential rules of discipline which can not be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution.

PRESIDENT MADISON, 1816.

An efficient militia is authorized and contemplated by the Constitution and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force than a classification which will assign the foremost place in the defense of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with the most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

PRESIDENT MONROE, 1817.

An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitting attention of Congress.

PRESIDENT MONROE, 1822.

I have to add that in proportion as our regular force is small should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

PRESIDENT MONROE, 1823.

As the defense and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Union.

PRESIDENT ADAMS, 1825.

The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation, standing in perpetual panoply of defense in the presence of all the other nations of the earth.

To this end it would be necessary so to shape its organization as to give it a more united and active energy. There are laws for establishing a uniform militia throughout the United States and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity, and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defense of the Union at the shortest notice and at the smallest expense of time, of life, and of treasure, are among the benefits to be expected from the persevering deliberations of Congress.

PRESIDENT ADAMS, 1826.

The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

PRESIDENT JACKSON, 1832.

If in asserting rights or in repelling wrongs war should come upon us, our regular force should be increased to an extent proportioned to an emergency, and our present small Army is a nucleus around which such force could be formed and embodied. But for purposes of defense, under ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom, the Government was instituted and is supported, will constitute its protection in the hour of danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification, remedying these defects and providing for a system of instruction, might not be adopted, is submitted to the consideration of Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defense requires your attention.

PRESIDENT JACKSON, 1835.

Occurrences to which we, as well as other nations, are liable, both in our internal and external relations, point to the necessity of an efficient

organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community whose will has instituted and whose power must support the Government.

PRESIDENT JACKSON, 1836.

In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this armed defense has been so repeatedly presented to Congress by myself and my predecessors that I deem it sufficient on this occasion to refer to the last annual message and to former Executive communications in which the subject has been discussed.

PRESIDENT VAN BUREN, 1837.

It is not, however, compatible with the interests of the people to maintain in time of peace a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude.

It was recommended to the First Congress by General Washington, and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the Constitution that renders it necessary to adopt a uniform system of organization for the militia throughout the United States presents an insurmountable obstacle to an effective arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the Secretary of War for the organization of volunteer corps and the instruction of the militia officers as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

PRESIDENT VAN BUREN, 1838.

I would again call your attention to the subjects connected with and essential to the military defenses of the country, which were submitted to you at the last session, but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the Regular Army, and may form the basis for a general system of organization for the entire militia of the United States.

PRESIDENT VAN BUREN, 1839.

The present condition of the defenses of our principal seaports and navy-yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress, and, as connecting itself intimately with this subject, I can not recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.

PRESIDENT TYLER, 1843.

In all cases of emergency the reliance of the country is properly placed in the militia on a uniform basis is a subject of vital importance to the future safety of Congress whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present, and of easy application to the great body of the militia in time of war.

PRESIDENT LINCOLN, 1861.

The recommendation of the Secretary (of War) for the organization of the militia on a uniform basis is a subject of vital importance to the future safety of the country, and is commended to the serious attention of Congress.

PRESIDENT HAYES, 1880.

Attention is asked to the necessity of providing by legislation for organizing, arming, and disciplining the active militia of the country, and liberal appropriations are recommended in this behalf.

PRESIDENT ARTHUR, 1882 AND 1883.

I invite the attention of Congress to the propriety of making more adequate provision for arming and equipping the militia.

From the reports of these (United States Army) officers I am induced to believe that the encouragement of the State militia organizations by the National Government would be followed by very gratifying results and would afford it in sudden emergencies, the aid of a large body of volunteers educated in the performance of military duties.

PRESIDENT HARRISON, 1890.

The encouragement that has been extended to the militia of the States should be continued and enlarged. These military organizations constitute in a large sense the Army of the United States, while about five-sixths of the annual cost of their maintenance is defrayed by the States.

PRESIDENT CLEVELAND, 1896.

The appropriations for its (organized militia) support by the several States approximate \$2,800,000 annually, and \$400,000 is contributed by the General Government. Investigation shows these troops to be usually well drilled and inspired with much military interest, but in many instances they are so deficient in proper arms and equipment that a sudden call to active duty would find them inadequately prepared for field service. I therefore recommend that prompt measures be taken to remedy this condition, and that every encouragement be given to this deserving body of unpaid voluntary citizen soldiers, upon whose assistance we must largely rely in time of trouble.

PRESIDENT ROOSEVELT, 1901.

Our militia law is obsolete and worthless. The organization and armament of the national guard of the several States . . . should be made identical with those provided for the regular forces. The obligations and duties of the guard in time of war should be carefully defined. . . . It is utterly impossible in the excitement and haste of impending war to do this satisfactorily if the arrangements have not been made long beforehand.

. . . the State troops, being already armed and equipped, would be ready for immediate service. This was based on the supposition that the arms and equipments were in good condition, an expectation not generally realized during the war. It is probable that the troops would have been ready for service as quickly by being equipped anew.

As these troops (volunteer, first call) were mainly from the national guards of the different States, it was understood that they were well equipped, . . . which supposition was not realized.

Your committee has endeavored to provide a plan as simple and practical as possible to place the militia of the country upon an adequate and satisfactory footing, so that in time of danger it would be immediately available for national defense. The committee believes that that end can be accomplished without changing, or attempting to change, the long-established relations between the General Government and the States, and with that end in view that such legislation as is recommended should be in substantial conformity to the following conditions:

1. The obsolete and inoperative sections of the general militia law should be repealed.
2. Those portions of the original statute which continue to have operative force should be brought into conformity with existing military conditions.
3. The organization and discipline of the militia should, for the sake of uniformity of instruction, conform to that prevailing in the Army.
4. The cooperation of the Federal Government should be so regulated as to make it reasonably certain that its expenditures for the maintenance and armament of the militia should hereafter be conditioned or made to depend upon such return, in the way of improved organization and increased efficiency, as will be calculated to justify its liberality in the matter of appropriations.

The SPEAKER pro tempore. All time has expired. The question is, Shall the rules be suspended and the bill taken from the Speaker's table and passed?

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

Mr. STEENERSON. Mr. Speaker, I make the point that there is no quorum.

Mr. WILLIAMS. Has the Chair ruled that the yeas and nays have been ordered?

Mr. GRAHAM. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. WILLIAMS. I make the point of order that that is dilatory. There is a quorum.

The SPEAKER pro tempore. The Chair will count.

Mr. GRAHAM. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. STEENERSON] raised the point of no quorum. The Chair will count. [After counting.] Not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees; those in favor of the bill will, as their names are called, answer "yea," those opposed will answer "nay," those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 126, nays 79, answered "present" 19, not voting 163, as follows:

## YEAS—126.

Ashbrook	Douglas	Hill, Conn.	Olcott
Barchfeld	Draper	Hinschaw	Olmsted
Barelay	Durey	Howell, N. J.	Parker, S. Dak.
Bartlett, Nev.	Ellis, Mo.	Howell, Utah	Parsons
Bates	Ellis, Oreg.	Hubbard, W. Va.	Pollard
Bede	Englebright	Huff	Pray
Bonyngo	Esch	Humphrey, Wash.	Roberts
Boyd	Fairchild	Jones, Wash.	Rodenberg
Burleigh	Fassett	Kahn	Sherman
Burnett	Ferris	Kellher	Small
Burton, Ohio	Floyd	Kennedy, Iowa	Smith, Cal.
Calderhead	Focht	Kennedy, Ohio	Smith, Iowa
Capron	Foster, Vt.	Küstermann	Southwick
Carter	Foulkrod	Lafean	Steenerson
Caulfield	Fowler	Laning	Sterling
Chaney	French	Lawrence	Sturgiss
Chapman	Gaines, W. Va.	Lindbergh	Sulloway
Cocks, N. Y.	Gilliams	Littlefield	Sulzer
Cole	Glass	Loudenslager	Taylor, Ohio
Cook, Colo.	Graff	Lowden	Thistlewood
Cooper, Pa.	Graham	McGavin	Tirrell
Coudrey	Granger	McKinley, Ill.	Volstead
Craig	Greene	McKinney	Wanger
Currier	Hackett	McLachlan, Cal.	Washburn
Dalzell	Hale	Malby	Weeks
Darragh	Hall	Maynard	Weems
Davenport	Hamilton, Iowa	Moore, Pa.	Wilson, Ill.
Davidson	Hamilton, Mich.	Morse	Wood
Dawson	Haskins	Needham	Woodyard
De Armond	Hawley	Nelson	Young
Denby	Hayes	Nye	
Diekema	Higgins	O'Connell	

## NAYS—79.

Adair	Ellerbe	Johnson, Ky.	Rauch
Adamson	Fitzgerald	Kimball	Reeder
Alexander, Mo.	Foster, Ind.	Lamb	Robinson
Anthony	Gardner, Mich.	Lee	Rothermel
Beall, Tex.	Garner	Lenahan	Rucker
Bocher	Garrett	Lloyd	Russell, Mo.
Powers	Gillespie	McHenry	Sabath
Brantley	Gregg	McLain	Scott
Brodhead	Hackney	Macon	Sherley
Burleson	Hamill	Moon, Tenn.	Sherwood
Campbell	Hamlin	Moore, Tex.	Smith, Mo.
Candler	Helm	Murphy	Spight
Carlin	Henry, Tex.	Nicholls	Tawney
Clark, Mo.	Holliday	Padgett	Thomas, N. C.
Cooper, Tex.	Houston	Page	Tou Velle
Cox, Ind.	Howard	Parker, N. J.	Watkins
Crawford	Howland	Patterson	Webb
Crumpacker	Hughes, N. J.	Payne	Williams
Denver	Hull, Tenn.	Pujo	Wilson, Pa.
Edwards, Ky.	James, Oille M.	Randell, Tex.	

## ANSWERED "PRESENT"—19.

Ansberry	Cooper, Wia.	Heftin	Richardson
Bennet, N. Y.	Dixon	Humphreys, Miss.	Sheppard
Boutell	Finley	Kelfer	Talbot
Burton, Del.	Foster, Ill.	Lever	Waldo
Clayton	Goulden	Madden	

## NOT VOTING—163.

Acheson	Flood	Kitchin, Wm. W.	Peters
Aiken	Fordney	Knapp	Porter
Alexander, N. Y.	Fornes	Knopf	Pou
Allen	Foss	Knowland	Powers
Ames	Fuller	Lamar, Fla.	Pratt
Andrus	Fulton	Lamar, Mo.	Prince
Bannon	Gaines, Tenn.	Landis	Rainey
Bartholdt	Gardner, Mass.	Langley	Ransdell, La.
Bartlett, Ga.	Gardner, N. J.	Lassiter	Reid
Beale, Pa.	Gill	Law	Reynolds
Bell, Ga.	Gillett	Leake	Rhinock
Bennett, Ky.	Godwin	Legare	Riordan
Bingham	Goebel	Lewis	Russell, Tex.
Birdsall	Goldfogle	Lilly	Ryan
Bradley	Gordon	Lindsay	Saunders
Broussard	Griggs	Livingston	Shackelford
Brownlow	Gronna	Longworth	Sims
Brumm	Haggott	Lorimer	Slayden
Brundidge	Hammond	Loud	Slomp
Burgess	Harding	Lovering	Smith, Mich.
Burke	Hardwick	McCall	Smith, Tex.
Butler	Hardy	McCreary	Snapp
Byrd	Harrison	McDermott	Sparkman
Calder	Haugen	McGuire	Sperry
Caldwell	Hay	McKinlay, Cal.	Stafford
Cary	Henry, Conn.	McLaughlin, Mich.	Stanley
Clark, Fla.	Hepburn	McMillan	Stevens, Tex.
Cockran	Hill, Miss.	McMorrin	Stevens, Minn.
Conner	Hitchcock	Madison	Taylor, Ala.
Cook, Pa.	Hobson	Mann	Thomas, Ohio
Cousins	Hubbard, Iowa	Marshall	Townsend
Cravens	Hughes, W. Va.	Miller	Underwood
Cushman	Hull, Iowa.	Mondell	Vreeland
Davey, La.	Jackson	Moore, Pa.	Wallace
Davis, Minn.	James, Addison D.	Mouser	Watson
Dawes	Jenkins	Mudd	Weisse
Driscoll	Johnson, S. C.	Murdock	Wheeler
Dunwell	Jones, Va.	Norris	Wiley
Dwight	Kinkaid	Overstreet	Willett
Edwards, Ga.	Kipp	Pearce	Wolf
Favrot	Kitchin, Claude	Perkins	

The Clerk announced the following additional pairs: Until further notice:

Mr. ACHESON with Mr. CRAVENS.

Mr. BARTHOLDT with Mr. POU.

Mr. BEALE of Pennsylvania with Mr. FAVROT.

Mr. CUSHMAN with Mr. FULTON.

Mr. DAVIS of Minnesota with Mr. GORDON.

Mr. KINKAID with Mr. LASSITER.

Mr. MCCALL with Mr. LINDSAY.

Mr. MONDELL with Mr. RAINEY.

Mr. MOON of Pennsylvania with Mr. RHINOCK.

Mr. MORRIS with Mr. RIORDAN.

Mr. OVERSTREET with Mr. UNDERWOOD.

Mr. SMITH of Michigan with Mr. SAUNDERS.

Mr. VREELAND with Mr. WOLF.

Mr. LOBIMER with Mr. HUMPHREYS of Mississippi.

Mr. ALEXANDER of New York with Mr. HEFLIN.

Mr. MURDOCK with Mr. FINLEY.

Mr. WALDO with Mr. SLAYDEN.

Mr. MCCREARY with Mr. CLARK of Florida.

Mr. JENKINS with Mr. CLAYTON.

Mr. MCGUIRE with Mr. FOSTER of Illinois.

Mr. RICHARDSON. Mr. Speaker, did the gentleman from Pennsylvania [Mr. WHEELER] vote?

The SPEAKER pro tempore. He did not.

Mr. RICHARDSON. I voted "aye." I am paired with him and withdraw my vote and answer "present."

The name of Mr. RICHARDSON was called, and he answered "present."

The SPEAKER pro tempore. On this question the yeas are 126, the nays are 79, "present" 19; a quorum is present. The Doorkeeper will open the doors; the ayes have it, and the bill is passed. [Applause.]

## LEAVE OF ABSENCE.

Mr. TAYLOR of Alabama, by unanimous consent, obtained leave of absence for the balance of the session on account of important business.

## WITHDRAWAL OF PAPERS.

Mr. CARY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Gretchen Stommel (H. R. 9548), Sixtieth Congress, no adverse report having been made thereon.

Mr. DALZELL, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Rushberger (H. R. 4888), Fifty-sixth Congress, no adverse report having been made thereon.



## REPRINT OF JOINT RESOLUTION.

The SPEAKER. The Chair submits the following request by the gentleman from New York [Mr. GOULDEN].

The Clerk read as follows:

To reprint House joint resolution 190, making the 21st day of October in each and every year a national holiday, and designating it "Discovery Day."

Mr. WILLIAMS. This is a mere request for a reprint of a bill?

The SPEAKER. It is a mere request for a reprint of a joint resolution. The Chair hears no objection.

## RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 a. m. to-morrow.

Mr. WILLIAMS. On that proposition I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. I make the point of order that a quorum is not present.

The SPEAKER (after counting). One hundred and sixty-six Members are present; not a quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as are in favor of the motion will, as their names are called, answer "yea;" as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 143, nays 50, answered "present" 13, not voting 181, as follows:

## YEAS—143.

Adair	Ellis, Mo.	Humphrey, Wash.	Parker, S. Dak.
Alexander, Mo.	Ellis, Oreg.	Johnson, Ky.	Parsons
Barchfeld	Englebright	Jones, Wash.	Payne
Barclay	Esch	Kahn	Pray
Bates	Fairchild	Kelley	Pujo
Bede	Fassett	Kennedy, Iowa	Rainey
Bonyng	Focht	Kennedy, Ohio	Rauch
Boutell	Foster, Ind.	Kimball	Roberts
Boyd	Foulkrod	Kilstermann	Rodenberg
Burleigh	Fowler	Lafean	Russell, Mo.
Burton, Ohio	French	Lamb	Sabath
Calderhead	Gaines, W. Va.	Laning	Scott
Capron	Gardner, N. J.	Lawrence	Sherman
Carter	Gilham	Lee	Sherwood
Caulfield	Graham	Lindbergh	Smith, Cal.
Chaney	Graff	Loudenslager	Smith, Iowa
Chapman	Graham	Lowden	Southwick
Cocks, N. Y.	Greene	McGuire	Steenerson
Cole	Hackney	McKinley, Ill.	Sterling
Cook, Colo.	Hale	McKinney	Sturgiss
Cooper, Pa.	Hall	McLain	Sulloway
Coudrey	Hamilton, Iowa	Macon	Suizer
Crawford	Hamilton, Mich.	Malby	Taylor, Ohio
Crumpacker	Haskins	Mandell	Thistlewood
Curtier	Hawley	Moon, Tenn.	Tirrell
Cushman	Hayes	Moore, Pa.	Tou Velle
Dalzell	Higgins	Morse	Volstead
Darragh	Hill, Conn.	Murdock	Wanger
Davidson	Hinschaw	Murphy	Washburn
Dawson	Holliday	Needham	Weeks
De Armond	Howard	Nelson	Weems
Denby	Howell, N. J.	Nye	Wilson, Ill.
Diekema	Howell, Utah	Olcott	Wood
Douglas	Howland	Olmsted	Woodyard
Draper	Hubbard, W. Va.	Padgett	Young
Durey	Huff	Parker, N. J.	

## NAYS—50.

Adamson	Denver	Helm	Robinson
Bartlett, Nev.	Ellerbe	Henry, Tex.	Rothermel
Beall, Tex.	Ferris	Houston	Rucker
Booher	Finley	Hughes, N. J.	Sherley
Bowers	Fitzgerald	Hull, Tenn.	Smith, Mo.
Brodhead	Floyd	James, Ollie M.	Stanley
Burleson	Garner	Keliber	Thomas, N. C.
Burnett	Garrett	Lloyd	Watkins
Candler	Gillespie	Moore, Tex.	Webb
Carlin	Hackett	Nicholls	Williams
Clark, Mo.	Hamill	O'Connell	Wilson, Pa.
Cox, Ind.	Hamlin	Page	
Craig	Hedlin	Randell, Tex.	

## ANSWERED "PRESENT" 13.

Ansherry	Foster, Ill.	Richardson	Waldo
Bennet, N. Y.	Goulden	Sheppard	
Burton, Del.	Humphreys, Miss.	Small	
Dixon	Lever	Talbott	

## NOT VOTING—181.

Acheson	Brantley	Cook, Pa.	Fornes
Aiken	Broussard	Cooper, Tex.	Foss
Alexander, N. Y.	Brownlow	Cooper, Wis.	Foster, Vt.
Allen	Brumm	Cousins	Fuller
Ames	Brundidge	Cravens	Fulton
Andrus	Burgess	Davenport	Gaines, Tenn.
Anthony	Burke	Davey, La.	Gardner, Mass.
Ashbrook	Butler	Davis, Minn.	Gardner, Mich.
Bannon	Byrd	Dawes	Gill
Bartholdt	Calder	Driscoll	Gillett
Bartlett, Ga.	Caldwell	Dunwell	Godwin
Beale, Pa.	Campbell	Dwight	Goebel
Beil, Ga.	Cary	Edwards, Ga.	Goldfogle
Bennett, Ky.	Clark, Fla.	Edwards, Ky.	Gordon
Bingham	Clayton	Favrot	Granger
Birdsall	Cockran	Flood	Gregg
Bradley	Conner	Fordney	Griggs

Gronna	Lamar, Fla.	Madison	Shackleford
Haggott	Lamar, Mo.	Mann	Sims
Hammond	Landis	Marshall	Slayden
Harding	Langley	Maynard	Slemp
Hardwick	Lassiter	Miller	Smith, Mich.
Hardy	Law	Moon, Pa.	Smith, Tex.
Harrison	Leake	Mouser	Snapp
Haugen	Legare	Mudd	Sparkman
Hay	Lenahan	Norris	Sperry
Henry, Conn.	Lewis	Overstreet	Spight
Hepburn	Lilley	Patterson	Stafford
Hill, Miss.	Lindsay	Pearre	Stephens, Tex.
Hitchcock	Littlefield	Perkins	Stevens, Minn.
Hobson	Livingston	Peters	Tawney
Hubbard, Iowa	Longworth	Pollard	Taylor, Ala.
Hughes, W. Va.	Lorimer	Porter	Thomas, Ohio
Hull, Iowa	Loud	Pou	Townsend
Jackson	Lovering	Powers	Underwood
James, Addison D.	McCall	Pratt	Vreeland
Jenkins	McCreary	Prince	Wallace
Johnson, S. C.	McDermott	Ransdell, La.	Watson
Jones, Va.	McGavin	Reeder	Wells
Kinkaid	McHenry	Reid	Wheeler
Klapp	McKinlay, Cal.	Reynolds	Wiley
Kitchin, Claude	McLachlan, Cal.	Rhinock	Willett
Kitchin, Wm. W.	McLaughlin, Mich.	Riordan	Wolf
Knapp	McMillan	Russell, Tex.	
Knopf	McMorran	Ryan	
Knowland	Madden	Saunders	

The following additional pairs were announced:

On this vote:

Mr. TAWNEY with Mr. LEGARE.

Mr. MILLER with Mr. MAYNARD.

Mr. McMORRAN with Mr. McHENRY.

Mr. LONGWORTH with Mr. GRANGER.

Mr. HAUGEN with Mr. COOPER OF TEXAS.

Mr. GARDNER of Michigan with Mr. BRANTLEY.

Mr. FOSTER of Vermont with Mr. PATTERSON.

Mr. FOSS with Mr. ASHBROOK.

Mr. FORDNEY with Mr. SPIGHT.

Mr. CAMPBELL with Mr. DAVENPORT.

Mr. ANTHONY with Mr. AIKEN.

The SPEAKER. On this question the yeas are 143, the nays 50, answering "present" 13, a quorum; the yeas have it, and the House stands in recess until 11 o'clock a. m. to-morrow.

Accordingly (at 10 o'clock and 50 minutes p. m.) the House was declared in recess.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 21985) for the enlargement of the Capitol grounds and for the erection of a monument or monumental memorial to Abraham Lincoln, reported the same with amendments, accompanied by a report (No. 1773), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SIMS: A bill (H. R. 22151) requiring all street car companies operating their systems or parts of systems in the District of Columbia to give transfers good over all lines in the District of Columbia upon payment of 1 cent additional fare—to the Committee on the District of Columbia.

By Mr. BEDE: A bill (H. R. 22152) for the construction of a breakwater at Duluth, Minn.—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: A bill (H. R. 22153) relative to services in legislative matters—to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 22154) to enable the surviving officers and enlisted men who served during the war of the rebellion in the military or naval forces of the United States, and certain officers and enlisted men of State militia organizations, to obtain, free of cost, 160 acres of public land—to the Committee on the Public Lands.

Also, a bill (H. R. 22155) for the relief of certain Indians by blood or identification as Mississippi Choctaws and enrollment on the final rolls of the Choctaw Nation or tribe of Indians—to the Committee on Indian Affairs.

Also, a bill (H. R. 22156) providing bounty for soldiers who served in the war with Spain—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 22157) to regulate the conduct of the laundry business in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FOSTER of Vermont: A bill (H. R. 22158) to prohibit importation of opium into Hawaii except by the Government for medicinal uses only—to the Committee on the Territories.

By Mr. LANGLEY: A bill (H. R. 22159) to authorize the acquisition of a site and the erection of a Federal building at Pikeville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. WILEY: A bill (H. R. 22160) for the relief of certain homestead settlers in Alabama—to the Committee on the Public Lands.

By Mr. RODENBERG: A bill (H. R. 22161) to acquire certain land in the District of Columbia for park purposes—to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: Memorial of the legislature of New York, relating to contingent expenses of the war of 1812—to the Committee on War Claims.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 22162) for the relief of Edwin P. Harman—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 22163) granting a pension to Rebecca Pritchard—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 22164) granting an increase of pension to Matthew Connell—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 22165) granting an increase of pension to J. Howard Willets—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22166) granting a pension to Ellen Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22167) granting a pension to Edward G. Brown—to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 22168) for the relief of Edward Fitch—to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 22169) for the relief of the heirs of William Bradshaw—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 22170) granting a pension to Moses E. Angell—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 22171) granting a pension to Johanna K. Stalcup—to the Committee on Invalid Pensions. Also, a bill (H. R. 22172) granting a pension to Charlotte A. Hanna—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22173) to correct the military record of Andrew H. Vanover—to the Committee on Military Affairs.

By Mr. LILLEY: A bill (H. R. 22174) granting a pension to James B. Webster—to the Committee on Pensions.

By Mr. POU: A bill (H. R. 22175) for the relief of P. R. Hatch—to the Committee on Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 22176) granting an increase of pension to Francis M. Harris—to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 22177) for the relief of heirs of Adele Fowler, deceased—to the Committee on Claims.

By Mr. TALBOTT: A bill (H. R. 22178) for the relief of the heirs of John Trostle, deceased—to the Committee on War Claims.

By Mr. WILEY: A bill (H. R. 22179) for the relief of the estate of Robert Barber, deceased—to the Committee on Claims.

Also, a bill (H. R. 22180) for the relief of R. D. Johnston—to the Committee on Claims.

Also, a bill (H. R. 22181) for the relief of Lieut. Commander Henry A. Wiley, United States Navy—to the Committee on Naval Affairs.

By Mr. WILSON of Illinois: A bill (H. R. 22182) granting an increase of pension to Frederick A. Battey—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Golden Leal, Division No. 590, Brotherhood of Locomotive Engineers, favoring the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

Also, petition of E. W. Thwing, for legislation to secure a limited number of Chinese for Hawaii's special need—to the Committee on Foreign Affairs.

By Mr. BATES: Petition of Knights of Columbus of Meadville and Erie, Pa., for H. R. 7559, making the 12th of October a national holiday—to the Committee on the Judiciary.

Also, petition of Central Labor Union of Erie, Pa., against any amendment or treaty provision to extend right of naturalization, etc.—to the Committee on Immigration and Naturalization.

Also, petition of General Electric Company, of Philadelphia, Pa., opposing Senate amendment to post-office appropriation bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rawson Brothers, of Girard, Pa., against the Acheson bill as substitute for the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. B. McDonald, for one-third of currency commission to be selected outside of Congress—to the Committee on Banking and Currency.

By Mr. BARCLAY: Petition of Bradford Council, Knights of Columbus, for H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of labor unions and citizens of Maine, for the enactment of the bills H. R. 94 and 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done by the Government—to the Committee on the Judiciary.

By Mr. BUTLER: Petition of De La Salle Council, Knights of Columbus, favoring H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. CAPRON: Paper to accompany bill for relief of Matthew N. Chappell—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of Lexington Grange, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Central Labor Union of Concord, N. H., for H. R. 20584, amendment to Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DALZELL: Petitions of Erie, Bradford, De La Salle, Du Bois, Ebensburg, and Palas councils, Knights of Columbus, for H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. DENBY: Petition of Detroit Street Railway Men's Association, for H. R. 20584, amendment to Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Tennessee River Improvement Association, for conservation of our natural resources—to the Committee on Agriculture.

Also, petition of H. W. Littlefield, for the Fuller bill (H. R. 19250) relative to volunteers officers' retired roll—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of Isaac N. Seligman, favoring one-third of currency commission to be composed of men outside of Congress—to the Committee on Banking and Currency.

By Mr. HAYES: Petition of citizens of San Jose, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petition of Laredo Trades Council, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of James Bow and other citizens of Danbury, Conn., for H. R. 20584, amendment to the Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KNOWLAND: Petition of sundry citizens of Oakland and Alameda, Cal., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. LAMB: Petition of N. C. Napier and others, of Richmond, Va., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. LONGWORTH: Petition of citizens of Cincinnati, Ohio, for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

By Mr. LOUD: Petition of Division No. 26, Amalgamated Association of Street Railway Employees, of Detroit, Mich., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.



By Mr. NEEDHAM: Petition of taxpayers of the county of Santa Cruz, Cal., asking legislation submitting an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. PATTERSON: Paper to accompany bill for relief of William P. Scott—to the Committee on Military Affairs.

By Mr. PETERS: Petitions of Local No. 97, Cigar Makers' Union, of Boston; Forward Club, Civic Service House, of Boston, and New American Association, indorsing concurrent resolution 28—to the Committee on Foreign Affairs.

Also, petition of Local No. 7, Bakers and Confectioners, of Boston, favoring concurrent resolution No. 28, against atrocities of the Russian Government—to the Committee on Foreign Affairs.

By Mr. REYNOLDS: Petition of Civic Club of Cambria County, Pa., for the concurrent resolution No. 28—to the Committee on Foreign Affairs.

By Mr. RUSSELL of Missouri: Petition of citizens of Cape Girardeau, Mo., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of Silver City Lodge, Brotherhood of Railway Trainmen, for the Rodenberg anti-injunction bill and Graff ash-pan bill (H. R. 17137 and H. R. 19795)—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of various councils, Knights of Columbus, favoring making October 12 a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

By Mr. SMITH of Iowa: Petition of labor organization of Council Bluffs, Iowa, for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Martha J. Wilson and 23 other members of the E. M. B. Club, of Lansing, Mich., favoring concurrent resolution No. 28, against Russian atrocities—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Petition of Charles Cashman and B. K. Starr, representing Minnesota lodges Brotherhood of Railroad Trainmen, for the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

## SENATE.

TUESDAY, May 26, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

### THE JOURNAL—PROPOSED LEGISLATION.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. FULTON (at 12 o'clock and 20 minutes p. m.). I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. KEAN. Mr. President, the importance of reading the Journal was disclosed yesterday when an error was found in the number of the section of the Revised Statutes proposed to be amended. I think it is very evident the reading of the Journal should be continued at present.

The VICE-PRESIDENT. Objection is made, and the Secretary will resume the reading of the Journal.

The Secretary resumed and (at 12 o'clock and 30 minutes p. m.) concluded the reading of the Journal.

Mr. BEVERIDGE. For three days the Journal has been read in full. Under the rules of the Senate it is the right of any Senator to demand that. Some three hours have thus been consumed.

Twice the Senate has had before it a measure of what may be called vast importance. Twice I have asked unanimous consent that that measure should be taken up and be made the unfinished business for the following day. It was the subject we were considering when we adjourned yesterday. I refer to the Government employees' compensation bill.

Yesterday, after the reading of the Journal and after the consideration of various reports, I waived the bill of which I am in charge, the bill concerning Territories, in order that the bill for the compensation of Government employees for injuries might be considered, and it was considered until a quarter after 4 o'clock. Apparently there remains time enough for this bill

to be passed in its present form if it shall be the desire of the Senate to pass it. I earnestly trust that this may be done.

I have not yet offered any substitute or any amendment. I have given notice that possibly I should offer a substitute, a substitute, I will say, which is the legislation demanded by the Government employees of this country, and by the laboring men affiliating with them.

No person can state whether if such a substitute should be offered it would take any time or not. It might or it might not. Even if it caused discussion the mover of the substitute could end that instantly by withdrawing the substitute. But if it is possible to pass the bill in any form, I am not willing that even a moment of time shall be consumed by that substitute, although it has not been offered, and has not even been read to the Senate. I am not willing that those who really are against the bill in its present form should hide behind a pretended fear of this substitute consuming time.

I wish to say now, so that the Senate may have that fact in mind very clearly, in considering whether they will take up this very necessary legislation and pass it in any form whatever, that I shall not offer that substitute. So any time taken hereafter can not be on the pretense that Senators do not want to go on record on the substitute. No time has been taken on that account thus far; but it has been said by some that the time Senators honestly spent in debating this bill was on that account, and that statement I now remove any excuse for.

Now, Mr. President, this is all I have to say, except that in this connection—

Mr. GALLINGER. Will the Senator from Indiana permit me?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. There are other Senators who are quite as friendly to this proposed legislation as the Senator from Indiana.

Mr. BEVERIDGE. I have no doubt of that.

Mr. GALLINGER. But some of us who are friendly to the legislation propose to perfect the bill which was under consideration yesterday, if it can be done. I have suggestions in the line of amendment to make to the Senator in charge of the bill, if it shall come up again, which I think are very important. I do not think that because another body has passed a bill, therefore we should pass it without giving it further consideration and putting it in such a shape as will commend itself to this body.

I will of course cooperate with the Senator from Indiana in securing consideration for that bill and its passage, if it can be brought about, but I will not consent to having it passed in its present form in some respects, if the amendments I shall offer will appeal to a majority of the Senate.

Mr. BEVERIDGE. It is not necessary for me to pay so veteran a Senator as the Senator from New Hampshire the compliment of saying that I think his remarks are entirely appropriate. It is the right of a Senator, who thinks it is his duty—

Mr. GALLINGER. Mr. President—

Mr. BEVERIDGE. Pardon me—who thinks it is his duty as a Senator to offer any amendment or take any action he sees fit. What I am trying to do now is, as far as in me lies, to remove every possible objection that anyone may have to considering the bill immediately and passing it in any form at all. What I am doing now is to utterly take away any excuse for not proceeding with the bill. I do not object to other Senators offering any amendments they please—I have no right to do so. But I want some bill passed.

In this connection, I send to the desk and ask that it may be read for the information of the Senate, the following resolution, which otherwise I would present during the morning business, but it is more appropriate here.

The VICE-PRESIDENT. The question is on the approval of the Journal.

Mr. BEVERIDGE. While I am on my feet I wish to have this resolution read.

The VICE-PRESIDENT. No business is in order until the Journal has been approved.

Mr. BEVERIDGE. I am discussing the approval of the Journal.

The VICE-PRESIDENT. Does the resolution relate to the Journal?

Mr. BEVERIDGE. It relates to the remarks that I am making, and I can control my remarks. I merely wish to have this statement read to the Senate in order to complete what I was saying.

The VICE-PRESIDENT. Is there objection to the resolution being read?

Mr. BEVERIDGE. Then I will read it myself.

The VICE-PRESIDENT. The Chair addresses the question to the Senate. Is there objection? If there is no objection, the Secretary will read the resolution.

Mr. KEAN. Has the Journal been approved?

Mr. BEVERIDGE. I am discussing the approval of the Journal.

Mr. KEAN. Then is it in order?

The VICE-PRESIDENT. It is not in order if objection is made.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. It is in order if there is no objection. If there is no objection, the Secretary will read the resolution as requested.

The Secretary read as follows:

HEADQUARTERS OF THE  
CENTRAL LABOR UNION,  
DISTRICT OF COLUMBIA,  
Washington, D. C., May 25, 1908.

HON. ALBERT J. BEVERIDGE,  
United States Senate, Washington, D. C.

SIR: At a regular meeting of the Central Labor Union of the District of Columbia the following resolution was unanimously adopted.

Respectfully,

SAM DE NEDRY,  
Secretary of the Central Labor Union.

Whereas there is pending before the Senate a bill granting compensation to civilian employees of the United States Government for injuries received in the course of their duty, and the principle of the same having been indorsed by the President of the United States and organized labor: Therefore be it

Resolved, That the Senate be requested by this Central Labor Union to pass such legislation as will compensate said employees; and be it further

Resolved, That a copy of these resolutions be presented to the Hon. ALBERT J. BEVERIDGE by a committee to be appointed by this body, with the request that the same be presented to the Senate to-morrow, May 26, 1908.

(Submitted by Edward L. Tucker.)

Attest:

SAM DE NEDRY,  
Secretary of the Central Labor Union.

Mr. BEVERIDGE. Now, Mr. President, I think that is sufficient.

Mr. NEWLANDS. Mr. President, I wish to say a word.

Mr. NELSON. Mr. President, I rise to morning business.

Mr. NEWLANDS. I wish to say a word regarding the question of the approval of the Journal.

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NELSON. I rise to morning business.

The VICE-PRESIDENT. Morning business is not in order. The question is, Shall the Journal be approved?

Mr. NEWLANDS. I wish to say a word on that subject.

The VICE-PRESIDENT. The question is on the approval of the Journal.

Mr. NEWLANDS. I have been urging for some time a measure of great importance, regarding the appointment of a commission for the development and improvement of the waterways of the country. I do not believe that this bill has the support of the majority of the Senate. I have been seeking an opportunity to bring it before the Senate for consideration.

Mr. TELLER. Mr. President, I call for the regular order. The Senator from Nevada is not discussing the question before the Senate.

Mr. NEWLANDS. I will say—

Mr. TELLER. No other business is in order except the approval of the Journal. The question is whether the Journal shall be approved.

The VICE-PRESIDENT. The Senator from Colorado is entirely correct.

Mr. NEWLANDS. I wish to say one word regarding the question of reading the Journal. It has not been the custom of the Senate to require the reading of the Journal. On the contrary, its reading is generally dispensed with. It seems to me that that custom could be adhered to now with great propriety when most important public business is pressing upon the Senate. I suggest that in the future sessions of the Senate during the closing days the consideration of important measures, such as the one I have referred to, shall not be blocked by these obstructive methods of resorting to the rules of the Senate as a means of putting the Senate, so far as legislation is concerned, in a strait-jacket.

Mr. KEAN. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from New Jersey will state his question of order.

Mr. KEAN. Has the Journal been approved?

The VICE-PRESIDENT. It has not. The question is on the approval of the Journal.

Mr. KEAN. I am sorry the Senator from Nevada has delayed the approval of the Journal so long.

The VICE-PRESIDENT. Without objection, the Journal is approved.

#### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Methodist Episcopal Church South, of Perryville, Ky., v. The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 4316. An act to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903; and

S. 6805. An act to encourage the development of coal deposits in the Territory of Alaska.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 6163. An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest; and

S. 6363. An act granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and to his successors in office, and confirming and establishing title thereto accordingly.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 19462. An act to amend section 5438 of the Revised Statutes;

H. R. 21815. An act to amend the laws relating to navigation, and for other purposes;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes; and

H. J. Res. 186. Joint resolution relating to the assignment of space in the House Office Building.

The message also announced that the House had disagreed to the amendments of the Senate to the amendments of the House to the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON, managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4812) to regulate the employment of child labor in the District of Columbia.



The message further returned to the Senate, in compliance with its request, the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 16268. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897;

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 18618. An act fixing the status of the Porto Rico Provisional Regiment of Infantry;

H. R. 20120. An act to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes; and

H. R. 21260. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Presbyterian Ministers' Association of New York City, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. PLATT presented memorials of the National Wholesale Grocers' Association, of New York City; of the American Meat Packers' Association, of New York City; of Rohe & Bro., of New York City, and of the Jacob Dold Packing Company, of Buffalo, all in the State of New York, remonstrating against the passage of the so-called "Beveridge bill," requiring the date to be placed on cans of meat and meat food products, which were ordered to lie on the table.

He also presented a petition of the American Bankers' Association, the New York State Bankers' Association, the Clearing House Section of the American Bankers' Association, and the Buffalo Clearing House Association, all of Buffalo, in the State of New York, praying for the enactment of legislation to establish a currency commission, which was ordered to lie on the table.

He also presented petitions of sundry citizens and labor organizations of Great Neck and New York City, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Palos Council, No. 1109, Order of Knights of Columbus, of Brooklyn, N. Y., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Elmira and Schenectady, in the State of New York, praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which were referred to the Committee on the Judiciary.

He also presented the memorial of Rigney & Co., of Brooklyn, N. Y., remonstrating against the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of Local Division No. 553, Brotherhood of Locomotive Engineers, of Fresno, Cal., praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Santa Cruz County, Cal., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the American Shipmasters' Association of the Pacific Coast, of San Francisco, Cal., praying that an appropriation be made for the construction of a new marine hospital at that city, which was referred to the Committee on Appropriations.

Mr. DEPEW presented petitions of sundry citizens and labor organizations of Oswego, Syracuse, Buffalo, and Albany, all in the State of New York, praying for the adoption of certain

amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Palos Council, Order of Knights of Columbus, of Brooklyn, N. Y., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of the Ministerial Association of Binghamton, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Bar Harbor, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. FORAKER presented petitions of sundry citizens of Chillicothe, East Liverpool, Steubenville, Painesville, Toledo, Cincinnati, Springfield, Columbus, Bellaire, Akron, Warwick, Norwalk, Cambridge, Sandusky, New Salisbury, and Newark, all in the State of Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of members of Franklin Lodge, No. 628, Brotherhood of Railway Trainmen, of Columbus; Division No. 16, Brotherhood of Locomotive Engineers, of Columbus; Lodge No. 200, Brotherhood of Railway Trainmen, of Lima; Franklin Lodge, No. 9, Brotherhood of Firemen and Enginemen, of Columbus; Joint Board Lodge, No. 581, Brotherhood of Locomotive Firemen and Enginemen, of Chicago Junction; Nickel Plate Lodge, No. 54, of Bellevue; Pattern Makers' League of North America, of Cincinnati; Local Union No. 494, United Brotherhood of Carpenters and Joiners, of Columbus; A. Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen and Enginemen, of Columbus, and sundry citizens of Painesville and Cleveland, all in the State of Ohio, praying for the passage of the so-called "Rodenberg anti-injunction" and the "Hemenway-Graff safety ash-pan" bills, which were referred to the Committee on the Judiciary.

Mr. BURKETT presented petitions of sundry citizens and labor organizations of Alliance and Lincoln, in the State of Nebraska, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. LONG presented petitions of sundry labor organizations of Argentine, Chanute, and Newton, all in the State of Kansas, praying for the passage of the so-called "Rodenberg anti-injunction" and the "Hemenway-Graff safety ash-pan" bills, which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. BAILEY. I am directed by the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, to whom was referred the letter from the Postmaster-General relative to the disposition of useless papers in the Post-Office Department, to submit a report (No. 693) thereon.

The VICE-PRESIDENT. The report will be printed.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary, which was agreed to.

#### REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to.

*Resolved*, That the bills for the relief of the heirs of Leon Frank, deceased (S. 4357), the estate of Rev. Robert Molloy, deceased (S. 7186), and Mary Friscilla Shipman and the heirs at law of John J. Shipman, deceased (S. 7225), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

CHARLES J. SMITH.

Mr. du PONT. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6586) to correct the military record of Charles J. Smith, to report it with an amendment, and I submit a report (No. 694) thereon. I ask for the present consideration of the bill. It will take only a moment.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to review the military record of Charles J. Smith, late of Company F, Third Regiment New Jersey Volunteer Cavalry, and grant him an honorable discharge.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. I ask the Senator if this is a charge of desertion?

Mr. du PONT. No; it is not a charge of desertion. It is a peculiar case, a case of mistaken identity. The beneficiary claims to have been discharged, and his discharge was burned up when he was taken prisoner. There was another Charles Smith in the same regiment, and on the rolls of the War Department he appears to have been regularly discharged. This man can not get a discharge, as the records are somewhat imperfect; but there is an affidavit from an officer of the regiment stating that there were two soldiers named Charles Smith, and he personally knew this man, and he was there. So it appears that it is nothing more than an act of justice to correct the record.

Mr. CULBERSON. Is there a report accompanying the bill?

Mr. du PONT. There is a report accompanying the bill.

Mr. CULBERSON. Let it be read.

The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from Texas.

The Secretary proceeded to read the report.

Mr. FULTON. I ask the Senator in charge of the bill if this is a long report. If it is, I shall object.

Mr. du PONT. It is not long. I will say to the Senator from Oregon it is a very short report. The gist of the whole matter is the affidavit of the captain, which is at the end of the report. If that could be read, it may answer every purpose.

Mr. GALLINGER. Let the affidavit be read.

Mr. CULBERSON. Mr. President—

Mr. du PONT. I hope the Senator from Texas will allow the affidavit to be read.

Mr. CULBERSON. I think we are entitled to have the report read.

The VICE-PRESIDENT. The Secretary will continue with the reading of the report.

Mr. CULBERSON. Mr. President, this is a mixed case of desertion and mistaken identity. I think it is very well to have the report read, so that not only Senators may understand it, but that the Record may show upon what basis the Senate passes such a bill.

Mr. du PONT. I will state, if the Senator from Texas will allow me, that it is not a case of desertion, but it is a case where there is an absence of any official record. The records only show that he joined the regiment, and nothing more is shown about him.

Mr. CULBERSON. I am glad to be corrected in that particular, but apparently it is a case of mistaken identity.

Mr. du PONT. Yes; a case of mistaken identity.

Mr. CULBERSON. We ought to have the record. I ask for the reading of the report.

Mr. du PONT. It is not very long.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the report.

The Secretary resumed and concluded the reading of the report. The entire report is as follows:

The Committee on Military Affairs, which has had under consideration the bill (S. 6586) to correct the military record of Charles J. Smith, reports the same back to the Senate favorably, and recommends that it be passed, amended as follows:

Strike out all after the enacting clause, and substitute in lieu thereof the following:

"That Charles J. Smith shall hereafter be held and considered to have been honorably discharged as a private of Company F, Third Regiment New Jersey Volunteer Cavalry, as of date August 1, 1865; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Charles J. Smith an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act."

Your committee's favorable action is based upon the facts as set forth in the affidavits of this soldier, corroborated by the affidavit of his commanding officer, who testifies that he recalls clearly that the soldier, after two weeks in the rear of the Army with a lot of prisoners, "rejoined his command, then proceeding toward Richmond, and served from thence on until the regiment was mustered out and discharged in the vicinity of Washington, D. C., on August 1, 1865."

The official report of the War Department upon this case is as follows:

*Case of Charles J. Smith, alleged late of Company F, Third New Jersey Cavalry Volunteers.*

It is shown by the official records that one Charles J. Smith was enrolled December 31, 1863, and was duly mustered into service as a private in Company F, Third New Jersey Cavalry Volunteers; that he was appointed corporal in the company, and that he was mustered out of service as such July 15, 1865.

Inasmuch as the official records show that the soldier mentioned above was honorably discharged the service, it seems probable that the proposed measure relates to some other man of that name, and in this connection it is deemed proper to state that one Charles J. Smith, of Dover, Del., has made application to this Department for a discharge certificate, alleging at first that he was a member of Company D or Company E, Third New Jersey Cavalry, and afterwards declaring that he was a private in Company F, Third New Jersey Cavalry, and that he had previously rendered service in the One hundred and seventy-ninth Pennsylvania Infantry Volunteers.

The official records show that one Charles J. Smith, who, it is stated on the records, previously served in Company B, One hundred and ninety-seventh Pennsylvania Infantry, was 19 years of age at the date of his enlistment, 5 feet 3 inches high, born in Philadelphia, by occupation a farmer, and of dark complexion, eyes, and hair, was enrolled December 30, 1864, at Camden, N. J., and was mustered in on the same day as a private for service in the Third New Jersey Cavalry Volunteers; that he was received at the New Jersey draft rendezvous December 31, 1864, and forwarded to the Third New Jersey Cavalry January 6, 1865, and that he was received at Remount Camp, Pleasant Valley, Md., January 6, 1865, where he appears to have been stationed until January 19, 1865, when ordered to join the regiment. However, nothing has been found of record in this Department to show that this man ever joined the Third New Jersey Cavalry Volunteers, or that he was ever assigned to Company F or to any other company of that regiment, nor do the records afford any information concerning his whereabouts or status after January 19, 1865, or to show that he was ever discharged the service as a member of the Third New Jersey Cavalry Volunteers.

Applying to this Department for a certificate of honorable service, Charles J. Smith, a resident of Dover, Del., testified in 1891, as follows:

"That he is the identical Charles J. Smith who was a private in Company D or E, he thinks, in the Third Regiment of New Jersey Cavalry, and served as follows:

"The day after enlistment I was sent with other recruits by railroad to Trenton, N. J. I was then sent with the other recruits to the front in the Shenandoah Valley—was in the battles of Waynesboro, Fort Jackson, and in several skirmishes; finally arrived at Richmond, Va., and was there when the war closed; that he was discharged on or about the — day of —, 1865, either at Richmond or Winchester, in the State of Virginia; that his discharge certificate was lost (or destroyed) 'without privity or procurement' of the applicant about three weeks after he was discharged, during 1865, at Darby, in the State of Pennsylvania, under the following circumstances:

"That one evening about three weeks after I returned home I visited an ice-cream saloon and had my discharge on my person. The next morning I found that it was lost, and has never, to my knowledge, been found."

Smith again testified on June 14, 1906, declaring as follows:

"That he was a private in Company F, Third Regiment of New Jersey Volunteer Cavalry; that he was enlisted in said company and regiment on or about the 30th day of December, A. D. 1864, in the county of Camden and State of New Jersey, and served as follows:

"He served with his command up to the time of the close of the war, and took part in the battle of Waynesboro, Va., in March, 1865, and was mustered out in the neighborhood of Washington some time in August, 1865; he can not now remember the exact time or place of his muster out; that some of the officers and soldiers of the company were as follows, namely:

Name.	Last address.
Capt. Alexander A. Yard.....	Freehold, N. J.
First Lieut. Henry V. Vanness.....	Newark, N. J.
First Lieut. Michael T. Deyer.....	88 Third place, Brooklyn, N. Y.
Second Lieut. Joseph H. Holmes.....	Cape May Court House, N. J.
Q. M. Sergt. Joseph D. Brooks.....	Belleville, N. J.
Corp. Edward J. Wood.....	Newark, N. J.
Corp. John McNeill.....	Do.

"That he was discharged on or about the — day of August, 1865, near Washington, D. C.; that his discharge certificate was lost, without the privity or procurement of the applicant, within two weeks from his discharge, at Darby, in the State of Pennsylvania; he was in the possession of the said discharge at the time he arrived at Darby, which was soon after his discharge, but in some unaccountable way it was lost and he has never been able to find or discover the same, although he at or about the time used every effort to that end; that he has made diligent search for the said discharge and has been unable to recover it and has no knowledge of its present whereabouts."

Once more testifying, he declared August 27, 1906, as follows:

"That he served in the One hundred and seventy-ninth Regiment of Pennsylvania Infantry for an enlistment of one hundred days and was honorably discharged in November, 1864.

"That on December 30, 1864, he enlisted in the Third New Jersey Cavalry at Camden, N. J., and on the 31st day of December, 1864, he proceeded to Trenton, and was mustered into the service and was there transferred to a remount camp near the city of Baltimore, in the State of Maryland.

"That from thence he, together with other recruits, was taken by a Lieutenant of the said regiment, the name of whom he does not now recall, to the headquarters of the said regiment, in the valley of Virginia, he thinks, at or near Winchester.

"That he was with the said regiment and participated in the battle of Waynesboro, Va., on the 28th day of February, 1865; that after said battle he was sent to the rear with the prisoners then captured from General Early at said battle; that he remained in the rear of the army for about two weeks, when he rejoined said regiment and served with it until mustered out in the vicinity of Washington in the spring of 1865.

"That he does not know the date of said discharge for the reason that his discharge was lost soon after he returned to his old home at Darby, Pa.; he does not recall the amount of his final payment nor when he was paid, nor the paymaster who paid him, all of which, he states, was indorsed upon the said discharge so lost by him; that at the time that he was mustered in at Trenton, N. J., a large sum of money, consisting of a bounty, was paid to him, but that when he arrived at the said remount station the majority or nearly all of it was taken from him by some one in authority, with the understanding



that it would be returned to him at the end of his service, but that up to this time no part of it whatever has been paid back to him."

Capt. John F. Tomlin, aged 65 years, a resident of Salem, N. J., testified August 28, 1906, as follows:

"That while a first lieutenant he was in command of Third New Jersey Cavalry. That on or about the last day of December, 1864, or early in January, 1865, he left the headquarters of the said regiment, which was at or near Winchester, Va., and proceeded to Remount Camp, near Harpers Ferry, W. Va., a remount station in the State of Maryland, where there was delivered to him a number of recruits, among whom was one Charles J. Smith, who enlisted in the said regiment on the 30th day of December, 1864, at Camden, N. J., and from there forwarded to the said remount station.

"That he delivered the said Charles J. Smith to the said regiment on or about the 19th day of January, 1865; that the said Charles J. Smith was assigned to Troop F of the said regiment and fought the fight at Waynesboro, Va., on the 28th of February, 1865; that after said fight the said Charles J. Smith went back from the front with a lot of prisoners, in number about 1,500, captured at said fight from the command of General Early.

"That in the course of two weeks the said Charles J. Smith rejoined his command and was present with the said command from that time until its mustering out at or near the city of Washington, D. C.

"That the said Charles J. Smith was the third of the said name, there being a Charles Smith and a Charles J. Smith, both of whom had enlisted in said regiment at some time prior to the enlistment of the said Charles J. Smith No. 3, who enlisted on December 30, 1864.

"That he has not seen the said Charles J. Smith for many years since his said discharge, until the 17th day of August last passed, when he met the said Charles J. Smith in the city of Camden and State of New Jersey, and upon the said meeting he recalls clearly and without question the fact that he was the same recruit, Charles J. Smith, whom he took from the said remount station in the State of Maryland and delivered to the said Third New Jersey Cavalry at or near Winchester, in the State of Virginia, on or about the said 19th day of January, 1865, and that he recalls clearly the fact that the said Charles J. Smith went back with the said prisoners and afterwards, within about two weeks, rejoined his command, then proceeding toward Richmond, and served from thence on until the regiment was mustered out and discharged in the vicinity of Washington, D. C., on August 1, 1865."

It is shown by the records that Company F, Third New Jersey Infantry Volunteers, was mustered out of service August 1, 1865, at Washington, D. C., but, as previously stated, nothing whatever has been found of record to show that the Charles J. Smith who was enrolled December 30, 1864, ever joined that company or any other company of the regiment, and, as nothing has been found of record to show that he was ever discharged from service as a member of the organization in question, the Department has been constrained to deny the application for a certificate of honorable service, on the ground that the official records do not show that he served in the regiment mentioned or was discharged as a member thereof.

Respectfully submitted.

F. C. AINSWORTH,  
The Adjutant-General.

WAR DEPARTMENT.

The Adjutant-General's Office, April 16, 1908.

THE SECRETARY OF WAR.

Mr. du PONT. I should like to call the attention of the Senator from Texas [Mr. CULBERSON] to the affidavit of Capt. John F. Tomlin, a former officer of the regiment, which has been read.

Mr. CULBERSON. Mr. President, I am not sure that I caught the facts distinctly from the reading of the report, but it seems that the beneficiary of the bill makes an affidavit that he enlisted in Company E or F of a certain regiment, and that he was discharged either at Richmond or at Winchester; and it occurred to me that a man asking a favor of the Government after more than forty years ought to be able to fix more definitely than he does—if I am right in this conjecture—the company that he was in and the point at which he was discharged.

Mr. du PONT. Mr. President, in reply to that I should like to state that a great many years have elapsed and of course the applicant has not an absolutely clear recollection, but he says in his affidavit that he was discharged at or near Washington. I presume he was discharged in one of the camps in the immediate vicinity of this city. But the affidavit of this disinterested party, an ex-officer of the regiment, who corroborates his statement in every respect, seems to me to be conclusive, and it shows there were three men of the same name.

Mr. CULBERSON. I should like to ask the Senator from Delaware if the beneficiary of this bill is clear as to what company he was in?

Mr. du PONT. I did not hear the Senator from Texas.

Mr. CULBERSON. It occurred to me from the reading of the papers and the report that this beneficiary did not know in what company he served during the war—whether in Company E or Company F. I ask the Senator from Delaware if my recollection of the reading is correct?

Mr. du PONT. Yes; that is true; but the affidavit of this officer—an entirely disinterested person—states that the man was in Company F; that there were two men of the same name; in fact, three of the same name, but two named Charles J. Smith, both in Company F. I presume, after the lapse of so many years, he may not have been very clear in his recollection. I am not aware of all the circumstances, but I submit that the statements of real importance as to his service and his discharge have been corroborated by an affidavit of an absolutely disinterested party. Therefore it seems to me that his contention is fairly supported and that he is entitled to the benefit of the doubt.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from Delaware yield to the Senator from Florida?

Mr. du PONT. With pleasure.

Mr. TALIAFERRO. Did I understand from the reading of the report that General Ainsworth stated that there was nothing of record in the Department to show that this man was in either of those companies?

Mr. du PONT. I think the record shows that he was enlisted and was assigned to a regiment; but there is nothing of record to show that he ever joined it or that he was ever discharged from it. That is Colonel Ainsworth's statement.

Mr. TALIAFERRO. There is nothing in the record to show that he ever was a member of either company?

Mr. du PONT. There is nothing beyond his joining, his enlistment, his being enrolled, and being mustered in. But I will state that in time of war such records are very often loosely kept. It seems to me that the affidavit of this disinterested party, corroborating the affidavit of the applicant, clearly entitles him to favorable consideration.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Delaware yield to the Senator from Texas?

Mr. du PONT. I do.

Mr. CULBERSON. I will ask the Senator from Delaware if the object of this bill is not to give this party a pensionable status?

Mr. du PONT. I can hardly answer as to that. The bill is to give him an honorable discharge. He claims to have served and to have received an honorable discharge, which was lost, and therefore he is entitled to another discharge. I do not know what ulterior designs he may have or how the matter would be considered by the Pension Department. Whether it would give him a claim for a pension or not I am unable to say.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Delaware yield further to the Senator from Texas?

Mr. du PONT. Certainly.

Mr. CULBERSON. In view of the fact that this soldier is unable to state under oath what company he belonged to, and the further fact that the records do not show that he was a member of any company or any regiment—

Mr. du PONT. If the Senator from Texas will allow me, I think the records will show that he was enlisted and enrolled in the regiment, but they simply do not show that he ever joined it or was ever discharged from it.

Mr. CULBERSON. I do not catch what the Senator says in that respect.

Mr. du PONT. The records show that he was duly mustered into the regiment, but they do not show that he ever served with it or was ever discharged or mustered out from it.

Mr. CULBERSON. He is still a member of that regiment, so far as the record shows, as suggested by the Senator from Mississippi [Mr. McLAURIN].

Mr. du PONT. So far as the records show, that is his status exactly.

Mr. CULBERSON. I ask that the letter of General Ainsworth accompanying the report be again read. I do not ask for the reading of the entire report, but only for the letter of General Ainsworth, the Adjutant-General.

The VICE-PRESIDENT. The Secretary will reread the letter, at the request of the Senator from Texas.

The Secretary read as follows:

Case of Charles J. Smith, alleged late of Company F, Third New Jersey Cavalry Volunteers.

It is shown by the official record that one Charles J. Smith was enrolled December 31, 1863, and was duly mustered into the service as a private of Company F, Third Regiment—

Mr. FULTON. As this matter has taken up so much time, I object to the further consideration of the bill.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill. It will go to the Calendar.

#### BILLS INTRODUCED.

Mr. HEMENWAY introduced a bill (S. 7227) granting an increase of pension to William Condo, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced a bill (S. 7228) to create an Executive Department of Education, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. DEPEW introduced a bill (S. 7229) granting a pension to Barnum Slocum, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 7230) to remove the charge of desertion from Frank Calbert Arnold and to permit

the Secretary of the Navy to reenlist said Arnold, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. BACON introduced a bill (S. 7231) for the relief of the heirs of Robert H. Walthour and Taylor Walthour, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. WETMORE (for Mr. HANSEBROUGH) introduced a joint resolution (S. R. 96) making the 21st day of October in each and every year a national holiday, and designating it "Discovery Day," which was read twice by its title and referred to the Committee on the Library.

#### LANDS IN SOUTH DAKOTA.

Mr. NELSON (for Mr. KITTREDGE) submitted an amendment to the bill (S. 7071) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture, which was referred to the Committee on Public Lands and ordered to be printed.

#### BUREAU OF MINES.

On motion of Mr. DICK, it was

*Ordered*, That 2,000 additional copies of Senate Report No. 692, Sixtieth Congress, first session, "Establishing Bureau of Mines in Interior Department," be printed for the use of the Senate.

#### LEGALITY OF BUSINESS DONE BY EXPRESS COMPANIES.

On motion of Mr. BURKETT, it was

*Ordered*, That Senate Document No. 463, Sixtieth Congress, first session, "Alleged purchase and sale of commodities by express companies," be reprinted.

#### THE INITIATIVE AND REFERENDUM.

Mr. OWEN. I present a memorial from the State Referendum League of Maine, signed by its secretary, concerning the initiative and referendum in that State. I move that it be printed as a document.

The motion was agreed to.

#### PATENTS TO INDIAN LANDS.

Mr. CLAPP. I ask that the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands, under any law now existing or hereafter enacted, and for other purposes, when printed as a law be reprinted.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### HOUSE BILLS REFERRED.

H. R. 19462. An act to amend section 5438 of the Revised Statutes was read twice by its title and referred to the Committee on Military Affairs.

H. R. 21815. An act to amend the laws relating to navigation, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, was read twice by its title and referred to the Committee on the Judiciary.

H. J. Res. 186. Joint resolution relating to the assignment of space in the House Office Building, was read twice by its title and referred to the Committee on Rules.

#### SPOKANE INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6163) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest, which were, on page 1, lines 11 and 12, after "Interior," to strike out "and the Secretary of Agriculture;" on page 3, line 24, after "the," to insert "agricultural;" on page 4, line 3, to strike out all after "purpose" down to and including "lands," line 6; on page 6, line 4, to strike out "ten" and insert "five," and on page 6, after line 15, to insert:

Sec. 7. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 of the agricultural lands or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of the said lands and to expend and pay over the proceeds received from the sale thereof only as received as herein provided: *Provided*, That nothing in this act shall be construed to deprive said Indians of the Spokane Indian Reservation, in the State of Washington, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

Amend the title so as to read:

"An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and for other purposes."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### RESURVEY OF LANDS IN WYOMING.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the amendments of the House to the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. CLARK of Wyoming, and Mr. McLAURIN as the conferees on the part of the Senate.

#### CEMETERY LAND IN DUBUQUE, IOWA.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the bill (S. 6363) granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as "St. Raphael's Cemetery," to the archbishop of Dubuque and to his successors in office, and confirming and establishing title thereto accordingly; which was, on pages 1 and 2, to strike out the preamble.

Mr. ALLISON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTI, one of his secretaries, announced that the President had approved and signed the following joint resolutions: On May 25, 1908:

S. R. 51. Joint resolution providing for additional lands for Idaho, under the provisions of the Carey Act; and

S. R. 23. Joint resolution to provide for the remission of a portion of the Chinese indemnity.

#### CLAIMS OF POSTMASTERS.

Mr. TELLER. I offer the resolution which I send to the desk and ask unanimous consent for its present consideration.

The Secretary read the resolution, as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have stated and audited in the office of the Auditor for the Post-Office Department, the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and whose accounts have not been readjusted and certified for payment by the Postmaster-General under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified, and by the method of reviewing and readjusting approved and ratified by the act of August 4, 1886, and to enable the Secretary of the Treasury the better to comply with this resolution, the Postmaster-General is hereby directed to turn over to the Auditor for the Post-Office Department all the data now in his hands pertaining to each and every claim.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DICK. I offer what I send to the desk as a substitute for the resolution.

The VICE-PRESIDENT. The Senator from Ohio offers an amendment in the nature of a substitute for the resolution. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the word "Resolved" and to insert:

That the Secretary of the Treasury be, and he is hereby, directed to have stated and audited in the Sixth Auditor's office the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 18, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim, and the Secretary of the Treasury is hereby directed to report to the Senate as many such stated salary accounts of former postmasters, by States, as soon as they can be made ready.

Mr. HOPKINS. Mr. President, has that resolution been considered by a committee?

The VICE-PRESIDENT. It has not been reported by a committee.



Mr. HOPKINS. I think it had better go over for to-day, anyway, and then we can consider about the committee.

Mr. DICK. I hope the Senator will not insist upon his objection. This resolution has been on the table of the Senate since the 21st day of last December, and ample opportunity has been afforded to consider it. Resolutions of like character concerning the various States have been repeatedly offered, and this resolution covering all of the States is an effort to secure from the Department an accounting due certain postmasters.

Mr. FULTON obtained the floor.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. Certainly.

Mr. NELSON. Will the Senator from Oregon allow me to ask the Senator from Ohio a question?

Mr. FULTON. Certainly.

Mr. NELSON. Does not this resolution relate to what are known as the Spaulding claims?

Mr. DICK. I do not know what they are called, except—

Mr. NELSON. Claims that have been in the air for years for back pay for postmasters.

Mr. DICK. They provide back pay for postmasters; yes, sir. The resolution proposes an accounting of the salaries, or, rather, commissions due postmasters, based on the sale of postage stamps during a certain period of time, which have always been denied to these public servants.

Mr. FULTON. Mr. President, as I desire to submit to the Senate certain observations, it occurs to me that I may as well speak to this resolution as to any other.

It is my desire and my purpose to refer to some of the arguments advanced by the Senator from Colorado [Mr. TELLER] on Friday last, in the first instance, followed by the very interesting speech he delivered last Saturday, and dwell upon more largely and extensively at that time. But before taking that up I wish to refer to a question that came up yesterday afternoon during the consideration of the bill to compensate Government employees for injuries.

That measure proposed to refer to the Secretary of Commerce and Labor all claims for injuries to certain employees of the Government arising during the course of their employment. Much to my surprise, it was objected by the senior Senator from Ohio [Mr. FORAKER] and the senior Senator from Maryland [Mr. RAYNER], both great lawyers, that the measure would be unconstitutional, owing to the fact that it proposes to confer on an administrative officer judicial power. I took the view, and so expressed it at that time, that judicial power comprehends only such matters as may properly become the subject of a suit or action before a judicial tribunal, and that judicial power involves and includes the power to hear and determine the same; it contemplates adversary parties engaged in a controversy concerning their legal rights, and as there are no legal rights here dealt with by the measure in question, no such rights to be litigated or considered, it appeared to me that the question of judicial power was not involved. It is simply a case of the Government voluntarily submitting itself to liability for claims which it otherwise would not be liable for, conditioned that the party shall satisfy a given official of a given state of facts.

In my judgment, and I so contended, no question of judicial power could enter into it, although it presented a judicial question, perhaps, or in some instances might present one. Yet there could be no question of judicial power, because there was no controversy involving a legal right.

Now, I was so surprised at the position taken by these distinguished lawyers that I began to lose a little confidence in my own judgment in the matter. Therefore I took occasion last evening to run over briefly the authorities, or at least some authorities, bearing on the question, and I wish at this time, in order that they may be in the RECORD when that measure shall again come up for the consideration of the Senate, to call attention to a few decisions of the Supreme Court.

The first one to which I call attention is in 7 Wallace—Nichols v. United States—and I read from page 126, where the court said:

The immunity of the United States from suit is one of the main elements to be considered in determining the merits of this controversy. Every government has an inherent right to protect itself against suits, and if, in the liberality of legislation, they are permitted, it is only on such terms and conditions as are prescribed by statute. The principle is fundamental, applies to every sovereign power, and but for the protection which it affords the government would be unable to perform the various duties for which it was created. It would be impossible for it to collect revenues for its support, without infinite embarrassments and delays, if it was subject to civil processes the same as a private person. The written protest, signed by the party, with the definite grounds of objection, were conditions precedent to the right to sue, and if omitted, all right of action was gone. These conditions were necessary

for the protection of the Government, as they informed the officers charged with the collection of the revenue from imports of the merchant's reasons for claiming exemption and enabled the Treasury Department to judge of their soundness and to decide on the risk of taking the duties in the face of the objections. There was no hardship in the case, because the law was notice equally to the collector and importer and was a rule to guide their conduct, in case differences should arise in relation to the laws for the imposition of duties. The allowing a suit at all was an act of beneficence on the part of the Government.

And now I call the attention of the Senator from Maryland and the Senator from Ohio particularly to the clause I am about to read:

As it had confided to the Secretary of the Treasury the power of deciding in the first instance on the amount of duties demandable on any specific importation, so it could have made him the final arbiter in all disputes concerning the same.

Here is a clear holding that if the Government saw fit it could have delegated or confided to the Secretary of the Treasury final and exclusive power to determine the question of its liability to the claimants and the amount of duties demandable, and it would have been binding on the parties.

But I have a case which I find in 13 Howard, 374.

Mr. McLaurin. What is the style of the case?

Mr. FULTON. The United States v. Ferreira, 13 Howard. It was a case growing out of claims arising under the treaty of 1819, the treaty made with Spain with respect to the acquisition of Florida. By the terms of the treaty this Government stipulated to pay to the residents of the ceded territory all damages sustained by them by the operations of the Army. There was a treaty obligation, and there was a liability that this Government by treaty had assumed. Congress referred for adjustment all claims arising under the treaty to a judge of the district court of Florida. This party, Ferreira, presented his claim.

The judge adjudicated the matter, and an appeal was taken to the Supreme Court of the United States. The Supreme Court held that the reference was not to the judge as a court, but merely as a commissioner, and acting as such he did not exercise judicial power. It was a mere reference for findings of fact which, while it involved the exercise of judicial judgment, did not involve the exercise of judicial power, because judicial power is only exercised when a tribunal is charged with determining legal controversies—hearing and determining and proceeding to final judgment.

The question was apparently directly raised as to whether or not it involved the exercise of judicial power, and answering, the court said:

It is too evident for argument on the subject that such a tribunal is not a judicial one and that the act of Congress did not intend to make it one. The authority conferred on the respective judges was nothing more than that of a commissioner to adjust certain claims against the United States, and the office of judges and their respective jurisdictions are referred to in the law merely as a designation of the persons to whom the authority is confided and the territorial limits to which it extends. The decision is not the judgment of a court of justice. It is the award of a commissioner. The act of 1834 calls it an award. And an appeal to this court from such a decision by such an authority from the judgment of a court of record would be an anomaly in the history of jurisprudence. An appeal might as well have been taken from the awards of the board of commissioners under the Mexican treaty, which were recently sitting in this city.

Nor can we see any ground for objection to the power of revision and control given to the Secretary of the Treasury. When the United States consent to submit the adjustment of claims against them to any tribunal they have a right to prescribe the conditions on which they will pay. And they had a right, therefore, to make the approval of the award by the Secretary of the Treasury one of the conditions upon which they would agree to be liable. No claim, therefore, is due from the United States until it is sanctioned by him, and his decision against the claimant for the whole or a part of the claim as allowed by the judge is final and conclusive. It can not afterwards be disturbed by an appeal to this or any other court or in any other way without the authority of an act of Congress.

Furthermore—

The powers—

And to this I particularly invite the attention of Senators—

The powers conferred by these acts of Congress upon the judge, as well as the secretary, are, it is true, judicial in their nature, for judgment and discretion must be exercised by both of them. But it is nothing more than the power ordinarily given by law to a commissioner appointed to adjust claims to lands or money under a treaty, or special powers to inquire into or decide any other particular class of controversies in which the public or individuals may be concerned. A power of this description may constitutionally be conferred on a secretary as well as on a commissioner, but is not judicial in either case, in the sense in which judicial power is granted by the Constitution to the courts of the United States.

As the court said, that involved judicial inquiry, because the commissioner had to determine as to what the facts were and what the ultimate conclusion to be derived therefrom was. It, indeed, called for the exercise of every faculty that a court is called upon to exercise, and yet it was a mere voluntary submission by the Government for the finding of a fact. It was not a controversy involving a legal right of any party. There were no legal rights involved. If that did not involve the exercise of judicial power, I would be glad to have some Senator

tell me how the exercise by the Secretary of Commerce and Labor of the power to determine whether or not these claims that we refer to him are good claims within the rules we lay down involves the exercise of judicial power.

I deem the bill a most important one, and I trust it will be enacted speedily into law, for I have long been of the opinion that employees of the Government who are engaged in hazardous employment should have provision made for compensating them for injuries received in the course of such employment without their fault.

POWERS OF CONGRESS IN THE REGULATION OF INTERSTATE AND FOREIGN COMMERCE.

I now desire to take up and consider the question as to whether the power of Congress to regulate interstate commerce is the same in scope and extent as is its power to regulate foreign commerce.

On Friday last, in the course of a running debate on the amendment proposed by the Senator from Ohio [Mr. FORAKER] to the joint resolution of the Senator from West Virginia [Mr. ELKINS], commonly known as the "commodity resolution," we drifted into a discussion touching the powers of Congress under the commerce clause of the Constitution, whereupon the senior Senator from Indiana [Mr. BEVERIDGE] advanced his well-known contention that the power of Congress to regulate interstate commerce is equal in all respects to its power to regulate foreign commerce, and assuming that we may prohibit foreign commerce entirely, he argued that it follows equally that we prohibit interstate commerce. In the course of the discussion I interrupted the Senator from Ohio during his remarks, and said:

I wish to suggest to the Senator from Ohio that while it is true that the court has in a few instances said, speaking of the commerce clause, that the power of Congress under that clause is just the same in the regulation of interstate as foreign commerce, yet in the nature of things, by virtue of the sovereignty of the Government, it has, without the commerce clause, the power to exclude entirely foreign commerce from coming to this country.

There are some powers which this Government exercises in dealing with foreign countries that it does not derive from the commerce clause of the Constitution, even in the regulation of commerce. When it is said simply that the power of Congress to regulate interstate commerce under the commerce clause is just the same as its power to regulate foreign commerce, that confines the matter to the commerce clause of the Constitution.

Later on the following colloquy occurred between the Senator from Colorado and the Senator from Indiana.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER (Mr. STEWART in the chair). Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. Certainly.

Mr. CLAPP. In justice to the Senator from Indiana [Mr. BEVERIDGE], who is absent, having myself sat here during the discussion, I think the attention of the Senator from Oregon ought to be called to the fact that the Senator from Indiana did not put forward that view, as the Senator has stated, as his well-known view, but simply stated that that was the deduction which was to be drawn from the decisions of the court, and let the court take the full responsibility for it. I think in justice to him in his absence that statement ought to be made.

Mr. FULTON. I am perfectly willing that the Senator from Minnesota shall have inserted in the Record what is his understanding of the position of the Senator from Indiana, but I am unable to differentiate between a man's convictions after reading the decisions and what the reading of the decisions has led him to believe. He may be able to do it, but I am unable to do so.

Mr. BRANDEGEE. Mr. President—

Mr. FULTON. In just a second. The Senator from Indiana, it is true, said this was not his contention but the contention of the Supreme Court, but the question is whether the Senator from Indiana properly interprets the Supreme Court. Now I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I do not desire to interrupt the Senator if he desires to proceed without interruptions.

Mr. FULTON. I am very glad to have interruptions. They do not interfere with the course of my remarks at all.

Mr. BRANDEGEE. It may be that the Senator will later in his remarks treat of the point I am going to ask him about, and if so I will not ask him to answer it now.

I should like to ask whether the Senator claims that under the sovereign power of the Government, to which he has alluded, the Government of the United States has any other power than what is granted it by the States?

Mr. FULTON. It is my purpose later on to more fully discuss that proposition, but I will answer the Senator now frankly—no. And yet that does not completely express my views, because I contend that, especially in her relations to for-

eign nations, this Government exercises and may properly exercise certain sovereign powers, powers that every independent nation must necessarily have for the protection of its life and the rights, liberties, and interests of its people, and while you can not, perhaps, in every instance point to a specific clause in the Constitution from which the power is derivable, yet, taking the Constitution as a whole, having in mind that it creates a nation endowed with all the necessary attributes of sovereignty, I think such powers are properly inferable.

Mr. BRANDEGEE. I agree with the Senator entirely that if there had been no Constitution and the States had come together and acted as a nation, under international law this Government would have had every sovereign power that every other sovereign government has. My question was rather for information than to make an assertion. It was to find out whether, when the States delegated these powers to the National Government, the Constitution acted as a limitation upon the power that this Government as a sovereign nation would otherwise have had.

Mr. FULTON. I expect, as I have stated, to discuss that question a little more fully later on.

I wish it to be distinctly understood, however, that I am discussing particularly and have reference to powers this Government may exercise when dealing with foreign governments. It has been truly said that in "their relation to foreign countries and their subjects or citizens" the "United States are one nation invested with powers which belong to independent nations." Such is the language of the court in the Chinese-exclusion cases, from which I shall shortly more fully quote. While it is true that in its relation to its own people and the several States this nation can exercise only such powers as are delegated to it by the Constitution or necessarily implied from some power delegated, and while this, in a sense, is true in all its relations, yet it is not strictly so in its relation to foreign nations and their subjects, for in dealing with them, as I shall presently undertake to show, every power that is necessary to her sovereignty and independence as a nation and to the maintenance of her position as such among the nations of the world may be exercised by this Government, and the power, if not specifically delegated by the Constitution, is readily deducible as being implied by the very fact that by and through the Constitution the people intended to and did create a nation.

Now, during the discussion referred to on Friday last the following colloquy occurred between the Senator from Colorado and the Senator from Indiana:

Mr. TELLER. The language of the Constitution is:

"The Congress shall have power . . . to regulate commerce with foreign nations and among the several States and with the Indian tribes."

The Constitution puts that power on an equal footing.

Mr. BEVERIDGE. Yes.

Mr. TELLER. And I think the Supreme Court has said at least a hundred times that the power was derived from the Constitution and nowhere else.

Mr. BEVERIDGE. That is right, so far as to basing this power on the commerce clause.

Mr. TELLER. They have repeatedly declared that Congress has no inherent power. They have repeated that over and over again—no inherent power.

I am not so certain, let me remark right here, whether the Senator from Colorado is as accurate as usual in saying that the Supreme Court has said "over and over again" or indeed at all that this Government "has no inherent powers." It has said many times, and I suppose no one denies it to-day, that it has only such powers as have been delegated to it or are inferable from or arise by implication from express grants of power; and to either a direct delegation of power or to a fair implication arising from an expressly delegated power, we must look for every power exercised by this Government. But it does not follow that you must find some specific delegation of power. It is sufficient, if taken as a whole, the Constitution justifies the inference that the Government was intended to exercise that power. A power may be implied from the Constitution taken as a whole as well as inferred from one specific provision. However, let me complete reading the remarks of the Senator from Colorado [Mr. TELLER]. He continued as follows:

They have repeatedly declared that Congress has no inherent power. They have repeated that over and over again—no inherent power. I challenge the statement of the Senator from Oregon. Without that clause it had no such authority. You could hardly conceive of a government that would not have it, and this is where the framers of the Constitution provided we should have it.

Mr. BEVERIDGE. In addition to that I will say in answer to the Senator from Oregon that in every case involving the power of Congress over foreign commerce that has come before either the Federal courts or the Supreme Court, it has based its decision upon the commerce clause and not upon our inherent powers.

The Senator from Indiana was, in my judgment, mistaken there. I have heard him make that statement several times.



and in so stating it seems to me that he overlooks some of the most important decisions of the Supreme Court. I shall later on read from a decision in a case where the court was dealing with the power of this Government to regulate foreign commerce, and instead of basing its ruling upon the commerce clause of the Constitution it based the authority of Congress to act in the case in question upon those greater powers that flow from the Constitution as a whole, by reason of the sovereignty and the nationality of this Republic. I refer to the Chinese exclusion case, from which I will read later on.

As a matter of fact, however, in the course of this colloquy, I had not mentioned the subject of inherent power. I had not used the words "inherent power." It was the Senator from Colorado [Mr. TELLER] who brought forward that term. However, I do not object to it, nor shall I seek to excuse myself for the use of it at this time or at any other time because I contend that there are certain inherent powers possessed by this nation in its relation to foreign governments, which, though deducible, as I have said, from the Constitution as a whole, may not be traceable to any particular grant or implied by any one grant. And it is not improper to speak of such a power as being inherent.

I did not have the floor at the time the Senator from Colorado made the observation I have just quoted, and hence I did not answer.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. FULTON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Does the Senator think it is a proper description of a power to call it inherent, if it is derived from the Constitution as a whole, as he has expressed it? It seems to me that those are two entirely different things.

Mr. FULTON. An inherent power of government I suppose may properly be defined to be a power which naturally pertains thereto, which naturally rises out of the governmental structure.

Mr. BRANDEGEE. Is a power that the Government would have inherent in itself outside of the Constitution, as I understand the distinction, without respect to the Constitution?

Mr. FULTON. No; there is where I think the Senator is mistaken. An inherent power of this Government, as I employ the term, is one the nation possesses naturally, logically, possibly of necessity, by virtue of its sovereignty. Nevertheless, it arises out of the Constitution, as I think I shall show later on in my remarks.

Mr. BRANDEGEE. I did not want to interrupt the Senator.

Mr. FULTON. I have designed to discuss it, and later on will do so.

Mr. BRANDEGEE. But as the distinction lay in my mind the inherent power was the power inherent in the Government entirely independent of the Constitution, the Constitution having granted powers to the Government. I supposed those who spoke of the inherent power of the Government meant some power it had utterly irrespective of the Constitution and of the granted powers.

Mr. FULTON. But here is a consideration which the Senator, it seems to me, does not have in mind. There may be inherent powers flowing from the Constitution as an entirety, traceable, as I have said, to no particular delegation of authority, but arising out of the fact that it is a nation the people created by and through the Constitution, and hence they must have meant to clothe it with every power necessary to independent sovereignty, and in its relation to foreign governments and peoples this inference is irresistible.

Mr. TELLER. I should like to make a suggestion to the Senator, if he will allow me.

Mr. FULTON. Certainly.

Mr. TELLER. It seems to me that I should not call that inherent power at all if I was deriving it from the Constitution. I should say it was an implied power.

Mr. FULTON. I am not saying it necessarily—

Mr. TELLER. The Supreme Court has declared emphatically that there is no inherent power in so many words.

Mr. FULTON. I was saying a moment ago, before the Senator came into the Chamber, that I doubt if the court has broadly stated that there are no inherent powers, as the distinguished Senator from Colorado now alleges and has heretofore stated. The court has said that every power which the Federal Government may exercise must be one that is delegated or that is implied from a delegated power.

Mr. TELLER. If the Senator will allow me, I will read from the Kansas decision.

Mr. FULTON. In *Kansas v. Colorado*?

Mr. TELLER. Yes.

Mr. FULTON. Certainly; I yield for that purpose.

Mr. TELLER. The Supreme Court said:

All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State; consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the nation as a whole which belong to, although not expressed in, the grant of powers is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. (*Kansas v. Colorado*, 206 U. S., 85.)

Mr. FULTON. But I call the attention of the Senator to the fact that in no place in that decision is the word "inherent" employed. Of course the Senator may say it is implied; but the word "inherent" is not employed.

Mr. TELLER. It is not in the decision, but there are a number of decisions that declare in so many terms that there are no inherent powers. Nobody denies but that there are implied powers.

Mr. FULTON. The Senator and I do not differ, perhaps, so widely on this proposition after all. As I said a moment ago, this Government can exercise no power that it can not trace to some grant or to some inference or implication from an express grant. I do not know whether the Senator was here or not when I explained a moment ago that it is not necessary that that implication shall come from any one express power.

Mr. TELLER. No; I just came in.

Mr. FULTON. It may be that taking the powers of the Government as a whole a fair inference arises that it was intended that it should be clothed with a certain power. For instance, where will the Senator point out the specific power or delegation of power that gave this Government the right to acquire the territory of Louisiana?

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. Yes; but I want just to finish the sentence—or we will go further and say the Territory of Texas or the Territory of Hawaii, because they were acquired under different proceedings and in a different manner.

The VICE-PRESIDENT. The Senator from Oregon yields to the Senator from Minnesota?

Mr. FULTON. Certainly.

Mr. CLAPP. As I recall this history of the Louisiana Purchase, no one at that time contended for one moment that it was within the power of what was then called the "United States" to make that purchase. Mr. Jefferson suggested that an amendment to the Constitution could subsequently be adopted ratifying the purchase. There was one man I think, Mr. Randolph, of Virginia, who was credited with being mildly erratic, to say the least, who was the only public man, so far as I recall, who at that time pretended that there was any power in the United States Government to make that purchase as a nation. But the people acquiesced in it, and there never was subsequently any decisive concrete declaration of any power. We simply did it and went on.

Mr. FULTON. The Senator is mistaken. The Supreme Court has held several times distinctly that we had the constitutional power to acquire Louisiana.

Mr. CLAPP. Certainly; but that was long afterwards. I am speaking of a concrete expression by the people of the United States.

Mr. FULTON. There was none, and why? Because there is no specific grant for it in the Constitution, nor is there any specific grant or language from which the power may be inferred.

Mr. CLAPP. I quite agree with the Senator there.

Mr. FULTON. Yes—and that is exactly what I am contending—nobody to-day doubts but what this nation was and is in truth and in fact clothed with the power to acquire territory wherever in her judgment it may be to the interest of her people to do so. And why? Simply because we are a sovereign nation, endowed and clothed as a sovereign nation with all those powers of nationality which are usually enjoyed and exercised by other sovereign and independent nations.

Thus, in *American Insurance Company v. Canter* (1 Peters, 685), Mr. Justice Marshall, in 1828, said:

The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties, consequently the Government possess the power of acquiring territory, either by conquest or treaty.

And in *Mormon Church v. United States*, decided in 1899 (136 U. S., 1), Mr. Justice Bradley, announcing the opinion of the court, declared:

The power to make acquisition of territory by conquest, by treaty, and by cession is an incident of national sovereignty. The territory of Louisiana, when acquired from France, and the territory west of the Rocky Mountains, when acquired from Mexico, became the absolute power and domain of the United States, subject to such conditions as the Government in its diplomatic negotiations had seen fit to accept relating to the rights of the people then inhabiting these territories.

Now, observe that the court said that the power "to make acquisition of territory by conquest, by treaty, and by cession is an incident of national sovereignty." National sovereignty, as I have said, is vested in the Federal Government by the Constitution, but it is the Constitution as a whole, the combination of every granted power therein contained which goes to make up that national sovereignty, and out of that national sovereignty comes the right and the power to acquire territory.

Mr. CLAPP. Will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Oregon yield further to the Senator from Minnesota?

Mr. FULTON. I do.

Mr. CLAPP. Fearing that my interruption might be misunderstood, I will state that I certainly agree with the Senator. The purpose of my suggestion was rather to show that the idea was not originally the idea of this people, but grew with the growth of the wish and the purpose and the destiny of the American people, and is to-day a part and parcel of the law of this country.

Mr. FULTON. Yes; on second consideration, it seems quite evident that Mr. Jefferson himself must have become satisfied that we did constitutionally possess the power, because while in the first instance he recommended an amendment to the Constitution that would clearly give the power and ratify the purchase, yet later on he abandoned that contention and seemed perfectly satisfied that our title was perfect.

I did not, as I was saying—

Mr. TELLER. I do not like to interrupt the Senator, but I want to call his attention—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. FULTON. Certainly.

Mr. TELLER. I want to call his attention to the Constitution. This is the authority that is conferred upon Congress:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof.

Now, our power as a legislature is confined absolutely to that.

Mr. FULTON. I did not hear the Senator, as his voice was a little low.

Mr. TELLER (reading):

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers—

So we are limited to that. You must find your powers somewhere before you can legislate—

and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof.

Now, Marshall said this, which I think covers the whole question, and this is not the *McCulloch* case:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

Mr. FULTON. The Senator and I do not widely differ.

Mr. TELLER. I do not mean to say you can not imply some things from something else, but I do say you can not assume that because we are a nation we have a power that has not been expressed in the Constitution, either directly or indirectly.

Mr. FULTON. I assume, Mr. President, that because we are a nation, because the Constitution makes us a nation, it intended that we should exercise powers necessary to a nation for its preservation and for the preservation of its people.

Many things are naturally implied by the character of the creation. Where the thing created is a village, a mere municipality, we construe its charter largely by the objects for which it was created, the purposes it was intended to serve. But when you create a nation there are some powers, though even not expressed or implied from any particular expression in the charter, which are nevertheless implied by reason of the fact that it is a nation, an independent sovereignty, that has been created. It may be that you will have to look to the Constitution as a whole; but the power will, nevertheless, be logically inferable therefrom, as was and is the power to acquire

territory by virtue of and by reason of the sovereignty and nationality of the government created. And in this sense I contend this Government has inherent powers.

Mr. TELLER. I will ask the Senator if he will let me read another quotation from Marshall, in the case of *McCulloch v. The State of Maryland*?

Mr. FULTON. Certainly.

Mr. TELLER. There is a good deal of it here, but I want to read just a little of it.

We admit—

This is the language of the Supreme Court—

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people.

That follows what I read before:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

Mr. President, that is the nearest any court has ever come to the doctrine the Senator is laying down. I think he goes beyond what the court did. It seems to me that if you follow out logically what the Senator says you do not need any Constitution at all.

Mr. FULTON. We shall see in a moment whether I go beyond what the court says, for I myself propose to read from the language of the court.

Mr. TELLER. In this case?

Mr. FULTON. Oh, no; in another case. What volume was it from which the Senator read?

Mr. TELLER. It is the *McCulloch* case I read. It is in Fourth Wheaton, page 421. This was several years before the decision in the *Gibbons* case.

Mr. FULTON. Yes; I am familiar with the case.

Now, as I have said, I fully agree with the Senator from Colorado that this is a Government of delegated powers; that it can exercise no power for which warrant may not be found in the Constitution; but I contend that the fact that we are a nation; that the Federal Constitution, taken as a whole, creates a single, sovereign, independent nation, carries with it the idea and irresistibly implies that the nation thus created possesses all the necessary attributes of sovereignty that any independent nation may properly exercise in the protection of the rights, liberties, and interests of its people in its relations with foreign powers, and that, when not restricted by an express or necessarily implied provision of the Constitution, there is no limitation on its sovereign powers in dealing with foreign nations and peoples. Still, these powers, which I contend this nation possesses by reason of its sovereignty—its nationality—are clearly derivable from the Constitution. It must be remembered that the restrictions and limitations of the Constitution were intended for the protection of our own people, and they have force and vitality only within our own territory. It will hardly be contended, for instance, that should we go into Canada and seize a tract of her territory, that she could defeat the act by alleging that it was depriving her of property "without due process of law" or "without just compensation." The fact that we are by the Constitution a nation among the nations of the earth counts for something and implies much in our scheme of government. Even before the Constitution and before the delegation of any powers to the Federal Government, our forefathers recognized in the Declaration of Independence that the mere association of the colonies imbued the Government thereby formed and established with certain attributes of sovereignty; that by the mere Declaration of Independence they became clothed with power "to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do." And that is what every independent nation by virtue of its sovereignty may do. So, when this nation comes to regulate foreign commerce, to prescribe how far, to what extent, and on what terms, if at all, foreign peoples or foreign products may enter our ports, it is not limited by or to the power conferred in the commerce clause of the Constitution. It is a nation, sovereign and independent, dealing with foreign nations, and it may say, "Thou shalt not come; and no further," or it may say, "Thou shalt not come;" and they may not, for it means something to be a nation. Now, the Senator from Indiana contends that because it is declared by the commerce clause of the Constitution that Congress has power "to regulate commerce with foreign nations and among the States," it follows that the power to regulate commerce among the States is equal to and coextensive with the



power to regulate commerce with foreign nations, and hence, if we may prohibit commerce with a foreign nation, we may equally prohibit commerce among the States; and he fortifies his contention by quotations from several decisions of the Supreme Court to the effect that the power to regulate the one, under this clause is equal to the power to regulate the other.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. Certainly.

Mr. BEVERIDGE. I do not want to consume one instant of time, and therefore I rise merely to say that the Senator does not accurately state my position. I do not claim that.

Mr. FULTON. I do not wish to misrepresent—

Mr. BEVERIDGE. I know you do not.

Mr. FULTON. I do not wish to misrepresent the Senator, and I shall be glad to have him make a statement of his position if I did not state it correctly.

Mr. BEVERIDGE. No; but I do not contend that we could prohibit commerce between two States, for example.

Mr. CLAPP. I took the liberty, if the Senator will pardon me, in the absence of the Senator from Indiana some time ago to call attention to that fact.

Mr. BEVERIDGE. I thank the Senator.

Mr. FULTON. I think, however, the Senator from Indiana had better look over the Record before he fully indorses the position the Senator from Minnesota assigned him.

Mr. CLAPP. I will risk the Record.

Mr. BEVERIDGE. I have stated on the floor—in fact, at some length—my position with reference to that one branch of the interstate and foreign commerce clause of the Constitution, because it is only one branch, and I have recently restated the same thing. It is not necessary for me to-day to restate it, and in the state of the public business I am not going to take up the time to do it or to argue it in any form, except that I can not permit it to go on record as a statement of my position.

Mr. FULTON. I will state to the Senator that I fully agree with him that when any public business is pending neither of us ought to take up time.

Mr. BEVERIDGE. I am not criticising the Senator.

Mr. FULTON. I would not be taking up time now to make a speech had there been any disposition to do any public business. Has the Senator observed any such disposition?

Mr. BEVERIDGE. No; and I am glad the Senator mentioned that. I have not seen any, but I have seen a decided disinclination to do it. I was not criticising the Senator for taking up time.

Mr. FULTON. I understand that.

Mr. BEVERIDGE. I merely meant to say, in correcting the statement, that I would not consume further time, because I do not wish to debate it. I think the Senator is right; I do not see any inclination to do any business.

Mr. FULTON. I think I am justified in saying that whatever may be the position of the Senator from Indiana at this time we all, I hope, grow; at least I hope I do. I think we all grow as we study these questions and that we change our views sometimes. But I think I am justified in saying that the Senator has contended on this floor that the power of Congress to regulate interstate commerce is just as great as the power to regulate foreign commerce.

Mr. BEVERIDGE. I have even said more. I have said it is the same power.

Mr. FULTON. Very well. Then I am not misrepresenting the Senator. I thought I had not done so. Indeed I think the record shows that the Senator has several times asserted that Congress has the "power" to prohibit interstate commerce. But I will not press that. The argument of the Senator in the concrete being in defense of his measure proposing to exclude from interstate commerce all articles manufactured in whole or in part by child labor. I deny the power of Congress to enact the particular legislation he thus advocates on two grounds, namely: First, I deny the power of Congress to exclude from interstate commerce any article which in itself is innocuous, that in no wise affects or is calculated to affect adversely the public health, the public morals, or the public welfare, for as to interstate commerce the power of Congress is simply the power to, regulate and not the power to suppress or prohibit.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Will the Senator allow me to complete this sentence? And, second, the exclusion of articles which are the product in whole or in part of child labor without regard to their char-

acter, is an attempt, not to regulate commerce, but to regulate the employment within the States of child labor, a power which the Federal Government does not possess, but which pertains to the police powers of the States and can be exercised by them only.

Now, I yield to the Senator from Idaho.

Mr. BORAH. I simply wanted to ask a question of the Senator from Oregon. The Supreme Court has decided in two or three cases directly, and several times indirectly, that the power to regulate may imply the power to prohibit. Now, having decided that the power to regulate may imply the power to prohibit, under what theory is it that you may not advance the proposition that that prohibition may go to anything which Congress in its wisdom suggests should be prohibited?

Mr. FULTON. I think this is as far as the courts have gone (the Supreme Court so stated in the lottery case, I think), that regulation may at times amount to prohibition, and, on the other hand, prohibition of a given article may be necessary to proper regulation; it may be regulation. For instance, I take it that to prohibit lottery tickets, as the court has held we can, from entering into interstate commerce, is a regulation of commerce; it is purifying the channels of commerce. So where we prohibit infected articles from entering into interstate commerce we are regulating commerce because we are purifying and protecting the channels of commerce. There prohibition is regulation. But, taking an article that is wholly innocuous, that is not detrimental to the public health or morals, and that of itself is perfectly unobjectionable, it is not a regulation of commerce to prohibit it from entering into interstate commerce. It is destroying commerce, and is as well an attempt, indirectly, to invade the police powers of the States, and is a violation of the rights of the States and in excess of the powers of the National Government.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield further to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. BORAH. The Supreme Court in the lottery cases certainly determined the proposition that the power to regulate did imply the power to prohibit.

Mr. FULTON. Yes; to prohibit for regulation, certainly.

Mr. BORAH. Then, who is to determine to what extent the regulation shall go and to what extent the prohibition shall go?

Mr. FULTON. Finally, the Supreme Court, of course. It must pass on the justness and reasonableness of the regulation.

Mr. BORAH. No; does it not resolve itself into the question that the only restraint upon interstate commerce under the commerce clause of the Constitution is simply, as stated by Marshall, the wisdom and judgment of Congress?

Mr. FULTON. No; it does not follow. It appears to me a strange doctrine that when Congress is vested with the power simply to "regulate" interstate commerce, it may, nevertheless, under the guise of regulating, invade the police powers of the States and prohibit an entirely innocuous article from entering interstate commerce simply in order to accomplish indirectly what it can not do directly, namely, regulate the internal affairs of the States; for instance, prohibit the employment therein of a certain class of laborers. The Supreme Court has somewhere said—I have not the authority by me, but I know it has so said, I think in the Lottery Case—that Congress may not abuse this power; and if it should seek to employ the power to regulate commerce for the purpose of intrenching on the police powers of a State, its action would be void. Indeed the court has held in the railway-rate cases, uniformly, that regulations by Congress of interstate commerce must be reasonable.

The Constitution did not create commerce; it existed before the Constitution. The power granted to Congress in respect to interstate commerce is to regulate, not to destroy. It never gave us any such power but the power to regulate, and in so far as the power to prohibit is necessary to regulate, we possess the power to prohibit, and no further. Does the Senator believe, for instance, or does the Senator contend that we can prohibit the carrying in interstate commerce of the article of sugar or of wheat or of corn?

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. BORAH. Mr. President, since the Supreme Court of the United States decided, in the case to which I have referred, that the power to regulate implies the power to prohibit, I have not a particle of doubt in the world that if we should ever elect a Congress which should have it in mind, it could prohibit the shipping of corn from Iowa to New York, and I want to read

a statement here from the Supreme Court in the case of *Gibbons v. Ogden*:

If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

There are no limitations upon the power so far as this subject which we are talking about is concerned.

Mr. FULTON. Yes; but the court are speaking all the time of the power to regulate.

Mr. BORAH. Yes; but just a moment. The opinion continues:

The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse.

Now, then, the Supreme Court having decided—

Mr. FULTON. From the abuse of what?

Mr. BORAH. From the abuse of this power.

Mr. FULTON. To regulate?

Mr. BORAH. Yes; to regulate; but they have decided that to regulate may include to prohibit, and the result is that it is left entirely with Congress as to what shall be prohibited and what shall not.

Mr. FULTON. As I have said, the court has, since Marshall's time, held in many instances that regulations of interstate commerce by Congress must be just and reasonable, and that what is just and reasonable is a question always for the courts. But Marshall was speaking about such regulations as it is within the competency of Congress to enact. Of course, it may be oftentimes difficult to say just where and when regulation ceases and prohibition begins.

We all know that there are certain points where powers blend. Some one has spoken of a "twilight zone." I can readily understand that in the exercise of the power to regulate great injustice may sometimes be done by Congress and yet Congress be acting within what the court would hold to be its constitutional power. In such a case there is but one appeal, and that is to the people. But should Congress attempt to prohibit from interstate commerce an entirely innocuous article, the Supreme Court would never hesitate a second to hold the act in violation of the Constitution.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I do.

Mr. BORAH. I want to ask the Senator from Oregon this question: Suppose Congress should, before adjourning to-day, conclude to declare war against Canada. There is no reason in the world for it; our relations are perfectly amicable; yet what power is there to restrain us from doing so, if we desired to do so?

Mr. FULTON. Nothing; and there would be no power at all to restrain us from declaring war without a Constitution, because war is the ultimate and the end of every argument.

Mr. BORAH. But Mr. Chief Justice Marshall, who was somewhat of a constitutional lawyer, says that the power to declare war and the power to regulate commerce are identical in the extent of power.

Mr. FULTON. That is, the power to "regulate" is plenary, full, complete; but when the Constitution employed the word "regulate," it certainly was not intended to mean prohibit or destroy. The power to regulate is complete, full, and plenary, I grant you; but it does not mean to prohibit. However, I must proceed, as I am taking up too much time.

I was discussing the question of the position of the Senator from Indiana on the commerce clause of the Constitution and the child-labor bill. I was about to say that the exclusion of articles which are the product in whole or in part of child labor, without regard to their character, is an attempt not to regulate commerce, but to regulate the employment within the States of child labor, a power which the Federal Government does not possess, but which pertains to the police power of the States and can be exercised by them only.

So we would not be regulating commerce in such a case; we would not be attempting to regulate commerce; but we would be seeking to employ our conceded power to regulate commerce for the purpose of regulating the employment of child labor in the State.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. I will yield to the Senator, although I am really anxious to get through.

Mr. BEVERIDGE. I am bound, at the risk of taking just a moment of time, to point out to the Senator that even if it were true that this would mean the regulation of something else instead of commerce, yet it has been decided several times by the Supreme Court that Congress may use the power to regulate commerce for the purpose of accomplishing another end. But I do not want to take a minute's time; I merely wanted to call attention to that, though I do not concede that is what is done in this case.

Mr. FULTON. Mr. President, I do not believe that any advocate of the passage through Congress of a bill to regulate child labor will begin his argument with any other proposition than to point out the great evil, the great wrong of allowing children to be employed in factories and places of that character.

Mr. BEVERIDGE. Yes.

Mr. FULTON. Pardon me a moment. Which shows that the legislation is clearly proposed and designed not to regulate commerce, but to prevent and prohibit the employment of child labor within the States. It is not that the product of child labor is injurious to commerce, not that the article itself is detrimental to the public health or the public welfare in any respect. The sole object and purpose of the legislation is to regulate child labor in the States. Now, will the Senator contend that Congress can do indirectly that which it can not do directly? The Senator will concede that the power to regulate the employment of child labor is a power that is vested exclusively in the several States. We can not exercise that power.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. In a moment. Congress can not exercise that power, and so the Senator from Indiana and those associated with him in this movement seek to exercise the power of Congress to regulate commerce, and, under the guise of regulating commerce, they seek to invade the sovereignty of the States and the legislative and police powers of the States.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. I do.

Mr. BEVERIDGE. The Senator says that we can not do indirectly what we can not do directly. I ask the Senator have we power directly to legislate the lottery out of a State?

Mr. FULTON. I beg pardon, I did not hear the Senator.

Mr. BEVERIDGE. I ask the Senator whether we have the power directly to legislate the lottery out of a State—to suppress lotteries in a State?

Mr. FULTON. No.

Mr. BEVERIDGE. No. We have prohibited from transportation lottery tickets through interstate commerce, and the effect is the suppression of that lottery, is it not? So we can do indirectly what we can not do directly.

Mr. FULTON. It may be—

Mr. BEVERIDGE. Then, as a matter of fact, we can. To show the Senator by actual legislation that we have passed that he is wrong—and he will admit it, I think, in a moment—and that the argument that we can not do indirectly what we can not do directly is false, I will ask the Senator whether he thinks we can by legislation directly prevent any kind of printing or publication in a State?

Mr. FULTON. No.

Mr. BEVERIDGE. But when we prohibited obscene literature from interstate commerce, although free speech is guaranteed by the Constitution, we did stop that indirectly, did we not?

Mr. FULTON. Certainly.

Mr. BEVERIDGE. That is all.

Mr. FULTON. It was the indirect effect of the employment of the constitutional powers of Congress. It was not for the purpose of stamping out lotteries, but it was for the purpose of forbidding the channels of interstate commerce being employed to poison and destroy the morals of other States adjacent. Those are instances of proper regulation.

Mr. BEVERIDGE. But, Mr. President—

Mr. FULTON. Just wait a moment. Louisiana might have gone on with her lottery throughout the ages had she not sought to use the channels of interstate commerce to carry to other States and to inject into the daily life and into the civilization of other communities of this Commonwealth that objectionable practice of gambling which she was exploiting and carrying on through her State lottery. It was to prevent the channels of commerce from being used for that purpose—to make the channels of commerce clean and healthy and pure—that the law was passed by Congress which had the effect to injure the lottery business.



But that was an indirect effect, flowing from the proper use or the employment of the constitutional powers of Congress. So, you can take, for instance, infected clothing. We do not intend to destroy the industry of putting up infected goods in any State, but the moment they begin to ship them through the channels of commerce and send them to other people in other States, we have the right, and it is our duty, to say, "No; and in so doing we are exercising the highest prerogative of regulation. We prevent the people of one State from employing the channels of interstate commerce to deposit in the midst of other States, articles dangerous to or destructive of their health or morals. That is proper regulation of commerce."

But the Senator says that the power to regulate foreign commerce and commerce among the States is delegated in and by the same clause of the Constitution and in identically the same language, and assuming it to be admitted that we may exclude any given article from foreign commerce, it follows that we may equally exclude it from interstate commerce. It is not my purpose at this time, however, to discuss these questions, except in so far as what I shall have to say in response to the contention of the Senator from Colorado may tend to illustrate the difference between the character and scope of the powers exercised by Congress in regulating foreign commerce and that exercised by it in regulating interstate commerce, for I think it will clearly appear that the Federal Government is clothed with certain powers by virtue of or arising out of its sovereignty, and that they contribute to give it wider scope and more nearly complete and absolute control of foreign commerce than is permitted to it in dealing with interstate commerce. Indeed, it is only that I may cite a few authorities in support of my contention in that behalf that I have brought the subject up at this time.

I have heard the Senator from Indiana state on many occasions, and he so stated last Friday, that every time the Supreme Court has had occasion to comment upon the power of Congress to regulate commerce or regulate its relations with foreign countries and foreign powers the court has assumed that the authority of Congress so to act is found only in the commerce clause of the Constitution. In that I contend the Senator is mistaken. I call his attention to the fact that it is held by all the decisions that commerce consists of transportation not only of goods, not only of merchandise and property, but of persons as well; that the carrying of passengers across the ocean is just as much foreign commerce as is the carrying of freight. On that proposition I desire to call attention to the decision of the court in the passenger cases. I read from 8 Howard, page 130. Defining what constitutes commerce, the court say:

Commerce is defined to be "an exchange of commodities." But this definition does not convey the full meaning of the term. It includes "navigation and intercourse." That the transportation of passengers is a part of commerce is not now an open question. In *Gibbons v. Ogden* this court say: "No clear distinction is perceived between the powers to regulate vessels in transporting men for hire and property for hire." The provision of the Constitution that "the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808" is a restriction on the general power of Congress to regulate commerce.

I read this simply to show that it is universally held that transportation of passengers is commerce. If the power of Congress to regulate foreign commerce is assignable altogether to the commerce clause of the Constitution, then it follows that any power that we may exercise to entirely exclude foreigners from this country must be assignable and traceable to the powers given by the commerce clause of the Constitution. But that that is not true I propose to show.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. Certainly.

Mr. CLAPP. It just occurs to me to ask the Senator for his view upon this suggestion: The Senator has pointed out very plainly the distinction in the prohibition of transportation of those things which contribute to the physical or moral pollution of a people, notably in the lottery cases. It was not the mere transmission of lottery tickets through the channels of commerce that effectuated the evil, but the evil was due to the effect upon the morals of the people where the lottery tickets finally landed and where they became an instrumentality of human activities. Now, if Congress can prohibit the transmission of that which has the effect of moral contamination or pollution, or a weakening effect of any kind where that commodity reaches in its last analysis as a result of the transmission of the commodity, may it not be that upon the application of that same

principle Congress could have power to prohibit the transmission of that which, in its inception, if that were the case, amounted to moral pollution or contamination? I make that as a suggestion for the consideration of the Senator.

Mr. FULTON. I call the attention of the Senator to what I said a while ago, namely, that when we prohibit from interstate commerce an article the effect of which is to pollute the morals or to endanger the health of people of other States we are in truth employing the power given by the Constitution to regulate, because that very prohibition amounts to regulation. As to Congress possessing arbitrary powers, I can give him no better answer than that I recall he once gave me when discussing what is contended to be the supreme and arbitrary power of Congress under the Constitution to regulate interstate commerce. The Senator himself said that every decision of the Supreme Court which holds that the regulations made by Congress of interstate commerce in regulating the railroads must be reasonable and just furnishes a complete answer to the contention that we might go to the extreme of arbitrarily excluding from commerce articles that are not deleterious, articles that are not destructive of the health or the morals, because, as the Senator then suggested—and I think it is a complete and perfect answer to all such contentions—our courts have held time and again that any regulations made of interstate commerce, so far as regulating prices, regulating the terms, or regulating the conditions on which it may be carried, must be reasonable and just. If they must be reasonable and just as to railroads and transportation lines, will anyone contend that they must not equally be reasonable and just as to the shippers, the producers, and the manufacturers of this country? Will it be argued that railroads and transportation lines may stay the hand of Congress because an enactment that it has made is unjust and unreasonable to it, and yet that the shippers and producers of this country may not equally demand that the regulations of commerce by Congress shall be just and reasonable?

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield further to the Senator from Minnesota?

Mr. FULTON. I do.

Mr. CLAPP. I do not think the Senator exactly caught the drift of my suggestion, which did not imply and was not intended to imply that Congress could arbitrarily prohibit the transmission of an article where neither the transmission nor the use of the article had an improper and demoralizing effect, but the suggestion I sought to make was, that if we can prohibit the transmission of an article harmless in itself, like a lottery ticket, because of its effect upon the public morals where it is used, may we not, upon like principle, if the facts warrant, prohibit the transmission of an article harmless in itself, but disastrous in its effect upon the population where produced? That was the suggestion.

Mr. FULTON. Where produced?

Mr. CLAPP. Yes.

Mr. FULTON. I think there is no foundation upon which that proposition can rest at all. I take it that interstate commerce implies transactions between at least two States; and the only thing that Congress can prohibit entering into that commerce is something that injuriously affects the State to which it is being sent or the States through which it is being sent. Congress can not go into the State of origin, the initial State, and prohibit there the manufacture or sale of the article. The citizens of a State have a right to manufacture and sell an article to any extent they please if their own State law permits it, but if that article when shipped into another State is injurious to the health or morals of the people of that State, then they have a right to appeal to Congress, which has sole power to regulate interstate commerce, and say, "You should so regulate the channel of interstate commerce that it can not be employed by the people of another State to destroy our health, our lives, our morals, or our industries; you should not allow it; you have power to regulate commerce, and you should so regulate it that it shall not be used to our injury or to our wrong." And truly we should, for Congress alone can make such regulations. But if simply because the manner in which a factory is conducted is injurious to the people of the State in which it is located we attempt to prohibit from interstate commerce the product of the factory, though perfectly wholesome and innocuous, we are not regulating commerce nor seeking so to do, but are seeking by indirection to invade the police powers of the State.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Yes.

Mr. SUTHERLAND. If the Senator will yield to me, the Senator from Minnesota [Mr. CLAPP], as I understood him, suggested that a lottery ticket was not an evil thing in itself. That is true if it is looked at as so much paper and so much print; but the thing for which it stands is an evil thing.

Mr. CLAPP. Of course.

Mr. SUTHERLAND. And it is upon that ground, as I understand, that the lottery case proceeded.

Mr. FULTON. Certainly.

Mr. SUTHERLAND. I call attention—

Mr. FULTON. If the Senator will allow me right there, I wish to suggest that there are many things that in themselves intrinsically are not injurious, and about which there is nothing wrong, but it is the effect that the use of them has.

Mr. SUTHERLAND. In the majority opinion in the lottery case Mr. Justice Harlan makes use of this illustration:

That regulation may sometimes—

I emphasize the word "sometimes;" the court does not—

That regulation may sometimes appropriately assume the form of prohibition is also illustrated by the case of diseased cattle transported from one State to another.

But the court all the way through, as I understand, in that case proceeds upon the theory that when Congress undertakes to prohibit, it must be in an exceptional case.

Mr. FULTON. And only for the purpose of regulation.

Mr. SUTHERLAND. And only for the purpose of regulation. Further along in the majority opinion Mr. Justice Harlan says:

It is said, however, that if, in order to suppress lotteries carried on through interstate commerce, Congress may exclude lottery tickets from such commerce, that principle leads necessarily to the conclusion that Congress may arbitrarily exclude from commerce among the States any article, commodity, or thing, of whatever kind or nature, or however useful or valuable, which it may choose, no matter with what motive, to declare shall not be carried from one State to another. It will be time enough to consider the constitutionality of such legislation when we must do so. The present case does not require the court to declare the full extent of the power that Congress may exercise in the regulation of commerce among the States. We may, however, repeat in this connection what the court has heretofore said, that the power of Congress to regulate commerce among the States, although plenary, can not be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed by the Constitution.

All the way through that case the court proceeds upon the theory that Congress may only regulate by prohibition when the article sought to be prohibited transportation is an article evil in itself, where the consequences of transporting that article are evil; but there is no decision, so far as I recall, where the court has held that Congress may go back to the origin of the article and, under the pretense of regulating commerce, undertake to destroy something which is deemed to be evil in the State where the article originated.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the junior Senator from Minnesota?

Mr. FULTON. Certainly.

Mr. CLAPP. If the Senator will pardon me a moment, I am not so very certain that we have not gone a good way in the direction of applying the principle to the origin as well as to the destination and ultimate purpose of the commodity. While there may be some doubt about it, yet in our effort to separate and divorce transportation from production, we deal with it from the standpoint of the State where it is produced, the place of the production, and prohibit the transportation of that product over the transportation lines.

Mr. FULTON. I thank the Senator for his contribution to the discussion. I do not want him to think I am impatient. I have enjoyed what he has said and also what the Senator from Utah has said, but I am anxious to conclude.

Mr. CLAPP. Very well; I will not again interrupt the Senator.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. Mr. President, I should be very glad to have a vote on the joint resolution. I do not think we can get it at the present time, so I ask unanimous consent that it be temporarily laid aside.

Mr. DICK. Can the Senator from New Jersey give us any assurance on that matter at all?

Mr. KEAN. So far as I am personally concerned, I am ready to vote, but I understand the Senate is not ready to proceed to its consideration.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Oregon will proceed.

Mr. FULTON. I was speaking a few minutes ago of certain powers which this Government possesses and may exercise that are not easily traceable to any particular grant or delegation of authority or inferable from any particular grant or delegation of authority, but which clearly flow from the Constitution by reason of the fact that the Constitution has made this country a nation, a sovereign power on the face of the earth. I think the Supreme Court has recognized that.

I was also referring to the fact that in dealing with foreign nations, in regulating foreign commerce, we have and may exercise greater power, wider power, than in regulating interstate commerce, because we are not confined entirely in that behalf to the commerce clause of the Constitution, but we can trace our powers to this other source which I have mentioned that flows from our nationality and sovereignty. In that behalf and in support of that contention I call attention to the Chinese exclusion case as reported in 130 U. S., the opinion by Mr. Justice Field, a portion of which I read, at page 604:

While under our Constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the States, and admit subjects of other nations to citizenship are all sovereign powers, restricted in their exercise only by the Constitution itself and considerations of public policy and justice which control more or less the conduct of all civilized nations. As said by the court in the case of *Cohens v. Virginia* (6 Wheat, 264, 413), speaking by the same great chief justice: "That the United States form, for many and for most important purposes, a single nation has not yet been denied. In war we are one people. In making peace we are one people. In all commercial regulations we are one and the same people. In many other respects the American people are one, and the government which is alone capable of controlling and managing their interests in all these respects is the Government of the Union. It is their government, and in that character they have no other. America has chosen to be in many respects and to many purposes a nation, and for all these purposes her government is complete; to all these objects it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It can then, in effecting these objects, legitimately control all individuals or governments within the American territory. The Constitution and laws of a State, so far as they are repugnant to the Constitution and laws of the United States, are absolutely void. These States are constituent parts of the United States. They are members of one great empire—for some purposes sovereign, for some purposes subordinate."

The power of exclusion of foreigners, being an incident of sovereignty belonging to the Government of the United States as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when in the judgment of the Government the interests of the country require it can not be granted away or restrained on behalf of anyone.

Without taking up the time to read the entire decision, I will content myself now with stating in substance what the court held.

They held that this Government has the power to exclude aliens from this country, and they did not trace the power so to do to the commerce clause of the Constitution, although the coming of such people here for trade and traffic, as come the Chinese, is foreign commerce.

But the Supreme Court, as we have seen, assigned the power of Congress to prohibit their entry into our ports not to the commerce clause of the Constitution, but adjudged it an attribute of sovereignty, a power possessed and exercised by all nations.

I want, now, to read briefly from what Mr. Justice White said in discussing the sovereign powers of the Government. In *Downes v. Bidwell* (182 U. S., 244), Mr. Justice White, in delivering the concurring opinion, said:

It may not be doubted that by the general principles of the law of nations every government which is sovereign within its sphere of action possesses—

I call the attention of the Senator from Colorado to this:

As an inherent attribute the power to acquire territory by discovery, by agreement, or treaty, and by conquest.

The Senator says the Supreme Court has held time and again that this Government has no inherent power, and that the word "inherent" is improper in connection with the exercise of constitutional power. I said then and I say now that there are certain powers which this Government possesses which flow, it is true, from the Constitution as the original source, but, nevertheless, traceable to no particular delegation of power, but to the great fabric as a whole, which the people, by the Constitution, erected into this great and splendid nation, and because of its sovereignty, its nationality, it has and may exercise these powers—I call them powers that are inherent to sovereignty.

So says Mr. Justice White:

It may not be doubted that by the general principles of the law of nations every government which is sovereign within its sphere of ac-



tion possesses as an inherent attribute the power to acquire territory by discovery, by agreement, or treaty, and by conquest. It can not also be gainsaid that as a general rule wherever a government acquires territory as a result of any of the modes above stated, the relation of the territory to the new government is to be determined by the acquiring power in the absence of stipulations upon the subject.

He further says:

When our forefathers threw off their allegiance to Great Britain and established a republican government, assuredly they deemed that the nation which they called into being was endowed with those general powers to acquire territory which all independent governments in virtue of their sovereignty enjoyed. This is demonstrated by the concluding paragraph of the Declaration of Independence, which reads as follows: "As free and independent States, they (the United States of America) have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

I said, Mr. President, when this argument occurred the other day that this Government possesses certain inherent powers. They come from the Constitution, it is true, but it is because the Constitution has erected a nation and endowed it with sovereign powers, and one of those powers is to acquire territory. But for those powers we never could have lawfully acquired foreign territory. You can not find a suggestion in the Constitution for it. You can not find an express power nor an implied power from which you can infer authority. But taking them all together, taking them as a unit, having in view what the Constitution does, what it has erected, a nation, a sovereignty, then we know that it was intended that it should possess those necessary attributes of sovereignty—to acquire territory, to protect its people from invasion, to exclude foreign subjects, and, aye, to prohibit and suppress foreign commerce, if it sees fit so to do. We are not necessarily confined to the commerce clause of the Constitution when we are dealing with the commerce that comes from foreign shores.

I am well aware that isolated expressions are to be found in the opinions of the Supreme Court to the effect that the power to regulate commerce among the States is equal to the power to regulate foreign commerce. It would not be difficult to show that all such expressions are but reiterations of the remarks of Mr. Justice Marshall in *Gibbons v. Ogden*, which were addressed and should be confined to the particular issues of that case. That this is true must be apparent to every student of the Constitution, and I do not at this time care to enter into a discussion of the matter further than to cite the comment of Chief Justice Fuller in the *Lottery case* (188 U. S., 373), where he said:

It is argued that the power to regulate commerce among the several States is the same as the power to regulate commerce with foreign nations and with the Indian tribes.

But is its scope the same?

As in effect, before observed, the power to regulate commerce with foreign nations and the power to regulate interstate commerce, are to be taken diverso intuitu. For the latter was intended to secure equality and freedom in commercial intercourse as between the States, not to permit the creation of impediments to such intercourse; while the former clothed Congress with that power over international commerce, pertaining to a sovereign nation in its intercourse with foreign nations, and subject, generally speaking, to no implied or reserved power in the States. The laws which would be necessary and proper in the one case would not be necessary or proper in the other.

Congress is forbidden to lay any tax or duty on articles exported from any State, and while that has been applied to exports to a foreign country, it seems to me that it was plainly intended to apply to interstate exportation as well. Congress is forbidden to give preference, by any regulation of commerce or revenue, to the ports of one State over those of another; and duties, imposts, and excises must be uniform throughout the United States.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. This clause of the second section of Article IV was taken from the fourth article of confederation, which provided that "the free inhabitants of each of these States shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce," while other parts of the same article were also brought forward in Article IV of the Constitution.

Thus it is seen that the right of passage of persons and property from one State to another can not be prohibited by Congress. But that does not challenge the legislative power of a sovereign nation to exclude foreign persons or commodities or place an embargo, perhaps not permanent, upon foreign ships or manufactures.

The foregoing comments of the eminent jurist will, without elaboration or suggestion, sufficiently commend themselves to the consideration of every thoughtful mind, hence I do not care to elaborate the thought suggested. It is sufficient to say that even if we restrict the powers of Congress to the commerce clause in the regulation of both interstate and foreign commerce, the difference in the scope is so manifest that few persons will be heard to contend that because we may not absolutely prohibit the one we may not, in circumstances which Congress may deem sufficient, prohibit the others. In any case, it seems clear to me, not only in the nature of the powers themselves, but from the very clear statement of Justice Fuller, which I have quoted, and the trend of the opinion in the *Lottery case*, that the power of Congress over foreign commerce is immeasurably

broader and more nearly absolute and unrestricted, if not entirely so, than is its control over interstate commerce. In conclusion permit me to say that by reason of questions so frequently propounded I have been not only very largely diverted from the line of argument I had contemplated, but also betrayed into taking up far more time than I had expected to consume.

#### AMENDMENT OF NAVIGATION LAWS.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 21815) to amend the laws relating to navigation and for other purposes, to report it favorably without amendment, and I ask unanimous consent for its present consideration. I wish to make a brief statement.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. HALE. It is only to ask a question. What is the unfinished business, Mr. President?

Mr. KEAN. It is the commodity joint resolution.

The VICE-PRESIDENT. Senate joint resolution 74, suspending the commodity clause of the present interstate-commerce law.

Mr. HALE. That is the measure which has been debated to-day?

Mr. KEAN. No.

Mr. NELSON. That has not been debated to-day.

The VICE-PRESIDENT. The unfinished business was temporarily laid aside.

Mr. HALE. I am glad to be informed of that.

Mr. NELSON. I desire to say that this is a bill made up of one brief House bill and eight Senate bills which have been passed unanimously by this body coming from the Committee on Commerce, meeting with the approval of the Commissioner of Navigation, the Secretary of Commerce and Labor, and the Committee on Commerce. The House under present conditions has put them in an omnibus bill. Unless the Senate cares for a more extensive statement, I am unwilling to take up the time of the Senate. I ask for its present consideration.

The bill was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.*, That section 2792 of the Revised Statutes be, and is hereby, amended by adding thereto, thirty days after the passage of this act, the following:

"Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained."

SEC. 2. That section 4438 of the Revised Statutes is hereby amended to read as follows sixty days after the passage of this act:

"SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over 700 gross tons or of any other vessel of over 100 gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense."

SEC. 3. That section 4467 of the Revised Statutes is hereby amended to read as follows:

"SEC. 4467. The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: *Provided, however*, That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding 300 miles: *Provided further*, That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports."

SEC. 4. That section 4468 of the Revised Statutes is hereby amended to read as follows:

"SEC. 4468. Every master of any passenger steamer who falls, through negligence or design, to keep a count or list of passengers, as required by the preceding section shall be liable to a penalty of \$100."

SEC. 5. That whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses, the Secretary of Commerce and Labor may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce and Labor may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce and Labor

may deem proper: *Provided*, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States unless such ownership or charter was acquired prior to February 5, 1897.

SEC. 6. That section 4216 of the Revised Statutes is hereby repealed.

SEC. 7. That thirty days after the passage of this act if a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion can not easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions.

SEC. 8. That section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," be, and the same hereby is, amended so as to read as follows, sixty days after the passage of this act:

"SEC. 3. That section 3 of the act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, approved June 29, 1888, shall be, and hereby is, amended so as to read as follows:

"SEC. 3. That in all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand nor less than five hundred dollars, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

"And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section 1 of the said act of June 29, 1888; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this act or of the said act of June 29, 1888, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever shall operate to release the owners and master and employees of scows and towboats from the penalties hereinbefore mentioned.

"Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least 14 inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. Each such scow or boat shall be equipped at all times with a life line or rope extending at least the length of and 3 feet above the deck thereof, such rope to be attached to the coaming thereof, also with a life-preserver and a life buoy for each person on board thereof, also with anchor to weigh not less than 275 pounds, and at least 100 feet of cable attached thereto; a list of the names of all men employed on any such scow or boat shall be kept by the owner or master thereof and the said list shall be open to the inspection of all parties. Failure to comply with any of the foregoing provisions shall render the owner of such scow or boat liable upon conviction thereof to a penalty of not more than \$500.

"The supervisor of the harbor of New York, designated as provided in section 5 of the said act of June 29, 1888, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this act and of the act aforesaid, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so appointed by him, shall have power and authority:

"First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section and by the act of June 29, 1888, aforesaid, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

"Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit, as required in this section of this act, or otherwise violating any of the provisions of this section of this act, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

"Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibited material, the said witnesses to be released under proper bonds.

"Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same

to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of this act and of the act aforesaid.

"Fifth. To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section 1 of the aforesaid act of June 29, 1888.

"Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward, or makes any offer of the same to any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violation of the provisions of this section or of the said act of June 29, 1888, shall, on conviction thereof, be fined not less than \$500 nor more than \$1,000, and be imprisoned not less than six months nor more than one year.

"Every permit issued in accordance with the provisions of this section of this act, which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an indorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than \$500 nor less than \$100."

SEC. 9. That section 4414 of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words "and Burlington, Vt.," and before the words "one inspector of hulls," the words "Honolulu, Hawaii, and San Juan, P. R.;" and that the said section be further amended by inserting in the fifth paragraph thereof, after the words "and Norfolk, Va.," and before the words "at the rate of \$2,000," the words "Honolulu, Hawaii, and San Juan, P. R."

SEC. 10. That on and after January 1, 1909, the local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of 100 gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. They shall then issue a certificate of inspection in the manner and for the purposes prescribed in sections 4421 and 4423 of the Revised Statutes.

SEC. 11. That every such barge shall be equipped with the following appliances of kinds approved by the Board of Supervising Inspectors: At least one lifeboat, at least one anchor with suitable chain or cable, and at least one life-preserver for each person on board.

SEC. 12. That a register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificates of inspection prescribed by section 10 and on board the equipment prescribed by section 11.

SEC. 13. That if any such barge shall be navigated without such certificate of inspection, or without any part of the equipment prescribed by section 11, the owner shall be liable to a penalty of \$500 for each offense.

SEC. 14. That the chairman of the Light-House Board, the Supervising Inspector-General of the Steamboat-Inspection Service, and the Commissioner of Navigation shall convene as a board at such times as the Secretary of Commerce and Labor shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to section 2 of the act approved February 19, 1895, and such regulations when approved by the Secretary of Commerce and Labor shall have the force of law.

SEC. 15. That the master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to section 14 in the manner now prescribed for incompetency, misconduct, or unskillfulness.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULBERSON. Will the Senator inform me whether the bill includes a provision regulating pilotage?

Mr. NELSON. No; there is nothing in the bill on the subject of pilotage.

Mr. CULBERSON. My attention has been directed to it. There is a measure of that kind pending before the Senate Committee on Commerce.

Mr. NELSON. We have had no measure of that kind before the committee this session. The House has had such a measure, but not the Senate.

Mr. CULBERSON. A bill has been introduced in the Senate by the Senator from Maine [Mr. FRYE], but we had information that it would not be considered at this session.

Mr. NELSON. My recollection is—and I have attended nearly every meeting of the Committee on Commerce—that no bill of that kind has been brought up before the committee at this session.

Mr. CULBERSON. It has not been considered?

Mr. NELSON. It has not been considered, and is not included in this bill.

Mr. CLAY. Mr. President, I believe this is another omnibus bill, the subject of which we have discussed here time and again. If I understand the Senator from Minnesota, several matters were pending in the House. The House did not have the time to discuss and pass them separately, and it passed an omnibus bill.

Mr. NELSON. I will explain it to the Senator.

Mr. CLAY. Just one minute. I want to make a little inquiry. That bill came to the Senate. The bill treats of different subjects and amends different sections of our navigation



laws. The bill may be meritorious. The Committee on Commerce is a very careful, painstaking committee, but Mr. President, to say the least of it, when a measure of this kind, with fifteen sections and treating of different subjects, is under discussion, Senators ought to be permitted to have the printed bill before them with the view and purpose of reading it before it is placed on its passage.

If I understand this measure, it was reported from the committee this morning. Consequently it has been impossible to-day for Senators to have the bill on their desks so that they could read it. Does not the Senator think it would be better for the matter to go over until to-morrow and have the bill printed, and let it be taken up and passed then, if there is no objection to it?

Mr. NELSON. I want to say that every provision in the bill, except one paragraph on the first page, consists of independent bills that passed the Senate, having come from the Committee on Commerce. This portion of the bill to which the Senator refers is simply a reenactment of existing law and pertains simply to the matter of scows carrying refuse out of New York Harbor to sea. The only object of the amendment is to provide some regulation for the proper navigation of those scows.

Mr. CLAY. Has the bill been considered by the Committee on Commerce?

Mr. NELSON. It has been considered by the Committee on Commerce. A printed copy of it as it was reported on the House Calendar was considered by the full committee.

Mr. CLAY. And reported unanimously?

Mr. NELSON. The committee is unanimous on it. The Senator from Maine [Mr. FAYE], the chairman of the committee, was obliged to leave, and before he left he requested me to bring up this matter. Every item in it except one on the first page has been considered by the Committee on Commerce, and the whole bill in its entirety has been considered by the Committee on Commerce.

Mr. CLAY. I am not going to object to it; but the Senator will agree with me that this way of placing different subjects in one bill and considering them all together is a very bad precedent.

Mr. NELSON. It is; but the Senator knows that this body is not to blame for that condition.

Mr. NEWLANDS. I will ask the Senator from Minnesota whether he will accept as an amendment to this bill House bill 21899, to which the Senate Committee on Commerce reported an amendment? It is a bill providing for the appointment of an Inland Waterways Commission, with a view to the improvement and development of the inland waterways of the United States.

Mr. NELSON. I have no authority from the committee to accept the amendment. It is a matter entirely foreign to the pending bill, and I sincerely trust the Senator from Nevada will not impede the passage of the bill. The bill of the Senator from Nevada is one that involves a mooted question, and I understand from several Senators there is some opposition to it. I trust he will abstain from offering the amendment. It will simply—

Mr. NEWLANDS. I wish to say in reply to the Senator from Minnesota that it is eminently proper that this bill should go as an amendment upon the pending bill, because the pending bill is an omnibus bill, confessedly designed to cover all the unfinished business of the Committee on Commerce. It seems to me entirely appropriate that it should be added as an amendment.

I wish further to state that I have no disposition to embarrass the Senator at all in the consideration of this bill.

Mr. NELSON. If that is the case, if the Senator will allow me, I want to say to him that it would decidedly embarrass the passage of this bill.

Mr. NEWLANDS. But, as the Senator well knows, I have for some time been urging the consideration of this bill, which has been favorably reported by the Committee on Commerce, and have been unable to obtain its consideration, and various devices have been resorted to in the Senate to prevent legislation upon subjects reported by committees to the Senate. The Senator knows that the device has been resorted to of compelling the reading of the Journal. Of course the rules require that, but the ordinary procedure of the Senate has been to dispense with the reading of the Journal in order to expedite legislation. But just this time, when it is most essential to press legislation, is chosen for reading the lengthy Journal. I believe the reading yesterday took about two hours. I therefore see no other opportunity of presenting this bill to the consideration of the Senate than the one now presented.

Now, I ask the Senator whether he will not yield the floor to me temporarily for the purpose of asking unanimous consent for the consideration of this bill, and then, if that consent

is granted, doubtless the bill will go through without consuming much time, and then the Senator's bill can be disposed of. If this is done, I will not subject him to the inconvenience of having an amendment offered.

Mr. NELSON. I wish to say to the Senator from Nevada that I do not feel warranted to do that. In this measure I am acting under the instruction of the Committee on Commerce, and not in my individual capacity, and whatever I might be disposed to do in the matter individually has nothing to do with the case. I trust the Senator will abstain. I shall certainly make no objection to his bill.

I wish to say further, as to an amendment of this kind, if we pass the bill and the amendment is tacked on it, it would send it back to the House, and it would be apt to defeat the whole measure. I trust the Senator will not seek to inflict that upon this bill.

Mr. NEWLANDS. Mr. President, I must say that the appeal of the Senator has great weight with me, and yet I know of no more important question than the one presented by the amendment which I suggest.

The Senator well knows that all the commercial bodies of the country called upon the President of the United States to consider and present a well-formulated plan for the improvement of the rivers of the country. The Senator knows that there is a universal demand for such improvement, and that unless some well-considered plan is submitted to Congress at the next session we are likely to rush into very inconsiderate legislation.

In response to that demand, with a view simply to shaping a comprehensive plan, with the aid of competent experts, with the aid of men in the service of the Government who have experience in all the questions relating to water, with the aid of engineers whom he proposes to call to the aid of this work, the President proposed to organize a commission for the purpose of making a study of this question; and he did that under his acknowledged power of recommending measures to Congress for their action.

That Commission has been in session for a year or more. I do not think there is any question outside of my own services upon that Commission but that the labors of the Commission have been exceedingly useful.

Mr. NELSON. Mr. President, I appeal to the Senator from Nevada to let the pending bill pass, and then we can debate this other question subsequently.

Mr. NEWLANDS. I wish to state to the Senator that I will quickly dispose of this matter if he will allow me to go on with my statement.

Mr. President, this Commission was appointed. It has been at work for over a year. It has presented to the President of the United States, who has transmitted it to this body, an elaborate report, appended to which are the most elaborate statistics, which will be useful in this great work.

He has requested Congress to continue the work of the Commission for the purpose of formulating a plan, and has requested Congress to give the appropriation that is necessary for certain expenses. This amendment simply appropriates \$20,000 for that purpose. Now, unfortunately—

Mr. ALDRICH. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. I yield to the Senator.

Mr. ALDRICH. The Senator from Nevada said there was great danger that Congress would at the next session pass some very inconsiderate legislation upon this subject. I think the Senator owes it to Congress to state what the danger is that is threatening. I do not know, there may be some hidden purpose on somebody's part to do something here which I think Congress ought to be advised of. I can not imagine what it may be, but if there is any such evil overhanging the country, I think the Senator from Nevada ought to tell us what it is.

Mr. NEWLANDS. Mr. President, I have no special danger to point out or to uncover. I simply refer to what will be recognized by every business man, that we are about to enter upon projects of vast magnitude, and it is important that these matters shall be thoroughly studied by experts before we enter upon legislation. That is all.

Now, Mr. President, in a speech before the governors of the States, who were assembled here, the President of the United States stated what action he had taken upon this important question and stated that he had appointed a commission for the purpose of investigating it. The President of the United States, in his address to the governors, who were called together for the conservation of the natural resources of the country, alluded to his message to Congress upon this subject and stated that he had applied to Congress for an appropriation for the expenses of the Commission. Then in a side remark, not in his original

speech, he stated in a facetious way that if Congress did not continue the Commission he would endeavor to find some other way of continuing its work. That remark was received with great applause by the entire conference, consisting of governors, distinguished men, scientists, and others, and I understand that by this body it was regarded as a bald—

Mr. HOPKINS. I should like to ask the Senator from Nevada if he can not call his measure up right now, without discussion, and have a vote on it?

Mr. NELSON. Let us get through with the pending bill.

Mr. NEWLANDS. I am perfectly willing to have a vote.

Mr. NELSON. The Senator from Nevada offers it as an amendment. I ask him to withdraw his amendment and let the pending bill pass and then call up his bill and debate it.

Mr. NEWLANDS. If it can be taken up by unanimous consent, I will be very glad.

Mr. HOPKINS. Can we not have unanimous consent that the measure the Senator from Nevada has in charge shall be considered immediately after the disposition of the bill that is in charge of the Senator from Minnesota?

Mr. DEFEW. I can not consent to that. I have a bill to bring before the Senate.

The VICE-PRESIDENT. Objection is made.

Mr. HOPKINS. I want to say to the Senator from New York that in my judgment the amendment the Senator from Nevada has in charge will not take a moment. It is reported from the Committee on Commerce, and there ought not to be any delay in its passage.

Mr. CLAY. Does not the Senator from Illinois really think it is due to the Senate that this matter be reported and placed on the Calendar and printed, so that we at least may examine it? I understand this bill was considered before the Committee on Commerce ten or twelve days ago, and I understand there has not been a meeting of the Committee on Commerce in some eight or ten days.

Mr. HOPKINS. The Senator from Georgia does not know as much about that committee as he did when he was a member of it.

Mr. CLAY. I do not know as much as the Senator from Illinois.

Mr. HOPKINS. I say when the Senator was a member of it he then knew all about it, and if he had been a member of the committee now he would know that the statement of my colleague on the committee is correct.

Mr. CLAY. I know one thing. I know that this is a bill reported here to-day embracing thirteen different subjects, and it is taken up and has never been printed, and I venture the assertion that there are not five Senators on the floor who know the contents of the bill.

Mr. PILES. I wish to say to the Senator from Georgia that every bill named in this omnibus bill has been considered by the Senate except section 1. Every bill that is in this bill, except section 1, passed this body after due consideration by the Committee on Commerce.

Mr. CLAY. Does not the Senator think it an exceedingly bad practice to simply pass different bills in the Senate relating to different subjects and then have them included in an omnibus bill, and sometimes have something else put in the bill when they are taken up and passed as one measure?

Mr. NEWLANDS. Mr. President, I must insist on the floor.

Mr. CLAY. Is not that a bad practice, and ought we not to stop it at the earliest day practicable?

Mr. NEWLANDS. Mr. President, I must resume the floor.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. The Senator from Nevada has the floor. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. I will take only a few moments longer.

Mr. HALE. Will the Senator let me ask him a question?

Mr. NEWLANDS. Very well.

Mr. HALE. I wish the veteran Senator from Minnesota would tell us how old is this practice of lumping a dozen distinct bills into one bill and reporting them from a committee to be considered not as an omnibus claims or appropriation bill, but distinctive subject-matters, because, Mr. President, if that practice is to be justified and adopted by the Senate, we will be legislating wholesale hereafter upon all sorts of subjects in one bill instead of legislating in detail as we ought to do on separate bills. It is a most remarkable and dangerous precedent, and it ought not to be submitted to by the Senate for a moment on any measure of this kind.

Mr. NEWLANDS. Mr. President, I must insist upon proceeding for a few moments without interruption. I shall soon be through with my statement, and it is important that I should make it in a consecutive manner.

Mr. President, I was remarking when interrupted that this part of the President's speech was received with great applause by the conference of governors, scientists, and distinguished men gathered at the White House for the conservation of the natural resources of the country. They of course would not have applauded it had they understood it to imply usurpation of power. They doubtless applauded it as an evidence of the fixed determination of the President, whatever the discouragements might be, to proceed with the consideration of this important work, which subsequently in their resolutions they indorsed. But in this body the President's remarks were regarded as indicating a disposition upon his part to usurp a power which he did not have. I do not know, of course, what the President's intention was, other than as expressed in his words. All I can say is that if Congress does not act upon the subject it is clearly within the President's power to call to his aid any body of citizens with a view to securing the information that is necessary for him to make a recommendation to Congress, and he may call such a body of citizens a conference, a commission, or a board, as he sees fit. That power can not be questioned, and doubtless the President only expressed the determination to continue the exercise of that power.

It will not be thought for a moment that the President of the United States would assume that he could appropriate moneys from the Treasury of the United States for the expenses of such a commission without the action of Congress. So I do not think the least assertion was made or intended to be made looking toward a usurpation of any power which did not belong to the President under the Constitution.

That remark, however, caused opposition in this Chamber to a most meritorious measure; and I submit that that opposition should come to an end, for this is a matter that involves the entire country. It involves a pressing demand for legislation; it involves investigation of a most serious matter, and it involves the continuation and completion of work which has been commenced and work which will be very helpful to the President in making his recommendations and to Congress in acting upon them.

All I ask is a fair opportunity for the consideration of this bill, and as yet I have been unable to secure it. It is House bill No. 21899, which the Senate committee has reported favorably with an amendment, substituting the provisions of Senate bill 7112 on the same subject. Now, I do not wish to obstruct the Senator from Minnesota. I simply ask that I may print in the RECORD the report of the Commission and the President's message accompanying it, the resolutions of the conference of governors, and the bill S. 7183, embodying their recommendations, which I recently introduced. I will ask unanimous consent.

The VICE-PRESIDENT. The Senator from Nevada asks that the report of the Commission and the President's message and some other papers may be printed in the RECORD.

Mr. NEWLANDS. And with this statement, I will state to the Senator from Minnesota that, realizing the embarrassment of his position and the pressing character of the legislation he has in charge, I will withdraw my amendment, and I will urge at an early moment upon the Senate the consideration of the bill I have referred to.

The VICE-PRESIDENT. Without objection, the request of the Senator from Nevada is granted.

The matter referred to is as follows:

#### APPENDIX A.

[Senate Document No. 325, Sixtieth Congress, first session.]

PRELIMINARY REPORT OF THE INLAND WATERWAYS COMMISSION.

Message from the President of the United States, transmitting a preliminary report of the Inland Waterways Commission.

To the Senate and House of Representatives:

I transmit herewith a preliminary report from the Inland Waterways Commission, which was appointed by me last March in response to a widespread interest and demand from the people. The basis of this demand lay in the general and admitted inability of the railroads to handle promptly the traffic of the country, and especially the crops of the previous fall.

This report is well worth your attention. It is thorough, conservative, sane, and just. It represents the mature judgment of a body of men exceptionally qualified, by personal experience and knowledge of conditions throughout the United States, to understand and discuss the great problem of how best to use our waterways in the interest of all the people. Unusual care has been taken to secure accuracy and balance of statement. If the report errs at all it is by over-conservatism. It contains findings or statements of fact, a number of specific recommendations, and an account of inquiries still in progress, and it is based in part on statistics and other information contained in a voluminous appendix. The subject with which it deals is of critical importance both to the present and the future of our country.

Our river systems are better adapted to the needs of the people than those of any other country. In extent, distribution, navigability, and ease of use they stand first. Yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part



in the industrial life of the nation as those of the United States. In view of the use made of rivers elsewhere, the failure to use our own is astonishing, and no thoughtful man can believe that it will last. The accompanying report indicates clearly the reasons for it and the way to end it.

The Commission finds that it was unregulated railroad competition which prevented or destroyed the development of commerce on our inland waterways. The Mississippi, our greatest natural highway, is a case in point. At one time the traffic upon it was without a rival in any country. The report shows that commerce was driven from the Mississippi by the railroads. While production was limited, the railroads, with their convenient terminals, gave quicker and more satisfactory service than the waterways. Later they prevented the restoration of river traffic by keeping down their rates along the rivers, recouping themselves by higher charges elsewhere. They also acquired water fronts and terminals to an extent which made water competition impossible. Throughout the country the railroads have secured such control of canals and steamboat lines that to-day inland waterway transportation is largely in their hands. This was natural and doubtless inevitable under the circumstances, but it should not be allowed to continue unless under careful Government regulation.

Comparatively little inland freight is carried by boat which is not carried a part of its journey by rail also. As the report shows, the successful development and use of our interstate waterways will require intelligent regulation of the relations between rail and water traffic. When this is done the railroads and waterways will assist instead of injuring each other. Both will benefit, but the chief benefit will accrue to the people in general through quicker and cheaper transportation.

The report rests throughout on the fundamental conception that every waterway should be made to serve the people as largely and in as many different ways as possible. It is poor business to develop a river for navigation in such a way as to prevent its use for power, when by a little foresight it could be made to serve both purposes. We can not afford needlessly to sacrifice power to irrigation, or irrigation to domestic water supply, when by taking thought we may have all three. Every stream should be used to the utmost. No stream can be so used unless such use is planned for in advance. When such plans are made we shall find that, instead of interfering, one use can often be made to assist another. Each river system, from its headwaters in the forest to its mouth on the coast, is a single unit, and should be treated as such. Navigation of the lower reaches of a stream can not be fully developed without the control of floods and low waters by storage and drainage. Navigable channels are directly concerned with the protection of source waters and with soil erosion, which takes the materials for bars and shoals from the richest portions of our farms. The uses of a stream for domestic and municipal water supply, for power, and in many cases for irrigation, must also be taken into full account.

The development of our inland waterways will have results far beyond the immediate gain to commerce. Deep channels along the Atlantic and Gulf coasts and from the Gulf to the Great Lakes will have high value for the national defense. The use of water power will measurably relieve the drain upon our diminishing supplies of coal, and transportation by water instead of rail only will tend to conserve our iron. Forest protection, without which river improvement can not be permanent, will at the same time help to postpone the threatened timber famine, and will secure us against a total dearth of timber by providing for the perpetuation of the remaining woodlands. Irrigation will create the means of livelihood for millions of people, and supplies of pure water will powerfully promote the public health. If the policy of waterway improvement here recommended is carried out, it will affect for good every citizen of the Republic. The National Government must play the leading part in securing the largest possible use of our waterways; other agencies can assist and should assist, but the work is essentially national in its scope.

The various uses of waterways are now dealt with by Bureaus scattered through four Federal Departments. At present, therefore, it is not possible to deal with a river system as a single problem. But the Commission here recommends a policy under which all the commercial and industrial uses of the waterways may be developed at the same time. To that end, Congress should provide some administrative machinery for coordinating the work of the various Departments so far as it relates to waterways. Otherwise there will not only be delay, but the people as a whole will fail to get from our streams the benefits to which they are justly entitled.

The Commission recognizes that the cost of improving our inland waterways will be large, but far less than would be required to relieve the congestion of traffic by railway extension. The benefits of such improvement will be large also, and they will touch the daily life of our people at every point, uniting the interests of all the States and sections of our country. The cost and the benefits should be equitably distributed by cooperation with the States and the communities, corporations, and individuals beneficially affected. I heartily concur in the Commission's recommendation to this end. Such cooperation should result in united effort in carrying out the great duty of improving our inland waterways. While we delay our rivers remain unused, our traffic is periodically congested, and the material wealth and natural resources of the country related to waterways are being steadily absorbed by great monopolies.

Among these monopolies, as the report of the Commission points out, there is no other which threatens, or has ever threatened, such intolerable interference with the daily life of the people as the consolidation of companies controlling water power. I call your special attention to the attempt of the power corporations, through bills introduced at the present session, to escape from the possibility of Government regulation in the interests of the people. These bills are intended to enable the corporations to take possession in perpetuity of national forest lands for the purposes of their business, where and as they please, wholly without compensation to the public. Yet the effect of granting such privileges, taken together with rights already acquired under State laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights amounting to monopolies on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long will be necessary in the West also. No rights involving water power should be granted to any corporations in perpetuity, but only for a length of time sufficient to allow them to conduct their business profitably. A reasonable charge should of course be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and

industries, reach enormous amounts. A fair share of the increase should be safeguarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways.

The report justly calls attention to the fact that hitherto our national policy has been one of almost unrestricted disposition and waste of natural resources, and emphasizes the fundamental necessity for conserving these resources upon which our present and future success as a nation primarily rests. Running water is a most valuable natural asset of the people, and there is urgent need for conserving it for navigation, for power, for irrigation, and for domestic and municipal supply.

The Commission was appointed to obtain information concerning our waterways as related to the general welfare. Much work was done, but more remains to be done before a plan for their development can be prepared in detail. We need additional information on the flow of our streams, the condition of channels, the amount and cost of water traffic, the requirements for terminals, the area in each watershed which should be kept under forest, and the means of preventing soil waste and the consequent damage to our rivers. But it is neither necessary nor desirable to postpone the beginning of the work until all the facts are obtained. We have suffered heavily in the past from the lack of adequate transportation facilities, and unless a beginning is made promptly we shall suffer still more heavily in the future.

Being without funds or an expert staff, the Commission has confined itself to principles affecting the whole problem and the entire country. Its report is a plea, in the light of actual facts, for simplicity and directness in dealing with the great problem of our inland waterways in the interest of the people. It submits no specific plans or recommendations concerning even the most important projects. The first of these, of course, concerns the Mississippi and its tributaries, whose commercial development will directly affect half our people. The Mississippi should be made a loop of the sea and work upon it should be begun at the earliest possible moment. Only less important is the Atlantic inner passage, parts of which are already under way. The inner passages along the Gulf coast should be extended and connected with the Atlantic waters. The need for the developing of the Pacific coast rivers is not less pressing. Our people are united in support of the immediate adoption of a progressive policy of inland waterway development.

Hitherto our national policy of inland waterway development has been largely negative. No single agency has been responsible under the Congress for making the best use of our rivers, or for exercising foresight in their development. In the absence of a comprehensive plan, the only safe policy was one of repression and procrastination. Frequent changes of plan and piecemeal execution of projects have still further hampered improvement. A channel is no deeper than its shallowest reach, and to improve a river short of the point of effective navigability is a sheer waste of all its costs. In spite of large appropriations for their improvement, our rivers are less serviceable for interstate commerce to-day than they were half a century ago, and in spite of the vast increase in our population and commerce they are on the whole less used.

The first condition of successful development of our waterways is a definite and progressive policy. The second is a concrete general plan, prepared by the best experts available, covering every use to which our streams can be put. We shall not succeed until the responsibility for administering the policy and executing and extending the plan is definitely laid on one man or group of men who can be held accountable. Every portion of the general plan should consider and so far as practicable secure to the people the use of water for power, irrigation, and domestic supply as well as for navigation. No project should be begun until the funds necessary to complete it promptly are provided, and no plan once under way should be changed except for grave reasons. Work once begun should be prosecuted steadily and vigorously to completion. We must make sure that projects are not undertaken except for sound business reasons, and that the best modern business methods are applied in executing them. The decision to undertake any project should rest on actual need ascertained by investigation and judgment of experts and on its relation to great river systems or to the general plan, and never on mere clamor.

The improvement of our inland waterways can and should be made to pay for itself, so far as practicable, from the incidental proceeds from water power and other uses. Navigation should of course be free. But the greatest return will come from the increased commerce, growth, and prosperity of our people. For this we have already waited too long. Adequate funds should be provided, by bond issue, if necessary, and the work should be delayed no longer. The development of our waterways and the conservation of our forests are the two most pressing physical needs of the country. They are interdependent, and they should be met vigorously, together, and at once. The questions of organization, powers, and appropriations are now before the Congress. There is urgent need for prompt and decisive action.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 26, 1908.

WASHINGTON, D. C., February 3, 1908.

The PRESIDENT.

SIR: Your attention is respectfully invited to the following preliminary report of the Inland Waterways Commission:

#### CREATION OF THE COMMISSION.

The Inland Waterways Commission was created by the President of the United States through the following instrument:

THE WHITE HOUSE,  
Washington, March 14, 1908.

MY DEAR SIR: Numerous commercial organizations of the Mississippi Valley have presented petitions asking that I appoint a commission to prepare and report a comprehensive plan for the improvement and control of the river systems of the United States. I have decided to comply with these requests by appointing an Inland Waterways Commission, and I have asked the following gentlemen to act upon it. I shall be much gratified if you will consent to serve:

Hon. THEO. E. BURTON, chairman.  
Senator FRANCIS G. NEWLANDS.  
Senator WILLIAM WARNER.  
Hon. JOHN H. BANKHEAD.  
Gen. Alexander Mackenzie.  
Mr. W. J. McGee.  
Mr. F. H. Newell.  
Mr. Gifford Pinchot.  
Hon. Herbert Knox Smith.

In creating this Commission I am influenced by broad considerations of national policy. The control of our navigable waterways lies with the Federal Government, and carries with it corresponding responsibilities and obligations. The energy of our people has hitherto been largely directed toward industrial development connected with field and forest and with coal and iron, and some of these sources of material and power are already largely depleted, while our inland waterways as a whole have thus far received scant attention. It is becoming clear that our streams should be considered and conserved as great natural resources. Works designed to control our waterways have thus far usually been undertaken for a single purpose, such as the improvement of navigation, the development of power, the irrigation of arid lands, the protection of lowlands from floods, or to supply water for domestic and manufacturing purposes. While the rights of the people to these and similar uses of water must be respected, the time has come for merging local projects and uses of the inland waters in a comprehensive plan designed for the benefit of the entire country. Such a plan should consider and include all the uses to which streams may be put, and should bring together and coordinate the points of view of all users of water. The task involved in the full and orderly development and control of the river systems of the United States is a great one, yet it is certainly not too great for us to approach. The results which it seems to promise are even greater.

It is common knowledge that the railroads of the United States are no longer able to move crops and manufactures rapidly enough to secure the prompt transaction of the business of the nation, and there is small prospect of immediate relief. Representative railroad men point out that the products of the northern interior States have doubled in ten years, while the railroad facilities have increased but one-eighth, and there is reason to doubt whether any development of the railroads possible in the near future will suffice to keep transportation abreast of production. There appears to be but one complete remedy—the development of a complementary system of transportation by water. The present congestion affects chiefly the people of the Mississippi Valley, and they demand relief. When the congestion of which they complain is relieved, the whole nation will share the good results.

While rivers are natural resources of the first rank, they are also liable to become destructive agencies, endangering life and property; and some of our most notable engineering enterprises have grown out of effort to control them. It was computed by Generals Humphreys and Abbott half a century ago that the Mississippi alone sweeps into its lower reaches and the Gulf 400,000,000 tons of floating sediment each year (about twice the amount of material to be excavated in opening the Panama Canal), besides an enormous but unmeasured amount of earth salts and soil matter carried in solution. This vast load not only causes its channels to clog and flood the lowlands of the lower river, but renders the flow capricious and difficult to control. Furthermore, the greater part of the sediment and soil matter is composed of the most fertile material of the fields and pastures drained by the smaller and larger tributaries. Any plan for utilizing our inland waterways should consider floods and their control by forests and other means; the protection of bottom lands from injury by overflow, and uplands from loss by soil wash; the physics of sediment-charged waters and the physical or other ways of purifying them; the construction of dams and locks, not only to facilitate navigation but to control the character and movement of the waters; and should look to the full use and control of our running waters and the complete artificialization of our waterways for the benefit of our people as a whole.

It is not possible to properly frame so large a plan as this for the control of our rivers without taking account of the orderly development of other natural resources. Therefore, I ask that the Inland Waterways Commission shall consider the relations of the streams to the use of all the great permanent natural resources and their conservation for the making and maintenance of prosperous homes.

Any plan for utilizing our inland waterways, to be feasible, should recognize the means for executing it already in existence, both in the Federal Departments of War, Interior, Agriculture, and Commerce and Labor, and in the States and their subdivisions; and it must not involve unduly burdensome expenditures from the National Treasury. The cost will necessarily be large in proportion to the magnitude of the benefits to be conferred, but it will be small in comparison with the \$17,000,000,000 of capital now invested in steam railways in the United States—an amount that would have seemed enormous and incredible half a century ago. Yet the investment has been a constant source of profit to the people, and without it our industrial progress would have been impossible.

The questions which will come before the Inland Waterways Commission must necessarily relate to every part of the United States and affect every interest within its borders. Its plans should be considered in the light of the widest knowledge of the country and its people, and from the most diverse points of view. Accordingly, when its work is sufficiently advanced, I shall add to the Commission certain consulting members, with whom I shall ask that its recommendations shall be fully discussed before they are submitted to me. The reports of the Commission should include both a general statement of the problem and recommendations as to the manner and means of attacking it.

Sincerely, yours,

THEODORE ROOSEVELT.

#### PROCEEDINGS.

After conference and correspondence between the chairman and other Commissioners, a meeting for organization was held in the United States Capitol beginning April 29 and ending May 3. A second meeting and inspection trip on the Mississippi from St. Louis to the Pates took place May 13 to May 23. A third meeting and inspection trip, first on the Great Lakes from Cleveland to Duluth, next on the Mississippi from St. Paul to Memphis, and then on the Missouri from Kansas City to St. Louis, took place September 21 to October 13. A fourth meeting was held in the United States Capitol beginning on November 25, 1907, for the purpose of preparing a preliminary report; it ended February 3, 1908.

At the first session of the meeting for organization (on April 29), the Commission expressed concurrence in the designation by the President of Mr. BURTON as chairman; and by viva voce votes Senator NEWLANDS and Mr. McGEE were elected vice-chairman and secretary, respectively.

During the organization and two inspecting meetings, thirty formal sessions were held in addition to informal meetings and conferences. At several of these sessions the entire Commission were present; at no session were there fewer than five Commissioners; the average attendance was over seven. During the meeting for the preparation of this report there were twenty-seven sessions, with an average attendance of seven.

While provision was not made for formal hearings, experts on matters entrusted to the Commission were present by invitation at twenty-four sessions; of these experts there were twenty-four (of whom several attended two or more sessions), a majority being now or formerly attachés of the Corps of Engineers, United States Army.

In addition to the formal sessions, the Commissioners devoted much time to the consideration of the waterways and related matters; two or three Commissioners jointly inspected the upper Missouri, the Columbia and Snake, the Sacramento and San Joaquin, and their leading tributaries; several employed agencies under their direction in collating and digesting data relating to canals, water transportation, etc.; and most of the Commissioners attended conventions and other meetings connected with the development of waterways and related interests.

A journal was kept, including brief minutes of the sessions and itineraries of inspection trips, with stenographic reports of the statements and deliberations of the second and third meetings; and in addition correspondence was conducted and a number of useful manuscript and printed statements were brought together and used in the deliberations of the Commission.

At the eighteenth session a special committee of one was appointed to prepare a list of statutes, etc., relating to water power. Pursuant to action at the twenty-third session (the President of the United States presiding) a letter requesting a conference on the conservation of natural resources was framed and presented to the President on October 4; and at the twenty-fifth session a committee of three was appointed to communicate further with the President on this matter, and also to prepare a preliminary draft of report. The former committee prepared an exhaustive digest of statutes, and the latter held a number of sessions; both committees reported at the fourth meeting.

#### RESULTS.

The investigations and discussions have resulted in certain statements of fact connected with navigation and other uses of the inland waterways set forth hereinafter as "findings," with certain conclusions set forth as "recommendations," and also certain matters still under discussion which are set forth as "inquiries in progress."

The Commission is fully aware that its creation was due to a demand of the people, and that there exists an expectation in certain localities that the report here presented will include plans extending in detail to the principal waterways of the country. To prepare and consider such plans would require extended study at large expense by engineers and other experts whose services were not available. Under the instructions from the President, and in the absence of funds and of the men and time required for such study, the Commission was necessarily confined in preparing this preliminary report to the more general features of "a comprehensive plan designed for the benefit of the entire country," viz., a statement of principles and an outline of policy, coupled with recommendations which, if adopted, will insure the continuation of the work and the practical application of the principles and policy.

#### FINDINGS.

1. The possibilities of inland navigation are indicated by the fact that there are in mainland United States some 25,000 miles of navigated rivers and at least an equal amount which are navigable or might be made so by improvement; there are also some 2,500 miles of navigable canals, and over 2,500 miles of sounds, bays, and bayous readily connectable by canals aggregating less than 1,000 miles in length to form inner passages paralleling the Atlantic and Gulf coasts—these being additional to some thousands of miles (reckoned between leading ports) of regularly navigated waters in lakes and land-locked bays. These waterways lie in or along the borders of Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin, i. e., 42 States; while the development of rivers for irrigation, power, and other purposes will also render navigable certain waterways in Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming. Although it is not probable that any considerable share of this vast mileage of navigable waterways will be improved to a high standard of efficiency at least at an early date, yet the assured growth of the country and the capacity of these waters not only for navigation but for other uses render imperative the necessity for their control and utilization as an asset of almost unlimited value. It is desirable that these waterways, of which portions have been surveyed or improved for purposes of navigation, should be further investigated with a view to the systematic development of interstate commerce in coordination with all other uses of the waters and benefits to be derived from them.

2. While the railways of mainland United States have been notably efficient in extending and promoting the production and commerce of the country, it is clear that at seasons recurring with increasing frequency they are unable to keep pace with production or to meet the requirements of transportation.

3. While navigation of the inland waterways declined with the increase in rail transportation during the later decades of the past century, it has become clear that the time is at hand for restoring and developing such inland navigation and water transportation as upon expert examination may appear to confer a benefit commensurate with the cost, to be utilized both independently and as a necessary adjunct to rail transportation.

4. While the decline of navigation in the inland waterways was largely due to the natural growth and legitimate competition attending railway extension, it is also clear that railway interests have been successfully directed against the normal maintenance and development of water traffic by control of water fronts and terminals, by acquisition or control of competing canals and vessels, by discriminating tariffs, by rebates, by adverse placement of tracks and structures, and by other means.

5. Any complete or practically successful plan for the general improvement of waterways must eventually provide for satisfactory adjustment of the relation of rail lines to such waterways. Since present and prospective railways reach all parts of the country, while navigable waterways are confined to certain natural lines, it is clear that railways can so control transportation as to leave the waterways insufficient traffic to support the requisite vessels and terminals. The railways have accordingly, save in certain exceptional cases, substantially absorbed the traffic of the country, and unless the present ante-

\* Details appear in the appended statistical and other papers.



stricted and shortsighted competition between the two systems is intelligently adjusted they will continue to do so. So large a portion of railway traffic is free from water competition that railways can readily afford to no reduce rates on those portions affected by such competition as to destroy the profits of the water lines without appreciably affecting the profits of the rail systems, which recoup these reductions by higher rates elsewhere. This has been the case with most of the great inland waterways, excepting the Great Lakes, where the conditions of water and traffic approach those of open seas. In spite of the great increase of traffic and the continued improvement of waterways, the total river traffic of the country has steadily decreased both proportionately and absolutely, with the result that few rivers are used to anything approaching their full capacity. It will not relieve traffic congestion to improve our waterways unless the improved waterways are used; hence it is obvious that relief from the existing congestion by waterway improvement can be made permanently effective only through such coordination of rail and water facilities as will insure harmonious cooperation rather than injurious opposition.

6. Existing data as to the nature and amount of the internal commerce of the country are extremely meager and incomplete. Such information is essential to the intelligent treatment of the inland waterways, and it is desirable that means be employed to obtain it.

7. Improvements of navigation in inland waterways in the main affect favorably the purity of the waters and the regularity of the supply, and these objects should be carefully kept in mind. The increasing pollution of streams by soil wash and other waste substances connected with a growing population reduces the value of the water for manufacturing purposes and renders the water supply for communities injurious to and often destructive of human life. The prevention of these evils should be considered in any scheme of inland waterway improvement.

8. Engineering works designed to improve navigation affect favorably the regimen of the streams, including floods and low waters. The annual floods of the United States occasion loss of property reaching many millions of dollars, with considerable loss of life, while the low water of late summer involves large loss in diminished water supply, in reduced power, and in the fouling of streams, with consequent disease and death. It has been claimed that in specific cases the cost of works required both to control floods and meet the needs of commerce would be less than the amount of this loss. It is desirable that more detailed information be collected concerning the effects of floods and low waters and their prevention by engineering works and other devices.

9. The annual soil wash in mainland United States is estimated at about 1,000,000,000 tons, of which the greater part is the most valuable portion of the soil. It is carried into the rivers, where it pollutes the waters, necessitates frequent and costly dredging, and reduces the efficiency of works designed to facilitate navigation and afford protection from floods. The direct and indirect losses from this source have not been measured, but are exceedingly large; and it is desirable that definite determinations be made, with the view of devising means for reducing the loss of the land and preventing the impairment of the streams for purposes of commerce.

10. Both the regimen of streams and the purity and clarity of waters are affected by forests and other natural growth, and by farming, mining, and other industrial operations over the watersheds in which they gather. Millions of acres in mainland United States have been deforested unnecessarily, and the floods and low waters ascribed to this cause have in some localities occasioned losses commensurate with the value of the timber. Means should be devised and applied for coordinating forestry, farming, mining, and related industries with the uses of streams for commerce and for other purposes.

11. The effect of wide variations in the level of navigable streams is to render difficult the establishment of necessary terminals for the handling of traffic, and thus to interfere seriously with the utilization of our inland waterways. The prevention or mitigation of such variations would be most helpful to the revival of river traffic, and means to this end should be adopted in plans for waterway improvement.

12. The storage of flood waters combined with the diversion of streams to arid and semiarid lands for purposes of reclamation by irrigation creates canals and also tends to clarify the waters and increase the seepage or return waters during times of drought. There have already been put under irrigation over 10,000,000 acres of fertile land, adding a quarter of a million homes and several hundred million dollars of taxable wealth; and it is estimated that by fully conserving the waters and by utilizing the water power developed in connection with storage and other works, fully three times as much land can be reclaimed in the western half of the United States. It is desirable to continue the collection of data with a view to so adjusting irrigation and power development with navigation and other uses of the streams as to secure the highest value of the water to the greatest number of people.

13. Locks and certain other works designed to improve navigation commonly produce head and store water in such manner as to develop power available for industrial purposes, while works designed to develop power on navigable and source streams affect the navigation and other uses of river systems; and these uses must necessarily be considered together. Information concerning water power in the several States and sections is incomplete, yet it is known to be a vast and intrinsically permanent asset which should be utilized for the benefit of the people of the country, in whose interests it should be administered with careful regard for present and prospective conditions. The facts ascertained in certain specific cases furnish a basis for the claim that the value of the power would pay the cost of all engineering and other works required in such cases to control the streams for navigation and other uses. In the light of recent progress in electrical application, it is clear that over wide areas the appropriation of water power offers an unequalled opportunity for monopolistic control of industries. Wherever water is now or will hereafter become the chief source of power, the monopolization of electricity produced from running streams involves monopoly of power for the transportation of freight and passengers, for manufacturing, and for supplying light, heat, and other domestic, agricultural, and municipal necessities, to such an extent that unless regulated it will entail monopolistic control of the daily life of our people in an unprecedented degree. There is here presented an urgent need for prompt and vigorous action by State and Federal governments.

14. Any comprehensive system of improvement of inland waterways will necessarily affect the drainage or reclamation of swamp and overflow lands, which are mainly rich alluvial tracts largely along or near waterways. The construction of dikes and levees or bank-protective works and the deepening of channels are often closely connected with means of control both of overflow and of underflow by drainage. It is

estimated that there are 77,000,000 acres of such land, now unproductive, but which with drainage and protection from overflow will have an exceptionally high agricultural value. If divided into 40-acre farms these lands will furnish homes for some 10,000,000 people.

15. The control of waterways on which successful navigation depends is so intimately connected with the prevention of floods and low waters, and works designed for these purposes; with the protection and reclamation of overflow lands, and works designed therefor; with the safeguarding of banks and maintenance of channels, and works employed therein; with the purification and clarification of water supply, and works designed therefor in conjunction with interstate commerce; with control and utilization of power developed in connection with works for the improvement of navigation; with the standardizing of methods and facilities and the coordinating of waterway and railway instrumentalities; and throughout the larger area of the country with reclamation by irrigation and drainage, and works designed primarily for these purposes—that local and special questions concerning the control of waterways should be treated as a general question of national extent, while local or special projects should be considered as parts of a comprehensive policy of waterway control in the interests of all the people.

16. Governmental agencies whose work is related to the use and control of streams are now in existence in the Federal Departments of War, Interior, Agriculture, and Commerce and Labor; and it is desirable in order to prevent duplication of work and function and to avoid unnecessary delays in the development of the inland waterways that means should be provided for coordinating all such agencies.

17. While precise figures are not now obtainable, it is safe to say that the current value of our inland transportation facilities (of which railways form all but a small percentage) exceeds one-eighth of our national wealth; yet these facilities are so far inadequate that production is impaired and the growth of the country is retarded. While trustworthy estimates can not be made without further data, it is reasonable to anticipate that congestion of interstate commerce can be obviated in large measure by judicious improvement of waterways adapted to barge and boat traffic, at a figure much less than that estimated by competent authorities for so increasing railway facilities as to meet present needs. It is desirable that additional data be obtained by requisite expert investigation.

18. It is conservative to estimate that judicious improvement of the waterways of the country will confer direct benefits through increased transportation facilities which will exceed the cost, while the collateral benefits will be at least comparable with the gain to commerce. Under a coordinate plan, such collateral benefits as the enhanced value of lands reclaimed by irrigation and drainage, the value of water power developed, the increased values due to the prevention of floods and low waters, and the great benefits of purified and clarified water, will more than balance the cost of the works.

19. In a comprehensive system of waterway improvement and control designed to meet present and future needs, the practicability of any project will depend not alone on local and general demands of commerce, but measurably upon attendant natural and industrial conditions, including nature of banks and beds, suitability of the ground as a foundation for works, volume of water and liability to floods and low stages, configuration of the watershed and its susceptibility to control by judicious agriculture and forestry or by reservoirs and other means, local and general demand for pure water supply, amount and value of available water power incident to the works, proximity and cost of structural materials, relations to existing and prospective projects on the same and neighboring waterways, and all other physical and economic factors entering into or tending to counterbalance the cost; and the local surveys or plans for any project should take account of all such natural and industrial conditions and be adapted to the attainment of maximum benefits at the minimum cost.

20. Existing data concerning the volume, regimen, and other physical features of most streams are meager and imperfect. Since plans for improving and controlling the waterways and utilizing the waters must rest on these facts, it is desirable that means be employed to extend and perfect physical data relating to the navigable and source streams of the country.

21. The benefits of a comprehensive system of waterway improvement will extend to all the people in the several sections and States of the country; and the means employed should be devised so far as possible to distribute the cost equitably through cooperation between Federal agencies, States, municipalities, communities, corporations, and individuals.

22. In order to improve the inland waterways for navigation and at the same time coordinate the agencies and means of transportation, develop the collateral benefits of waterway improvement, adapt all natural and industrial conditions related with waterways to the attainment of maximum benefits at the minimum cost, and perfect means for distributing the cost equitably between Federal agencies, States, municipalities, communities, corporations, and individuals in a prompt and efficient and economical manner, it is desirable to maintain an administrative agency with large powers for the investigation and elaboration of projects under suitable legislative regulation.

23. The immediate use of natural resources in the rapid development of the country are often allowed to stand in the way of more beneficial and permanent utilization. This is especially true of all resources connected with running waters, the substantial value of which has not been adequately appreciated. It is clearly practicable, without undue expense or interference with current use, to carry out broad plans for the complete development of the resources of the country, and thus assure to the greatest number of people the greatest good for both the present and the future; while if this is not done the temporary or partial development of these resources will prevent their full utilization for the general benefit. Steps should be taken without delay to outline and initiate the more pressing projects of conservation, and to apply practically the principle of conservation before it is too late.

24. Our unsurpassed natural wealth and the eagerness of our people for immediate results regardless of future needs have led to a policy of extravagant consumption of national resources and to an encouragement of monopoly, whereby an excessive share of such resources has been diverted to the enrichment of the few rather than preserved for the equitable benefit of the many. Monopolistic tendencies have appeared (a) in the extensive control of mineral fuels on public lands, whereby large values essential to the development of the country have passed beyond public regulation; (b) in the acquisition and needless destruction of forests, whose preservation is a public necessity for stream control, for timber supply, and for other purposes; (c) in the acquisition of controlling sites on waterways and the appropriation of valuable water powers with their segregation from

public use without adequate compensation, whereby, indispensable utilities escape public regulation in the interests of the people; (d) in the segregation of lands, especially in the semiarid regions, whereby development is retarded so that the lands remain without benefit to commerce or advantage to the growth of the country; (e) in the control of products and of transportation to disturb the normal values and natural channels of trade, thereby imposing undue burdens on producers and consumers; and (f) in various interferences with the production and commerce of the country, whereby prosperity is curtailed and progress impeded. While such monopolistic tendencies have been conspicuous in connection with the agencies of transportation, they are now in many cases opposing the best utilization of streams by diverting their control from State and Federal jurisdiction in the public interests to personal and corporate means of excessive and burdensome profit. Since transportation is a primary factor in the existence and development of any people, and is increasingly important with the growth of population, it is essential that its means should be regulated in the public interests; and any plans for relieving congestion of transportation in the United States should be so framed as to employ all proper State, Federal, and municipal agencies in protecting from monopolistic control not only the agencies and avenues but also the materials of interstate commerce.

#### RECOMMENDATIONS.

A. We recommend that hereafter plans for the improvement of navigation in inland waterways, or for any use of these waterways in connection with interstate commerce, shall take account of the purification of the waters, the development of power, the control of floods, the reclamation of lands by irrigation and drainage, and all other uses of the waters or benefits to be derived from their control.

B. We recommend that hereafter both local and general benefits to the people shall be fully considered in any such plans for the improvement of navigation in inland waterways, or for any use of these waterways in connection with interstate commerce; and that wherever practicable Federal agencies shall cooperate with States, municipalities, communities, corporations, and individuals with a view to an equitable distribution of costs and benefits.

C. We recommend that hereafter any plans for the navigation or other use of inland waterways in connection with interstate commerce shall take full account of transfer facilities and sites, and of the location of tracks, grades, bridges, dams, depots, and other works on navigable and source streams with a view to equitable cooperation between waterway and railway facilities for the promotion of commerce and the benefit of the people.

D. We recommend that any plans for improving the inland waterways shall take account of the present and prospective relation of rail lines to such waterways, and shall ascertain, so far as may be, whether such waterways when improved will be effectively used in the face of railway competition, and that the relations between railways and waterways be further examined with the purpose of devising means of rendering the two systems complementary and harmonious and making such fair division of traffic that rates and management may be coordinated economically and with benefit to the country.

E. We recommend the adoption of means for ascertaining regularly all facts related to traffic on the inland waterways and for publishing the same in a form suitable for general use.

F. We recommend the adoption of means for ascertaining and rendering available, at such rate as to meet public necessities, all requisite data related to the physical character and general utility of the navigable and source streams of the country.

G. We recommend that hereafter any plans for the use of inland waterways in connection with interstate commerce shall regard the streams of the country as an asset of the people, shall take full account of the conservation of all resources connected with running waters, and shall look to the protection of these resources from monopoly and to their administration in the interests of the people.

H. We recommend that the Congress be asked to make suitable provision for improving the inland waterways of the United States at a rate commensurate with the needs of the people as determined by competent authority, and we suggest that such provision meet these requisites, viz: Expert framing of a definite policy, certainty of continuity and coordination of plan and work, expert initiative in the choice of projects and the succession of works, freedom in selection of projects in accordance with terms of cooperation, and the widest opportunity for applying modern business methods.

I. We recommend that the Congress be asked to authorize the coordination and proper development of existing public services connected with waterways; and we suggest that such enactment might provide that the President of the United States be authorized, with the advice and consent of the Senate, to appoint and organize a National Waterways Commission to bring into coordination the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service in so far as their work relates to inland waterways, and that he be authorized to make such details and require such duties from these branches of the public service in connection with navigable and source streams as are not inconsistent with law; the said Commission to continue the investigation of all questions relating to the development and improvement and utilization of the inland waterways of the country and the conservation of its natural resources related thereto, and to consider and coordinate therewith all matters of irrigation, swamp and overflow land reclamation, clarification and purification of streams, prevention of soil waste, utilization of water power, preservation and extension of forests, regulation of flow and control of floods, transfer facilities and sites and the regulation and control thereof, and the relations between waterways and railways; and that the Commission be empowered to frame and recommend plans for developing the waterways and utilizing the waters, and as authorized by Congress to carry out the same, through established agencies when such are available, in cooperation with States, municipalities, communities, corporations, and individuals, in such manner as to secure an equitable distribution of costs and benefits.

#### INQUIRIES IN PROGRESS.

I. Those clauses in the instrument creating the Commission advising that "our streams should be considered and conserved as great natural resources," and that the Commission should "consider the relations of the streams to the use of all the great permanent natural resources and their conservation," have received attention and have resulted in action thus far incomplete. The principles so affirmed are fundamental and far-reaching, and demand comprehensive and mature consideration; and it was thought needful to ascertain and adjust the needs of all sections of the country and to invoke the joint judgment of officials of the several States. At the fifteenth session (May 21) it was decided

to propose a conference on the conservation of resources, to be held in Washington early in 1908, and a special committee was appointed to present the matter to the President of the United States. At the twenty-third session (October 3), at which the President presided, it was decided to call such a conference in conformity with the desire of the Commission as thus expressed:

ON BOARD STEAMER COL. A. MACKENZIE,  
October 3, 1907.

The President,  
On Board U. S. S. Mississippi.

SIR: In the course of inquiries made under your direction "that the Inland Waterways Commission shall consider the relations of the streams to the use of all the great permanent natural resources and their conservation for the making and maintenance of prosperous homes," the members of the Commission have been led to feel that it would be desirable to hold a conference on the general subject of the conservation of the natural resources of the nation.

Among the reasons for such a conference are the following:

1. Hitherto our national policy has been one of almost unrestricted disposal of natural resources, and this in more lavish measure than in any other nation in the world's history; and this policy of the Federal Government has been shared in by the constituent States. Three consequences have ensued: First, unprecedented consumption of natural resources; second, exhaustion of these resources, to the extent that a large part of our available public lands have passed into great estates or corporate interests, our forests are so far depleted as to multiply the cost of forest products, and our supplies of coal and iron ore are so far reduced as to enhance prices; and third, unequaled opportunity for private monopoly, to the extent that both the Federal and State sovereignties have been compelled to enact laws for the protection of the people.

2. We are of opinion that the time has come for considering the policy of conserving these material resources on which the permanent prosperity of our country and the equal opportunity of all our people must depend; we are also of opinion that the policy of conservation is so marked an advance on that policy adopted at the outset of our national career as to demand the consideration of both Federal and State sponsors for the welfare of the people.

3. We are of opinion that the conference may best be held in the National Capital next winter, and that the conferees should comprise the governors of all our States and Territories, a limited number of delegates to be appointed by each governor, and representatives from leading organizations of both State and national scope engaged in dealing with natural resources or with practical questions relating thereto.

We have the honor to ask that in case you concur in our view you call such a conference.

Respectfully submitted.

THEODORE E. BURTON, Chairman.  
W. J. MCGEE, Secretary.

In his Memphis address on October 4 the President announced the intention of calling such a conference, and on November 13 he issued invitations to the governors of the States and Territories to meet at the White House May 13-15, 1908; the conferees to comprise also three assistants or advisors to be selected by each governor; the Senators and Representatives in the Sixtieth Congress; the members of the Inland Waterways Commission, and representatives of certain national organizations dealing with natural resources. The Commission anticipates from the deliberations of this conference results of the utmost value as regards both conditions and policies.

II. The clauses in the same instrument declaring that "the time has come for merging local projects and uses of the inland waters in a comprehensive plan designed for the benefit of the entire country," and that "such a plan should consider and include all the uses to which streams may be put," has received attention; and while the consideration resulted in several of the foregoing findings and recommendations, the time and means at the disposal of the Commission have been wholly insufficient to frame a comprehensive plan extending in detail to all the waterways of the country. The task is large and is affected by projects for improving waterways and opening canals for navigation and other purposes which are now advocated by numerous associations of citizens in various parts of the United States. These projects are so connected with geographic conditions and with natural resources as to fall into four great systems, viz, (1) the Atlantic-Interior system, comprising the Atlantic watershed, the Mississippi Valley, the Gulf slope, and the Great Lakes with their watershed; (2) the Columbia-Puget system, comprising the territory west of the Rocky Mountains and north of the forty-second parallel of latitude; (3) the California system, comprising the valley of California, and (4) the Colorado system, comprising the watershed of Rio Colorado and the Great Basin of the interior. In the Atlantic-Interior system there are projects for a deep waterway from Gulf of Mexico to the Great Lakes; a deep and continuous Atlantic inner passage from New England to Florida; improving or canalizing Mississippi, Missouri, and Ohio rivers with their leading tributaries and connecting the Mississippi waters with the Great Lakes by canals; improving the navigable rivers flowing into Gulf of Mexico and Atlantic Ocean; connecting the Mississippi with the Rio Grande and with the waters of Florida by inner passage, and connecting the Atlantic coast with the Great Lakes by canals. In the Columbia-Puget system there are projects for improving the lower Columbia and the Willamette and Snake for navigation and power development; opening the channels and lakes of the upper Columbia and some of its tributaries to navigation, and constructing feeder and connecting canals, and also for extending reclamation through irrigation, drainage, and the control of floods. In the California system there are projects for improving and canalizing Sacramento, San Joaquin, and Feather rivers and the coastwise bays in such manner as to open California Valley to interstate and foreign commerce, and also for clarifying the streams, preventing floods, and developing power; and in the Colorado system there are projects chiefly thus far for irrigation, but prospectively for navigation and power. In all these systems—indeed, in every State and Territory—the respective obligations of the State and Federal governments to the people and the relations of vested interests are of such complexity as to demand prolonged consideration not only by the Commission, but by State and Federal officials; and it would seem premature to outline a general plan necessarily affecting so many and so varied obligations and interests pending the conference on conservation, at which it may be anticipated that the interests of all the people will be fully represented.

III. The intimation in the same instrument that "any plan for utilizing our inland waterways . . . should recognize the means for executing it already in existence, both in the Federal Departments of



War, Interior, Agriculture, and Commerce and Labor and in the States and their subdivisions, and it must not involve unduly burdensome expenditures from the National Treasury," has received attention and has resulted in the eighth and ninth of the foregoing recommendations; yet pending the recommendation of the "comprehensive plan" alluded to in the preceding paragraph, it would be premature to submit estimates of cost.

IV. The suggestion that "the reports of the Commission shall include both a general statement of the problem and recommendations as to the manner and means of attacking it" has received consideration and has led to the foregoing findings and recommendations. The Commission is, however, fully aware of the incompleteness of this report, and is desirous of continuing investigation and discussion with a view to further action.

V. It is to be understood that the inquiries and conclusions herein are of general character, and that the mention of any stream or project does not involve expression of opinion as to the desirability or practicability of doing work upon it.

Respectfully submitted,

THEODORE E. BURTON,  
Chairman.

FRANCIS G. NEWLANDS.  
WM. WARNER.  
J. H. BANKHEAD.  
W. J. MCGEE.  
F. H. NEWELL.  
GIFFORD PINCHOT.  
HERBERT KNOX SMITH.

#### SUPPLEMENTARY REPORT OF COMMISSIONER-GENERAL ALEXANDER MACKENZIE.

1. As a member of the Inland Waterways Commission, I am in accord with the general principles enunciated as proper for consideration in connection with the preparation of plans for improvement and control of inland waterways; and with recommendations which advise suitable provision for continuing the improvement of inland waterways at a rate commensurate with the requirements of commerce; and, so far as justifiable, with cooperation between Federal agencies and States, municipalities, and communities with a view to a distribution of costs and benefits; and I am in accord with a suggestion that in the carrying out of examinations and surveys and in the making of plans of improvement of inland waterways, such consideration be given by the War Department to the subject of water power, floods and low water, drainage, and such other related subjects as may have a bearing upon the improvement of navigation and such as Congress, in its wisdom, may provide for.

2. I am in the fullest accord with recommendations looking to the protection to the greatest extent of the natural resources of the country, both in their relation to the interests of navigation and in the interest of multiplying prosperous homes; and I am in accord with the thought of utilizing such resources in every legal and proper way with a view to recompensing the Government for expenditures made in carrying out improvements.

3. I am not fully in accord, however, with the thought that all the related subjects mentioned, important and worthy of consideration by the Government as they may be, are as clearly and necessarily associated with the subject of channel improvement and interstate commerce as is assumed in the report, or that such assumptions can properly be made in all cases without further investigation, including, possibly, some legal questions.

4. I am in accord with the desire of this Commission to continue its investigations and discussions with a view to further consideration of interior-waterway improvements after consultation with transportation experts, and a more detailed consideration of the conservation of natural resources and coordination between the General Government and States after the conference on conservation to be held in May.

5. I can not, however, agree with the recommendation for the establishment at this time of a permanent inland-waterways commission, vested with the authority indicated, in addition to or as a substitute for the existing Commission. Until this Commission shall have fully carried out the duties allotted to it and prepared a comprehensive plan for the improvement and control of the river systems of the United States, or at least until such work is more advanced and results more thoroughly considered, I believe a recommendation for so radical a departure in the methods of planning and executing the improvement of waterways as that proposed is at least premature.

6. Moreover, it is my belief that further investigation will demonstrate that when this Commission shall have completed its labors all necessary cooperation can be secured, and all work proposed for the permanent commission can be equally well provided for by the existing agencies of the Government, and that through such agencies, without the interposition of a permanent commission, improvement of waterways and attention to allied subjects will be more promptly accomplished. While fully appreciating the importance of having general principles and schemes considered and recommended by a commission, as is now being done and as will continue to be done, I have grave fear that the scheme of operations recommended in connection with the proposed permanent commission would be found to be impracticable.

A. MACKENZIE,  
Brigadier-General, Chief of Engineers.

#### SUPPLEMENTARY REPORT OF COMMISSIONER-SENATOR FRANCIS G. NEWLANDS.

I concur in the report of the Commission, but desire to emphasize my belief that it is of the highest importance that in dealing with subjects relating to the respective powers, rights, and interests of the nation, States, municipalities, corporations, and individuals, large powers and a comparatively free hand should be given to an administrative body of experts in the full development of projects, lest the complexity of the transactions, the time necessary to secure Congressional approval, and difference of view as to purpose or method, may result in indecision and delay, the worst enemies of effective development.

An ample fund should be provided, to be reinforced from time to time either by legislative appropriation or by bond issue, and the administrative board or commission should be given the power, not only to investigate projects, but also, when determined to be feasible, to enter, with the approval of the President, upon their immediate execu-

tion; but the power should be limited so as to prevent such administrative body from entering into any contract unless there are sufficient unappropriated moneys in the fund to meet the cost thereof.

Unless some method of construction and development, insuring prompt decision and execution and continuous and consecutive work by a body of experts is adopted, I fear that the best of projects may be wrecked in the shoals and quicksands of legislation.

FRANCIS G. NEWLANDS.

#### APPENDIX B.

##### Resolutions adopted by the governors at the White House conference May 16, 1908.

We, the governors of the States and Territories of the United States of America, in conference assembled, do hereby declare the conviction that the great prosperity of our country rests upon the abundant resources of the land chosen by our forefathers for their homes and where they laid the foundation of this great nation.

We look upon these resources as a heritage to be made use of in establishing and promoting the comfort, prosperity, and happiness of the American people, but not to be wasted, deteriorated, or needlessly destroyed.

We agree that our country's future is involved in this; that the great natural resources supply the material basis upon which our civilization must continue to depend, and upon which the perpetuity of the nation itself rests.

We agree, in the light of the facts brought to our knowledge and from information received from sources which we can not doubt, that this material basis is threatened with exhaustion. Even as each succeeding generation from the birth of the nation has performed its part in promoting the progress and development of the Republic, so do we in this generation recognize it as a high duty to perform our part, and this duty, in large degree, lies in the adoption of measures for the conservation of the natural wealth of the country.

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live, and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of our streams; and the minerals which form the basis of our industrial life, and supply us with heat, light, and power.

We agree that the lands should be so used that erosion and soil wash shall cease, that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that the sources of national wealth exist for the benefit of all the people, and that monopoly thereof should not be tolerated.

We commend the wise forethought of the President in sounding the note of warning as to the waste and exhaustion of the natural resources of the country, and signify our high appreciation of his action in calling this conference to consider the same and to seek remedies therefor through cooperation of the nation and the States.

We agree that this cooperation should find expression in suitable action by the Congress within the limits of and coextension with the national jurisdiction of the subject, and, complementary thereto, by the legislatures of the several States within the limits of and coextensive with their jurisdiction.

We declare the conviction that in the use of the natural resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

We agree in the wisdom of future conferences between the President, Members of Congress, and the governors of the States on the conservation of our natural resources with the view of continued cooperation and action on the lines suggested. And to this end we advise that from time to time, as in his judgment may seem wise, the President call the governors of the States, Members of Congress, and others into conference.

We agree that further action is advisable to ascertain the present condition of our natural resources and to promote the conservation of the same. And to that end we recommend the appointment by each State of a commission on the conservation of natural resources, to cooperate with each other and with any similar commission on behalf of the Federal Government.

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose.

We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

We recommend the enactment of laws looking to the prevention of waste in the mining and extraction of coal, oil, gas, and other minerals with a view to their wise conservation for the use of the people, and to the protection of human life in the mines.

Let us conserve the foundations of our prosperity.

Respectfully submitted,

NEWTON C. BLANCHARD.  
JOHN F. FORT.  
J. O. DAVIDSON.  
JOHN C. CUTLER.  
M. F. ANSEL.

## APPENDIX C.

A bill (S. 7183) for the appointment of a national commission for the conservation of natural resources, and defining its duties.

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to appoint, by and with the consent of the Senate, a commission, not to exceed fifteen in number, and to organize the same for the investigation of all questions relating to the conservation, use, and control of the water resources of the United States for navigation, irrigation, municipal supply, power, and swamp-land reclamation, to the prevention of floods and the maintenance of stream control, to the prevention of waste in the mining and extraction of coal, oil, gas, and other minerals, to the protection of human life in the mines, and to the prevention of erosion and soil wash; to the conservation of the forests, to the preservation of the public domain for home seekers, to the protection of the timber, coal, iron, and oil lands of the United States against absorption by monopoly, and for the investigation of all other questions relating to the conservation of the natural resources of the United States for the preservation of its beauty, healthfulness, and habitability.

SEC. 2. That such commission shall cooperate with commissions or boards appointed by the respective States for similar purposes, with a view to recommending suitable action relating to the conservation of the natural resources of the United States by Congress within the limits of and coextensive with national jurisdiction of the subject and complementary thereto by the legislatures of the several States within the limits of and coextensive with their jurisdiction.

SEC. 3. That such commission shall be known as the "National Commission for the Conservation of Natural Resources."

SEC. 4. That such commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts, doings, recommendations, and expenditures, which reports shall be by the President transmitted to the Congress.

SEC. 5. That the President shall cause to be provided for the use of such commission and its employees under this act such offices in the District of Columbia and elsewhere, and such equipment, as may be necessary for the proper discharge of its duties.

SEC. 6. That in order to carry out the purposes of this act there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of \$50,000, to be expended under the direction of the President.

The VICE-PRESIDENT. The bill is in Committee of the Whole, and if there be no amendment it will be reported to the Senate.

Mr. GORE. Mr. President, I wish to know whether the bill applies to surveys of certain rivers.

Mr. NELSON. No, nothing of that kind. It is not a river and harbor bill.

Mr. McLAURIN. I desire to ask the Senator in charge of the bill whether there is anything in the bill in reference to the joint resolution that was adopted by the Senate requiring the carrying of material and equipment for the construction of the Panama Canal in vessels owned by the United States?

Mr. NELSON. There is nothing of that kind in the bill.

Mr. McLAURIN. The reason why I asked the question was because there was an amendment to it which made the resolution practically unobjectionable, but which amendment, as I understand, was stricken out in the House.

Mr. NELSON. It is not in the bill, nor anything pertaining to that matter.

Mr. CLAY. Will the Senator give a short explanation of the bill?

Mr. NELSON. Yes; I can give a very brief explanation of it.

The first section of the bill, which is a House bill, provides that in case vessels make triweekly trips or oftener between our ports and foreign ports they shall not be required to take out a license and clear on every trip. That is the rule now in reference to ferryboats plying right across the Detroit River. The Commissioner of Navigation favors the proposition because he says there are only two places where it would have any application, in Puget Sound and on the coast of Maine.

The next provision of the bill is simply to amend the law in reference to the matter of licensing engineers of steam vessels. Under existing law as it is framed an engineer is not required to be examined and take out a license unless he is an engineer on watch, and that phrase is changed; that is all.

The third provision in the bill relates to the matter of tourists' boats plying short distances, as in New York Harbor and other places. Under existing law they are required to keep a list of names of passengers. The bill amends the law so that they are only required to keep a list of the number. It does not apply to ocean-going vessels.

Another provision of the bill relates to the matter of scows carrying refuse matter from New York Harbor into the sea. While there is a good deal on that subject in the bill, it is most of it a reenactment. The part of the bill that is new simply relates to the matter of requiring appliances of navigation that shall make the navigation of those scows safe and prescribing rules as to towlines and in other respects.

Another provision provides for an inspector of hulls and boilers in Hawaii and in Porto Rico for the convenience of navigation. At present inspection is done here on the mainland, and it is considered to be for the convenience of navigation that inspectors of hulls and boilers should be appointed, one in Porto Rico and one in Hawaii.

I think those are all the material provisions of the bill. I could explain it more at length, but I am unwilling to take up the time of the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLAIMS OF POSTMASTERS.

The Senate resumed the consideration of the resolution submitted by Mr. TELLER on this day directing the Secretary of the Treasury to have stated and audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, when,

The VICE-PRESIDENT. The pending question is on the amendment offered as a substitute by the Senator from Ohio [Mr. DICK].

Mr. KEAN. What is the substitute?

The VICE-PRESIDENT. The Secretary will again read the substitute.

The Secretary read as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have stated and audited in the Sixth Auditor's office the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim, and the Secretary of the Treasury is hereby directed to report to the Senate as many such stated salary accounts of former postmasters, by States, as soon as they can be made ready.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. Do I understand that the amendment is to be voted on now? How does the resolution come before the Senate?

The VICE-PRESIDENT. On a request for unanimous consent.

Mr. KEAN. Then I think it ought to go over for the present.

The VICE-PRESIDENT. The resolution is before the Senate, without objection. The Chair put the question in the morning hour, and there was no objection.

Mr. KEAN. This is an amendment to the resolution of the Senator from Colorado?

The VICE-PRESIDENT. It is.

Mr. KEAN. As I understand the question, these are purely claims against the Government of the United States that have been filed and have been audited by the Post-Office Department. Is that correct?

Mr. DICK. Audited by the Auditor for the Post-Office Department.

Mr. KEAN. And now the object is to have them audited by the Treasury.

Mr. DICK. No; audited and reported.

Mr. KEAN. They have not been reported to Congress at any time?

Mr. DICK. They have not.

Mr. KEAN. They have never been reported to Congress?

Mr. DICK. They have not.

Mr. KEAN. They have appeared here several times.

Mr. DICK. In piecemeal, but not in entirety.

Mr. KEAN. Has the Senator any idea as to the amount of these claims?

Mr. DICK. I have not.

Mr. KEAN. They are all audited.

Mr. DICK. I am not sure as to that. I understand that a part of them are audited—perhaps a fifth or sixth of them.

Mr. KEAN. Of course if the Senate wants to adopt the resolution, I shall not oppose it.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?

Mr. DICK. I do.

Mr. CARTER. I suppose the resolution is up for consideration, and I desire to take the floor in my own right in connection with it whenever the floor is available.

Mr. KEAN. The floor is available now.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?



Mr. DICK. I yield. I did not understand that I had the floor except for the purpose of answering the question of the Senator from New Jersey.

Mr. CARTER. Mr. President, I understand this to be a resolution similar to one to which I directed some objections some time ago, probably two years ago. The resolution had at that time passed the Senate, and having passed the Senate it attracted the attention of the Treasury officials. In the closing hours of Congress, in obedience to a request from the Treasury Department, I moved that the vote by which the resolution was passed be reconsidered.

That motion prevailed. My information at that time was that the statement of the respective accounts in the resolution referred to would require the service of high-grade clerks, none, I believe, according to the statement made, drawing less than \$1,600 per annum and the number to be employed being quite large and for a period of six months, the amount of the expense to be incurred in making the statement, I understood, would be great.

After that action in the Senate I received numerous letters from ex-postmasters and the heirs of ex-postmasters, in each case accompanied by a letter from an attorney in the city of Washington, announcing that I had been the means of preventing the aforesaid ex-postmasters or their heirs from gaining certain access to the Treasury on an account, of which the ex-postmasters had never heard and of which the heirs had no knowledge until addressed by counsel learned in the law, who advised them that, through the meddlesome disposition of the Senator from Montana, they were being kept out of the payment of certain sums of money which were justly due them.

This class of correspondence caused me to give some attention to the nature of the claims covered by the resolution. I think the former resolution was broader in its scope than the one here presented, but this is broad enough covering a period, I believe, of ten years.

Now, the facts seem to be that, by a certain critical analysis, comparison of dates and laws and rules and regulations, counsel, desiring to stimulate business and see justice done at the same time, have figured out that several million dollars can be obtained from the Treasury for the benefit of people who accepted their pay at the time as in full for services rendered, wholly unconscious of the fact that anything else was due, and blissfully ignorant of these aforesaid laws, rules, and regulations, out of which, through construction and the incidental aid of Congress, a vast number of claims can be given standing, the names of the claimants can be disclosed, and a thriving business done.

These old matters have been long since settled and laid away by both the Post-Office Department and the Treasury Department. A portion of these claims has been presented individually, I believe, and paid. My contention is this: That if any individual asserting a claim against the United States will bring it forward, have it duly considered in the Department and in committee and presented to the Senate, we may vote for the payment of that claim; but I am unalterably opposed to advertising for claimants to come forward and assert claims against the Government as old as these claims are. They are sleeping quietly; and I would have them rest in peace, unless some one suffering conscious loss will come forward with the proofs, and then, in response to regular inquiries directed through the committees of Congress to the Departments, the facts can be elicited and justice can be done.

I think the resolution ought not to pass; and I hope it will not pass. I have said to every one in my section of the country who has written me on this question that if they would submit the facts, showing an equitable or a legal right, it would be a great pleasure to me to see justice done to them; but that in meting out justice to my constituents or citizens of the State of Montana, I did not wish to combine with others to issue a general invitation to anybody who might desire so to do to come into the Treasury of the United States with a stale claim, and get a payment which probably was never anticipated by the party, and can only be fixed upon the Government by a course of hypercritical construction of rules, regulations, and law.

The claims have been settled, the parties have been satisfied, and there is nothing in this proposition, in my humble judgment, but that which has been vitalized by the splendid, persistent, and acute efforts of counsel learned in the law and anxious for its rewards.

Mr. TELLER. Mr. President, these are claims under the law which have been decided by the Department of the Government having charge of this matter as properly due to these people. There is about \$13,000 due to citizens of Colorado. None of these claims arose earlier than 1870. By 1884 the

claimants had put their claims before the Postmaster-General, each individually, and they have been stated as due. I understand there are several States in which there are such claims. I do not know how much they amount to in the aggregate, but I do know that we should not measure our debts and their justness by their amount, whether it be small or great. If the Government of the United States owes this money to these people, it ought to pay it.

I have a list of claimants before me, whose claims I have been trying for the last five years to have paid. I have, however, always been met by just the same objection with which we are met in this case, that there are some attorneys somewhere who get up these claims. Mr. President, no attorney has ever said a word to me about them. There is not one of these men in Colorado who I believe has an attorney, or at least they have so declared to me.

If this debt is properly due—and the Department has repeatedly so declared—we simply have asked here to have a proper statement made. That is all I ask in the resolution which I have offered. The Senator from Ohio [Mr. Dick] has offered a substitute for my resolution, because mine only deals with a part of the claims. There is a list of the claims in the different States. About half of the sum claimed has been paid, the other half being still due. I have on my list the names of some men whom I know personally. I had a letter not long ago from the widow of one of these men, a man who was a soldier and who rose to be a captain in his service during the civil war. I think he is entitled to about \$900. I got a letter from his widow, saying that unless this was paid her she did not see any way to live, except to go into the poorhouse of the county in which she resided. I received a letter from another one, who is entitled to about the same amount. He was also a soldier during the late war, a man of high character, and he has sent me the communication which I am going to read. After making some comment on the fact that for years he has been trying to get this sum—he was a postmaster soon after he came out of the Army—he makes the following quotation from the Legal Adviser—a statement which I think fills the bill and fits the case:

The Government of the United States is the most cruel and rapacious creditor and the most dishonest debtor in this country. If a man has a claim against the Government which needs the kindness of Congress, he had better destroy all evidence of the debt so that future generations may not be distressed and made bankrupt in an effort to collect the claim. (Legal Adviser, vol. 3, No. 4, p. 31.)

Mr. President, the statement that these men are to come to Congress with claims, some of them not over two or three hundred dollars—

Mr. GALLINGER. Some of them much less.

Mr. TELLER. Yes; some of them not more than \$50.

Mr. GALLINGER. And some not more than twenty or thirty dollars.

Mr. TELLER. Yes; some not more than twenty or thirty dollars. To compel these claimants to come here and submit their claims would cost more than the claims would be worth, and it would cost Congress twice as much in time spent as it would to pay them. These claims are all stated by the Department, and must be stated by the Department. They will not be paid unless the officials declare the amounts to be due. I do not see why these people should be compelled to come here, and why I should be compelled to introduce a bill for John Smith and John Jones to have the Government pay them so small a debt.

I find among these claims some for \$46, \$140, and \$200. There is one of these claimants—and that is the man who sent me this clipping—who is as respectable and honorable a man as there is in the country anywhere, to whom the Government owes \$1,800. It is not a great sum, but it is a great deal to a man who earns his own living. Here is another claim for \$1,500. Here is one for \$300; and so on. None of them is excessive. As I said, one is for \$1,800, and I believe there is another for the same amount; but the aggregate is \$13,000 for claimants in the State of Colorado.

I insist that this disposition of the matter is consistent with honesty and good administration of public affairs. It is no answer, Mr. President, to say that some shrewd lawyer discovered that the Government owed this money. It does not make any difference how that was found out. Does the Government owe it? That is what we want to find out. We have had the statement made repeatedly from the Department that the Government does owe it, and we want the statement now made in an authoritative form, which will enable us to make some appropriation when the next appropriation bill comes up. If it amounts to \$2,000,000—which I think perhaps it does, though I do not know, but it is somewhere in that neighborhood—then we had better pay it. That is all I have to say, Mr. President.

Mr. CARTER. Mr. President, I inquire whether this resolution has ever been referred to a committee of the Senate and has ever been passed upon by a committee?

Mr. DICK. Mr. President, the resolution has not been referred to a committee at this session of Congress. In former Congresses it has. In this session it was introduced in December and laid on the table, where it has been ever since. I presume the very best reason for that is that there was no committee to which it could with propriety be referred, and so it was placed upon the table. I do not know to what committee the Chair could refer it; I do not know to what committee I would request the Chair should refer it. It is not a matter for the Committee on Post-Offices and Post-Roads, since that committee has nothing to do with the auditing of accounts of postmasters; nor do I know of any other Senate committee that deals with the matter of auditing departmental accounts. It was for that reason that the matter went to the table without a request for reference.

Mr. CARTER. Mr. President, I do not criticize the course taken—

Mr. TELLER. Will the Senator allow me to say a word there?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Colorado?

Mr. CARTER. Certainly.

Mr. TELLER. Mr. President, I have here the statement that was furnished me by the Post-Office Department showing the amounts standing on their books as due to the claimants. I had it all copied and put it in with my former resolution, which I called up some time ago, but which was objected to; and by arrangement I allowed the Senator from Ohio [Mr. Dick] to present his resolution, because his is a little more comprehensive than mine.

Mr. DICK. The difference, Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. I yield.

Mr. DICK. The difference between the resolution of the Senator from Colorado and the one which I have proposed as a substitute is this: His resolution provides for about one-sixth of the accounts, while mine provides for all the accounts of all the postmasters who served in the various States of the Union. I hardly know why I should request the accounts of the postmasters of Ohio alone. I think it better that we should request that the accounts of the postmasters of all the States who were in like situation should be reported to the Senate.

Mr. CARTER. Mr. President, I did not rise to put the question for the purpose of offering criticism; but I do think that had a committee been charged with an examination of this matter, they could have advised us of the amount involved and the expenditure necessary to make this statement. If the statement as made to me over the telephone wire on a former occasion is correct, I assume that it will be necessary to make some appropriation for an additional force of clerks to make this statement, because the work of the Department is so distributed that it is scarcely conceivable that the number of high-grade clerks necessary to make the statement in six months could be withdrawn from the current business of the Department.

Mr. DICK. If the Senator from Montana will allow me, I will make a brief explanation with reference to that.

Mr. CARTER. I will be glad to hear it.

Mr. DICK. The principal objection to previous resolutions was based upon the additional clerk hire that would be required to furnish the statements. A modified resolution is offered at this time in that regard, so that the statements shall be furnished to the Senate only so fast as they may be completed. If they were required to be furnished within a given time, I can understand how it would be necessary, perhaps, to increase the clerical force; but under the language of the resolution ample time is given to the Department to make these reports to the Senate as they complete them.

Mr. CARTER. Mr. President, I submit to the Senate that from the statement presented by the Senator from Colorado [Mr. TELLER], drawn, I assume, from the Treasury books, showing certain balances due to individuals, there can be no objection to an appropriation, but to require a general search over the books of the Treasury Department to ascertain every little item that may be due to every person on account of some service between 1864 and 1874, and to make payment to persons who in the main are making no demand on the Government, seems to me an extraordinary movement upon the part of Congress.

I have not examined the facts in reference to the particular case in any instance, nor have I gone into a critical examina-

tion of the law and the rules and their construction upon which this class of claims is based. I do feel, however, that the Senate should be advised of the nature of the claims, the legal conditions out of which the claims arose, and the equity connected with them, and, therefore, the duty on the part of Congress, if the equity be strong, of departing from a course of procedure which has been uniform on the part of the Government of waiting the presentation of some demand for money before going out to make an offer of it. He is said to be very good pay who pays on demand.

Two million dollars are said to be involved in this matter, and there are but very few persons coming forward to make a claim of any kind for the amount. We ought to pay those who make demand; but to go into the highways and byways with the money of the Government and insist that people who are not claiming it at all shall receive it for the public good and their private advantage seems a super-serviceable line of work on the part of Congress.

I think the claims of the Colorado citizens, tabulated and stated as shown by the Senator from Colorado, ought to be included in an appropriation bill and promptly paid. I can not see that any objection could be urged to that; nor do I see why, if the Senator from Ohio were to procure a statement of accounts due citizens of Ohio now capable of being located, an appropriation ought not to be made for the payment of such citizens, but, Mr. President, a great many of these alleged claimants can not now be found. Would it be our duty, after ascertaining the amounts due, to pay for advertisements to the end that they might be located, or if they are dead, that their heirs might be located in the different States? Then we might go further and ask that the heirs should have an adjudication in some court of competent jurisdiction to show the respective amounts they would be entitled to in a division. All of this ought to be done by Congress if we are to begin the advertising and examination system on our own motion.

I have been in Congress now, in both Houses, a long while, and I say here, without any mental reservation, that I never have had a single claim of this character presented to me by any citizen of the country, save and except a citizen stimulated by an advertisement of some lawyer. That is not true in all cases. The Senator from Colorado, with his usual remarkable diligence in looking after the interests of his people and State, has gone in person to the Department for the purpose of securing the names and the amounts due to persons who served the Government between 1860 and 1874, in the respective post-offices.

Mr. GALLINGER. We have all done that.

Mr. CARTER. The Senator from New Hampshire has done the same, but this resolution proposes to do more.

Mr. DICK. May I interrupt the Senator for a moment?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. Certainly.

Mr. DICK. My recollection is that the Senator from Montana has for a long time served on the Committee on Post-Offices and Post-Roads of the Senate, and to that committee at various times have been submitted resolutions by various Senators which, so far as I know, have never been reported. That is in answer to his complaint that these matters have never been invited to his attention. Here is a resolution offered by the late Senator Hanna, of Ohio; one offered by the Senator from Maine [Mr. FRYE]; one offered by the Senator from Georgia [Mr. CLAY]; one offered by former Senator Mason, of Illinois; one offered by the Senator from Michigan [Mr. BURROWS]; one offered by the late Senator Platt, of Connecticut; one offered by the Senator from North Carolina [Mr. SIMMONS]; one by the Senator from Texas [Mr. CULBERSON]; one by former Senator Quarles, of Wisconsin; one by the Senator from Pennsylvania [Mr. PENROSE], and one by the late Senator from Vermont, Mr. Proctor.

I hardly think it fair to say of these resolutions that they were prompted by the diligence of an overactive attorney at law. My judgment is that in each instance they were presented upon request of constituents of the Senators. But whether they were or not, whether they were the result of activity upon the part of an attorney at law, about which I know nothing, is not the question, as it seems to me, which is before the Senate. The question is whether we can get from the Treasury an accounting of the sums due certain public officials. We are not asking the public officials what their accounts are. There does not seem to be any dispute as to the amount. The question is whether the Government of the United States owes them anything; and we are asking the Government—not these ex-postmasters—what those sums are.



Mr. BACON. Mr. President, I interrupt the Senator to say that, while I have introduced no resolution on the subject, I have a claim which has been sent to me directly by one of my constituents without any intervention of an attorney, upon this same line; and possibly there are other Senators in the same position.

Mr. DICK. I thank the Senator from Montana for yielding to me.

Mr. CARTER. Mr. President, I think this resolution should go to the Committee on Post-Offices and Post-Roads, and I hope the Senator will not object to that reference.

Mr. DICK. Mr. President, there is no propriety in its reference. The Committee on Post-Offices and Post-Roads has absolutely nothing to do with this question. It does not deal with the matter of salaries. It is a question of auditing and not a question of pay. I am a member of the Post-Office Committee and would be as insistent for its reference to that committee, if it ought to go there, as any member of it could possibly be; but the question is solely one, as it seems to me, for the Senate, and not for any committee. I do not think, therefore, there should be any reference, unless, in the wisdom of the Senate, it should be referred to some special committee appointed for that particular purpose.

Mr. CARTER. Does the Senator understand that the Post-Office Department recognizes liability in the cases referred to in the resolution?

Mr. DICK. I do not know what the attitude of the Post-Office Department at the present time is upon this matter, Mr. President.

Mr. CARTER. Mr. President, I think the Department concerned should at least be consulted and some expression of its opinion with reference to the merits of the claims should be on our record.

Mr. DICK. Referring to that, I would say that when the matter is taken up for final disposition the suggestion would be a very good one. What we want to know is every feature connected with these claims, not only their amount, but all questions as to their legality or equity or the propriety of their payment, but, first of all, a statement, duly audited, from the Secretary of the Treasury.

Until 1864, under the law of June 22, 1854, the compensation of postmasters was upon the basis of payment to them of a commission on postage collected and box rents (act of June 22, 1854):

*Be it enacted, etc.*, That in place of the compensation now allowed deputy postmasters, the Postmaster-General be, and he is hereby, authorized to allow them commissions at the following rates on the postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter, viz:

On any sum not exceeding \$100, 60 per cent; but any postmaster at whose office the mail is to arrive regularly between the hours of 9 o'clock at night and 5 o'clock in the morning may be allowed 70 per cent on the first \$100;

On any sum over and above \$100, and not exceeding \$400, 50 per cent; and

On any sum over and above \$400, but not exceeding \$2,400, 40 per cent;

And on all sums over \$2,400, 15 per cent;

On the amount of postage on letters and packages received at a distributing office for distribution, 12½ per cent commission may be allowed.

Every postmaster, when compensation shall not exceed \$500 in one quarter, shall be allowed 1 cent on every free letter delivered out of his office, except such as are for the postmaster himself. But the special allowance now made by law to the postmasters at New Orleans and Washington City shall not otherwise be increased or diminished;

Each postmaster who shall be required to keep a register of the arrival and the departure of the mails shall be allowed 10 cents on each monthly return which he makes to the Postmaster-General;

Each postmaster may be allowed 2 mills for the delivery from his office to a subscriber of each newspaper not chargeable with postage: *Provided, etc.*, (P. 298, vol. 10, Stat. L.)

In the year 1864, by the act of July 1 of that year, it was provided that they should be paid a salary based on the average of the annual compensation for the two years preceding July 1, 1864, with provisions for readjustment, this readjustment being intrusted to the discretion of the Postmaster-General, the purpose being to make the salary equal to the commission and box rents (act of July 1, 1864):

*Sec. 2. And be it further enacted* that the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any officer; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal and notified to the Auditor for the Post-Office Department. (P. 335, vol. 13, Stat. L.)

The Postmaster-General, by section 474 of the Postal Regulations of 1866 and published orders pursuant thereto, held that this was the intent of the act of 1864, but in its operations it proved very inequitable.

#### Postal Regulations, sections 474 and 476:

*Sec. 474.* The salaries of postmasters are established upon the basis of all the revenue of their post-offices during the two years preceding the passage of the law—i. e., 1863 and 1864. Box rents are included in these revenues. Every postmaster receives in the form of salary as much compensation as he formerly received from commissions and box rents.

*Sec. 476.* Where the justice of the case demands, the Postmaster-General has the authority to readjust salaries oftener than once in two years, and under this provision of law all inaccuracies and inadequate or excessive allowances of salary can be readily readjusted.

#### Postal Regulations of 1866 declaring the intent of the salary act of July 1, 1864:

It was not the intention of Congress by the amendment of 1866 to repeal any part of the statute of 1864. The latter statute was to stand, the amendment simply securing to officers of the designated classes the right to have their biennial adjustments of salaries made upon the basis of the act of 1854 instead of the act of 1864, whenever they could save 10 per cent by this course.

If, in fact, there are cases in which it appeared from the quarterly returns or from sworn reports of receipts and business that postmasters of the third, fourth, and fifth class at the biennial readjustment had their salaries fixed under the act of 1864, when, by an adjustment under the act of 1854, 10 per cent or more would have been added to their salaries, then under the act of 1883 such postmasters are entitled to whatever additional sum they would and should have received under the act of 1854.

Public order of the Postmaster-General of June 9, 1883, declaring the intent of the salary act of June 12, 1866, section 8, and of March 3, 1883:

In all cases in which it appears from the biennial adjustment of salaries of postmasters of the third, fourth, and fifth classes that they receive 10 per cent or more less than they would have received in commissions under the act of 1854 they are now entitled under the act of March 3, 1883, to the difference between what was paid them and what they would receive as commissions under the act of 1854. He also holds that it is not the intention of Congress by the acts of 1864 and 1866 to dispense with the biennial readjustments. It follows that a claimant under the act of March 3, 1883, must show that the acts subsequent to 1854 deprived him of 10 per cent or more of what he should have received if those statutes had not been enacted and he had been compensated on the basis of the act of 1854.

By section 8 of the act of 1866 the attempt was made to provide for the injustice that had been done in the change to a salary basis, and it was enacted that when the quarterly returns upon which the salary was based showed that the salary allowed was 10 per cent less than it would have been on the basis of commissions, then the salary should be readjusted so that the compensation should be equal as salary to what it would have been as commissions. If it was not as much as 10 per cent less than the commissions and box rents, then the difference was to be disregarded. (Act June 12, 1866:)

*Sec. 8. And be it further enacted*, That section 2 of the act entitled "An act to establish salaries for postmasters, and for other purposes," approved July 1, 1864, be amended by adding the following: *Provided*, That when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is 10 per cent less than it would be on the basis of commissions under the act of 1854, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section.

This readjustment, however, was held to apply only to the salary for the succeeding term of two years, so that the postmaster who had actually earned the money would lay a basis for his successor's increase, but unless he was his own successor, though he had done the work to earn an increased salary and to enlarge the revenue, he would get only the salary fixed at the beginning of his term.

In 1878 suit brought in the Court of Claims and there decided in favor of the claimant was reversed by the Supreme Court of the United States in the case of *United States v. J. K. McLean*. The opening sentence of the court's opinion is as follows:

The case of the claimant appears to be a hard one, but we think he has no remedy by suit in the Court of Claims.

The facts of that case are (they are not fully set out in the court's opinion) that McLean served as postmaster at Florence, Kans., from April 14, 1871, to June 30, 1872, and returned to the Post-Office Department \$1,148, of which \$70.20 was from the rent of boxes constructed at his own expense, which cost several hundred dollars. Under the law of 1854 his commissions and box rents would have amounted to \$659.20, and he fairly earned this amount, but he was paid as salary just \$8.48, this salary being based on the income of the office for the two years prior to 1871.

The large number of cases in which such injustice was done and this decision of the Supreme Court that no relief could be afforded them by the courts led those suffering to seek relief at the hands of Congress, and at their instance the act of 1883 was passed (act Mar. 3, 1883):

*Be it enacted, etc.*, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose

salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1866, who made sworn returns of receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, or who made quarterly returns in conformity to the then existing laws and regulations, showing that the salary allowed was 10 per cent less than it would have been upon the basis of commissions under the act of 1854, such readjustment to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such sworn returns of receipts and business or quarterly returns were made: *Provided*, That every readjustment of salary under this act shall be upon a written application signed by the postmaster or late postmaster or legal representative entitled to said readjustment, and that each payment made shall be by warrant or check on the Treasurer or some assistant treasurer of the United States, made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resides, and which address shall be set forth in the application above provided for. (P. 487, vol. 22, Stat. L.)

By the provisions of this act every postmaster who had made returns showing his salary to have been 10 per cent or more less than it would have been under the law of 1854, upon application having been made therefor could have his salary readjusted to date from the beginning of "the quarter succeeding that in which such sworn returns of receipts and business or quarterly returns were made."

Hon. Walter Q. Gresham, whose ability as a jurist is generally recognized, was then Postmaster-General, and he interpreted the law to mean that upon application being made therefor the postmasters whose salaries for the two years they served were shown by their quarterly returns to be 10 per cent less than they would have been if paid by commissions should have their salaries readjusted, and he paid such an amount as would make their salaries equal to a compensation on a commission basis, and upon a commission basis the changes in the postmasters' income were automatic. That is, on a commission basis, the compensation paid McLean would have adjusted itself and he would have been paid what he earned.

Before, however, this interpretation of Postmaster-General Gresham of the law could be put into effect he retired from the Post-Office Department and his successor, the Hon. Frank Hatton, changed his interpretation of the law of 1883 and decided that it meant that salaries were not to be readjusted quarter by quarter, but only on the termination of eight full quarters, and under their interpretation the salaries of succeeding postmasters were readjusted, but the salaries of men situated like McLean, who served the first biennial period and the period in which the work was done as a basis for increase, were not readjusted and never have been.

It would seem that the dissenting opinions of subsequent Postmasters-General were based more on the state of the public revenues than on the equity and justice of these claims—certain it is that it is not the policy of this Government to construe laws in a way that grants to one a readjustment of his dues, and deny it to another under exactly similar circumstances and conditions.

Under this second interpretation of the law of 1883 something more than a million of dollars was paid out to men serving the second biennial period whose salaries for that period were not what they should have been, and in 1886, at the instance of the Post-Office Department, this unjust interpretation of the law of 1883 was approved by a rider on the deficiency appropriation bill, approved August 4, 1886.

#### COMPENSATION OF POSTMASTERS READJUSTED UNDER ACT OF MARCH 3, 1883.

SEC. 8. For compensation of postmasters readjusted because of the act of March 3, 1883, and to pay the several amounts reported by the Auditor of the Treasury for the Post-Office Department as due and unpaid, payable from deficiency in the postal revenue for 1883 and prior years, \$380,209.46: *Provided*, That the method of reviewing and readjusting the salaries of postmasters and late postmasters of the third, fourth, and fifth classes, under the classification of the act of July 1, 1864, and July 1, 1874, which has been practiced in the Post-Office Department under and since the act of March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866," by which all such reviews and readjustments have been made prospectively for the biennial periods provided for in the said act of July 1, 1864, upon the basis of the quarterly returns of postmasters during the preceding biennial periods, respectively, whenever the salary actually paid was 10 per cent less in amount than such salary should have been if adjusted correctly upon such returns by computing what the commissions upon the same would have been under the act of June 22, 1854, and averaging the amount thereof annually, as directed by the act of July 1, 1864, for fixing salaries, is approved and ratified as a correct administration of the aforesaid act of March 3, 1883, and all other acts applicable thereto; and that the several readjustments which have been made are ratified as a correct disposition of the several claims which have been considered and disposed of, and for which appropriation is made; and the several persons to whom amounts have been respectively found due are declared the rightful persons entitled to the same, and such amounts to be the full sums due upon any and all such claims; and that all claims in excess thereof and all other claims for readjustment which have been examined and found by the proper officers of the Post-Office Department not entitled to readjustment within such rule of administration are disallowed and barred. That no claim for review or readjustment

of any such salary shall be hereafter considered unless the same shall be presented to the Post-Office Department before the 1st day of January, 1887; and that in considering all claims not yet readjusted the same method shall be pursued which is hereby approved, and any and every different method of readjustment of salaries of such postmasters and late postmasters during the period between July 1, 1864, and July 1, 1874, than is herein approved is hereby prohibited; and no action or suit shall be maintainable in any court against any officer of the United States by reason of his action in reviewing or refusing to review, or allowing or disallowing, any application for readjustment of such salary: *And provided further*, That payment of all sums hereby appropriated shall be made by warrants or checks, as provided by the said act of March 3, 1883, payable to the order of and transmitted to the persons entitled respectively thereto. (Pp. 307-308, vol. 24, Stat. L.)

Subsequently this construction of the law as approved by Congress got into the courts, and a discussion of it will be found in the case of *The United States v. Ewing* and the cases there cited. (184 U. S., 140.)

In that case the court said:

It is said that as thus construed the statute leads in many cases to great injustice, and hence such construction should not be adopted. The difficulty is that any other construction violates the clear directions of the law, and although the result may be to withhold its benefits from some who might be regarded as otherwise entitled to it, yet we can not for that reason alter its terms so as to include them, and thus ourselves enact instead of construing the law.

From these conclusions and from the statement made by the Supreme Court in the McLean case, "that the case of claimant appears to be a hard one, but that he has no remedy in the Court of Claims," clearly evidences that the Supreme Court recognizes the injustice done these claimants and, by implication at least, suggests that under the law the remedy is with Congress.

While the law of 1883 was on the statute books the men at whose instance it was originally passed—and who were deprived of its benefits by the construction put upon it by the Post-Office Department, approved as above stated—filed their claims showing exactly how much they received as salaries and how much they should have received upon a commission basis, which the fair purpose of the law as enunciated by the Post-Office Department in 1866 intended they should have.

These claims are now in the Treasury Department, with the evidence as to the exact amount due each claimant, and it is a statement of these claims that is covered by the resolution. When this resolution is answered Congress will have before it data upon which it can act intelligently and, following the suggestion of the court that Congress is the only source of relief, enact a law for the direct payment to these men of the money which they honestly earned and which has so long been withheld from them.

The proposition has been advanced that claims of this character are barred by the act of 1886. It will be noted, however, that this act specifically provides an exception that relates only to claims which have not been presented prior to January 1, 1887. The claims this resolution refers to were all presented before that date; consequently the act of 1886 can not be successfully pleaded against them.

Mr. TELLER. Mr. President, the claim that it will take a large addition to the clerical force to do the work under this resolution is simply a mistake. The Department has just such a list for every State as the list which I have produced for Colorado.

I merely want to say a word as to the Senator's statement that the people are not asking for this. Of course, on this list there are a number of people who are not asking for it. They have died while waiting to get this money. There is on this list the name of the first lieutenant-governor of the State of Colorado; there is also on the list the name of the second lieutenant-governor of that State; there are on the list at least a dozen men who were soldiers in the Federal Army, and who have been demanding payment of these claims for years past. These claims have been known at least since 1884, because this statement shows the claims were made at that time.

Some were made in 1883; one or two in 1885 and 1886. This statement shows that every man has been making his claim against the Government.

The Senator says it ought to have gone on the appropriation bill. I thought so. But the Appropriations Committee, of which I am a member, declined, saying it was not an audited claim. I am not myself able to distinguish between an audited claim and a stated claim. When the Government states on its record that there is due me \$500, more or less, I believe that is equivalent to an audited claim. I so insisted, but the committee thought not, and that it must have the Auditor's official name attached to it. This is a statement from the Department records, and these amounts stand there and have stood there for years, and then we are told that a man should come here and introduce a bill through somebody. It is not the business



of Senators or Representatives to collect debts of this kind. It is the business of the Government of the United States to pay its debts whenever it knows they are due, and if the people do not claim, the Government need not pay them, but when they do claim, it ought to pay them.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. CARTER. I move that the resolution be referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. Mr. President, just a word before the motion is put.

I secured from the Department a list of 200 names of people in the little State of New Hampshire who believe they have claims against the Government. Some of them are as small as \$20, some \$30, some \$40. I think the highest claim in the list is \$800. I have an impression from what I can learn about this matter that these are amounts justly due the people who are named in this memorandum, or their representatives. A portion of these claims have been paid, and there are remaining claims. I never before to-day heard the amount stated to be in excess of a million dollars. I have heard it stated that it would take a million dollars from the Treasury.

But the Senator from Colorado [Mr. TELLER] disposed of that by the suggestion that the amount does not measure the obligation. We know that the Government would, if it were an individual, be in jail all the time if there was a law incarcerating it for dishonest conduct as regards its citizens.

I secured one claim during my public career for a citizen of my State. It was when I was a Member of the other House. I worked on it a good many weeks. It was an honest claim; as just a claim as ever existed. It came to the Senate, and after a long time it passed the Senate and went to President Cleveland, and he signed it. I went to tell my constituent that after seven long years—he had been here every winter for seven years—his claim, which amounted to only seven or eight hundred dollars, would be paid. I was told by the boarding-house keeper that he died three days before and had been buried by charity. That is the only claim I ever got through for a citizen of my State. I do not want to undertake to collect these claims of twenty or thirty or forty or a hundred dollars for the good people of my State. I know a great many of them. They believe these claims are due them. I believe they are due them, and I think they ought to be paid.

I want to ask the Senator from Colorado, who has looked into this matter more than I have—I have not looked into the statute—precisely what this language means:

And to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters, under the act of March 3, 1883, and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified in said memorandum schedule.

Mr. TELLER. That is an act something of this same character. I have not looked at it for a long time. I know there is an act that really required these claims to be audited.

Mr. GALLINGER. And the Postmaster-General has all the data in his possession, and what is asked is that it shall be turned over to the Sixth Auditor?

Mr. TELLER. Under that they have practically audited them. They have made a statement, just as I have read here, showing who is entitled to the money, when the indebtedness was incurred, and what it was for, and everything else.

Mr. GALLINGER. I am not rash enough to suppose that these people will ever get their money. I have had experience in more than one case in trying to get honest debts paid by the Government to citizens of my State, and I have not had very great success. It does seem to me these claims being upon the books of the Postmaster-General, it being understood that they are due these people, a portion of them having been paid, that it is not asking very much to pass a resolution asking that these claims should be audited and sent to Congress. I hope that the motion to refer the matter to a committee that has no jurisdiction over it will not prevail.

Mr. CARTER. Mr. President, the Post-Office Committee seems to be the committee of the body with which the Post-Office Department generally communicates, so far as it communicates with any committee, on questions involving the official business of the Department. As stated before, I am not prepared to give to the Senate a clear and distinct account of the legislative enactments and rules under which these claims are alleged to have arisen. I understand, however, that in the close, the very last day of his official term, in 1883, Postmaster-General Gresham made an order, which order constitutes the basis of many, if not all these claims, and that order was re-

scinded the following day by his successor in office. It lived a brief twenty-four hours. It lived long enough to create these liabilities against the United States and then went out of existence.

The extent, I say, to which the claims are based upon that order of such brief existence I know not, but that they are rested to no inconsiderable extent upon that order of twenty-four hours' duration is stated by the Department to be a fact.

It may be, the Department believes, that some of these claims have virtue. I have here a resolution that the Department thinks ought to be passed if any resolution is passed on this subject, handed to me but a moment ago by the clerk of the Committee on Post-Offices and Post-Roads. I will have it read for the purpose of advising Senators of its contents.

The VICE-PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have stated and audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and whose accounts have not been readjusted and certified for payment by the Postmaster-General under the act approved March 3, 1883, such salary accounts to be stated and audited upon the registered returns of each postmaster for each term of service specified by the method of reviewing and readjusting approved and ratified by the act approved August 4, 1886.

And to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Auditor for the Post-Office Department all the data now in his hands pertaining to each and every such claim.

Mr. DICK. I am willing to accept that as a substitute for the pending resolution.

Mr. CARTER. That, I think, will be satisfactory.

Mr. TELLER. I am entirely willing to accept that, so far as I am concerned.

Mr. CARTER. I offer it as a substitute for the resolution.

Mr. HOPKINS. Mr. President, I desire to be heard on this proposition.

The reason why I rise at this time to address the Senate is found in a remark made by the Senator from New Hampshire [Mr. GALLINGER], that the Government is not inclined to pay its debts, and that if it were an individual it would be in jail all or most of the time because of its attempt to avoid the payment of just claims. There are, and probably have been in the past, instances where the Government of the United States has not paid promptly claims which have been made against it, but I undertake to say that no individual or corporation in this country has ever been imposed upon to the extent that the Government of the United States has during its whole history by having stale and fraudulent claims presented against it.

The other day when the Senator from Oregon [Mr. FULTON] called up his omnibus claims bill, the Senate will remember that I called his attention to the fact that there were a number of claims in the bill that purported to be payments to parties whose property had been destroyed during the civil war, and as I understood the Senator at that time his statement was that the claims that were in the bill were all claims which had been properly considered and should be paid.

I have had occasion before this to examine many claims of this class that come from the South, and after the statement made by the Senator from Oregon I took occasion to examine a few of the claims. I find in that bill—not originating, I am happy to state, with the Senator's committee or in this body, but originating in the House of Representatives—old and gray and stale claims, and yet they have received favorable consideration from a committee of the House and have received favorable consideration from the House itself and have come to this body embodied in this bill and are presented here for the Senate to pass favorably upon them.

Mr. FULTON. Will the Senator permit me?

Mr. HOPKINS. Certainly.

Mr. FULTON. Are they not all based on findings by the Court of Claims?

Mr. HOPKINS. Some of them are and some of them are not.

Mr. FULTON. All of them are, as I recall.

Mr. HOPKINS. I will say to the Senator that when I come, as I shall at some other time, to discuss the question as to how much credence shall be given to findings of the Court of Claims, I shall take up that proposition and discuss it. But at this time it is not my purpose to delay the Senate or delay the consideration of the bill under the control of the Senator from New York [Mr. DEWEY], with the exception of calling attention to one individual claim, and that claim, I will say to the Senator from Oregon, I find on page 7 of his bill. It is the claim of Plymouth Frazier, of Liberty County, \$122.

Mr. FULTON. What claim is that?

Mr. HOPKINS. It is found on page 7 of the House bill. It is found on page 46 of the Senate bill. I suppose that the committee looking after these claims took the House claims and embodied them in the Senate bill, upon the theory that the claims had all been properly examined and that they were all just claims against the Government.

Mr. FULTON. I will say that on going over those claims we took the findings made by the Court of Claims and based our action on them.

Mr. HOPKINS. Yes; I have the original bill for the Frazier claim, which was presented in the House of Representatives by Mr. Lester, of Georgia. The claim does not purport upon the face of the bill to have received the consideration and approval of the Court of Claims. The bill itself reads as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Plymouth Frazier, jr., of Liberty County, Ga., the sum of \$561.90, in full compensation for stores and supplies furnished the United States Army during the civil war.

I will ask the Senator if it is not a fact that when bills of this character are presented in the Senate, where the claims have been passed upon by the Court of Claims, it is so stated in the bill?

Mr. McLAURIN. Not always.

Mr. FULTON. No.

Mr. HOPKINS. Very well.

Mr. FULTON. It is only stated in the report.

Mr. HOPKINS. I made that inquiry because I notice that in some bills presented here, notably by the senior Senator from Georgia [Mr. BACON], that the finding of the Court of Claims has been stated. But that is not to the purpose. I care not whether the Court of Claims has favorably passed upon this claim or not. This is one of the items that was presented originally to the Southern Claims Commission, and that Commission went into this question thoroughly to determine whether this claimant should be allowed this money, and after due deliberation, after every opportunity had been given the claimant to present all the evidence in his possession, the Southern Claims Commission rejected the claim.

I have here a copy of the finding of the Southern Claims Commission, and it not only clearly identifies the claim itself, but shows the grounds upon which the Southern Claims Commission rejected the claim. I will state to the Senate that on page 202 of the report of the Southern Claims Commission, which was rendered in 1877-78 there are given the items of the claim of Plymouth Frazier, jr., which aggregate \$520, the amount stated in the bill as originally presented. These are the remarks made by the Southern Claims Commission in the rejection of the claim:

This claim is a sample of several others. The claimant was a slave and continued such till the capture of Savannah. Then he claims to have owned the above property and to have had it taken from him for Army use. How he, a slave, could have owned such and so much property is only explained by the phrase "worked for it." (See question 70 and the answer.) He and his two colored witnesses give no further explanation as to his ownership. He was the slave of one Thomas S. Mallard. Lyman B. Mallard, the son of Thomas S. Mallard, testifies: "I know he was allowed to own and did own property previous to and during the war by my deceased father, who controlled him at that time." The value of this testimony may be judged of when we notice that this witness was 21 years of age in February, 1878, and was 5 years old at the beginning of the war. His knowledge as to how much this claimant "did own previous to the war" must have been precocious. One B. J. Cassels, a former overseer of the plantation of Mallard, is the attorney who seems to get up these claims. Claim rejected.

That was in 1878, and that report was made a part of the records of this country, and yet, according to the statement made by the Senator from Oregon, the attorneys representing the Government of the United States have permitted it to be presented to the Court of Claims in a manner so that it has been allowed, and if allowed I can appreciate how easily it would pass muster in any of these committees. But I call the attention of the Senator to it and of Senators upon both sides of the Chamber to emphasize the statement made by the Senator from Rhode Island [Mr. ALDRICH] the other day, that this class of claims should be rejected.

More than forty years have passed since the close of the war. Many of the parties whose property is alleged to have been taken have long since passed away, and yet under the manipulation of attorneys we find these claims that were rejected at the time when the Government was in possession of the facts, so as to show their falsity, creep in here in these individual bills, either in the House or in the Senate, and then in the hurry of the great work of a session of the Congress of the United States are embodied in a bill like this and passed.

This is only one of many claims of this character that I find in the bill, and I simply desire to challenge not only the atten-

tion of the Senator in charge of the Committee on Claims, but of the Senate itself, that some legislation should be enacted here that will put a stop to this drain upon the Treasury of the United States.

Mr. McLAURIN. Mr. President, the Southern Claims Commission was established, I believe, in 1871, and was in existence two years. If I remember correctly, the act establishing the Commission was passed on the 4th day of March, 1871, and repealed on the 4th day of March, 1873.

Mr. HOPKINS. It was extended from time to time, I will say to the Senator.

Mr. McLAURIN. When was it extended?

Mr. HOPKINS. It was extended. The reports show. They are in the library of the Senate.

Mr. McLAURIN. Was there any extension—

Mr. HOPKINS. The reports of the Southern Claims Commission are published in three volumes, and those books show when the last reports were made.

Mr. McLAURIN. Was it extended except by the Bowman Act and the Tucker Act?

Mr. HOPKINS. As to what act extended the authority of the commissioners I am not able at the present time to say. I can simply give the Senator the fact that Congress did extend the power and authority of the Commission up to the time I have stated.

Mr. McLAURIN. I do not think there will be found any act which authorized the unrestricted going into court and presenting of claims without any action on the part of the Senate or the House to refer the claims to it. But I do not state that with authority because I have not examined it carefully lately.

But what I was going to say was that the Commission was in existence those two years. Of course it took some time to organize the Commission. As I was saying the other day when I was cut off by the arrival of the hour for laying before the Senate the regular order of business, there was a very unsettled condition of affairs in the South at that time. There were thousands, tens of thousands, I may say hundreds of thousands, of people who knew nothing in the world of this act or this Commission. There were many people who had just claims against the Government for the appropriation of their property during the war to the use of the Government's armies who knew nothing about their rights under the law to present their claims. News did not scatter then and get over the country as rapidly as it does now, and those people did not know anything about it.

It is not to be wondered at that there should get into the courts and that there should be judgments entered in the courts on claims that are founded on very little merit, and in many instances on no merit at all. The fact that the Senator from Illinois can cite here a case involving a hundred and twenty-two dollars that was put into this bill when it had been rejected by the Southern Claims Commission on evidence which, in my judgment, as read by the Senator, is not sufficient to have rejected it, but which I take to be settled on the ground of res adjudicata, is no reason why a great many meritorious cases should not be provided for by the action of the Senate in the bill known as the "omnibus claims bill."

Mr. HOPKINS. I want to ask the Senator from Mississippi if a slave, either in his State or in Georgia, in 1864 could own property—could have legal right and title to it?

Mr. McLAURIN. I can not say as to Georgia. In our State they could not. But I will say to the Senator—

Mr. HOPKINS. Let me ask the Senator—

Mr. McLAURIN. Let me finish one answer at a time; then I will let the Senator ask me another question.

I will say to the Senator that in the adjoining State of Louisiana negroes owned not only personal property but some of them owned slaves, and some negroes in the State of Louisiana owned a large number of slaves.

I suppose the Senator from Illinois did not know that before. There were in the adjoining State of Louisiana negroes who owned large plantations and a large number of slaves.

Mr. HOPKINS. That may be; but the Senator does not contend that those colored men were slaves at that time, does he?

Mr. McLAURIN. No; they were not.

Mr. HOPKINS. In Louisiana or in any Southern State, could a slave own property?

Mr. McLAURIN. As I said to the Senator, I know nothing about any State except the State of Mississippi.

Mr. HOPKINS. Yes.

Mr. McLAURIN. In the State of Mississippi a slave could not own property, but the fact that in the adjoining State of Louisiana negroes were allowed to own property—they were free and they owned slaves—goes to show that there was a great deal of latitude in some of the States that did not exist



in other States. But it may be that in the State of Georgia, where the claim originated, as I understand, a slave could own property.

Let me limit what I said a while ago. In the State of Mississippi slaves could own a small amount of property; but I know of no instance where a slave owned so much as is claimed in the case to which the Senator from Illinois refers. But as I said to the Senate, and I say to the Senator now, I take the action of the Southern War Claims Commission as being res adjudicata. However, I, or any other Southern man, well posted on negro character and nature, can show that this negro's claim ought not to have been rejected on that kind of testimony. The principal point is that one of his witnesses was only 21 years old in 1878, and therefore he could have been only 4 years old at the commencement of hostilities in 1861.

The fact about the business is—and any Southern man will tell you so, and especially a Southern man who lived before the war—that negroes have very little idea about time or distance, and especially about their ages, and particularly negroes who lived before the war. The negro of whom the Senator speaks, and whom the decision mentions in that case, may have been a negro 35 or 40 years old. He knew very little, probably, about his age. The fact is, now, that in a great many instances—

Mr. HOPKINS. I will say to the Senator that he is in error.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. McLAURIN. With pleasure.

Mr. HOPKINS. The witness, who was 5 years old in 1861, was a white boy, the son of the master of the slave.

Mr. McLAURIN. I understood the Senator to say that it was a slave who was 5 years old in 1861.

Mr. HOPKINS. No—

Mr. McLAURIN. And 21 years old in 1878.

Mr. HOPKINS. I read again:

Lyman B. Mallard, the son of Thomas S. Mallard, testifies, and so forth. The value of this testimony may be judged of when we notice that this witness was 21 years of age in February, 1878.

Mr. McLAURIN. I will answer the Senator upon that ground—

Mr. DEPEW. Will the Senator from Mississippi allow me to ask him a question?

Mr. McLAURIN. One at a time; they will last longer. I will take the Senator upon that ground. A white boy of intelligence, 5 years old in 1861, may have known a great deal about the amount of property that was owned by a negro on his father's plantation in the year 1865, when he must have been 9 years old. So his testimony was rejected arbitrarily, it seems to me. That negro was cut out of his property arbitrarily by the Southern Claims Commission, and ought to have had his property, since the Senator will compel me to argue that which ought to be accepted and which I propose to accept as res adjudicata.

Now I will hear the Senator from New York.

Mr. DEPEW. It is simply a question. My curiosity was immensely aroused by the Senator's statement that the negro, as a rule, knew nothing about dates, nor ages, nor questions of that kind. I wanted to ask the Senator whether this particular negro could not tell whether he was 5 or 45 years old.

Mr. McLAURIN. I did not know this particular negro. I did not have the honor of his acquaintance. I will say that was the case in the Southern States when negroes were slaves there, just as it was the case in the State of New York when negroes were slaves in the State of New York, and in other States north of Mason and Dixon's line.

But I have been thrown off somewhat by the line I had started to pursue when the Senator from Illinois interrupted me. I appeal to the justice and the fairness of the Senate that if these men have an honest, just claim, Congress ought to provide for its payment. The Senator from New Hampshire is not to be censured or criticised because he contended that there had been in his State honest debts that had not been paid by the Government to citizens of his State. I know the fact, as the Senator from New Hampshire asserted with reference to his State, that there are many cases in the State of Mississippi where there is honest indebtedness due from the Government of the United States to citizens of the State of Mississippi, but they have not been paid, and there is no opportunity given them to present their claims and establish them by competent evidence.

Now, Mr. President, since the Senator from Illinois has seen fit to trounce the Senator from New Hampshire because he has said that there were claims that were honest claims in his State that have not been paid by the Government—

Mr. GALLINGER. Mr. President, I want to interrupt the Senator to say that I did not regard it as a trouncing. The

Senator from Illinois is such a mild-mannered man that he would not administer a rebuke of that kind, I am sure.

Mr. McLAURIN. Probably not.

Mr. HOPKINS. Mr. President, I disclaim either trouncing the Senator from New Hampshire or rebuking him. He made a suggestion that called out the remark I made, and I thought it was pertinent at this time to challenge the attention of the Senate and the country to the class of claims that are being allowed and are taking money from the Treasury to pay them. Millions of dollars have been taken from the Treasury upon just such flimsy claims as the one to which I called the attention of the Senate this afternoon.

Mr. McLAURIN. Mr. President, the apology of the Senator from Illinois is accepted.

Just after the war some thirty million dollars were collected from loyal citizens of the United States. Ten million dollars of it has been paid. Ten million dollars of it in some way or another has been used by the Government in preserving that property. That money was turned into the Treasury of the United States. It does not any more belong to the United States Government than the horse which the Senator from Illinois owns belongs to the United States Government.

Mr. HOPKINS. Mr. President, will the Senator allow me there?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. McLAURIN. Of course.

Mr. HOPKINS. I am surprised that a man of the legal learning that I know the Senator from Mississippi possesses should ever make a statement of that kind. The claims the Senator speaks of now relate to the so-called "cotton claims of the South." He never mentions the \$80,000,000 worth of cotton that was burned by the Confederate government when New Orleans was captured by the Federal forces. This was a class of property that not only under international law but under the decisions of the Supreme Court was legitimate prize wherever found in the Confederate territory.

Up to the time of the passage of the statute of 1863 every bit of the cotton that was taken was divided, under the rules of maritime and international law, among those who captured it in the enemy's territory. That statute was passed for the purpose of protecting the interests of the Government of the United States, and not for the purpose of protecting the interests of the parties who claimed to own the cotton. The Supreme Court has decided in half a dozen cases that that property was properly taken, and that the money derived from the sale of the cotton was the money of the United States. I know very well that in the discussion we had here some days since the senior Senator from Georgia [Mr. BACON] presented a decision of the Supreme Court touching this subject—

Mr. McLAURIN. Mr. President, I have the floor.

Mr. HOPKINS. Just one word more. Since that decision it has been repeatedly held by the Supreme Court that the claimant had no interest in that property.

Mr. McLAURIN. Mr. President, if I have made a mistake, I was led into that mistake by the decision of the Supreme Court of the United States. I have been following those men.

Mr. HOPKINS. But it may be that you did not properly read it.

Mr. McLAURIN. I did not read it, I will say, through the spectacles of the Senator from Illinois.

Now, just the reverse of what the Senator from Illinois says is the fact. The Supreme Court of the United States has held, time and again, that the property belonged to the people from whom it was taken. It is called the "captured and abandoned property act." If the Senator will get an able report that was made by a former Senator from Illinois upon this very matter here from the Committee on Claims, he will find a clear reference made there to case after case where the Supreme Court of the United States has held that it was the property of the individual citizen. It has never been held that it was the property of the United States. There has been no time when the claimants could get this property. The owners of the property have more than \$10,000,000 now in the Treasury of the United States, and if justice were done to them it would be found that they have more than \$20,000,000 there. Yet that money is not given to the people who owned the property.

What right had the Government of the United States to take this property? It was taken under the act of 1864, I believe, known as the "captured and abandoned property act." It was taken for the purpose of preserving the property and preserving it for the owners of the property; and it was not taken to confiscate it for the Government of the United States.

I say this property belonged to those people just as much

as the property of the Senator from Illinois belongs to him. The proceeds of that property are in the Treasury of the United States, and the Congress of the United States will not appropriate money to pay them.

Some few years ago when I was upon the Committee on Claims (and just in passing here I will say that I served something like seven years on that committee), there was very scrupulous care taken to avoid the reopening of cases that had been decided by the Southern Claims Commission and that had been decided against claimants. When I was a member of that committee there was a bill introduced by my colleague [Mr. MONEY] and referred to the Committee on Claims and carefully considered by that committee, and by a unanimous report of the committee it was held that this property did belong to the citizen from whom it was taken by the authorities of the United States Government. It was held that it ought to be paid, and it was held by the unanimous verdict and judgment of the Committee on Claims that it ought to be paid.

Mr. FULTON. Which committee was that, may I inquire?

Mr. McLAURIN. The Committee on Claims.

Mr. FULTON. Of what body?

Mr. McLAURIN. Of the Senate.

Mr. FULTON. I have no recollection of it.

Mr. McLAURIN. I do not know whether the Senator was a member of the committee or not at that time. The Senator from Wyoming [Mr. WARREN] was at that time chairman of the committee; and there was not a dissenting vote against the report. How long has the Senator from Oregon been on the committee?

Mr. FULTON. I have been on the committee since December, 1903, as I recall it. The Senator from Mississippi was there before I was.

Mr. McLAURIN. I was on the committee at the time, and I know that the report was made, and that it was a unanimous report.

Mr. FULTON. Of course, the Senator knows that I did not intend to take exception to his statement. I only wanted to say that I did not recall such a question having been presented when I was on the committee.

Mr. McLAURIN. The Senator from Oregon was not then chairman of the committee, and I do not recall whether he was a member of the committee or not. I know the Senator from New Jersey [Mr. KEAN] was a member of the committee at that time.

Mr. KEAN. I do not think the Senator from Mississippi remembers that I voted in favor of the report.

Mr. McLAURIN. The Senator from New Jersey did not vote for it in the Senate, but the Senator did vote for the bill in the committee.

Mr. KEAN. I beg the Senator's pardon; I did not.

Mr. McLAURIN. Does the Senator claim that he voted against it in committee?

Mr. KEAN. I do not remember the consideration of the bill in committee, but I know I have never been in favor of paying those cotton claims.

Mr. McLAURIN. I could not say whether the Senator was in favor of it or not, but the Senator, according to my recollection, was present when it was reported, and I say there was not a dissenting voice against it. It is my recollection that the Senator was present at that time. There was a unanimous report made. The Senator remembers that, I suppose. There was a motion made afterwards by my colleague [Senator MONEY] to take up the bill, and the Senator then voted against taking it up; but that is the first opposition I ever heard from the Senator from New Jersey to the report.

Mr. President, I rose only to say that the Senator from New Hampshire is correct in saying that a great many honest claims are denied payment by the Government of the United States. I called attention to claims amounting to more than \$10,000,000 in this one instance. In my judgment, the Congress of the United States ought to enact a law fixing some court where the people who have claims against the Government can have them adjudicated, and if they are adjudicated in favor of the claimant there ought to be an appropriation made for their payment. If they are adjudicated against the claimant, that settles it, and it ought to settle it—and be a bar for all time; the time ought to be limited, say, to two years; and then the Congress of the United States would not be bothered with these claims referred to committees to ascertain whether there is a prima facie case made out or not.

Mr. CARTER. Mr. President, will the Senator from Mississippi yield for a motion to proceed to the consideration of executive business?

Mr. McLAURIN. I will yield the floor in two minutes by the clock.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. McLAURIN. I promised in two minutes to yield the floor. I yield now to the Senator from Montana for the purpose of making the motion he indicated.

Mr. DEPEW. Mr. President—

Mr. FULTON. Will the Senator from Montana yield to me?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I yield to the Senator from New York.

Mr. McLAURIN. I wish to say, if the Senator will allow me, that I have cut off a good deal that I intended to say because the Senator from Montana expressed a wish to move an executive session. If debate is to continue, I do not yield the floor.

Mr. CARTER. I will withhold the motion, at the request of several Senators.

#### INJURIES TO GOVERNMENT EMPLOYEES.

Mr. DEPEW. I ask unanimous consent that House bill 21844 be taken up immediately after the routine morning business to-morrow.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of House bill 21844 immediately after the routine morning business to-morrow. The bill will be read by title.

The SECRETARY. A bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none. It is so ordered.

Mr. KEAN. What is the request?

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. For morning business?

Mr. FULTON. No; for a statement. I wish to make a statement. It will be very short.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I can not yield, in view of the statement of the Senator from Mississippi [Mr. McLAURIN]. I said I would yield only for morning business.

Mr. KEAN. Do I understand that the Senator from New York—

The VICE-PRESIDENT. Did the Senator from New Jersey object to the request of the Senator from New York for unanimous consent?

Mr. KEAN. I personally have no objection to it, Mr. President, but I think this is a very thin Senate to ask unanimous consent in.

The VICE-PRESIDENT. Is there objection to the request? If there be no objection, it is so ordered.

Mr. FULTON. I simply want to say that the Senator from Illinois [Mr. HOPKINS] brought up the case, which he criticised as having been reported by the Committee on Claims. As the chairman of the committee, I feel that I have a right and ought to be accorded the privilege of at least very briefly replying to the criticism. It will not take me two minutes to say what I want to say, and it ought to be said in this connection. If the Senator from Montana will feel disposed to yield for that purpose, well and good. If not, I will have to take advantage of another opportunity.

Mr. CARTER. The Senator has already occupied two minutes. He may now occupy another to finish his explanation.

Mr. FULTON. Thank you. That is all I want.

Mr. KEAN. I understood that the Senator from Montana rose to move an executive session.

Mr. FULTON. I understood that the Senator from Montana yielded to me.

The VICE-PRESIDENT. The Senator from Oregon has the floor.

Mr. FULTON. All I wish to say in response to the Senator from Illinois is that in the report of the Committee on Claims of the House is set out the findings of the Court of Claims in the case which has been criticised. The Committee on Claims of the Senate based its report on what it found to be the facts. The court did not find \$520 due, but found only \$122 due. That is the amount the bill carries, and it is based entirely on the Court of Claims finding.

If I had more time I would explain a little further. I think I can point out some reasons why the Senator from Illinois is mistaken, but I shall not take the time now.



Mr. HOPKINS. The Senator understands that I was not criticising him personally.

Mr. FULTON. I understand that the Senator was not criticising either myself or the Committee on Claims.

#### EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 27, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

##### *Executive nominations received by the Senate May 26, 1908.*

##### REGISTER OF THE LAND OFFICE.

George H. Charlton, of Colorado, to be register of the land office at Durango, Colo., vice Frederick C. Perkins, resigned.

##### PROMOTIONS IN THE NAVY.

Midshipman Vaughn K. Coman to be an ensign in the Navy from the 31st day of January, 1907, to fill a vacancy existing in that grade on that date.

John Marston, third, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps from the 25th day of May, 1908, to fill a vacancy existing in that grade on that date.

Boatswain James Leckie to be a chief boatswain in the Navy, to rank with, but after, ensign, from the 11th day of March, 1908, upon the completion of six years' service in his present grade.

Boatswain Heinrich Seedorff to be a chief boatswain in the Navy, to rank with, but after, ensign, from the 7th day of May, 1907, upon the completion of six years' service in his present grade.

##### POSTMASTERS.

##### CALIFORNIA.

Frank Grillo to be postmaster at Angels Camp, Calaveras County, Cal., in place of Archie G. Madson, deceased.

##### MINNESOTA.

Frank M. Woodfill to be postmaster at Two Harbors, Lake County, Minn., in place of Thomas A. Bury, deceased.

##### MISSISSIPPI.

Sidney M. Jordan to be postmaster at Louisville, Winston County, Miss., in place of Annie B. Wood, resigned.

##### MISSOURI.

George E. Muns to be postmaster at Montgomery City, Montgomery County, Mo., in place of George E. Muns. Incumbent's commission expired January 27, 1908.

##### NEW YORK.

Frank F. Simpson to be postmaster at Highland, Ulster County, N. Y., in place of Frank F. Simpson. Incumbent's commission expired February 23, 1908.

##### OHIO.

George E. McDonald to be postmaster at Minerva, Stark County, Ohio, in place of George E. McDonald. Incumbent's commission expired February 4, 1907.

##### PENNSYLVANIA.

Fred V. Balch to be postmaster at Galetton, Potter County, Pa., in place of William F. Hamilton. Incumbent's commission expired April 10, 1906.

John H. Martin to be postmaster at Clearfield, Clearfield County, Pa., in place of John M. Chase, jr. Incumbent's commission expired December 18, 1907.

Allen P. Perley to be postmaster at Williamsport, Lycoming County, Pa., in place of Orange S. Brown, deceased.

##### RHODE ISLAND.

Charles L. Abbott to be postmaster at Phillipsdale, Providence County, R. I., in place of H. Elmer Freeman, resigned.

#### CONFIRMATIONS.

##### *Executive nominations confirmed by the Senate May 26, 1908.*

##### SURVEYOR OF CUSTOMS.

Joseph T. Spence, of Tennessee, for the port of Memphis, Tenn.

##### RECEIVER OF PUBLIC MONEYS.

John A. Steele, of Tuscumbia, Ala., at Montgomery, Ala.

#### EXECUTIVE COUNCIL OF PORTO RICO.

Juan F. Vias Ochoteco, of Porto Rico.

Martin Travieso, jr., of Porto Rico.

#### PROMOTIONS IN THE NAVY.

Lieut. Walter J. Manion to be a lieutenant-commander from April 23, 1908.

Boatswain David White to be a chief boatswain from March 11, 1908.

Midshipman Vaughn Coman to be an ensign.

Boatswain James Leckie to be a chief boatswain.

Boatswain Heinrich Seedorff to be a chief boatswain.

#### IN THE MARINE CORPS.

John Marston, third, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps.

#### POSTMASTERS.

##### ARIZONA.

William F. Buckingham at Humboldt, Yavapai County, Ariz.  
William M. Newell at Mesa, Maricopa County, Ariz.

##### CALIFORNIA.

Frank Grillo at Angels Camp, Calaveras County, Cal.  
Alonzo F. Hann at Gardena, Los Angeles County, Cal.  
Clarence Edwin Kendrick at Barstow, San Bernardino County, Cal.

Harry E. Meyers at Yuba City, Sutter County, Cal.

##### COLORADO.

Wesley W. Parshall at Durango, La Plata County, Colo.

##### INDIANA.

John A. Hall at Cicero, Hamilton County, Ind.

##### IOWA.

Joseph C. Bergen at Livermore, Humboldt County, Iowa.  
Ezra Bradford at Wellman, Washington County, Iowa.  
Hiram E. Morrison at Seymour, Wayne County, Iowa.  
Alfanzo Z. Rawson at Kalona, Washington County, Iowa.

##### MARYLAND.

Samuel S. Yingling at Reisterstown, Baltimore County, Md.

##### MINNESOTA.

Frank M. Woodfill at Two Harbors, Lake County, Minn.

##### MISSOURI.

Wilbur J. Clark at Hamilton, Caldwell County, Mo.  
Carl Weber at Bloomfield, Stoddard County, Mo.

##### NEBRASKA.

John Ring at Hooper, Dodge County, Nebr.

##### NEW MEXICO.

George Bringle at Nara Visa, Quay County, N. Mex.

##### NEW YORK.

Samuel P. Milby at Albion, Orleans County, N. Y.  
Frank F. Simpson at Highland, Ulster County, N. Y.

##### NORTH CAROLINA.

Thomas P. Nenam at Madison, Rockingham County, N. C.

##### OHIO.

George E. McDonald at Minerva, Stark County, Ohio.

##### OKLAHOMA.

Joel E. Cunningham at Konawa, Seminole County, Okla.

##### PENNSYLVANIA.

Fred V. Balsh at Galetton, Potter County, Pa.  
Joseph C. Eves at Millville, Columbia County, Pa.  
Henry F. Hershey at Steelton, Dauphin County, Pa.  
John H. Martin at Clearfield, Clearfield County, Pa.  
John J. Mather at Benton, Columbia County, Pa.  
Allen P. Perley at Williamsport, Lycoming County, Pa.  
George E. Reushaw at Scenery Hill, Washington County, Pa.

##### PORTO RICO.

Augusto Font at Aguadilla, Aguadilla County, P. R.  
Alferdo Gimenez y Moreno at Bayamon, San Juan County, P. R.

Hortensia R. O'Neill at San German, Mayaguez County, P. R.  
Julio Ramos at Cayey, Guayama County, P. R.  
Simon Semidel at Yauco, Aguadilla County, P. R.

##### TENNESSEE.

Robert H. McNeely at Humboldt, Gibson County, Tenn.

##### WASHINGTON.

Lucius L. Wing at Rockford, Spokane County, Wash.

##### WEST VIRGINIA.

John L. Dangerfield at Princeton, Mercer County, W. Va.

## HOUSE OF REPRESENTATIVES.

TUESDAY, May 26, 1908.

*[Continuation of the legislative day of Tuesday, May 12, 1908.]*

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 21875) making appropriations for the support of the Military Academy, and move to suspend the rules and agree to the conference report.

Mr. SLAYDEN. Mr. Speaker, on that I demand a second.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and agree to the conference report on the Military Academy appropriation bill, which conference report the Clerk will read.

Mr. PARKER of New Jersey. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object.

The SPEAKER. The gentleman from Mississippi objects, and the Clerk will read the report.

The Clerk read the conference report as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 8, 20, 21, 37, 61, 65, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 10, 11, 12, 14, 15, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 50, 53, 54, 55, 57, 58, 60, 64, 68, and 70, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert only the second proviso, to read as follows:

"Provided, That hereafter cadets shall be entitled to rations, or commutation therefor, as hitherto allowed under the act approved June twenty-eighth, nineteen hundred and two, entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes.'"

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"The Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as instructor of military hygiene."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"For pay of one instructor of English and history, to be selected and appointed by the Secretary of War, three thousand dollars."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the words proposed to be stricken out in said amendment insert, after the word "adjutant" in the line in which said amendment appears, the words "who shall not be above the rank of captain," followed by a comma, and retain the words "of his grade" inserted in said amendment; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "thirty-three thousand five hundred;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and

agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "eighty-three thousand nine hundred and ninety-six dollars and eighty-seven cents;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "eighteen thousand six hundred and sixteen dollars and eighty-seven cents;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Provided, That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, who shall annually visit the Military Academy on such date, during the session of Congress, or not more than thirty days prior thereto, as may be fixed by the chairmen of the said committees; and the Superintendent of the Academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees, acting jointly, at least fifteen days before the meeting. The expenses of the members of the Board shall be their actual expenses while engaged upon their duties as members of said Board and their actual expenses for travel by the shortest mail routes: *Provided further*, That so much of sections thirteen hundred and twenty-seven, thirteen hundred and twenty-eight, and thirteen hundred and twenty-nine, Revised Statutes of the United States, as is inconsistent with the provisions of this act is hereby repealed."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"For the expenses of the members of the Board of Visitors, two thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "seventeen thousand three hundred and sixty-eight;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Divide the sum, \$12,000, into two parts—\$8,400 for policing of barracks and bath houses, and \$3,600 for supplying light and plain furniture to cadet barracks, so that the paragraph in which the amendment occurs will read as follows:

"For the policing of barracks and bath houses, eight thousand four hundred dollars; and for supplying light and plain furniture to cadet barracks, three thousand six hundred dollars."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "fifty-two thousand nine hundred and thirty;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment, insert "seven hundred and eighty-eight thousand nine hundred and fourteen dollars and eighty-seven cents;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In line 1 of said amendment, strike out the words "to continue" and insert the word "for;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of "fifty-seven" insert "fifty-six;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "seven" and insert "four;"



and in the same line, after the word "designated," insert "one for each class," preceded and followed by a comma; and the Senate agree to the same.

N. B. SCOTT,  
J. A. HEMENWAY,  
J. B. FRAZIER,

*Managers on the part of the Senate.*

RICHARD WAYNE PARKER,  
A. B. CAPRON,

I agree to the above report except as to Senate amendment 69, that provides for the appointment of Philippine cadets at the United States Military Academy.

JAMES L. SLAYDEN,  
*Managers on the part of the House.*

The statement is as follows:

#### STATEMENT.

Amendment No. 1 appropriates \$60,000 for the pay of extra cadets. The Senate recedes.

Nos. 2 adds two cadets for each State and gives cadets rations, as rations, by mistake, were struck out in the pay fixed by the Army appropriation bill. The House recedes with amendment allowing the rations and striking out the increase of cadets.

No. 3 is a total. The Senate recedes.

Nos. 4 and 5, punctuation. The House recedes.

No. 6 corrects the difference between the pay of a captain and lieutenant-colonel by \$100. The House recedes.

Nos. 7 and 8 were intended to make the teacher of military hygiene a full professor and lieutenant-colonel. The House recedes from No. 7 with amendment providing for a mere Army detail as instructor, and the Senate recedes from No. 8.

No. 9 added a professor of English and history, at \$3,500. The House recedes with amendment so as to provide only an instructor at \$3,000.

Nos. 10, 11, and 12 change the wording to agree with the law.

Nos. 13 and 14 were intended to make the post adjutant get the pay of a major instead of captain, and the House recedes with amendment for \$600 above pay of grade not above captain.

No. 15 corrects a mistake in a word.

No. 16 is a total. The House recedes with amendment.

No. 17 is punctuation. The House recedes.

Nos. 18 and 19 change the pay of twelve enlisted musicians, at \$40, to \$45 per month. The House recedes.

Nos. 20 and 21 change that of twelve musicians, at \$36, to \$40. The Senate recedes.

Nos. 22 and 23 change that of sixteen enlisted musicians, at \$24, to \$30. The House recedes.

No. 24 strikes out certain immaterial words.

No. 25 allows continuous-service pay to the band as by the Army bill, but provides that it shall not be hired for outside work in competition with local musicians. The House recedes.

No. 26 is a total and corrected.

Nos. 27, 28, 29, 30, and 31 allow two more corporals in the cavalry detachment, and two less privates, with a change in figures and total. The House recedes.

Nos. 32, 33, 34, and 35 reduces the extra-duty pay of two sergeants from 50 cents to 35 cents. The House recedes.

No. 36 allows 50 cents extra pay for the cavalry stable sergeant. The House recedes.

No. 37 allows extra-duty pay to the enlisted men employed in the department of modern languages. The Senate recedes.

No. 38 allows the pay of first sergeant to the acting first sergeant of engineers. The House recedes.

No. 39 allows cooks' pay to privates acting as cooks of engineers. The House recedes.

No. 40 is a total and corrected.

No. 41 allows \$1,700 instead of \$1,400 to the teacher of music, who, according to law, is allowed the pay of second lieutenant. The House recedes.

No. 42 allows \$1,200 instead of \$1,000 to the librarian's assistant. The House recedes.

No. 43 strikes out the pay of an engineer of electric and steam apparatus of cadets' mess, \$1,200. The House recedes.

No. 44 makes the pay of chief engineer of power plant \$2,400 instead of \$2,000. The House recedes.

Nos. 45 and 46 allows three instead of four engineers for the power plant, at \$1,200 each. The House recedes.

No. 47 adds two oilers for the power plant, \$1,440. The House recedes.

Nos. 48 and 49 are corrected totals. The House recedes, with amendment.

No. 50 allows pay of the Military Academy to be disbursed this year as one fund. The House recedes.

No. 51 strikes out the House provision that the committees of the Senate and the House shall be a Board of Visitors, and provides for a Board of Visitors composed of subcommittees and three persons appointed by the President. The House recedes, with amendment constituting the Board of five members of the Senate committee and seven of the House committee to visit the academy within a month before or during a session of Congress, actual expenses only being paid.

No. 52 appropriated \$3,500 for the expenses of the Board and to pay the expenses of a stenographer and clerk. The House recedes, with amendment, so as to allow only \$2,000 for the expenses of the Board.

Nos. 53 and 54 added \$4,000 for electric light and deducted a like sum from fuel. The House recedes.

No. 55 gives \$100 for topographical relief models. The House recedes.

No. 56 is a total, and the House recedes, with amendment.

Nos. 57 and 58 add the words "and electric lamp and supplies" to the lighting appropriation. The House recedes.

No. 59 appropriated \$12,000 instead of \$9,500 for policing the barracks and light furniture. The House recedes, with amendment appropriating \$8,400 for policing and \$3,600 for light furniture.

No. 60 appropriated \$3,500 for a children's school, and the House recedes.

No. 61 appropriated \$5,000 for plaster models, etc. The Senate recedes.

Nos. 62 and 63 are totals and corrected.

No. 64 gives \$2,200 instead of \$2,000 for a garbage crematory. The House recedes.

No. 65 is for repainting, \$1,000. The Senate recedes.

No. 66, to continue forestry improvement, \$2,000. The House recedes, with amendment that it is for the work and not to continue the work.

No. 67, a total and corrected.

No. 68 forbids withholding pay from Major Bingham, Quartermaster's Department. The House recedes.

No. 69, to permit not over seven Filipinos to receive instruction, with the same pay and allowances and emoluments as authorized for cadets, but to be eligible only to the Philippine Scouts, and to serve therein for eight years. The House recedes, with amendment reducing the number to four, to be designated one for each class.

No. 70: To permit a cadet from Ecuador. The House recedes.

No. 71: To issue commissions to retired officers of advanced rank in the Army Navy, and Marine Corps. The Senate recedes.

RICHARD WAYNE PARKER,  
A. B. CAPRON.

I agreed to this report, except as to the action on Senate amendment 69, that provides for the appointment of cadets at the Military Academy from the Philippines.

JAMES L. SLAYDEN,  
*Managers on the part of the House.*

Mr. SLAYDEN. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from New Jersey is entitled to twenty minutes and the gentleman from Texas to twenty minutes.

Mr. PARKER of New Jersey. Mr. Speaker, we have before us the conference report on the appropriation bill for the Military Academy at West Point.

The House appropriated about \$820,000. The Senate raised that amount to \$914,000. We have taken off all but \$25,000 of that increase, leaving \$845,634.87.

That reduction is principally in the pay of cadets. The Senate added ninety-two cadets, two from each State, which would have given one more appointment to each Senator. It is quite possible—although it is a matter of debate—that the number of cadets at West Point should be raised, but that must be a matter for future consideration. We believe that if the number is raised, opportunity should be given to the young men in the Army to be appointed by competitive examination, rather than give more patronage in appointment of cadets. But that is for the future.

We have likewise taken off \$9,000 in other items, and the changes that are made in the bill by the Senate and agreed to only remain to be stated. We have added an instructor in English and history. It was desired to make him a professor. We thought it was important that we should get a good man for the new class that comes in in March, to work until June, too important to think it worth while to put in a permanent man right off the bat. We may rather try our man at \$3,000 a year as an instructor before adding to the number of professors.

The same course has been followed as to the instructor in hygiene.

Mr. SCOTT. What is the salary of a full professor?

Mr. PARKER of New Jersey. Three thousand five hundred dollars, besides quite a number of allowances. He is an officer of the Army and gets retired pay.

At the suggestion of the Senate we have given the adjutant at the post the pay of major. He not only has to take care of the cadets, but there are a great many details connected with the Army service detachment, the cavalry detachment, and the artillery detachment, and it is more than a regimental post.

We have acceded to an increase in the pay of the musicians. The band is a special band. We have not raised it anywhere near to what is paid the Marine Band here in town, but the pay is rather higher than that of the other bands in the United States Army, \$45, \$36, and \$30 for the three grades, five or six dollars higher than to any ordinary regimental band.

The Senate has practically acceded to the amendment of the House with reference to the Board of Visitors. It was determined by the conferees that if both of the committees of eighteen each should go up to West Point it would make too large a visiting board. We have agreed on subcommittees of five from the Senate Committee on Military Affairs and seven from the House Committee on Military Affairs, who are to visit the academy one month before the session or during the sessions of Congress, so that we will have real information brought back to us from the Point. We have made some little changes which are not really additional, in the electric lights. There is more provided for electric lights and less for some other forms of light and fuel. There is an addition for certain oilers at the power plant and less for separate engineers. All this tends toward economy. We have given something for light furniture, an addition of some \$2,500 in the appropriation, which is for policing and light furniture, because of the light furniture which has to be obtained for the new barracks.

We have made one or two changes of law germane to the bill.

We have appropriated \$3,500 for the children's school. It has been a matter of debate whether there ought to be a school for the children of soldiers, rather than to have them taught as is usual in posts, by soldiers detailed for that purpose. On the whole, after a long urging in that regard, it has been determined that West Point is a different place from a regimental post. Old soldiers are kept, and families are encouraged, instead of being discouraged, and we thought these two or three hundred children should have a regular school.

We have likewise, at the special request of the Secretary of War, provided that a certain number of Filipinos may receive instruction at the Point. He asked for seven. That number was reduced to four, one for each class. It was thought necessary, really for the morale of the Philippine Scouts, that there should be some education of that sort open to their most deserving men at West Point. They are not to become officers of the Regular Army, but only officers of the scouts and to engage to serve in that capacity for eight years.

There is one item in the bill which, I will frankly say to the House, has no business there, but it was so just that the majority of the conferees—I was against any such item—placed it on the bill. Major Bingham, who is a quartermaster of the Army, had to consider the acceptance of a steamer originally ordered for the Signal Service and afterwards transferred to the Quartermaster's Department for ordinary use. There had been a penalty clause for any delay in the building of that steamer. There were delays which the Quartermaster-General thought excused, and he ordered the quartermaster at New York, Major Bingham, to accept the steamer and waive the forfeitures. The Comptroller has held that Major Bingham had no power to waive forfeiture. He would have had to go out of the Army, however, if he had disobeyed his superior officer. The Comptroller has, however, ordered his pay held up for \$4,700, and the poor fellow is off in the Philippines. It was believed by the majority of the conference committee to be so just that he should not be forced to go without pay that they have allowed a provision to go on this bill that his pay should not be suspended. This does not dispose of the case, but leaves it to be determined hereafter by the Committee on Claims or by the War Department. The real person responsible, however, if anyone, was not Major Bingham, but his superior officer, and all the bill says is that the pay shall not be suspended.

I have to apologize to the House for any item being on this bill that ought not to be there, but this is a just item, so just that I was as it were overruled on that matter.

Mr. Speaker, I reserve the balance of my time.

Mr. SLAYDEN. Mr. Speaker, the statement of the conferees is a correct report of what happened in the sessions of the

conference committee. The bill, as brought back to the House, is immeasurably better than it was as it came from the Senate, but it still has some features I regard as objectionable, although I have not carried my objection to the extent of dissenting from more than one of them. For example, the increases of pay and increases of expense that characterize every branch of the Government go through this bill as well.

Mr. PARKER of New Jersey. Will the gentleman yield for a moment. I would ask the gentleman to explain one matter which I omitted—that of rations.

Mr. SLAYDEN. I will, with pleasure. The gentleman refers in that request to the House conferees' amendment to the Senate amendment No. 2. When the Army pay bill was passed, and the compensation of cadets fixed, inadvertently the bill omitted to insert a provision that had been made in a previous act, some five or six years ago, that gave to the cadets a ration commuted at 30 cents a day, by which their annual pay was increased \$109.50. It was inadvertently dropped when the Army pay bill passed, so that instead of increasing the pay of the cadets, as the Congress meant to do, it actually had the effect of reducing it \$9.50 a year. It was replaced by the Senate and agreed to by the House.

Mr. Speaker, I was speaking of the increase of expenses which goes on steadily, and which no effort apparently can put a stop to, and I was about to call attention to the amendment with reference to the adjutant at the Military Academy. Originally, under the law, a second lieutenant discharged the duties of that office.

His pay was increased by \$600 a year above that of his grade in the Army. Now a captain is detailed to do the work and his pay is increased \$600 a year over his grade in the Army. The House may remember that less than thirty days ago the pay of a captain was increased \$500, and this other increase of \$600, because he has accepted a detail to the Military Academy, makes the net increase to him over the pay of his grade in the Army \$1,100 a year. That, with allowances, will bring the pay of this captain up to approximately \$3,500 a year, if I remember rightly. The position of adjutant at the Military Academy is a desirable one. He has good company, he has excellent quarters, he has an agreeable climate to live in, and the duties are not onerous, and there is not a captain in the United States Army, I take it, but who would be happy to have a detail there if there was not a cent additional compensation carried with it.

The change with reference to the Board of Visitors is a change of importance and real reform. It sends to the Academy gentlemen selected from this House and from the other who have to do with the making of the Military Academy bill each year.

They come back and bring to the House information which they gather there and do not report it to the President, as has been the custom of the old Board of Visitors. The attendance of the Board of Visitors at the Military Academy during the festivities attendant upon the close of the session has been an agreeable junket, and nothing else. It has been abolished and the cost of the visit reduced, and this Board is required to report directly to the House and to the Senate.

A school which the committee has provided for at the Military Academy is a proposition that has been persistently urged since I have had the honor of being a Member of the House. To some extent I have been an instrument in preventing the enactment of this legislation until this year. My views have been overridden and a school has been established at West Point. I believe, Mr. Chairman, that it will be the beginning of a system of post schools throughout the United States; that the small amount of \$3,500 which is appropriated in the Military Academy bill is a mere drop in the bucket to that which we will ultimately have to appropriate for all the other military posts throughout the Union.

Now, Mr. Speaker, that brings me to a consideration of one amendment of this bill to which I entertain serious and fundamental objections. I refer to the Senate amendment numbered 69, which provides for Filipino students at the Military Academy.

I have objected to Senate amendment numbered 69, because it binds us by yet another tie to the Philippine Islands. Should it become law, four Filipinos will be educated at West Point at the expense of the people of this country, obligating themselves to go back to their far-away islands for eight years' service with the Philippine Scouts.

It is a cheap bribe to the Filipinos and one of a series of efforts to break their loyalty to their own race and to the cause of Philippine independence. It is cunningly designed, too, for nothing is so apt to catch the fancy of a semisavage people as the military bauble.



But whether allegiance so obtained is to be relied upon is another question. It appears to me not unlikely that we will merely educate certain Philippine youths in the art of war to return subsequently to their own country and become leaders in some of the revolutions, as they will call them, or insurrections, as they are styled in our military dispatches.

I abhor the Philippine connection, and in nine years that have come and gone since that unlucky treaty of Paris was made and ratified I have never cast a vote that was not in a way a protest against the union between a white Anglo-Saxon republic and the 10,000,000 Malay hybrids who inhabit those islands. And if I stay here nine or ninety years more, and keep my reason, I shall never, directly or indirectly, vote approval of the connection with the Philippine Archipelago. It is an association that was conceived in greed, is supported by hypocrisy, and will end in disaster. [Applause on the Democratic side.]

We are there over the protests of the rightful owners. We are there because we were strong enough to take their sovereignty by force. The strong, free American Republic has despoiled a feeble people who hope to be free.

In doing that hateful thing we abandoned the landmarks of Americanism and that which made us glorious has been forgotten. That which we hoped would make us richer tempted us to a policy that is not only un-American but far from honorable.

I hope that I would be honest, fair, and generous enough not to approve such a course even if it were profitable. But our Philippine venture has not been profitable and, I thank God, it is not likely to be.

We have squandered more hundreds of millions in the ten discordant and fateful years of our occupation of the Philippine Islands than could be made up from the profits of a century of peaceful possession. The money that it has caused us to waste on the Army and Navy was contributed by the American taxpayers. If there are any profits, they have all gone to the trusts. The people pay, the trusts gain. The taxpayer digs deeper and ever deeper into his pockets, while those who toil not in productive industry are petted and paid more and more. The man at arms always gets what he asks for. A complacent Congress rewards those who sneer at statesmen and demand more battle ships. Meanwhile, as I said before, the people pay.

This amendment to educate four Filipinos at the expense of the American people is only important as it indicates a policy. I would cheerfully contribute that and more as a gratuity for the education of these people if it advanced the day of complete divorce of the American Republic from the Malay incubus. But the effect of the amendment will be just the reverse. It is a small thing, but it is another connecting link. No doubt it originated in the mind of that excellent gentleman who is Secretary of War, who hopes to be President and who is Filipino mad.

Should Mr. Taft become President, the United States Government will be run as a mere annex to the Philippine Commission and valued only as a contributor.

Back here in the last line of seats two Filipinos and one Porto Rican now have places. When Mr. Taft shall have done full justice to his island friends and procured for them the same basis of representation that our people have, there will be about forty of them. Colonial row in this Chamber will overflow, and more room than there is now in the "Cherokee Strip" will have to be assigned to the gentlemen from the Philippines. Under his Administration there will be no vexatious constitutions and "grandfather" clauses to interfere with the franchise in the Philippines, and we may reasonably expect some of those dwarfish imps, the Negritos, also some Moros, head hunters, and other truly representative people of the islands, to take seats on this floor. It will be a motley and picturesque group, Mr. Speaker. A composite photograph of the House of the future will show a shade of color that I will, out of politeness, call brunette and features in which will be found a blend of Caucasian, African, and Malay. It will be a highly gratifying spectacle to some gentlemen on this floor who sympathize with everything in the world but imperiled Caucasian civilization at home and the integrity of the white race. The hybridization that it promises must be a gratifying prospect to them. This intimacy between Asiatic islands and continental America seems to be very pleasing now to our friends from the Pacific coast. They see a little profit in it now and are blind to the race question it covers. They rejoice in the possession of the Philippines, because troop ships with military supplies sail from San Francisco and Seattle. But have they thought the question out to its ultimate meaning?

The Philippines have not contributed to our wealth. They can not contribute to our defense. Indeed, and very much

to the contrary, they are a point to be defended, and all military men say that they are a most vulnerable point. It is admitted that the Japanese, for example, could take them if they wanted to do so. And China, which is arming and drilling, could, with a few years of training, put enough men on the islands to take them in a short time.

It is these things that make one who speaks with authority in tones of thunder tell the people of San Francisco that they must open their schools to foreigners of all ages and races. It is these things that make the Congress of the United States refuse to enact exclusion laws that are plainly for the benefit of the white inhabitants of this country and in the interest of Christian civilization.

But, after all, Mr. Speaker, I may be mistaken in the impression I have heretofore had that the Pacific coast and its Representatives have race prejudices. They may not want Asiatics excluded. And I congratulate them upon this broadened catholicity of spirit; I congratulate them on the fact that they now seem ready to join hands with New England and welcome to the "land of the free and the home of the brave" people in any number and from all parts of the world. [Applause on the Democratic side.]

They talk about the yellow peril and vote for the black death. They may some day have cause to regret that a yellow sky in the East so absorbs their attention that they can not see a black cloud in the South. Perhaps the confusion and inconsistency of the Pacific coast may yet furnish the solution of the problem of how to meet the demand for labor. The Chinese are said to be good workmen and cheap.

I sincerely hope the House will vote down the report and command the conferees to disagree to the Senate amendment 69. [Applause on the Democratic side.]

Mr. Speaker, I reserve the balance of my time.

Mr. PARKER of New Jersey. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has twelve minutes remaining.

Mr. PARKER of New Jersey. How much has the gentleman from Texas?

The SPEAKER pro tempore. Four minutes.

Mr. PARKER of New Jersey. I yield four minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Speaker, I entirely approve this conference report, and I congratulate the conferees upon the splendid showing they have made in the report. The objectionable feature in the Senate amendment was the proposition to add ninety-two cadets to West Point.

Mr. Speaker, we do not need any more cadets at West Point. I would not like to say from my place in this House that that proposition is simply to give some additional patronage, but it certainly looks very much like it. We are not increasing our Army. We do not expect to increase it, at least in the near future, and, besides that, if there is a necessity for more officers than we can graduate at the Military Academy I want something held out to the enlisted men to stimulate them to fit themselves for command in the Army.

I do not want the door of hope shut in the faces of the enlisted men. I can not agree with the distinguished gentleman from Texas [Mr. SLAYDEN] in regard to the admission of four Filipinos to the Military Academy. I am not going to discuss the Philippine question. The gentleman has his views on it, and I have mine. The admission of one boy from the Philippines each year is not going to complicate the general question at all. I earnestly hope that nobody will vote against this conference report on account of the bugaboo of a Philippine complication in the future. It is too small a matter to be given serious consideration.

In one respect, in my judgment, the bill is better than when it left the House. It has provided for teachers for the 250 children of the common soldiers at West Point, and I heartily approve of that.

Mr. Speaker, as somewhat germane to the question of military affairs, I would like to say one other word. I read in the paper the other day that a soldier, sober and well behaved, was refused admission to a public restaurant because of his uniform. A few days before I read in another paper that a sailor, a decent, well-behaved man, was refused admittance to a place of public amusement on account of his uniform.

Mr. SLAYDEN. In what part of the country did that occur?

Mr. HOLLIDAY. I regret to say that I do not recall the precise place at this time. I want to say, Mr. Speaker, that I think that touches the high-water mark of snobbery in this country.

Mr. SLAYDEN. Was it not in Philadelphia?

Mr. HOLLIDAY. I am not certain. If the gentleman says it was, I will accept his statement. There have been quite a number of instances.

Mr. Speaker, the uniform of a soldier or a sailor is not a mark of degradation, and any man who thinks it is is unfit to live in America. [Applause.] I do not know that we can help it. I do not know that we are trying to help it, because we can not make people decent by Federal legislation, but we can protest against it. It may be, Mr. Speaker, that there are some extenuating circumstances. It may be that the proprietors of those establishments were unwilling that the dudes and degenerates who patronize those places should come in contact with real, live men of any description. I think it is well to take notice of these things, and to enter our protests against this sort of snobbery.

Ever since some of the American parvenues have been buying titled ranks for sons-in-law, the tide of snobbery in some parts of this nation has been growing higher and higher, until the time has come when men who call themselves Americans—born beneath the Star Spangled Banner—are actually ashamed to associate with men who make that banner glorious. [Applause.]

Mr. PARKER of New Jersey. Mr. Speaker, I believe I have eight minutes remaining?

The SPEAKER pro tempore. Yes; the gentleman has eight minutes remaining.

Mr. PARKER of New Jersey. I yield one minute to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Speaker, in the brief time allowed me I can not add much to the discussion of the Military Academy bill now under consideration.

There is no desire nor intention on my part to discuss the Philippine question. This is neither the time nor place for that.

I regret that I can not agree with my distinguished friend, the gentleman from Texas, for whose opinions I have great respect. The admission of four young men, one in each year's class, from the Philippine Islands, is, in my judgment, a proper and meritorious recognition of these people, who are becoming friends of this Republic. Treated kindly and considerately, this feeling of confidence and loyalty will rapidly grow and spread until the Filipinos become good, creditable American citizens.

A word or two as to the Commissioners, or Delegates, from those islands, as well as the gentleman from Porto Rico: I have met personally and socially all these Members a number of times and am proud to call them my friends and associates. They are bright, educated gentlemen, graduates of leading colleges and universities, and I believe them to be thoroughly patriotic men. I wish that the Members of the House knew them as a number of us do. There would be no objection to the admission of the young men to either the Military or Naval Academy. Knowing much of the character, customs, and lives of these people, so little understood in this country, and realizing the standing, education, and patriotism of the gentlemen representing Porto Rico and the Philippines, I am heartily in favor of the adoption of the conference report submitted by the gentleman from New Jersey [Mr. PARKER] and hope that it will prevail. [Applause.]

Mr. PARKER of New Jersey. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. CAPRON], one of the managers on the part of the House, such part of the time remaining as he may desire to use.

Mr. CAPRON. Mr. Speaker, the result of the conference has been so clearly stated by the chairman of the committee that very little remains to say except as to those propositions in the conference report which have been attacked by the gentleman from Texas [Mr. SLAYDEN], and I will just take one moment to say that so far from it being a possibility hereafter that there will creep into every post of the United States a proposition for a post school, we would all see, if we understood conditions, that West Point differs from any other post in the country. With over 300 school children, children of the enlisted men largely, but of the officers to some extent, with no surrounding community where these children can attend school, there being but the small village of Highland Falls anywhere in the vicinity, it is utterly impossible for these children, even if they are carried 2½ miles to the school, to be properly educated outside of the reservation and by the State of New York, when no adequate facilities exist for such educational opportunities as these children require.

Now, the schoolhouse is built. Hitherto the school only could be carried on by a detail of enlisted men as teachers, and I think it will be clear to everyone that it is not a proper way to educate children of citizens of the United States, whether such citizens wear a uniform or otherwise.

Now, for a moment I will address myself to the proposition of the admission of four Filipinos to the Military Academy in order that they may after their education be detailed as officers in the Philippine Scouts. This seems to me to have raised in the mind of my friend from Texas [Mr. SLAYDEN], only, a bogey man, out of which he has constructed here a whole strip occupied by an alien race, as he chooses to call it. I desire to read the provisions of existing law in regard to the organization of the army in the Philippines.

When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Secretary of War, not exceeding those of corresponding grades of the Regular Army.

Just now a Filipino, properly educated—as he must be under the existing law, which is not changed by the bill under consideration—is sent to West Point for what? To educate him more thoroughly, that he may more properly perform the duties of an officer of that army. Why, have we not always claimed that the thing above all others that would raise the Filipino people to a proper status for self-government is education? Now, with an army at present composed of 4,000 Filipino Scouts, possible to be raised under the law to 12,000 in an emergency, does anyone claim that we will be overloaded with Filipino influence if he have one cadet in West Point in each class, and who agrees to go back and become an officer in the Filipino Scouts for at least eight years subsequently?

Just think of the possibilities of evil the address of my friend from Texas pictures as resulting from this small accession given to the education of our Philippine Scouts, to bring them up to a proper status in military duty they are expected to perform. [Applause.] I yield back the balance of my time.

Mr. PARKER of New Jersey. Mr. Speaker, how much time have I?

The SPEAKER pro tempore (Mr. DAWSON). The gentleman has two minutes.

Mr. PARKER of New Jersey. I reserve that.

The SPEAKER pro tempore. The gentleman from Texas has four minutes.

Mr. SLAYDEN. I do not care to use any more time myself; and if the gentleman from New Jersey is willing, we will have a vote.

Mr. PARKER of New Jersey. I yield one minute to the gentleman from Alabama.

Mr. HOBSON. Mr. Speaker, the defense of the Philippines is a most difficult problem. In the absence of a large, mobile Army in America and of transports, we shall have to rely for land forces chiefly upon the Filipinos themselves, and the education of their leaders at West Point is an important proposition. I wish to point out to my colleagues on the Democratic side in particular, during the one minute allotted me, that the ability to provide for self-defense is an essential part of the capacity for self-government. If we would hasten the day when the Filipinos could be safely entrusted with the responsibility of self-government, we must carry forward their education in the science and art of self-defense. The most effective way of accomplishing this end is to educate their sons at West Point. I introduced a bill in the early days of this session authorizing the appointment of five Filipinos to West Point. I consider the four allowed by this bill as reasonable. We have extended the privileges of our national academy to many foreign countries. We have extended them to the oriental nation that may come to conquer the Philippines. The least we can do is to extend them to the Filipinos, now committed to our charge, for whom we have the gravest responsibility. I call on my Democratic colleagues to support this measure as being in direct line with the policies of our party.

Mr. PARKER of New Jersey. Mr. Speaker, I reserved one minute of my time in order that I might say that if my friends on the other side believe the Filipinos capable of self-government there should be no question in dispute. At any rate there is no question that the Filipinos have shown themselves patriotic, that they make good officers, that the men who have come here as Delegates and the men who served in the Philippine Scouts love the United States, that they are doing their duty by the land that is trying to protect them, and that the opportunity we give them to take a course in the Military Academy at West Point has been more than earned by the men who have served the United States so faithfully in the islands. [Applause.]

I call for a vote.

The SPEAKER pro tempore. All time has expired, and the question is on suspending the rules and adopting the conference report.



Mr. SLAYDEN. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. I make the point of order that there is not a quorum present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as are in favor of suspending the rules and adopting the conference report will, as their names are called, answer "yea;" as many as are opposed will answer "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 172, nays 67, answered "present" 17, not voting 131, as follows:

## YEAS—172.

Acheson	Durey	Howland	Norris
Adair	Edwards, Ky.	Hubbard, W. Va.	Nye
Alexander, Mo.	Ellis, Oreg.	Hughes, N. J.	O'Connell
Ashbrook	Englebright	Jones, Wash.	Olcott
Barchfeld	Esch	Kahn	Olmsted
Barclay	Fairchild	Kelley	Padgett
Bartholdt	Fassett	Kennedy, Iowa	Parker, N. J.
Bates	Floyd	Kennedy, Ohio	Parker, S. Dak.
Beale, Pa.	Focht	Kipp	Payne
Bede	Fordney	Knapp	Pearre
Bennet, N. Y.	Foss	Küstermann	Pollard
Bonyne	Foster, Ill.	Lafean	Porter
Booher	Foster, Ind.	Landis	Prince
Boyd	Foulkrod	Langley	Pujo
Bradley	Fowler	Langne	Rainey
Brodhead	French	Lawrence	Reeder
Burleigh	Gaines, W. Va.	Lenahan	Robinson
Calder	Gill	Lindbergh	Rodenberg
Calderhead	Gillett	Lindsay	Rothermel
Campbell	Goulden	Littlefield	Russell, Mo.
Capron	Graft	Lloyd	Scott
Carter	Graham	Longworth	Sherman
Cary	Granger	Loudenslager	Smith, Cal.
Caulfield	Hackney	Lowden	Smith, Iowa
Chaney	Hale	McCreary	Snapp
Chapman	Hall	McDermott	Steenerson
Cockran	Hamill	McGavin	Sterling
Cocks, N. Y.	Hamilton, Iowa	McGuire	Stevens, Minn.
Cole	Hamilton, Mich.	McKinlay, Cal.	Sturgiss
Cook, Colo.	Hammond	McKinley, Ill.	Sulloway
Cooper, Pa.	Haskins	McKinney	Sulzer
Coudrey	Haugen	McLachlan, Cal.	Taylor, Ohio
Crumpacker	Hawley	McLaughlin, Mich.	Thistlewood
Currier	Hayes	Madison	Tou Velle
Dalzell	Henry, Conn.	Malby	Volstead
Darragh	Hepburn	Mondell	Waldo
Davis, Minn.	Higgins	Moon, Tenn.	Wanger
Dawson	Hill, Conn.	Moore, Pa.	Washburn
De Armond	Hinshaw	Morse	Weems
Denby	Hobson	Murdock	Wheeler
Diekema	Holliday	Murphy	Wilson, Pa.
Douglas	Howell, N. J.	Needham	Wood
Draper	Howell, Utah	Nelson	Woodyard

## NAYS—67.

Adamson	Crawford	Hedin	Page
Aiken	Davenport	Helm	Patterson
Beall, Tex.	Denver	Henry, Tex.	Randell, Tex.
Bell, Ga.	Ellerbe	Hitchcock	Rhinock
Bowers	Favrot	Houston	Richardson
Broussard	Ferris	Hull, Tenn.	Rucker
Burgess	Finley	James, Ollie M.	Russell, Tex.
Burleson	Fulton	Johnson, Ky.	Sabath
Burnett	Garnier	Jones, Va.	Sherley
Byrd	Garrett	Kelher	Slayden
Candler	Gillespie	Kimball	Spight
Carlin	Glass	Lee	Thomas, N. C.
Clark, Mo.	Godwin	McLain	Underwood
Clayton	Hackett	Macon	Watkins
Cooper, Tex.	Hamlin	Maynard	Webb
Cox, Ind.	Hardy	Moore, Tex.	Williams
Craig	Hay	Nicholls	

## ANSWERED "PRESENT"—17.

Boutell	Dwight	Lever	Small
Butler	Flood	Madden	Talbott
Cousins	Haggott	Rauch	
Dixon	Humphreys, Miss.	Sheppard	
Driscoll	Lamb	Sims	

## NOT VOTING—131.

Alexander, N. Y.	Cravens	Harding	Legare
Allen	Cushman	Hardwick	Lewis
Ames	Davey, La.	Harrison	Lilley
Andrus	Davidson	Hill, Miss.	Livingston
Ansberry	Dawes	Howard	Lorimer
Anthony	Dunwell	Hubbard, Iowa	Loud
Bannon	Edwards, Ga.	Huff	Lovering
Bartlett, Ga.	Ellis, Mo.	Hughes, W. Va.	McCall
Bartlett, Nev.	Fitzgerald	Hull, Iowa	McHenry
Bennett, Ky.	Fornes	Humphrey, Wash.	McMillan
Bingham	Foster, Vt.	Jackson	McMorran
Birdsall	Fuller	James, Addison D.	Mann
Brantley	Gaines, Tenn.	Jenkins	Marshall
Brownlow	Gardner, Mass.	Johnson, S. C.	Miller
Brumm	Gardner, Mich.	Kinkaid	Moon, Pa.
Brundidge	Gardner, N. J.	Kitchin, Claude	Mouser
Burke	Gilhams	Kitchin, Wm. W.	Mudd
Burton, Del.	Goebel	Knopf	Overstreet
Burton, Ohio	Goldfogio	Knowland	Parsons
Caldwell	Gordon	Lamar, Fla.	Perkins
Clark, Fla.	Greene	Lamar, Mo.	Peters
Conner	Gregg	Lassiter	Pou
Cook, Pa.	Griggs	Law	Powers
Cooper, Wis.	Gronna	Leake	Pratt

Pray  
Ransdell, La.  
Reid  
Reynolds  
Riordan  
Roberts  
Ryan  
Saunders  
Shackleford

Sherwood  
Slemp  
Smith, Mich.  
Smith, Mo.  
Smith, Tex.  
Southwick  
Sparkman  
Sperry  
Stafford

Stanley  
Stephens, Tex.  
Tawney  
Taylor, Ala.  
Thomas, Ohio  
Tirrell  
Townsend  
Vreeland  
Wallace

Watson  
Weeks  
Weisse  
Wiley  
Willett  
Wilson, Ill.  
Wolf  
Young

So the conference report was agreed to.  
The Clerk announced the following pairs:  
For the session:

Mr. SHERMAN with Mr. RIORDAN.  
Mr. BOUTELL with Mr. GRIGGS.  
Mr. BUTLER with Mr. BARTLETT of Georgia.  
Mr. WATSON with Mr. SHEPPARD.  
Mr. COUSINS with Mr. FLOOD.  
Until further notice:  
Mr. DWIGHT with Mr. HARRISON.  
Mr. MANN with Mr. SIMS.  
Mr. LANDIS with Mr. DIXON.  
Mr. MOUSER with Mr. SHERWOOD.  
Mr. BROWNLOW with Mr. BRUNDIDGE.  
Mr. FULLER with Mr. ANSBERRY.  
Mr. TOWNSEND with Mr. SHACKLEFORD.  
Mr. KNOPF with Mr. WEISSE.  
Mr. ALLEN with Mr. LEVER.  
Mr. MUDD with Mr. TALBOTT.  
Mr. DUNWELL with Mr. LAMAR of Florida.  
Mr. BIRDSALL with Mr. LAMAR of Missouri.  
Mr. HARDING with Mr. PETERS.  
Mr. POWERS with Mr. PRATT.  
Mr. BINGHAM with Mr. LIVINGSTON.  
Mr. MADDEN with Mr. HARDWICK.  
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
Mr. VREELAND with Mr. WOLF.  
Mr. THOMAS of Ohio with Mr. WALLACE.  
Mr. TAWNEY with Mr. WILEY.  
Mr. SOUTHWICK with Mr. WILLETT.  
Mr. SMITH of Michigan with Mr. STANLEY.  
Mr. SLEMP with Mr. SPARKMAN.  
Mr. ROBERTS with Mr. SMITH of Texas.  
Mr. REYNOLDS with Mr. SAUNDERS.  
Mr. OVERSTREET with Mr. RYAN.  
Mr. MOON of Pennsylvania with Mr. REID.  
Mr. MILLER with Mr. RANDELL of Louisiana.  
Mr. MCMORRAN with Mr. MCHENRY.  
Mr. MCMILLAN with Mr. LEWIS.  
Mr. LORIMER with Mr. HUMPHREYS of Mississippi.  
Mr. LAW with Mr. LEGARE.  
Mr. KNOWLAND with Mr. LEAKE.  
Mr. HUGHES of West Virginia with Mr. CLAUDE KITCHIN.  
Mr. HULL of Iowa with Mr. HILL of Mississippi.  
Mr. HUFF with Mr. HOWARD.  
Mr. HUBBARD with Mr. GREGG.  
Mr. GRONNA with Mr. GORDON.  
Mr. GOEBEL with Mr. GAINES of Tennessee.  
Mr. GILHAMS with Mr. FORNES.  
Mr. GARDNER of Michigan with Mr. FITZGERALD.  
Mr. FOSTER of Vermont with Mr. POU.  
Mr. DRISCOLL with Mr. EDWARDS of Georgia.  
Mr. DAVIDSON with Mr. DAVEY of Louisiana.  
Mr. BURTON of Ohio with Mr. CRAVENS.  
Mr. BURKE with Mr. CLARK of Florida.  
Mr. BANNON with Mr. CALDWELL.  
Mr. ANDRUS with Mr. BRANTLEY.  
Mr. ALEXANDER of New York with Mr. BARTLETT of Nevada.  
For the balance of the session:  
Mr. JENKINS with Mr. LAMB.  
Mr. CONNER with Mr. JOHNSON of South Carolina.  
Mr. DAWES with Mr. TAYLOR of Alabama.  
Until Wednesday morning:  
Mr. LOUD with Mr. GOLDFOGLE.  
For this day:  
Mr. NELSON with Mr. ROTHERMEL.  
Mr. LOVERING with Mr. STEPHENS of Texas.  
The result of the vote was announced as above recorded.  
The SPEAKER. A quorum is present. The doors will be opened.

## GENERAL LEAVE TO PRINT.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That general leave to print be granted Members from the adoption of this order until five days after the adjournment of the present session of Congress.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from New York is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. PAYNE. Mr. Speaker, I reserve my time.

Mr. WILLIAMS. Mr. Speaker, in my opinion, at all times it is a bad policy to encumber the Record with speeches undelivered upon the floor, especially when the speeches do not go out with any notice to the people that they were not delivered here. They are, without that notice, a sort of deception of the people of the United States. If there had been no sharp partisan clash between the two parties this year I would still have objected, as I did successfully in the Fifty-eighth Congress, to a resolution of this description. I believe that what purports to have been said upon this floor ought to be said upon this floor, in the presence of one's colleagues, with an opportunity for reply. I believe that especially the habit of printing after Congress has adjourned and printing whatsoever one may evolve out of one's inner consciousness, without any opportunity of reply at all, especially upon the eve of an election, printing anything or everything, is peculiarly an advantage for an unscrupulous man as it is peculiarly unfair to the honest man, because the latter will publish only what he knows or believes to be exactly true. This is a reward, therefore, to men who are unscrupulous, who are dishonest of statement, who are careless and reckless of what they are willing to say. Mr. Speaker, I understand, of course, why this is offered by the leader of the majority at this particular time.

The majority party has pretty nearly gone into commission. It has organized commissions to consider nearly everything. It has abdicated its legislative functions. It has delegated to commissions of one sort or another many, and it is going to delegate to more commissions a great many more, public questions of every description. It has spent unparalleled sums of money belonging to the people, a great deal of it wastefully. It requires very much explanation. It would be cheaper and better for it to be made by a few selected men to whom there would be no opportunity of reply, whose remarks in the Record will not be seen by any Democrat, will be printed after adjournment, so that a reply can not be made in such a way as that the reply could be, like the observations themselves, franked to the country. The Republican party, as I said a moment ago, has appointed so many commissions that it had better appoint just one more. In Great Britain when a king goes crazy—and I am not saying that the Republican party is a king, only that it is here in Congress crazy—the great seal is put into commission for some time. After you get through with the currency commission and all the other commissions you have appointed, too numerous for me to remember at this moment, it would be very well for you to appoint one more commission and call it a commission upon Republican defense, and Republican defense through the Record after the House has adjourned, with no opportunity to reply to it. [Applause on the Democratic side.]

You have had your day in court just as much as we have had. There have been more of you than there have been of us. You are at least of equal ability with us—or you claim to be, and we will discourteously deny it. The only disadvantage that you have had is that you have had a bad, weak cause, or many bad, weak causes. You have been doing nothing, and you are going now to try to defend the policy of doing nothing. You have proudly, even vauntingly, asserted that you were "responsible for commissions and omissions of legislation." You will have some degree of explanation to make concerning your "commissions," and you will have a great deal of explanation to make concerning your "omissions." Of course you will undertake to say that one reason why you have not done a great many things the country demands and things which your President has demanded and things which Democracy has joined in demanding, was because the Democracy by demanding them, so far as it had the parliamentary power to demand and cry out aloud for them, had "prevented you" from doing them.

Mr. Speaker, it seems to me that in ordinary fairness, in ordinary honesty, if there were no sharp party clash, this sort of resolution ought not to pass this House. I say that one reason why the House of Representatives has sunk so low is this: Its CONGRESSIONAL RECORD has become so bulky that nobody reads it. The people of the United States get their information of what occurs from the press, and the press tries to be accurate, but it necessarily can not do it. The press, of course, can not be full in its reports.

The reason why the CONGRESSIONAL RECORD is so bulky that nobody can keep up with it is because what goes into it is not what is said upon this floor. In an ordinary Congress 50 per

cent of what goes into the CONGRESSIONAL RECORD are things never said upon the floor—put in there under leave to print upon particular bills, under general leave to print, and under orders such as this. I say that this resolution, if carried, is especially unfair and deceitful, not to one another as Representatives alone, but to the American people. To introduce a resolution to allow men to shove into the CONGRESSIONAL RECORD what they please for five days after Congress has adjourned, without any opportunity for anybody to read it and reply to it with equal frankable privilege is disingenuous, if not worse, and I hope that this resolution will not pass. [Applause on Democratic side.]

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I have but a few words to say. It has been the custom of the House always toward the close of the session to grant by unanimous consent general leave to print for a period of from five to ten days. That has been almost a universal custom, and the gentleman while he has been here has assented to it by not making objection. It is more imperative that this resolution pass at this session of Congress because of the three or four weeks of time wasted—it is not necessary to say any longer how or by whom—in the House during the past two months. If that time could have been utilized in general intelligent debate, perhaps there would have been no necessity for this resolution at this time, but it was used otherwise. The gentleman talks about this side making apologies. Great heavens! If this side needs any apology, how much more do gentlemen on that side—and at their head the gentleman from Mississippi—need time to make apologies for the useless waste of the time of this House. [Applause on the Republican side.]

We allow them to print. They have the same liberty we have. They have the same opportunity we have. They can put in speeches that can never be answered, as speeches may be put in by this side if gentlemen take the full time that is allowed; but this is simply doing what has ordinarily been done when we have had no useless waste by roll calls in former sessions of the House, and I say there is much more necessity and much more reason for it now than there has ever been for it before in my service in the House.

I reserve the balance of my time; I do not expect to use it. [Cries of "Vote!"]

Mr. WILLIAMS. Mr. Speaker, I now yield to the gentleman from Missouri [Mr. HAMLIN] four minutes.

Mr. HAMLIN. Mr. Speaker, in the face of the record, I am surprised to hear the gentleman from New York [Mr. PAYNE] talk about our having consumed useless time, when this record shows this Congress met on the 2d day of December and adjourned for the holidays on the 21st, and was only actually in session eleven hours and eight minutes, and every single motion to adjourn during that time was made by the gentleman from New York [Mr. PAYNE]. [Applause on the Democratic side.] If to exercise our constitutional right of having a roll-call vote is a useless waste of time, then certainly our forefathers who prepared the Constitution and the people who adopted it must have made a very grievous mistake. I am opposed to this resolution for the reason that I believe that nothing should appear in this Record that is not actually said upon this floor. If the purpose is to give to the Republican party of this House an opportunity to explain its misfeasance or shortcomings, it certainly would require not five days, but would require until the meeting of the next Congress for them to attempt to make a sufficient explanation, if, indeed, they ever could do so. [Applause on the Democratic side.]

Now, Mr. Speaker, the gentleman from New York more than one time, in a grandiloquent manner, on this floor, announced that the Republican party would be responsible for the legislation in this House. We are willing to grant to them that responsibility, and if perchance, by accident, there has been some good legislation enacted, we will not envy them the modicum of praise to which they would be entitled for that accident, but it is a conceded fact that there has been appropriated this session, or will be when we adjourn, a round one billion of dollars. We can not comprehend how much that is. We are so accustomed to talking of millions and billions that we fail to comprehend the magnitude of these appropriations. This morning I concluded to try to put it in a little different form in order that we might have some little comprehension of the magnitude of the amount of money that has been appropriated by this Congress, and in doing that I called up the Treasury Department over the phone and asked them to give me the number of twenty-dollar gold pieces that is required to weigh one pound. I figured this out on a gold basis out of consideration for the feelings of my Republican friends, as they want everything figured on a gold basis. I was told, after they



said they would have to weigh it, and they did weigh it, that thirteen twenty-dollar gold pieces weighed 15½ ounces avoirdupois. Figuring on that basis, in round numbers 1,300 twenty-dollar pieces weigh 100 pounds. Twenty-six thousand pieces would weigh 2,000 pounds, or 1 ton, and figuring 27,000 pieces to make up the odd fraction of ounces would be 1 ton of twenty-dollar gold pieces. Twenty-seven thousand twenty-dollar gold pieces, or 1 ton, would be equivalent to \$540,000.

One billion dollars, the total amount of this appropriation, divided by \$540,000, or the 1 ton, makes the stupendous amount of 1,851 tons of gold appropriated by this Congress at this one session. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. I yield the gentleman one minute more.

Mr. HAMLIN. Taking the average wagonload as 1 ton, it would take 1,851 wagons to haul it, and if you put a ton of gold in each wagon and string them out, touching each other, allowing 7 yards to the wagon and team, they would stretch over an approximate distance of 7½ miles.

Let us figure it in a different way. The average freight carload is 20 tons. Therefore, loading 20 tons in a car, it would require 92½ freight cars to haul it, which would be equal to nearly five train loads of gold. If you were to try to carry it off on your backs and each man carry 150 pounds, it would require the services of 24,063 men to carry it. By consulting the Congressional Directory I see that there were 22,804 votes cast for the Speaker of this House at the last election. It would therefore require every man who voted for the Speaker of this House at the last election, each carrying 150 pounds, to carry off the amount of money in gold appropriated by this Congress, and it would then require the additional services of 1,255 Democrats to help them carry it away. [Applause on the Democratic side.]

Now, Mr. Speaker, in the face of this record it occurs to me that you would require about ten years to explain your record, much less five days, and I am opposed to the resolution.

Mr. WILLIAMS. Does the gentleman from New York [Mr. PAYNE] wish to consume his time?

Mr. PAYNE. There will not be more than one speech on this side.

Mr. WILLIAMS. I yield three minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Speaker, I am opposed to this resolution for two reasons. In the first place, the habit of printing in the RECORD is a despicable one. There can be no justification for a Member of Congress, after this House has adjourned, inserting remarks in the RECORD. He either lacks the intelligence or the courage to make them upon the floor of this House, where there is an opportunity for a reply to them. I wonder if the people of the United States know how much "stuff" is printed in the CONGRESSIONAL RECORD under general leave to print?

Here on the eve of an adjournment of Congress we find the floor leader of the Republican party asking leave to print in the RECORD for five or ten days after Congress shall have adjourned. What does it mean? It means that debate in the House of Representatives, once the greatest forum of debate in the world, has degraded into a competition between essayists. Why does he not say "for the next five days," as suggested by the gentleman from Mississippi [Mr. WILLIAMS] to me?

Then there is another reason why I am opposed to this resolution. It is too indefinite. It does not tell us when the gentleman from Missouri [Mr. BARTHOLDT], the chairman of the Committee on Public Buildings and Grounds, will withdraw from his pocket the general buildings bill and permit the American Congress to adjourn. We are served with notice through the press, published in the city this morning, that the gentleman from Missouri has informed the Speaker of the House that Congress shall not adjourn until a currency bill is passed. And you gentlemen are "between the devil and the deep blue sea." [Applause on the Democratic side.] You know that the people of the United States, to whom you have pledged currency legislation, are expecting you to act, and you can not come to an agreement, and now you are insulting the House of Representatives by characterizing a great bill as a "pork barrel," in which you think we are so much interested that we will submit to any sort of imposition. I resent the insinuation.

Mr. WILLIAMS. Mr. Speaker, I now yield one minute to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I hope after this bill has passed it will be immediately followed by a bill to insure the publicity of campaign contributions. [Laughter on the Republican side.] And if it is at the head of those contributors, as the first, at least in this campaign, will be the American taxpayer, opposite whose name will be set the amount of postage to be saved and the amount in dollars and cents of the valuable contribution

which the majority is compelling him to-day to put up for their campaign. [Applause on the Democratic side.] The American taxpayer will be held up in this matter in a way, Mr. Speaker, which will make the little incident referred to by the gentleman from Arkansas [Mr. ROBINSON], in which is described the manner that the Speaker of the House has been held up by the gentleman from Missouri [Mr. BARTHOLDT], appear a pleasant exchange of courtesies. The taxpayer can not help himself. The Republican majority controls the situation and they will seize the public money for their political gain.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I rise for the purpose of opposing this resolution. Every word printed in the CONGRESSIONAL RECORD should be delivered on the floor of this House. The gentleman from New York [Mr. PAYNE] spoke about "apologies" that it might be necessary for Democrats to print in the RECORD. Let me say to him and to the country that the Democrats have no apologies to make to the country or to the other side for our conduct during this session of Congress. [Applause on the Democratic side.]

I suppose it is permissible now to discuss some of the questions sought to be discussed the other day when the point of order was made, for the first time during the session, that I must adhere strictly to the subject-matter before the House.

Mr. Speaker, on last Saturday we were told that word was passed around over the House that we were to adjourn that night; but all of a sudden a halt came, the powers that be in this House or the powers that be somewhere decreed that adjournment should not take place on Saturday night. And why, Mr. Speaker? The country will want to know why; and if the gentleman from New York [Mr. PAYNE] can not explain it, the people will know the reason.

There are other questions this Congress ought to have considered; there are other matters just as meritorious that should have commanded the attention of your side and prevented an adjournment until they are passed. We say to the Republicans and to the country, if you are ready to follow Mr. Roosevelt, if you will follow your candidate, Mr. Taft, or whoever he may be, if you will heed the sentiment of the country and give to the people of this Republic not class legislation, but legitimate, meritorious legislation, restricting the powers of the Federal judges in regard to issuing injunctions and preventing the abuse of their prerogatives, the Democratic party will remain here with you as long as it is necessary to bring about such result. [Applause.]

But, gentlemen, you will hold up adjournment for the purpose of answering the demands of Wall street and special interests, and from some other directions, but when it comes to pass a simple proposition of restricting the powers of Federal judges, you refuse to respond to a just sentiment. You had three caucuses of your side and adjourned by a very close margin, but you fail and can not explain to the country why you have not passed a reasonable and just anti-injunction law. Talk about apologizing! You must and shall apologize to the country for not answering their demands. You will have to apologize, Mr. Speaker, for not permitting consideration of an anti-injunction measure during this session of Congress. [Applause.] I say to you now in all good faith, Take up the question of anti-injunction legislation and we will vote for a sane, meritorious measure, whether it be one introduced by myself or some other gentleman, whether it be the one introduced by the gentleman from New York [Mr. PAYNE], which is meaningless.

We challenge you to consider bills introduced by the gentleman from Michigan [Mr. TOWNSEND], the gentleman from Maryland [Mr. PEARRE], the gentleman from Illinois [Mr. RODENBERG], Mr. CAMPBELL of Kansas, and other gentlemen on your side of the House. Let me say to you, Mr. Speaker, enough Republicans have introduced bills on the injunction question, who, if they would assert their rights and stand up with us here, could prevent adjournment until a fair and appropriate measure is given the whole country regardless of classes. [Applause.]

If you mean what you say, if you are in good faith, let us take action. Tell the Speaker and the powers that be if you hold up this Congress to pass emergency currency legislation you shall remain here till you do something to curb the power of Federal judges. [Applause on the Democratic side.]

Mr. PAYNE. Has the gentleman used up all his time?

The SPEAKER. The time of the gentleman from Mississippi has been consumed.

Mr. PAYNE. Mr. Speaker, I think it would be a matter of cruelty to adjourn without allowing the Democratic party to tell the country why they all turned their backs on the Bryan

Williams financial bill. [Laughter and applause on the Republican side.] Every man on that side of the Chamber ought to get busy from this time on until five days after adjournment in order to furnish some excuse to the country for going back on that measure that was heralded here as a party measure, backed with the indorsement of the "Peerless Leader," the next Democratic candidate for the Presidency, and the indorsement, too, of the leader of the minority.

Mr. HENRY of Texas. Will the gentleman allow me to ask him a question?

Mr. PAYNE. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. PAYNE. The gentleman from Texas seems to have an idea that the newspaper reporters fix the day of adjournment for Congress. I want to assure him that whenever a day is fixed, it will be fixed by a concurrent resolution of the House and Senate; and if he will possess his soul in patience, when the majority of the House get ready to adjourn, they will adjourn without turning to and consulting the files of the newspapers as to the proper day. What the gentleman from Missouri has said illustrates the value of this resolution. If, instead of consuming valuable time of the House, he had embalmed that composition of his in a general leave to print in the CONGRESSIONAL RECORD and let Congress go on and transact its business it would have been fully as well, fully as proper, and accomplished the very purpose it would had it been read to the House. Every movement they make shows the propriety of passing this resolution.

I am informed that the gentleman from Illinois [Mr. Wilson] has had a computation made of the speeches made from December 19 to January 7, and the amount of space used in the CONGRESSIONAL RECORD by Members of the two parties. In that time the Democrats used in printed speeches in the RECORD 189½ columns, and the Republicans during the same time only 38 columns. [Laughter and applause on the Republican side.]

Why, this is simply eloquent in showing which side of the House feels the necessity of apologizing to the people of the country for its actions here. That was before they commenced this idiotic policy of trying to block legislation by invoking the Constitution and wearing out the clerks with ceaseless, useless, foolish roll calls. [Applause.]

I ask for a vote.

The SPEAKER. As many as favor the resolution will say "aye," those opposed "no."

Mr. WILLIAMS. Mr. Speaker, let us have the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 118, nays 111, answered "present" 19, not voting 139, as follows:

## YEAS—118.

Acheson	Durey	Howell, Utah	Nye
Andrus	Dwight	Howland	Olcott
Anthony	Edwards, Ky.	Hubbard, W. Va.	Olmsted
Barchfeld	Ellis, Oreg.	Huff	Overstreet
Bartholdt	Fairchild	Humphrey, Wash.	Parker, S. Dak.
Bates	Fassett	Kahn	Parsons
Boutell	Focht	Kelifer	Payne
Burleigh	Fordney	Kennedy, Iowa	Pearre
Calder	Foss	Kennedy, Ohio	Pollard
Calderhead	Foster, Ind.	Knapp	Prince
Campbell	Foulkrod	Klistermann	Reeder
Capron	Fowler	Lafean	Rodenberg
Caulfield	French	Landis	Scott
Chaney	Gaines, W. Va.	Laning	Smith, Cal.
Chapman	Gardner, N. J.	Law	Steenerson
Cocks, N. Y.	Gilliams	Longworth	Sterling
Cole	Gillett	Loudenslager	Sturgiss
Cook, Colo.	Graham	Lowden	Tawney
Cooper, Pa.	Greene	McCreary	Taylor, Ohio
Coudrey	Hale	McGavin	Thistlewood
Crumpacker	Hall	McGuire	Volstead
Cushman	Hamilton, Mich.	McKinley, Ill.	Waldo
Dalzell	Haskins	McKinney	Wanger
Davidson	Haugen	McLachlan, Cal.	Weems
Davis, Minn.	Hawley	McLaughlin, Mich.	Wheeler
Dawson	Hayes	McMillan	Wilson, Ill.
Denby	Higgins	Malby	Wood
Diekema	Hill, Conn.	Moore, Pa.	Woodyard
Draper	Hinshaw	Murdock	
Driscoll	Howell, N. J.	Needham	

## NAYS—111.

Adamson	Byrd	Ellis, Mo.	Hackett
Aiken	Candler	Favrot	Hackney
Alexander, Mo.	Carlin	Ferris	Hamilton, Iowa
Ashbrook	Carter	Finley	Hamlin
Beall, Tex.	Clark, Mo.	Floyd	Hammond
Bede	Clayton	Foster, Ill.	Hardy
Bell, Ga.	Cockran	Fulton	Hay
Bonyng	Cooper, Tex.	Garner	Heflin
Booher	Cox, Ind.	Garrett	Helm
Bowers	Craig	Gill	Henry, Tex.
Brantley	Crawford	Gillespie	Hitchcock
Brodhead	Currier	Glass	Hobson
Broussard	Davenport	Godwin	Houston
Burgess	De Armond	Gordon	Howard
Burleson	Denver	Goulden	Hughes, N. J.
Burnett	Dixon	Granger	Hull, Tenn.

James, Ollie M.	Maynard	Randell, Tex.	Smith, Mo.
Johnson, Ky.	Moon, Tenn.	Rauch	Spight
Jones, Va.	Moore, Tex.	Rhinock	Stanley
Keliber	Murphy	Richardson	Stevens, Minn.
Kipp	Nichols	Riordan	Sulzer
Lee	Norris	Robinson	Thomas, N. C.
Lindsay	O'Connell	Rucker	Tou Velle
Lloyd	Padgett	Russell, Mo.	Watkins
McDermott	Page	Sabath	Webb
McHenry	Patterson	Sherley	Williams
Macon	Pujo	Slayden	Wilson, Pa.
Madison	Rainey	Small	

## ANSWERED "PRESENT"—19.

Adair	Cousins	Madden	Russell, Tex.
Ansberry	Flood	Nelson	Sheppard
Brundidge	Haggott	Pou	Sims
Butler	Humphreys, Miss.	Reynolds	Talbot
Cooper, Wis.	Lever	Rothermel	

## NOT VOTING—139.

Alexander, N. Y.	Fornes	Lamar, Mo.	Ransdell, La.
Allen	Foster, Vt.	Lamb	Reid
Ames	Fuller	Langley	Roberts
Bannon	Gaines, Tenn.	Lassiter	Ryan
Barclay	Gardner, Mass.	Lawrence	Saunders
Bartlett, Ga.	Gardner, Mich.	Leake	Shackelford
Bartlett, Nev.	Goebel	Legare	Sherman
Beale, Pa.	Goldfogle	Lenahan	Sherwood
Bennet, N. Y.	Graff	Lewis	Slemp
Bennett, Ky.	Gregg	Lilley	Smith, Iowa
Bingham	Griggs	Lindbergh	Smith, Mich.
Birdsall	Gronna	Littlefield	Smith, Tex.
Boyd	Hamill	Livingston	Snapp
Bradley	Harding	Lorimer	Southwick
Brownlow	Hardwick	Loud	Sparkman
Brumm	Harrison	Lovering	Sperry
Burke	Henry, Conn.	McCall	Stafford
Burton, Del.	Hepburn	McKinlay, Cal.	Stevens, Tex.
Burton, Ohio	Hill, Miss.	McLain	Sulloway
Caldwell	Holliday	McMorran	Taylor, Ala.
Cary	Hubbard, Iowa	Mann	Thomas, Ohio
Clark, Fla.	Hughes, W. Va.	Marshall	Tirrell
Conner	Hull, Iowa	Miller	Townsend
Cook, Pa.	Jackson	Mondell	Underwood
Cravens	James, Addison D.	Moon, Pa.	Vreeland
Darragh	Jenkins	Morse	Wallace
Davey, La.	Johnson, S. C.	Mouser	Washburn
Dawes	Jones, Wash.	Mudd	Watson
Douglas	Kimball	Parker, N. J.	Weeks
Dunwell	Kinkaid	Parkins	Weisse
Edwards, Ga.	Kitchin, Claude	Peters	Wiley
Ellerbe	Kitchin, Wm. W.	Porter	Willett
Englebright	Knopf	Powers	Wolf
Esch	Knowland	Pratt	Young
Fitzgerald	Lamar, Fla.	Pray	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. BENNET of New York with Mr. FORNES.

Until further notice:

Mr. BRADLEY with Mr. ELLERBE.

Mr. BURTON of Delaware with Mr. LASSITER.

Mr. DOUGLAS with Mr. HAMILL.

Mr. GRAFF with Mr. KIMBALL.

Mr. SMITH of Iowa with Mr. McLAIN.

Mr. SHERMAN with Mr. UNDERWOOD.

For the day:

Mr. CARY with Mr. RUSSELL of Texas.

Mr. BENNET of New York. Mr. Speaker, I desire to answer "present."

The SPEAKER pro tempore. Was the gentleman giving attention when his name should have been called, and did he fail to hear it?

Mr. BENNET of New York. I was not.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentleman from Utah [Mr. HOWELL]—

Mr. WILLIAMS. Mr. Speaker, the vote being very close, I ask a recapitulation of it.

Mr. PAYNE. I make the point of order that that is dilatory.

Mr. WILLIAMS. Oh, no—

Mr. PAYNE. Oh, yes.

Mr. WILLIAMS. It has been the uniform practice in cases of that kind to have a recapitulation. It was had when there was a difference of eleven the other day.

The SPEAKER pro tempore. The Chair having announced the result of the vote, the gentleman's request comes too late.

Mr. WILLIAMS. I do not know how I could have made it before the vote was announced.

## ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21875. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.



## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the amendments of the House to the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. CLARK of Wyoming, and Mr. McLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6163) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and for other purposes.

## GRANTING RIGHT OF WAY TO SALT LAKE CITY AND ACROSS PLATTSBURG BARRACKS.

Mr. HOWELL of Utah. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 6200) granting certain rights of way and providing for certain exchanges of property, and pass the same as amended, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That there is hereby granted to Salt Lake City, a municipal corporation organized and existing under the laws of the State of Utah, a perpetual easement and right of way for the operation, maintenance, repair, and renewal of the conduit and pipe line as now constructed over and upon the Fort Douglas Military Reservation in said State, the same being connected with the water supply system of the said city; and also for the construction, operation, maintenance, repair, and renewal of all valve houses which may be deemed necessary in connection with said pipe line: *Provided,* That the said conduit and pipe line must be at all times maintained entirely below the surface of the ground; that the ground must be at all times kept in such condition as will enable troops to pass over the same without hindrance; that no fences shall be constructed to prevent the passage of troops, and that all work done upon the reservation in pursuance of this grant shall be to the satisfaction of the post commander and under such regulations as he may prescribe in the interest of good order and discipline, and that in case of the removal of the conduit or pipe line or any of the valve houses the ground shall be restored by the grantee to its original condition.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and empowered, upon the release to the United States by the Delaware and Hudson Company, or its subsidiary companies, of all rights of way and other easements of said company and of its subsidiary companies within the limits of the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, as said reservation existed prior to January 1, 1890, to convey to said Delaware and Hudson Company, its successors and assigns, for the operation and maintenance of its railway, a right of way 100 feet wide through said military reservation, together with a right of way 66 feet wide along the north end of the reservation, and the right to occupy and use about 2 acres in the northeast corner of the same, within limits described in and shown upon a blueprint attached to a memorandum of agreement made between said company and the United States represented by Maj. J. G. Galbraith, Inspector-General United States Army, in October, 1908: *Provided,* That except as to the said 2-acre tract in the northeast corner of the reservation, which may be used for the storage of cars, engines, etc., the right of way herein authorized to be granted shall be used for main and passing track purposes only, and not for the storage of cars, engines, etc., thereon; and that the occupation and use of any land within the reservation shall be subject to such restrictions as the Secretary of War may prescribe to protect the interests of the United States and for the maintenance of good order and discipline on said military reservation.

The SPEAKER pro tempore. Is a second demanded?

Mr. HAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Utah is entitled to twenty minutes and the gentleman from Virginia to twenty minutes.

Mr. HOWELL of Utah. Mr. Speaker, the first section of this bill grants to Salt Lake City a permanent easement and right of way over the Fort Douglas Military Reservation for its pipe line and conduit in connection with its water system. This part of its water system has been constructed and is now in operation by virtue of a revocable license obtained from the War Department. The city in disposing of its water bonds has encountered an objection to these bonds because of the imperfect and temporary character of its right of way over this reservation. This legislation is therefore necessary to more fully safeguard the rights of the city and to remove the question raised regarding the value of its water bonds. The bill has been drawn according to the suggestions of the War Department, and meets with the entire approval of the officers of the fort, and is unanimously reported from the Committee on Military Affairs. The amendment proposed is S. 6200, also favorably reported from the Committee on Military Affairs, offered as an amendment to this bill for the purpose of economizing the time of the House. I now yield five minutes to the gentleman from New York [Mr. MALBY].

Mr. MALBY. Mr. Speaker, section 2 of this bill provides

that certain lands owned by the Government of the United States, in the county of Clinton, N. Y., known as "Plattsburg Barracks," may be exchanged for certain other lands with the Hudson River Railroad Company. The bill, which now appears as section 2 of the pending measure, was drawn by the Secretary of War, and I have received it from the Secretary of War. The company now owns three or four rights of way over Plattsburg Barracks, and it is designed on the part of the United States Government to have the railroad company exchange their lands for a single right of way. The bill itself is approved and drawn by the Secretary of War, from whom I received it, for the purpose of introduction, it being satisfactory both to the Government and to the railway company.

Mr. HOWELL of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HAY. Mr. Speaker, I have no objection to this bill, but I do not want to say that I am in favor of it simply because the Secretary of War happens to be. This was carefully prepared by the Committee on Military Affairs, and I think there is no reason why it should not be passed.

I now yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, during this session of Congress I have not made any remarks that might be deemed political or partisan, so far as I can remember, but I wish to call the attention of this House and of the country to some things. For the last month or more I have watched the game of politics at close range. I have seen the majority play tactics to avoid issues and raise false issues to hide real ones. The country may not understand it, but I want them to. During this whole term the minority has not been allowed to even make a motion unless it had first been submitted to the Speaker and he had decided that it involved no issue on which he and his party did not wish to go on record. They have insolently told us repeatedly they would pass just such legislation and all the legislation they wanted to and no other, but for the last two weeks they have whined and excused all of their shortcomings by charging up their failure to do business to the roll calls demanded by the Democrats on this side. Now, I want to call attention to the fact that the roll call began on April 2, and yet this Congress had been in session for some four months, and up to that time no bill of general interest or importance had passed this House. [Applause on the Democratic side.] What excuse is the roll call to them for the four months they wasted the people's time, and I charge here now that this House has done more since the tactics of the minority forced them to constant attention to business than it did in all the time prior to that. [Applause on the Democratic side.]

I charge further that that excuse is a pretense and a fraud, for when they were forced by public opinion to bring some measure before this House—as the one in behalf of publicity of campaign contributions—they throttled that measure purposely by putting around its neck an amendment known as the "Crumpacker bill," which would cause the Democrats to oppose the measure. [Applause on the Democratic side.] They did that purposely with the hope that though it passed the House it would be talked to death—as it will be—on the floor of the Senate. They will then with unblushing hypocrisy tell the country they wanted and voted for a publicity bill; but they have made sure that they will go before the country with the opportunity to go into the pork barrel—not of public buildings—but of grafting interests, whose secret contributions they still seek and desire, and will have. [Renewed applause on the Democratic side.] They have played so that they can have one more turn—one more election, at which they can milk the interests who come to them for support. Now, every time they are challenged they say "Oh, you called the roll." When they are challenged for what they do they say "You called the roll;" and when they are challenged for what they do not do they say "You called the roll," and we did not have time to do anything else. Oh, yes, you have had no time; we have called the roll. You could not pass a plain publicity bill; you had no time. We called the roll. You couldn't even allow a vote on a dozen other measures which the people wanted; you did not have time. We called the roll. You could bring in your rules; you could seek to force through this House in the closing hours—as you always do—a ship subsidy of some three millions a year under the guise of improving the mails, and an infamous steal for railroads by a scheme to weigh the mails every year, when the Government's contract price for carrying the mails is based on weighing once at the beginning of every four-year period, knowing that that different method of weighing would give to the railroads annually some four millions more under their contract.

By these things you show your colors. You have invited the support of railroad interests and of subsidized interests and of

all specially favored interests, and you refuse to pass the genuine publicity bill, so that you may once more "fry fat" for one more corrupt campaign. You can find the time to do all that is demanded by the corporate and protected greed; you can even seek to strip your own railway commission bill of last session of its efficiency by giving no funds to enforce its most vital section, and you would have done so but for the Democratic votes on this side, aided by some few on that side, who stood by us nobly. Oh, yes; you have ample time to show your colors, but when the people ask righteous laws you can not find time—JOHN WILLIAMS calls the roll.

Mr. Speaker, I fancy to-day that when the last trump shall sound and old Gabriel shall have blown his horn and these gentlemen on the other side march up to the gates of the New Jerusalem and St. Peter says to them, "Why have you done those things you ought not to have done and left undone those things which you ought to have done?" their answer will be, "JOHN SHARP WILLIAMS called the roll, and we could not do anything else." [Loud applause on the Democratic side.] My friends, we Democrats will march through the gates, and when we get inside we will call the roll once more, and, thank God, you will not be there to answer. [Loud applause on the Democratic side.]

Mr. HAY. Mr. Speaker, I now yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, I shall not oppose the pending bill. I suppose that it should become a law, but I want simply to call the attention of the country again to the fact that we can consume thirty minutes here to grant a right of way to certain corporations running pipe lines and enact laws for them, but we can not get one minute's time for the farmers of this country. [Applause on the Democratic side.] The Farmers' Union of this country wants the legislation that is embodied in my bill. The Southern Cotton Association stands for it to a man. The president of the Farmers' National Congress has endorsed it, and he told me that "Uncle Joe" told him that legislation along this line should be had during this session. I want to notify you gentlemen now that it has not been done. You have failed and refused to grant this legislation, and I ask you to-day, Why do you deny the farmers the protection that my bill gives to them?

It simply says that clerks and other officers in the Department of Agriculture, or any other Department, shall not sell information obtained about crop statistics. You refuse to give them this law that would safeguard the Department of Agriculture. You leave the matter open to the cotton gamblers of New York and New Orleans, to the grain gamblers of New York and Chicago, to speculate upon the crop that is now being grown, and you leave the matter of selling statistics open to them. They will contribute to your campaign fund this fall. I mean these stock gamblers and cotton gamblers and grain gamblers. I want to say to you that you have deceived the public for twelve years. You have been in power in every branch of the Government. You have had the House, you have had the Senate, you have had the President, and you have shut your eyes to the rights and interests of the people. You have done nothing for the common good, but you have humbly obeyed your tariff masters. You have walked under the lash of the trust kings of this country, and upon their demand you have wrung tribute money in a thousand ways from the common masses of the people, but judgment day is near at hand, and you are not prepared. [Applause on the Democratic side.]

Now, you say the minority leader has been killing time. I deny it. You killed time for two long months. You did nothing until the minority leader said, "We are going to force you to do something; we will demand a roll call unless you bring in certain legislation." With a large majority on that side, you are now saying to the public: "We wanted to accomplish something, but the minority leader would not let us." Not long ago your floor leader [Mr. PAYNE] said: "We are responsible for everything; we who are in the majority are responsible for what we do and what we do not do." Now, I will remind him that last Congress you said the Republican party produced prosperity and that the Democratic party produced panics. I want to tell you that you have now a full-grown panic on your hands, and yet the Republican party is in power in the House, in the Senate, and in the White House. What are you going to tell the people now? Who produced this panic? Who made possible the army of the unemployed now crying for work and for bread? You could have passed my bill in the time I have occupied this morning. In the name of the farmers of this country I ask you to grant me one minute in which to pass this bill. Of course you will not do it. You are going to obey your masters, as you have done all these years.

From hat crown to shoe sole you belong to the trust kings and tariff barons of this country. [Applause on the Democratic side.] If the average individual, Mr. Speaker, could be confronted with his tariff tax in a lump sum, he would be as much astonished as was Moses when he beheld the burning bush. This tax has grown until it is simply enormous, and the masses are beginning to realize that high protection is highway robbery. We are about to adjourn this session, and what have you done to take the robber fingers of tariff barons out of the purse of the people? You have talked about creating a tariff commission to investigate tariff schedules. You know, as I know, that you do not mean to revise the tariff.

You know that this tariff commission is a miserable subterfuge. You are hard pressed and you realize that you must fool the people with something on the tariff.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HEFLIN. I would like three minutes more.

Mr. HAYES. I yield to the gentleman three minutes more.

Mr. HEFLIN. They want to appoint a commission, Mr. Speaker, to sit during the recess, to call in the tariff barons and ask them, "Shall we revise up or down? We had to do something. This is a makeshift, and you all understand it. The public was clamoring, and we had to do something to appease it, and this little commission is all that we would do. We want you to come across and contribute to our campaign fund as you have done heretofore." That is what you expect to do, and nothing more.

I want to say another thing, Mr. Speaker. You can not deceive the people any more. What objection have you to passing a bill here that will prevent cotton gamblers from speculating in cotton?

What objection have you to preventing grain gamblers from speculating in grain, and tossing the price up and down at will, and robbing the great army of producers in this country? It is simply because you have been so long entrenched in power that you have lost respect and regard for the masses. You have shown your disregard for the plain people. But this, Mr. Speaker, is the year when they are going to be restored to their own. Following the leadership of that matchless Democrat of the West, who, in his efforts to enforce the laws of justice, has never yet lowered his arm, victory awaits us, and Bryan will be President. [Applause on Democratic side.] We are going to drive you from place and power this fall. [Applause on Democratic side.] You do not know just what you are up against—even in your own party. You do not know whether Mr. Taft will be your nominee, or that queer politician who sits in the White House now. It would not surprise me to see something like this in the papers just after your convention at Chicago:

"Mr. Roosevelt was sleeping soundly. A message came at 1 o'clock at night, and when the great man was informed that he had been nominated, the tears streamed down his face, and for the first time in seven years the great man wept. When able to control his grief he exclaimed, 'This is the call of my country, and, Taft or no Taft, I must obey.'" [Applause on Democratic side.]

Mr. HOWELL of Utah. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I simply desire to explain some of the provisions of the bill. The city of Salt Lake is about to inaugurate a new water supply. Its citizens have voted bonds for half a million of dollars. They find some difficulty in disposing of the bonds by reason of the fact that it is held they have no perpetual right to go over the Fort Douglas Military Reservation. This bill will give them that right.

Mr. HOWELL of Utah. Mr. Speaker, I ask for a vote, unless the gentleman from Virginia [Mr. HAY] desires to consume some time.

Mr. HAY. Mr. Speaker, I do not desire to consume any more time.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. HAY. Mr. Speaker, I demand the yeas and nays.

Mr. HOWELL of Utah. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and ten gentlemen present; not a quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will bring in absentees. As many as are in favor of the motion to suspend the rules and pass the bill will, as their names are called, answer "yea," those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.



The question was taken, and there were—yeas 214, nays 3, answered "present" 18, not voting 152, as follows:

## YEAS—214.

Adair	Driscoll	Howell, Utah	Page
Adamson	Durey	Howland	Parker, N. J.
Alken	Edwards, Ky.	Hubbard, W. Va.	Parker, S. Dak.
Alexander, Mo.	Ellerbe	Huff	Parsons
Andrus	Ellis, Oreg.	Hughes, N. J.	Patterson
Anthony	Englebright	Hull, Tenn.	Payne
Ashbrook	Ferris	Humphrey, Wash.	Pearre
Barchfeld	Finley	James, Ollie M.	Pollard
Barclay	Fitzgerald	Johnson, Ky.	Porter
Bartholdt	Floyd	Jones, Wash.	Pray
Beale, Pa.	Focht	Kahn	Randell, Tex.
Beall, Tex.	Fordney	Kelker	Rauch
Bede	Foss	Kelher	Rhinock
Bell, Ga.	Poster, Ill.	Kennedy, Iowa	Richardson
Bonyngo	Poster, Ind.	Kennedy, Ohio	Riordan
Boober	Foulkrod	Kimball	Roberts
Bowers	Fowler	Knapp	Robinson
Bradley	French	Lafean	Rodenberg
Brantley	Fulton	Landis	Rothermel
Brodhead	Gardner, N. J.	Langley	Russell, Mo.
Burgess	Garner	Lanning	Scott
Burleigh	Garrett	Law	Sherley
Burleson	Gilhams	Lenahan	Sherman
Burnett	Gillet	Lindbergh	Slayden
Burton, Del.	Glass	Lindsay	Smith, Cal.
Burton, Ohio	Godwin	Littlefield	Smith, Iowa
Byrd	Gordon	Lloyd	Smith, Mich.
Calder	Goulden	Longworth	Smith, Mo.
Calderhead	Graff	Loudenslager	Snapp
Campbell	Graham	Lowden	Splight
Candler	Granger	McCall	Steenson
Caulfield	Greene	McCreary	Stevens, Minn.
Chaney	Hackney	McGuire	Sturgiss
Chapman	Hale	McHenry	Sulzer
Clark, Mo.	Hall	McKinley, Ill.	Taney
Clayton	Hamilton, Iowa	McLachlan, Cal.	Thomas, N. C.
Cockran	Hamilton, Mich.	McMillan	Tirrell
Cole	Hamlin	Macon	Tou Velle
Cooper, Pa.	Hammond	Malby	Underwood
Cooper, Tex.	Haskins	Maynard	Volstead
Coudrey	Haugen	Miller	Waldo
Craig	Hawley	Moon, Tenn.	Wanger
Crumpacker	Hay	Moore, Pa.	Weems
Currier	Hayes	Moore, Tex.	Wheeler
Cushman	Hefflin	Morse	Williams
Dalzell	Helm	Murdock	Wilson, Ill.
Darragh	Henry, Conn.	Murphy	Wilson, Pa.
Davidson	Hopburn	Needham	Wood
Davis, Minn.	Hinshaw	Nelson	Woodard
Dawson	Hitchcock	Nichols	
Denby	Hobson	Nye	
Diekema	Holliday	O'Connell	
Dixon	Houston	Olmsted	
Draper	Howell, N. J.	Padgett	

## NAYS—3.

Cox, Ind. Henry, Tex. Jones, Va.  
ANSWERED "PRESENT"—18.

Ansberry	Cousins	Lever	Sims
Bennet, N. Y.	De Armond	McDermott	Talbott
Boutell	Flood	Pou	Watkins
Butler	Haggott	Sabath	
Cooper, Wis.	Humphreys, Miss.	Sheppard	

## NOT VOTING—152.

Acheson	Esch	Kitchin, Wm. W.	Pratt
Alexander, N. Y.	Fairchild	Knopf	Pujo
Allen	Fassett	Knowland	Ransdell, La.
Ames	Favrot	Küstermann	Reeder
Bannon	Fornes	Lamar, Fla.	Reid
Bartlett, Ga.	Foster, Vt.	Lamar, Mo.	Reynolds
Bartlett, Nev.	Fuller	Lamb	Rucker
Bates	Gaines, Tenn.	Lassiter	Russell, Tex.
Bennett, Ky.	Gaines, W. Va.	Lawrence	Ryan
Bingham	Gardner, Mass.	Leake	Saunders
Birdsall	Gardner, Mich.	Lee	Shackelford
Boyd	Gill	Legare	Sherwood
Broussard	Gillespie	Lewis	Siemp
Brownlow	Goebel	Lilley	Small
Brumm	Goldfogle	Livingston	Smith, Tex.
Brundidge	Gregg	Lorimer	Southwick
Burke	Griggs	Loud	Sparkman
Caldwell	Gronna	Lovering	Sperry
Capron	Hackett	McGavin	Stafford
Carlin	Hamill	McKinlay, Cal.	Stanley
Carter	Harding	McKinney	Stephens, Tex.
Cary	Hardwick	McLain	Sulloway
Clark, Fla.	Hardy	McLaughlin, Mich.	Taylor, Ala.
Cocks, N. Y.	Harrison	McMorran	Taylor, Ohio
Conner	Higgins	Madden	Thistlewood
Cook, Colo.	Hill, Conn.	Madison	Thomas, Ohio
Cook, Pa.	Hill, Miss.	Mann	Townsend
Cravens	Howard	Marshall	Vreeland
Crawford	Hubbard, Iowa	Mondell	Wallace
Davenport	Hughes, W. Va.	Moon, Pa.	Washburn
Davey, La.	Hull, Iowa	Mouser	Watson
Dawes	Jackson	Mudd	Webb
Denver	James, Addison D.	Norris	Weeks
Douglas	Jenkins	Olcott	Welsae
Dunwell	Johnson, S. C.	Overstreet	Wiley
Dwight	Kinkaid	Perkins	Willett
Edwards, Ga.	Klipp	Peters	Wolf
Ellis, Mo.	Kitchin, Claude	Powers	Young

The following additional pairs were announced:

Until further notice:

Mr. BATES with Mr. CARLIN.

Mr. CAPRON with Mr. CARTER.

Mr. McLAUGHLIN of Michigan with Mr. CRAWFORD.

Mr. COCKS of New York with Mr. DAVENPORT.

Mr. DOUGLAS with Mr. DAVEY of Louisiana.

Mr. DWIGHT with Mr. DENVER.

Mr. ELLIS of Missouri with Mr. FAVROT.

Mr. ESCH with Mr. GILL.

Mr. FAIRCHILD with Mr. GILLESPIE.

Mr. FASSETT with Mr. HACKETT.

Mr. KÜSTERMANN with Mr. HARDY.

Mr. LAWRENCE with Mr. HARRISON.

Mr. McKINNEY with Mr. KIPP.

Mr. McMOHRAN with Mr. PUJO.

Mr. NORRIS with Mr. LEE.

Mr. OLCOTT with Mr. RUCKER.

Mr. OVERSTREET with Mr. SMALL.

Mr. REYNOLDS with Mr. McDERMOTT.

Mr. SULLOWAY with Mr. STANLEY.

Mr. TAYLOR of Ohio with Mr. WEBB.

The SPEAKER pro tempore (Mr. POLLARD). On this question the yeas are 214, the nays are 3, present 18—a quorum. The Doorkeeper will open the doors; the motion is agreed to, the rules are suspended, and the bill is passed.

## REFUND OF STAMP TAXES.

Mr. BOUTELL. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 21129 and that the bill do pass, with an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 21129, and that the bill do pass as amended.

The Clerk read as follows:

A bill (H. R. 21129) to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons or corporations who have, prior to July 1, 1904, duly presented their respective claims therefor, the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, such stamps representing taxes which were illegally assessed and collected, said refund to be made whether said stamp taxes were paid under protest or duress or not.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to make full rebate of all duties imposed by law on anthracite coal imported into any port of the United States from foreign countries from October 6, 1902, to January 15, 1903, and to repay all money paid as duties upon anthracite coal at any port of the United States to the person, persons, or corporations who paid the same upon anthracite coal imported from the 6th day of October, 1902, to January 15, 1903: *Provided*, That the person or persons so to be paid shall produce satisfactory proof to the Secretary of the Treasury that they were not reimbursed for said tariffs in the sales to the consumer.

The SPEAKER pro tempore. Is a second demanded?

Mr. GRANGER. I demand a second.

The SPEAKER pro tempore. Under the rules a second is ordered. The gentleman from Illinois [Mr. BOUTELL] is entitled to twenty minutes and the gentleman from Rhode Island [Mr. GRANGER] is entitled to twenty minutes.

Mr. BOUTELL. Mr. Speaker, this bill, H. R. 21129, was unanimously reported by the Ways and Means Committee; its passage is also recommended by the Secretary of the Treasury. It involves in the neighborhood of \$50,000. It is for the repayment of stamp taxes paid under the Spanish war tax law upon foreign bills of exchange drawn against foreign exports. This was in the nature of a tax on exports under the Constitution, and therefore unconstitutional.

The amendment offered is a bill, H. R. 11325, which I have consented to offer as an amendment to this bill at the request of the gentleman from Maryland [Mr. TALBOTT] simply in order to save time. This bill, in which the gentleman from Maryland is interested, is also recommended by the Secretary of the Treasury, and reported from the Ways and Means Committee by the gentleman from Massachusetts [Mr. McCALL].

Mr. HUMPHREYS of Mississippi. Will the gentleman permit me to ask him a question?

Mr. BOUTELL. Certainly.

Mr. HUMPHREYS of Mississippi. Will the gentleman be willing to accept as an amendment to that bill an amendment that would refund the tax that was unconstitutionally collected on cotton immediately after the war?

Mr. BOUTELL. That proposition has not been reported to the House, so that it would be irrelevant at this time. We can only consider at this time bills reported by a committee and on the Union Calendar.

Mr. HUMPHREYS of Mississippi. They are both against the rules of the House, as I understand it, and I would ask unanimous consent, if the gentleman would not object to that, to add that as an amendment to the bill.

Mr. BOUTELL. "The gentleman" objects. I reserve the balance of my time.

Mr. GRANGER. Mr. Speaker, in demanding a second, it was not that I have any objection to a return of the stamp taxes improperly collected; but to that bill has been added H. R. 11325, which is a bill authorizing a rebate on the duties paid on anthracite coal, and an entirely different matter.

Now, Mr. Speaker, the facts of the case, as to H. R. 11325, are these: In 1902 the anthracite coal strike created a coal famine and the country by October was in a state of panic. Relief was looked for on every side and naturally attention was drawn to the duty on coal, placed upon it for the sole benefit of the rich coal barons of Pennsylvania.

The shoe began to pinch, and a demand was loudly made for the repeal of the duty on coal. The Republican party became alarmed and attempted to give relief, but not by a repeal of the duty, which could have been effected by a special session of Congress, but through an Executive order from the Administration. The Secretary of the Treasury issued what was practically an order in the form of a letter, under date of October 6, 1902, in which he states:

Reports indicate that quite a large quantity of coal is being imported. If any portion of this should arrive at the port of New York, the Department desires every facility afforded for its prompt delivery. So far as may be, give consignments of coal the preference over everything else and solve all reasonable doubts for the present in favor of the coal importer.

This letter was addressed to the collector of customs of New York City and copies were sent to other ports throughout the country.

Now, Mr. Speaker, that was taken by the custom-house officers of this country at all the ports, with the exception of Boston and Baltimore, to mean the suspension of an act of Congress. It was taken to mean that an act of Congress was temporarily suspended by an Executive order. The result was that coal was admitted free; that no attempt was made to find out whether it came within the law or not, with the exception of the two ports, Boston and Baltimore, where the duties were collected. There they were acting entirely within the law in so doing. The coal was taken and analyzed and found to be dutiable under the Dingley law. The duties in some instances were paid, in other instances they were not paid, and suits are now pending to recover them; and now they come here and ask Congress to place its seal of approval upon an act of the Administration in suspending an act of Congress.

Mr. Speaker, hard cases make bad laws. The cases were hard, I admit, but I believe that the law is bad, and I hold that the passage of this bill will create a dangerous precedent by placing the approval of the Congress upon an Administration act which was nothing more or less than Executive usurpation of legislative powers. I believe that this country stands today in danger of constant attempts on the part of the Administration to encroach upon the rights of the Congress. I believe that this act on the part of the Executive should meet the emphatic disapproval of Congress.

I reserve the balance of my time.

Mr. BOUTELL. I yield five minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, it seems to me a very simple statement of the proposition contained in this bill is the strongest argument that could be made in favor of its passage. The fact of the matter is, a concise statement of any proposition is frequently the strongest argument that can be made in its favor.

Now, Mr. Speaker, when we strip this matter of all partisanship, when we remove from it any kind of prejudice that may have arisen in connection with it, the proposition is simply this: It will be remembered by the Speaker and the Members of this House that in 1902 there was a great strike in the anthracite coal regions of the United States—in Pennsylvania. That gave rise to a coal famine, particularly with reference to anthracite coal.

The Secretary of the Treasury, anticipating that there would be a large importation of anthracite coal, and, indeed, when that anticipation had been verified by the fact, sent to the collector of customs at New York City a letter, which has been read by the gentleman from Rhode Island [Mr. GRANGER] in his time. That letter is not in the nature of an Executive order,

nor does it indicate in the most remote fashion any usurpation of the legislative power of the Congress of the United States.

On the contrary, it does not lay down any hard and fast rule, but it simply advises, under the peculiar circumstances then existing, from which the people of the United States and not the coal barons were suffering, namely, the lack of sufficient coal for the ordinary purposes of life, to keep the warmth in the bodies of the people who were accustomed to use anthracite coal, this letter was written, and it is simply a line of advice to the customs officers or the collector of customs of the port of New York, where large parts of this coal were coming in, to construe liberally for a certain length of time the tariff laws of the United States as they applied to anthracite coal, in order that all difficulty and obstacle to the rapid importation of anthracite coal and its transportation to the people who were suffering from the need of it, should be obviated as far as possible.

Now, Mr. Speaker, if you will recur to the words of this letter, it will be apparent that there was no attempt to dictate, but simply a suggestion of advice, the words being that—

The Department desires every facility for its prompt delivery.

Is that the usurpation of legislative authority? Is that Executive usurpation? Then the other lines upon which the gentleman bases his argument, the other words in this letter, are as follows:

Solve all reasonable doubts for the present in favor of the coal importers.

For what purpose? For the purpose of enriching the coal barons of Pennsylvania? By no means; but for the purpose of meeting the demand and cry of the people of the United States who were suffering for the want of coal, that every facility should be furnished to enable them to get anthracite coal to put into their stoves and to use for other purposes. Why, Mr. Speaker, so strong was that demand that subsequently, when the Congress of the United States met, there being a recess when this letter was written, Congress passed an act suspending for a time the operation of the tariff as it related to anthracite coal, so as for that time to add to the facility, the ease with which anthracite coal could be gotten into the stoves of the shivering and suffering people of the United States who were in distress because of the dearth of coal, which arose from the fact of a strike in the anthracite coal regions of Pennsylvania.

Now, Mr. Speaker, I do not see that there is any violation of Executive discretion in that matter at all, and I want to correct for just a moment the statement made by the gentleman from Rhode Island to the effect that Baltimore and Boston were the ports into which this coal was admitted. If the gentleman will refer to the letter of Lawrence O. Murray, Assistant Secretary, addressed to Hon. JOSEPH V. GRAFF, Member of Congress, from the Department of Commerce and Labor, dated Washington, February 14, 1905, the gentleman will see that Mr. Murray said:

I have just received a telegram from the collector of customs at Baltimore stating that there was no dutiable anthracite coal imported at that port from July 1 to September 30, 1902. Therefore the figures given for Baltimore actually cover the period from October 1, 1902, to January 15, 1903.

But, Mr. Speaker, this was merely the exercise of a wise discretion in order to add to the facility with which coal could be gotten into the hands of the people, and as that letter was construed by certain collectors of customs of the United States in a liberal way, no duty was charged at certain ports, and then on the 15th of January the act was passed and the purpose of this bill is to refund the money that was paid in the meantime under an improper construction of the letter.

Mr. GRANGER. Mr. Speaker, the question as to whether this was an Executive order is easily answered by the fact that at all these ports they suddenly ceased to make any attempt to collect the duties on coal, but I have an interesting bit of evidence which I should like to read to the House, and that is the evidence of Mr. Hamlin, of Boston, before the Committee on Ways and Means, in which he says:

And our honored Senator, HENRY CAROT LODGE, in the heat of a lively campaign then going on, made a speech about every night, in which I think he asked the question, "Who admitted coal free of duty?" And he answered the question himself, "Mr. Shaw, the Republican Secretary of the Treasury." I think that question was asked and answered by Senator LODGE every night during that campaign, and I do not think there was anybody in all New England that did not thank the Republican party for what it had done with respect to coal.

Mr. Speaker, that shows exactly what my point has been. I am in favor of free coal.

I would vote for free coal and I have voted for free coal in the committee, and I would gladly vote for free coal on the floor of this House, and so would every Member on this side of the House, but when the shoe pinches I do object to having the Republican Administration come in and by its own order



disregard an act of Congress, for which the Republican party is responsible, and then claim the thanks of the country at large for having relieved the country and given it free coal. What they should have done at that time would have been to call Congress together and let Congress act. There is no evidence that the tax was illegal. On the contrary, the tax was perfectly legal. This coal was taken and analyzed. The statement as to the analysis of the coal given by the coal dealers in Boston was proved not to be correct. It was believed by them to be correct, but it was found it was not correct, and that the duty was absolutely due upon the coal.

Mr. SULZER. As I understand it, this bill pays back to certain people taxes which the Government collected.

Mr. GRANGER. Which the Government had a right to collect.

Mr. SULZER. Why should the Government pay back the taxes?

Mr. GRANGER. Because in other ports they did not collect them is the only reason given; but if I bring goods in at one port—I have had some experience this winter—I have been informed by the Treasury Department that I had no right to complain because in another port they had admitted those same goods free of duty.

Mr. SULZER. And this is a bill of special favoritism, is it not?

Mr. GRANGER. Yes; I think it is.

I yield five minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Speaker, this appears to me to be an attempt to unite two vicious bills in the hope that the union of the friends of both bills will be sufficient to force them through this House. Each bill provides for a rebate or repayment of taxes which have been legally collected. The one is a tariff tax upon coal levied legally several years ago, and the only excuse given for rebating this tax is that the Treasury Department had issued an ambiguous order which certain customs officers at certain other ports interpreted to be a suspension of an act of Congress levying a tariff on coal. Mr. Speaker, we all know that there was no such emergency at that time as would have warranted the President of the United States, even if he had the power, in suspending the tariff laws. Congress was to meet in December, and this duty was collected in the month of October. If there had been any great emergency the President had the power to call an extra session in advance of the regular session for the purpose of legally changing the tariff to fit the emergency. The President took no such action, and even now, upon the floor of the House, the apologists for this bill deny that the President intended or that the Secretary of the Treasury dared to attempt to suspend an act of Congress. The most that is claimed for this order is that the customs officers at certain ports so interpreted it, and because they interpreted it illegally at those ports it is argued that the rebate should now be made at all other ports.

Mr. Speaker, there is another reason which I think should be taken into account in defeating this bill. We all know that the coal trade of the United States is practically in the hands of a monopoly, not only the mining and the wholesaling of coal, but that monopoly dominates the retail trade, especially here in the East. The coal strike embarrassed the dealers and the trust and no doubt made it difficult to fulfill contracts, but that is no reason why the tariff laws should have been suspended in any port, and this House ought not to give its indorsement of such an illegal proceeding.

There is no traffic in this country more completely under the control and domination of a monopoly than the coal trade. If when the coal strike came on and the famine in coal began, the coal trust through its agents sought, for the purpose of carrying out its contracts, to suspend the tariff, this House should not now, at this time, assist it in doing so by authorizing a refunding of money legally collected from those merchants who imported the coal at that time.

Mr. PEARRE. Will the gentleman yield for a question?

Mr. HITCHCOCK. I will.

Mr. PEARRE. Does the gentleman contend that the construction put upon this letter by the various custom-house officials, collectors of customs, etc., throughout the ports of the United States was legal?

Mr. HITCHCOCK. That is immaterial. I understood the gentleman from Maryland to say it was not a legal interpretation, and if it was not a legal interpretation then those officers went outside of the law, and certainly the others should not be compelled to do so. If it was legal then it was a usurpation of Executive power by the Secretary of the Treasury such as has occurred more than once in this Administration.

Mr. PEARRE. But what is the gentleman's opinion as to its legality?

Mr. HITCHCOCK. It makes no difference.

Mr. PEARRE. The gentleman has no opinion.

Mr. HITCHCOCK. I do not care which interpretation is accepted. If it was an Executive order suspending the law it was usurpation of power. If it was intended to be ambiguous and to deceive the customs officers it was a trap, and worse than a bold usurpation. It is almost impossible, by reading the order, to tell whether it directed the officers at those ports to violate the law, or whether it merely opened the door for them to do so. In either case this House should not indorse and approve the act.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. BOUTELL. Mr. Speaker, the letters of the Secretary of the Treasury and the reports of the Ways and Means Committee are ample and complete reply to the merits of the argument made by the gentleman from Nebraska. He, however, made one statement to which I must reply. I regret exceedingly he could make such a reflection as he has done upon his colleague, Mr. TALBOTT, of Maryland, when he said that this was an attempt to combine two vicious measures. My answer to that is, I am perfectly willing at this moment to have the union of these measures severed. I agreed, at Mr. TALBOTT's request, taking the amendment from his own hand, to add in his amendment to my bill, to which there has been no objection, because the gentleman from Maryland was called away to Baltimore.

Mr. PEARRE. That is right, and he asked—

Mr. HITCHCOCK. I hope the gentleman will not put me in the attitude of failing to object to the measure of the gentleman from Illinois, for I think it is fully as vicious as the other, both of them referring to the coal trade. Time only failed to give me any opportunity of criticising the measure of the gentleman from Illinois.

Mr. BOUTELL. I place the gentleman from Nebraska in no attitude other than the one in which he placed himself in saying this was an effort to unite two vicious measures in order to secure a vote. As far as union is concerned, I put on the amendment of the gentleman from Maryland to my bill, to which there was no objection in the committee or on the floor, simply at the request of the gentleman from the other side to avoid two roll calls. Does the gentleman from Rhode Island desire to consume any more time?

Mr. GRANGER. I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill is a measure of special favoritism and does not appeal to me. I am opposed to it. I am in favor of putting coal on the free list. There is where this essential commodity belongs. The friends of the consumer will all vote to take the tax off coal; and if the Republicans will bring in a bill to put this necessary of life on the free list, we will all applaud them and pass the bill by a practically unanimous decision.

Mr. PEARRE. Will the gentleman permit a question?

Mr. SULZER. Certainly, although my time is limited.

Mr. PEARRE. Is the gentleman also in favor of the interest of the miner?

Mr. SULZER. Indeed I am. In fact, the coal miner has no better friend in all this land than myself.

Mr. PEARRE. And therefore you would put coal on the free list?

Mr. SULZER. Of course, and every miner who understands the question is in favor of it.

Mr. PEARRE. Every miner? Where—from what State?

Mr. SULZER. In every State. Why tax the miner on the coal he produces? He is paid little enough as it is. The miner, like every toiler, wants the tariff taxes taken off the necessities of life. He wants to stop the iniquitous system of robbing the many for the benefit of the few.

Mr. PEARRE. That is a remarkable statement for the gentleman to make, for the gentleman must know that that can not be a fact.

Mr. SULZER. I know it is a fact, and the logic of the statement is supported by the testimony of the ages. The consumer pays the tax of a tariff on coal. The tariff does not benefit the workmen a particle, but reduces his wages just that much by making him pay that much more for the necessities of life. It is all very clear and all very simple if you want to understand it. The workman in America has to compete in the open market with the labor of the world. There is no tariff on labor; no protection to the toiler. Labor comes in free. If you want to help the workingman, place the necessities of

life on the free list. Take off the high protective tax. Give the dollar he earns a little more purchasing power. That is one way to protect the workingman of this country, and every wage-earner in the land who understands this tariff tax question is opposed to the high protective tariff policy of the Republican party which robs the many for the benefit of the few. [Applause on the Democratic side.]

Mr. Speaker, protection has nothing to do with the price of labor. Capital buys labor as cheaply as it can. Wages are regulated by the inexorable law of supply and demand. Whenever you find two employers looking for one workman wages will be high, and whenever you find two workmen looking for one employer wages will be low. When the demand is greater than the supply wages go up, and when the supply is greater than the demand wages go down. Tariff taxes have nothing to do with it. While the tariff has nothing to do with the wage of labor, it increases the price of the necessities of life, and hence decreases the purchasing power of the laborer's hard-earned wage. There is the rub.

We know to-day, beyond all contention, that the tariff is a tax, and, beyond all dispute, that the consumers pay the taxes. Ultimately nearly all the burdens of protective taxation fall upon the consumers of the country. Protection for protection's sake is a system of indirect taxation which robs the many for the benefit of the few. No party that stands for the best interests of all the people can support it, especially where it fosters trusts, shelters monopolies, and saddles the great burdens of Government on the farmer and the toiler and the wage-earner of the country. The Republicans in Congress tell us that at some future time they may revise the tariff schedules of the Dingley law, but they do not tell us whether they will revise the schedules up or down. They may, if they are continued in power, revise the tariff taxes at some future time, but if they do I predict they will make the taxes higher instead of lower, and legislate for monopoly instead of man. [Applause.]

The Democratic party favors tariff reform in the interest of the consumers of the country. It wants to give the poor man's dollar as much purchasing power as possible. It desires to make the dollar of the toiler, earned in the sweat of his face, buy as much of the necessities of life as possible. It is in favor of reducing the tariff taxes wherever they foster trusts or shelter monopoly. It would reduce the tariff taxes on all goods, wares, and merchandise manufactured in this country and sold cheaper abroad than at home. It would revise the Dingley tariff schedules in a business way in the interest of all the people. The Dingley tariff law violates every principle of Democracy. It is the highest protection measure ever written on our statute books. It is a law for protection, for the sake of protection, and not for the sake of revenue. Most of the Dingley tariff schedules are entirely too high and in the interest of plutocracy and for the benefit of monopoly. They burden beyond the calculation of the human intellect the struggling people of our country. They foster trusts and make a few rich men a little more prosperous. They take from those least able to pay and give to those most able to pay. Most of the Dingley tariff schedules are for the rich and against the poor—for the few and against the many. These high protection tariff schedules that foster trusts and shelter monopoly should be revised not by their friends—the Republicans—but by those who would see to it that they are revised in a business way and in harmony with the principle of equal rights to all and special privileges to none. [Applause.]

Now, Mr. Speaker, what does this bill do? Very briefly stated, it gives back to certain wholesale coal merchants about \$82,000 of the people's money, which it is alleged they paid into the Treasury as tariff taxes on coal during a short time that Secretary Shaw suspended the tariff law. This money was really paid by the consumers who bought the coal, and if the money was to go back to the people who really paid it I would be in favor of returning it to them—to the consumers—but not a dollar will they ever receive under the terms of this bill—

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GRANGER. I yield two minutes more to the gentleman.

Mr. SULZER. I thank my friend; and as I was saying, as a matter of fact the merchants who paid this tariff tax in the first instance charged it to the people to whom they sold the coal—to the innumerable consumers; they paid this tax; they paid this \$82,000. The consumers have paid this tax and not a dollar of this money will ever go back to them. If we appropriate this money it will be a gift to the big merchants who paid the tax in the first instance and then charged it up to the consumers who paid it because they had to pay the price asked for the coal or freeze. I am opposed to the merchant

getting his money for his coal twice—once from the consumer and then back again from the Treasury of the Government.

Mr. PEARRE. Will the gentleman yield for a question?

Mr. SULZER. I have only a minute.

Mr. PEARRE. If you will read the last line of the bill, you will find you are mistaken.

Mr. SULZER. The last line of the bill is the merest kind of a subterfuge. I can not yield more time to answer questions unless the other side will give it to me. I am making the point, and I think it is striking home, that this money paid into the Treasury as taxes if refunded will go back to people who have already received it from the consumers who bought the coal for use, and these people will never get a dollar of this appropriation. That is the injustice of the matter, and that is the reason I am against this bill.

Mr. PEARRE. Read the last line of the bill.

Mr. SULZER. I have, and it is a pretense—a subterfuge.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRANGER. Mr. Speaker, I now yield the balance of my time to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Speaker, I suppose there will be no use to make protest against the passage of this bill, as it will certainly be carried by the votes of the Republican party in this House; but I do wish to protest against legislation of this kind. At the time this coal was sold the tariff on anthracite coal had been suspended. That meant coal that had not less than 92 per cent free carbon. These parties bought an inferior quality of coal abroad. They shipped it in when they owned all the coal that was in the market in Boston and other points. They had a monopoly upon the trade. Having that monopoly, and shipping in this coal, they charged the poor people—because the majority of the people are not classed with the rich—they charged the consumers there in Boston \$11, \$12, \$14, and as high as \$16 a ton.

Mr. KELIHER. Will the gentleman yield for just a question?

Mr. RANDELL of Texas. Just a question; yes.

Mr. KELIHER. Does the gentleman not know that the coal of which he speaks in the city of Boston was sold for \$9 a ton when the market price was \$12 at the time?

Mr. RANDELL of Texas. I am coming to that.

Mr. GOLDFOGLE. Will the gentleman yield for a moment?

Mr. RANDELL of Texas. Give me some more time and I will yield to your question; otherwise I will not do it.

Mr. GOLDFOGLE. This bill came up in the Committee on Claims, and I can not understand how it now happens to be turned over to the Committee on Ways and Means.

Mr. RANDELL of Texas. It went to the Committee on Claims, where it seems it was not recognized, and next to the Committee on Ways and Means, and in some way it is before this House; but the purpose is to give to these people something for nothing.

The price of coal went up to \$16 a ton, but the coal strike was settled, and coal went down, and when it went down to \$12 a ton this inferior coal they brought in here was sold for \$9 and some of it for \$7 a ton, and yet they claim that they brought it in here as anthracite coal, having as much as 92 per cent free carbon. It is fraud on the face of it. They did not try to benefit the people. They made a deal to benefit themselves. They bought this inferior coal and proposed to palm it off as good anthracite coal. The coal strike broke, and the price went down, and on examination of the matter, when they no longer had a monopoly of the market, they were forced to take the value of coal, which was from \$7 to \$9 a ton.

Now, they come in and want the tariff remitted; thus getting a clear bonus of about \$82,000. That is wrong. They want to be relieved at the expense of the people. Mr. Speaker, this claim is simply a sample of the graft that is commonly being worked in every department of this Government. We have no right to give those men this money any more than we would have the right to make a present to anybody else who had made a bad deal in coal or any other monopoly and wished to recoup their loss out of the Treasury. I ask the Members of this House, in all honesty, to vote this bill down.

The SPEAKER pro tempore (Mr. BENNET of New York). The time of the gentleman has expired.

Mr. BOUTELL. I yield five minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, the part of the bill introduced by the gentleman from Illinois and reported by him to the House makes rebate of the duty on foreign bills of exchange which were admitted to be unconstitutional, and in all probability most of those bills were drawn against exportations of cotton. That is the simple proposition in regard to that bill,



and upon that measure the report of the Committee on Ways and Means was unanimous by both parties.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. McCALL. I will in a moment.

Mr. GOLDFOGLE. This is a bill which was turned down by the Committee on Claims and has no place with the Committee on Ways and Means.

Mr. McCALL (continuing). Then, Mr. Speaker, with regard to the next measure. The gentleman from New York [Mr. SULZER] has fallen into an error. Of course he did not intentionally misinform the House.

Mr. GOLDFOGLE. A point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOLDFOGLE. I desire to make a point of order. I regret that I was not here to make it when this bill first came up. This measure concerning the refund of duty on coal, as I remember, came before the Committee on Claims, where it belonged and by which it is cognizable. It is not a bill cognizable under the general rules of the House by the Committee on Ways and Means. Such bills have always been classed as claims bills and been uniformly referred to the Claims Committee. How it came to be considered by the Committee on Ways and Means I can not see. It should never have been referred to that committee. It belongs to that category of bills which, under the rules of the House, should go to the Committee on Claims. It is a claim made against the United States. When it originally came before Congress in a former Congress it was referred to the Committee on Claims. It was given a hearing. It was considered a bad bill. It received no favorable consideration there. Many in the Claims Committee then looked on it with disfavor. I raise the point that it not being cognizable by the Committee on Ways and Means, it is not properly before us now.

Mr. McCALL. That point can not be made, as this is a motion to suspend the rules.

The SPEAKER pro tempore. This is a motion to suspend the rules.

Mr. McCALL (continuing). And that suspends the very rule that the gentleman is invoking, so that his point of order has perhaps no more substance than his proposition with reference to the bill itself.

Mr. GOLDFOGLE. Why do you not get it up in a regular way?

Mr. McCALL. If the gentleman will permit me to address myself to the observations of his colleague from New York, whom I acquit, of course, of any intention to mislead the House, he said this duty had been paid by the consumer; the importer had levied it against the consumer, and he was now going to get it again from the Government. If the gentleman from New York had read the proviso of the bill he would never have made that statement. I will now read the proviso:

*Provided, That the person or persons so to be paid shall produce satisfactory proof to the Secretary of the Treasury that they were not reimbursed for said tariffs in the sales to the consumer.*

The burden is upon them to prove that.

Now, I agree with the gentleman from Rhode Island [Mr. GRANGER] that the Secretary of the Treasury, and for that matter any executive officer, even the President himself, has no authority to suspend a law of the United States. But the Secretary of the Treasury made no attempt to suspend a law.

He said in his letter to the collector of New York:

*So far as may be, give consignments of coal the preference over everything else, and solve all reasonable doubts for the present in favor of the coal importer.*

Gentlemen talk about the coal trust. The coal trust is not importing coal. This bill simply applies to the importers, and the instruction of the Secretary of the Treasury was to solve all reasonable doubts in favor of the coal importer.

Now, if I may call the attention of the House to the facts with reference to the collection at the port of Boston, coal was admitted free of duty in New York, and no collections of duty were made there; but in Boston the duty was collected upon the importations; indeed, was levied upon all imports of coal. There were something like 50,000 tons of imports of coal, and there was a duty collected of \$34,000. Now, the facts in regard to one particular invoice of coal there were these: The importer brought in the coal. He had attached to it a certificate of analysis of the English chemists, and that certificate of analysis showed that the coal contained 92 per cent of fixed carbon, and was therefore admissible under the law free of duty. It was given to the importer without any duty being charged upon it; and the evidence shows that the importer sold the coal without adding the duty to it, having

made the sales upon the consignment. They intended to sell the coal at cost, and the duty was not added. They actually sold it all at a loss. But the customs officers in Boston retained part of the coal, and subjected it to an analysis according to a different method from that which the English chemists had employed.

The difference is stated in this way: In England the practice in estimating the amount of fixed carbon is to include all the fixed carbon in the coal, including that also in the volatile matter, and that rule was not enforced in Boston, and it appears therefore that strictly this should have been held for duty.

Now, it seems to me this presents a strongly equitable case. The Committee on Ways and Means thought it was a strongly equitable case, and so they made the report.

Mr. RAINEY. I simply want to inquire of the gentleman if this bill is not a confession on the part of the majority of this House that we would have coal considerably cheaper if it was not for the tariff on coal?

Mr. McCALL. I can not say what the majority of this House desire to confess, but as one of the majority I should not agree to make any such confession, because I do not think that point is involved at all.

Mr. RAINEY. Did not the gentleman state just a while ago that as he understood it the sellers of the coal forgot to add the duty?

Mr. McCALL. In reply to the gentleman I will say that that particular coal came in under extraordinary circumstances, when coal was bringing an artificial price, and the testimony shows that in Boston they brought in the coal simply to relieve the situation and intended to sell it at the actual cost of the coal imported.

Mr. GRANGER. Does not the testimony show that the Boston dealers agreed with those to whom they sold it that the purchasers from the importers were to pay the tariff in case one was afterwards levied upon it?

Mr. McCALL. I do not remember that testimony.

Mr. GRANGER. I think the gentleman will find that.

Mr. BOUTELL. Mr. Speaker, how much time has the gentleman from Rhode Island?

The SPEAKER pro tempore. The time of the gentleman from Rhode Island has expired.

Mr. BOUTELL. Then, Mr. Speaker, simply for the benefit of those who have come into the Hall since this discussion began, I wish to say that the bill now before the House is a bill recommended by the Secretary of the Treasury, unanimously approved by the Committee on Ways and Means. To that, at the request of the gentleman from Maryland [Mr. TALBOTT], I have offered an amendment which is a bill also recommended by the Secretary of the Treasury and approved by the Ways and Means Committee.

Mr. GRANGER. Will the gentleman allow me?

Mr. BOUTELL. The gentleman will not.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. BOUTELL. The bill introduced by me is for the repayment of stamp taxes levied upon foreign bills of exchange, and therefore in the nature of an unconstitutional tax paid by all of those who drew bills of exchange against foreign exports, most largely the exporters of raw cotton—

Mr. GRANGER. I rise to a point of order. The gentleman has made a statement here that this bill, a greater part of which is the coal bill, was unanimously reported by the Committee on Ways and Means.

Mr. BOUTELL. The gentleman from Illinois has made no such statement. The gentleman from Illinois said that the bill 21129 was unanimously reported by the Ways and Means Committee. The gentleman from Illinois said that the amendment was approved by the Secretary of the Treasury and approved by the Ways and Means Committee. That was exactly the gentleman's statement. The second part of the bill was introduced by Mr. WEEKS—

Mr. RANDELL of Texas rose.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. BOUTELL. No; the gentleman declines. I have only thirty seconds left.

The SPEAKER pro tempore. The gentleman declines to yield for any purpose.

Mr. BOUTELL. The bill in the nature of an amendment was introduced by the gentleman from Massachusetts [Mr. WEEKS], and also was in the interest of the gentleman from Maryland [Mr. TALBOTT]. That bill was placed upon 21129 at this time simply to save two roll calls. Now, Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and discharge the Committee of the Whole, agree to the amendments, and pass the bill.

Mr. WILLIAMS. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BOUTELL. I make the point that probably a quorum is not present.

Mr. CLARK of Missouri. Probably! That is not a point of order, that "probably" no quorum is present.

Mr. BOUTELL. I make the point of order that there is no quorum present.

Mr. CLARK of Missouri. All right. You did not say that before.

The SPEAKER pro tempore. The point is evidently well taken. The Doorkeeper will close the doors; the Sergeant-at-Arms will send for absent Members; as many as favor the motion will, as their names are called, answer "aye," as many as are opposed will answer "no," and the Clerk will call the roll.

The question was taken, and there were—yeas 128, nays 104, answered "present" 18, not voting 137, as follows:

## YEAS—128.

Alexander, N. Y.	Dawson	Hill, Conn.	Overstreet
Andrus	Denby	Hinschaw	Parker, S. Dak.
Anthony	Diekema	Holliday	Parsons
Barchfeld	Douglas	Howell, N. J.	Payne
Barclay	Draper	Howland	Pearre
Bartholdt	Durey	Huff	Pollard
Bates	Dwight	Jones, Wash.	Pray
Beale, Pa.	Edwards, Ky.	Kahn	Prince
Bede	Ellis, Oreg.	Keifer	Reynolds
Bonyngne	Englebright	Keliher	Roberts
Boutell	Fairchild	Kennedy, Iowa	Rodenberg
Bradley	Focht	Kennedy, Ohio	Scott
Burleigh	Fordney	Kipp	Sherman
Burton, Del.	Foss	Kilstermann	Smith, Cal.
Burton, Ohio	Foster, Ind.	Lafean	Smith, Iowa
Calder	Foulkrod	Longworth	Smith, Mich.
Calderhead	Fowler	Loudenslager	Steenerson
Capron	French	Lowden	Sterling
Caulfield	Gardner, N. J.	McCall	Stevens, Minn.
Chaney	Gilham	McGavin	Taylor, Ohio
Chapman	Gillett	McGuire	Thistlewood
Cocks, N. Y.	Goulden	McKinley, Ill.	Tirrell
Cole	Graff	McKinney	Underwood
Cook, Colo.	Graham	McLachlan, Cal.	Volstead
Cooper, Pa.	Hale	Madison	Waldo
Coudrey	Hall	Malby	Wanger
Crumpacker	Hamilton, Mich.	Moore, Pa.	Washburn
Currier	Haskins	Needham	Weeks
Cushman	Hayley	Norris	Weems
Dalzell	Hayes	Nye	Wilson, Ill.
Darragh	Henry, Conn.	Olcott	Woodyard
Davis, Minn.	Higgins	Olmsted	Young

## NAYS—104.

Adair	De Armond	Henry, Tex.	O'Connell
Adamson	Dixon	Hitchcock	Padgett
Atken	Ellerbe	Hobson	Page
Alexander, Mo.	Ellis, Mo.	Houston	Pujo
Ashbrook	Ferris	Howell, Utah	Rainey
Beall, Tex.	Finley	Hughes, N. J.	Randell, Tex.
Bell, Ga.	Floyd	Humphreys, Miss.	Rauch
Booher	Foster, Ill.	James, Ollie M.	Rhinock
Bowers	Fulton	Johnson, Ky.	Richardson
Boyd	Garner	Jones, Va.	Riordan
Brantley	Garrett	Kimball	Rucker
Brodhead	Gillespie	Lenahan	Russell, Mo.
Broussard	Glass	Lindbergh	Sabath
Burgess	Godwin	Lindsay	Sherley
Burnett	Gordon	Lloyd	Sims
Byrd	Granger	McBermott	Slayden
Campbell	Gregg	McHenry	Smith, Mo.
Candler	Hackett	Macon	Spight
Carter	Hackney	Mann	Stafford
Clark, Fla.	Hamilton, Iowa	Maynard	Stanley
Clark, Mo.	Hamlin	Miller	Sulzer
Clayton	Hammond	Moon, Tenn.	Thomas, N. C.
Cox, Ind.	Hardy	Moore, Tex.	Tou Velle
Craig	Hay	Morse	Watkins
Crawford	Hedlin	Murphy	Webb
Davenport	Helm	Nicholls	Wilson, Pa.

## ANSWERED "PRESENT"—18.

Ansberry	Cousins	Madden	Russell, Tex.
Bennet, N. Y.	Flood	Nelson	Sheppard
Butler	Goldfogle	Parker, N. J.	Sherwood
Cooper, Tex.	Lamb	Pou	
Cooper, Wis.	Lever	Rothermel	

## NOT VOTING—137.

Acheson	Cockran	Fuller	Hill, Miss.
Allen	Conner	Gaines, Tenn.	Howard
Ames	Cook, Pa.	Gaines, W. Va.	Hubbard, Iowa
Bannon	Cravens	Gardner, Mass.	Hubbard, W. Va.
Bartlett, Ga.	Davies, La.	Gardner, Mich.	Hughes, W. Va.
Bartlett, Nev.	Davidson	Gill	Hull, Iowa
Bennett, Ky.	Dawes	Goebel	Hull, Tenn.
Bingham	Denver	Greene	Humphrey, Wash.
Birdsall	Driscoll	Griggs	Jackson
Brownlow	Dunwell	Gronna	James, Addison D.
Brumm	Edwards, Ga.	Haggott	Jenkins
Brundidge	Esch	Hamill	Johnson, S. C.
Burke	Fassett	Harding	Kinkaid
Burleson	Favrot	Hardwick	Kitchin, Claude
Caldwell	Fitzgerald	Harrison	Kitchin, Wm. W.
Carlin	Fornes	Haugen	Knapp
Cary	Foster, Vt.	Hepburn	Knopf

Knowland	Lovering	Pratt
Lamar, Fla.	McCreary	Ransdell, La.
Lamar, Mo.	McKinlay, Cal.	Reeder
Landis	McLain	Reid
Langley	McLaughlin, Mich.	Robinson
Lanling	McMillan	Ryan
Lassiter	McMorran	Saunders
Law	Marshall	Shackelford
Lawrence	Mondell	Slomp
Leake	Moon, Pa.	Small
Lee	Mouser	Smith, Tex.
Legare	Mudd	Snapp
Lewis	Murdock	Southwick
Lilley	Patterson	Sparkman
Littlefield	Perkins	Sperry
Livingston	Peters	Stephens, Tex.
Lorimer	Porter	Sturgiss
Loud	Powers	Sulloway

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KNAPP with Mr. COCKRAN.

Mr. McMORRAN with Mr. ROBINSON.

Mr. SNAPP with Mr. SAUNDERS.

Mr. VREELAND with Mr. SMALL.

Mr. ESCH with Mr. WILLIAMS.

Mr. LORIMER with Mr. PATTERSON.

Mr. LAWRENCE with Mr. McLAIN.

Mr. SPERRY with Mr. HULL of Tennessee.

Mr. HUBBARD of West Virginia with Mr. HAMILL.

Mr. HEPBURN with Mr. DENVER.

Mr. GAINES of West Virginia with Mr. COOPER of Texas.

Mr. GOLDFOGLE. Mr. Speaker, I would ask if the gentleman from Michigan, Mr. LOUD, voted?

The SPEAKER pro tempore. He did not.

Mr. GOLDFOGLE. I would say that I am paired with the gentleman. If I could have voted I would vote "no." I desire to be recorded as present.

The name of Mr. GOLDFOGLE was called and he answered "present."

The result of the vote was announced as above recorded.

The doors were opened.

## ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21260. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 20120. An act to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes;

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897;

H. R. 16268. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes; and

H. R. 18618. An act fixing the status of the Porto Rico Provisional Regiment of Infantry.

## ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4316. An act to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903;

S. 4812. An act to regulate the employment of child labor in the District of Columbia;

S. 6805. An act to encourage the development of coal deposits in the Territory of Alaska;

S. 6163. An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and for other purposes; and

S. 6363. An act granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly.

## ADDITION TO ROCK CREEK PARK.

Mr. TAWNEY. Mr. Speaker, I call up the bill S. 4441 and move to suspend the rules, discharge the Committee of the Whole House from the further consideration of the bill, and pass the bill.



The SPEAKER pro tempore. The gentleman from Minnesota moves to suspend the rules, discharge the Committee of the Whole House from the consideration of Senate bill 4441, and pass the same. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

*Be it enacted, etc.,* That certain pieces and parcels of land lying in the vicinity of Massachusetts avenue and Rock Creek, as hereinafter described, be acquired, as hereinafter set forth, and they shall thereupon become a part of Rock Creek Park, District of Columbia.

Sec. 2. That the Chief of Engineers of the United States Army and the Commissioners of the District of Columbia, hereinafter referred to as the board of control of Rock Creek Park, shall cause to be made an accurate map of said pieces and parcels of land showing the location, quantity, and character of each piece and parcel of private property to be acquired and the location of proposed new streets, which map shall be filed and recorded in the public records of the District of Columbia, and from and after the date of filing said map the several tracts and parcels of land shown thereon shall be held as taken for public uses and the title thereof vested in the United States subject to the payment of just compensation to be determined by said board of control of Rock Creek Park and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several pieces and parcels of land.

Sec. 3. That the pieces and parcels of land first to be taken shall be those tracts of land in the District of Columbia the title to which was vested in Charles J. Bell, Amos H. Plumb, and John Cassels, trustees by decree of the supreme court of the District of Columbia, entered on the 15th day of April, 1903, in equity cause numbered 23345, described as follows: All that part of the aforesaid property lying to the south of the south building line of Massachusetts avenue and to the east of the center line of Rock Creek drive, containing 3½ acres, more or less; also all that part of the aforesaid property beginning on the center line of Rock Creek drive and on the dividing line of the aforesaid property and Woodley Park; thence southerly along the line of said property to a point at or near Rock Creek, and thence southwesterly along the line of said property down Rock Creek to the north building line of Massachusetts avenue; thence northwesterly along said building line of Massachusetts avenue to where the west line of said property leaves said avenue; thence following said property line in a northerly and northwesterly direction to its intersection with the north building line of the Observatory circle; thence along said building line of said circle westerly to its intersection with the center line of Thirty-fourth street; thence north along the center line of Thirty-fourth street to the center of Garfield street; thence due east to a point perpendicular distant 325 feet from the center line of Cleveland avenue; thence south-easterly and parallel to said center line of Cleveland avenue and 325 feet distant therefrom along the center of a proposed new street to the point where said line intersects the center line of Twenty-ninth street; thence southeasterly by reverse curved line, following the center of a proposed new street, to the intersection of the center line of Rock Creek drive; thence about 350 feet along said center line of Rock Creek drive to the point of beginning, containing about 8½ acres; also all the portions of lots 1, 2, 3, 4, and 5, block 14, and parts of lots 2 and 21, block 12, Woodley Park, as are included between Connecticut avenue, Rock Creek, the west line of Woodley Park, and the center line of Rock Creek drive, containing 8½ acres, more or less; also that part of a tract, known as Normanstone, owned by William E. Edmonston and others, trustees, and lying between Massachusetts avenue, the grounds of the United States Naval Observatory, and the east line of said tract north of Massachusetts avenue, containing 2½ acres, more or less: *Provided, however*, That the said board of control may exchange for a portion of this ground, foot for foot, that piece or parcel of ground now owned by the United States, containing seven-tenths of an acre, more or less, lying on the south side of Massachusetts avenue next to the Observatory circle and east thereto and bordering on the north line of the tract known as Normanstone. All references to streets, avenues, or highways in the foregoing description refer to such streets, avenues, and highways as the same are laid down on the third section of the plans for the permanent system of highways in that part of the District of Columbia lying outside of cities.

Sec. 4. That the portion of Benton street from where said Benton street intersects the reverse curved line of boundary referred to in the aforesaid description eastwardly to the junction of said Benton street with said Rock Creek drive, as laid down on said highway plans, be, and the same is hereby, abandoned as a highway and for highway purposes, and upon acquisition by the United States of the title to the pieces and parcels of land herein described, and to be purchased as aforesaid, the United States shall dedicate and set apart for and as a public highway a strip of land 30 feet wide along the boundary line of said park, as above described, wherever said boundary is the center line of a street laid down in said plan of the permanent system of highways of the District of Columbia or is the center line of any new street or streets provided for herein, and shall further establish a building restriction line 15 feet back of the said 30-foot strip of land.

Sec. 5. That as one of the conditions upon which this act shall become operative, and contemporaneously with conveyance of the title to the United States of the pieces and parcels of land hereinbefore described, the aforesaid trustees or owners, without compensation and free of all costs and charges to the United States or the District of Columbia, by proper conveyance, shall set apart, convey, and dedicate for the purposes of a public highway, out of and from the remainder of the property the title to which is vested in said trustees or owners aforesaid, a strip of land 30 feet wide along the boundary line of said park, as above described, wherever said boundary line is the center line of a street laid down on the said plan of permanent system of highways or is the center line of any new street or streets provided for herein; and shall, in addition to such conveyance and dedication and in the same deed, enter into an agreement to establish building restriction lines to agree with the street lines, as shown on said highway plan, or where any new street or streets are provided for herein, the said building restriction lines to be a width of 15 feet adjacent to the dedicated portion of the street, the intent of this act being that the width of such street or streets included within such building restriction lines shall be 90 feet: *Provided*, That the space between the street lines conveyed and dedicated as herein required and the building restriction lines established as herein required shall be considered as private property set aside to be used for parking purposes, and in such

agreement said trustees or owners shall agree that said parking shall be subject to the regulations of the Commissioners of the District of Columbia in regard to the height of parking and the projection of buildings beyond the building line, and that the District of Columbia shall have a right of way through said parking for sewers and water mains free of cost, and to lay thereon sidewalks, if, in the judgment of said Commissioners, the space between street lines is not sufficient to admit the construction of such sidewalk within said lines.

Sec. 6. That to pay the expense of inquiry, survey, cost of land taken, and all other necessary expenses incidental thereto, the sum of \$423,000, or so much thereof as may be necessary, is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any moneys in the United States Treasury not otherwise appropriated, the said sum to be disbursed by the disbursing officer of the District of Columbia as now provided by law, upon vouchers to be approved by the said board of control of Rock Creek Park.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHERLEY. Mr. Speaker, I demand a second.

Mr. BARTHOLDT. Mr. Speaker, I ask for a second.

Mr. SHERLEY. As a member of the committee reporting the bill I demand a second.

The SPEAKER pro tempore. Is the gentleman from Kentucky opposed to the bill?

Mr. SHERLEY. Yes.

The SPEAKER pro tempore. Under the rule a second is ordered.

Mr. BARTHOLDT. Mr. Speaker, I submit a point of order in relation to the question as to who should be recognized to demand a second. This is a bill which should have been referred to the Committee on Public Buildings and Grounds, and I therefore ask that I be recognized to ask for a second.

The SPEAKER pro tempore. The Chair will state it is the practice of the House that when a demand is made for a second that a member of the committee opposed to the bill is always recognized. The gentleman from Minnesota is recognized for twenty minutes and the gentleman from Kentucky for twenty minutes.

Mr. TAWNEY. Mr. Speaker, Rock Creek Park, in the District of Columbia, is now one of the most beautiful and attractive parks in this country. It is a park which is visited very generally by the people of the city of Washington, and is admired by all who visit this city. There is a tract of land lying practically between the park and the city which is topographically the same as that of the park, and would make a very valuable addition to, and, in fact, would complete it. The proposition for the purchase of this land as an addition to Rock Creek Park has been before Congress for a number of years. The Members of the House who served in the last Congress, and doubtless gentlemen who are serving in this Congress, are familiar with the location of this land and the value that its purchase would be to the present park known as the "Rock Creek Park." The amount of land that it is proposed to purchase is about 100 acres, valued at about \$4,000 per acre?

Mr. HAY. Will the gentleman yield for a question?

Mr. TAWNEY. In just a minute. It is assessed at \$7,500 an acre. The gentlemen who propose to dispose of the land to the Government at this price have had an option upon it for some time. The option will expire with the adjournment of this session of Congress, and the opportunity to purchase at the price now offered will, as I believe from careful investigation, never again be presented. This land is necessary to complete the park, and we can not in the future purchase it at the price at which it is now offered. It is the judgment of the Committee on Appropriations, or at least a majority of the committee, that the Government at some future time will purchase the land, and purchase it at a very much larger price or cost than that which it is now proposed to buy the land. One-half of the cost of this purchase price will be paid out of the revenues of the District of Columbia and the other half out of the revenues of the General Government.

Now, Mr. Speaker, there is no necessity for my occupying any time in describing this land or the necessity for its purchase, for I think almost every Member of this House has visited the park and is familiar with the location of the land and that ravine which runs from Massachusetts avenue up to the Naval Observatory and which forms a natural connection with the present park. If the Members of the House feel that it would be better to purchase this land at the price which is now offered than to wait until some future time and pay 100 per cent more than it can be obtained for at this time, then, of course, they will vote against the proposition. On the other hand, if they believe that this purchase ought to be made and that it can be bought more economically now than in the future, then I trust the membership of this House will vote in favor of this proposition. I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman a question.

Mr. TAWNEY. I yield to the gentleman from Alabama.  
Mr. UNDERWOOD. As I understood the gentleman to state the purchase price at which this park is offered now is \$4,000 an acre.

Mr. TAWNEY. About \$4,000 an acre.

Mr. UNDERWOOD. It is assessed in the District of Columbia at \$7,000 an acre.

Mr. TAWNEY. At \$7,500 an acre.

Mr. UNDERWOOD. Now, has any property been sold in that neighborhood of which the gentleman knows, so that he can state to the House what is the market value?

Mr. TAWNEY. The testimony before the committee shows that property, not only in that vicinity, but contiguous to this property, has been sold at a great deal higher price than the price at which this land is now offered to the Government.

Mr. RODENBERG. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. RODENBERG. What proportion of this proposed additional tract is composed entirely of ravine?

Mr. TAWNEY. I do not know what proportion is ravine.

There is a very beautiful ravine, and, I will say, to my mind that ravine for park purposes is more valuable than it would be even for building purposes, and what we propose to buy it for is an addition to the existing Rock Creek Park.

I reserve the balance of my time.

Mr. SHERLEY. Mr. Speaker, I was exceedingly fortunate yesterday in paying my tribute to the economic strain of the gentleman from Minnesota [Mr. TAWNEY], because had I waited until to-day I could not in good conscience have paid him the compliment. For weeks he has been warning the House of the danger of having a deficit in the Treasury, and after appropriations have run up to a gigantic height, he now comes in and asks us to pay \$423,000 for the purchase of this tract of land in the District.

Now, one of the curious things about all tracts of land offered for sale here is the fact that if they are not immediately bought the offer will be withdrawn. That was the statement at the close of the last Congress. We had options then that were going to expire with the Congress, and the failure of Congress to take advantage of this wonderful bargain would forever preclude Congress from obtaining the land. And yet here we have the same proposition made this year, with the same argument that we must buy it now or be forever precluded.

Mr. RODENBERG. And that same proposition has been before the House for the last six years with the same price.

Mr. SHERLEY. Unquestionably. It is also true that there is nothing more misleading than a statement as to land values, and particularly as to land values adjacent to a tract. You take the land on Massachusetts avenue, and it has a very high price, largely a false price brought about by the fact that certain people think it is the only fashionable residence portion in the District. You get down into the ravine off of Massachusetts avenue, and your land for building purposes is worth very little. Now, it is probable that some of this land ought to be bought, but it is not, in my judgment, right that we should buy as much land as is included in this option and run the park as far up as is proposed. I do not believe that this park project is by any means the most pressing or the most desirable. We have several other projects in regard to the purchase of land in very much more congested districts, in districts that will do the poor of Washington more good than the purchase of this land, and to my mind Congress is not warranted at this time in expending this money in the purchase of this land. Part of it eventually should be added to the Rock Creek Park system; part of it will be used as a park and never for anything else, because it is not fit for anything else. No house will be built on it, and you need not fear that that ravine is going to be built up overnight. It will be here knocking at the doors of Congress next year for admission into the park system. [Applause.]

I now yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I am opposed to the passage of this bill at this time, because it was not considered by the committee which has had charge of this matter for the last six years. Two years ago, in order to enable Congress to arrive at an intelligent conclusion with regard to the several park propositions in the District of Columbia, a commission was appointed consisting of three Senators and three Members of the House. That Commission inspected, personally, all the different sites which were offered for park purposes by the citizens of Washington, and the Commission reported in favor of four different tracts of land—one at Georgetown, the other one on Meridian Hill (Sixteenth street and Florida avenue), a third one in Anacostia, and the fourth one was this proposition here to extend Rock Creek Park.

The members of the Commission felt that this Rock Creek Park proposition was one that could well wait, because it is mainly for such people as would visit the park in automobiles, but they strongly favored such parks as could be established within the city of Washington for the purpose of giving free air and breathing space to the people, especially the poorer classes, and to the babies brought there in baby carriages, but finally a compromise was effected and the Commission recommended all four propositions.

I would certainly be opposed to taking up a single proposition like this, which in my judgment is much less meritorious than the others which we have just been compelled as conferees on the public building bill to knock out because of the financial condition of the Treasury. In order that the public building bill should not be swelled to enormous proportions, these meritorious projects which had been attached to that bill by the Senate were stricken out upon the request of the House conferees. And now it is proposed to take the least meritorious proposition of them all and pass it singly here. I think there will be ample time next winter for the Committee on Public Buildings and Grounds to take up that whole question and solve the problem of additional park facilities in an intelligent manner.

I remember that two years ago we were told by the gentlemen mainly interested in the passage of this bill that unless we bought it at that time the options would expire. Now we are confronted with exactly the same statement. I agree with the gentleman from Kentucky when he says that next winter the same options would still be open to Congress.

Mr. GAINES of West Virginia. What was the price then?

Mr. BARTHOLDT. The price was just the same as it is now.

Mr. GAINES of West Virginia. I have been told that several years ago, at least, the price was \$600,000, against \$450,000 now.

Mr. BARTHOLDT. That was many years ago.

Mr. RODENBERG. And it is cheaper now.

Mr. BARTHOLDT. I would consider that as a very strong argument in favor of the postponement of the consideration of this bill. It is true that many wealthy residents of Massachusetts avenue will be vastly benefited financially if Uncle Sam goes into his pocket and purchases this tract of land for the purpose of furnishing a park there free for them; but we are not legislating for those people alone. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERLEY. I yield three minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, I have always been in favor of parks and of playgrounds, but I believe they ought to be located where they can do somebody some good. In my judgment there is at this time at least no sound reason why we should appropriate any money for the purpose of purchasing this tract. The most of it is very rough, entirely too much so to be of any account for building purposes. A goat can not climb a great deal of it, and it is absolutely worthless for any purpose on earth except for sale to the Government.

Now, this matter has been before several committees. I was talking to-day to a Member who was several years ago on the Committee on the District of Columbia, and he said that when he was on that committee this tract was offered for \$600,000, a price then said to be very cheap, and they were urged to accept it before the option ran out.

Two years ago the Committee on Public Buildings and Grounds sent a subcommittee out to look it over. It was offered to them for \$400,000, and while at one time in a compromise the committee reported this in connection with other propositions, I believe that standing alone it could not secure the support of any Member of the House for park or for any other purpose. I want to say to you, gentlemen, if we buy this land, the very next step will be to appropriate an enormous amount of money to put it in such shape that it will be of any use to anyone. I do not believe now, coming from the third committee that really has had hold of it, a committee that has had a reputation heretofore for economy, that we ought to go into this business. It is only an addition to the Rock Creek Park, one that is already large. If we are going to buy ground and build parks, we ought to get them in the vicinity where they will be reached easily by the people who will use them. No one will go to this one, and when you get out there, you would not want to go into it, because it would be worth your life almost to go down into those gullies and get back to the street again.

Mr. TIRRELL. What would it cost to make a road for driving purposes in this ravine?

Mr. NORRIS. I do not know. I suppose it could be done. I suppose you could, for a sufficient amount of money, construct



a road across, through, over, or under it, and it would not matter which way you took, as it would be an enormous expense either way. [Applause.]

Mr. TAWNEY. I yield three minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, it matters little whether this proposition comes from the Committee on Public Buildings and Grounds or from the Committee on Appropriations. Better than either, it comes as an independent proposition and can be discussed purely on its merits.

Somebody has said there is no danger of this property being built upon. If gentlemen will take a trip across the Connecticut Avenue Bridge, barely completed, they will find that real-estate men are building to-day a sort of apartment house between the last two lamp posts, right up to the bridge, and covering a part of the ravine. We have spent nearly a million dollars on the Connecticut Avenue Bridge, and now they are putting a permanent blight upon the approach to that beautiful structure.

Mr. SHERLEY. I will ask the gentleman if it is a fact that that house stands on a little level piece of ground on the approach to the bridge and not down in the ravine at all?

Mr. GARDNER of Michigan. And between the two lamps which are a part of the bridge, and one end over the ravine.

Mr. SHERLEY. On a piece of flat ground that is not in the ravine at all.

Mr. GARDNER of Michigan. Gentlemen, it is not for to-day we are buying this. The gentleman from Nebraska asked what is the use of it. There are men sitting here in this House who will live to see a round million of people in the District of Columbia. This is in the center of what is destined to be a dense population. All roads lead to Washington, and the time is but a little way off when there will be a million people here.

No one now regrets the purchase of Rock Creek Park. A rough, uninviting piece of nature in itself, it has been inexpensively made one of the finest of parks. I heard a gentleman who had traveled the world around say within a week that it was one of the finest parks he had seen on the globe. This land is a part of it. It can be bought for a comparatively small amount of money now. It will be of inestimable value when the city once possesses it; and let the coming millions build around it, so that it will be in the heart of a great, teeming population in this capital city. We can seize these opportunities once in a lifetime. It may be too late when we say "Oh, if we had bought it then!" No one, I think, contends that the price is extravagant as compared with other real estate lying in close proximity. In my judgment the chairman of the committee is maintaining consistently his course of procedure—inviting you to economy rather than to extravagance—in asking you to purchase this real estate now.

Then, again, I hope it is but a part of a proposed park system that will carry the city ultimately to the Potomac, when you can start from the Grant monument and go nearly the entire distance by park out to the District line and into Maryland.

Mr. SHERLEY. I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. This bill does not come from a committee of which I am a member, but I feel justified in saying a word about it, because from its past history I think that in all probability it may come before a committee of which I am a member.

This bill was before the Committee on the District of Columbia, and from the unsympathetic members of that committee it received no encouragement. Then it went before the Committee on Public Buildings and Grounds, and there likewise it was defeated. So it was turned over to the court of final resort, the Committee on Appropriations, and it will not be at all surprising, if it be voted down to-day, if it should next lodge in the Committee on Insular Affairs. [Laughter.]

Now, as I understand this proposition, Mr. Speaker, it is one to buy about 100 acres of land which, according to the confession of everybody, the city does not now need, and which, according to the opinion of many gentlemen, the city probably never will need, because of the fact that we can get it now when we do not need it at our price, and in the future, when we also will probably not need it, we may have to pay a little more.

There is also another reason which I find in the hearings, though not in the report, and that reason, as I understand it, is that the gentleman who holds an option upon a large part of this land laid down the ultimatum before the Committee on Appropriations on the 15th of May, 1908, that he could not any more come to the committee or to Congress and lose time in trying to sell us this land. That, Mr. Speaker, is perhaps a matter of some regret when we look over the hearings and see the testimony of the gentleman who appeared before that committee. He says—

[Here the hammer fell.]

Mr. SHERLEY. I will yield the gentleman a half minute more.

Mr. GARRETT. I thank the gentleman for his courtesy, but I can not conclude within that time and had as well stop now.

Mr. SHERLEY. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. ANDRUS].

Mr. ANDRUS. Mr. Speaker, I am in favor of public parks in this city, parks located where the people can use them. No one will be more willing to appropriate Government money for parks than I, but I believe in a system for parks, as I believe in a system for the management of any business. Who is asking for this measure? How many of the citizens of this city have approached the Members of this House in regard to this matter? I don't know of but one man—a man who is working days and nights and Sundays, with a smile on his face, encouraging the Members of this House to buy what? To buy a ravine between Massachusetts avenue and Connecticut avenue—a ravine at the bottom of which there is a stream, and sufficient land for a roadway, and then steep sidehills on either side; and we are told here to-day that if we do not purchase this property it will increase in value 100 per cent. It was offered to us last year for the same price. That property is not valuable for commercial purposes, and you can not use it for any other purpose than the purposes of a park or a public dump. [Applause.]

That property is going to cost us about 12½ cents per square foot—

[Here the hammer fell.]

Mr. TAWNEY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I think there has been a great deal of opposition to this bill because of the fact that some of us seem to think that the matter originally should have been referred to some other committee than to the Committee on Appropriations. It seems to me that is rather a narrow view to take of it. The only question for us to consider is as to whether it will benefit the city of Washington, the capital of the country, and the residents of the city of Washington, to have this additional land and increase the size of Rock Creek Park. I want to ask the gentlemen to think for a minute of the experience that was had in the city of New York, which we perhaps do not know from recollection, but which we who live in New York do know is a fact. When in 1855, 1856, and 1857 Central Park was created people held up their hands in holy horror and said, "Why do they build a park out in the country, where there is nothing whatever but rocks and goats?"

We must look not only to the present. We must look forward to the future, when that particular section around Rock Creek Park—north, east, south, and west of it—will be congested. We must not think that the only way for us to obtain parks in congested parts of the city is to buy blocks of land and tear down the buildings; but, seeing the trend of the building of the city, the growth of the city, we should take into consideration the question where parks will be needed, and in considering this we should come to the conclusion that the acreage of Rock Creek Park should be properly increased. My colleague from New York [Mr. ANDRUS] suggested there was lack of system in the park proposition. I think the system that promulgated Rock Creek Park was an admirable one. It seems to me that no one could have gone out there and carefully studied the ground without appreciating perfectly that this will be a great addition to Rock Creek Park. There is nothing whatever left for us to determine except as to whether the city of Washington is going to grow out in that direction so that the increased area of the park will be needed. We all of us know that as the population increases the value of property will greatly increase. I think it is unfortunate to suggest that there is anything sinister in the motive of the gentleman referred to as to the sale of this property. He is a man who is unquestionably a good and valuable citizen of Washington and one who is primarily desirous to increase its growth and beauty. I hope this bill will pass, because I believe it will prove beneficial to the city. [Applause.]

Mr. SHERLEY. I yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, my experience has been that the less valuable the land is in the city of Washington for any other purpose, the higher the price asked for it when it is offered to be converted into a park. I was a member of the subcommittee which considered the purchase of this park land, and I am frank to say that from the information submitted to me I was unable to determine that it was advisable at this time that the Government purchase this land for park purposes. I

took the trouble to go out and look at this land for which \$4,000 an acre is asked. I have never seen land of a similar character on which so high a value has been placed. The character of the land, I am quite convinced, if it be not purchased at this time for a park, is such that there will be no danger that it will be used for any other purpose in the immediate future which will prevent its ultimate utilization as a park. I might be disposed to purchase a part of the proposed tract which more nearly abounds Rock Creek itself for the purpose of protecting the creek, but I could not justify the expenditure of over \$400,000 for the purpose of purchasing a ravine which it is believed could be converted into a very desirable park property.

It seems to me that in perfecting our system of parks in this city, before Congress authorizes the purchase some expert report as to its desirability should be obtained. [Applause.]

Mr. SHERLEY. Mr. Speaker, just a word in conclusion. If the gentlemen will read this bill, to show some of the inequities in it, it will be found there is a piece of ground on Massachusetts avenue, perfectly level, very desirable for building lots, and worth a great deal of money, as values now go on Massachusetts avenue, that is to be exchanged for a like quantity of land in a ravine. Now, what has been suggested by the gentleman from New York is, to my mind, the crux of this whole proposition. Part of this land might be desirable for the extension of Rock Creek Park, but there has been no good reason advanced for its extension as contemplated in this bill. Gentlemen talk about congested districts. We may have a congested district in Washington, but it is not going to be on this part of Massachusetts avenue, and any man who has ever been on Massachusetts avenue knows that this is so.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Speaker, the opposition to the passage of this bill on the part of the members of the Committee on Public Buildings and Grounds, based as it is upon the question of which committee of this House should have jurisdiction of the bill, seems to me hardly worthy of a man who occupies a position upon this floor. This bill carried with it, coming from the Senate, not only authority for the purchase of this land, but it also carried the appropriation for the making of that purchase. The bill was, accordingly, under the rules of the House, referred to the Committee on Appropriations. That committee did not attempt, in view of that reference, to place the item in the sundry civil bill, as it otherwise could have done, but reported the bill as a separate and distinct proposition, a bill that the Committee on Appropriations had entire and full jurisdiction over, so that members of the committee do not need to disturb themselves about the question of the relative powers of any of the committees of this House. It was a Senate bill and carried an appropriation, and there was no other committee to which the bill could be referred except the Committee on Appropriations.

Now, Mr. Speaker, the purchase of this additional land for the Rock Creek Park, as I said in the opening of my remarks, has been before Congress for some time, but it has always been coupled with several other propositions, some of which are meritorious, others the merits of which I doubt, and they usually come to the House as amendments of the sundry civil bill and have invariably been rejected. This proposition, I submit, ought to be considered as an independent proposition for the reason that it is not the establishment of a new park. It is not for the establishment or purchase of land to be used as a new park, but for the purpose of completing a park which the Government of the United States and the District of Columbia now own, and it was recommended not only by the Committee on Public Buildings and Grounds, but recommended by the Commission which was appointed for the purpose of investigating this whole proposition.

Mr. SHERLEY. Will the gentleman yield?

Mr. RODENBERG. And recommended as part of a general bill.

Mr. TAWNEY. I care not whether recommended as a part of a general bill or as a whole, it is recommended nevertheless by the Committee on Public Buildings and Grounds. I now yield to the gentleman from Kentucky.

Mr. SHERLEY. Is it not also true that they recommended as more desirable two other park tracts?

Mr. TAWNEY. That may be; I do not know whether they made a preference in their recommendation. I do know they recommended the purchase of a few acres of land in the city of Washington at the top of Sixteenth street, as the gentleman from Missouri said, at \$50,000 an acre.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Missouri.

Mr. BARTHOLDT. As an experienced legislator, my friend

knows that sometimes in order to reach a compromise you are compelled to accept things which you are not in favor of in order to secure the things you do favor, and that was the result of the work of that Park Commission.

Mr. TAWNEY. I will say to the gentleman from Missouri, who has had as much, if not more, experience than I have had in legislative matters, that it is frequently, in the matter of reconciling differences between the two Houses, necessary for men to surrender to a certain extent, but not when a member of a committee is reporting to the House to which he belongs. I for two years have stood against this proposition. I have taken the position that if this was valuable land for building purposes that the city of Washington could build out to the present boundary of Rock Creek Park. I have reached the conclusion after careful investigation of the land and the proposition that is involved here in connection with the sale of this land, that the wise thing for us to do is to buy it now in order to save the additional cost which we will have to pay ultimately when we do buy it, as I feel absolutely confident we will be compelled to do, by reason of the pressure that will be brought upon Congress in the future.

When you can buy land in this city for \$4,000 an acre that is assessed at \$7,500 an acre, I say it is a very fair purchase.

Mr. RODENBERG. Will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Illinois.

Mr. RODENBERG. Does the gentleman know how long that land has been assessed at \$7,500 an acre?

Mr. TAWNEY. I do not know how long it has been assessed at \$7,500 an acre, but I know it is assessed at that value, and that under the laws governing assessments in the District of Columbia the real estate is assessed at two-thirds of its value, or is supposed to be. In view of the fact that this land is a necessary annex, that it belongs to and lies contiguous to the Rock Creek Park, and will ultimately be purchased as an addition to this park, making the park, in round numbers, about 2,000 acres, I say we ought at this time to buy this property, rather than to wait and pay twice the price at which we can now purchase it.

The SPEAKER pro tempore. The gentleman's time has expired. All time has expired.

The question is, Shall the rules be suspended, the Committee of the Whole be discharged from further consideration of the bill, and the bill be passed?

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. SHERLEY. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 57, nays 164, answered "present" 19, not voting 147, as follows:

## YEAS—57.

Alexander, N. Y.	Gilham	Law	Payne
Anthony	Gill	Longworth	Pearce
Bates	Gillett	Loudenslager	Porter
Boutell	Graft	Lowden	Sherman
Campbell	Graham	McKinlay, Cal.	Smith, Iowa
Capron	Greene	McKinlay, Ill.	Smith, Mich.
Currier	Hamilton, Mich.	McLachlan, Cal.	Stevens, Minn.
Cushman	Haskins	Mann	Tawney
Dalzell	Hawley	Maynard	Underwood
Davidson	Hayes	Needham	Wanger
Diekema	Henry, Conn.	Olcott	Washburn
Fairchild	Higgins	Olsted	Young
Fassett	Huff	Overstreet	
Foss	Jones, Wash.	Parker, N. J.	
Gardner, Mich.	Landis	Parsons	

## NAYS—164.

Acheson	Cooper, Pa.	Gaines, W. Va.	Kellher
Adair	Cooper, Tex.	Garner	Kennedy, Iowa
Adamson	Cooper, Wis.	Garrett	Kennedy, Ohio
Alken	Coudrey	Gillespie	Kimball
Alexander, Mo.	Cox, Ind.	Godwin	Knapp
Andrus	Craig	Gordon	Kuftermann
Barchfeld	Crawford	Hackett	Lafean
Barclay	Crumpacker	Hackney	Langley
Bartoldt	Darragh	Hall	Lee
Beale, Pa.	Davenport	Hamilton, Iowa	Lindbergh
Beall, Tex.	Davis, Minn.	Hamlin	Lindsay
Bede	De Armond	Hardy	Lloyd
Booher	Dixon	Hay	McCreary
Bowers	Draper	Hefflin	McGavin
Brantley	Durey	Helm	McHenry
Brodhead	Edwards, Ky.	Henry, Tex.	McKinney
Burgess	Ellerbe	Hepburn	McLain
Burleson	Ellis, Oreg.	Hinsaw	McMillan
Burnett	Englebright	Hitchcock	Macon
Burton, Del.	Esch	Hobson	Madison
Butler	Ferris	Houston	Malby
Byrd	Finley	Howell, N. J.	Moon, Tenn.
Calder	Fitzgerald	Howell, Utah	Moore, Pa.
Candler	Floyd	Howland	Moore, Tex.
Caulfield	Fordney	Hubbard, W. Va.	Murdock
Chapman	Foster, Ill.	Hughes, N. J.	Murphy
Clark, Fla.	Foster, Ind.	Humphrey, Wash.	Nichols
Clark, Mo.	Foulkrod	James, Oille M.	Norris
Clayton	French	Johnson, Ky.	Nye
Cocks, N. Y.	Fulton	Kahn	O'Connell



Padgett	Rhinock	Slayden	Tirrell
Page	Richardson	Slomp	Tou Velle
Parker, S. Dak.	Riordan	Smith, Cal.	Voistead
Patterson	Robinson	Snapp	Waldo
Pollard	Rodenberg	Spight	Webb
Pray	Rucker	Steenerson	Weems
Pujo	Russell, Mo.	Sterling	Williams
Ralney	Sabath	Sturgiss	Wilson, Ill.
Randell, Tex.	Saunders	Taylor, Ohio	Wilson, Pa.
Rauch	Sherley	Thistlewood	Wood
Reynolds	Sims	Thomas, N. C.	Woodyard
ANSWERED "PRESENT"—19.			
Ansberry	Goldfogle	Kinkaid	Pou
Bennet, N. Y.	Goulden	Lever	Russell, Tex.
Brundidge	Haggott	McGuire	Sheppard
Cockran	Holliday	Madden	Talbott
Flood	Humphreys, Miss.	Nelson	
NOT VOTING—147.			
Allen	Driscoll	Johnson, S. C.	Powers
Ames	Dunwell	Jones, Va.	Pratt
Ashbrook	Dwight	Keifer	Prince
Bannon	Edwards, Ga.	Kipp	Ransdell, La.
Bartlett, Ga.	Ellis, Mo.	Kitchin, Claude	Reeder
Bartlett, Nev.	Favrot	Kitchin, Wm. W.	Reid
Bell, Ga.	Focht	Knopf	Roberts
Bennett, Ky.	Fornes	Knowland	Rothermel
Bingham	Foster, Vt.	Lamar, Fla.	Ryan
Birdsall	Fowler	Lamar, Mo.	Scott
Bonyng	Fuller	Lamb	Shackelford
Boyd	Gaines, Tenn.	Laning	Sherwood
Bradley	Gardner, Mass.	Lassiter	Small
Broussard	Gardner, N. J.	Lawrence	Smith, Mo.
Brownlow	Glass	Leake	Smith, Tex.
Brumm	Goebel	Legare	Southwick
Burke	Granger	Lenahan	Sparkman
Burleigh	Gregg	Lewis	Sperry
Burton, Ohio	Griggs	Lillyfield	Stafford
Caldrehead	Gronna	Livingston	Stanley
Caldwell	Hale	Lorimer	Stephens, Tex.
Carlin	Hamill	Loud	Suloway
Carter	Harding	Lovering	Sulzer
Cary	Hardwick	McCall	Taylor, Ala.
Chaney	Harrison	McDermott	Thomas, Ohio
Cole	Haugen	McLaughlin, Mich.	Townsend
Conner	Hill, Conn.	McMoran	Vreeland
Cook, Colo.	Hill, Miss.	Marshall	Wallace
Cook, Pa.	Howard	Watson	Watkins
Cousins	Hubbard, Iowa	Mondell	Weeks
Cravens	Hughes, W. Va.	Moore, Pa.	Weisse
Davey, La.	Hull, Iowa	Morse	Wheeler
Dawes	Hull, Tenn.	Mouser	Wiley
Dawson	Jackson	Mudd	Willett
Denby	James, Addison D.	Perkins	Wolf
Denver	Jenkins	Peters	
Douglas			

So the motion to suspend the rules and pass the bill was disagreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BONYNGE with Mr. ASHBROOK.

Mr. BOYD with Mr. BARTLETT of Nevada.

Mr. BRUMM with Mr. BELL of Georgia.

Mr. CALDERHEAD with Mr. GRIGGS.

Mr. CHANEY with Mr. BROUSSARD.

Mr. COLE with Mr. DENVER.

Mr. DENBY with Mr. GLASS.

Mr. DOUGLAS with Mr. GRANGER.

Mr. DWIGHT with Mr. GREGG.

Mr. ELLIS of Missouri with Mr. HAMMOND.

Mr. FOCHT with Mr. JONES of Virginia.

Mr. HALE with Mr. KIPP.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. KEIFER with Mr. LENAHAN.

Mr. ROBERTS with Mr. ROTHERMEL.

Mr. SCOTT with Mr. RYAN.

Mr. THOMAS of Ohio with Mr. SMITH of Missouri.

Mr. VREELAND with Mr. STANLEY.

Mr. WEEKS with Mr. WATKINS.

Mr. DAWSON with Mr. SULZER.

Mr. BURLEIGH with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

For the balance of the day:

Mr. McGUIRE with Mr. CARTER.

The result of the vote was announced as above recorded.

#### OPENING CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass Senate bill 1385, with the amendments that I present.

The Clerk read as follows:

An act (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota lying and being within the following described boundaries, to wit: Be-

ginning at a point on the one hundred and second meridian of longitude west, where the township line between townships 9 and 10 north intersects the same; thence east on said township line to a point where the same intersects the range line between ranges 24 and 25 east of the Black Hills meridian; thence north on said range line to a point where the same intersects the township line between townships 15 and 16 north; thence east along said township line to a point in the center of the main channel of the Missouri River; thence in a northerly direction along the center of the main channel of said Missouri River to a point where the township line between townships 18 and 19 north intersects the same, and including also entirely all islands, if any, in said river; thence west on said township line to a point where the range line between ranges 22 and 23 east intersects the same; thence north along said range line to the north-west corner of section 19 in township 21 north of range 23 east; thence east on the section line north of sections 19, 20, 21, 22, 23, and 24 to a point where the same intersects the range line between ranges 23 and 24 east; thence north along said range line to the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges 84 and 85 west in North Dakota intersects the same; thence north on said range line to a point where said range line intersects the center of the main channel of the South Fork of the Cannon Ball River; thence in a westerly direction up and along the center of the main channel of the said river to a point where the same intersects the one hundred and second meridian of longitude west; thence south along said one hundred and second meridian of longitude west to the place of beginning, except such portions thereof as have been allotted to Indians: *Provided*, That sections 16 and 36 of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, as the same may be located in the said States, respectively: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization heretofore engaged in mission or school work on said reservations, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.

SEC. 2. That the lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: *Provided*, That prior to the said proclamation the Secretary of the Interior, in his discretion, may permit Indians who have an allotment within the area described in section one of this act to relinquish such allotment and to receive in lieu thereof an allotment anywhere within the respective reservations thus diminished to which reservation the said Indians may belong: *Provided further*, That prior to the said proclamation the Secretary of the Interior shall cause allotments to be made to every man, woman, and child belonging to or holding tribal relations in said Cheyenne River and Standing Rock reservations, who have not heretofore received the allotments to which they are entitled under provisions of existing laws: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the lands embraced within said reservations, and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal, the said Secretary is hereby authorized to reserve them from allotment or disposition until further action by Congress: *Provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars or Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged.

SEC. 3. That the price of said lands entered as homesteads under the provisions of this act shall be fixed by appraisal as herein provided. The President of the United States shall appoint two commissioners, one for each reservation, each commission to consist of three persons, to inspect, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior or otherwise disposed of, and excepting sections 16 and 36 in each of said townships, each commission to be constituted as follows: One resident citizen of the States of North or South Dakota, one representative of the Indian Bureau, and one person holding tribal relations with one of said tribe of Indians. That within twenty days after their appointment the said commissioners so appointed for each of the said reservations, respectively, shall meet and organize by the election of one of their number as chairman. Each commission is hereby empowered to select such clerks and assistants at such compensation as the Secretary of the Interior may approve. That said commissioners shall then proceed to personally inspect, classify, and appraise, in 160-acre tracts each, all of the remaining lands embraced within each reservation as described in section 1 of this act. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, the mineral land not to be appraised. That said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said lands, and necessary expenses to be approved by the Secretary of the Interior; such inspection and classification to be completed within six months from the date of the organization of said commissions, respectively, and no compensation shall be paid to either the commissioners or employees after the said six months. That when said commissions shall have completed the classification and appraisal of all of said lands the same shall be subject to the approval of the Secretary of the Interior.

SEC. 4. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled,

and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the appraised price thereof: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law, where the price of land is \$1.25 per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act. And it is further provided that any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe.

Sec. 5. That the Secretary of the Interior is authorized to reserve from said lands such tracts for townsite purposes as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into blocks and lots and disposed of under such regulations as he may prescribe, in accordance with section 2381 of the United States Revised Statutes. The net proceeds derived from the sale of such lands shall be credited to the Indians as hereinafter provided.

Sec. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the reservations aforesaid in the States of South Dakota and North Dakota the sums to which the respective tribes may be entitled, which shall draw interest at 3 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians respectively shall be expended for their benefit under the direction of the Secretary of the Interior.

Sec. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at \$1.25 per acre, and the same are hereby granted to the States of South Dakota and North Dakota for such purpose as the same are located in the said States respectively; and in case any of said sections, or parts thereof, are lost to said States by reason of allotments thereof to any Indian or Indians, or otherwise, the governors of said States, respectively, with the approval of the Secretary of the Interior, are hereby authorized, within the area in the respective States described in section 1 of this act, to locate other lands not occupied not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

Sec. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than \$225,000, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of \$75,000, or so much thereof as may be necessary, for the purpose of making the appraisement and classification and allotments provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribes respectively.

Sec. 9. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of the said lands and to expend and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Cheyenne River or Standing Rock Indian reservations, in South Dakota and North Dakota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act: *Provided*, That Indians residing upon their allotments in townships 16 north of ranges 25, 26, 27, 28, 29, 30, and 31 east shall have the right to use timber in said townships, except on sections 16 and 36, for domestic purposes only as long as the lands remain part of the public domain.

Mr. WILLIAMS. Mr. Speaker, I ask for a second.

The SPEAKER. The gentleman from Mississippi demands a second; under the rule a second is ordered. The gentleman from New York [Mr. SHERMAN] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. SHERMAN. Mr. Speaker, this bill opens a portion of the Cheyenne and Standing Rock reservations, in the States of South and North Dakota. The two reservations contain about five and a quarter million acres, and the portion that is opened under this bill is about one-half of the two reservations. The reservations are to be opened by the proclamation of the President, but not until all of the Indians of the tribes upon the two reservations are fully allotted. There are of these Indians, in round numbers, about 6,000. Some of them already have been allotted, and to the balance allotments must be made under the general allotment act, which provides that 160 acres must be allotted to each head of a family, 80 acres to every minor over 18 years of age, the same amount to every minor under 18 years of age, provided the minor is an orphan, and 40 acres to each minor whose parents are living.

The bill also provides that surveys shall be made of both reservations before allotments are made; and also that, through the Secretary of the Interior, and by the proper officials of the Geological Survey, a survey shall be made to ascertain whether there be any coal deposits upon either reservation, it being believed by some that there are such valuable deposits; and if it be discovered there are such deposits, those lands are to be reserved from sale or disposal until some future action of Congress; in other words, shall be held in trust for the Indians.

The lands are very valuable. Civilization has come up to a point close to the reservation. One railroad has already been projected through the reservation and another one has reached the border on the east, and is ready to push the line through the reservation as soon as it opens up for settlement.

The amount of land that will be required to allot fully to all of the Indians will be, I should guess without analyzing the census of the Indians, as one can not get the figures exactly, in the neighborhood of 600,000 acres. So that of the amount still reserved from opening under this bill there will be nearly 2,000,000 acres of land, which can be used as general pasture lands and the like.

The land is to be appraised on each reservation by a separate commission appointed by the Secretary of the Interior. The commissions are to be made up of one enrolled member of the tribe—he may be full blood or partial blood—one representative of the Indian Office, and one citizen of either the State of North or South Dakota; in other words, a commission which is supposed to be best qualified to pass upon the value of the land.

Then the lands are to be sold at the appraised value, one-fifth of the purchase price to be paid in cash upon entry of the land, the other four-fifths in five equal annual payments. Whatever land is undisposed of at the end of four years is to be reappraised and then again offered for sale upon the same conditions as the land was originally offered for sale. Any land not disposed of at the end of seven years is to be offered for sale and disposed of to the highest bidder.

A provision is made for the reservation of so much of the land taken under this bill for disposal as the Secretary of the Interior may think is necessary to provide for future town sites, and it is to be surveyed, appraised, and disposed of in the manner that town sites are ordinarily disposed of.

The expense of carrying out all the provisions of this act are to be paid out of the appropriation made herein, but to be refunded to the Treasury of the United States from the proceeds of lands sold; and the surplus arising from the sale of this land is to be deposited in the Treasury of the United States, to the credit of these Indians, to draw 3 per cent interest, and to be expended from time to time, not the principal, but the interest, for the benefit of these Indians in such manner as the Secretary of the Interior thinks proper.

Mr. FINLEY. Will the gentleman yield?

Mr. SHERMAN. Yes.

Mr. FINLEY. About what is the quality of the land to be disposed of?

Mr. SHERMAN. The quality is excellent.

Mr. FINLEY. Fine land, is it?

Mr. SHERMAN. It is good agricultural and grazing land. A very large percentage of it is agricultural land.

Mr. FINLEY. Worth about how much?

Mr. SHERMAN. Oh, it is difficult to say; it is worth, I should say, from \$2.50 to \$5 per acre.

Mr. FINLEY. Would not that be a very small valuation for excellent land?

Mr. SHERMAN. Well, it would be hard to tell if it would be worth a larger valuation, because you know a road has not yet gone through the part which is to be disposed of under this bill, and of course as you provide transportation through lands you make the property accessible and its value will increase.

That is a mere guess. Later on the gentleman from South Dakota [Mr. HALL] will occupy some time, and he perhaps can give a better idea of the value of the land per acre than I can.

Mr. FINLEY. I observe from reading the bill that one of the commissioners to be appointed is a person who has tribal relations. Does that mean an Indian agent?

Mr. SHERMAN. Oh, no; it means an enrolled member of the tribe, but not necessarily one of full blood.

Mr. FINLEY. Would it mean an attorney?

Mr. SHERMAN. Oh, no; it means an enrolled member of the tribe, but not necessarily of full Indian blood.

Mr. FINLEY. This land is not arid, is it?

Mr. SHERMAN. Oh, no.

Mr. FINLEY. Nor semiarid?



Mr. SHERMAN. No; not arid land at all. Now the bill further provides for a transfer to the States of North and South Dakota of sections 16 and 36 in each township. The enabling act of those two States provided that the United States should eventually cede such sections to the States, respectively, for school purposes. We make appropriation herein for payment to the Indians for the land thus taken. That will amount to something like 160,000 acres.

Mr. WILLIAMS. How much per acre does it pay?

Mr. SHERMAN. One dollar and twenty-five cents per acre.

Mr. WILLIAMS. For sections 16 and 36?

Mr. SHERMAN. Yes; in each township.

Mr. WILLIAMS. Was there not an agreement with the Indians some time since to pay them \$2.50 an acre?

Mr. SHERMAN. No; there was not exactly an agreement. An Indian agent has visited them, and they expect \$2.50 an acre. They desire \$2.50 an acre; that is correct.

Mr. HALL. He said he would recommend that.

Mr. SHERMAN. The agent who visited the Indians stated to them on the occasion of his visit that he would recommend the taking of sections 16 and 36 at \$2.50 an acre. There was nothing like a regular agreement, but there was a general conference had to ascertain whether it was the desire of the Indians that these lands should be opened, and it was ascertained that that was the desire, and the agent said to the Indians that he would make this recommendation.

Mr. WILLIAMS. Does not the gentleman from New York think that, in view of that recommendation and in view of the fact that that probably entered into the willingness of the Indians to part with the land, and was a part of the consideration, this Government, which expends a good deal of money, could afford to pay these people \$2.50 an acre?

Mr. SHERMAN. I have no doubt the United States Government could afford to pay these people \$2.50 an acre.

Mr. WILLIAMS. Do not you think that it could afford to do it as a matter of justice and right?

Mr. SHERMAN. I think it is fair for us to take into consideration that our going in there and opening up these lands and providing for their development, providing for the settlement of white citizens there, so enhances the value of the other lands that that should be considered as a part of the compensation for the land disposed of to the States.

Mr. WILLIAMS. Now, what will be the value of these lands, in the gentleman's estimation, after the railroads get there and the land is opened up and developed by railroad construction?

Mr. SHERMAN. Oh, I should suppose that eventually most of this land—

Mr. WILLIAMS. Good farming land is getting to be pretty scarce.

Mr. SHERMAN. Yes; I should suppose the greater part of this land before a very great length of time ought to be worth in the neighborhood of \$10 an acre. Let me ask my friend from South Dakota if that is correct?

Mr. HALL. Yes.

Mr. WILLIAMS. The highest price we are going to get for them is \$5?

Mr. SHERMAN. Oh, no; the land is to be appraised. In answer to somebody's question I said I thought perhaps the value of the land at the present time was anywhere from \$2.50 to \$5 an acre, but the land is to be appraised, and is to be sold at the appraised value.

Mr. WILLIAMS. By whom is it to be appraised?

Mr. SHERMAN. By commissions to be appointed by the Secretary of the Interior, those commissions on each reservation to consist of one member of the tribe, one official from the Indian Office, and one citizen of the State of either North or South Dakota, in which the reservations are located.

Mr. WILLIAMS. Does the gentleman or does he not think if these lands were opened up upon what we call the Oklahoma plan, letting people go in and pay what the lands are worth, that they would be much more rapidly settled and the Indians would get very much more money?

Mr. SHERMAN. I would rather somebody who has had more experience than I in reference to such openings would answer that question. If the gentleman from Mississippi will permit me to ask the gentleman from South Dakota [Mr. HALL], who is more conversant than I, I would be very glad to do so.

Mr. WILLIAMS. I suppose the gentleman from South Dakota would not know nearly as much as would the gentleman from New York about what happened in Oklahoma, as the gentleman from New York was then on the Indian Affairs Committee.

Mr. HALL. What is the Oklahoma plan?

Mr. SHERMAN. Sealed bids.

Mr. WILLIAMS. Letting them go and look at the land and paying what those lands are worth. I can not see why when Oklahoma was to be settled it was treated one way and when other reservations are to be opened they are treated another.

Mr. SHERMAN. I will confess or admit that I like the sealed-bid plan myself, and if I were originally drawing the bill, I think I would always provide that the lands be disposed of on sealed bids. This is a Senate bill that is now before us. This bill did not originate in the House.

Mr. WILLIAMS. I understand, but it had a House amendment upon it.

Mr. SHERMAN. Oh, yes.

Mr. WILLIAMS. It might have had another House amendment upon it.

Mr. SHERMAN. The gentleman is correct. It might have had, and yet I believe that no injustice will be done to the Indians; that they may expect to receive a fair return for all of the land disposed of under the plan provided in this bill. There was some question whether the Secretary would be permitted to name a citizen member of the Commission from anywhere in the United States, and so that we might have a citizen member who was most likely to have knowledge of the value of the property, we made the limitation to the House amendment that that member must be a citizen of the States either of North or of South Dakota.

Mr. FINLEY. I would like to ask the gentleman a question. In section 7 of the bill it provides that sections 16 and 36 are to be reserved for school purposes and to be paid for by the Government of the United States at the rate of \$2 per acre. I wish to ask the gentleman this: When the State of South Dakota was made a State, was or not the State of South Dakota given school lands or lieu lands for school purposes to correspond with the amount of Indian lands held by Indians in reservations like this?

Mr. SHERMAN. Oh, no. I am very sure that that was not done in either of the Dakotas, because it has not been done anywhere, so far as I know.

Mr. FINLEY. The States have not been granted lieu lands where lands were held by the Indians?

Mr. SHERMAN. There have been times later on when Indian reservations have been opened up that that has been done, but there are no lieu lands that could be used in the Dakotas at the present time.

Mr. FINLEY. When the Territory was created into a State, a provision was made for the homesteaders?

Mr. SHERMAN. A provision was made in the enabling act that the United States grant to the States sections 16 and 36 for school purposes.

Mr. FINLEY. Right here, was any calculation taken of the lands held by Indians—

Mr. SHERMAN. I will ask the gentleman from South Dakota [Mr. HALL] to answer the question.

Mr. HALL. I will say that the enabling act under which South Dakota, North Dakota, Washington, and Montana were admitted—it was an omnibus bill—provided for the granting in present of sections 16 and 36 for school purposes, and then it provided that in the case of the Indian reservations that grant of these sections for school purposes should be held in abeyance until the reservation was opened. Does that answer the gentleman's question?

Mr. FINLEY. Yes.

Mr. SHERMAN. I will reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. Yes.

Mr. MANN. If this bill becomes a law, I know I should have a great many inquiries about how people can get the land. I have not heard it explained.

Mr. SHERMAN. I have attempted to explain it. Possibly the gentleman was not here. It is to be opened under the proclamation of the President after surveys have been made, and upon terms that he states in the proclamation.

Mr. MANN. That is what I understood; but what terms is he going to state in the proclamation? Does anyone know?

Mr. SHERMAN. I have also stated that, that the land will be appraised—

Mr. MANN. I have heard all that, but what I do not know is by what process, if I want to obtain some of this land, I would proceed.

Mr. SHERMAN. You would proceed in this way: After the proclamation had been made you would then apply through the land office for a particular portion of the land which you desired to acquire title to, and by leaving with them the money, laying down one-fifth of the price of the entry to which you made claim, and paying the other four-fifths in five equal annual payments—

Mr. MANN. I understood from the gentleman, and that is what I wanted to understand, that the land was to be sold on secret bids after an appraised valuation—

Mr. SHERMAN. No; sold for an appraised valuation.

Mr. MANN. Who gets the land if forty people make claim for the same piece?

Mr. SHERMAN. Under the general land law.

Mr. MANN. Is there to be a rush for the land?

Mr. SHERMAN. Will the gentleman from South Dakota answer the gentleman?

Mr. HALL. I will endeavor to explain the matter to the gentleman. The application will be made substantially under the homestead law. A person entering the land which is to be disposed of under the provisions of this act will have to conform to the requirements of existing law concerning homesteads. In addition he will be required to pay this price in five annual installments.

Mr. MANN. That means a rush for the land.

Mr. HALL. No; I will get to that in a moment. In the Rosebud Reservation, a portion of which was opened two or three years ago, the methods adopted by the Department then so as to avoid this confusion and avoid these horse races was that persons might register for land. Then after a certain period and on a certain date a drawing was had of the number of claims that there were for disposal. They were drawn by lots so as to be absolutely fair.

Mr. MANN. This is the Oklahoma plan to which the gentleman from Mississippi referred.

Mr. HALL. This is not sealed bids.

Mr. MANN. But I understand the drawing plan was the Oklahoma plan to which I understood the gentleman from Mississippi referred. Is that to be the plan?

Mr. HALL. I did not so understand him. I understood him to say there were sealed bids for the land. In this case the price is fixed by this Commission and the lands are selected by lot in the manner in which I have indicated so as to avoid this confusion and rush.

Mr. MANN. In the same method which was used at the Rosebud Agency.

Mr. HALL. Yes. I assume that will be the method adopted by the Department.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Speaker, I do not think I desire to use all of that time. It shall not be my purpose to enter into a discussion of the merits or demerits of this bill, but I do desire to explain my vote upon this measure. I am in favor of this bill as it was passed by the Senate and as it was thereafter reported by the House Committee on Indian Affairs, but I do not favor this amendment cutting down the price of the school lands from \$2.50 an acre to \$1.25 an acre. I do not favor that for the reason that there was what should be considered to all intents and purposes an agreement with those Indians in which they were promised by the Indian agent \$2.50 per acre for sections 16 and 36. That is explained in the report, but I will not take up the time of the House to read it. I will say, however, that the exigencies of the occasion will somewhat influence my vote.

We can not afford, Mr. Speaker, to retard the progress of these two States by a minor matter like this, in my opinion. The States of North and South Dakota have, as I understand, something more than 2,000,000 acres of land involved in this proposition which can not be settled until some kind of an arrangement is made, as this bill provides, for the opening up of this reservation, and for that reason I expect to vote for this bill in the hope that when it goes into the conference committee the conferees will see their way clear to keep their agreement with the Indians and award them \$2.50 an acre for sections 16 and 36. Now, there is one proposition which should always be taken into consideration in the opening of an Indian reservation, and that is this, that prior to the time of the opening of that reservation the lands are not worth near so much money as they are after the farmers begin to come in, settle, and build homes.

That is what makes the land valuable. The farmers can not come in under the present system, which is as it has been in my State, Oklahoma. They can not come in, and they can not improve the land. But when they do come in this land will be improved, and as it is improved it will increase in value all the land on what is now the reservation, including the allotments of the Indians who now own the lands. As the land around each Indian's allotment is improved and put in a higher state of cultivation just in that proportion will the Indian's original

allotment increase in value and be made more productive. So that within a few years the Indian's allotment of 160 acres should be worth as much as all of his lands at present, including allotment and lands sold under the provisions of this bill. It would be a good deal for the Indian even though he is deprived of a portion of the value of sections 16 and 36. For that reason, Mr. Speaker, I expect to give my sanction to the bill by voting for it, purely upon the ground, as I said, of the exigencies of the occasion and for the reason that I think the conference committee will undoubtedly see their way clear to reinstate \$2.50 an acre instead of \$1.25 an acre and thereby keep the plighted faith of the Federal Government with its helpless wards. [Applause.]

I yield back the remainder of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, I can not agree with my colleague on the committee [Mr. CARTER], as to the conclusions reached in respect to this bill. I want to bring to the attention of the House the facts in relation to the case as they were developed before our committee.

Now, this is a case in which the Government of the United States has undertaken to pay for 166,000 acres of land for school purposes. It would seem to be a simple proposition that when the Government undertakes to take this land from these Indians, it would pay them a reasonable price for the land taken.

It was developed before our committee that this land is easily worth from \$5, to \$10 an acre. At a most moderate estimate it may be put at an average of \$5 an acre. Then it was further developed before our committee, by the statement of Major McLaughlin, that in substance an agreement was made with the Indians for this purchase.

Now, I do not mean to say that any formal agreement was made, because there was none, but the circumstances under which Major McLaughlin undertook to say to these Indians that he would recommend that \$2.50 should be paid for this land, and that was the specific amount that these Indians were demanding were sufficient to make a contract. When you consider the relations of these contracting parties, the representatives of a powerful Government on the one hand, the helpless Indians on the other, I think it can fairly be said in the light of what passed that there was almost a specific contract that \$2.50 should be paid per acre for these lands. It was said in the course of this discussion, that as the United States Government is increasing the value of these lands, therefore it has a right, in substance, to reduce the price of the land that it takes and pays for, from \$2.50, to \$1.25 an acre.

The House ought to bear in mind that the opening of these reservations is not something that is sought after by the Indians, but something that is pressed upon these Indians by influences operating from the outside. This particular agency has been opened as the result of this pressure, and, that being so, you can not say that the Indians should pay in this indirect way for the benefit of the opening. If we have given any benefit to these lands, as the result of the other things that have been referred to in this debate, then the way for the Indians to get that benefit is by that simple and direct method which was taken in the State of Oklahoma, and that is to put this land up to the highest bidder.

I have never been able to ascertain, Mr. Speaker, why it is, with respect to these and other cases of this sort that have come before our committee, that a scheme that operates so well in general, a scheme that has operated so well in the State of Oklahoma, a scheme that is per se right, namely, to allow a man to come forward and on his judgment on the land, to make his bid, is not right under any, and all circumstances, under which land is put up to be sold for the benefit of any party?

Mr. HACKNEY. I would like to ask the gentleman if he does not recognize the fact that Oklahoma had been advertised for years, and that the eyes of the whole United States were centered on that land, and they were all on the lookout in making a rush there when the opening came? That would not apply to the other reservation.

Mr. SAUNDERS. Is the gentleman asking the question from the standpoint of the Indians, or of these other people?

Mr. HACKNEY. I am asking it from the standpoint of the Indians.

Mr. SAUNDERS. The answer naturally will be that the Indians, who are the people most interested in this land, and in what this land shall bring, will be only too glad to take the chances of putting the land up to the highest bidder, and ascertaining thereby whether they will get \$1.25 an acre, or more for it.



Mr. HACKNEY. Mr. Speaker—

Mr. SAUNDERS. I can not yield further. I have only five minutes, and no time to yield.

Now, I want to say further, that my colleague on the committee [Mr. CARTER] says that he does not approve of taking this land from the Indians that is worth \$5, or \$10, an acre and paying them \$1.25 for it, but under the exigencies of the occasion, he thinks it would be best to vote for the amended bill. Mr. Speaker, there is another way that we can meet the exigencies of this occasion, and an easy way, and that is to do what is the plain, obvious, direct and fair thing with these Indians, namely, when we take land worth \$10 an acre, to pay them the agreed sum of \$2.50 this being the pitiful sum that they are asking. [Applause.]

These are the facts of the case. Here is the statement of Mr. Commissioner Leupp and of Major McLaughlin, and, I say, now as I said in the beginning, that no one can read this statement without being impressed with the fact that what passed between Major McLaughlin, and the Indians, almost amounts in the highest form, and indeed in final form, to an absolute contract that they should be paid \$2.50 an acre for the land.

Mr. WILLIAMS. I yield the gentleman two minutes more. So far as the Indians were concerned they so understood the situation.

Mr. SAUNDERS. They so understood it, and what was stated to them by Major McLaughlin was calculated to impress those people with the idea that the Government would pay them \$2.50 per acre, and why should the United States Government not do it?

The Senate bill agrees to pay them \$2.50 an acre for the land taken. What are the facts in the case as to its value?

As to the value of the land, it was agreed to in the deal between the Indians and Major McLaughlin. The Senate bill has done what is the plain and obvious thing for us to do—namely, to give the Indians \$2.50 per acre, as agreed. This after all is far below the value of this land.

I submit, Mr. Speaker, that taking all of these things together, no great hardship is going to follow to anyone if the result of our adverse action on this bill is to delay its passage. No mischief is going to result to anyone, as a result of that delay, and that being so, we ought to meet the exigencies of the situation by voting against this bill, and letting it be brought up again, as it can be, in this House, without this amendment being tacked to it. Then we can do what is just for these Indians.

Mr. WILLIAMS. Mr. Speaker, after the argument of the gentleman from Virginia I do not believe the facts of this case, as I understand them, can be stated any plainer to the House. It seems quite clear to me that the amendment ought not to be on the bill, and on account of it the bill ought to fail. Certainly, the gentleman can bring the matter before the House later on under a motion to suspend the rules, without the amendment, and in that way can give to the Indians for the school lands the \$2.50 an acre that they understood they were to get from the United States Government, and that they were justified in expecting upon the statement which had been made to them by its agent. I hope the bill will be voted down. [Cries of "Vote!"]

#### OPENING OF CHEYENNE RIVER AND STANDING ROCK RESERVATIONS.

The SPEAKER pro tempore. The question is on suspending the rules, discharging the Committee of the Whole House on the state of the Union from the further consideration of the bill, agreeing to the amendments, and passing the bill.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

Mr. SHERMAN. I raise the question of the absence of a quorum.

The SPEAKER pro tempore. Evidently there is not a quorum present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as favor the motion will, when their names are called, answer "yea;" those opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 139, nays 79, answered "present" 17, not voting 152, as follows:

#### YEAS—139.

Acheson	Bates	Butler	Cook, Colo.
Adair	Beale, Pa.	Calder	Cooper, Pa.
Alexander, N. Y.	Bede	Campbell	Coudrey
Andrus	Bonyng	Capron	Craig
Ashbrook	Boyd	Carter	Crumpacker
Barchfield	Bradley	Chaney	Currier
Barelay	Burton, Del.	Chapman	Cushman
Bartholdt	Burton, Ohio	Cocks, N. Y.	Dalsell

Daragh  
Davenport  
Dawson  
Diekema  
Douglas  
Draper  
Driscoll  
Durey  
Dwight  
Edwards, Ky.  
Ellis, Mo.  
Ellis, Oreg.  
Englebright  
Ferris  
Focht  
Fordney  
Foss  
Foster, Ind.  
Foulkrod  
French  
Fulton  
Gardner, Mich.  
Gardner, N. J.  
Gillett  
Graff  
Graham  
Greene

Hackney  
Hall  
Hamilton, Iowa  
Hamilton, Mich.  
Haugen  
Hawley  
Hayes  
Henry, Conn.  
Hepburn  
Higgins  
Hill, Conn.  
Hinshaw  
Holliday  
Howell, N. J.  
Howell, Utah  
Howland  
Hubbard, W. Va.  
Huff  
Humphrey, Wash.  
Jones, Wash.  
Kahn  
Keller  
Kennedy, Iowa  
Kennedy, Ohio  
Kinkaid  
Knapp  
Küstermann

Lafenn  
Landis  
Lanning  
Lindbergh  
Littlefield  
Loudenslager  
Lowden  
McCreary  
McGavin  
McKinley, Ill.  
McKinney  
McLachlan, Cal.  
McLaughlin, Mich.  
Mann  
Mondell  
Moore, Pa.  
Morse  
Murdock  
Needham  
Norris  
Nye  
Olcott  
Olmsted  
Parker, S. Dak.  
Parsons  
Payne  
Pearre

Pollard  
Pomeroy  
Pray  
Reeder  
Reynolds  
Rosenberg  
Scott  
Sherman  
Smith, Cal.  
Smith, Iowa  
Stafford  
Steenerson  
Sterling  
Stevens, Minn.  
Sturgiss  
Taylor, Ohio  
Thistlewood  
Tirrell  
Volstead  
Waldo  
Wanger  
Washburn  
Weems  
Wood  
Woodyard  
Young

#### NAYS—79.

Adamson  
Alexander, Mo.  
Bartlett, Nev.  
Beall, Tex.  
Bell, Ga.  
Booher  
Bowers  
Broadhead  
Broussard  
Burgess  
Burnett  
Candler  
Clark, Mo.  
Clayton  
Cooper, Tex.  
Crawford  
De Armond  
Dixon  
Favrot  
Finley

Floyd  
Foster, Ill.  
Garner  
Garrett  
Gill  
Gillespie  
Glass  
Godwin  
Gordon  
Granger  
Gregg  
Hamlin  
Hammond  
Hardy  
Hay  
Hefflin  
Helm  
Henry, Tex.  
Hitchcock  
Hobson

Houston  
Howard  
Johnson, Ky.  
Jones, Va.  
Keilher  
Kimball  
Kipp  
Lee  
Lenahan  
Lindsay  
McHenry  
McLain  
Macon  
Maynard  
Moon, Tenn.  
Moore, Tex.  
Murphy  
Nicholls  
O'Connell  
Padgett

Page  
Patterson  
Pajo  
Rainey  
Randell, Tex.  
Riordan  
Rucker  
Russell, Mo.  
Sabath  
Saunders  
Sims  
Smith, Mo.  
Spight  
Thomas, N. C.  
Tou Velle  
Watkins  
Webb  
Williams  
Wilson, Pa.

Ansberry  
Bennet, N. Y.  
Cooper, Wis.  
Cousins  
Cox, Ind.

Ellerbe  
Goulden  
Haggott  
Lamb  
Lever

Parker, N. J.  
Pou  
Rothermel  
Russell, Tex.  
Sheppard

#### ANSWERED "PRESENT"—17.

Aiken  
Allen  
Ames  
Anthony  
Bannon  
Bartlett, Ga.  
Bennett, Ky.  
Bingham  
Birdsall  
Boutell  
Brantley  
Brownlow  
Brumm  
Brundidge  
Burke  
Burling  
Burleson  
Byrd  
Calderhead  
Caldwell  
Carlin  
Cary  
Caulfield  
Clark, Fla.  
Cockran  
Cole  
Conner  
Cook, Pa.  
Cravens  
Davey, La.  
Davidson  
Davis, Minn.  
Dawes  
Denby  
Denver  
Dunwell  
Edwards, Ga.  
Esch

Fairchild  
Fassett  
Fitzgerald  
Flood  
Fornes  
Foster, Vt.  
Fowler  
Fuller  
Gaines, Tenn.  
Gaines, W. Va.  
Gardner, Mass.  
Gilhams  
Goebel  
Goldfogle  
Griggs  
Gronna  
Hackett  
Hale  
Hamill  
Harding  
Hardwick  
Harrison  
Haskins  
Hill, Miss.  
Hubbard, Iowa  
Hughes, N. J.  
Hughes, W. Va.  
Hull, Iowa  
Hull, Tenn.  
Humphreys, Miss.  
Jackson  
James, Addison D.  
James, Ollie M.  
Jenkins  
Johnson, S. C.  
Kitchin, Claude  
Kitchin, Wm. W.  
Knopf

Knowland  
Lamar, Fla.  
Lamar, Mo.  
Langley  
Lassiter  
Law  
Lawrence  
Leake  
Legare  
Lewis  
Lilley  
Livingston  
Lloyd  
Longworth  
Lorimer  
Loud  
Lovering  
McCall  
McDermott  
McGuire  
McKinlay, Cal.  
McMillan  
McMorrin  
Madison  
Malby  
Marshall  
Miller  
Moon, Pa.  
Mouser  
Mudd  
Nelson  
Overstreet  
Perkins  
Peters  
Powers  
Pratt  
Priace

Ransdell, La.  
Rauch  
Reid  
Rhinoack  
Richardson  
Roberts  
Robinson  
Ryan  
Shackelford  
Sherley  
Sherwood  
Siemp  
Small  
Smith, Mich.  
Smith, Tex.  
Snapp  
Southwick  
Sparkman  
Sperry  
Stanley  
Stephens, Tex.  
Sulloway  
Sulzer  
Tawney  
Taylor, Ala.  
Thomas, Ohio  
Townsend  
Underwood  
Vreeland  
Wallace  
Watson  
Weeks  
Weisse  
Wheeler  
Wiley  
Willett  
Wilson, Ill.  
Wolf

#### NOT VOTING—152.

So the motion was agreed to.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. FAIRCHILD with Mr. ELLERBE.

Mr. FASSETT with Mr. FITZGERALD.

Mr. GILHAMS with Mr. HACKETT.

Mr. ADDISON D. JAMES with Mr. HILL of Mississippi.

Mr. LONGWORTH with Mr. HUGHES of New Jersey.

Mr. MCCALL with Mr. OLLIE M. JAMES.

Mr. MCGUIRE with Mr. LLOYD.

Mr. MADISON with Mr. McDERMOTT.

Mr. MALBY with Mr. RAUCH.

Mr. PERKINS with Mr. RHINOACK.

Mr. PRINCE with Mr. RICHARDSON.

Mr. SLEMP with Mr. ROBINSON.  
 Mr. SOUTHWICK with Mr. SHERLEY.  
 Mr. SPERRY with Mr. SMALL.  
 Mr. WHEELER with Mr. WALLACE.  
 Mr. WILSON of Illinois with Mr. SULZER.  
 Mr. ESCH with Mr. COCKRAN.  
 Mr. COOK of Pennsylvania with Mr. BURLESON.  
 Mr. BOUTELL with Mr. GRIGGS.  
 Mr. ANTHONY with Mr. AIKEN.  
 Mr. DAVIS of Minnesota with Mr. BRANTLEY.  
 Mr. CAULFIELD with Mr. BYRD.  
 Mr. HASKINS with Mr. COX of Indiana.  
 The result of the vote was announced as above recorded.  
 The doors were opened.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 21815. An act to amend the laws relating to navigation, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6363) granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as "St. Raphael's Cemetery," to the Archbishop of Dubuque and his successors in office and confirming and establishing title thereto accordingly.

## SAFETY OF RAILROAD EMPLOYEES.

Mr. MANN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the further consideration of the bill (H. R. 19795) to promote the safety of employees upon railroads, and that the bill be passed as amended, as sent to the Clerk's desk to be read.

The Clerk read as follows:

A bill (H. R. 19795) concerning locomotive ash pans.

*Be it enacted, etc.,* That on and after the 1st day of July, 1909, it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad to use any locomotive in moving interstate or foreign traffic not equipped with an ash pan which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

SEC. 2. That on and after the 1st day of July, 1909, it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia to use any locomotive not equipped with an ash pan which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

SEC. 3. That any such common carrier using any locomotive in violation of any of the provisions of this act shall be liable to a penalty of \$200 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 4. That it shall be the duty of the Interstate Commerce Commission to enforce the provisions of this act, and all powers heretofore granted to said Commission are hereby extended to it for the purpose of the enforcement of this act.

SEC. 5. That the term "common carrier" as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I shall ask the gentleman to yield to me for a moment or two.

Mr. WANGER. Mr. Speaker, before that is done I want to make a request that I think will be complied with. I would ask that in line 8, on page 1, the word "dumped" be stricken out and the word "emptied" be inserted, and the same change be made in line 1 on page 2, because on all of the old forms of engines where the ash pan is low the conceded fact is that the pans can not be dumped, and the only purpose is to have them cleaned, as I understand it. The dumping is a mere immaterial matter.

Mr. WILLIAMS. Sometimes they blow them out, do they not?

Mr. WANGER. Yes.

Mr. MANN. Mr. Speaker, then I modify my request by making that amendment, inserting, after the word "dumped," in line 8 on page 1, and in line 1 on page 2, the words "or empty."

The SPEAKER. Is there objection?

Mr. MANN. I now yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I will state that the passing of this bill will be a good day's work—

The SPEAKER. The Chair asked if there be objection.

Mr. WILLIAMS. Mr. Speaker, I reserved the right to object and asked the gentleman from Illinois to yield to me for four or five minutes, and he yielded.

The SPEAKER. But the gentleman has no time.

Mr. MANN. Then, Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi have five minutes' time.

The SPEAKER. Is there objection?

Mr. SHERMAN. Mr. Speaker, if the bill may be considered as passed at the end of that five minutes, there will be no objection.

Mr. MANN. That is the request.

The SPEAKER. Then the gentleman modifies his request, that unanimous consent may be given for the discharge of the committee from the further consideration of the bill, and the passage of the bill with the amendments, and that the gentleman from Mississippi may have five minutes to address the House. Is there objection? [After a pause.] The Chair hears none and the bill is passed, and the gentleman from Mississippi is recognized for five minutes.

Mr. WILLIAMS. But, Mr. Speaker—

Mr. MANN. I do not want to take any advantage of the gentleman from Mississippi.

Mr. WILLIAMS. I understand that. Mr. Speaker, the question that was put by the Speaker was not the request which was made by the gentleman from Illinois [Mr. MANN], as the RECORD will show.

The SPEAKER. The Chair so understood it, and at least so stated it.

Mr. WILLIAMS. The gentleman from Mississippi will not stickle about it, so long as he has the five minutes. He does not care, if the Chair thinks that that is the way of doing business that conduces to—

The SPEAKER. The gentleman will indulge the Chair to state that the Chair stated the request as he understood it, and stated it plainly, and paused for an objection, and as neither the gentleman from Mississippi or any other gentleman objected, the Chair thought that he was authorized, with the approval of everybody, to announce that the bill was passed.

Mr. WILLIAMS. Very well, Mr. Speaker, I shall not discuss that any further, because I want to discuss a matter so much more serious that I do not care a baubee about that, just at this moment.

Mr. Speaker, last year in the United States about fifty times as many employees were crippled or killed upon the railroads of this country, in proportion to the number of people traveling, as in Great Britain. The question of humanity in managing our roads is, in my opinion, of more importance than that of cheapness of rates. My reason for permitting this bill to pass by unanimous consent is because it is a bill for the preservation of human life. It is a bill in the interest of humanity itself. I once had the figures of how many men were killed per annum by being forced to go under locomotives in order to dump these ash pans.

I do not now remember, and I therefore can not state the figures, but it was a considerable number of people. Here is a bill that provides that the engines on these railroads shall be equipped with an ash pan which can be dumped or cleaned and emptied without the necessity of any employee going under the locomotive, and it provides, furthermore, in the second section, that on and after the 1st day of July, 1909, it shall be unlawful for any common carrier subject to the jurisdiction of the United States to have any other sort of an ash pan. Then it goes on, in section 3, and provides a penalty that shall be visited upon any railroad which violates this law. In section 4 it makes it the duty of the Interstate Commerce Commission to enforce the provisions of this act, and says: "All of the powers granted to that Commission are hereby extended to it for the enforcement of the act." The last section provides that the term "common carriers" here shall include a receiver or receivers of such property.

Mr. Speaker, party hostilities and dissensions, party programmes, party clashes, even the exposure of party impotency and deceit are of minor consideration whenever there is a question of obtaining legislation to save the lives of laboring men, or, for that matter, of any other class. I care not whether they be laboring men or not; but especially the lives of laboring men are to be considered who are forced to go into so many dangerous places. The great industrial army is subjected to more mortalities a year than an ordinary army in an ordinary war, as the actual statistics show. So that I have thought it wise to take this course of permitting the bill to pass by unanimous consent, and I wanted only an opportunity to explain to this side of the House, with whom I have had no opportunity to consult about varying the usual programme, why that was done. [Applause.]

## PRINTING DIGEST AND MANUAL.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following House resolution.



The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following House resolution, which the Clerk will report:

The Clerk read as follows:

Resolution 415.

*Resolved*, That there be printed 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Sixtieth Congress, the same to be bound and distributed under the direction of the Speaker and Clerk of the House.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, this resolution is in the usual form?

Mr. LANDIS. It is.

Mr. WILLIAMS. This is the resolution which is usually passed and is part of the House procedure?

Mr. LANDIS. It is.

Mr. WILLIAMS. I shall not object.

The SPEAKER. The Chair hears no objection, and the resolution is agreed to.

PRINTING PROCEEDINGS OF CONFERENCE OF GOVERNORS.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following House concurrent resolution.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

Concurrent resolution 41.

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound 100,000 copies of the proceedings of the conference of the governors of the States and Territories, called by the President of the United States, to be held May 13, 14, and 15, 1908, to consider measures for the conservation of the country's natural resources, of which 35,000 copies shall be for the use of the Senate and 65,000 copies for the use of the House of Representatives.

The amendments were read, as follows:

In line 2 strike out the words "one hundred" and insert the word "fifty." In line 8 strike out the word "thirty-five" and insert "fourteen." In line 9 strike out the words "and sixty-five" and insert the word "twenty-six," and at the end add the following: "and 10,000 copies for distribution by the President of the United States."

The SPEAKER. Is there objection?

Mr. WILLIAMS. This resolution is in the usual form and the publication is distributed in the usual way?

Mr. LANDIS. It is.

Mr. WILLIAMS. I shall not object.

The SPEAKER. Without objection the amendments are agreed to and the concurrent resolution as amended is agreed to.

There was no objection.

LIFE-SAVING APPARATUS, FARALLONE ISLANDS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the passage of Senate bill 5083.

The SPEAKER. The Clerk will report the bill.

Mr. WILLIAMS. Mr. Speaker—

Mr. KAHN. It is a life-saving proposition, Mr. Speaker.

Mr. WILLIAMS. A life-saving station?

Mr. KAHN. No. If the gentleman will allow me—

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5083) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California.

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized to cause a Lyle gun and the necessary bench apparatus used in connection with it to be placed at the Farallone Islands, off the coast of California, at such point as the General Superintendent of the Life-Saving Service may recommend, and to furnish ammunition for said gun and make repairs to the apparatus from time to time, as necessary.

SEC. 2. That the Secretary of the Treasury is hereby authorized to detail an experienced surfman from one of the life-saving stations on the coast of California for duty at the Farallone Islands for a sufficient time to instruct and drill the inhabitants of the islands as to the proper use and care of the life-saving apparatus.

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

TRANSPORTATION OF EXPLOSIVES, ETC., IN INTERSTATE COMMERCE.

Mr. SHERMAN. Mr. Speaker, I call up as unfinished business the bill H. R. 17228.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17228) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation.

Mr. SHERMAN. The pending motion, Mr. Speaker, was to suspend the rules and pass the bill, and on that motion debate has been exhausted, and I ask for a vote.

Mr. WILLIAMS. Mr. Speaker, while I suppose it would not be in order, however, I have forgotten what the bill was—

Mr. SHERMAN. To regulate the transportation of explosives.

Mr. CLARK of Missouri. Mr. Speaker, when did all that transaction happen which the gentleman from New York talks about?

The SPEAKER. On the 9th day of April.

Mr. SHERLEY. Mr. Speaker, I trust the gentleman will not ask for the passage of this bill without consideration. It is an important bill and—

Mr. SHERMAN. Mr. Speaker, debate has been exhausted. Mr. HUMPHREYS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. When this bill was pending in the House, I gave notice that I desired to offer for consideration an amendment if any amendment was in order.

The SPEAKER. A motion to suspend the rules is not subject to amendment.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker. If the motion is put, do we have twenty minutes' debate on each side?

Mr. SHERMAN. Debate was exhausted on the date it was considered, and we got to the point of taking a vote when we took a recess until the next day.

Mr. CLARK of Missouri. Debate was exhausted on what?

Mr. SHERMAN. On the motion to suspend the rules and pass the bill.

Mr. CLARK of Missouri. We did not take a vote then?

Mr. SHERMAN. No.

Mr. HENRY of Texas. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HENRY of Texas. I rise for a parliamentary inquiry. Would it not be in order to have the proceedings of that day read?

The SPEAKER. It would not.

Mr. HENRY of Texas. So that we could see what the motion was? Another parliamentary inquiry: I would like for the Speaker to state just what the motion was on that day, as we have not got it before us, and how much debate had been exhausted, and what the motion was, and under what rule it was exhausted.

Mr. SHERLEY. Mr. Speaker—

Mr. WANGER. Mr. Speaker—

The SPEAKER. The gentlemen are seeking debate under the guise of a parliamentary inquiry.

Mr. SHERLEY. The gentleman from Kentucky desires to make a parliamentary inquiry, and desires to state that he is not trying to debate the question. I would like to have some information. I desire to know whether the motion for the suspension of the rule requires a two-thirds vote to carry or whether it was made under the order of the House requiring only a majority vote?

Mr. WILLIAMS. Made prior to this rule.

The SPEAKER. At that time it required a two-thirds vote.

Mr. SHERLEY. Then I submit a parliamentary inquiry as to whether it can now be passed under a majority vote?

The SPEAKER. At this time it requires a majority vote.

Mr. SHERLEY. Does not that suspend the rules further, and under that is not a second in order? I make that point of order.

The SPEAKER. The Chair will acknowledge his error. The motion was made on the 9th day of April, while the rules of the House were amended for the remainder of the session on the 8th day of April.

Mr. HUMPHREYS of Mississippi. Mr. Speaker—

Mr. WANGER. Mr. Speaker—

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I rise for the purpose of asking unanimous consent to—

Mr. SHERMAN. Mr. Speaker, I ask the regular order.

The SPEAKER. The gentleman demands the regular order, which is equivalent to an objection.

The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 122, nays 68, answered "present" 16, not voting 182, as follows:

YEAS—122.

Acheson	Bates	Burleigh	Cocks, N. Y.
Adair	Bede	Burton, Del.	Cole
Alexander, Mo.	Bonyngs	Capron	Cook, Colo.
Andrews	Booher	Carter	Cooper, Pa.
Bannon	Boyd	Chaney	Coudrey
Barchfeld	Bradley	Chapman	Crumacker

Currier	Hale	McGavin	Sherman
Cushman	Hamilton, Iowa	McHenry	Slayden
Davenport	Hamilton, Mich.	McKinley, Ill.	Slemp
Davidson	Hardy	McKinney	Smith, Cal.
Dawson	Haugen	McLachlan, Cal.	Smith, Iowa
Denby	Hawley	McLaughlin, Mich.	Smith, Mich.
Diekema	Hay	Mann	Snapp
Douglas	Hayes	Mondell	Southwick
Driscoll	Higgins	Murdock	Steenerson
Dwight	Hinshaw	Needham	Sterling
Edwards, Ky.	Howell, Utah	Norris	Sturgiss
Englebright	Howland	Nye	Taylor, Ohio
Esch	Hubbard, W. Va.	Olcott	Thistlewood
Fassett	Jones, Wash.	Olmsted	Volstead
Favrot	Kahn	Overstreet	Waldo
Focht	Kelfer	Parker, N. J.	Wanger
Fordney	Kennedy, Iowa	Parsons	Washburn
Foster, Ind.	Kennedy, Ohio	Payne	Weems
French	Lafan	Pollard	Wheeler
Gardner, Mich.	Landis	Porter	Wood
Gardner, N. J.	Lanning	Pray	Woodyard
Gilliams	Lenahan	Radney	Young
Gillett	Littlefield	Reynolds	The Speaker
Graft	Lowden	Rodenberg	
Greene	McCreary	Saunders	

## NAYS—68.

Adamson	Ellerbe	Hobson	Patterson
Aiken	Ferris	Houston	Randall, Tex.
Ashbrook	Finley	Howard	Rauch
Bartlett, Nev.	Floyd	Johnson, Ky.	Riordan
Beall, Tex.	Fulton	Jones, Va.	Robinson
Bell, Ga.	Garner	Kelher	Rucker
Bowers	Garrett	Lee	Russell, Mo.
Brodhead	Gill	Lindsay	Sherley
Broussard	Gillespie	McLain	Sims
Burgess	Glass	Macon	Small
Burleson	Godwin	Maynard	Smith, Mo.
Burnett	Granger	Moon, Tenn.	Stanley
Candler	Hackney	Moore, Tex.	Thomas, N. C.
Clark, Mo.	Hammond	Nicholls	Tou Velle
Craig	Helm	O'Connell	Webb
Crawford	Henry, Tex.	Padgett	Williams
Dixon	Hitchcock	Page	Wilson, Pa.

## ANSWERED "PRESENT"—10.

Ansberry	Cox, Ind.	Humphreys, Miss.	Murphy
Bennet, N. Y.	De Armond	Kipp	Pou
Cockran	Foster, Ill.	Madden	Sabath
Cooper, Wis.	Goulden	Morse	Sheppard

## NOT VOTING—182.

Alexander, N. Y.	Fairchild	Johnson, S. C.	Perkins
Allen	Fitzgerald	Kimball	Peters
Ames	Flood	Kinkaid	Powers
Anthony	Fornes	Kitchin, Claude	Pratt
Barclay	Foss	Kitchin, Wm. W.	Prince
Bartholdt	Foster, Vt.	Knapp	Pujo
Bartlett, Ga.	Foulkrod	Knopf	Ransdell, La.
Beale, Pa.	Fowler	Knowland	Reeder
Bennett, Ky.	Fuller	Kuftermann	Reid
Bingham	Gaines, Tenn.	Lamar, Fla.	Rhinock
Birdsall	Gaines, W. Va.	Lamar, Mo.	Richardson
Boutell	Gardner, Mass.	Lamb	Roberts
Brantley	Goebel	Langley	Rothermel
Brownlow	Goldfogle	Lassiter	Russell, Tex.
Brumm	Gordon	Law	Ryan
Brundidge	Graham	Lawrence	Scott
Burke	Gregg	Leake	Shackleford
Burton, Ohio	Griggs	Legare	Sherwood
Butler	Gronna	Lever	Smith, Tex.
Byrd	Hackett	Lewis	Sparkman
Calder	Haggott	Lilley	Sperry
Calderhead	Hall	Lindbergh	Spight
Caldwell	Hamill	Livingston	Stafford
Campbell	Hamlin	Lloyd	Stephens, Tex.
Carlin	Harding	Longworth	Stevens, Minn.
Cary	Hardwick	Lorimer	Sulloway
Caulfield	Harrison	Loud	Sulzer
Clark, Fla.	Haskins	Loudenslager	Talbot
Clayton	Heflin	Lovering	Tawney
Conner	Henry, Conn.	McCall	Taylor, Ala.
Cook, Pa.	Hepburn	McDermott	Thomas, Ohio
Cooper, Tex.	Hill, Conn.	McGuire	Tirrell
Cousins	Hill, Miss.	McKinlay, Cal.	Townsend
Cravens	Holliday	McMillan	Underwood
Dalzell	Howell, N. J.	McMorran	Vreeland
Darragh	Hubbard, Iowa	Madison	Wallace
Davey, La.	Huff	Malby	Watkins
Davis, Minn.	Hughes, N. J.	Marshall	Watson
Daves	Hughes, W. Va.	Miller	Weeks
Denver	Hull, Iowa	Moon, Pa.	Wells
Draper	Hull, Tenn.	Moore, Pa.	Wiley
Dunwell	Humphrey, Wash.	Mouser	Willett
Durey	Jackson	Mudd	Wilson, Ill.
Edwards, Ga.	James, Addison D.	Nelson	Wolf
Ellis, Mo.	James, Ollie M.	Parker, S. Dak.	
Ellis, Oreg.	Jenkins	Pearre	

The following pairs were announced:

Until further notice:

Mr. DRAPER with Mr. HUGHES of New Jersey.

Mr. MALBY with Mr. SPIGHT.

Mr. HOWELL of New Jersey with Mr. PUJO.

Mr. LOUDENSLAGER with Mr. KIMBALL.

Mr. FAIRCHILD with Mr. GORDON.

Mr. DUREY with Mr. CRAVENS.

Mr. DALZELL with Mr. UNDERWOOD.

Mr. BARTHOLDT with Mr. COOPER of TEXAS.

Mr. HEPBURN with Mr. RICHARDSON.

Mr. CALDER with Mr. CLAYTON.

Mr. ALEXANDER of New York with Mr. FOSTER of Illinois.

Mr. HENRY of Connecticut with Mr. HEFLIN.

Mr. PEARRE with Mr. DE ARMOND.

Mr. BURTON of Ohio with Mr. HAMLIN.

Mr. SHERLEY. Mr. Speaker, before the vote is announced I desire to call the attention of the Chair to the fact that the special rule that dispenses with the requirement of a two-thirds vote, and makes a majority vote sufficient upon a suspension of the rules, was not adopted until the 20th of April, 1908. At the time this motion was made to suspend the rules it required a two-thirds vote. I desire again to submit to the Chair the fact that under the rules when such motion was made, two-thirds was required for the passage of the bill.

The SPEAKER. The Chair will state to the gentleman from Kentucky that since the roll call began, the Chair has examined the rule and the date, and finds that the statement of the gentleman from Kentucky is correct; but while it took two-thirds to pass the bill, if it had been voted upon the day that it was considered, twenty minutes' debate on each side, yet since that time the House, as a matter of procedure, as it was competent for the House to do, has adopted a new rule, that during the remainder of this session the rules shall be suspended upon a majority vote.

Mr. SHERLEY. If the Chair will permit me a moment, The rule adopted by the House, the second part of it—

Mr. WILLIAMS. You have to recur to the old rule.

Mr. SHERLEY. If the Chair will permit me, the second part of the special rule is only germane to the point of order, and it provides that "the vote on agreeing to the motion shall in all cases be a majority instead of two-thirds, and upon the demand of any Member opposed to the motion a second shall be considered as ordered." Now, it is clear, taking into consideration the plain meaning of this rule, that the proviso only relates to a future motion to suspend the rules, because the first proviso provides that such a motion shall be in order at any time and not simply as provided in Rule XXIII, and the last part of the second provision provides for the ordering of a second when a second is demanded, clearly indicating a future occurrence; and inasmuch as it related only to future motions, and inasmuch as this motion was made to suspend the rules prior to the adoption of the special rule, it can not be held to be retroactive and to affect a vote made upon a motion that was in order only where a two-thirds vote was required.

The SPEAKER. The Chair does not require to hear—

Mr. WILLIAMS. One word upon the point of order before the Chair decides. The former rule—the old rule, and the new one as well—the one adopted prior to and the one adopted on April 20, provide "when a second shall be considered as ordered," and there shall be twenty minutes for debate upon a side. It was announced just now that the twenty minutes' debate upon a side had been exhausted on that day—the 9th of April. By an examination of the CONGRESSIONAL RECORD of April 10, I find that statement not to be a fact, but to be a mistake made by the gentleman from New York [Mr. SHERMAN] when he made the assertion. I find on page 4710 of the CONGRESSIONAL RECORD of April 9 that the gentleman from New York [Mr. PAYNE] was speaking, whereupon the Chair, in accordance with another rule then in existence, interrupted him with the gavel and said:

In pursuance of an order of the House, the hour of 5 o'clock having arrived, the Chair declares the House in recess until to-morrow at 11.30 o'clock a. m.

The debate had not been concluded by five or six or more minutes.

The SPEAKER. The Chair has the following memorandum from the Clerk, and the Clerk at the Speaker's table kept the time. For those opposing the motion the time was wholly exhausted.

Mr. WILLIAMS. That is right.

The SPEAKER. The Chair finds for those advocating the motion that there were eleven minutes remaining, but in the control of the gentleman from New York, who did not choose to use that time.

Mr. WILLIAMS. Under the control, on the contrary, of the gentleman from Pennsylvania [Mr. WANGER].

The SPEAKER. Well, the gentleman from Pennsylvania did not demand—

Mr. SHERLEY. Why, the gentleman from Pennsylvania had no chance for recognition or for the purpose of offering an amendment to the bill, as he desired.

The SPEAKER. The bill was not subject to amendment; and as the time was not claimed by those who favored the bill, those who opposed the bill can not complain.



Mr. SHERLEY. Well, the gentleman in charge of the bill had no opportunity to claim the time; the gentleman from New York [Mr. SHERMAN] insisted upon a vote.

The SPEAKER. Precisely; and the gentleman in charge of the bill or some other gentleman for the bill did not choose to demand recognition, was not compelled to demand recognition, and did not demand recognition.

Mr. SHERLEY. Do I understand—

The SPEAKER. The Chair is prepared to rule. Under the Constitution, a quorum consists of a majority of the Members of the House.

On a vote, a majority of the Members present, a quorum voting, passes the bill. On a suspension of the rules the requiring of more than a majority is a question of procedure. Under ordinary conditions the rules very properly provide that there shall be two days in a month for a suspension of the rules, with twenty minutes on a side for debate, and a two-thirds vote of those present, a quorum being present, to pass the bill. When this motion was made and the bill was debated, it became unfinished business. Since that time the House has changed its procedure and has provided that a motion to suspend the rules shall prevail by a majority vote.

Upon this vote the yeas are 122, the nays are 68, present 16. A majority having voted in the affirmative, the rules are suspended, and the bill is passed.

CONTESTED ELECTION CASES—KUNZ *v.* M'GAVIN—MICHALEK *v.* SABATH.

Mr. DRISCOLL. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman rises to a privileged report or question?

Mr. DRISCOLL. Report and resolution. By direction of Committee on Elections No. 3 I wish to submit a report in the contested election case of Stanley H. Kunz, contestant, *v.* Charles McGavin, contestee, from the Eighth Congressional District of the State of Illinois, and also a resolution, and I ask for present consideration of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That Stanley H. Kunz was not elected a Representative in the Sixtieth Congress from the Eighth Congressional District of the State of Illinois.

*Resolved*, That Charles McGavin was duly elected a Representative in the Sixtieth Congress from the Eighth Congressional District of the State of Illinois, and is entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolution.

Mr. DRISCOLL. Before that motion is put, in order to save time, I wish also to submit, by direction of the Committee on Elections No. 3, the report of that committee in the contested-election case of Anthony Michalek *v.* Adolph J. Sabath from the Fifth Congressional District of Illinois, and also the resolution in that case.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That Anthony Michalek was not elected a Representative in the Sixtieth Congress from the Fifth Congressional District of the State of Illinois.

*Resolved*, That Adolph J. Sabath was duly elected a Representative in the Sixtieth Congress from the Fifth Congressional District of the State of Illinois and is entitled to a seat therein.

The SPEAKER. If there be no objection, the resolution in the first case will be agreed to.

Mr. WILLIAMS. Mr. Speaker, as I understand it, the gentleman has offered two resolutions together, the one as an amendment to the other, the two to be considered as one.

The SPEAKER. No.

Mr. WILLIAMS. Was not that the case?

The SPEAKER. No; the gentleman reported the first resolution, and then he reported the second resolution.

Mr. WILLIAMS. So that one of them—the one first offered—may go through by unanimous consent, and the other may not?

The SPEAKER. Well, the question could be taken on both by unanimous consent, that the resolution in each case be agreed to. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that both resolutions be considered as passed by the House.

Mr. DRISCOLL. Mr. Speaker, I am entirely willing. I believe it is my place to ask unanimous consent that both be considered as passed at the same time.

The SPEAKER. The Chair hears no objection, and the resolutions, by unanimous consent, are agreed to. They will be journalized separately.

ESTIMATES FOR CLERICAL SERVICE.

Mr. GILLET. Mr. Speaker, I move to suspend the rules and pass the following joint resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Joint resolution (H. J. Res. 191) requiring estimates for the clerical service to be transmitted to Congress.

*Resolved, etc.*, That there shall be transmitted to Congress through the Secretary of the Treasury by the head of each Executive Department and Government establishment at Washington, in addition to the estimates now required by law, estimates for the clerical service in their respective Departments for the fiscal year 1910, classified and graded according to the following schedule, without reference to the amount of salary that may be hereafter authorized as compensation for each class or subdivision, and the Committee on Appropriations is authorized to prepare appropriation bills in accordance with either form of estimate. Grade A in each class shall represent the highest ability and character of work in that class.

SCHEDULE.

Senior clerks: Employees who are assigned to work largely supervisory, or requiring the highest order of clerical ability, involving much original thought, consideration, and investigation. Grades A, B, C, D, and E.

Clerks: Employees who are assigned to work more or less routine, involving responsibility, special ability, and original thought, consideration, and investigation. Grades A, B, C, D, and E.

Junior clerks: Employees who are assigned to clerical work of a routine character requiring but little original thought or consideration, but requiring judgment, responsibility, and special skill. Grades A, B, C, D, and E.

Under clerks: Employees who are assigned to clerical work of a simple or routine character requiring care, accuracy, and skill. Grades A, B, C, D, and E.

SUBCLERICAL CLASS.

Employees whose duties are not clerical or mechanical, but require some special skill or involve personal responsibility, as messengers, watchmen, skilled laborers, sorters, and counters. Grades A, B, C, and D.

Employees engaged in rough and unskilled work, as laborers generally. Grades A and B.

Employees who enter the service at an early age and are engaged in light work, as messenger boys. Grades A, B, C, and D.

Employees whose work occupies only a part of the time each day, as charwomen and janitors. Grades A, B, and C.

Salaries of employees engaged in professional, technical, or scientific work shall conform as far as possible to the classes and grades of the above schedules.

The SPEAKER. Is a second demanded?

Mr. BOWERS. I demand a second, Mr. Speaker.

The SPEAKER. Under the rule, a second is ordered. The gentleman from Massachusetts is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. GILLET. Mr. Speaker, this is a report from the Committee on Appropriations, and I think I can very briefly explain the purpose of it to the House, and I hope and think it will command general approval. Last Congress when we increased our own salaries I think there was a general understanding or expectation that an increase in the pay of the Army and of the Navy and of the clerical force of the Government would ultimately follow. This year, despite the financial depression, we have already raised the pay of the Army and the Navy, and now there remains the question, which is much agitated, whether the clerical force employed by the Government should not also share in this rise. The way that force is now appropriated for is by the legislative, executive, and judicial appropriation bill.

The committee which had that in charge found that it was impossible under the present existing law to make any fair rearrangement of salaries, because I think every Member of this House recognizes the fact that the salaries to-day in the clerical force are entirely unreasonable and unscientific as compared with each other, and therefore a certain per cent increase for all would not be just. You will find a clerk, for instance, getting \$1,800 sitting beside a clerk who is getting \$1,200, both doing exactly the same kind of work. You will find a man engaged in difficult employment, employment requiring a high grade of skill, receiving less salary than a clerk who is doing the simplest kind of copying work.

As the House is aware, this whole question had been investigated and examined by what is known as the "Keep Commission," and both in the last session and this session the Committee on Appropriations has considered the subject, and finally has drawn up the grading which is contained in the resolution just read to the House, and which provides that employees shall be graded not as now, simply in accordance with the salaries they receive, but as far as we can provide in accordance with the class of work they do. We attained the best classification we could arrive at, but we do not ask the House to adopt this as a law, because we ourselves are not satisfied to what result it would lead.

But this resolution does provide that next year the heads of all the Departments, in sending their estimates to Congress, shall classify their force in accordance with the present custom

and also in accordance with this new classification, so that we can take it up and see what the result would be and whether it is capable of being framed into a law, compare the present system and the other system, and see if the results of a change would be advantageous, and if we think it would be desirable to give it a test.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. Will he yield?

Mr. GILLETTE. Certainly.

Mr. CLARK of Missouri. This resolution does not bind anybody to do anything?

Mr. GILLETTE. No; except it binds the heads of the Departments to send in their estimates in both ways, in the old way and the new way.

Mr. CLARK of Missouri. It is a sort of feeler?

Mr. GILLETTE. Exactly; it is a tentative proposition.

Mr. DWIGHT. Does it decrease or increase the salaries?

Mr. GILLETTE. It does not touch that subject. It compels the heads of the Departments to send in their estimates, and then the committee and the House can take it up and see if under this new arrangement there can be a gradation of salaries according to the new rule, and what the cost would be.

Mr. WILLIAMS. As I understand it, the committee is attempting to see if it can not secure a classification according to their rank and worth?

Mr. GILLETTE. Yes.

Mr. WILLIAMS. So that the present anomaly of having some one do the same work as another, one receiving \$600 and the other \$900, may possibly be put an end to, if the House can find a practical way of doing it after this report.

Mr. GILLETTE. That is it exactly.

Mr. Speaker, I reserve the balance of my time.

Mr. BOWERS. Mr. Speaker, I do not see the necessity of my making any further statement.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, on that proposition I demand the yeas and nays.

Mr. GILLETTE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The point is sustained. No quorum is present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion of the gentleman from Massachusetts to suspend the rules and pass the joint resolution. The Clerk will call the roll.

The question was taken, and there were—yeas 182, nays 1, answered "present" 20, not voting 185, as follows:

## YEAS—182.

Adair	Darragh	Hayes	O'Connell
Aiken	Davenport	Helm	Olcott
Alexander, Mo.	Dawson	Henry, Tex.	Olmsted
Andrus	Denby	Hepburn	Padgett
Barchfeld	Draper	Hill, Conn.	Page
Bartholdt	Driscoll	Hinschaw	Parsons
Bartlett, Nev.	Durey	Hobson	Patterson
Bates	Dwight	Holliday	Payne
Beall, Tex.	Ellerbe	Houston	Pollard
Bede	Esch	Howard	Pray
Dell, Ga.	Fassett	Howell, Utah	Rainey
Bonyng	Ferris	Howland	Randall, Tex.
Booher	Finley	Huff	Rauch
Bowers	Fitzgerald	Hughes, N. J.	Reeder
Boyd	Floyd	James, Ollie M.	Rhinock
Bradley	Focht	Jones, Wash.	Riordan
Brantley	Fordney	Kahn	Robinson
Brodhead	Foster, Ill.	Kelifer	Rodenberg
Broussard	Foster, Ind.	Keliber	Rucker
Burgess	Foukrod	Kennedy, Iowa	Russell, Mo.
Burleigh	Fowler	Kennedy, Ohio	Sabath
Burleson	French	Kimball	Saunders
Burnett	Fulton	Kipp	Small
Burton, Del.	Gardner, Mich.	Knapp	Smith, Cal.
Burton, Ohio	Gardner, N. J.	Küstermann	Smith, Iowa
Butler	Garner	Lafean	Snapp
Calderhead	Garrett	Law	Spight
Campbell	Gilhams	Lee	Stanley
Candler	Gill	Lindbergh	Sterling
Capron	Gillespie	Lindsay	Taylor, Ohio
Carlin	Gillett	McCreary	Thomas, N. C.
Carter	Glass	McDermott	Tou Velle
Caulfield	Godwin	McGavin	Underwood
Chaney	Gordon	McKinley, Ill.	Volstead
Chapman	Goulden	McKinney	Vreeland
Clark, Mo.	Granger	McLain	Waldo
Cockran	Greene	Macon	Webb
Cocks, N. Y.	Hackett	Maynard	Weeks
Cole	Hackney	Miller	Weems
Cooper, Pa.	Hale	Mondell	Wheeler
Cooper, Tex.	Hall	Moon, Tenn.	Williams
Coudrey	Hamilton, Iowa	Moore, Tex.	Wood
Crawford	Haskins	Murdoch	Young
Carrier	Haugen	Murphy	The Speaker
Cushman	Hawley	Norris	
Dalzell	Hay	Nye	

## NAYS—1.

Sherley

## ANSWERED "PRESENT"—20.

Adamson	Dixon	Lamb	Rothermel
Ansberry	Flood	Lever	Russell, Tex.
Bennet, N. Y.	Hull, Tenn.	Madden	Sheppard
Cox, Ind.	Humphreys, Miss.	Mann	Sherwood
De Armond	Jones, Va.	Nicholls	Watkins

## NOT VOTING—185.

Acheson	Fornes	Langley	Pujo
Alexander, N. Y.	Foss	Lanling	Ransdell, La.
Allen	Foster, Vt.	Lasater	Reid
Ames	Fuller	Lawrence	Reynolds
Anthony	Gaines, Tenn.	Leake	Richardson
Ashbrook	Gaines, W. Va.	Legare	Roberts
Bannon	Gardner, Mass.	Lenahan	Ryan
Barclay	Goebel	Lewis	Scott
Bartlett, Ga.	Goldfogle	Lilley	Shackelford
Beale, Pa.	Graft	Littlefield	Sherman
Bennett, Ky.	Graham	Livingston	Sims
Bingham	Gregg	Lloyd	Slayden
Birdsall	Griggs	Longworth	Slomp
Boutell	Gronna	Lorimer	Smith, Mich.
Brownlow	Haggott	Loud	Smith, Mo.
Brumm	Hamill	Loudenslager	Smith, Tex.
Brundidge	Hamilton, Mich.	Lovering	Southwick
Burke	Hamlin	Lowden	Sparkman
Byrd	Hammond	McCall	Sperry
Calder	Harding	McGuire	Stafford
Caldwell	Hardwick	McHenry	Steenerson
Cary	Hardy	McKinlay, Cal.	Stephens, Tex.
Clark, Fla.	Harrison	McLachlan, Cal.	Stevens, Minn.
Clayton	Heflin	McLaughlin, Mich.	Sturgiss
Conner	Henry, Conn.	McMillan	Sulloway
Cook, Colo.	Higgins	McMorran	Snizer
Cook, Pa.	Hill, Miss.	Madison	Talbot
Cooper, Wis.	Hitchcock	Malby	Tawney
Cousins	Howell, N. J.	Marshall	Taylor, Ala.
Craig	Hubbard, Iowa	Moon, Pa.	Thistlewood
Cravens	Hubbard, W. Va.	Moore, Pa.	Thomas, Ohio
Crumpacker	Hughes, W. Va.	Morse	Tirrell
Davey, La.	Hull, Iowa	Mouser	Townsend
Davidson	Humphrey, Wash.	Mudd	Wallace
Davis, Minn.	Jackson	Needham	Wanger
Dawes	James, Addison D.	Nelson	Washburn
Denver	Jenkins	Overstreet	Watson
Dickema	Johnson, Ky.	Parker, N. J.	Weisse
Douglas	Johnson, S. C.	Parker, S. Dak.	Wiley
Dunwell	Kinkaid	Pearre	Willett
Edwards, Ga.	Kitchin, Claude	Perkins	Wilson, Ill.
Edwards, Ky.	Kitchin, Wm. W.	Peters	Wilson, Pa.
Ellis, Mo.	Knopf	Porter	Wolf
Ellis, Oreg.	Knowland	Pou	Woodyard
Englebright	Lamar, Fla.	Powers	
Fairchild	Lamar, Mo.	Pratt	
Fayrot	Landis	Prince	

So the motion to suspend the rules and pass the joint resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LANING with Mr. ASHBROOK.

Mr. LANDIS with Mr. DIXON.

Mr. MANN with Mr. SIMS.

Mr. SOUTHWICK with Mr. SLAYDEN.

Mr. STEVENS of Minnesota with Mr. WILSON of Pennsylvania.

Mr. SMITH of Michigan with Mr. RANDELL of Louisiana.

Mr. SCOTT with Mr. MCHENRY.

Mr. ROBERTS with Mr. LOYD.

Mr. REYNOLDS with Mr. JOHNSON of Kentucky.

Mr. MOORE of Pennsylvania with Mr. HITCHCOCK.

Mr. DIEKEMA with Mr. HARDY.

Mr. CRUMPACKER with Mr. HAMLIN.

Mr. AMES with Mr. CLARK of Florida.

For the session:

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

The doors were opened.

## RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House now take a recess until 11 a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from New York [Mr. PAYNE] moves that the House take a recess until 11 o'clock a. m. to-morrow.

The question was taken, and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. Evidently no quorum is present. The Doorkeeper will close the doors; the Sergeant-at-Arms will bring in absentees. Those in favor of the motion will, as their names are called, answer "yea," those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.



The question was taken and there were—yeas 126, nays 54, answered "present" 17, not voting 191, as follows:

## YEAS—126.

Adair	Dickema	Hinshaw	Norris
Alexander, Mo.	Draper	Holliday	Nye
Barchfeld	Driscoll	Howell, Utah	Padgett
Bartholdt	Durey	Howland	Payne
Bede	Edwards, Ky.	Hubbard, W. Va.	Pollard
Bonyage	Ellis, Mo.	Huff	Pray
Boyd	Ellis, Oreg.	Humphrey, Wash.	Rainey
Bradley	Esch	Jones, Wash.	Reeder
Broussard	Fairchild	Kahn	Rodenberg
Burgess	Focht	Kelley	Saunders
Burleigh	Fordney	Kennedy, Iowa	Scott
Burton, Del.	Foss	Kennedy, Ohio	Sherman
Burton, Ohio	Foulkrod	Kinkaid	Smith, Cal.
Butler	Fowler	Knapp	Smith, Mo.
Calderhead	French	Küstermann	Snapp
Campbell	Gardner, Mich.	Lafean	Southwick
Capron	Gardner, N. J.	Law	Sterling
Caulfield	Garner	Lindbergh	Sturgiss
Chaney	Gilliams	Littlefield	Sulloway
Chapman	Gillett	Loudenslager	Taylor, Ohio
Cockran	Goulden	McCreary	Thistlewood
Cole	Graft	McGavin	Volstead
Cook, Colo.	Granger	McKinley, Ill.	Wanger
Cooper, Pa.	Greene	McKinney	Weeks
Cooper, Tex.	Hale	Macon	Weems
Coudrey	Hall	Madden	Wheeler
Crumpacker	Hamilton, Iowa	Madison	Wilson, Ill.
Currier	Hawley	Moon, Tenn.	Wood
Cushman	Hayes	Mouser	Young
Dalzell	Hepburn	Murdock	The Speaker
Dawson	Higgins	Murphy	
De Armond	Hill, Conn.	Needham	

## NAYS—54.

Adamson	Finley	Houston	Rucker
Beall, Tex.	Fitzgerald	Jones, Va.	Russell, Mo.
Bell, Ga.	Floyd	Kelther	Sabath
Boohar	Foster, Ill.	Kipp	Sherwood
Bowers	Fulton	Lenahan	Spight
Brodhead	Garrett	Lloyd	Stanley
Burleson	Godwin	McIlmott	Sulzer
Candler	Hackett	McHenry	Thomas, N. C.
Carlin	Hackney	Moore, Tex.	Tou Velle
Clark, Mo.	Hay	Nicholls	Underwood
Clayton	Heflin	O'Connell	Watkins
Davenport	Helm	Rauch	Williams
Ellerbe	Hewry, Tex.	Riordan	
Ferris	Hobson	Robinson	

## ANSWERED "PRESENT"—17.

Ansberry	Flood	Lever	Small
Ashbrook	Haggott	Mann	Talbot
Bennet, N. Y.	Hull, Tenn.	Rothermel	
Cox, Ind.	Humphreys, Miss.	Russell, Tex.	
Dixon	Laning	Sheppard	

## NOT VOTING—191.

Acheson	Englebright	Knopf	Perkins
Aiken	Fassett	Knowland	Peters
Alexander, N. Y.	Favrot	Lamar, Fla.	Porter
Allen	Fornes	Lamar, Mo.	Pou
Ames	Foster, Ind.	Lamb	Powers
Andrus	Foster, Vt.	Landis	Pratt
Anthony	Fuller	Langley	Prince
Bannon	Gaines, Tenn.	Lassiter	Pujo
Barclay	Gaines, W. Va.	Lawrence	Randall, Tex.
Bartlett, Ga.	Gardner, Mass.	Leake	Ransdell, La.
Bartlett, Nev.	Gill	Lee	Reid
Bates	Gillespie	Legare	Reynolds
Beale, Pa.	Glass	Lewis	Rhincock
Bennett, Ky.	Goebel	Lilly	Richardson
Bingham	Goldfogle	Lindsay	Roberts
Birdsall	Gordon	Livingston	Ryan
Boutell	Graham	Longworth	Shackelford
Brantley	Gregg	Lorimer	Sherley
Brownlow	Griggs	Loud	Sims
Brumm	Gronna	Lovering	Slayden
Brundidge	Hamill	Lowden	Slemp
Burke	Hamilton, Mich.	McCall	Smith, Iowa
Burnett	Hamlin	McGuire	Smith, Mich.
Byrd	Hammond	McKinlay, Cal.	Smith, Tex.
Calder	Harding	McLachlan, Cal.	Sparkman
Caldwell	Hardwick	McLain	Sperry
Carter	Hardy	McLaughlin, Mich.	Stafford
Cary	Harrison	McMillan	Steenerson
Clark, Fla.	Haskins	McMorran	Stephens, Tex.
Cocks, N. Y.	Haugen	Malby	Stevens, Minn.
Conner	Henry, Conn.	Marshall	Tawney
Cook, Pa.	Hill, Miss.	Maynard	Taylor, Ala.
Cooper, Wis.	Hitchcock	Miller	Thomas, Ohio
Cousins	Howard	Mondell	Tirrell
Craig	Howell, N. J.	Moon, Pa.	Townsend
Cravens	Hubbard, Iowa	Moore, Pa.	Vreeland
Crawford	Hughes, N. J.	Morse	Waldo
Darragh	Hughes, W. Va.	Mudd	Wallace
Dayey, La.	Hull, Iowa	Nelson	Washburn
Davidson	Jackson	Olcott	Watson
Davis, Minn.	James, Addison D.	Olmsted	Webb
Dawes	James, Ollie M.	Overstreet	Welss
Denby	Jenkins	Page	Wiley
Denver	Johnson, Ky.	Parker, N. J.	Willett
Douglas	Johnson, S. C.	Parker, S. Dak.	Wilson, Pa.
Dunwoil	Kimball	Parsons	Wolf
Dwight	Kitchin, Claude	Patterson	Woodyard
Edwards, Ga.	Kitchin, Wm. W.	Pearre	

The Clerk announced the following additional pairs:

For the remainder of this day:

Mr. FASSETT with Mr. BARTLETT of Nevada.

For this vote:

Mr. DENBY with Mr. BRANTLEY.  
Mr. HAMILTON of Michigan with Mr. BURNETT.  
Mr. LOWDEN with Mr. CRAIG.  
Mr. OLCOTT with Mr. GILLESPIE.  
Mr. OLMSTED with Mr. MAYNARD.  
Mr. SMITH of Iowa with Mr. PAGE.  
Mr. WALDO with Mr. BYRD.  
Mr. MILLER with Mr. RANDELL of Texas.

The SPEAKER pro tempore. On this question the yeas are 125, nays 54, answering "present" 17, a quorum. The Doorkeeper will open the doors.

Accordingly (at 7 o'clock and 43 minutes p. m.) the House took a recess until 11 a. m. to-morrow.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chairman of the Printing Investigation Commission, transmitting a report on the purchase of supplies, etc., and making recommendations in relation to future appropriations (H. R. Doc. 968), was taken from the Speaker's table, referred to the Committees on Printing and Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11777) providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks in the State of California, in which are big trees and other natural curiosities and wonders, reported the same without amendment, accompanied by a report (No. 1774), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Committee on the Distribution of Useless Papers in the Executive Departments, submitted a report (No. 1775) relative to House Document 555, which said report was referred to the House Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 22147) granting a pension to Kate G. Johnson, and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 22183) to amend and consolidate the acts respecting copyright—to the Committee on Patents.

By Mr. PRAY: A bill (H. R. 22184) authorizing the Secretary of the Interior to dispose of certain land within the Fort Peck Indian Reservation, in Valley County, Mont., for public school purposes—to the Committee on Indian Affairs.

By Mr. HOWARD: A bill (H. R. 22185) to erect a monument commemorating the battle of Kettle Creek, during the Revolutionary war—to the Committee on the Library.

By Mr. CALDERHEAD: A bill (H. R. 22186) to regulate the issuing of national bank currency—to the Committee on Banking and Currency.

By Mr. LANGLEY: A bill (H. R. 22187) to increase the pensions of widows of soldiers and sailors of the war with Mexico, and of the late civil war, and the various Indian wars—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22188) to provide for the improvement of the headwaters of the Big Sandy River, Virginia and Kentucky, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. KEIFER (by request): A bill (H. R. 22189) for the purchase of an edition of the document therein mentioned—to the Committee on Printing.

By Mr. REYNOLDS: A bill (H. R. 22190) to amend an act entitled "An act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 30, 1906—to the Committee on the Judiciary.

By Mr. WEEKS (by request): A bill (H. R. 22191) granting thirty working days' leave of absence in each year, without forfeiture of pay during such leave, to certain employees at United States arsenals, proving grounds, and supply stations—to the Committee on Military Affairs.

By Mr. REYNOLDS: Joint resolution (H. J. Res. 192) proposing an amendment to the Constitution of the United States regulating the hours of labor in industrial establishments—to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 22192) granting an increase of pension to Phillip Leatherbreatches—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 22193) for the relief of John W. McGrath—to the Committee on Claims.

Also, a bill (H. R. 22194) for the relief of Benjamin W. Ehle—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 22195) granting a pension to Emily E. Watson—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 22196) for the relief of the heirs of James Roberts, late of Jasper County, Ga.—to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 22197) granting a pension to Ursula Joseph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22198) granting a pension to Georgia A. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22199) granting an increase of pension to Peter Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22200) for the relief of J. M. Daniel—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 22201) for the relief of the heirs of Thomas J. Holmes and Richard R. Holmes, deceased—to the Committee on War Claims.

By Mr. LENAIIAN: A bill (H. R. 22202) granting a pension to James Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22203) granting a pension to Frank Carr—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 22204) to correct the military record of Christopher P. Rhodes—to the Committee on Military Affairs.

By Mr. REEDER: A bill (H. R. 22205) granting a pension to Joseph Coslett—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 22206) granting an increase of pension to Jessie McClelland—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 22207) to remove the charge of absence without leave and reported desertion from the military record of Edward Joseph Carey, alias Edward Joseph Fitzharris—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of St. Mary's Council, Knights of Columbus, favoring making October 12 a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

Also, petition of Lawrence Saving and Trust Company, for a third of the members of currency commission to be selected outside of Congress—to the Committee on Banking and Currency.

By Mr. BEALE of Pennsylvania: Petition of citizens of Saltsburg, Pa., for the Clay amendment to the shipping bill for protection of no-license districts—to the Committee on the Judiciary.

Also, petition of citizens of Kittanning, Pa., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of the United States, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Eddie H. De Vidder, of Miola, Pa., favoring H. R. 12682, safeguarding people's money against bank failures—to the Committee on Banking and Currency.

Also, petition of Punxsutawney Council, No. 452, Knights of Columbus, for H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. BRODHEAD: Petition of Damien Council, Knights

of Columbus, for H. R. 7559, making the 12th of October a national holiday—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of citizens of Madison, Me., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COUDREY: Petition of J. A. Lewis, favoring selection of one-third of currency commission outside of Congress—to the Committee on Banking and Currency.

By Mr. CAULFIELD: Paper to accompany a bill for relief of John McBride—to the Committee on Pensions.

By Mr. DALZELL: Petitions of Bishop Newman Council, Massachusetts State Council, and Punxsutawney, Uniontown, and St. Leo councils, Knights of Columbus, for H. R. 7559, in favor of making October 12—date of discovery of America by Christopher Columbus—a legal holiday—to the Committee on the Judiciary.

By Mr. FOWLER: Petition of Presbytery of Newton, N. J., against restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of R. L. Crickenberger and others, of Westfield, N. J., for H. R. 20584, amendment to Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Robert A. Pruden and others, of Plainfield, N. J., favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petitions of Robert E. Crosson and Charles W. Coons, of Plainfield, N. J., for H. R. 20584, amendment to the Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of Elizabeth, N. J., for development of method of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of Succasunna, N. J., favoring the Hamilton bill (H. R. 17426)—to the Committee on Military Affairs.

By Mr. FULLER: Petition of D. J. Stewart & Co., of Rockford, Ill., against section 11 of the Aldrich bill—to the Committee on Banking and Currency.

Also, petition of William F. Woodruff, of Rockford, Ill., against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of A. W. Fiske, of De Kalb, Ill., for amendment of H. R. 18525, so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Charles W. Bogart, favoring choice of one-third of members of currency commission outside of Congress—to the Committee on Banking and Currency.

By Mr. HAMIL: Petition of citizens of Union Hill, N. J., for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of Women's Club and citizens of Hastings, Mich., in favor of passage of H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of citizens of San Jose, favoring the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of Tintic Commercial Club, favoring amendment to section 4 of act to regulate commerce (Hepburn railway rate bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Federation of Labor of Salt Lake City, Utah, for H. R. 11808, 16871, 16868, and S. 4491—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of Mrs. E. H. Reid and other citizens of Pennsylvania, favoring concurrent resolution 28, against Russian atrocities—to the Committee on Foreign Affairs.

By Mr. LAW: Petition of John S. Collins and other citizens, children, of Brooklyn, N. Y., praying for legislation to establish the Southern Appalachian Forest Reserve—to the Committee on Agriculture.

Also, petition of Palos Council, Knights of Columbus, for H. R. 7559, making the 12th of October a national holiday—to the Committee on the Judiciary.

By Mr. PUJO: Petition for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.



By Mr. SHERMAN: Petition of various councils, Knights of Columbus, favoring H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: Petition of Leroy Osler and others, of Columbus, Ohio, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. TOU VELLE: Petition of George W. Phillips, that Congress prohibit the sale of envelopes by the Post-Office Department for less than cost in competition with country printing offices—to the Committee on the Post-Office and Post-Roads.

## SENATE.

WEDNESDAY, May 27, 1908.

Prayer by the Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

### PUBLIC PRINTING AND BINDING.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the chairman of the Printing Investigation Commission, which will be read.

The Secretary read as follows:

PRINTING INVESTIGATION COMMISSION,  
Washington, May 25, 1908.

SIR: I have the honor to transmit herewith, by direction of the Printing Investigation Commission, and with its approval, a report by its subcommittee on the subject of the purchase of certain supplies for the public printing and binding and the operations of The Audit System, a corporation, in the Government Printing Office, and making certain recommendations in relation to future appropriations for the public printing and binding and other matters.

Very respectfully,

T. C. PLATT,

Chairman Printing Investigation Commission.

The PRESIDENT OF THE SENATE,  
Washington, D. C.

The VICE-PRESIDENT. The communication and accompanying papers will lie on the table and be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the First Presbyterian Church of Dalton, Ga., v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 1385. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect; and

S. 6200. An act granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and renewal of a conduit and pipe line and valve houses upon and across the Fort Douglas Military Reservation.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17228. An act to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation;

H. R. 19795. An act concerning locomotive ash pans;

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes; and

H. J. Res. 191. Joint resolution requiring estimates for the clerical service to be transmitted to Congress.

The message also announced that the House had passed a concurrent resolution (H. C. Res. 41) providing for the printing and binding of copies of the proceedings of the conference of governors of the States and Territories called by the President of the United States, held May 13, 14, and 15, 1908, to consider measures for the conservation of the country's natural resources, in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4316. An act to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903;

S. 4812. An act to regulate the employment of child labor in the District of Columbia;

S. 6163. An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and for other purposes;

S. 6363. An act granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly;

S. 6805. An act to encourage the development of coal deposits in the Territory of Alaska;

H. R. 21815. An act to amend the laws relating to navigation, and for other purposes; and

H. R. 21875. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Conference of the Methodist Protestant Church of Pittsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Poughkeepsie Trust Company, of Poughkeepsie, N. Y., praying for the enactment of legislation to establish a currency commission, which was ordered to lie on the table.

He also presented a memorial of the Danahy Packing Company, of Buffalo, N. Y., remonstrating against the passage of the so-called "Beveridge bill" requiring the date to be placed on cans of meat and meat food products, which was referred to the Committee on Agriculture and Forestry.

Mr. SCOTT presented a petition of sundry citizens of Clarksburg, W. Va., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of the West Virginia Retail Jewelers' Association of Parkersburg, W. Va., remonstrating against the passage of the so-called "Freeland bill" to regulate the stamping of gold-filled, gold-plated and electroplated watch cases, which was referred to the Committee on Finance.

Mr. DU PONT presented a petition of sundry citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. ALLISON presented petitions of sundry citizens of Richland, Burlington, Missouri Valley, Council Bluffs, Muscatine, Keokuk, Ottumwa, Evans, Cedar Rapids, Dubuque, Davenport, Des Moines, Waterloo, White City, Oskaloosa, Clarkdale, Hynes, Sioux City, and Beacon, all in the State of Iowa, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Council Bluffs, Osceola, Muscatine, Stuart, and Clarke County, all in the State of Iowa, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Federated Women's Club of Akron; the Fortnightly Club of Burlington; the Elkader Coterie, of Elkader; the Cheerful Workers of Sutherland; the Hawthorne Club of Wyoming; the Mothers' Club of Grinnell; the Book and Basket Club of Ames; the Woman's Club of Dubuque; the Art Club of Iowa City; the Twentieth Century Club of Charles City; the Ladies' Literary Society of Waterloo; the Whatsoever Club of Burlington; the Home, Social, and Literary Club of Cedar Falls; the Twentieth Century Club of

Muscatine; the Ladies' Literary Circle of La Porte; the Unity Circle of Des Moines; the Shakespeare Club of Burlington; the Woman's Club of Spencer; the Iowa Federation of Women's Clubs of Audubon; the Iowa Federation of Women's Clubs of Independence; the Woman's Club of Oskaloosa; the N. N. Club of Iowa City; the Ladies' Embroidery Club of Greene; the Iowa Congress of Mothers, of Des Moines; the Ladies' Tourist Club of Fairbanks; the Mothers' Council of Cedar Falls; the Hyperion Circle of Rockford; the Women's Club of Toledo; the Women's Club of Independence; the Tuesday Club of Cedar Falls, and of sundry citizens of Cedar Rapids, Ames, Albia, Independence, Fort Madison, and Sutherland, all in the State of Iowa, praying for the passage of the so-called "Beveridge-Parsons child-labor bill," which were ordered to lie on the table.

He also presented sundry petitions of citizens of Des Moines, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were ordered to lie on the table.

He also presented a petition of the Woman's Home Missionary Society of the Capital Park Methodist Episcopal Church, of Des Moines, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Council Bluffs, Iowa, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Credit Men's Association of Des Moines, Iowa, remonstrating against the repeal of the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a petition of Scott County Grange, Patrons of Husbandry, of Davenport, Iowa, praying for the enactment of legislation to prohibit buying, selling, or dealing in futures, which was referred to the Committee on the Judiciary.

He also presented sundry petitions of Local Lodge No. 204, Brotherhood of Railroad Trainmen, of Boone, Iowa, praying for the passage of the so-called "Rosenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchants' Association of New York, praying for the enactment of legislation to create a permanent nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Credit Men's Association of Des Moines, Iowa, remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Sheldon, Iowa, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Sheldon, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Buxton, Iowa, praying for the passage of the so-called "Foraker bill," providing for the reenlistment of the discharged soldiers of the Twenty-fifth Infantry, which was ordered to lie on the table.

He also presented sundry petitions of labor organizations of Dubuque, Iowa, praying for the enactment of legislation providing for the construction of the first new battle ship at a Government navy-yard, which were ordered to lie on the table.

He also presented a petition of the town council of Guttenberg, Iowa, praying that an annual appropriation of \$2,000,000 be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Fort Dodge, Webster City, and Sioux City, all in the State of Iowa, praying for the enactment of legislation to promote the efficiency of the National Guard of the various States, which were referred to the Committee on Military Affairs.

He also presented a petition of the board of directors of the Adams County Bank, of Nodaway, Iowa, praying for the enactment of legislation providing for the appointment of a currency commission, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Toledo, Iowa, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Ackley, Dubuque, Waterloo, Davenport, Des Moines, Spencer, and Sioux

City, all in the State of Iowa, and of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill" relating to musical compositions, which were referred to the Committee on Patents.

He also presented memorials of sundry citizens of Colfax, Massena, Sioux City, Loveland, Council Bluffs, Ottumwa, Afton, Larrabee, and Oskaloosa, all in the State of Iowa, remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Muscatine, Laurel, Agency, Muscatine County, and Floyd County, all in the State of Iowa, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Dubuque, Iowa, remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. DOLLIVER) presented petitions of sundry citizens of Ames, Sanborn, West Bend, Fort Dodge, Burlington, Lake City, Macedonia, Denison, Sioux City, Sheldon, Manning, Davis City, Grinnell, Waverly, and Webster City, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which were ordered to lie on the table.

He also (for Mr. DOLLIVER) presented petitions of sundry citizens and labor organizations of Davenport, Coalville, Waterloo, Dubuque, Des Moines, Keokuk, Ottumwa, and Evans, all in the State of Iowa, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. DOLLIVER) presented a petition of sundry citizens of Des Moines, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also (for Mr. DOLLIVER) presented a petition of Protection Lodge, No. 137, Brotherhood of Locomotive Firemen and Engineers, of Eldon, Iowa, praying for the passage of the so-called "Hemenway-Graff safety ash-pan bill," which was ordered to lie on the table.

He also (for Mr. DOLLIVER) presented a petition of sundry citizens of Monroe County, Iowa, praying for the passage of the so-called "Foraker bill," providing for the reenlistment of the discharged soldiers of the Twenty-fifth Infantry, which was ordered to lie on the table.

He also (for Mr. DOLLIVER) presented a petition of sundry citizens of Des Moines, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also (for Mr. DOLLIVER) presented a petition of the board of directors of the Security Savings Bank, of Cedar Rapids, Iowa, praying for the enactment of legislation to establish a currency commission, which was ordered to lie on the table.

He also (for Mr. DOLLIVER) presented a petition of the Park and Forestry Association of the State of Iowa, praying for the enactment of legislation providing for the protection of the song birds of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also (for Mr. DOLLIVER) presented a petition of sundry members of the Knights of Columbus, of Davenport, Iowa, praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also (for Mr. DOLLIVER) presented a petition of the Commercial Club of Des Moines, Iowa, praying for the ratification of reciprocal trade relations with France, which was referred to the Committee on Foreign Relations.

He also (for Mr. DOLLIVER) presented a petition of the National Association of Postmasters, of Burlington, Iowa, praying for the enactment of legislation to increase the compensation of assistant postmasters to 65 per cent of the salary of the postmaster, which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. DOLLIVER) presented a petition of the board of directors of the Merchants' National Bank and the Citizens' National Bank, of Cedar Rapids, Iowa, praying for the adoption of a certain amendment to the so-called "Aldrich currency bill," which was ordered to lie on the table.

Mr. DIXON presented a petition of sundry citizens of Bridger, Mont., praying for the adoption of certain amendments to the



so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BACON presented a paper to accompany the bill (S. 7231) for the relief of the heirs of Robert H. Walthour and Taylor Walthour, deceased, which was referred to the Committee on Claims.

#### HOUSE OFFICE BUILDING.

Mr. KNOX. I am directed by the Committee on Rules, to whom was referred the joint resolution (H. J. Res. 186) relating to the assignment of space in the House Office Building, to report it without amendment, and I ask for its present consideration. Identically the same joint resolution was introduced by the senior Senator from Georgia [Mr. BACON] and referred to the committee, and I also report it back and ask that it be indefinitely postponed.

The VICE-PRESIDENT. The Senator from Pennsylvania reports a House joint resolution, which will be read for the information of the Senate.

The Secretary read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. BACON. Mr. President, I simply desire to state, in order that the record may be properly understood, that the joint resolution which was introduced by me was introduced at the request of a leading Member of the House of Representatives. I believe it has already been stated by the Senator from Pennsylvania that it is identical with the resolution that has been since passed by the House of Representatives. So there is no conflict between the two measures in any particular. In other words, the whole matter is in the interest of the House of Representatives, and is made necessary by the fact that their's is not a continuing body; and in order that they may have a permanent set of rules to govern the Office Building, it is necessary that there should be action by Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KNOX. I move that the joint resolution (S. R. 95) relating to the assignment of space in the House Office Building be indefinitely postponed.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. CRANE introduced a bill (S. 7232) granting an increase of pension to John S. Coggeshall, which was read twice by its title and referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 7233) for the relief of Richard Haley and others, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. CARTER (for Mr. HANSBROUGH) introduced a bill (S. 7234) to establish a National Commission of Cooperative Service to promote agricultural cooperative organization and to appropriate money therefor, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. LONG introduced a bill (S. 7235) granting an increase of pension to Madison M. Scott, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7236) for the relief of H. F. Millikan; and

A bill (S. 7237) for the relief of Thomas A. Scates.

Mr. NELSON (for Mr. McCUMBER) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7238) for the relief of C. N. Valentine;

A bill (S. 7239) for the relief of C. C. Schuyler;

A bill (S. 7240) for the relief of the estate of Alexander C. McGillivray, deceased;

A bill (S. 7241) for the relief of Ole Serumgard;

A bill (S. 7242) for the relief of Lee Stover; and

A bill (S. 7243) for the relief of Marshall H. Jewell.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7244) for the relief of Alfred H. Boles;

A bill (S. 7245) for the relief of John J. Boles;

A bill (S. 7246) for the relief of Emory D. Brownlee;

A bill (S. 7247) for the relief of R. A. Cameron;

A bill (S. 7248) for the relief of A. R. Museller; and

A bill (S. 7249) for the relief of E. G. Spillman.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7250) for the relief of Frank M. Swasey; and

A bill (S. 7251) for the relief of Frank C. Prescott.

Mr. HEYBURN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7252) for the relief of J. B. West; and

A bill (S. 7253) for the relief of Harry J. Symes.

Mr. GALLINGER introduced a joint resolution (S. R. 97) to create a commission to prepare a municipal code for the District of Columbia, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

#### EXPENSES OF OKLAHOMA CONSTITUTIONAL CONVENTION.

Mr. GORE. If there is no conference report pending, I ask unanimous consent to call up the bill (S. 5329) to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes.

Mr. KEAN. I call for the regular order, which is the bill that was agreed to be taken up at the request of the Senator from New York [Mr. DEPEW].

The VICE-PRESIDENT. The regular order is in force after the routine morning business is closed. The routine morning business is not yet closed. Is there objection to the request of the Senator from Oklahoma?

Mr. KEAN. Let us have the regular order.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill. Concurrent and other resolutions are in order.

#### PAPERS IN LABOR CASES.

Mr. CULBERSON. Several days ago, Mr. President, I asked and obtained the leave of the Senate to have printed as a Senate document certain injunctions that have been issued in the Federal courts and in State courts in labor cases. I desire this morning to ask leave to have printed as a Senate document a copy of an injunction issued in the United States circuit court for the western district of New York in the case of the Delaware, Lackawanna and Western Railroad Company, complainant, v. The Switchmen's Union of North America et al., and also I desire to present a paper touching the imprisonment of William H. Webber and John Haddow for contempt of court in certain labor cases and their pardon by the President of the United States. My request is for leave to print as a Senate document the papers to which I have referred.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent that the papers submitted by him may be printed as a document.

Mr. GALLINGER. What is the last-named document, I will ask the Senator?

Mr. CULBERSON. The last document is a paper relating to the imprisonment of William H. Webber and John Haddow for alleged contempt of court and their pardon by the President of the United States.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Texas?

Mr. GALLINGER. Does the Senator think that the pardon was an improper one, or what point does the Senator mean to bring out by having the document printed?

Mr. CULBERSON. The object in printing it is to suggest the undue extent to which the judicial authority has gone in contempt labor cases. I have not examined the paper critically, but in my judgment the pardon of the President was proper. I think it was recommended by the then Attorney-General of the United States, who is now a member of this body from the State of Pennsylvania.

Mr. GALLINGER. Of course if the Senator vouches for the paper, I shall not object, but I think papers printed as a document ought to be very carefully examined. I have in mind some instances where abuses have crept in in that regard.

Mr. CULBERSON. I will state to the Senator from New Hampshire frankly that I have not read all of it, but I will read it, if he suggests it, before it is printed. But I ask leave now that it may be printed.

Mr. GALLINGER. Of course if the Senator vouches for it now, I shall not object.

Mr. CULBERSON. I do not vouch for it, because I have not read it all.

Mr. GALLINGER. I will not object if the Senator asks to have it printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

## CROW INDIAN RESERVATION.

Mr. CLAPP. I ask to have printed as a supplement to Senate Document No. 445, Sixtieth Congress, first session, certain papers relating to the hearings held before the Committee on Indian Affairs relating to the Crow Indian Reservation.

The VICE-PRESIDENT. Without objection, it is so ordered.

## HEARING ON ANTI-INJUNCTION AND LABOR BILLS.

Mr. GORE. I ask to have printed as a document a hearing held before the Judiciary Committee of the House of Representatives February 5, 1908, on the Pearre anti-injunction and labor bills.

Mr. GALLINGER. I will ask the Senator what the document is?

Mr. GORE. It is a hearing before the House committee by Mr. Spelling with reference to injunction. It seems that we will not be able to discuss the measure at the present session of Congress, and I desire to have it printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

## SUGAR-BEET PRODUCTION.

Mr. TELLER. I present data compiled by Truman G. Palmer together with beet-sugar resolutions passed at the national irrigation congresses in 1893, 1894, 1895, and 1896, the Trans-Mississippi Commercial Congress in 1903, 1906, and 1907, together with the 1907 State legislatures of Colorado, Wyoming, and Michigan, and the National Association of Retail Grocers, remonstrating against any further reduction of the duty on tropical sugar, and also the sugar plank of the Republican national platform of 1906, together with the promises to farmers from the National Campaign Text-Book of 1900. I move that it be printed as a document.

The motion was agreed to.

## UINTAH INDIAN RESERVATION.

Mr. SMOOT. I ask that 500 additional copies of House document No. 671, Fifty-seventh Congress, first session, being a letter from the Secretary of the Interior, transmitting a report of surveys and examination of the Uintah Indian Reservation be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

## ORDER OF BUSINESS.

Mr. DEPEW. If the morning business is closed—

Mr. GORE. Mr. President, I rise to a parliamentary inquiry. The VICE-PRESIDENT. The Senator from Oklahoma will state his parliamentary inquiry.

Mr. GORE. I want to know if I am correct in supposing that prior to 2 o'clock unobjected bills on the Calendar are the regular order?

The VICE-PRESIDENT. They are not this morning, as a special order was made yesterday by unanimous consent at the request of the Senator from New York [Mr. DEPEW], and that will displace the regular order.

Mr. TELLER. I ask the Senator from New York if he will wait a moment until we take a vote on the resolution offered as a substitute by the Senator from Ohio [Mr. DICK]? There will be no discussion of it at all, I understand.

Mr. DEPEW. I have yielded the floor several days—

Mr. TELLER. If there is to be any discussion, we will not attempt to continue it.

Mr. DEPEW. I yielded to this resolution yesterday when the Senator from Ohio in the most bland and amiable way said there would be no possibility of any discussion, and at the end of two hours it was still pending, and I yielded to another Senator, who said he would take half an hour, and he spoke four. I think I must insist on the consideration of House bill 21844, according to the unanimous consent given yesterday.

## HOUSE BILLS REFERRED.

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes, was read twice by its title and referred to the Committee on Finance.

H. J. Res. 191. Joint resolution requiring estimates for the clerical service to be transmitted to Congress, was read twice by its title and referred to the Committee on Appropriations.

## CONFERENCE OF GOVERNORS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

*Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 50,000 copies of the proceedings of the conference of the governors of the States and Territories, called by the President of the United States, to be held May 13, 14, and 15,*

*1908, to consider measures for the conservation of the country's natural resources, of which 14,000 copies shall be for the use of the Senate and 26,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the President of the United States.*

Mr. PLATT. I ask that the concurrent resolution be considered and adopted at this time.

The concurrent resolution was considered by unanimous consent and agreed to.

## LANDS IN SOUTH DAKOTA AND NORTH DAKOTA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, which were:

On page 3, after line 11, to insert:

*Provided further, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: Provided, however, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization heretofore engaged in mission or school work on said reservations, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.*

On page 4, line 6, to strike out all after "reservations" down to and including "act," line 8.

On page 4, line 17, after "disposition," to insert "until further action by Congress."

On page 4, to strike out line 18 down to and including "common," line 20.

On page 5, line 13, to strike out "State of" and insert "States of North or."

On page 5, line 18, to strike out all after "meet" down to and including "shall," line 21, and insert "and."

On page 5, line 23, to strike out all after "assistants" down to and including "of" where it occurs the first time, line 25, and insert "at such compensation as."

On page 5, line 25, after "Interior," to insert "may approve."

On page 6, line 15, after "respectively," to insert "and no compensation shall be paid to either the commissioners or employees after the said six months."

On page 7, line 1, to strike out "promptly."

On page 7, line 21, after "may," to insert "in the discretion of the Secretary of the Interior."

On page 8, line 17, after "North Dakota," to strike out "as" and insert "the sums to which."

On page 8, line 18, to strike out "thereto."

On page 8, line 19, to strike out all after "annum" down to and including "alike," line 21.

On page 8, line 25, to strike out all after "Interior" down to and including "Indians," page 9, line 4.

On page 9, line 9, to strike out "two dollars and fifty" and insert "one dollar and twenty-five."

On page 10, line 1, to strike out "four hundred and fifteen" and insert "not more than two hundred and twenty-five."

On page 10, line 9, after "appropriation" to insert "or any further appropriation hereafter made for the purpose of carrying out the provisions of this act."

On page 10, line 22, after "received" to insert "and."

Mr. CLAPP. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

## INJURIES TO GOVERNMENT EMPLOYEES.

The VICE-PRESIDENT. The morning business is closed, and, under the unanimous consent agreement, the Chair lays before the Senate House bill 21844.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

The VICE-PRESIDENT. The Secretary will state the pending amendment, which is the amendment offered by the Senator from Mississippi [Mr. McLAURIN].

The SECRETARY. On page 2, line 11, strike out the words "Secretary of Commerce and Labor" and insert "court of the United States for the district in which the injury is inflicted."

The Senator from Utah [Mr. SUTHERLAND] moved to insert the word "circuit" before the word "court," so that it amended the clause will read:

All questions of negligence or misconduct shall be determined by the circuit court of the United States for the district in which the injury is inflicted.



Mr. BRANDEGEE. I should like to ask the Senator from Utah if, in his judgment, that would provide for a case where the injury occurred in the Canal Zone.

Mr. SUTHERLAND. I was on my feet for the purpose of making the very suggestion the Senator from Connecticut has now made. I offered the amendment the other day, not because I was in favor of the amendment proposed by the Senator from Mississippi, but in order to perfect it if it was to be passed at all.

It seems to me that the amendment offered by the Senator from Mississippi ought not to be adopted. I can see many difficulties which might arise if the bill should provide in accordance with that amendment. For instance, the suggestion made by the Senator from Connecticut is one of them. As I understand it there is no court of the United States in the Canal Zone, and so whether we put in the word "circuit" or leave it out the amendment would not apply in that sort of a case. Neither could it apply to injuries occurring in any of the insular possessions, I understand.

Mr. President, it was suggested the other day while this bill was under consideration that the provisions submitting questions of negligence or misconduct to the determination of the Secretary of Commerce and Labor would be invalid as an attempt to confer upon that administrative officer judicial power. I do not understand that that would be the effect of the legislation. The result of the entire legislation is to create a class of claims against the United States which would not exist but for the legislation. In other words, if no legislation at all is passed upon this subject none of the persons who come within the terms of the law would have any right of action or a claim against the United States whatever. So, by this legislation, it is proposed to confer upon these persons a pure gratuity.

I submit it is self-evident that where the Government of the United States undertakes to confer a right upon an individual which but for the legislation would not exist, it may itself impose conditions upon which the right would attach. One of the conditions which is annexed to this bill is that the United States Government shall reserve to itself through one of its Departments the right to determine whether the person seeking the relief has been guilty of negligence or misconduct.

It falls, I understand, expressly within the terms of the decision of the Supreme Court in the case of the United States *v. Ferreira* in 13 Howard. That was a case arising under the Spanish treaty which, among other things, provided that—

The United States shall cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American Army in Florida.

Under the terms of that treaty Congress passed an act which, among other things, provided that the judges of the superior court established at St. Augustine and Pensacola should receive and adjust claims arising under that provision of the treaty, and it provided further—

That in all cases where the judges shall decide in favor of the claimants the decisions, with the evidence on which they are founded, shall be by the said judges reported to the Secretary of the Treasury—

I call particular attention to this provision of the law—who—

Relating to the Secretary of the Treasury—

on being satisfied that the same is just and equitable, within the provisions of the treaty, shall pay the amount thereof to the person or persons in whose favor the same is adjudged.

Under the terms of that law the Secretary of the Treasury not only undertook to pass upon questions of fact, but he undertook to pass upon the meaning of the law—that is, he undertook to say that the law did not apply to certain classes of persons; and the Supreme Court of the United States held that he was not thereby exercising a part of the judicial power of the United States. I read from the opinion of the court, on page 46:

The law of 1823, therefore, and not the stipulations of the treaty, furnishes the rule for the proceeding of the Territorial judges, and determines their character. And it is manifest that this power to decide upon the validity of these claims is not conferred on them as a judicial function to be exercised in the ordinary forms of a court of justice. For there is to be no suit; no parties in the legal acceptance of the term are to be made—no process to issue; and no one is authorized to appear on behalf of the United States or to summon witnesses in the case. The proceeding is altogether *ex parte*, and all that the judge is required to do is to receive the claim when the party presents it and to adjust it upon such evidence as he may have before him or be able himself to obtain. But neither the evidence nor his award are to be filed in the court in which he presides, nor recorded there; but he is required to transmit both the decision and the evidence upon which he decided to the Secretary of the Treasury, and the claim is to be held if the Secretary thinks it just and equitable, but not otherwise. It is to be a debt from the United States upon the decision of the Secretary, but not upon that of the judge.

So the court proceeds along that line. Finally, a little further along in the opinion, this language is used, and I invite particular attention to it because I think it completely answers

the contention which was made by the Senator from Ohio [Mr. FORAKER] and by the Senator from Maryland [Mr. RAYNER] with reference to this proposed legislation. The Supreme Court says:

Nor can we see any ground for objection to the power of revision and control given to the Secretary of the Treasury. When the United States consent to submit the adjustment of claims against them to any tribunal they have a right to prescribe the conditions on which they will pay. And they had a right, therefore, to make the approval of the award by the Secretary of the Treasury one of the conditions upon which they would agree to be liable. No claim, therefore, is due from the United States until it is sanctioned by him, and his decision against the claimant for the whole or a part of the claim as allowed by the judge is final and conclusive. It can not afterwards be disturbed by an appeal to this or any other court, or in any other way, without the authority of an act of Congress.

And again, on page 48:

The powers conferred by these acts of Congress upon the judge, as well as the Secretary, are, it is true, judicial in their nature, for judgment and discretion must be exercised by both of them. But it is nothing more than the power ordinarily given by law to a commissioner appointed to adjust claims to lands or money under a treaty, or special powers to inquire into or decide any other particular class of controversies in which the public or individuals may be concerned. A power of this description may constitutionally be conferred on a secretary as well as on a commissioner, but is not judicial in either case, in the sense in which judicial power is granted by the Constitution to the courts of the United States.

So in the legislation under consideration, when the Government of the United States agrees to recognize a claim which but for the legislation would not exist, it may impose such conditions upon its agreement as it pleases; and one of the conditions which it may impose is that questions of fact and even questions of law must first of all be submitted to and determined by an administrative officer.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. SUTHERLAND. Certainly.

Mr. BRANDEGEE. Inasmuch as the whole controversy as to whether this is a conferring of judicial power upon an executive branch arises from the use of the word "negligence," I ask the Senator from Utah if in his opinion it would not be wise to strike out in line 7 of page 2 the words "negligence or" and leave the bill so that it would read:

That no compensation shall be paid under this act where the injury is due to the misconduct of the employee injured.

Mr. SUTHERLAND. I do not see that that would in any manner help the matter. I do not see how it would affect it in any way. My contention is that we have the right to submit to the Secretary of Commerce and Labor for his determination any question.

Mr. BRANDEGEE. I agree with the Senator on that point; but there are those who do not think as the Senator from Utah does, and it seemed to me that it would not at all weaken the bill but would strengthen it to strike out the words "negligence or" and leave the question then with the Secretary to determine simply whether there had been misconduct or not. It seemed to me that the word "misconduct" is broad enough to include negligence, but not to include that legal kind of negligence about which there has been so much discussion.

Mr. SUTHERLAND. If the word "misconduct" is broad enough to include negligence, then we would not in any manner be altering the bill by striking out the word "negligence." I see no reason why we should strike out either word.

Mr. McLAURIN. Mr. President, I stated—I believe yesterday or the day before—that I was willing to accept the amendment offered by the Senator from Utah if it would improve the bill any. I have no objection to it, and if I am permitted to do so, I accept the amendment that was offered by the Senator from Utah to the amendment which I offered.

Mr. CLARK of Wyoming. Mr. President, let the amendment proposed by the Senator from Mississippi [Mr. McLAURIN] be read as it now stands.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. In section 1, page 2, line 10, it is proposed to strike out the words "Secretary of Commerce and Labor" and to insert "court of the United States for the district in which the injury is inflicted."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CULBERSON. What became of the pending amendment?

The VICE-PRESIDENT. The amendment which has just been stated is the pending amendment. The next amendment is the one which is to be proposed by the Senator from Utah [Mr. SUTHERLAND].

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. CLARK of Wyoming. I do.  
Mr. CULBERSON. This provision reads, as it stands in the bill:

All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

The print of the bill which I have before me strikes out the words "Secretary of Commerce and Labor" and adds "court of the United States in which the injury is inflicted."

Mr. DEPEW. Mr. President, I will state, if the Senator from Texas will allow me, that that is the amendment which was proposed by the Senator from Mississippi [Mr. McLAURIN] which was not adopted. That is the amendment which is now pending, and it is further proposed to be amended by the Senator from Utah [Mr. SUTHERLAND].

Mr. CULBERSON. I ask the Senator from New York, is it proposed to give the circuit courts of the United States jurisdiction in cases arising under this act in suits against the United States?

Mr. DEPEW. It is not. This is proposed purely as an administrative measure.

Mr. CULBERSON. How can you confer such jurisdiction as that upon a judicial body?

Mr. DEPEW. There is no question whatever on the decisions which have been quoted by the Senator from Oregon [Mr. FULTON] yesterday and by the Senator from Utah [Mr. SUTHERLAND] this morning, that such jurisdiction can be conferred; that it has been conferred, and that it has been acted upon in many cases. Now, we have—

Mr. CULBERSON. I will ask the Senator from New York, just as a matter of law, if he does not think it would be best, if we are going to refer this to the judiciary at all, to adopt such an amendment as this:

The employee or other beneficiary may bring suit in the circuit court of the United States against the United States in the district in which the beneficiary or employee resides or in which the injury occurred for the compensation provided for herein; and the question of negligence shall be determined by the jury, or by the court if no jury is demanded, and such suit shall be instituted within one year from the date of the injury.

I will ask the Senator from New York if he does not believe, if this question is to be referred to the judiciary at all, that it should be referred as a judicial question?

Mr. DEPEW. Mr. President, I do not think that it should be referred at all to the courts. This is purely an administrative measure, in the interest of the workmen engaged in hazardous employment under the Government of the United States. It is intended that they shall get relief immediately upon the injury occurring, and that the process by which it shall be had shall be inexpensive and as simple as possible, and purely administrative. The same thing is done by the Postmaster-General in reference to postal clerks in the railway mail service, and it is done by the Secretary of the Treasury in reference to the people who are engaged in the Life-Saving Service.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Pennsylvania?

Mr. CLARK of Wyoming. Certainly.

Mr. KNOX. Mr. President, may I inquire of the Senator from New York [Mr. DEPEW] if it differs at all in principle from an allowance made by the Government in the form of a pension for service rendered the Government or injuries received by soldiers, which is administered through the Commissioner of Pensions?

Mr. DEPEW. The principle is exactly the same.

Mr. FORAKER. Mr. President, that is a debatable proposition, I think.

Mr. BORAH. I do not care to interrupt the Senator from Ohio, but I should like to have the amendment again read. We have not been able to hear it.

Mr. FORAKER. Mr. President, I want to say that that is not a proposition to be so easily settled. It is a debatable proposition. I think there is a wide difference between pension laws and this proposition. In the case of a pensioner there is no question arising about negligence. If the applicant was in the service, if he received his disability while in the line of duty, he comes within the statute, and is entitled to a pension. To prove that, is to prove simply specific facts; but in this case it is different. There is no specific fact to be proven here. It is a judgment that is to be exercised, and it at least partakes of a judicial character to make a deduction and determine whether or not there was negligence or an absence of negligence; and in the case of railway mail clerks there is no question of negligence allowed to enter. It is simply a question whether they were injured in the line of duty; if so, they are entitled to the allowance which the Government makes. It is

the same as to the Life-Saving Service. If the applicants for relief were injured in the line of duty or met with death in the line of duty, they are entitled to the relief which the statute provides. It is so in every other instance where the Government has ever undertaken to give relief of this character. It has never yet undertaken in such legislation to confer upon an administrative officer the exercise of a judicial power or the exercise of a power that partook of judicial characteristics.

There is the case read by the Senator from Utah [Mr. SUTHERLAND]. It is a long case, and I do not want to enter into an argument about it. It is plainly and easily distinguished from this proposition. In every one of those cases the inquiry is as to specific facts that anybody can determine. If the specific facts be found in favor of the complainant, the complainant then has the relief that the statute provides; but if this officer decides against the complainant on the question of negligence, that is the end, according to this legislation, of his right to ask anything at the hands of the Government. Now, I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I am yielding to the Senator from Ohio.

The VICE-PRESIDENT. The Senator from Wyoming [Mr. CLARK] has the floor.

Mr. FORAKER. I did not know the Senator from Wyoming had the floor. I thought I was recognized, and I thought I was speaking in my own time. I beg the Senator's pardon.

Mr. CLARK of Wyoming. I am always delighted to yield to the Senator from Ohio.

Mr. FORAKER. Mr. President, I want to say before closing, however, if the Senator from Wyoming will allow me to go that much further, that I do not care to stand on any kind of technicality. I think the Government ought to be liable to these employees, and I think it ought to be required in some expeditious way to meet the liability for injuries which they incur while in the line of duty. I think we ought to make this law all that it should be in form; that we ought to make it effective, and that we ought to pass it, and to pass it before we adjourn today.

Mr. SUTHERLAND. Will the Senator from Wyoming yield to me?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. I do not care to yield all the morning. I have only a very few words to say, but I will yield to the Senator from Utah.

Mr. SUTHERLAND. I simply want to ask the Senator from Ohio [Mr. FORAKER] a question with reference to the case to which I directed attention a moment ago in 13 Howard. In the course of that case, from which I have already read, the court said:

Nor can we see any ground for objection to the power of revision and control given to the Secretary of the Treasury.

This is the point to which I desire to call the attention of the Senator from Ohio:

When the United States consent to submit the adjustment of claims against them to any tribunal, they have a right to prescribe the conditions on which they will pay.

But in that case I call the attention of the Senator from Ohio to the fact that the Secretary of the Treasury undertook not only to pass upon questions of fact, but he undertook to construe the meaning of the law, because he held certain persons did not come within the terms of the law; but the Supreme Court of the United States held that he was within his power in doing that; that the law was not invalid because it authorized him to do it, and that, even though the question was of a judicial nature, he was not exercising the judicial power within the meaning of the Constitution.

Mr. FORAKER. In my own time I will answer that suggestion.

Mr. CLARK of Wyoming. Mr. President, I regret exceedingly that I can not follow the Senator from Ohio [Mr. FORAKER] on the legal phase of this bill. His judgment is almost uniformly so good upon matters of that kind that I hesitate to disagree with him; but I am so clearly of the opinion that there is nothing of a judicial nature entering into this bill that I must say a word in that connection.

The Senator is not entirely fortunate in his illustration of the power of the Commissioner of Pensions. The power of the Commissioner of Pensions is to decide exactly such a question as is to be decided here. For instance, if the Senator will recall it, in one of our pension laws it is not necessary that the disability arise from injuries received or disease contracted in the line of duty. By one of our laws a veteran of the civil war, if he become disabled or dependent, may make application for a pension, even if he is not able to trace disability to injuries received in the service. Under that law he has to establish to



the satisfaction of the Commissioner of Pensions three things: First, that he was in the service and honorably discharged therefrom; second, that he has the disability complained of; and, third, that that disability was not the result of his own misconduct or negligence—the term “negligence” is not used, but it means negligence—that it is not by his own fault.

Mr. GALLINGER. Nor the result of vicious habits.

Mr. CLARK of Wyoming. Nor the result of vicious habits. That is as much a matter of judicial determination as is the matter of negligence as proposed in this bill.

Now I want to address one word to the amendment itself: Of course the Senator from Mississippi [Mr. McLAURIN] is aware of the fact that if his amendment prevails it absolutely destroys the purpose and plan of this bill. The purpose of the bill is not to give the employee a right of action against the United States; it is not in any sense to remove the power of sovereignty, which, in its own protection, every sovereign power does interpose; it is not to give the beneficiary the right to sue the Government or to go into any court; but it is simply saying to the employee, “If you are injured in the service of the Government, inasmuch as we have denied you the right which the employee of every corporation has to recover compensation for injuries, we will provide, if the injury is caused without your misconduct, that the Government shall pay you a certain amount when you shall have satisfied the Secretary of Commerce and Labor that you are entitled to it under the limitations of the law which gives it to you.” That is all there is to it.

The practical effect of the amendment would be to destroy the remedy. No man who is injured can afford to go into a United States court and suffer the long, tedious, and expensive process of a suit in a United States court for the purpose of recovering the very small amount to which this bill would entitle him. So I say that the object of the bill being to give speedy—not adequate, but speedy—relief to the employee, the amendment should not, I think, be adopted.

Mr. FORAKER obtained the floor.

Mr. BEVERIDGE. Mr. President, if the Senator from Ohio will allow me just a moment, I have a request to make.

Mr. FORAKER. I yield to the Senator.

Mr. BEVERIDGE. What the Senator from Ohio said about finishing this bill impressed me very greatly, as I am sure it must have impressed every other Senator. He said that we ought to finish this bill to-day and pass it. Therefore, Mr. President, my mind working upon that remark of the Senator from Ohio, I ask unanimous consent that, before the Senate adjourn to-day, we shall vote upon this bill.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that before adjournment to-day a vote be taken on the pending bill.

Mr. GALLINGER. Mr. President, if we could have any assurance that this constitutional argument would ever cease, I should have no objection. I have got some business amendments to offer to this bill. If the Senator feels that he and the other constitutional lawyers of the Senate will get through in any reasonable time, I will not object; but if all the day is to be consumed in arguments, with no two Senators agreeing on the proposition—being worse than doctors in that regard—I should like to know what suggestion he can make on that point.

Mr. BEVERIDGE. In answer to that, I will say to my friend, the Senator from New Hampshire, that thus far in the discussion of this bill I have not taken any time whatever in arguing one way or the other. All the time I have consumed—which perhaps has not been half an hour all told—was to get the bill up for consideration and to advance it. I do not intend to take any part in the argument as I now see it being conducted. I can not answer for other Senators, of course, upon that.

Mr. GALLINGER. Mr. President, as the Senator requests that the vote be taken before adjournment, which may be midnight if necessary, I will not object to the request.

Mr. BACON. Mr. President, I want to make this suggestion to the Senator from Indiana: The only purpose in consenting to a vote before adjournment is to assure the consideration of a bill on a certain day and its disposition on a certain day, generally a request made for some day in advance. Now, it is a matter absolutely within the control of the Senate to remain in session, if the majority desires to do so. The Senator does not require to have unanimous consent for that purpose. If we get through the discussion, of course the Senate will be ready to vote; and if we are not through with it, we ought not to vote. So that, it seems to me, the only purpose of making the request now is to cut off debate.

Mr. BEVERIDGE. Oh, no; I did not fix any hour.

Mr. TELLER. I should like to know what the request is? I have not been able to hear it.

The VICE-PRESIDENT. The Senator from Indiana requests unanimous consent that the Senate vote upon the pending bill before adjournment to-day.

Mr. TELLER. I enter an objection to that.

The VICE-PRESIDENT. Objection is made.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Yes.

Mr. BEVERIDGE. I will say to the Senator from Colorado [Mr. TELLER], to remove any objection he may have in his mind, that in case the request I make is at this time agreed to, I shall not offer any substitute to the bill, if we can come to a vote. Does that help any?

Mr. TELLER. It does not.

Mr. BEVERIDGE. The Senator says it does not help?

Mr. TELLER. Yes.

Mr. FORAKER. Mr. President, I hope I have not taken any time in discussing this bill that it was not necessary to take, and I hope I have not committed any offense in referring to a question raised in my mind as to the character of the bill as a constitutional question; but whether I have or not, Mr. President, I think I shall have to be allowed to take all the time I want and to say what I please, so that I say it politely. I have no antagonism to this bill; I have only friendship for the bill. I want a bill passed, but I want it to be a good bill when we do pass it.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. If the Senator meant to rebuke me in that observation, I accept it with due humility. I confess—if the Senator will permit me a moment further, as a layman—to astonishment that when we have precisely the same method of compensating injured postal clerks and members of the Life-Saving Service, and there has been no question whatever raised in regard to it, we should spend hour after hour discussing whether or not it is constitutional to pay the artisans and employees sought to be provided for in this bill. Mr. President, I can not understand why it is necessary to consume so much time on that proposition; but, of course, I shall listen with very great interest to any observation the Senator from Ohio wishes to make on that point. If he will allow me to make a further suggestion, I will say that we have spent a good many hours already in the discussion of the constitutional aspects of this question.

Mr. FORAKER. If the Senator meant to rebuke me by referring to constitutional arguments that have been indulged in, I do not accept his rebuke with humility, but I resent it as uncalled for.

Mr. GALLINGER. I did not intend any rebuke.

Mr. FORAKER. I do not think the Senator from New Hampshire, who is always polite, would single me or any other Senator out for a rebuke, certainly not so far as this bill is concerned. There has not been any undue discussion. This bill was called up here, I think, day before yesterday at 2 o'clock, or after 2 o'clock, by the Senator from New York [Mr. DEFEW]. I did not know, until it was called up and read and the discussion of it was entered upon, that such a bill was on the Calendar. As I stated then, I happened to be ill when it was considered in the committee. It was there, I see, only two or three days, and I did not get the benefit of the discussions that were engaged in in the committee, if there were any, and upon reading the bill here in my seat some questions arose in my mind, to which I called the attention of my colleagues on the committee and my colleagues in the Senate, not in a controversial spirit, as I then said, but only to get the benefit of their opinions. It seemed to me, at first blush, that to decide whether or not a complainant against the Government had been guilty of negligence was the exercise of a judicial function. I did not undertake to say that it was, but it occurred to me that it was, and I wanted the benefit of my colleagues' opinions upon that subject.

We drifted along in a discussion that lasted for an hour, or perhaps two hours, but not more than that. The bill then was put to sleep somehow or another, and it is now brought out again for the first time. I do not think there have been, in all, three hours of consideration of this bill in the Senate; and judging from the way in which it is drawn, its indefiniteness and its inconclusive provisions, as they appear to me, I do not think it has received three hours' consideration anywhere by anybody. I do not know when I have read a bill that has impressed me as open

to more criticism than this one is; and yet I may be entirely in error about that.

To the principle of the bill, I have no opposition. I think the Government ought to be responsible to its employees when they are injured in the line of duty in the Government service; and I think some safe way ought to be provided in order that that remedy can be secured; but when the Senator says that we have had laws exactly like this, that no question has ever been raised regarding them, and for that reason there ought not to be any discussion here, I say to the Senator there is a distinction between the other laws to which he refers and this proposed law.

This is not the same kind of a law as that to which reference has been made as applying to the railway mail clerks in the particular we have been discussing, for in that law there is not a word said about negligence. A man must, of course, be injured while in line of duty. He can not come in and recover from the Government if he left his car at some station and went out wandering around the depot and got bitten by a dog or knocked over by somebody and was injured. The man must have been injured in line of duty. He must have met with some accident. That is all that he is required to establish; and that is the establishment of a specific fact. So it is in the case of the Life-Saving Service men. All they have to establish is that they have met with their injuries while in the line of duty; or, if they have met with death, their representatives must establish that they met death while in the line of duty, while actually in the service. Then their right follows as a matter of course. So it is in every other instance.

This is the first time, Mr. President, so far as I have been able to learn, that the Congress of the United States has undertaken to say that a claim of this kind may be allowed on the condition that the party did not incur his injury through his own negligence.

It seemed to me when that was developed in the course of the discussion a few days ago that that was a great, broad, important difference to which we ought to give consideration. The only objection I have to this bill is that it does not declare—I will not say the only objection, but I will say another objection, and a fundamental objection, I think, to this bill is that it does not make the Government primarily liable to compensate the employee for injuries he may receive, and that, according to the rules that apply in such cases, he may go into some court or before some tribunal to assert his right to compensation.

What sort of a remedy is it that we are proposing to give? Here is a man working at \$1,000 a year. He has a family dependent upon him. He receives an injury that may result in death. At the outside he gets but one year's pay, a thousand dollars in all. If he was not guilty of negligence, he ought to be allowed to recover more than that, and his representatives should not be required to come to the Congress of the United States and make application here for a special act authorizing him to go into the Court of Claims, there bring a suit, and there be met by the attorneys of the Government to interpose the defense that he was guilty of negligence, carrying him through two or three years of time and wearing him out until he has spent more perhaps to recover from the Government than all he gets will amount to.

I think there ought to be the creation of that kind of liability and the creation of a tribunal before whom he can go without having to resort to Congress to get a special act. I know how much trouble there is about coming here to get a special act. I said the other day that a man was unfortunate who had a claim of this kind against the Government, and so he is. A young man of my acquaintance, and as deserving a young man as I know of anywhere, received an injury for which I thought the Government was directly liable. He came here. I was two years—the other day in referring to the case I said it was one year; I have since looked it up and find I was two years almost—in getting a bill passed through the two Houses authorizing him to do what? To go to the Treasury and get compensation? No; authorizing him to go to the Court of Claims, institute a suit there, and prosecute any claim he might have for damages; and he has been there in that Court of Claims ever since with the Government of the United States interposing through an assistant attorney-general, and setting up defenses, negligence, and every other kind of defense the Government can interpose.

Nobody knows when he will get a final judgment, and I doubt if he will ever get any final relief. But whether he gets relief or not, it is a very expensive sort of an operation for a young man living in Ohio to prosecute a suit through attorneys in the city of Washington. I should like to cure that. I think there is an injustice about it that ought not to be tolerated.

But, Mr. President, passing that by for the moment, for I will not undertake to secure an amendment of the bill of that kind, because I know that would open the door to still further debate, and possibly to constitutional arguments that might unduly keep us here, and I want to see this bill pass even in this form, if we can not get it in any better form—but passing that by, I say that if the Government has not suffered—and I have not heard anybody make any complaint to that effect—by reason of the men employed in the Life-Saving Service being allowed to recover a year's salary when they meet with death or meet with injury without regard to negligence, I do not believe the Government would suffer if the employees proposed to be provided for in this bill were allowed to recover without regard to negligence. Therefore I think every question about negligence ought to go out of this bill, though I think it would be well enough, perhaps, to insert a provision that there should be no recovery in case of willful misconduct bringing about the injury. I understood the Senator from New York [Mr. DEPEW] the other day to say that statistics show that in England, where they have a similar law, many men have intentionally caused slight injury to themselves so that they might get compensation under the law. I do not know anything about the facts except as he stated them, but assuming that men are capable of having a thumb or a finger cut off intentionally in order that they might recover, or are capable of having themselves maimed in some other way so that they may have a claim against the Government, I would provide against willful injuries, injuries that are brought about by willful misconduct. It seems to me, however, that the question of negligence ought to go out of the bill, and injured employees ought to be allowed, if they can satisfy the Secretary of Commerce and Labor that they were injured in line of duty, while in the service of the Government, to have the remedy that this bill is intended to afford.

I might pursue this further, Mr. President, but I do not want to do so for the reason I stated a moment ago. I want a vote on the bill. I am not going to offer an amendment, although I think the bill ought to be amended. It is nothing more to me than to any other Senator. I think it is due to us to express our opinions about it and try to perfect it if we can. If we do not want to hear each other further, let us pass it as it is.

Mr. FULTON. Mr. President, I have stated before that preferably I would give the party injured the right to go before a court. I would very much enlarge the amount he should be entitled to recover; but it would involve delay to insist on changing this measure so as to incorporate such a provision. It would necessarily mean to delay the bill beyond this session, I think. It does seem to me that some measure of relief ought to be given these people, and some provision should be made for compensating them for injuries received while in the service of the Government. The Senator said—

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. Certainly.

Mr. BEVERIDGE. I said it is evident now that the outlook is that the adjournment will not be as speedy as the Senator and others have thought. I do not think any person who has had much experience here will be surprised if it is not very much before the end of next week. So there will be time to act on amendments.

Mr. FULTON. I do not expect to risk any reputation I may have as a prophet by stating when the Congress will adjourn.

Mr. BEVERIDGE. The Senator did the other day.

Mr. FULTON. I do not think I made any suggestion as to the particular time. I said the other day that we were in the last hours of the session, but that is a very indefinite proposition.

To frame a bill submitting these questions to the court would require considerable consideration. It would require, no doubt, considerable time in conference, and as it is at least doubtful when we will adjourn, and as it is not improbable, I should say, that Congress may adjourn at any time within a few days, I shall not insist upon it. I should let the measure go substantially as it is, and hereafter take up the proposition of framing a bill to allow these people to go to the courts.

One objection I have to requiring them to come here and present their claims before the Secretary of Commerce and Labor is the great difficulty and the great expense that it will impose on those who reside without this city. Persons who are living 1,000 or 2,000 miles away from here will find it very difficult to produce their evidence satisfactorily. Of course, it may be that provision may be made, and doubtless it will be made, for taking depositions, filing affidavits, and that sort of thing; but it would be much better for the parties to go into court, and a court in the vicinity where they live. However, I hope this



measure will be passed substantially as it is. It seems to be about the only thing we can do at the present time. I have no doubt myself, although I have the greatest consideration and respect for the Senator from Ohio, about the constitutionality of the measure.

Mr. DEPEW. Mr. President, the adjournment of this Congress is likely to take place at any moment. This bill has passed the House unanimously. It has passed the Judiciary Committee of the House unanimously. The labor people of the United States, who are the ones interested and the ones to be benefited or otherwise by this bill, are exceedingly anxious that it shall be passed, and the opportunity should not be lost by amendment or unnecessary delay. I therefore move to lay on the table the amendment of the Senator from Mississippi.

The VICE-PRESIDENT. The Senator from New York moves to lay on the table the amendment proposed by the Senator from Mississippi.

Mr. McLAURIN. I hope the Senator will not insist upon that motion. He is not going to expedite the measure by any such motion.

Mr. HOPKINS. I ask that the amendment be again stated.

The SECRETARY. It is proposed on page 2, line 10, after the word "the," to strike out the words "Secretary of Commerce and Labor" and insert "circuit court of the United States for the district in which the injury is inflicted."

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New York to lay on the table the amendment of the Senator from Mississippi.

The motion was agreed to.

Mr. GALLINGER. Mr. President, just one word in response to the suggestion made by the Senator from Ohio that there is a difference between this class of cases and the postal clerks and the Life-Saving Service, inasmuch as in the former statutes the question of negligence does not arise. The truth is that there is one other difference, and that is that postal clerks almost invariably are injured in railroad accidents and the Life-Saving Service men lose their lives in trying to save the lives of fellow-men. I think that that difference is quite as striking as the difference in the phraseology of the several statutes.

I want to suggest to the Senator from New York an amendment, and I am not going to insist upon any amendment I may offer if the Senator from New York thinks that I ought not to offer it. If the Senator will turn to the bill and read the first section he will find that it provides that "after the approval of this act any person . . . injured"—I will not read all the language—"shall be entitled to receive the same pay for one year thereafter;" that is, one year after the injury occurs the party injured shall be entitled to receive this benefit.

If the Senator will turn to section 9 he will find it reads:

That this act shall only take effect as to the right to receive compensation for any damages from accidents as to those occurring on and after August 1, 1908.

Mr. DEPEW. I will state that that amendment was made at the suggestion of the Department of Commerce and Labor, because they thought they could not get the necessary machinery prepared before that date.

Mr. GALLINGER. There seems to be a discrepancy there. In the first place it says after the approval of this act, and in the second place it says that he shall not be entitled to compensation for any damages from accidents occurring prior to August 1, 1908.

Mr. CLARK of Wyoming. I think there is a discrepancy, as the Senator from New Hampshire suggests. I myself have prepared an amendment, which I hope will be acceptable to the other body, perhaps; but undoubtedly the Senator himself has prepared an amendment.

Mr. GALLINGER. I have not prepared an amendment. I thought of suggesting the striking out of section 9. That would make the act in proper form.

Mr. CLARK of Wyoming. It is administratively impossible for the Department to get the machinery in operation before that time.

Mr. GALLINGER. Then, why not, in section 1, provide that the act shall not take effect until August 1, 1908?

Mr. CLARK of Wyoming. The amendment I wish to propose is, in line 3, to strike out "after the approval of this act" and insert "on and after August 1, 1908."

Mr. GALLINGER. That makes it right; and then strike out section 9.

Mr. CLARK of Wyoming. Leave in section 9.

Mr. GALLINGER. I should not think it necessary to duplicate the language.

Mr. BRANDEGEE. I had prepared an amendment to take the place of section 9, so that section 9 might be intelligible. I do not think section 9 as it stands at present is intelligible.

Mr. GALLINGER. I think it is somewhat unintelligible and somewhat unnecessary.

Mr. CLARK of Wyoming. I think it is somewhat unnecessary.

Mr. DEPEW. I think, if the amendment proposed by the Senator from Wyoming is adopted, and section 9 is stricken out, there will be no question.

Mr. GALLINGER. I think that is right.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

Mr. CLARK of Wyoming. In line 3, page 1, I move to strike out "after the approval of this act" and insert "on and after August 1, 1908."

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Pennsylvania?

Mr. CLARK of Wyoming. Certainly.

Mr. KNOX. I should like to inquire why the act is to be postponed in its operation until the 1st day of August? What is to become of the men who are hurt in July?

Mr. CLARK of Wyoming. The bill does not become operative until the 1st day of August.

Mr. KNOX. Why?

Mr. CLARK of Wyoming. The reason given is that it will be impossible to get the administrative machinery in operation before that time.

Mr. KNOX. That does not seem to me to be an adequate reason. The right may exist and the machinery may be applied when it is effective.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Wyoming.

The SECRETARY. On page 1, line 3, it is proposed to strike out the words "after the approval of this act" and insert "on or after August 1, 1908."

Mr. GALLINGER. "On and after."

The amendment was agreed to.

Mr. GALLINGER. I move to strike out section 9.

The amendment was agreed to.

Mr. GALLINGER. I wish to make an inquiry with respect to the employees on the Isthmian Canal. I have never been there, and I do not know what classes of people are there employed. I recall the fact that in the early days of this project it was suggested that we would have laborers from Jamaica and other possessions of other countries. Is this provision for the employees of the Isthmian Canal Commission to apply to all classes, foreigners as well as citizens of the United States?

Mr. DEPEW. It is intended to reach every employee of the Government who belongs to one of these classes without regard to nationality.

Mr. GALLINGER. Whether he is an alien or a citizen?

Mr. BRANDEGEE. I do not desire to interfere with the Senator from New Hampshire.

Mr. GALLINGER. If it is on this point, I will yield.

Mr. BRANDEGEE. It is not.

Mr. DEPEW. I suggest to the Senator from New Hampshire that there are probably in other services of the Government people who intend to become citizens, but have not perfected their naturalization.

Mr. GALLINGER. I presume that is so. Yet it strikes me if a score or a hundred of those people from Jamaica should happen to be injured by a slide in the Canal Zone or by some other accident, it would be rather a singular circumstance that the Government of the United States should be responsible for their injury.

Mr. NELSON. The last reports I have read about the work of the Canal Commission indicate that they have come to the conclusion that those laborers from Jamaica are not the best class, and they are employing a different class of men in the main—

Mr. GALLINGER. I am glad to know that.

Mr. NELSON. From southern Europe and the Canary and Azore islands. They are white people of certain classes. They have ceased to employ the Jamaica negroes, whom they have found unsatisfactory.

Mr. GALLINGER. I am glad to know that, and hence I will not press the point.

The Senator from Washington a day or two ago called attention to lines 1 to 5, on page 3:

And if any child shall arrive at the age of 16 years during the said year, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

This benefit runs for only one year. A child at the time of the accident may be 15 years and 6 months old; and if this provision remains in the bill, when that child reaches the age

of 16 (or six months thereafter), the child will be cut off and the benefit will go to some other beneficiary, if there is any. A child, especially a girl, at the age of 16 years needs assistance just as much as at 15 years and 6 months, and the benefit can last one month or two or three months, at the utmost less than a year. It seems to me the Senator from New York should agree to have that language stricken out.

Mr. DEPEW. I accept it.

Mr. GALLINGER. After the word "any," where it first occurs in line 1, page 3, strike out the remainder of the section.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 3, line 1, after the word "any," strike out the semicolon and the remainder of the section and insert a period.

The amendment was agreed to.

Mr. GALLINGER. In section 3 it is provided that if an accident occurs, the head of the bureau or independent office under which the person was employed shall make a report to the Department of Commerce and Labor, but this language occurs, commencing in line 13:

Such report shall state, first, the origin and nature of the accident and the probable duration of the injury resulting therefrom.

It seems to me, to ask the head of a Department or the head of an independent bureau to report to the Department what, in his opinion—he not being a medical man—will be the probable duration of the injury is absurd.

Mr. CLARK of Wyoming. Will the Senator allow a suggestion in that connection?

Mr. GALLINGER. Certainly.

Mr. CLARK of Wyoming. The purpose of the bill is to have examinations made. I suggest to the Senator that the head of the Department might receive from the man who has received the injury information as to probably how long it would last.

Mr. GALLINGER. It would not be worth anything.

Mr. CLARK of Wyoming. Except to call to the attention of the Secretary the fact that an examination ought to be made.

Mr. FORAKER. It is not the Secretary of Commerce and Labor who makes this report. It is the foreman under whom the party is working when he is injured who makes the report. That is passed on finally by the Secretary of Commerce and Labor. But in the first instance it is the immediate superior officer of the party injured.

Mr. GALLINGER. If the Senator from New York thinks that language ought to remain in, although it strikes me as being not only unnecessary but worse than that, I shall not offer the amendment.

Mr. DEPEW. I think the language is necessary.

Mr. GALLINGER. Then I will not offer the amendment.

Mr. HOPKINS. It does not necessarily follow that it is simply the opinion of the party making the report. The superintendent will gather all the facts in regard to the accident. There may be a doctor there from whom he will obtain information.

Mr. GALLINGER. Of course there may be a doctor, but the fact is that a layman is expected to report as to how long the party injured will be ill. Doctors can not tell that as a rule.

Mr. FORAKER. In the next section there is provision for a report from a physician.

Mr. GALLINGER. Where does the Senator find that?

Mr. FORAKER. The middle of page 4.

In the case of incapacity for work lasting more than fifteen days, the injured party or his legal representatives—

Mr. GALLINGER. Yes; but this antedates that by fifteen days. I have no objection to its remaining in, but it is an absurdity.

On page 4, line 7, when a man loses his life the bill provides—

This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate satisfactorily accounted for.

I am sure the Senator from New York does not want to retain that language. If a man is killed a physician is called in all such cases. He has to give a certificate to the local officials designating the cause of death. It is required in every civilized community, and he ought to be required to make a certificate in a case of this kind and not have cases come to Washington without a medical certificate.

Mr. CLARK of Wyoming. The Senator from New Hampshire must be aware that there are many accidents resulting in death where there is no physician at or after the time of the accident. Very many have happened within my experience.

Mr. GALLINGER. In the country from which I come certificates are required. If, however, there are occasions on which physicians are not called—

Mr. CLARK of Wyoming. It is not at all uncommon.

Mr. GALLINGER. Let that remain in the bill.

Mr. BRANDEGEE. If that clause remains in, I think it ought to be amended, so as to read that "the nonproduction of the certificate shall be satisfactorily accounted for."

Mr. GALLINGER. That is better English. But if the Senator undertakes to perfect the English of this bill we will not vote on it to-day.

Mr. BRANDEGEE. I am aware of that.

Mr. GALLINGER. This is one of the most artistic bills ever framed. I feel sure every member of the Judiciary Committee will disclaim any part in its phraseology. I think that amendment ought to go in—that the nonproduction of the certificate shall be satisfactorily accounted for.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. After the word "certificate," in line 8 on page 4, it is proposed to insert "shall be" before "satisfactorily," so as to read

Or the nonproduction of the certificate shall be satisfactorily accounted for.

The amendment was agreed to.

Mr. BRANDEGEE. The same correction should be made in line 18.

The SECRETARY. On page 4, line 18, after the word "certificate," it is proposed to insert "shall be," so as to read:

Or the nonproduction of the certificate shall be satisfactorily accounted for.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I have just a word to say. I am in favor of this bill. I am in favor of the spirit and purpose of it. I think, however, it is too limited in its scope. For instance, we have here in the District of Columbia a great Government Printing Office, where we have machinery and where men are injured. We have the Bureau of Engraving and Printing, where men are injured. Those establishments ought to be included, but I do not propose to offer an amendment, as it would probably delay the final vote, for which I am very anxious. If we should include everything that ought to go into the bill, we would make a much larger bill than it is desirable to consider at the present time. Mr. President, I have no further amendments to offer to the bill. There are a good many points to which I wanted to call attention, but I will desist and content myself by saying to my good friend, the Senator from Ohio, who informed me that if I meant a certain thing he would resent it, that if my human nature had asserted itself I should have responded by saying that it would not make very much difference to me whether he resented it or not. But I did not say that. I had no purpose of criticising the distinguished Senator from Ohio or the other lawyers of this body who have made constitutional arguments on this question, but I want to say that I am extremely anxious that the constitutional arguments should come to an end, so that we may pass this bill and give this modicum of relief to those who, employed by the Government, are injured. Later on we can take up a more comprehensive and better-phrased bill than this, and do something more than this does for the men who are injured in the service of this great and rich Government.

Mr. BRANDEGEE. On page 2, line 2, where it provides "he shall be entitled to receive for one year thereafter, unless sooner able to resume work, the same pay as if he continued to be employed," I move to insert, after the word "unless," the words "in the opinion of the Secretary of Commerce and Labor."

The VICE-PRESIDENT. The Senator from Connecticut proposes an amendment, which will be stated.

The SECRETARY. On page 2, line 2, after the word "unless," it is proposed to insert the words "in the opinion of the Secretary of Commerce and Labor."

Mr. GALLINGER. I think the Senator will want to add a few words there, so as to read "unless he is sooner able."

Mr. BRANDEGEE. I thought of that. But I wanted to change the language as little as possible.

Mr. GALLINGER. Let that amendment be reported.

The SECRETARY. After the word "unless," in line 2, on page 2, it is proposed to insert:

He is, in the opinion of the Secretary of Commerce and Labor.

The amendment was agreed to.

Mr. CARTER. I suggest that some other word be used, because I think under the phraseology of the bill a female, as well as a male, is accorded relief.

Mr. BRANDEGEE. "Unless such employee."

Mr. CARTER. "Unless such employee."

The VICE-PRESIDENT. The Secretary will report the amendment.

Mr. CARTER. Let the amendment be reported as now suggested.



The SECRETARY. On page 2, line 2, after the word "unless," it is proposed to strike out the words "he is" in a former amendment and insert "such employee," so as to read:

Unless such employee, in the opinion of the Secretary of Commerce and Labor.

Mr. GALLINGER. "Is."

The amendment was agreed to.

Mr. BRANDEGEE. I should like to ask the Senator from Montana what language in the bill seems to him to imply that the bill provides for female as well as male employees?

Mr. CARTER. In reply to the question of the Senator, I will say that the language in lines 3 and 4, on page 1—

That when, after the approval of this act, any person employed by the United States.

I think that would include females.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Wyoming?

Mr. BRANDEGEE. Certainly.

Mr. CLARK of Wyoming. Following the line of suggestion and the inquiry already made, I move, in lines 20 and 21, on page 2, to strike out the words "the husband or father or son;" and to insert the words "said artisan or laborer."

Mr. BRANDEGEE. Before that amendment is voted upon I should like to make a suggestion to the Senator from Montana. The whole of section 2, in my opinion, looks simply to the question of compensation of male employees. I do not know what the fact may be as to whether or not there are any female employees who are laborers in the manufacturing establishments, arsenals, and navy-yards, but I think very likely there may be some, and if there are it seems to me they ought to be entitled to compensation for injuries as much as the men. Section 2 provides:

That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow—

Of course that language excludes a female. If it is to be amended so as to include specifically injuries to women, the whole section must be revised.

Mr. CLARK of Wyoming. It is perfectly plain that no such amendment as that is necessary. What is the language of the bill?

That if any artisan or laborer—

Male or female—

so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under 18 years of age.

Mr. PILES. I wish to suggest to the Senator from Montana, referring to comments I made on this section the other day, that the words "artisan or laborer," on line 12 of section 2, should be stricken out, and the word "person" inserted in lieu thereof, for if that is not done then the right to receive compensation in case of the death or injury of an artisan or laborer—

Mr. CLARK of Wyoming. That is done by the bill itself.

Mr. PILES. But not in the way and manner the bill is amended. Section 2 now applies to persons employed on fortification work, or construction work, or in the reclamation of arid lands.

Mr. CLARK of Wyoming. As an artisan or laborer. It applies to any person employed by the United States as an artisan or laborer.

Mr. PILES. That is, if you change the words "artisan or laborer" in line 12 of section 2 to the word "person," it applies to both male and female employees.

Mr. CLARK of Wyoming. Both male and female persons can be artisans or laborers. We have many laborers upon the rolls who are females.

Mr. PILES. That is perfectly true, but it does not make clear the purpose.

Mr. CLARK of Wyoming. The purpose is to confine the bill to artisans and laborers.

Mr. NEWLANDS. I suggest that section 1 can be perfected by substituting for the word "he," on line 1, page 2, the words "such employee." If the bill is to cover both sexes the words "such employee" should be substituted for the word "he." I move as an amendment that the words "such employee" be inserted in place of the word "he."

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment which will be stated.

The SECRETARY. In section 1, page 2, line 1, after the word "employment," strike out the word "he" and insert the words "such employee."

The amendment was agreed to.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. I want to offer one more amendment and then I will yield.

I wish to ask the Senator in charge of the bill to look at section 3. In line 10 it seems to me that not only the accident but the injury resulting therefrom should be reported. I suggest, in line 10, after the words "such accident," to insert "and the injury resulting therefrom."

Mr. DEPEW. There is no objection to that.

The amendment was agreed to.

Mr. BRANDEGEE. In line 14, page 3, section 3 reads:

Such report shall state, first, the origin and nature of the accident.

I am a little doubtful about what the word "origin" means in a legal document, and I suggest to the Senator from New York that it would be much more specific if he would agree to strike out the word "origin" and insert the words "time, cause," so that it will read:

Such report shall state, first, the time, cause, and nature of the accident.

Mr. DEPEW. That is right.

The amendment was agreed to.

Mr. BRANDEGEE. In the same line, after the word "accident," I move to insert the words "and injury."

The amendment was agreed to.

Mr. BRANDEGEE. Now I yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, it seems to me that I should call the attention of the Senator in charge of the bill to the suggestion that on page 2, line 20, after the word "father," there should be inserted the word "mother." In many instances there is no father living, and the dependents derive their rights through the injury to the mother. There seems to be no provision made covering that.

Mr. DEPEW. I think that is a very good suggestion.

Mr. CLARK of Wyoming. I offered an amendment that would cover that, striking out the words "husband, father, or son" and inserting "said artisan or laborer."

Mr. GALLINGER. Yes; that would cover it.

Mr. CLARK of Wyoming. I offered that amendment some time ago.

Mr. HEYBURN. I should like to have the amendment of the Senator from Wyoming stated, so that I may apply it directly.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In section 2, on page 2, line 20, after the word "that," strike out the words "the husband, or father, or son" and insert the words "said artisan or laborer."

Mr. HEYBURN. That covers it.

The amendment was agreed to.

Mr. HEYBURN. I would suggest that in line 21, after the word "he," there should be inserted the words "or she," so as to read:

Entitled to receive as pay if he or she were alive and continued to be employed.

Mr. DEPEW. All right.

Mr. HEYBURN. Or else adopt the language suggested by the Senator, and say, "if such employee were alive and continued to be employed."

Mr. CLARK of Wyoming. I have no objection, but my own belief is that the word as used is sufficient all through the bill. Of course if the Senator wants it to be made more explicit, it can be done.

Mr. HEYBURN. The word used is "he." It might be construed that the words used in section 1 were sufficiently comprehensive to include both sexes, yet I see no reason why the words "or she" should not be inserted in this section.

Mr. CLARK of Wyoming. I think the words in section 1 are comprehensive enough.

Mr. HEYBURN. I had given consideration to the language of the first section, but it seems to me in drawing the bill the personal pronoun should have been made consistent with that language without resorting to construction at all.

Mr. GALLINGER. Has the amendment which was suggested by the Senator from Wyoming been agreed to?

The VICE-PRESIDENT. It was agreed to.

Mr. HEYBURN. Then I will withdraw the amendment in line 20 and ask that the amendment be made in line 21, by inserting the words "or she" after the word "he."

Mr. SUTHERLAND. That would necessitate similar changes in half a dozen parts of the bill, as I understand it. I think it is a rule of universal application that the personal pronoun "he" is construed to include the feminine.

Mr. HEYBURN. I had doubts as to whether this class of legislation would come under that rule, which is said to be universal. I think better than the amendment I have suggested would be to insert the words "such employee." I will change the amendment in this section and suggest that it be made general, and that instead of the personal pronoun "he" where it appears there be substituted the words "such employee."

Mr. CARTER. "Such person."

Mr. HEYBURN. "Such person" would do, but "such employee" is quite applicable.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment which will be stated.

The SECRETARY. On page 2, line 21, strike out the word "he" where it occurs and insert in lieu the words "such employee."

The amendment was agreed to.

Mr. HEYBURN. Now, if it can be done by a general amendment, I would suggest that that change be made in a number of instances. For instance, on page 4 it occurs on line 10, line 16, and line 21. On page 5 it occurs in line 6, line 7, and in some other places. I would suggest that the bill be amended in each instance where the personal pronoun is used by substituting the words "such employee."

Mr. BRANDEGEE. I will simply make the suggestion to the Senator that I think all that can be arranged in conference. The bill will no doubt have to go to conference.

Mr. CLARK of Wyoming. I hope that the bill will not go to conference.

Mr. BRANDEGEE. Is it the idea that the House will agree to the Senate amendments?

Mr. CLARK of Wyoming. That is the hope the committee have, and therefore I dislike to agree to amendments unless they are material. Is this amendment considered material by the Senator from Idaho? I, myself, have no question whatever as to the construction to be given to the word "he."

Mr. HEYBURN. I call the attention of the Senator from Wyoming to the fact that on lines 9 and 10, page 3, in the bill as it came from the House the language "such employee" is used, and it is certainly a correct expression of the intention.

Mr. CLARK of Wyoming. Mr. President—

Mr. NELSON. I desire to say, if the Senator from Wyoming will give me a moment, in line 4, on page 1, the language is used, "an artisan or laborer." Now, any one in that class being an artisan or laborer, whether a male or a female, would necessarily come under this law. The word "he," as it follows in the act, would be interpreted in the light of that provision and would include women as well as men, if such employee was an artisan or a laborer under this statute.

Mr. HEYBURN. It was in view of that language that I suggested, in the interest of uniformity and proper construction, the amendments that I have already proposed. There should be a uniform expression representing the same thing all through a bill. It is not correct and careful legislation to express the intention of the legislature at one time in one set of terms and at another time in an entirely different way.

Mr. CLARK of Wyoming. I would suggest to the Senator that it is not usual either in laws or in anything else always to use a noun. Sometimes a pronoun is used in place of a noun. The pronoun "he" is used universally through the bill standing for the words "artisan or laborer." I do not care to object to the amendment if the Senator thinks it is essential to the bill.

Mr. HEYBURN. I have just called attention to the fact that it was not universally used. That is the basis of the objection. My first amendment is to strike out "his" in line 10 and insert "the."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Idaho.

The SECRETARY. On page 4, line 10, before the words "legal representatives," strike out "his" and insert "the."

The amendment was agreed to.

Mr. HEYBURN. After the word "representatives," in line 10, I move to insert "of such employee."

The amendment was agreed to.

Mr. HEYBURN. On line 16, page 4, I move to strike out "his" and insert "the."

The amendment was agreed to.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. DEFEW. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. Mr. HEYBURN. In line 21, on page 4, after the word "his," I move to insert the words "or her," so as to read "his or her legal representatives."

The amendment was agreed to.

Mr. HEYBURN. In line 6, page 5, after the word "if," I move to strike out "he" and to insert "such employee," so as to read, "and if such employee refuses."

The amendment was agreed to.

Mr. HEYBURN. In line 7, page 5, I move to insert after the word "his" the words "or her."

The amendment was agreed to.

Mr. BRANDEGEE. Before we leave that clause, on page 5, line 5, the word "himself" should be stricken out.

Mr. HEYBURN. In line 5, on page 5, I move to strike out the word "himself."

The amendment was agreed to.

Mr. HEYBURN. In section 2, page 2, line 13, the expression "said year" is used, which relates back to the designation of time in line 2, at the top of page 2.

Section 2 reads:

That if any artisan or laborer so employed shall die during the said year.

As that is stated it would not be during all the period of one year; it would be during the year above specified, and that year might have nearly transpired.

Mr. CLARK of Wyoming. No; not at all. If the Senator will go a little further back in the section in his grammatical construction, further back in the section, he will see—

Mr. HEYBURN. "Remainder of the said year." That, in line 20, is repeated.

Mr. CLARK of Wyoming. That when he "is injured in the course of such employment, he shall be entitled to receive payment for one year thereafter." That is the year referred to in section 2. It is perfectly plain to my mind.

Mr. HEYBURN. But section 2 says at the beginning:

That if any artisan or laborer so employed shall die during the said year.

Now, that is an entirely new and distinct subject for compensation. That is for death. The first is for injuries.

Mr. CLARK of Wyoming. No; it is not.

Mr. HEYBURN. Yes; the first section says if he "is injured in the course of such employment." That relates to the conditions based upon injury. Then section 2 relates to conditions of death.

Mr. CLARK of Wyoming. Resulting from the injuries.

Mr. HEYBURN. Resulting from the injuries, and necessarily presupposing that the death did not immediately follow the injury. It may have followed it ten months afterwards.

If the Senator will give a little careful attention to that he will see that, it being an entirely new subject of legislation and if it refers back to a limited period which has partly transpired, it would probably cause some confusion.

Mr. CLARK of Wyoming. I do not suppose the Senator and myself will get together on the grammatical construction.

Mr. HEYBURN. It is not grammatical; it is the legal effect of the language.

Mr. CLARK of Wyoming. It is endeavored by the bill to give one year's compensation if the injury shall last for one year, and to give one year's compensation if the injury shall last for three months and then death ensues. It is all in reference to the same year, to wit, one year from the time of the occurrence of the accident. The same rate of compensation prevails, only in one case the man himself receives it and in the other case his heirs or personal representatives. So it is plain to me; but it seems we do not look at it in the same way.

Mr. HEYBURN. I shall content myself with calling attention to the fact. I did not propose to offer an amendment, but the language is ambiguous in that the two sections do not deal entirely with the same subject. It is a question of grammatical construction, but it is also one of the legal construction of the language of section 1. Under that section the amount paid goes to the party injured, and it goes to him for a period of one year. Under section 2 it does not go to the party injured, it goes to certain designated beneficiaries, and it goes to them according to this language for the remaining period and according to the intent of it for the whole period. If the employee died in eleven months, he would get one month's pay.

Mr. CLARK of Wyoming. That is exactly what he would get, he having received eleven months' pay prior to death.

Mr. BEVERIDGE. Suppose he is instantly killed?

Mr. CLARK of Wyoming. Then he gets twelve months' pay.

Mr. BEVERIDGE. Where in the bill is that stated?

Mr. CLARK of Wyoming. All through it.



Mr. HEYBURN. If language were inserted in line 13, on page 2, so as to read, "shall die during the said period of one year," it would remove all ambiguity.

Mr. CLARK of Wyoming. The association of the Government with him by reason of the injury absolutely ceases at the end of a year.

Mr. HEYBURN. If he dies, it necessarily ceases with him before the end of the year.

Mr. CLARK of Wyoming. But not with the subject-matter. However, if the Senator wants to offer the amendment he can do so.

Mr. HEYBURN. No; I think the discussion as it will appear in the Record will sufficiently illuminate the point.

Mr. BRANDEGEE and others addressed the Chair.

Mr. HEYBURN. I do not know whether I am speaking in the time of some other Senator or not; but if I have the floor, there are a few suggestions that I desire to make, and they are not extensive.

I want to call attention to the penal clause contained in section 6 of the bill. I think it should go out. We have a general section in the laws of the United States covering that class of offense, and if we are to repeat it in every separate bill that we pass we might as well do away with the penal statutes. The commission of the offense as attempted to be defined there is completely covered now. It says "That to seek to obtain by fraudulent means." It should read "to seek by fraudulent means to obtain," because it is the adoption of fraudulent means that constitutes the offense, and not the seeking to obtain. But the whole section should go out, as I said, because there is already a law covering the subject, providing for the punishment of that offense.

Mr. GALLINGER. It would not do any harm to leave it in.

Mr. HEYBURN. It is suggested to me sotto voce that it would do no harm to leave it in. We met that condition of affairs in codifying the criminal law. There is a penal clause in a great many bills, and the question was, Shall we carry the provision into the criminal code or not? To have carried it into the criminal code would have necessitated the carrying in of legislative provisions to make it applicable or intelligible. For instance, the penal clauses in the meat act and the pure-food law are not carried into the criminal code because they would carry too much administrative law with them. It is not worth while every time we enact a law of this kind, especially where there is already a sufficient provision for the punishment of a violation of it or any wrongful application of it, that we should reenact the criminal statute where we already have one.

I only make this suggestion in the interest of avoiding confusion.

Mr. CLARK of Wyoming. For information I ask the Senator what general law we have that would fit accurately the provisions of this bill?

Mr. HEYBURN. We have a general provision in the criminal statutes against any fraudulent pretense in support of a claim against the Government of the United States. I have not the law at my desk or I would refer the Senator from Wyoming directly to the provision, but it is explicit, and it covers not only this case, but it covers the whole class of cases to which this belongs.

Mr. CLARK of Wyoming. Has not the Senator a lingering doubt in his mind that perhaps this might not be so construed as to bring it under that law?

Mr. HEYBURN. No; I have no doubt at all.

Mr. CLARK of Wyoming. In other words, is this such a claim as that there might not be some question about it? In any event, suppose we do make a special penalty for this act of fraud, is there any particular objection to it?

I will say to the Senator that I am honestly asking for information, and that the question grows also out of my desire to see the bill amended as little as possible in order that it may become a law at the present session of Congress without going into conference.

Mr. HEYBURN. I am as sincerely in sympathy with the enactment of a law upon the subject covered by this proposed legislation as any Senator can be. In the performance of the simplest duty here we must make suggestions where they appear pertinent or necessary to the perfection of the legislation proposed.

Mr. CLARK of Wyoming. I understood that of course. Then I will ask the Senator this question: Does he consider that the striking out of section 6 is necessary to the enactment of the law properly?

Mr. HEYBURN. I do not consider it necessary, but I consider it to this end. We should enact just as few distinct paragraphs of this kind as possible, because they all multiply the

machinery for the enforcement of the law. Section 6 provides—

That to seek to obtain by fraudulent means or to accept benefits under this act to which the person is not entitled shall be deemed a misdemeanor.

And so forth.

It makes the seeking to obtain by fraudulent means a misdemeanor. That is already a misdemeanor under existing law. The seeking to obtain any money from the Government by fraudulent means or to accept benefits under it is already an offense under the law.

The phrase "to accept benefits" ought not to be in the section, because if a party is injured and consults with his attorney as to whether he is entitled to share in this beneficent provision of the Government and the attorney says, "Certainly you are; you were injured in the course of your employment," and he submits a claim and the Department acting as it does through its clerks says, "Why, certainly he is entitled to his pay for one year," and at the end of six years some one, who probably has some personal motive for doing so, says, "This man should not be drawing this money and he never should have been allowed to draw it; he is accepting the benefits of the act in violation of section 6," there is a storm as soon as that charge is made. What good purpose is to be served by it? He has been accepting something that has been adjudged his due by those designated by the law to pass upon that question. Now, why should the accepting of that be an offense under the law?

Mr. CLARK of Wyoming. It would not be under the condition the Senator has mentioned, nor does the section so contemplate or state.

Mr. FILES. It means fraudulently.

Mr. HEYBURN. I know it was intended to say "if he fraudulently accepted it," but it does not say so. That is what I am calling attention to. The section does not provide against fraudulently accepting the benefits of the act, because the word fraudulently is not applied to that provision in line 11. I merely wish to call attention to these things, and I shall leave it to the committee having charge of the bill to deal with these suggestions.

Mr. President, in section 1 of this bill, on page 1, included in those who may receive the benefits of this bill should it become a law are all persons engaged in "construction work in the reclamation of arid lands or the management and control of the same." That is a pretty big subject, and it is a pretty fine question in my mind—

Mr. CLARK of Wyoming. I desire to call the attention of the Senator to the fact that that is an amendment put on in the Senate.

Mr. HEYBURN. I know; but I am addressing my remarks to the question of the wisdom of its being retained.

I think I might safely say that a very large proportion of the Senate does not know the facts in regard to the methods of the reclamation of arid lands. This provision will include the men who are working behind plows, the men who are digging ditches, the men who are digging canals, and probably all that class of employees who are scattered over a very large territory. There are probably engaged in the service of the United States persons who come under that provision of the bill to the extent of 12,000. I would say that would be a fair estimate. On the Minedoka project and on the Boise Payette project in our State vast numbers of men are working.

I speak of our own State because I am acquainted with it, but I have no doubt at all that there are several other Senators here who could add vastly to those figures. To make the bill apply to that class of persons strikes me as a pretty radical measure. It was an amendment suggested in the Senate, but it covers a class of persons engaged in what would ordinarily be farm work or the work of ditching. A man's foot may slip off of a shovel, or a plow may hit a rock and he may be knocked breathless, or his team of horses may get tangled up and he may have an arm broken, or he may be otherwise injured severely; but is that the class of work for which the Government should extend this kind of assistance? I do not believe that it was within the scope of those who originally started to secure the enactment of this kind of legislation. I think it enlarges it immensely to extend it to a class of work that the original framers of this legislation did not have in view at all. It might just as well be extended indefinitely to all classes of out-of-door labor by men who are paid by the United States, numbering a great many thousands. I think that provision should not have been inserted in the bill.

I think it is perfectly right for the Government to place upon the pension roll—and that is all that this bill proposes to do—those who are injured in the machine shops and in connection

with the class of work which the original framers of this bill had in mind. That is perfectly proper, and I am in entire sympathy with it. I regard it simply as a pension roll. There is no constitutional question in it. If these people possessed, in the first instance, the right of action against the Government, then it would involve a constitutional question; but inasmuch as they do not possess that right, that is the line of distinction. Have they a right of action under any law against the Government? No. Then we may extend them such relief in the nature of a pension as we may see fit, and there is no constitutional question in it. It is perfectly right and proper, in my judgment, that the Secretary of Commerce and Labor, or some one connected with his Department, may pass upon this question. It would be perfectly competent for Congress to say that the chief of police should pass upon it. There is no constitutional prohibition against Congress designating the person who shall say whether this man was hurt at a certain time in a certain manner while in the performance of his duties for the Government. That is a question of fact. It involves no intricate question of law at all. I shall vote on this bill as I would vote on a pension measure. It is merely a new kind of pension bill. With these suggestions, I am content to leave the matter to the wisdom of the Senate.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I yield the floor, Mr. President.

Mr. GALLINGER. I rose to ask a question concerning the amendment which went in on page 1, in reference to the reclamation of arid lands. I have forgotten what Senator suggested that amendment.

Mr. DEPEW. It was the Senator from Oregon [Mr. FULTON].

Mr. CLARK of Wyoming. It was the Senator from Oregon. I will state to the Senator from New Hampshire.

Mr. GALLINGER. I was about to say, as the bill as it came from the House limits the work on the Isthmian Canal to hazardous employment, that if, in place of "construction" it should read "or any hazardous work in the Reclamation Service"—

Mr. CLARK of Wyoming. The Senator from Utah [Mr. SUTHERLAND] suggests "or any hazardous employment on construction work."

Mr. GALLINGER. That is better, I think. I think the language as it stands ought to be changed.

Mr. DEPEW. That is all right.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

Mr. CLARK of Wyoming. I move to amend the amendment on page 1, line 7, by inserting, after the last word "or," the words "in hazardous employment on," so that it will read:

Or in hazardous employment on construction work in the reclamation of arid lands.

Mr. President, I will call the attention of the Senator from New Hampshire—

The VICE-PRESIDENT. The Secretary will first state the amendment proposed by the Senator from Wyoming [Mr. CLARK]. The committee amendment will be regarded as still open to amendment, in the absence of objection.

The SECRETARY. On page 1, line 7, in the committee amendment, after the word "or" and before the word "construction," it is proposed to insert the words "in hazardous employment on," so that, if amended, the amendment will read:

Or in hazardous employment on construction work in the reclamation of arid lands.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be agreed to.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Connecticut rise to this amendment?

Mr. BRANDEGEE. I rise to this amendment, Mr. President.

I want to call the attention of the Senator from Wyoming and the Senator in charge of the bill to the first section. As the first section originally stood, before it was amended at all, it provided for compensation to all employees in—manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor work or the management and control of the same—

It seems to me that by the italics which represent the Senate amendments, to wit "or fortification" and also the words "or construction work in the reclamation of arid lands," the meaning may not be clear. The bill will be printed in the statute book with no italics and the words "or the management and control of the same" would be construed to limit simply the arid lands proposition, and would not refer back to the man-

agement and control of the work on rivers and harbors, arsenals, navy-yards, and so forth. What the intention of the Senate is I do not know, but I simply make the suggestion to draw attention to the matter so that there may be no doubt about it.

Mr. CLARK of Wyoming. I think the suggestion of the Senator from Connecticut [Mr. BRANDEGEE] is quite right. This is not intended to be limited to construction work in the reclamation of arid lands.

Mr. GALLINGER. How would it do to say "and management and control of said work?"

Mr. BRANDEGEE. "Of all of said work?"

Mr. GALLINGER. "Of all of said work."

Mr. CARTER. I suggest to the Senator to transpose the amendment and insert after the word "employed," in line 4, page 1, the words "in hazardous employment;" thus making it apply to all.

Mr. CLARK of Wyoming. Mr. President, that matter was thoroughly gone over once before. The Senator can propose the amendment; but I do not care to do so.

Mr. CARTER. Mr. President, I do not offer the amendment nor will I offer any amendment to the bill. I realize, as I think does every member of the Judiciary Committee, of which I am not a member, and every Senator who desires the passage of the bill to-day, that the bill is not skillfully drafted, that it does not respond to the just demands of Senators or those who will be the beneficiaries of the bill. There should be some radical amendments to this measure. I think, for instance, an amendment should be added which would give to the individual's family, when death occurs as the result of an accident, one year's pay following that event, whereas now the remnant of the year's pay is to be available for the use of the family in case of dire distress.

But, Mr. President, I have refrained from offering an amendment in that behalf, much as I think it is needed to perfect the bill and to make it what it should be, because of the understanding which, I think, extends throughout the Chamber, that any radical amendment placed on this bill will result in its defeat at this session of Congress, and that we should put the bill on the statute books as nearly as it came to this body as we can, and perfect it later by extending its provisions. I think many of these amendments might as well have been disagreed to, because all Senators will agree that, notwithstanding amendments made or to be made, the bill will pass from our hands far from what it should be—a vastly imperfect piece of legislation.

Mr. GALLINGER. You have improved it a good deal.

Mr. CARTER. I think it has been improved some, but I think an attempt to improve it much more would imperil its passage. I think the better plan probably is to let the Committee on the Judiciary propose such amendments as they deem necessary to make the bill workable, as they are doing by offering amendments on the floor, and pass to a vote upon the bill at the earliest moment possible.

Mr. CLARK of Wyoming. Mr. President, I desire to call the attention of the Senator from New Hampshire to the fact that an amendment was made a day or two ago, I think, at the suggestion of the Senator from New Hampshire, on page 4, line 19.

Mr. GALLINGER. That was transposed to page 5, line 4, after the word "labor," where it properly belongs.

Mr. CLARK of Wyoming. It has already been transposed?

Mr. GALLINGER. It has already been transposed.

Mr. CLARK of Wyoming. Mr. President, I will call the attention of the Senator from New Hampshire to the amendment on line 6, page 1. I think it was put in at his suggestion. It relates to postal clerks on railway trains.

Mr. GALLINGER. That was printed erroneously. I withdrew the amendment before the bill was ordered printed. It is not now in the bill, I will say to the Senator.

Mr. McLAURIN. Mr. President, I desire to offer another amendment and to address some remarks to the Senate on the amendment after it shall have been read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 10, it is proposed to strike out the words "Secretary of Commerce and Labor" and insert:

Judge of the circuit court of the United States for the district in which the injury shall have been inflicted, from whose decision an appeal may be taken by the injured person to the circuit court of appeals, to which appeals may be taken in said district.

Mr. HOPKINS. Mr. President, is not that practically the amendment that was laid upon the table by the Senate?

Mr. McLAURIN. No, sir; it is very different.

Mr. HOPKINS. The basis of it is the same. Some words may have been added, but I think it is substantially the same amendment.



Mr. McLAURIN. It is a very different amendment.

Mr. President, to-day is the first time I have seen a Senator shut off, by a motion to lay on the table, from discussing an amendment which he himself offered and which he had not previously had an opportunity to discuss. The amendment I offered would not perfect the bill, in my judgment, but it would go far toward improving it, and would improve it very much. If anything is to be done for the employees of the Government—I mean the laborers and the artisans, those who are mentioned in the bill—it ought not to be encumbered with so many difficulties that the man who is injured, or his family, will be deterred from any effort to secure the benefits of the act after it shall have been put upon the statute books.

I take no part in the discussion of the constitutional phase of the bill as it was reported by the Committee on the Judiciary. I have my opinion about whether it is constitutional or not; but the views I take of this measure are not concerned with the question of its constitutionality or its unconstitutionality. If it is unconstitutional in the form in which it came from the Judiciary Committee, my amendment will remove all such questions from consideration. If it is constitutional to permit such questions as are left to him to be decided by the Secretary of Commerce and Labor—and I may say in passing that my opinion is that it is constitutional—the amendment will, in my opinion, improve the bill, so far as the laborers and artisans who are to be benefited by it are concerned. The bill ought not to be set about with pitfalls which will make it difficult and dangerous for the recipient of the bounty or generosity of the Government to take it when the Government hands it out. That, however, I will discuss later, when I come to discuss the sixth section of the bill.

As I read the bill—and it has been amended so much that it is difficult without a reprint of the bill to say what its provisions at this time are—but as I understand it now, it provides, to illustrate, that if a man in the capital of Mississippi, more than a thousand miles from the Secretary of Commerce and Labor, shall, without any negligence or misconduct on his part, be injured while he is in the employ of the Government, there must be a report made to the Secretary of Commerce and Labor. The report is made first by the injured workman's immediate superior. It is then referred to the officer above the first superior officer, and thus it goes on through the channels—"official channels" is the language, I believe, that is used in the bill—until it shall have reached the Secretary of Commerce and Labor.

If you will consider that a moment, every Senator must come to the conclusion, knowing the workings of the Departments, that whatever that report by the superior of the injured laborer or artisan contains—it does not make any difference what it is—when the Secretary of Commerce and Labor comes to consider the man's case the statements in the report will be taken as facts. The injured party, or the representatives of the injured party, may make affidavit, and that may accompany the report or it may not. The Secretary of Commerce and Labor is required to take the report, the affidavit, and such other evidence as may be submitted to him by the injured employee, and upon that make up his judgment; but whenever he comes to make up his judgment he is going to say: "Here is the official action; here is the official report; here is the official evidence upon which I can act." The affidavit of the injured party, being an ex parte affidavit, and such other evidence as he may be able to get, is to be disregarded; it is to be ignored as being interested ex parte testimony, and the man can not go before the Secretary of Commerce and Labor and present his case. He may be a man receiving as a laborer a dollar a day. The wages to which he would be entitled for a year would be \$300. He must not only live out of that for a long time, until he can get an adjudication of his case by the Secretary of Commerce and Labor, but he must expend probably a half or two-thirds of his salary in getting this decision from the Secretary of Commerce and Labor. Why take him a thousand miles to an officer whom he does not know, who does not know him, and who can not understand anything about the work that this laborer is performing? Why require him to go before that officer to try his case, when he may be practically shut out by the official report of his superior, instead of giving him an opportunity to be heard in the neighborhood in which he lives and by a judge who probably knows him and his surroundings and the work in which he has been engaged? Take the case not only of a man in Mississippi, but go over farther on the Western slope; go into the State of Washington, or Oregon, or Kansas, or Montana, or Idaho, or any of those States—

Mr. GALLINGER. Or Panama.

Mr. McLAURIN. Or Panama, as is suggested by my genial friend, the Senator from New Hampshire, and the result is still more disastrous to the injured employee.

This bill does another thing. It puts the laborer largely at the mercy of his superior. Human nature is human nature the world over. The man who has charge of men who are under him working and the man who works for him know that if an injury occurred, the superior, who is frequently denominated the "boss," will have the making up of the report, and if the employee has ingratiated himself into the favor of the boss, his superior officer—probably many times by truckling—he will get a favorable report; but if he has been a manly man and stood up for his rights, willing to work when he is called upon by his duty and by his employment to work, willing to perform all the labor for which he has contracted with the Government, but who demands of his superior officer that he be treated as a man and not as a menial or a slave, he will probably have incurred the enmity of his superior officer; and that superior will make a report that will cut him out of his pay. The superior will report that the man has been negligent or been guilty of misconduct.

I say that this ought not to be. If you will give the employee an opportunity right there at his home where the work is done, right there where the witnesses all know about him, to let him go before some officer—I am not a stickler for the judge of the circuit court; the amendment that I formerly wrote and presented to the Senate was an amendment that was hurriedly presented, and this amendment is hurriedly presented, written at my desk here—but I want the employee to have an opportunity to be heard before somebody, at a place where he can get his witnesses before whoever is to be the judge, where he can be heard orally if he desires to be heard orally, and where he will not be put to the expense and trouble and annoyance of sending his case 1,000 or 2,000 or 3,000 miles to an officer who is to hear the case.

Again, on the hearing of the case, when it is taken up on what we will call an official report, that report will dominate any affidavit or any evidence that is presented by the injured employee, and when the officer shall have rendered a decision, it is absolute; it is final; there is no appeal given to the laborer; no opportunity to go to any higher authority for the purpose of determining his case. I do not believe that the Senate, upon deliberation, will put such a measure as that upon the statute books of the United States Government.

But it is said this bill is imperfect now, but let us get some kind of a patchwork, that is hardly worth the paper upon which it is written, for the benefit of the employees of the Government, and after a while it will be perfected. Mr. President, there is no great hurry for this legislation. We have had the whole session of Congress for the perfection and consideration of this legislation. Why has it not been considered and perfected? It were better a thousand times to have this bill re-committed to the Judiciary Committee or to some other committee of this body and have it put in shape so that it will do justice to the laborers and artisans who are to be its beneficiaries.

Now, let us run over this, because we have been rushed into this matter with very little opportunity for the consideration of it, and, as I have said, there has been no reprint of the bill since the 21st of May. The copy of the bill which I have does not show the day upon which it was reprinted, but I believe there has been no reprint of the bill since a number of amendments have been submitted to the Senate and put upon the bill.

Mr. GALLINGER. It was reprinted on the 21st of the month, I will say to the Senator.

Mr. McLAURIN. That is the day it was reprinted. The bill came to the Senate, it seems, on the 18th of May, when it was referred to the Committee on the Judiciary, and on the 21st of May it was reported to the Senate.

Mr. BRANDEGEE. It was reported to the Senate on the same day on which it was referred to the committee.

Mr. GALLINGER. And reprinted on the 21st.

Mr. McLAURIN. It was reported on the same day it was referred. So much the worse for the bill and for opportunity for its consideration.

Mr. CLARK of Wyoming. I was not in the Chamber at the beginning of the statement as to the length of time the Judiciary Committee had had this bill under consideration. I will say that the committee has had similar bills, dealing with the same subject-matter, under consideration nearly all the winter, and has been having hearings on those bills. While it is true that, as to this particular bill, the copy as passed by the House probably came to the committee on the same morning on which it was reported, yet a typewritten copy, preceding

the official copy, was in the hands of the committee prior to that time. I will say to the Senator in all candor that this particular bill only came to the committee a short time before it was reported; but the date upon the bill as reported does not indicate the time that this particular measure was before the committee.

Mr. McLAURIN. Mr. President, probably my criticism, then, was not well founded, if the Committee on the Judiciary has had this under consideration all winter, but this is the best argument that can be furnished—

Mr. CLARK of Wyoming. Mr. President, that is very pleasant to read in the RECORD, but I do not want the Senator to put those words in my mouth. I said that this particular bill had not been considered, but that the subject-matter in other bills had been considered during a large part of the winter.

Mr. McLAURIN. I suppose the object of the Senator in calling my attention to the fact that other bills had been considered and that this question had been considered was that they had evolved some kind of plan by which they could do justice to these employees, and that this is the plan.

Mr. CLARK of Wyoming. The Senator usually arrives at a conclusion by such clear reasoning that I am surprised to hear him at this moment.

Mr. McLAURIN. To proceed with the analysis of this bill, it provides:

An artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or as postal clerks on railway trains—

Mr. BRANDEGEE. Will the Senator yield to me for a moment?

Mr. McLAURIN. With pleasure.

Mr. BRANDEGEE. I am called out of the Chamber, and I desire to submit an amendment before leaving. I move, on page 2, line 8, to change the first word in the line from "or" to "nor," and in the same line to strike out the word "it" and substitute the words "the said injury," so that it will read:

Nor unless the said injury shall continue for more than fifteen days.

I do not ask a vote on the amendment now.

Mr. McLAURIN. That is the amendment the Senator will offer after the one I have offered shall have been disposed of.

Now let us see if I have it right as to the ones who are entitled to the benefits of this act:

An artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or as postal clerks on railway trains, or in the construction of river and harbor or fortification work, or construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission—

In whatever work they are engaged they must be artisans or laborers employed by the United States—

shall be entitled to receive for one year thereafter, unless sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, or unless it shall continue for more than fifteen days.

If he is guilty of negligence or misconduct and that negligence or misconduct produces the injury, then he is not entitled to any compensation.

Or unless it shall continue for more than fifteen days.

If the injury, however produced, continues for less than fifteen days, or not a greater time than fifteen days, he is shut out.

All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor—

As this bill is. Now how?

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident to the head of his Bureau or independent office.

Whatever the Bureau or independent office may be. He may be a man who is supervising a lot of laborers who are engaged in the construction of a Government building, a court-house or post-office or any other public structure. If, in carrying a girder, or, if he is a hod carrier, in carrying the material he is required by his work to carry, he falls or is hurt or in any way is injured while in that employment, then the man who is supervising his work, the man who controls him, the man who is overseeing those engaged in the same kind of work, reports to the head of his Bureau or independent office. Then the head of that Bureau reports to somebody above him, and that somebody above him reports to somebody above him, and so on until it gets to the Secretary of Commerce and Labor. When I say "reports to him" I mean transmits this report through this official channel up to the Secretary of Commerce and Labor.

And his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor.

That kind of red tape must be followed until it gets to the Secretary of Commerce and Labor. And then what?

Such report shall state, first, the origin and nature of the accident and the probable duration of the injury resulting therefrom.

That is a mere guess as to the time when the results of the injury will cease. As was suggested by the Senator from New Hampshire [Mr. GALLINGER], the man not being a doctor will probably not be able to give anything like an accurate guess. He will not be able to give a guess within miles of the fact, not because of his indisposition to do so, but because of his inability to understand the case. Then what?

Second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured.

These facts are reported to the Secretary of Commerce and Labor. They go up in the regular official channel by red tape until they get to the Secretary of Commerce and Labor.

Fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe.

That is, the report must contain such other matters—that is what the language means; that is what a lawyer would say it means—as the Secretary of Commerce and Labor by his regulations shall require.

The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports.

That is to say, the head of the Department of State or the head of the Treasury Department or of the Interior Department may detail special agents for the purpose of making these official reports, and in order to do so promptly they ought to be on the ground, and there ought to be one of these agents for every Department on the ground in every place where there is any work being done by the Government—in the postal service, in the construction of buildings for which we provided by bill the other day many millions of dollars. There ought to be one of these special agents on the ground, and there may be under this proposed act at every place where public work is being done.

This is a bunglesome job, it seems to me. It occurs to me it is the least considered, and I would not be very far from the merits of the case if I should say worst considered, case I have seen presented by any report to this body. No wonder the Senator from New York wanted to make a motion to lay on the table any amendment to it that called attention to its defects.

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act.

That is to say, this official report that has gone up through regular official channels until it has reached the Secretary of Commerce and Labor must be followed within ninety days by the affidavit of the injured party or his legal representatives. Now what?

This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate satisfactorily accounted for.

There was some objection made, I believe, that they ought to require in all instances that the certificate of the physician should be presented with the affidavit.

In the case of incapacity for work lasting more than fifteen days, the injured party or his legal representatives desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of his attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate satisfactorily accounted for.

If he is incapacitated for work, the incapacity lasting more than fifteen days, the injured party or his legal representatives desiring to take the benefit of this act—what business has the legal representative with the matter unless the party has been killed? Now, it gets up through official channels and is filed with his superior and reaches the Secretary of Commerce and Labor.

Mr. BEVERIDGE. I wish the Senator would read that language again.

Mr. McLAURIN. Certainly.

In the case of incapacity for work lasting more than fifteen days, the injured party or his legal representatives desiring to take the benefit of this act shall—

And so forth.

Mr. BEVERIDGE. I do not know, but I suppose that that is probably unnoticed surplusage. Perhaps the committee did not notice the words "or his legal representatives."

Mr. McLAURIN. Probably not.



Mr. BEVERIDGE. I will ask the Senator in charge of the bill about it. I had not myself noticed the words "or his legal representatives," where a man has not been killed.

Mr. McLAURIN. The Senator from New York has no explanation to make, I suppose, of putting in "or his legal representatives," in response to the request of the Senator from Indiana?

Mr. BEVERIDGE. What is the point of that?

Mr. McLAURIN. While the Senator from New York is examining that I will proceed.

Mr. DEPEW. May I ask at what point that language is found?

Mr. McLAURIN. With pleasure. I am reading, beginning in line 8, on page 4.

Mr. DEPEW. While I am on my feet I want to disclaim having intended any discourtesy to the Senator from Mississippi. The amendment which he proposed has been up on several occasions, and no motion having been made with respect to it I supposed that the Senator was going to allow it to go upon its merits. If I had supposed that he was going to make a speech, I am always so glad to listen to him that I certainly should have been the last person to have interposed any objection whatever.

Mr. McLAURIN. I am sure the Senator from New York did not intend any discourtesy to me. It was the exigencies of the bill that called for the motion.

Mr. BEVERIDGE. What about the words "or his legal representatives?" That is a curiously awkward phrase. It will not take any time to strike it out. I do not understand it myself—legal representatives when a man is not dead—

Mr. DEPEW. Where is that?

Mr. GALLINGER. In line 10, on page 4.

Mr. BEVERIDGE. Or is not non compos mentis. I am anxious to have the bill passed—extremely so.

Mr. DEPEW. I think those words ought to come out—"or his legal representatives."

Mr. McLAURIN. I do not hear the Senator.

Mr. DEPEW. I think those words ought to be stricken out.

Mr. McLAURIN. "Or his legal representatives?"

Mr. DEPEW. Yes.

Mr. McLAURIN. I will suspend long enough for the Senate to agree to strike out those words, if it is in order.

The VICE-PRESIDENT. The Senator from New York proposes an amendment, which will be stated.

The SECRETARY. In line 10, page 4, as previously amended, it is proposed to strike out the words "or the legal representatives of such employee."

The amendment was agreed to.

Mr. McLAURIN. I have accomplished some good by calling attention to this bill. I am glad of that. I will proceed:

If the Secretary of Commerce and Labor, at least once in six months, shall find from the report and affidavit or other evidence produced by the claimant or his legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act.

The point to which I wish to direct the attention of the Senate is this, that the Secretary of Commerce and Labor will be supposed under this bill to be sitting once in six months.

Mr. CLARK of Wyoming. That has gone out. It was a misprint.

Mr. GALLINGER. It was a misprint. The words should appear after "Labor" in line 4, on page 5. That has been transposed by the clerks.

Mr. McLAURIN. It is to be hoped that a good deal of it is a misprint.

Mr. GALLINGER. That was corrected yesterday.

Mr. McLAURIN. As I stated a while ago, it is difficult to tell what has been stricken out and what has not, and what has been inserted and what has not been inserted, because there has been no reprint of the bill since so many amendments have been made.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, submit himself to medical examination.

I do not think there can be any objection to section 5, but section 6 provides:

SEC. 6. That to seek to obtain by fraudulent means or to accept benefits under this act to which the person is not entitled shall be deemed a misdemeanor on his part and punishable by a fine of not more than \$1,000 or by imprisonment for not more than two years, or both.

After this shall have been disposed of, I propose to move to strike out section 6. I do not think there ought to be set around the man who is to get the benefit of this proposed act any pitfall, so that if hereafter somebody shall say that he fraudulently received this money, that he did not do exactly

as he ought to have done in framing his claim for the money, he shall be liable to a fine of \$1,000 and two years' imprisonment.

I think that is a very bad provision. Surely there ought to be provision made somewhere for an authority to decide these questions, and when he shall have reached a correct conclusion, and there is no reasonable ground to believe that fraud has been practiced upon the Government, there should be no aftermath about it. No man who has received the benefit of the act should be in danger of prosecution thereafter when the witnesses may have died and he is no longer able to establish the sincerity and integrity of his claim. There ought to be no danger to him of that kind. When he presents his claim it ought to be like any other claim presented to any official or any judicial officer. It ought to be so that when it shall be passed upon that will be the end of it, so far as concerns any danger that he may incur thereafter. I do not think the Senate, upon mature consideration, will be willing to leave a section of that kind in the bill. I shall move to strike it out when the pending amendment shall have been disposed of.

The seventh section, I think, is a good one. I believe I have said all I intend to say on this measure, and we will have plenty of time to pass this bill to-day. I do not think there is any danger of defeating the bill by delay. I do not remember just now anything else with which I charged my memory that I desire to say in reference to the amendment that I have offered. I made no notes in writing of the line of argument I should pursue.

But I do desire to call attention to a matter that was here yesterday. I saw the Senator from Illinois [Mr. HOPKINS] in the Chamber not long ago, and I desired that he should be present when I presented the authorities to which I shall refer.

You will remember, Mr. President, that yesterday when a matter that had no reference to the omnibus bill was presented, the Senator from Illinois took occasion to arraign that bill because he said there were a good many claims in it which were stale, that had been in existence ever since the war, and that the bill, therefore, was not one that ought to receive the favorable consideration of this body. That was the substance of his argument. And in that discussion he expressed surprise when I stated a proposition of law, and the Senator from Illinois stated a proposition of law which I denied.

But before I proceed to that I want to say that the omnibus claims bill is not devoted exclusively to what are denominated Southern war claims. About one-half of the claims grow out of the appropriation of property of loyal citizens to the use of the Army during the war. There is nothing in the bill that proposes to pay anybody who is not shown to have been loyal to the United States Government during the war. About half of the bill, as I have stated, is devoted to a proposition to repay the parties who owned this property. In many instances the property was worth a great deal more than it is valued at by the Committee on Claims. About half of that property is composed of church edifices and probably other institutions, some of them eleemosynary institutions that were destroyed or used by the Federal armies for the purposes of war. So only about one-fourth of the amount carried in the bill is for the payment of claims of loyal citizens of the United States for property that has been shown to have been used by the armies of the United States during the war. A great deal of this, something like half or very nearly half of it, goes above the Mason and Dixon line. I call attention to this because the Senator seemed to proceed upon the assumption that all the money carried by this omnibus bill would go for the payment of Southern war claims.

The Senator a few days ago, in speaking of these claims, said there were a great many claims for churches, and that there must have been a great many churches in West Virginia. I have heard the Southern section of the country arraigned upon many charges, but I have never heard that one of the charges was that we had too many churches in the South until it came from the Senator from Illinois.

When I was making the statement yesterday that the cotton that was taken under the captured and abandoned property act and that had been sold and converted into money and the money placed in the Treasury was just as much the property of the citizens from whom it was taken as the horse of the Senator from Illinois is his property, and that it was the property of the Government of the United States just as much as the Senator's horse was the property of the Government of the United States, the Senator said:

I am surprised that a man of the legal learning that I know the Senator from Mississippi possesses should ever make a statement of that kind.

He then went on to state that the Supreme Court of the United States had decided that this property was the property of the United States Government and that it was not the property of the individual citizen.

I have before me the case of the United States v. Klein, reported in 13 Wallace, which I believe reaffirms the case of Padelford, theretofore decided. I have also the report of the Committee on Claims presented to the Fifty-sixth Congress. It is a long report, and I will ask permission to put it in the Record without reading it.

The VICE-PRESIDENT. Without objection, permission is granted.

The report referred to is as follows:

[Senate Report No. 11, Fifty-sixth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 602) entitled "A bill to revise and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof," having had the same under consideration, beg leave to submit the following report:

This identical bill was before this committee in the Fifty-fifth Congress, third session, and was then fully considered and favorably reported.

Your committee adopt the report then made and attach a copy hereto and ask that it be printed as a part of this report, and recommend that the bill as amended by your committee do pass as amended.

[Senate Report No. 1634, Fifty-fifth Congress, third session.]

The Committee on Claims, to whom was referred the bill (S. 5020) entitled "A bill to revise and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof," having had the same under consideration, beg leave to submit the following report and recommend that said bill do pass:

Similar bills, some of a private and some of a general nature, have frequently been before Congress, and, as your committee believe, such bills have always been favorably reported, and those of a private nature have passed, but those general in their nature have never been put upon their passage; in fact, after being favorably reported they seem to have received no further attention.

The subject-matter covered by this bill was considered in the Fifty-first, the Fifty-second, the Fifty-third, and the Fifty-fourth Congresses, and by each favorably reported, and your committee adopt the report thereon made by the Judiciary Committee of the House of Representatives of the Fifty-third Congress, and your committee also adopt the report of the House Committee on War Claims of the Fifty-fourth Congress (except that part at the end relative to amending the bill then before that committee) and ask that these reports, which are attached hereto, be printed as a part of this report.

"And your committee would submit that the facts and the law bearing upon the subject-matter of this bill are such as to make the earnest language used in these reports recommending the passage of such an act none too strong or imperative, and that in all reason and justice this bill ought to receive early attention."

[House Report No. 181, Fifty-third Congress, second session.]

The Committee on the Judiciary, having the above bill and others on the same subject under consideration, report a substitute therefor, entitled "An act to revise and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States," and acts amendatory thereof, and recommend the passage of the same and that the original bill lie on the table.

The subject-matter covered by the bills and substitute was considered in the Fifty-first and Fifty-second Congresses, and your committee adopt the report thereon made by Mr. Culberson, of the Judiciary Committee of the last Congress, and ask that the same be printed as a part of this report.

[House Report No. 1377, Fifty-second Congress, first session.]

The Committee on the Judiciary have considered the bill (H. R. 455) in relation to claims arising under the captured and abandoned property act and for the extension of time in which to bring suit, and recommend its passage for the following reason:

A large amount of property in the States in rebellion or insurrection was seized during the war and immediately after the cessation of hostilities, without regard to the ownership of such property, or the political status of its owners, or the possession of the property at the time of the seizure, by the military and other Federal authorities. The seizure and sale of this property were made under the acts of March 12, 1863, and July 2, 1864, known as the captured and abandoned property acts, and other measures amendatory and supplementary thereof.

The law required the property to be sold and the proceeds placed in the Treasury to the credit of the property.

The third section of the act of March 12, 1863, under which the bulk of the property was seized, provided as follows:

"Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims, and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof."

Under this provision of the statute many suits were instituted in the Court of Claims by persons claiming to be the owners of property seized under the acts referred to, and when the proof required by the statute was made judgment was rendered in their favor and the money paid.

Over \$30,000,000 were placed in the Treasury on account of sales of property under the act of March 12, 1863, and other kindred acts.

The amount now on hand of this fund is \$10,512,007.96.

The following statement is believed to be substantially correct and will show the whole amount of money received into the Treasury on

account of captured and abandoned property and the amounts paid out from time to time:

Whole amount of abandoned and captured property sales	\$31,722,466.20
Cost of collecting, sale, and other expenses	\$6,551,000.00
Transferred to Freedman's Bureau	243,000.00
Internal-revenue taxes and commercial-intercourse fees	1,406,000.00
Released to claimants by Secretaries Chase, Fessenden, and McCulloch	2,550,675.24
	10,750,675.24

Balance covered into Treasury under resolution of March 30, 1872	20,971,790.96
Paid on special acts of relief	\$290,906.32
Paid on judgments against Treasury agents	64,557.27
Paid on judgments under act of March 12, 1863	9,833,423.16
Paid by Secretary of the Treasury under act of May 18, 1872	195,896.25
Disbursed for expenses under joint resolution of March 30, 1868	75,000.00
	10,459,783.00

Balance in Treasury----- 10,512,007.96

It is understood that the application of the ruling of the Supreme Court, in an opinion delivered since this statement was made, to this fund will materially reduce the amount of this balance, but to what extent can not, with the information at hand, be stated with certainty.

The Government has had the use of this money for more than twenty years, and if it is ever to be distributed to its owners some additional legislation is required. Congress at every session is asked to permit individual claimants to bring suit in the Court of Claims to establish their rights in this fund. This privilege has been accorded to some and denied to others.

Further legislation is necessary in order to distribute this fund, because the limitation of two years from and after the close of the war in which claimants of this property were required to prefer their claims has long since expired, and there is now no means provided by law by which the claimants of the fund can enforce their rights.

Formerly there was much contention upon the status of this fund in the Treasury, especially that portion of it derived from the sale of property belonging to those who adhered to the rebellion. It is evident from the terms of the act of 1863 that it was not the intention of Congress that the title to the property seized under it should be divested from the loyal owners. They were allowed two years from and after the close of the war in which to prefer their claims to the property, and because no provision was made by which persons who had been disloyal could prefer their claims in the property and enforce their rights it was contended that the seizure and sale of so much of this property as belonged to disloyal persons worked a divestiture of title and absolutely transferred the proceeds to the Government. On the other hand, it was contended that such seizure and sale of property of disloyal persons did not divest the title of the original owners and that the fund derived from such sales was placed in the Treasury to be kept there to await the determination of the Government whether it should be returned to the owners of the property or not.

Your committee believe that this contention has been settled by the Supreme Court of the United States in the case of Klein v. The United States, reported in 13 Wallace, page 138, and the following quotations are made from the report of the case:

"1. That it was not the intention of Congress, by the enactment of that statute, that the title to property seized under it should be divested from the loyal owners.

"2. That the proceeds of the property should go into the Treasury without change of ownership.

"3. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

"4. That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

"5. That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of all the owners of such property to the proceeds thereof in the Treasury; and the restoration of the proceeds became the absolute right of the persons pardoned.

"6. And that the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled."

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States, unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war; even the law of confiscation was sparingly applied. The cases were few, indeed, in which the property of any not engaged in actual hostilities was subjected to seizure and sale.



"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. \* \* \* The restoration of the proceeds became the absolute right of the persons pardoned, on application within two years from the close of the war. It was, in fact, promised an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:  
"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

It will be observed that the court decides that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exception of property used in actual hostilities, was in no case divested from the original owner.

The question therefore arises whether the Government ever determined that the proceeds of the sales of property under the captured and abandoned property acts which belonged to disloyal persons should be restored to them.

Whatever of occasion for dispute there may have been upon this question at one time, there seems to be none now.

Under the act of July, 1862, known as the "confiscation act," the President was authorized at any time thereafter, by proclamation, to extend to persons who may have participated in rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such time and on such conditions as he should deem expedient for the public welfare.

On the 8th day of December, 1863, the President issued his proclamation, in which he referred to the act of 1863, relating to captured and abandoned property, and offered pardon and amnesty, with restoration of all rights of property, except as to slaves and property to which third persons had acquired rights, to all persons who had participated in the rebellion who would take an oath to support the Constitution and the laws. Certain classes were excepted from the benefits of pardon and amnesty under that proclamation.

On the 20th of May, 1865, another proclamation was issued, extending pardon and amnesty, with a full restoration of all property rights, except as to slaves, etc., to all persons who had participated in the rebellion. A similar oath was required, and fourteen classes of persons were excepted from the benefits of the proclamation.

On the 7th of September, 1867, another similar proclamation of pardon and amnesty was issued, which reduced the excepted classes from fourteen to seven. Finally, on the 4th day of July, 1868, a proclamation was issued by the President extending pardon and amnesty to all, with some exceptions, who had participated in the rebellion, with restoration to all rights of property, except in slaves, and on the 25th of December, 1868, without exception, unconditionally, and without reservation. No oath was required.

The legal effect of the proclamations to which reference has been made was to wipe out all disability by reason of disloyalty and to present the offender before the law as a new man, as innocent as if he had never been charged with treason. These proclamations also serve to show that the President of the United States, authorized by the Constitution and by statute, determined to restore the proceeds of the sales of captured and abandoned property belonging to disloyal owners to them upon condition that they would comply with the requirements of the proclamations. Those who complied with the conditions of those proclamations were instantly rehabilitated as citizens, restored to equality before the law, and to all rights of property. In the language of the Supreme Court before quoted:

"The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. \* \* \* The restoration of the proceeds of captured and abandoned property became the absolute right of the persons pardoned, on application within two years from the close of the war."

Those who had failed to avail themselves of the proffered pardon extended by the proclamations containing conditions (if there were any such) were covered and embraced by the proclamation of July 4, 1868, which extended pardon and amnesty to all, without condition, with full restoration to property rights.

Your committee submit the following, taken from the decision of the Supreme Court in Padelford's case, reported in 9 Wallace:

"In the case of Garland this court held the effect of a pardon to be such 'that in the eye of the law the offender is as innocent as if he had never committed the offense;' and in the case of Armstrong's foundry he held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings and relieved from any penalty which he might have incurred. It follows, further, that if the property had been seized before the oath was taken the faith of the Government was pledged to its restoration upon the taking of the oath in good faith. We can not doubt that the petitioner's right to the property in question at the time of the seizure was perfect and that it remains perfect, notwithstanding the seizure."

"But it has been suggested that the property was captured in fact, if not lawfully, and that the proceeds having been paid into the Treasury of the United States, the petitioner is without remedy in the Court of Claims, unless proof is made that he gave no aid or comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If, in other respects, the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and of the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment, which simply awards to the petitioner what is his own."

But for the bar made by the statute of limitations of two years it seems that all persons, loyal and those who had been disloyal, might prefer their claims to this property, and upon proof of their right to the property, obtain the proceeds.

Pardon and amnesty relieved claimants of captured and abandoned property from proving their adhesion to the Government of the United States during the late war.

The following is the whole of the opinion of the court in Pargoud's case (13 Wallace):

"We have recently decided, in the case of Armstrong v. The United States, that the President's proclamation of December 25, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated directly or indirectly in the late rebellion relieves claimants of captured and abandoned property from proof of adhesion to the United States during the late civil war. It was therefore unnecessary to prove such adhesion or personal pardon for taking part in the rebellion against the United States. The judgment of the Court of Claims dismissing the petition is reversed."

It follows, from what has been said, that this fund in the Treasury does not belong to the Government, but is the property of citizens of the United States, and held in trust for them by the Government. Ought the Government longer refuse to distribute this fund among the owners of it?

Your committee believe it is true, as alleged, that the bulk of this fund yet remaining in the Treasury belongs to persons who participated in the late rebellion, but in view of the fact that under the Constitution and laws of the United States, as declared by the Supreme Court, the restoration of the proceeds of this property became the absolute right of the persons pardoned, the former political status of the owner can afford no just reason for withholding the money.

No laches can be imputed to this class of claimants.

The statute authorized claims to the proceeds of sales of captured and abandoned property to be preferred in the Court of Claims at any time within two years from the suppression of the rebellion. When was the rebellion suppressed? That became a question for the courts in order to apply the statute of limitation. In December, 1869, the Supreme Court decided, in Anderson v. United States (9 Wallace, page 56), that the rebellion was suppressed on the 20th of August, 1866, the date of the President's proclamation declaring the final and complete suppression of the rebellion. The limitation of the right to commence suit, therefore, expired on the 20th day of August, 1868.

Some claimants who had participated in the rebellion filed suits in the Court of Claims before the bar of limitation was complete, but a large majority of that class of claimants did not commence suit because it was generally understood that, notwithstanding the proclamations of pardon and amnesty, the claimant would be required to prove his loyalty before he could have a standing in the court.

It was a matter of doubt among the members of the legal fraternity as to what effect would be given by the Supreme Court to the proclamations of pardon and amnesty. In 1869 the Supreme Court decided that the necessity of proving loyalty in order to recover the proceeds of captured and abandoned property had been removed by the proclamations of pardon and amnesty.

This decision came too late to benefit that class of claimants. The limitation had already expired and the bar was complete.

In view of the law and the facts as above stated, your committee deem it unwise for the Government and unjust to the claimants of this fund for Congress to decline longer to make some provision by which they may establish and enforce their rights.

Your committee therefore recommend the passage of the bill.

[House Report No. 2658, Fifty-fourth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 7618) entitled "A bill authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled 'An act to provide for the collection of abandoned property, etc.," beg leave to submit the following report, and recommend that said bill do pass, with an amendment.

Under the acts of March 12, 1863, and July 2, 1864, known as the "captured and abandoned property acts," and other kindred measures, a large amount of property in the States in insurrection was seized by the military and other Federal authorities, without regard to its ownership or the political status of its owners, and subsequently sold and the proceeds paid into the National Treasury. The sum realized from this source at the close of the war, as shown by a report of the Secretary of the Treasury, amounted to something over \$30,000,000.

The third section of the act of March 12, 1863, under which the greater portion of the property was seized, provided as follows:

"Any person claiming to have been the owner of any such abandoned or captured property, may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims, and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof."

Under this provision of the statute a large number of suits were commenced in the Court of Claims by persons claiming to be the owners of property seized under this and similar statutes, and in cases in which the claimants could make the proof required by the act judgments were rendered in their favor for the net proceeds of their property paid into the Treasury; and by this and other means the fund in the Treasury has been reduced, so that the sum now on hand amounts to something over \$10,500,000.

Many questions arose under the act of March 12, 1863, such as, What constituted proof of loyalty? When was the rebellion suppressed, and when did the two years expire within which suit could be commenced? All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in Anderson v. The United States (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suits to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was announced, and when it was too late for the claimants to derive any benefit from the decision.

It was not till 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of *Klein v. The United States* (13 Wall., 138), the court decided—

(1) That it was not the intention of Congress, by the enactment of that statute, that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1863, was a decision on the part of the Government which decided affirmatively the right of all the owners of such property to the proceeds thereof in the Treasury; and the restoration of the proceeds became the absolute right of the persons pardoned.

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled."

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act."

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation."

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States, unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war; even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale."

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. The restoration of the proceeds became the absolute right of the persons pardoned, on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

And in the prior case of *The United States v. Padelford* (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

This decision in the *Klein* case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of *Haycraft v. The United States* was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion upon the theory that, as the Government held those proceeds in trust, as decided in the *Klein* case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (*Haycraft v. The United States*, 22 Wall., 81.)

While the *Haycraft* case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the *Haycraft* case was based, viz, that the Government was liable to the claimants for the net proceeds of their property, under an implied contract; and these cases were all continued upon the dockets of the court till the decision of the Supreme Court to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement. It requires no argument to prove that a right may exist where there is no remedy for its enforcement; and this was, and is to-day, the precise predicament of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had

ceased to exist, the rights of the claimants had survived, and neither the court nor the claimants, in order to enable each to act, required anything more than this: *The one the privilege to sue, and the other the right to entertain and determine such suits.*

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted the fourth clause of section 1059 of the Revised Statutes, which reads as follows:

"Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States, or by the act of July 2, 1864, chapter 225, being an act in addition thereto: Provided, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property, in virtue of or under color of said acts, from suit at common law, or any other mode of redress whatever, before any court other than the Court of Claims.'"

And Congress provided for the payment of any judgment the court might render in favor of claimants under said fourth clause by section 3689 of the Revised Statutes, which, under the head of "Permanent annual appropriations," among other things, provides as follows:

"For the return of proceeds from sale of captured and abandoned property in insurrectionary districts to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property."

These provisions of the Revised Statutes, construed together, provided a complete and adequate remedy for the claimants under the act of March 12, 1863, and subsequent statutes relating to the subject. The statutes declare this was the law on the 1st of December, 1873, though they were not approved by the President till June 22, 1874, and were not published till in 1875. These provisions of the statutes were in force, though not published, when the *Haycraft* case, above cited, was decided by the Supreme Court, and it can hardly be doubted that the decision in that case would have been different if the court had been aware of the existence of the two clauses in sections 1059 and 3689 of the Revised Statutes.

To every unprejudiced mind the language of the fourth clause of section 1059 is clear and unambiguous, and requires no construction to arrive at the intention of the National Legislature. It could have had but one object, and that was to confer upon the Court of Claims a jurisdiction which had once existed, and which Congress well knew had expired by limitation. While the provision confers no new rights upon those claiming the fund derived from the sale of their property, but, on the contrary, restricts those rights by making the jurisdiction exclusive, it provides a tribunal before which they can go to enforce existing rights, and that tribunal one specially provided for adjudicating claims against the Government. Acting upon the assumption that the Government can not be sued without its consent, the legal effect of the clause is to give that consent, with the proviso that the claimants shall be confined in the prosecution of their claims to the provisions of the acts of March 12, 1863, and July 2, 1864; that is to say, that they should only recover the net proceeds of the sale of their property after deducting all costs and charges. And this conclusion is strengthened when section 3689 is construed in connection with section 1059.

The act of March 12, 1863, provided for the payment of all judgments rendered under its provisions; and if by the fourth clause of section 1059 it was only intended to continue the jurisdiction of the Court of Claims as to suits then pending before it, then no additional legislation was necessary to provide for the payment of any judgments rendered by the court in favor of the claimants. Besides, the limitation of two years in the act of March 12, 1863, operated upon the claimants rather than upon the court. It gave them the two years in which to prefer their claims to the proceeds of their property, and the act nowhere provided that the jurisdiction of the court should terminate in two years, whether the cases then pending were disposed of or not. But when Congress came to confer a new jurisdiction upon the court, without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, has recently taken a different view of sections 1059 and 3689, and in the cases of *Mary A. Wade*, administratrix, and *B. M. Martel*, syndic, has held that Congress did not intend by the above sections to repeal the two years' limitation in the act of March 12, 1863, and that these sections will not admit of such a construction, thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings;" and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act, and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticize further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the lawmaking power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested; if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamations of pardon and amnesty, including restoration to civil and political rights, was a decision on the part of



the Government which decided affirmatively the right of all the owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than twenty years the Government has had the use of this money.

For more than twenty years the claimants have been appealing to Congress for relief; and if Congress, in the discharge of more pressing duties, has neglected this appeal, or if the remedy it provided has proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government, and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others, and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Your committee recommend the passage of the bill.

Mr. McLAURIN. With that I believe I have said all I desire to say. I would, if I had not already detained the Senate longer than I had intended when I took the floor, read from the case of *The United States v. Klein*, the opinion of the court having been delivered by Chief Justice Chase. It can be found in 13 Wallace, commencing at page 136 and running to page 150, inclusive. Now, Mr. President, I yield the floor.

Mr. NEWLANDS. I should like the attention of the Senator from New York. I wish to ask whether the amendment appearing on page 2, lines 10 and 11, providing that all questions of negligence shall be determined by the court of the United States for the district in which the injury was inflicted, has been adopted?

Mr. DEPEW. That is the amendment to which the Senator from Mississippi has just been addressing his remarks. It is his amendment and has not yet been adopted.

Mr. GALLINGER. It was laid on the table.

Mr. DEPEW. It has been reintroduced.

Mr. NEWLANDS. I have to say on that subject that I regard any amendment to this bill which will turn over the liability of this Government to an employee for injuries received to the determination of a court of justice really inflicts a cruelty upon such employee. I can imagine an ideal administration of justice without delay, without expense to the litigant, but unfortunately we have not such ideal conditions for the administration of justice; and to give an employee a mere right to bring a lawsuit is no substantial relief. We all know how such lawsuits are conducted; that the injured employee is usually without funds to pay an attorney; that he is oftentimes compelled to make a contingent arrangement with an attorney, and is oftentimes obliged to divide with him the amount of a possible judgment. Oftentimes at the end of the litigation the injured employee will receive little or nothing, the entire judgment being absorbed in counsel fees and the expenses of litigation.

In addition to that is the hardship of delay, more demoralizing to an employee than anything that can be conceived of, for, relying upon a possible realization of a judgment, he is likely to neglect his business, and thus he becomes a mere expectant of fortune, abandoning his occupation for the chance of a future realization.

I say, therefore, that I can imagine nothing more cruel than to give an injured employee the mere right of a lawsuit. It sounds well, of course, to say that you give the employee the right that every other man has against his employer in a court of justice; that the United States waives its sovereignty, goes into court as any ordinary individual would do, and submits itself to the judgment of the court. But, as a matter of fact, if we resort to this method of lawsuits it will be incumbent upon the officials of the United States having the matter in charge to make every defense up to the court of last resort. It will be their absolute duty to defend and contest all suits until the judgment of the court of last resort is obtained.

So it seems to me much better to substitute some form of accident or life insurance that will give an employee, as soon as the injury is received, a fixed sum, to be determined by some rule to be provided by the bill, than to turn him over to the chances of the law; and I have no doubt that that is the opinion of the vast army of employees in the country.

I think this principle of accident and life insurance as a substitute for mere employers' liability in the courts should be established throughout the land in every form of occupation. This has been done substantially by advanced legislation in

France, Germany, and England, the Government itself sometimes contributing its proportion to the insurance fund. It has been entered upon by some enlightened and humane corporations in this country, but as yet by few. For a long time I have been urging with reference to the great railroad corporations of the country that a fund of this kind and a method of compensation of this kind should be established.

We have in the employ of the railroads of the country 1,300,000 men, all of them engaged in hazardous occupations. The entire income of these corporations, aggregating over \$2,000,000,000 annually, comes from the masses of the people in return for the carriage of freight and of passengers. The right of the public to regulate these corporations, the right of the State to regulate them so far as State commerce is concerned, and the right of the United States to regulate them so far as interstate commerce is concerned is now well determined. In this regulation it seems to me that the Congress of the United States, in the exercise of its jurisdiction over interstate commerce, might well impose upon the great public a certain charge, which will go into the insurance and accident fund of these corporations and which shall be administered by the corporations under the direction and control of United States officials in such a way as to insure the employees engaged in these hazardous occupations in case of accident and death.

It appears to me that the public can not complain of this action. These corporations are engaged as common carriers in a public occupation. The occupation is a hazardous one. The service is paid for by the public, and there is no reason why the public should not pay a charge in proportion to the hazard of the occupation, that charge to go into an insurance fund for the compensation of the employees.

It is true that the railroad corporations might object to it because it might diminish in a degree their dividends, but, rightly applied, it would not diminish just dividends. The law recognizes the fact that these corporations are entitled, and entitled only, to a fair return upon a fair valuation of their property, and they are entitled to that over and above the operating expenses of the corporation. This charge would be a part of the operating expenses of the corporation and would be paid by the corporation before the amount provided for dividends would be ascertained.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS. Certainly.

Mr. McLAURIN. Just as I was leaving the Chamber, having been necessarily called out, I understood the Senator to say that this amendment would refer the matter to a court. The first amendment I offered proposed to do that, but the amendment which is now under consideration proposes to have it decided by the judge in the district in which the injury is inflicted—not by the court, but by the judge. If Senators are correct in holding that Congress has the power to have this matter decided by the Secretary of Commerce and Labor or by any other official, then Congress has the power to provide for the decision of the matter by the judge, so that the injured employee will not have to go into court to have his case decided, but will go before the judge in his district at his home, instead of going a thousand or two thousand or three thousand miles to the Secretary of Commerce and Labor. This is the difference as to this amendment.

Mr. NEWLANDS. Does the Senator propose to make the decision of the judge final and conclusive?

Mr. McLAURIN. Not at all. I would not make it final. I do not think that any one man should have such authority as that. But if it be so, then it is better that a man in this district, that district, the other district, and all the districts where Federal judges are appointed should have this authority than one man centered here at Washington. It is too much power and authority to put in the hands of one man, waiving the question of his impartiality.

Mr. NEWLANDS. Would the Senator have such a proceeding before a judge conducted according to the usual methods of judicial procedure—by the filing of a complaint, the filing of an answer, the employment of counsel, the trial before a jury, the ascertainment of a verdict and judgment, and then an appeal?

Mr. McLAURIN. Whatever proceeding should be applied to the trial of the matter before the Secretary of Commerce and Labor I would have applied to the trial of the matter before the judge.

Mr. NEWLANDS. Then I understand the Senator would have the decision of the judge a conclusive one, and he would have a summary proceeding, so that the matter could be quickly disposed of?

Mr. McLAURIN. I would have a summary proceeding, so that the matter could be quickly disposed of, but I would provide, as the amendment provides, that the injured employee may appeal to the circuit court of appeals.

Mr. NEWLANDS. Will the Government also have an appeal if it chooses to appeal?

Mr. McLAURIN. My amendment does not provide for any appeal by the Government, because I would not have it in the power of the Government to harrass the employee by the delay consequent upon an appeal; but I would have the right given to the employee to appeal from the decision of the judge. It would give every right to the employee that can possibly be given in a trial before the Secretary of Commerce and Labor and it would give the employee the additional right to have the matter tried more speedily at his home, where he could get his evidence and where he could be heard, probably orally, before the judge.

Mr. NEWLANDS. Would the Senator have the intervention of a jury in such a case?

Mr. McLAURIN. My amendment does not provide for a jury. I think the selection of a jury would be calculated to delay the matter and would incur costs probably upon the employee that he ought not to be required to sustain. There is no provision in the bill for a jury before the Secretary of Commerce and Labor. There can be no objection to the amendment on the ground that there is no jury provided for, because there is no jury provided for before the Secretary of Commerce and Labor; so that no privilege or right that is included in the bill would be impinged by permitting the trial of this matter before the judge at the home of the injured employee.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NELSON. Will the Senator please be kind enough to yield to me that I may submit a conference report?

Mr. NEWLANDS. I yield to the Senator from Minnesota.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 6) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of John Witherspoon.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 21410) granting condemned ordinance to certain institutions.

#### RESURVEY OF LANDS IN WYOMING, ETC.

Mr. NELSON. I submit a conference report and ask for its consideration.

The VICE-PRESIDENT. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the amendment of the House numbered two.

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House numbered one; and agree to the same.

KNUTE NELSON,

C. D. CLARK,

A. J. McLAURIN,

*Managers on the part of the Senate.*

F. W. MONDELL,

A. J. VOLSTEAD,

JOS. T. ROBINSON,

*Managers on the part of the House.*

The VICE-PRESIDENT. If there is no objection, the question is on agreeing to the report.

Mr. CARTER. I wish to address the Senate on the report but I understood the Senator from Minnesota had the floor.

Mr. NEWLANDS. I believe I have the floor.

Mr. NELSON. I want to make a brief explanation of the report.

The VICE-PRESIDENT. A conference report is a matter of privilege.

Mr. NELSON. Mr. President, I desire to state briefly to the Senate that when the bill was returned to the Senate it was one of those omnibus bills which they have sent to us from the House. It related to several propositions in land matters. They

were carefully examined by me and they were all concurred in with two amendments that were adopted here. One was the amendment of the Senator from Colorado [Mr. TELLER], relating to the resurvey of certain lands in that State, and the other was an amendment offered by the Senator from Montana [Mr. CARTER], relating to the opening of the Fort Keogh Military Reservation. The bill went back to the House with those two amendments. The House disagreed to the amendments of the Senate to the amendments of the House, and the bill went into conference.

The report of the conferees is to this effect: They have agreed to the first amendment, the amendment relating to the resurvey of lands in Colorado, but report against the amendment opening the Fort Keogh Military Reservation. The Senate conferees tried their best to get the House conferees to agree to it, but it was impossible, and I am satisfied that under present conditions unless the conference report is agreed to the bill will fail. It contains many important matters of legislation that ought to pass at the present session. I regret as much as anybody else that the bill comes to us in the condition it does, but it comes as a good many other bills have come this session.

I am unwilling to take the time of the Senate any further. I can simply say that for myself and for my colleagues we should have been very glad to have had the Fort Keogh Military Reservation provision inserted in the bill, but we were unable to get the conferees of the House to agree to it.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. NELSON. Certainly.

Mr. FLINT. I desire to ask the Senator from Minnesota whether, in his opinion, the bill ought not to have been referred to a committee before it was reported to the Senate, especially as it contains amendments that were not considered by the Committee on Public Lands in any way.

Mr. NELSON. Most of the provisions in the bill have been duly considered and passed as independent bills, after having been reported upon by the Department. I have examined the reports on every bill, both in the House and in the Senate. Most of the bills, or a large share of them, were bills that we had passed in the Senate.

Mr. FLINT. I call the attention of the Senator to one section of the bill which provides for the granting of certain lands to the State of Kansas for an agricultural college. That is a proposition that I have opposed, as well as other members of the Committee on Public Lands. We are opposed to any further grants of public lands to any of the States for any purpose.

Mr. NELSON. I think that amendment was agreed to by the Senate and was not really a matter of conference; but when I explain the matter to the Senator I do not think he can see any objection to it.

Many years ago Congress passed a law, commonly called "the agricultural college grant," giving a certain amount of public land to each State and Territory for agricultural colleges, based upon the number of Representatives in Congress. Kansas got her quota, but when her quota was adjusted a part of the lands were within what they called "double minimum" lands. They were the even sections within a railroad grant, and being double minimum they refused to give them the same amount they would have given if they had been single minimum lands. It turned out afterwards that the railroad under which the grant was given was abandoned, and this is simply to make up the deficiency as though the lands had been a dollar and a quarter an acre.

Mr. FLINT. It is not an original grant? It is not a new grant?

Mr. NELSON. No; it is not an original grant at all. It is simply to cure that matter.

Mr. CARTER. Mr. President, I am somewhat embarrassed in discussing the conference report, because I offered an amendment which the report excludes.

My attention was first called to this measure by a leading Member of the other branch of Congress, who announced his belief that the method of legislation, particularly with reference to land titles and matters of enduring importance in the public records, was a most pernicious departure from regular procedure. I called on the chairman of the Committee on Public Lands of the Senate to ascertain the status of the bill before this body. It was a Senate bill with House amendments. It was understood that that bill could not be the subject of further amendment in the Senate, but on the following morning the bill was taken up, considered in the Chamber, and it was about to pass when I entered upon the floor.

I offered an amendment in the form of a bill which had



passed the Senate with the unanimous report of the Committee on Public Lands supporting it, supported by the favorable report of the War Department and the Interior Department, a bill like unto many bills that pass Congress during the experience of every Senator here. Upon consideration of the amendments in the other body the amendment that I offered was objected to because the bill had not been favorably reported in the House of Representatives by a committee, and certain members of the Military Committee of the House objected to the proposed legislation.

To that I could, of course, with perfect grace accede as conclusive were it not for the fact that it appeared that this bill as amended in the other body not only contained provisions never reported in the Senate, but contained a certain bill which had been adversely reported by the Committee on Public Lands of the Senate.

This led me to inquire as to the wisdom of pursuing legislation along these omnibus lines. There is no doubt whatever that if the bill adversely reported in this body by the Committee on Public Lands could be separated from the body of this act it would be defeated in the Senate on the recommendation of that honorable committee. But a separate vote is quite impossible.

The ridiculous conclusion to which this class of legislation leads may readily be discerned when I say to the Senate that this omnibus bill contains a bill which passed the Senate yesterday and is before the President now for his signature. It contains another bill adversely reported from the Committee on Public Lands of the Senate. Do we not under these conditions find the Senate utterly incapable of exercising its judgment on independent measures?

Mr. BEVERIDGE. I merely want to ask a question, not to consume time. Did I understand the Senator to say that the reported bill embraces a bill which passed both Houses and is before the President for his signature?

Mr. CARTER. Undoubtedly; a bill which passed the House of Representatives some time ago, passed the Senate, and is now pending before the President for his consideration.

I have not a word of criticism to offer to the Committee on Public Lands nor to the conferees. The chairman of the Committee on Public Lands is, as every Senator knows, one of the most painstaking Senators in this Chamber. That is a committee which has always justly held the confidence of the Senate and the country. The Senate Committee on Public Lands is in no sense whatever responsible for the peculiar legislative predicament in which this class of legislation places the Senate. Does anyone doubt that if we could exercise independent judgment to-day we would strike from this conference report the bill which has been signed by the Presiding Officers of the two Houses and is awaiting only the signature of the President to become a law?

Mr. CLAY. Do I understand the Senator to say that the conferees have inserted in this bill a survey which was not really in conference?

Mr. CARTER. I do not make that statement, Mr. President. The conferees did not insert anything in the bill as far as I am advised.

Mr. NELSON. What is the question of the Senator from Georgia?

Mr. CARTER. The Senator from Georgia inquires if the conferees inserted any new matter in the bill. I understand that they did not.

Mr. NELSON. None at all; not a word.

Mr. CLAY. Do I understand the Senator then to state that this omnibus bill includes a certain measure which was reported adversely by a committee of the Senate?

Mr. CARTER. The Senator from Utah [Mr. Smoot] made that statement and he has on his desk the documents which support the statement. He is unhappily absent from the Chamber at the moment, but I assume he will be here to make good the statement made to me.

Mr. President, I do not wish to be understood as objecting to any meritorious feature of this bill. For aught I know, everything in the bill has merit; but I do know this: That whether a Senator's disposition to support or oppose a given proposition in the bill exists or not, the Senator is powerless to do aught except to defeat the entire conference report or else accept every part of the bill without any question whatever. It does seem to me, Mr. President, that upon matters of pension, the transient things that disappear in time and do not become public records of enduring importance, we may possibly combine legislation in this fashion, but when dealing with the titles to the country's lands, when dealing with the basic title of the individual and the State, we certainly should proceed with a regularity which is quite impossible in such a bill as

this. Each proposition should stand upon its own merits, and a Senator desiring to defeat one proposition ought not to be constrained to overlook his duty because forsooth he fears that he might thereby defeat some proposition possessing commendable merit.

Mr. DEPEW. Mr. President, will the Senator from Montana allow me?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New York?

Mr. CARTER. I do.

Mr. DEPEW. As this matter evidently requires not only debate, but, in a certain sense, an investigation, and as the Senator from Utah [Mr. Smoot], who desires to address himself to some matter of which the Senator from Montana complains in this measure as very serious, is not present, I would suggest that while the report of a committee of conference is privileged, its consideration under such circumstances should go over until the next day.

The VICE-PRESIDENT. Is there objection to the suggestion of the Senator from New York?

Mr. NELSON. I do not know, unless the Senator from Montana [Mr. CARTER] desires to debate the report further. I desire to say that I think the statement which he has made is incorrect. I think every provision in this bill has been acted upon and reported upon in one House or the other. My recollection is that upward of half of the bills embraced in the measure are Senate bills.

Mr. President, I can certainly not help it that the House sent over to us an omnibus bill. They have sent over several bills of that character. Owing to the conditions that prevail it is a question of acting upon these omnibus bills or having no legislation at all. I took pains, when the bill came over here, to go over every item in it, and I read and examined every report. If time warranted, I could explain every provision of the bill and show that there is nothing in it that is not just and proper under the circumstances; that there is nothing in the bill but that, if there were a separate vote on any of its provisions, the Senate would approve of. If, however, the purpose of the Senator from Montana is to talk out or defeat this conference report I, of course, at this stage of the session, am at his mercy.

Mr. CARTER. Mr. President, I disclaim any purpose to talk out the conference report; but I think the Senator from Utah [Mr. Smoot], who has his data all prepared and on his desk, expecting this conference report would not be taken up until after the disposition of the bill in charge of the Senator from New York [Mr. DEPEW], who has been temporarily absent from the Chamber, believing that that consideration was still in progress, and who has just now returned, should have an opportunity to be heard on this question.

Mr. GALLINGER. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from New Hampshire will state his question of order.

Mr. GALLINGER. As I understand the rule, the presentation of a conference report is privileged, but its consideration is not privileged except by unanimous consent; and I ask if unanimous consent has been given for the consideration of this conference report?

The VICE-PRESIDENT. The rule is that—

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. GALLINGER. That is, if a motion shall be made, I suppose that means, or unanimous consent be given?

The VICE-PRESIDENT. The Senator from Minnesota in presenting the conference report asked for its present consideration.

Mr. NELSON. I asked for the present consideration of the proposition.

The VICE-PRESIDENT. And no objection was made to the request.

Mr. GALLINGER. Did the Chair put the request for unanimous consent?

The VICE-PRESIDENT. The Chair stated the proposition of the Senator from Minnesota; but unanimous consent has not been given.

Mr. GALLINGER. No, I rise, Mr. President to object, if it is in order, so that we may go on with the bill that we had under consideration when this report was presented.

The VICE-PRESIDENT. The question is, then, under the rule, Will the Senate proceed with the consideration of the report? The Chair does not understand that an objection will

carry it over; but that it is a matter for the Senate to determine. Under the rule, the question must be immediately put.

Mr. GALLINGER. Mr. President, is that the rule—without a motion? Because, Mr. President, if it is the rule, I must object. I have always understood—and I have had the management of a good many conference reports—that I had a right to present them as a privileged matter, but that the consideration of them depended upon whether the Senate gave unanimous consent at the time; otherwise the report went over.

The VICE-PRESIDENT. The Chair entirely agrees with the Senator from New Hampshire. If the Senator from Minnesota does not follow his request for unanimous consent by a motion, then the report must go over. The Senator did not make a motion. He merely asked unanimous consent.

Mr. NELSON. We were proceeding with the consideration of the report, Mr. President, and I think it is properly before the Senate.

Mr. GALLINGER. I do not think it is properly before the Senate, Mr. President, and I object to its further consideration at the present time.

The VICE-PRESIDENT. Objection being made—

Mr. NELSON. I move that the Senate proceed with the consideration of the report.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate proceed with the consideration of the conference report. [Putting the question.] The "ayes" seem to have it. The "ayes" have it, and the report is before the Senate.

Mr. CARTER. Mr. President, the Senator from Minnesota [Mr. NELSON] took occasion to state that my observation to the effect that one of these bills had been adversely reported by a committee of the Senate, to wit, the Committee on Public Lands, was incorrect. That may be disposed of by the Senator from Utah [Mr. SMOOT], who is possessed of the facts and the record.

Mr. SMOOT. Mr. President, section 3 of Senate bill 6190 reads as follows:

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to certify to the State of Kansas, for the benefit of the Kansas State Agricultural College, 7,682 acres of public land in said State, the same to be in full satisfaction of the claim of said State under an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862.

The Senator from Kansas [Mr. LONG] introduced in the Senate on January 7, 1908, Senate joint resolution No. 20, which was referred to the Committee on Public Lands. The Committee on Public Lands referred it to a subcommittee, consisting of the Senator from Idaho [Mr. HEYBURN], the Senator from Alabama [Mr. BANKHEAD], and myself. After considering the resolution, the subcommittee made a report to the Committee on Public Lands adverse to the resolution. That adverse report was based upon a communication from the Secretary of the Interior. In a letter dated February 21, 1908, the Secretary of the Interior said:

Selections were made by the State of Kansas, under the provisions of the act of 1862, of lands aggregating 82,313.53 acres in area. The selections were approved by the then Secretary of the Interior, September 16, 1865, and the lands selected were certified to the State October 3, 1865. Of the lands so selected, however, 7,682.92 acres were found to be double the minimum in price, and, as provided in the statute making the grant, the acreage certified to the State was "proportionally diminished." It thus appears that the State of Kansas has received the equivalent of 89,996.45 acres of land under the grant to her for colleges for the benefit of agriculture and the mechanic arts.

It has been claimed on behalf of the State that the lands certified to her as double minimum in price were not legally double minimum, but opinions adverse to the claim of the State were rendered by this Department May 13, 1881; October 25, 1886 (5 L. D., 243), and May 13, 1899, and by the United States Attorney-General June 17, 1881 (17 Op. A. G., 129).

The grant to the State of Kansas has been satisfied by selection, approval, and certification, in conformity with the provisions of the act by which the grant was made, and I see no reason why the relief proposed by the resolution should be extended to that State, while no provision is made for other States which are possibly in the same condition.

Then the Secretary goes on to say that—

According to the last annual report there were 315,674 acres of unappropriated public lands in Kansas on June 30, 1907.

Mr. President, it was upon that communication that the subcommittee of the Committee on Public Lands reported adversely upon the resolution, and it was not reported favorably to the Senate.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do.

Mr. FLINT. I understand from the letter which the Senator from Utah has read from the Secretary of the Interior, that if we pass this bill it will be the basis for like bills on behalf of various other States in the Union.

Mr. SMOOT. That is a correct inference from the letter of Secretary Garfield dated February 21, 1908.

I think, Mr. President, it is a very dangerous proposition to bring into the Senate an omnibus lands bill of this character, without due consideration by the committees of the Senate especially charged with the consideration of the subject. I feel that it was very improper to include this matter in an omnibus bill coming from the House to the Senate after the Committee on Public Lands of the Senate had reported adversely on it.

Mr. NELSON. Mr. President, the subcommittee of the Committee on Public Lands reported on the bill to the full committee, but the full committee has never acted on it.

Mr. SMOOT. Mr. President, I remember, as chairman of that subcommittee, reporting it to the full Committee on Public Lands of the Senate.

Mr. NELSON. The matter was never taken up by the full committee and disposed of. I want to say to the Senator that in reference to this matter the situation is this: An agricultural college grant was made a great many years ago—I do not remember how many years ago—to each State and Territory, based upon the number of representatives they had in Congress. They were to get so many acres. Some States that had no public lands got land scrip and sold it. Those States that had public lands selected the lands. At the time this selection was made it applied only to what we call single minimum land, or a dollar and a quarter an acre land. It is true that at the time the lands were selected they were double minimum lands, for the reason that they were within the limits of a railroad grant; and under the conditions of that grant, as was the case in most of the other railroad grants that were made in those days, the even sections within the limits of a grant that were not covered by the grant were termed "double-minimum lands," and for a while homesteaders were only allowed to take 80 acres of those lands, instead of 160. Afterwards Congress changed that legislation and allowed homesteaders to take 160 acres of double-minimum lands.

The land the State of Kansas selected was at the time the selection was made double-minimum land, because it was within the limits of a railroad grant, but the company afterwards abandoned the work, the road never was built, and the grant lapsed. Hence these very lands became single-minimum lands.

The equity of the State of Kansas is this: The lands were double-minimum lands because a railroad was to be constructed there, but the railroad never having been constructed, the grant lapsed and the lands became afterwards single-minimum lands, or a dollar and a quarter an acre lands. Therefore the State ought to have them. That is all there is in that case. It involves a matter of 7,000 acres of land. It is not a new grant. It is simply to make up the difference that arose from the facts I have stated.

Mr. SMOOT. Mr. President, it is true that the Leavenworth, Pawnee and Western Railroad Company did not build the road, but the Senator will remember, if he has read the case at all, that the Kansas Pacific Railroad was the same as the Leavenworth, Pawnee and Western Railroad Company and the successor to it; and of the Kansas Pacific Railroad the Union Pacific, eastern division, was the successor. The latter company built the road. This question has been determined four times, and everything the Senator has said was presented to the Secretary of the Interior at the time of the hearing, and it was also presented to the United States Attorney-General, and by him decided on June 17, 1891, that the State of Kansas had no claim whatever and that the lands were double-minimum lands. It has been decided four times that such was the case.

Mr. NELSON. At the time the selection was made, that is true. The decision was based upon the facts as they then existed, but afterwards, the company having failed to build the road, the grant lapsed. Another company built the road, but they did not get the land grant.

Mr. SMOOT. Mr. President, the last decision in this case was on May 13, 1899.

Mr. NELSON. Well, but it was based upon the facts existing when the selection was made.

Mr. SMOOT. It has been confirmed, every decision that has been rendered having been adverse to the State of Kansas in this particular. I can not for the life of me see why this 7,000 acres of public land should be given to the State of Kansas, or to an agricultural college in the State of Kansas, at this time. If it is given, there are other States that will come here with claims similar to this, and they will ask for the public lands in their States where a double minimum price has been charged them.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee on conference.



Mr. SMOOT. Mr. President, can we have the yeas and nays on that?

The VICE-PRESIDENT. The Senator from Utah demands the yeas and nays.

Mr. KEAN. Do I understand that this report includes laws already passed by Congress?

Mr. NELSON. All these amendments have been agreed to. There are only two matters in conference. One is in relation to the resurvey of lands in Colorado and the other relates to the Fort Keogh Reservation. The conferees agreed to the resurvey provision for Colorado, but would not agree to the provision in respect to the Fort Keogh Reservation. Those are the only matters in conference.

Mr. TELLER. Mr. President, I want to express my disapprobation of this system of legislation. I think it is the most vicious thing possible to put a great number of items together in this shape. While I am interested to some extent in having this report adopted, I believe, if I find I can do so, that I shall vote against it in order to aid in preventing a recurrence of this kind of legislation.

Mr. CARTER. Mr. President, the Senator from Minnesota [Mr. NELSON] suggests that only the two amendments last made in the Senate are subject to the jurisdiction of the conferees. I think that assertion is subject to some qualification. The parliamentary status seems to be this: The Senate bill was amended in the House of Representatives, and as thus amended comes to the Senate, whereupon the Senate attaches other amendments and returns the bill to the House of Representatives. That is tantamount to a conditional passage of the House amendments. That is, the House amendments are passed with amendments; and therefore if the conferees called upon to deal with the Senate amendments are restricted only to the Senate amendments and deprived of the privilege of making any modification whatever of the House amendments, the Senate will be deprived of the privilege of expressing its full and free judgment upon those House amendments, because presumably the House amendments were passed subject to conditions imposed by the Senate amendments. Therefore it was a conditional passage, and when the House declines to accept the conditions the whole subject-matter is restored to the conferees. I think that is so beyond question.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. I yield to the Senator.

Mr. CURTIS. I should like to ask the Senator if that rule applies where the Senate amendment relates to a separate and distinct subject?

Mr. CARTER. Mr. President, presumably the Senate would not have passed the House amendments except with the amendments attached. Whether they are attached in the form of matter interpolated in the bill as new sections, or added to the sections in the way of extension or qualification, it does not vary in any sense the principle involved.

Mr. CURTIS. Mr. President, if that rule were followed, every conference report might be defeated. In a case where a bill has passed the House, has come to the Senate, and the items in the House bill are not disturbed by the Senate, the amendments of the Senate being separate and distinct items, the practice for years has been to treat the items that have passed the House and have also passed the Senate without amendment as not subject to discussion in the Senate when the conference report is submitted.

Mr. CARTER. The case cited by the Senator is not under consideration here at all, and would only be applicable as to the original text of the Senate bill.

Mr. CURTIS. Mr. President, I have not been able to read the report, but I am advised by the chairman of the committee that the amendments of the Senate are separate and distinct items.

Mr. NELSON. They are separate and distinct items. None of the other items in the bill were worthy of controversy, and in conference we could not do anything with them because they have been agreed to by the Senate. We could only take up the new matters put in. I conceive that no conference committee would have a right to go back and modify provisions distinct and separate that the Senate had agreed to. That would be a most vicious and dangerous practice.

Mr. CARTER. But, Mr. President, the case the Senator cites is not here presented at all. This is a Senate bill. The Senate bill went to the House of Representatives and was there amended by the addition of numerous provisions. The text of the Senate bill was approved in the House to some extent and amended to some extent. The Senate bill as thus amended in the House was returned to the Senate, and the ordinary parliamentary

procedure at that point would have been to have either concurred or to have disagreed and called for a conference. But that was not done. The Senate, avoiding the conference, accepted the House amendments with certain other amendments, and sent the bill back to the House of Representatives, and at that point the conference was called for. I insist that that is not a case parallel to the case of an appropriation bill originating in the House and passed by the Senate with certain amendments, because we amend the text or approve the text in the first instance, but the Senate amendments in this case were made to a Senate bill that had been previously amended in the House, and it does seem to me that the amendments of the House were accepted conditionally only by the Senate. That condition involved the acceptance of the Senate amendments embraced in the vote whereby the bill passed the Senate. The House disagreed to the Senate amendments. Can it be that, having voted only conditionally upon the House amendments, the inquiry of the conferees is confined exclusively and solely to what the Senate added, the Senate never having voted squarely on the House amendments at all?

Mr. CURTIS. Mr. President, I should like to ask the Senator how a House bill, after having been referred to a Senate committee, reported back to the Senate, and passed through the Senate, could get through without a vote of the Senate on the House provisions?

Mr. CARTER. Mr. President, it was a Senate bill, and therefore different from an appropriation bill—an analogy which the Senator draws. The bill originated in the Senate. It provided for the resurvey of certain lands in the State of Wyoming. It was sent to the House of Representatives, and there became the basis of this omnibus bill. The Senate was willing to accept the omnibus bill with certain additions. The additions were made, but they were not accepted by the House of Representatives and a conference was called for. Mr. President, in that situation the House of Representatives accepted one Senate amendment, disagreed to another, and called for a committee of conference on the disagreeing votes of the two Houses. The Senator from Kansas [Mr. CURTIS] insists that the only subject-matter for the two Houses to determine or agree upon are the two amendments last placed upon the bill by the Senate without any reference whatever to their relation to the great volume of legislation which the Senate passed on the condition that these additions be made to it. Thus it is claimed that we are deprived of the privilege of conference and have no power, even under the command of the Senate—

Mr. NELSON. Let me ask—

Mr. CARTER. Permit me to finish the sentence—to permit the withdrawal from this conference report of an item embracing a bill which has passed both Houses of Congress and is now pending before the President, awaiting his signature.

Mr. NELSON. How could we—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Yes.

Mr. NELSON. How could we in conference take up these other items in the bill on independent and distinct subjects? The first provision of the bill relating to the resurvey of certain lands in the State of Wyoming, what relevancy has the Senator's amendment in regard to the opening of the Fort Keogh Military Reservation to any provision of this bill in conference? We could only act on the two amendments that have been incorporated here, for the reason that, while they were termed "amendments," they in no wise amended or affected any of the provisions in the bill. The other provisions of the bill were on independent and distinct subjects, and neither the provision incorporated in the bill on motion of the Senator from Colorado, relative to a resurvey of towns in Colorado, nor the provision incorporated on motion of the Senator from Montana, relating to the opening of the Fort Keogh Military Reservation and giving the public lands to the State of Montana, relate to any provision of the bill.

We should be violating our duties in the extreme if we went to work and tampered with the other provisions of the bill, because they were not in dispute and not in conference. If these amendments which were offered here for a resurvey and for opening the reservation had any relevancy or bearing on these other amendments, then this would have been a matter of conference; otherwise not. Any Senator will realize that.

Mr. CARTER. The Senator and I can manifestly not agree upon the scope or jurisdiction of a conference committee. I believe that when the Senate approves an amendment of the House, with a certain amendment, the approval is only a qualified approval and does not carry with it a clear and distinct approval without condition, and when the condition is attached to the approval of any amendment the whole subject-matter

to which the condition applies must be taken within the jurisdiction of the committee of conference.

But, aside from that, I do think that the Senate owes it to itself, first, not to pass a bill in omnibus or other form which a standing committee of this body has reported adversely on the merits. Second—

Mr. HOPKINS. Will the Senator allow me? I was not in the Chamber when the conference report was read. I have just heard the statement of the Senator from Minnesota, who stated that the Senate amendments had no relation to the subject-matter of the bill as it came over from the House, and if adopted it would be a separate and independent provision or section in the bill. Is that correct?

Mr. CARTER. This bill is made up from start to finish of a combination of independent bills in separate sections or a combination of sections.

Mr. HOPKINS. Then the House or the Senate could act independently on the Senate amendments without touching upon the provisions of the bill as it came from the House?

Mr. CARTER. I suppose they would need the enacting clause in order to assist them through the ordeal.

Mr. HOPKINS. How does the Senate amendment, if it is separate and distinct, qualify or modify the House bill as it came here and was passed by the Senate?

Mr. CARTER. Upon this theory: I say to the Senator that the Senate may, from considerations of public policy, approve a proposition or a series of propositions on certain conditions, which the Senate would not approve independently.

Mr. HOPKINS. I will agree with the Senator upon that, but must not the face of the bill show those terms and conditions in order to govern and control the action of the conferees? If they are simply put in as a separate and distinct proposition, what right would the conferees have to interfere with a separate and distinct proposition that has passed both the Senate and the House?

Mr. CARTER. Passed one body on its own motion after full and free deliberation; passed the other body subject to conditions that other amendments be added, not modifying this, but modifying the entire legislative measure to an extent.

Mr. President, in the first place, I do not intend to obstruct the consideration or to delay a vote on the conference report, but I want at this time to enter, in as emphatic language as I can, my solemn protest against bunching bills relating to subjects thousands of miles apart, as wide apart as the ends of the continent itself—matters affecting titles that to the remotest ages will be considered for good or ill in the proportion that our legislation is wise or unwise—and through this method of bunching bills deprive the Senate of the privilege it ought always to reserve, of considering each measure upon its own merits.

Mr. HOPKINS. I desire to suggest to the Senator from Montana whether that argument should not have been made when the House bill came here, and whether the Senator then should not have presented his reasons against the Senate either attempting to amend or taking any action whatever other than to send it back, refusing to legislate in that way.

Mr. NELSON. The Senator offered an amendment when I called up the bill.

Mr. CARTER. That was all explained.

Mr. HOPKINS. Wait a moment.

The Senate having adopted the House provisions and then asked the House by way of amendment to adopt the other amendments in which it was interested, in what position is the Senate now to reject the conference report? I think the doctrine suggested by the Senator from Montana is a dangerous one—that the provisions that have passed both bodies can be considered by the conferees of the House and Senate and new legislation engrafted upon any of those provisions.

Mr. CARTER. The Senator is adding something.

Mr. HOPKINS. This report may be correct. I am not objecting to it. But if we should adopt his suggestion to-day, we might establish a precedent here that would come home to plague us at some other time.

Mr. CARTER. Then, according to the Senator's theory, the Senate can never fix a condition upon a bill of the House which will make the whole bill the subject-matter of consideration.

Mr. HOPKINS. Oh, yes; it can at any time it chooses. But the Senate must do that when the bill is before the Senate. It must do it before the bill goes to conference. The conferees can only act upon differences between the two bodies.

Mr. CARTER. And the difference between the two bodies in this case is that the House made certain amendments to which the Senate conditionally agreed, and the conditions were

fixed. The House disagreed to the Senate amendments, and that put the whole matter, according to my judgment, in conference.

Mr. HOPKINS. Is not this the proposition, that the House sent certain measures here and the Senate agreed to them, and then asked the House to agree to certain other measures that the Senate was interested in, and the House refused to concur in the suggestions of the Senate, and that led to the conference?

Mr. CARTER. The Senator overlooks the fact that this is a Senate bill, which went to the House and was accepted there and certain amendments added to it. It puts it in a different status altogether, as he will perceive upon close examination, from an appropriation bill which originates in the House and is amended here.

Mr. NELSON. Will the Senator yield to me? I want to say to the Senate that when this bill came over I moved to concur in the amendment, and the Senator from Montana had no objection. Everything was all right. He got up and offered his amendment about the Fort Keogh Reservation. He had no fault to find with our concurrence in the other provisions of the bill at the time. He was simply anxious to get the Fort Keogh Military Reservation provision on the bill, and because the conferees, that provision having been put on the bill, are unable to agree upon its retention, he now attacks the whole bill which he then offered to amend.

Mr. CARTER. Mr. President—

Mr. HOPKINS. Before the Senator from Montana proceeds—

Mr. CARTER. The Senator from Illinois will kindly allow me the floor for a moment.

Mr. HOPKINS. Certainly. I will not interfere with the Senator.

Mr. CARTER. The Senator from Minnesota has made the mistake, which is quite common, of stating part of the truth. The Senator from Minnesota will recall that I challenged his attention to this bill in the room of the Committee on Public Lands, and advised him that my attention had been called to it—I do not know that I named the Member of the House, but by a prominent Member of the House. The Senator from Minnesota reached the conclusion that nothing could be done with the bill except to put it on the Calendar.

Mr. NELSON. Will the Senator allow me to interrupt him? When the Senator called on me to see about this bill, he called on me to see if there was any possibility to get this Fort Keogh matter in it.

Mr. CARTER. Certainly.

Mr. NELSON. I told him I thought not. That was the trouble. He was not concerned about anything else in that bill except to get the Fort Keogh Reservation in.

Mr. CARTER. The Senator from Minnesota said that it could not be done, and upon my appearance in the Chamber the next morning I found the Senator from Minnesota passing the bill with some other amendments, and mine went in with the bunch. [Laughter.] This personal aspect of this matter is wholly unnecessary.

The Senate is in a peculiar condition with reference to this measure. I stated in the beginning that I was in a position of much embarrassment in expressing my views with reference to this class of legislation, because I had offered an amendment which had been cut out. Therefore the suggestion of the Senator from Minnesota might readily occur to every Senator, that my opposition was based upon some sentiment of pique or disappointment. My attention was drawn to the legislation—to the peculiar manner of perfecting it—by virtue of the fact that I became interested in it in the manner suggested. But the fact that an amendment was rejected or accepted does not lend virtue to this pernicious system of legislating. Here the Senate is in the peculiar position this afternoon of impotently enacting into law in an omnibus bill a measure which has passed the Senate and the House and is now before the President awaiting his signature. That will be found upon page 15 of the bill. Section 20 passed the House; it passed the Senate yesterday, was transmitted by the Secretary of the Senate to the President of the United States to-day in the shape of a fully enrolled bill, and we are probably reenacting it this afternoon because, forsooth, our hands are tied by conventionalities, and we are unable to extricate ourselves from the difficulty.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. I will ask the Senator whether, in the event the Senate rejects this conference report, it may not go back to the conferees and that bill be stricken from the report?



Mr. CARTER. I think both Houses would agree to strike it from the report. I think they should. I think it is a reflection on the Senate to pass, in the midst of a jumble of affairs like this, a bill which is or will become the law.

Mr. GALLINGER. I want to ask the Senator another question. When the first omnibus bill came in it occurred to me that it was extremely bad legislation, and if action had been taken by Senators who were interested in those questions, in which I am not directly interested, I should have been glad to have recorded my vote in opposition to the bill.

I want to ask the Senator if we may not in the near future be confronted with a different class of omnibus bills? Instead of having four or five or six or seven land bills in one, may we not have all kinds of bills included in one omnibus bill?

We may have bills relating not only to different land subjects, but to absolutely different subjects affecting the various parts of the country. There is no reason why that may not happen.

Mr. CARTER. As the Senator suggests, we may appropriate money for rivers and harbors, we may make grants of public lands, we may provide for the extension of the Post-Office Department, we may grant pensions to soldiers or citizens, we may create an army or add to it, or do anything we please on omnibus bills, and we probably will fall into the habit ere long of putting Senators in the embarrassing position in which the whole Senate is placed this afternoon, of being unable to strike out a section from the bill because it is in conference.

Mr. CLAY. Will the Senator let me call his attention to the fact that we are now making very rapid progress in that direction? I believe in the last week we have had before us an omnibus Territorial bill dealing with four or five Territories, and after debating it some fifteen or twenty minutes we struck out two-thirds of it, and I think the balance is sleeping here now. If I remember correctly, we had an omnibus bill here dealing with the question of shipping. Different interests were concerned in it. The spirit to include different subjects in the same bill has grown so rapidly that I have been informed we are soon to have an omnibus finance bill dealing with the money affairs to come before the Senate, including House and Senate bills. It shows that in a very short time we will include almost our entire legislation in a few bills.

Mr. BEVERIDGE. Mr. President, the omnibus Territories bill has been referred to. How that came to the Senate has been explained several times. It came from the House. All but two of those bills had passed the Senate. They went to the House, and the House sent them back in the form of an omnibus bill. It is quite true a portion of that bill was stricken out. It will, however, on further consideration by the Senate, be reinserted.

But it does illustrate two important things. One is the evil and danger of legislation by omnibus bills and the other a far greater one. Why are we having omnibus bills now and not earlier in the session?

It is because a sort of atmosphere of adjournment has been created that produces, first, this vicious method of legislating, when we legislate at all, and, second, the prevention of any legislation upon subjects of great importance which the people demand.

I think that this latter is a more serious thing than the incorrect method of legislating by omnibus bills. Why should Congress run for five or six months and then, with critically important matters before it, suddenly determine to adjourn, and adjourn in haste, with legislation undone and demanding attention? Had not that been done no omnibus Territories bill would have come from the House. No omnibus bill, such as we are now considering, would have come from the House.

No omnibus bill of any kind would have come from the House. We are doing this, too, before any official declaration of an adjournment has been made, before any adjournment resolution has been presented in or passed by either House. We find ourselves railroaded into a dangerous method of legislating, if we legislate at all, or else into the neglect of important legislation which is before us calling for action. Who is responsible for this? Who is "getting it into the air" that we must adjourn before our work is done? Whose is the fault of not legislating or legislating imperfectly?

The Senator from Georgia, whose wide experience and stern devotion to duty have won him the respect of every one of his colleagues on both sides, remarked to me to-day in discussing this very matter that in a Government so great as this, involving the welfare of 90,000,000 people, Congress did not stay in session long enough at any time, first, to enact legislation which is required by so great a nation, and which some time we must pass, or second, to carefully and studiously consider such legislation as we do pass.

So the root of the evil, the fault of the omnibus bill, does not lie upon the shoulders of the Senator from Minnesota, nor upon the shoulders of the Committee on Territories. It does lie upon a condition, a wretched condition, that after having spent months doing little or nothing it is decided for us by somebody that Congress must come to a close without considering bills separately, and, generally speaking, without considering a great many bills at all.

That is the situation that concerns and alarms me. The Inland Waterways Commission bill, the compensation to injured Government employees bill, and many other matters either can not be considered here at all, or, if considered, not until the last moment, and then with a sort of a rush which precludes any sort of careful attention.

Mr. FLINT rose.

Mr. BEVERIDGE. In just a moment. The suggestion has been made here that amendments ought not to be considered—and I agree to that—to the bill before us because it might endanger the life of it in the House, although why it is that it would endanger it in the House no person has explained or can explain—at least not within the theory of our Government. It has been said that if we do anything we think ought to be done, it will prevent legislation altogether. Why? Oh, because, it is answered, the House will not consider it—we are to adjourn too soon, and so imperfect laws are to be passed or else no law is to be passed just because some person is unwilling to keep at work on them.

So a larger question than any defect in an omnibus bill or than the vicious method of legislation which is involved in omnibus bills is the condition which prevents legislation at all, or else rushes through defective legislation when we are permitted to do anything. For myself, I have never seen any reason for quitting our duties here until those duties are performed—carefully, thoroughly, critically performed in workmanlike manner.

The VICE-PRESIDENT. The Senator from California.

Mr. FLINT. The Senator from Indiana answered the question during his remarks.

Mr. BEVERIDGE. I beg the Senator's pardon.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. SMOOT. I think the yeas and nays were called for.

The yeas and nays were ordered.

Mr. CULBERSON. Will the Chair kindly state the question?

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. CARTER. Before the roll call starts—

Mr. BACON. I should like very much to be able to vote on the question with some degree of intelligence. I understand the conference report covers a number of items. We are absolutely in the dark about it.

Mr. LONG. I think the conference report covers only two items. Am I right about it?

Mr. NELSON. There were only two items in dispute, one about the resurvey of lands in Colorado, to which we agreed, and the other about the Fort Keogh Reservation, as to which we disagreed.

Mr. CARTER. Mr. President, I stated in the beginning to the Senator from Minnesota that it is not my purpose, nor has it been, to interpose any factious opposition to a vote on the conference report. I readily understand how instructive it would be to have the voluminous report of the House committee read for the information of the Senate. I understand how it would be in order to move to postpone the consideration of this report until next December. I understand fully that it is not necessary to allow the conference report to go to a vote on approval or rejection at this time at all. I have made what statement I made here with a view to setting forth with what emphasis I could my opposition to this method of legislating on serious matters of enduring importance affecting public records destined to last as long as our country endures. I do hope that this is the last omnibus public lands bill that will ever obtrude its features into this Chamber. Should one come hereafter, I care not what its provisions will be, I will join with other Senators to oppose its passage at every stage of the proceeding. We have in this bill an important provision relating to the State of Montana. My colleague, who is especially interested in it, has generously suggested that if it was thought proper to defeat the bill on general principles, that might go with the rest.

But I know there are Senators here interested in many parts of this bill. I shall not interpose dilatory tactics or call for that lengthy consideration which the various portions of the bill

would ordinarily require, but I shall content myself with voting against the conference report. And hereafter I trust that no committee will favorably report to the Senate an omnibus bill relating to titles to the public domain or any public record of equal importance.

Mr. WARREN. Mr. President, I desire to say only a word. This bill is one, as far as the title is concerned, that I had the honor of introducing, and I should be glad to see it passed, but I join the Senator from Montana in condemnation of these omnibus bills, which are made up by adding to an original measure a score or more of other bills having no relation to each other. Of course I hope the present measure will carry, but I will join with him hereafter at any time and in any way, after this term or session, in declining to submit to that kind of legislation.

Mr. HEYBURN obtained the floor.

Mr. HOPKINS. I think a word is due the other body on this subject.

The VICE-PRESIDENT. The Chair has recognized the Senator from Idaho.

Mr. HOPKINS. I beg pardon.

Mr. HEYBURN. Mr. President, being a member of the Committee on Public Lands, I feel it proper to make the statement I shall make. I do not like this kind of legislation. I do not believe an omnibus bill is the proper bill for bringing this class of legislation before Congress for final action. Then, again, this omnibus bill contains within it a complete separate independent bill that has passed both Houses of Congress and has gone to the President for his signature. That is an objection. It will be an embarrassing situation. If the President disapproves of that bill, he may find it necessary to disapprove of this entire bill, or if he approves of that bill he may demur to again approving of it within the limits of this bill.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. I take it for granted that should this bill pass, the President will be notified, and the other will meet a pocket veto or be laid aside.

Mr. HEYBURN. I would not be at all surprised to learn that it is too late for that condition to arise. I think that is more than probable.

Mr. CLARK of Wyoming. May I interrupt the Senator from Idaho for just a moment?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. I think it is also proper on the part of the conferees to call attention to the fact that that bill did not pass this body until after the conference report had been made up and both bodies had acted on the omnibus bill, if I understand the situation.

Mr. HEYBURN. I was merely calling attention to what might become an embarrassing situation. The measures reported from the Committee on Public Lands in the Senate met my concurrence. Some of those that have not been considered by that committee might not meet with my concurrence. It is altogether a bad practice to attempt to bring in indirectly that which might not come in through the regular manner of proceeding. I do not like it. If I should vote against the conference report it would be, first, because I do not like the method of legislating, and, second, because it contains in it a bill that has already passed and gone to the President and in all probability has received his signature, because it has been out of Congress long enough; and, third, because I agree with the Senator from Utah that the Kansas land bill has not sufficient merit to command my support.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). The Senator from North Carolina [Mr. SIMMONS] with whom I am paired is absent. If he were present I would vote "yea;" and if my pair can be transferred I will vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer my pair to the Senator from Nevada [Mr. NIXON] and will vote. I vote "yea."

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. If he were present I would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present I would vote "nay."

Mr. DILLINGHAM (when his name was called). Owing to

my general pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote.

Mr. FRAZIER (when his name was called). I announce my pair with the junior Senator from South Dakota [Mr. KITTREDGE]. He is absent, and I withhold my vote.

The roll call was concluded.

Mr. FULTON. I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I will transfer that pair to my colleague [Mr. BOURNE] and vote. I vote "yea."

Mr. CLAPP. I will transfer my pair to the junior Senator from Colorado [Mr. GUGGENHEIM], who, if present, would vote "yea." I will therefore vote. I vote "yea."

Mr. GALLINGER. I will announce that my colleague [Mr. BURNHAM] is unavoidably absent from the city.

Mr. BACON. The senior Senator from Florida [Mr. TALLIAFERRO] is necessarily absent, and before leaving asked me to announce his pair in case of a vote. He asked me to announce that he is paired with the junior Senator from West Virginia [Mr. SCOTT].

Mr. DILLINGHAM. I will transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Connecticut [Mr. BULKELEY], and vote. I vote "nay."

Mr. CULLOM. I have been requested to transfer my pair to the junior Senator from New Hampshire [Mr. BURNHAM]. I vote "nay."

The Secretary recapitulated the vote.

Mr. GALLINGER. I ask that the names of the absentees be called.

The VICE-PRESIDENT. The Secretary will call the names of absent Senators.

Mr. CLAY. I transfer my pair to the senior Senator from Arkansas [Mr. CLARKE], so that the senior Senator from Massachusetts [Mr. LODGE] will stand paired with the senior Senator from Arkansas, and I will vote. I vote "nay."

Mr. BEVERIDGE. Let the absentees be called.

The VICE-PRESIDENT. The absentees were ordered to be called on the request of the Senator from New Hampshire [Mr. GALLINGER].

The Secretary proceeded to call the names of absent Senators.

Mr. FRAZIER (when his name was called). I did not vote, because I am paired with the Senator from South Dakota [Mr. KITTREDGE].

Mr. NELSON. I am authorized to speak for the Senator from South Dakota [Mr. KITTREDGE]. I will release the Senator from Tennessee from his pair.

Mr. FRAZIER. I vote "nay."

The Secretary resumed and concluded the calling of the names of absent Senators.

The result was announced—yeas 28, nays 19, as follows:

#### YEAS—28.

Aldrich	Burkett	Dixon	McLaurin
Allison	Burrows	Flint	Nelson
Ankeny	Clapp	Foraker	Piles
Beveridge	Clark, Wyo.	Fulton	Stephenson
Brandegee	Curtis	Gore	Warner
Briggs	Depew	Hopkins	Warren
Brown	Dick	Long	Wetmore

#### NAYS—19.

Bacon	Cullom	Heyburn	Smoot
Bankhead	Dillingham	Johnston	Stewart
Carter	du Pont	Kean	Sutherland
Clay	Frazier	Newlands	Teller
Culberson	Gallinger	Paynter	

#### NOT VOTING—45.

Bailey	Frye	McCumber	Richardson
Borah	Gamble	McEnery	Scott
Bourne	Gary	Martin	Simmons
Bulkeley	Guggenheim	Milton	Smith, Md.
Burnham	Hale	Money	Smith, Mich.
Clarke, Ark.	Hansbrough	Nixon	Stone
Craze	Hemenway	Owen	Talliaferro
Daniel	Kittredge	Overman	Taylor
Davis	Knox	Parsons	Tillman
Dolliver	La Follette	Perkins	
Elkins	Lodge	Platt	
Foster	McCreary	Rayner	

So the report was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21871) to amend the national banking laws.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 21410. An act granting condemned ordnance to certain institutions;



H. R. 21735. An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes; and

H. J. Res. 186. Joint resolution relating to the assignment of space in the House Office Building.

#### AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21871) to amend the national banking laws, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out all of the matter inserted by said Senate amendment and insert in lieu thereof the following:

"That national banking associations, each having an unimpaired capital and a surplus of not less than 20 per cent, not less than ten in number, having an aggregate capital and surplus of at least \$5,000,000, may form voluntary associations to be designated as national currency associations. The banks uniting to form such association shall, by their presidents or vice-presidents, acting under authority from the board of directors, make and file with the Secretary of the Treasury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury. Upon the filing of such certificate the associated banks therein named shall become a body corporate, and by the name so designated and approved may sue and be sued and exercise the powers of a body corporate for the purposes hereinafter mentioned: *Provided*, That not more than one such national currency association shall be formed in any city: *Provided further*, That the several members of such national currency association shall be taken, as nearly as conveniently may be, from a territory composed of a State or part of a State, or contiguous parts of one or more States: *And provided further*, That any national bank in such city or territory, having the qualifications herein prescribed for membership in such national currency association, shall, upon its application to and upon the approval of the Secretary of the Treasury, be admitted to membership in a national currency association for that city or territory, and upon such admission shall be deemed and held a part of the body corporate, and as such entitled to all the rights and privileges and subject to all the liabilities of an original member: *And provided further*, That each national currency association shall be composed exclusively of banks not members of any other national currency association.

"The dissolution, voluntary or otherwise, of any bank in such association shall not affect the corporate existence of the association unless there shall then remain less than the minimum number of ten banks: *Provided, however*, That the reduction of the number of said banks below the minimum of ten shall not affect the existence of the corporation with respect to the assertion of all rights in favor of or against such association. The affairs of the association shall be managed by a board consisting of one representative from each bank. By-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury. A president, vice-president, secretary, treasurer, and an executive committee of not less than five members shall be elected by the board. The powers of such board, except in the election of officers and making of by-laws, may be exercised through its executive committee.

"The national currency association herein provided for shall have and exercise any and all powers necessary to carry out the purposes of this section, namely, to render available, under the direction and control of the Secretary of the Treasury, as a basis for additional circulation, any securities, including commercial paper, held by a national banking association. For the purpose of obtaining such additional circulation, any bank belonging to any national currency association, having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per cent of its capital stock and which has its capital unimpaired and a surplus of not less than 20 per cent, may deposit with and transfer to the association, in trust for the United States, for the purpose hereinafter provided, such of the securities above mentioned as may be satisfactory to the board of the association. The officers of the association may thereupon, in behalf of such bank, make appli-

cation to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding 75 per cent of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied with the character and value of the securities proposed and that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding 75 per cent of the cash value of the securities so deposited: *Provided*, That upon the deposit of any of the State, city, town, county, or other municipal bonds, of a character described in section 3 of this act, circulating notes may be issued to the extent of not exceeding 90 per cent of the market value of such bonds so deposited: *And provided further*, That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of 30 per cent of its unimpaired capital and surplus. The term "commercial paper" shall be held to include only notes representing actual commercial transactions, which, when accepted by the association, shall bear the names of at least two responsible parties and have not exceeding four months to run.

"The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section 5230 of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association, and to the securities deposited by the banks with the association pursuant to the provisions of this act; but as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. The association may at any time require of any of its constituent banks a deposit of additional securities or commercial paper, or an exchange of the securities already on deposit, to secure such additional circulation; and in case of the failure of such bank to make such deposit or exchange the association may, after ten days' notice to the bank, sell the securities and paper already in its hands at public sale, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of such additional circulation. If such fund be insufficient for that purpose, the association may recover from the bank the amount of the deficiency by suit in the circuit court of the United States, and shall have the benefit of the lien hereinbefore provided for in favor of the United States upon the assets of such bank. The association or the Secretary of the Treasury may permit or require the withdrawal of any such securities or commercial paper and the substitution of other securities or commercial paper of equal value therefor.

"Sec. 2. That whenever any bank belonging to a national currency association shall fail to preserve or make good its redemption fund in the Treasury of the United States, required by section 3 of the act of June 20, 1874, chapter 343, and the provisions of this act, the Treasurer of the United States shall notify such national currency association to make good such redemption fund, and upon the failure of such national currency association to make good such fund, the Treasurer of the United States may, in his discretion, apply so much of the redemption fund belonging to the other banks composing such national currency association as may be necessary for that purpose; and such national currency association may, after five days' notice to such bank, proceed to sell at public sale the securities deposited by such bank with the association pursuant to the provisions of section 1 of this act, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of the additional circulation taken out by such bank under this act.

"Sec. 3. That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than forty per centum of its capital stock, and which has a surplus of not less than twenty per centum, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same, and shall determine the time of issue and fix the amount, within the limitations herein imposed, of

the additional circulating notes to be issued. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in this section as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, not exceeding in amount ninety per centum of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

"The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in this section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed ten per centum of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this section, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

"SEC. 4. That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of section 3 of this act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury. A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections 5163, 5164, 5165, 5166, and 5167, and sections 5224 to 5234, inclusive, of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of section 3 of this act.

"SEC. 5. That the additional circulating notes issued under this act shall be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes except as herein expressly modified: *Provided*, That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpaired capital and surplus: *And provided further*, That there shall not be outstanding at any time circulating notes issued under the provisions of this act to an amount of more than \$500,000,000.

"SEC. 6. That whenever and so long as any national banking association has outstanding any of the additional circulating notes authorized to be issued by the provisions of this act it shall keep on deposit in the Treasury of the United States, in addition to the redemption fund required by section 3 of the act of June 20, 1874, an additional sum equal to 5 per cent of such additional circulation at any time outstanding, such additional 5 per cent to be treated, held, and used in all respects in the same manner as the original redemption fund provided for by said section 3 of the act of June 20, 1874.

"SEC. 7. In order that the distribution of notes to be issued under the provisions of this act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus

of the national banking associations of the United States: *Provided, however*, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country.

"SEC. 8. That it shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this act, and he shall from time to time furnish information to national banking associations as to such securities as would be acceptable under the provisions of this act.

"SEC. 9. That section 5214 of the Revised Statutes, as amended, be further amended to read as follows:

"SEC. 5214. National banking associations having on deposit bonds of the United States bearing interest at the rate of 2 per cent per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section 8 of "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than 2 per cent per annum shall pay a tax of one-half of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having circulating notes secured otherwise than by bonds of the United States shall pay for the first month a tax at the rate of 5 per cent per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax of 1 per cent per annum for each month until a tax of 10 per cent per annum is reached, and thereafter such tax of 10 per cent per annum, upon the average amount of such notes. Every national banking association having outstanding circulating notes secured by a deposit of other securities than United States bonds shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation; and it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records. The taxes received on circulating notes secured otherwise than by bonds of the United States shall be paid into the division of redemption of the Treasury and credited and added to the reserve fund held for the redemption of United States and other notes."

"SEC. 10. That section 9 of the act approved July 12, 1882, as amended by the act approved March 4, 1907, be further amended to read as follows:

"SEC. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section 4 of the act approved June 20, 1874, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: *Provided*, That not more than nine millions of dollars of lawful money shall be so deposited during any calendar month for this purpose.

"Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of securities other than bonds of the United States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn: *Provided*, That the deposits under this section to retire notes secured by the deposits of securities other than bonds of the United States shall not be covered into the Treasury, as required by section 6 of an act entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," approved July 14, 1890, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit."

"SEC. 11. That section 5172 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction



of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they are secured by United States bonds or other securities, certified by the written or engraved signatures of the Treasurer and Register and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to fifty per cent of the capital stock of each national banking association; such notes to be deposited in the Treasury or in the sub-treasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law: *Provided*, That the Comptroller of the Currency may issue national-bank notes of the present form until plates can be prepared and circulating notes issued as above provided: *Provided, however*, That in no event shall bank notes of the present form be issued to any bank as additional circulation provided for by this act.

"Sec. 12. That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section 3 of the act approved June 20, 1874, shall be redeemed in lawful money of the United States.

"Sec. 13. That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this act shall have the approval of the Secretary of the Treasury, who shall have power, also, to make any such rules and regulations and exercise such control over the organization and management of national currency associations as may be necessary to carry out the purposes of this act.

"Sec. 14. That the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

"Sec. 15. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than one per cent per annum upon the average monthly amount of such deposits: *Provided, however*, That nothing contained in this act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided further*, That the rate of interest charged upon such deposits shall be equal and uniform throughout the United States.

"Sec. 16. That a sum sufficient to carry out the purposes of the preceding sections of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Sec. 17. That a Commission is hereby created, to be called the 'National Monetary Commission,' to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the Commission shall be filled in the same manner as the original appointment.

"Sec. 18. That it shall be the duty of this Commission to inquire into and report to Congress at the earliest date practicable, what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

"Sec. 19. That a sum sufficient to carry out the purposes of

sections 17 and 18 of this act, and to pay the necessary expenses of the Commission and its members, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said Commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of such Commission.

"Sec. 20. That this act shall expire by limitation on the 30th day of June, 1914."

And the Senate agree to the same.

NELSON W. ALDRICH,  
W. B. ALLISON,  
EUGENE HALE,

*Managers on the part of the Senate.*

EDWARD B. VREELAND,  
THEODORE E. BURTON,  
JOHN W. WEEKS,

*Managers on the part of the House.*

Mr. ALDRICH. Mr. President, I ask that the conference report be printed for the use of the Senate. I give notice that to-morrow morning after the routine business I shall move that the Senate proceed to the consideration of this report, and I shall ask the Senate to proceed continuously with its consideration and discussion until it shall have been disposed of.

Mr. CULBERSON. I notice, so far as the conference report was read, that it is signed by only three conferees on the part of the House and three on the part of the Senate. I desire to inquire whether there were any conferees on the part of the House and on the part of the Senate who did not sign the report?

Mr. ALDRICH. The Democratic members of the conference on the part of both the House and the Senate declined to sign the report.

The VICE-PRESIDENT. The report of the committee of conference will be printed and lie on the table.

#### INJURIES TO GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21844) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

Mr. NEWLANDS. Mr. President, I wish to add—

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Nevada [Mr. NEWLANDS] is entitled to the floor.

Mr. NEWLANDS. Mr. President, I wish to add but a few words. I had it in mind to answer the question of the Senator from Mississippi [Mr. McLaurin], but this bill has been pending so long, it has been so thoroughly considered by the Senate, and doubtless has the favorable view of the majority of the Senate, that I now ask—and I call the attention of the Senator from New York to my request—unanimous consent that the Senate before adjournment, and without further debate, pass on the amendments and the bill.

Mr. DEPEW. Mr. President, this bill, or the substance of it, has been before both Houses all winter. There are 2,000,000 voters in the United States who are intensely interested in the passage of the bill and in securing this legislation during the current session. It has been considered all day and is nearly perfected. I think twenty or thirty minutes would complete the further consideration of the bill and enable us to pass it. Then it could be concurred in by the other House and become a law before Congress adjourns.

I know of no measure, except perhaps the one which the Senator from Rhode Island [Mr. Aldrich] has just presented, in which the voters of the United States are more deeply interested than they are in securing this reform, giving them, as it does, a right which is granted to all employees engaged in every branch of private employment in the country, but denied to the employees of the Government. The bill is as limited as it could be, its application being confined only to those who are engaged in hazardous and dangerous employment. I therefore trust that the Senate will proceed to and conclude the consideration of the bill to-night, and I ask unanimous consent that a vote be taken before the adjournment.

Mr. TELLER. Mr. President, I object to that.

The VICE-PRESIDENT. Objection is made.

Mr. DEPEW. I desire to give notice that at the earliest practicable moment to-morrow morning I shall endeavor to bring up the bill to compensate employees of the Government injured in the course of their employment.

## UNCLE SAM OIL COMPANY.

Mr. OWEN. I present a letter which I ask to have printed in the RECORD. The letter explains the attitude of the Kansas City Star with regard to a certain matter that was supposed to have been inserted in that paper against the Uncle Sam Oil Company, and in the interest of the Standard Oil Company, without having been marked as an advertisement. In point of fact, it appears that it was marked as advertising matter, and the Kansas City Star being one of the great newspapers in the West and the one standing highest in that section of the country, I thought the correction ought to be made on the face of the RECORD for their benefit. I therefore ask that the letter be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and permission is granted.

The letter referred to is as follows:

HON. ROBERT L. OWEN,  
United States Senate.

WASHINGTON, May 25, 1908.

DEAR SIR: In the memorial of the Uncle Sam Oil Company, printed as a public document at your request, a most misleading statement is made with reference to the Kansas City Star. In the memorial referred to it is said: "That the next month after said advertisements were first published the Standard Oil Company sent one P. C. Boyle, editor of the Oil City Derrick, of Oil City, Pa., to Kansas City, Mo., and through him paid the Kansas City Star, a newspaper published at Kansas City, Mo., the sum of \$2,471 for publishing reading matter in said paper favorable to the Standard Oil Company."

The inference to be drawn from this statement is that the Kansas City Star published reading matter of the nature of an ordinary news article for which it had received money. It is shown in the depositions of the business manager and the managing editor of the Kansas City Star, taken while litigation was pending, in which the Uncle Sam Oil Company was involved, that Mr. P. C. Boyle did offer the "reading matter" referred to to the Star as advertising matter and that publication of it was refused. Mr. Boyle was informed that the Star would not print the matter offered unless it was marked so as to clearly show it was advertising matter. With this understanding the advertising was accepted, and the articles appeared in the paper each marked "adv."

Under these circumstances no one of the Star's readers could have failed to understand that the Star had disclaimed all responsibility for the appearance of the articles or that the space had been taken at advertising rates.

Very respectfully,

R. H. LINDSAY,  
Correspondent.

## LOCOMOTIVE ASH PANS.

The bill (H. R. 17995) concerning locomotive ash pans was read twice by its title.

Mr. FORAKER. Mr. President, a similar bill to that was introduced in the Senate and is now under consideration by the Committee on Interstate Commerce. I was hoping to have a report from that committee by the time this bill was received, so that I might move to substitute the Senate bill for the House bill; but that is impossible under the circumstances, and I ask that this bill may be referred to the Interstate Commerce Committee. I hope I may be able to get a report on it in time to pass it at this session of Congress.

The VICE-PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

## INTERSTATE TRANSPORTATION OF EXPLOSIVES.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 17228) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation, which was read twice by its title.

Mr. KEAN subsequently said: I am authorized by the Committee on Interstate Commerce, to whom was referred the bill (H. R. 17228) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation, to report it favorably, and I ask for its present consideration. If the bill creates any discussion, I shall not press it.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That it shall be unlawful to transport, carry, or convey any dynamite, gunpowder, or other explosive between a place in any foreign country and place within the United States, or a place in any State, Territory, or District of the United States, and a place in any other State, Territory, or District thereof, on any vessel or vehicle of any description operated by a common carrier, which vessel or vehicle is carrying passengers for hire: *Provided*, That it shall be lawful to transport on any such vessel or vehicle small arms ammunition in any quantity, and such fuses, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of 1 pound each, and not exceeding 20 samples at one time in a single vessel or vehicle; but such samples shall not be carried in that part of a vessel or vehicle which is intended for the transportation of passengers for hire: *And provided further*, That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels or vehicles.

SEC. 2. That within ninety days from the passage of this act the Interstate Commerce Commission shall formulate regulations for the safe transportation of explosives and said regulations shall be binding upon all common carriers engaged in interstate commerce which transport explosives by land, and violations of them shall be subject to the penalties hereinafter provided. The Interstate Commerce Commission, on its own motion or upon application made by any interested party, may make changes or modifications of the regulations for the safe transportation of explosives, made desirable by new information or altered conditions, and such changed regulations shall have all the force of the original regulations. The regulations for the safe transportation of explosives referred to in this section shall be in accord with the best known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. The regulations for the safe transportation of explosives shall take effect three months after their formulation and publication by the Interstate Commerce Commission, and shall be in effect until reversed, set aside, or modified.

SEC. 3. That it shall be unlawful to transport, carry, or convey liquid nitroglycerine, fulminate in bulk in dry condition, or other like explosive between a place in a foreign country and a place within the United States, or a place in one State, Territory, or District of the United States and a place in any other State, Territory, or District thereof, on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water.

SEC. 4. Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof, and it shall be unlawful for any person to deliver, for interstate or foreign transportation, to any common carrier engaged in interstate or foreign commerce by land or water, or to cause to be delivered, or to carry, any explosive, or other dangerous article, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made.

SEC. 5. That every person who knowingly violates, or causes to be violated, any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine not exceeding \$2,000, or by imprisonment not exceeding eighteen months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. That this act shall take effect immediately, and all acts or parts of acts in conflict therewith are hereby repealed, except section 4422 of the Revised Statutes of the United States, which shall remain in full force and effect.

Mr. GORE. Mr. President, if I am in order, I object to the present consideration of the bill.

The VICE-PRESIDENT. Objection is made, and the bill will go over.

Mr. KEAN. I have no objection to that; but I want to say that this bill is rather an important one, and I shall call it up at an early day.

Mr. GORE subsequently said: Mr. President, I desire to withdraw my objection to the passage of the bill relative to the interstate transportation of explosives. I am willing that it shall go through the Senate, if it is properly safeguarded.

Mr. KEAN. I ask that the bill be again laid before the Senate.

Mr. TELLER. I should like to have the bill printed and have it go over until to-morrow. It is a very important bill, and I should like to know something about it.

Mr. KEAN. That is perfectly satisfactory.

The VICE-PRESIDENT. The bill will be printed and lie over.

## FORT DOUGLAS MILITARY RESERVATION EASEMENT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6200) granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and the renewal of a conduit and pipe line and valve houses upon and across the Fort Douglas Military Reservation; which were on page 2, after line 12, to insert:

SEC. 2. That the Secretary of War be, and he is hereby, authorized and empowered, upon the release to the United States by the Delaware and Hudson Company, or its subsidiary companies, of all rights of way and other easements of said company and of its subsidiary companies within the limits of the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, as said reservation existed prior to January 1, 1890, to convey to said Delaware and Hudson Company, its successors and assigns, for the operation and maintenance of its railway, a right of way 100 feet wide through said military reservation, together with a right of way 66 feet wide along the north end of the reservation, and the right to occupy and use about 2 acres in the northeast corner of the same, within limits described in and shown upon a blueprint attached to a memorandum of agreement made between said company and the United States, represented by Maj. J. G. Galbraith, Inspector-General United States Army, in October, 1906: *Provided*, That except as to the said 2-acre tract in the northeast corner of the reservation, which may be used for the storage of cars, engines, etc., the right of way herein authorized to be granted shall be used for main and passing track purposes only, and not for the storage of cars, engines, etc., thereon; and that the occupation and use of any land within the reservation shall be subject to such restrictions as the Secretary of War may prescribe to protect the interests of the United States and for the maintenance of good order and discipline on said military reservation.

And to amend the title so as to read: "An act granting certain rights of way and providing for certain exchanges of the same."

Mr. CULBERSON. I ask if this is another one of the omni-



bus bills? I understand that it relates to reservations in Utah and New York, at least. I ask if any other States are affected?

Mr. SUTHERLAND. Both bills have passed the Senate. One was introduced by the Senator from New York [Mr. DEFEW] and the other by myself. They were simply combined in the other House to save time. They are both bills that have passed the Senate in precisely the terms in which they have passed the House.

Mr. WARREN. I will say to the Senator from Texas that both of them provide for rights of way across military reservations to accommodate the United States and the railroads jointly.

Mr. CULBERSON. But they are two bills on entirely different subjects in two different States.

Mr. WARREN. They are on the same subject, but affect reservations in two different States, as the Senator says.

Mr. CULBERSON. I feel somewhat, as stated by the Senator from Montana [Mr. CARTER] and the Senator from Georgia [Mr. CLAY], that we ought to call a halt on the passage of these general bills in omnibus form, but, under the circumstances, I will not do so in this particular case.

Mr. CLAY. I will ask if these are House bills that have come to the Senate?

Mr. CULBERSON. They are Senate bills.

Mr. CLAY. I thought they were House bills that had passed the House, which had come to the Senate, and had not been referred to any committee. My understanding is that we are simply taking up House bills with a view of passing them without referring them to a committee at all. I object, Mr. President.

Mr. WARREN. That is not the case. They are Senate bills that passed here separately, were joined together in the House, and came back here.

Mr. CLAY. Nevertheless the measure that we are now considering is a House measure. It may be true that separate and distinct bills passed the Senate and went to the House and were joined in one general bill, but when that general bill comes back to the Senate and is placed before the Senate it is a House measure for our consideration and ought to be referred to a committee for its consideration.

The VICE-PRESIDENT. Without objection, the bill will be referred to the Committee on Military Affairs.

#### DISPOSAL OF SOLDIERS' CLOTHING, ETC.

Mr. WARREN. I am instructed by the Committee on Military Affairs, to which was referred the bill (H. R. 19462) to amend section 5438 of the Revised Statutes, to report it favorably without amendment. It is a short bill, and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That section 5438 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 5438. Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, shall be imprisoned at hard labor for not more than five years, or fined not more than \$5,000; and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be punished by imprisonment for not more than two years and by a fine not exceeding \$500."

Mr. CULBERSON. Mr. President, from what committee does the bill come?

The VICE-PRESIDENT. From the Committee on Military Affairs.

Mr. CULBERSON. It is an amendment of what section of the law?

Mr. WARREN. The bill changes the Revised Statutes re-

garding the selling by soldiers of clothing and other supplies. The changes are for two purposes. As the law stands, it is rather severe.

If a soldier sells any part of his clothing, he goes to jail for a year or pays a fine of a thousand dollars. There is no discretion. The consequence is that with smaller matters the jury is liable to find a verdict of not guilty because of the excessive punishment. The proposed measure leaves it to the discretion of the court to fix punishments and fines less than the maximum, the maximum being fixed by law.

Again, it has been decided by a court in one instance lately that clothing, blankets, and so forth, even when marked with the name or brand of the United States, are a part of the allowance of the soldier, and therefore he has a right to sell them. The clothing to soldiers is issued upon the old price schedule, notwithstanding it now often costs the United States 50 or 75 or 100 per cent more than the price at which it is issued. Thus the clothing, and so forth, is more really the property of the United States.

This bill seeks to make—

Mr. CULBERSON. I understand the Senator to say that the court has decided that the clothing belongs to the soldier, and that it is not a crime for him to sell it. Is it the purpose of this bill to make it a crime for the soldier to sell his own goods?

Mr. WARREN. Not exactly as the Senator puts it. A soldier is allowed certain blankets and certain clothing allowances, which must last him a certain time. If he sells it to a junk shop or some other place for illicit purposes, he might not be amenable to the law under the late construction. This simply makes the old law applicable as it was applied up to the late decision of the court, except that it gives a discretion to the court as to the amount of the penalty or the time he shall be imprisoned up to the legal maximum.

Mr. CULBERSON. I think this offense is most too refined, and I am rather inclined to object.

Mr. WARREN. I have no object in pushing this matter. The bill can go to the Calendar.

Mr. CULBERSON. I repeat—

Mr. WARREN. I will say to the Senator that a colleague of his in the House of Representatives from Texas [Mr. SLAYDEN], of the Committee on Military Affairs, was very anxious to have the bill reported to-day and passed. It is a matter of general interest.

Mr. HEYBURN. I desire before the Senator from Wyoming resumes his seat to suggest that the penal code, which we have already passed in this body and which is under consideration elsewhere, covers this question, and it abolishes minimum fines and punishments. So it is always left to the discretion of the court.

Mr. WARREN. Would that apply to these specific cases? The bill the Senator mentions has not yet passed the House.

Mr. HEYBURN. It would apply in these specific cases.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. I object.

The VICE-PRESIDENT. Objection is made. The bill will go to the Calendar.

Mr. WARREN. I ask unanimous consent that a letter with reference to the bill from the Acting Secretary of War may be spread in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,  
Washington, April 1, 1908.

HON. J. A. T. HULL,  
Chairman Committee on Military Affairs,  
House of Representatives, Washington, D. C.

SIR: I have the honor to return herewith House bill No. 19462, entitled "A bill to amend section 5438 of the Revised Statutes." The bill is a reenactment of section 5438, Revised Statutes, which itself embodies the substantial requirements of sections 1 and 3 of the act of March 2, 1863 (12 Stat. L., 696, 698).

The modification above referred to has been suggested with a view to facilitate the prosecution of persons who unlawfully engage in the purchase of soldiers' uniform clothing by removing a doubt as to the ownership of the clothing so purchased. This purpose has been accomplished by the addition, in lines 6 and 7, page 3, of the words "whether furnished to the soldier under a clothing allowance or otherwise."

In recent years the value of the several articles of clothing which are issued to enlisted men has been increased, both in respect to the cost and quality of the material which enters into their manufacture, and a considerable annual loss has resulted to the Quartermaster's Department in the money value of the articles thus illicitly disposed of. The original penalty, which was enacted during the period of the civil war, was unusually severe, and it has been found difficult to secure a conviction in cases in which the fact of an illicit purchase has been reasonably established. For that reason the amended section vests a very considerable discretion in the court in imposing the penalty for a violation of the section.

As modified in committee, I commend the bill to the favorable consideration of Congress.

Very respectfully,

ROBERT SHAW OLIVER,  
Acting Secretary of War.

## CLAIMS OF POSTMASTERS.

Mr. DICK. I ask that we may dispose of the resolution which was pending when the Senate adjourned last night.

There being no objection, the Senate resumed the consideration of the resolution submitted by Mr. TELLER May 26, 1908, directing the Secretary of the Treasury to have stated and audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874.

The VICE-PRESIDENT. The Senator from Ohio [Mr. DICK] offered an amendment in the nature of a substitute to the resolution of the Senator from Colorado [Mr. TELLER]. To that the Senator from Montana [Mr. CARTER] proposed an amendment. The Senator from Ohio accepted the amendment of the Senator from Montana, and the Senator from Colorado accepted the amendment thus modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

## EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 28, 1908, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate May 27, 1908.*

## PROMOTION IN THE ARMY.

## Corps of Engineers.

Second Lieut. Carlos J. Stolbrand, Corps of Engineers, to be first lieutenant from May 8, 1908, vice Peek, promoted.

## POSTMASTERS.

## DELAWARE.

George W. Vantine to be postmaster at New Castle, New Castle County, Del., in place of John G. King. Incumbent's commission expired March 16, 1908.

## NEBRASKA.

Joseph F. Hejtmanek to be postmaster at Dodge, Dodge County, Nebr. Office became Presidential January 1, 1908.

## NORTH CAROLINA.

Evander Mc. Moore to be postmaster at Burgaw, Pender County, N. C., in place of Robert M. Croom, deceased.

## OHIO.

Sherwood Blamer to be postmaster at Johnstown, Licking County, Ohio, in place of Sherwood Blamer. Incumbent's commission expired March 3, 1907.

## WITHDRAWAL.

*Executive nomination withdrawn from the Senate May 27, 1908.*

A. H. Paddison to be postmaster at Burgaw, in the State of North Carolina.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 27, 1908.*

## REGISTER OF THE LAND OFFICE.

George H. Charlton, of Colorado, at Durango, Colo.

## PROMOTION IN THE ARMY.

Second Lieut. Carlos J. Stolbrand, Corps of Engineers, to be first lieutenant from May 8, 1908, vice Peek, promoted.

## POSTMASTERS.

## ARKANSAS.

J. E. Woodson, at Hope, Hempstead County, Ark.

## DELAWARE.

George W. Vantine, at New Castle, Newcastle County, Del.

## MISSISSIPPI.

Sidney M. Jordan, at Louisville, Winston County, Miss.

William D. McClellan, at McHenry, Harrison County, Miss.

## MISSOURI.

George E. Muns, at Montgomery City, Montgomery County, Mo.

## NEBRASKA.

Joseph F. Hejtmanek, at Dodge, Dodge County, Nebr.

## RHODE ISLAND.

Charles L. Abbott, at Phillipsdale, Providence County, R. I.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 27, 1908.

[Continuation of legislative day of Tuesday, May 12, 1908.]

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

## MARK OF RESPECT TO EX-VICE-PRESIDENT CLINTON.

Mr. SHERMAN. Mr. Speaker, I desire to make a request for unanimous consent. I understand the procession has just left the cemetery with the remains of George Clinton, former Vice-President of the United States, and first governor of New York under the constitution of that State. It will in a very few moments pass the Capitol on its way to the depot with his remains, which are to be taken to Kingston for reinterment there. I ask unanimous consent that for the fifteen minutes, say, that the procession is passing the Capitol that the House be in recess.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

## OMNIBUS INDIAN BILL.

Mr. SHERMAN. Mr. Speaker, I call up the conference report on the bill H. R. 21735.

The SPEAKER. The gentleman from New York calls up the conference report on the bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 21735) authorizing the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

The conference report was read as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 32, 38, 39, 40, 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 21, 23, 24, 25, 28, 29, 30, 31, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"That when any Indian who has heretofore received, or who may hereafter receive, an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in section 1 herein contained shall apply to the States of Minnesota and South Dakota."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out, insert the following:

"*Provided, however*, That the Cherokee Nation shall have the right to protest against the payment of any claim to any such person or persons, and upon the protest being filed by or on behalf of the Cherokee Nation the claim of any such person or persons shall be referred to the Court of Claims, and said court is given full jurisdiction to hear and determine the same."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In line 11 of the proposed amendment, after the word "lands," insert "and place the proceeds derived therefrom."

In line 12, after the word "Nation," change the comma to a semicolon and insert the words "*Provided, That*."



In line 13 strike out the word "to" and insert in lieu thereof the word "shall."

In line 15, after the word "Provided," insert the word "further."

In line 19 strike out the words "charged to the Cherokee Nation and."

Change the number of the section from 12 to 13.

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In the first line of the proposed amendment change the number from 13 to 14; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In line 10 of the proposed amendment, after the word "Oklahoma," strike out the balance of the paragraph, ending with the word "respectively;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: At the end of the proposed amendment, after the words "containing ten acres, more or less," add the following:

"That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to 'the Bureau of Catholic Indian Missions,' organized under an act of the assembly of Maryland, entitled 'An act to incorporate the Bureau of Catholic Indian Missions,' approved April 6, 1894, for the lands set apart to the Catholic Church on the White Earth and Red Lake Indian Reservations, in the State of Minnesota, as follows:

"On the White Earth Indian Reservation at or near White Earth: The southwest quarter of the southeast quarter of section twenty-six, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres, more or less; also the northwest quarter of the northwest quarter and lots two, three, and four of section thirty-five, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing one hundred and thirty-one and seventy-five hundredths acres, more or less; also the northeast quarter of the northeast quarter of section thirty-four, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres, more or less; also the southeast quarter of the southeast quarter of section twenty-seven, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres, more or less.

"On the White Earth Indian Reservation, at or near Pembina Settlement: The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section ten, township one hundred and forty-four north, range forty-two west of the fifth principal meridian, containing eighty acres, more or less.

"On the White Earth Indian Reservation, at or near Rice River: Lots one, two, and twelve of section seven, township one hundred and forty-four north, range forty west of the fifth principal meridian, containing ninety-five and ninety hundredths acres, more or less.

"On the Red Lake Indian Reservation, at or near Red Lake: Lots two and three of section twenty, and the west half of the northeast quarter and the east half of the northwest quarter of section twenty-nine, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing two hundred and forty-five and forty hundredths acres, more or less."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 45 of the proposed amendment, after the word "seven," place the words "Thirty-fourth Statutes at Large, pages one thousand and fifteen to one thousand and eighteen," in parentheses.

At the end of the proposed amendment, after the word "lands," add the following:

"That this grant is made upon the condition that payment therefor shall be made within two years from the date of the approval of this act; that as to any land not paid for within that time the grant shall be void, and that said State shall not convey or lease, or agree to convey or lease, any of said land or any interest therein within ten years from the date of such approval. Any such conveyance, lease, or agreement shall cause the land affected thereby to vest in the United States."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33,

and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"Sec. 26. That the Court of Claims is hereby authorized to consider and adjudicate and render judgment as law and equity may require in the matter of the claim of Clarence W. Turner, of Muskogee, Okla., against the Creek Nation, for the destruction of personal property and the value of the loss of the pasture of the said Turner, or his assigns, by the action of any of the responsible Creek authorities, or with their cognizance and acquiescence, either party to said cause in the Court of Claims to have the right of appeal to the Supreme Court of the United States."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Change the number of the section from 28 to 27, and in line 16 of the proposed amendment, after the word "deceased," insert the following:

"Provided, That the evidence of the intervenors shall be immediately submitted: And provided further, That the lands allotted to the said Mississippi Choctaws are hereby declared subject to a lien to the extent of the claims of the said Winton and of the other plaintiffs authorized by Congress to sue the said defendants, subject to the final judgment of the Court of Claims in the said case."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Change the number of the section from 29 to 28; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Change the number of the section from 30 to 29; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Change the number of the section from 31 to 30. At the end of the proposed amendment, after the word "repealed," add the following:

"That the Secretary of the Interior is authorized and directed to turn over to the treasurers of the cities of Lawton, Hobart, and Anadarko the unexpended balance of the proceeds arising from the sale of town lots in said cities heretofore appropriated and set apart for public improvements in such cities by the act of March third, nineteen hundred and one, and the acts of June thirtieth, nineteen hundred and two, and March fourteenth, nineteen hundred and six."

And the Senate agree to the same.

J. S. SHERMAN,  
C. L. KNAPP,  
JOHN H. STEPHENS,  
*Managers on the part of the House.*  
MOSES E. CLAPP,  
CHARLES CURTIS,  
T. H. PAYNTER,  
*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

From amendments Nos. 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 32, 38, 39, 40, and 41 the Senate recedes, leaving the bill in these various particulars in the form in which it passed the House.

The House recedes from amendments Nos. 1, 2, and 3, and from amendment No. 4 with amendments. All these amendments are to section 1 of the House bill. The section relates to the disposal of the interest in inherited lands of Indians, and the amendments which are covered by the conference report extend its exceptions from the territory within the State of Oklahoma, which was formerly Indian Territory, to the entire State of Oklahoma, and also extend exceptions to the States of Minnesota and South Dakota. The amendments further strike from the section the provision that the determination of the Secretary of the Interior as to who are the legal heirs of deceased Indians shall be conclusive, and also strikes from the section the provision that the issuance of a patent by the Secretary direct to a purchaser shall not of itself operate as a cancellation of any prior patent issued therefor.

Section 2 as passed by the House permits certain claimants to prosecute their claims for supplies alleged to have been pur-

chased by the Menominee Indians against said tribe, and amendment No. 5 adds the name of one claimant.

Amendments 6 and 7 are purely phraseological.

Amendment No. 13 relates to section 8 of the House bill; the provision in reference to the Daniel Red Bird suit, and provides that the Cherokee Nation shall have the right to contest in the court the claim of any person for payment under the Red Bird decision.

Amendment No. 18 is a new section to the omnibus bill and provides for the disposal of a quarter section originally allotted to one Julia Lewis, and provides in what manner the proceeds arising from the sale of the lands shall be disposed of. The amendment agreed to in conference is phraseological and did not change the intent of the section.

Amendment No. 19 is a new section inserted by the Senate and provides for a reappraisal of the town of Hartshorne, Okla. This section is identical with a House bill which has been unanimously reported by the Indian Committee of the House.

Amendment No. 21 amends the act opening the Flathead Indian Reservation in the State of Montana. This amendment is identical with Senate bill 3640 as reported by the House Committee on Indian Affairs. The House committee gave very careful consideration to this provision and amended the Senate bill in some particulars, and this amendment 21 presents the matter in precisely the form in which it was reported by the Indian Committee.

Amendment No. 22 authorizes the prosecution of a suit in the Court of Claims on the part of Robert B. Belt and another against certain Choctaw and Chickasaw freedmen for services claimed to have been rendered to said freedmen under a contract made in 1894. As agreed to in conference this section provides for a judgment, if any, for the value of the services rendered without regard to the fee fixed in the contract.

Amendment No. 23 provides for the allotment to any living Sioux tribe children on the Rosebud Reservation who have not heretofore been allotted, provided there are sufficient unallotted lands on said reservation, outside of Tripp County, S. Dak., for the purpose.

Amendment No. 24 authorizes the Secretary of the Interior to investigate the allotment made to a Yankton Indian named Jondron, and if he finds said allotment to have been erroneously made to reallot the lands covered by such allotment to a member or members of the Yankton tribe.

Amendment No. 25 authorizes the Secretary to allot to minors of the Sioux on the Great Sioux Reservation who have not heretofore been allotted, provided there is sufficient unallotted land belonging to the tribe from which these allotments can be made.

Amendment No. 26 authorizes the issuance of patents to religious societies for the lands now occupied by them upon various reservations in Minnesota, provided such lands are now used for religious and educational purposes. To this provision, as it passed the Senate, the conferees have agreed to an amendment which provides further for the issuance of patents to other religious societies not covered by the section as it passed the Senate.

Amendment No. 27 authorizes the Secretary to convey to the State of Minnesota, upon the payment by said State of \$1.25 an acre therefor, certain lands in said State from which the timber has been cut and which is fully described in said amendment.

Amendment No. 28 authorizes the Secretary of the Treasury to transfer the sum of \$19,694.48, the proceeds of the litigation against the Commonwealth Lumber Company, from the fund "Miscellaneous revenues," upon which it was erroneously entered, to the fund "Depredations upon public lands."

Amendment No. 29 authorizes the extension for one year from the approval of this act of the time within which certain religious societies were to pay for the lands ceded to them upon the Siletz Indian Reservation in Oregon.

Amendment No. 30 provides for the sale of all the unsold lands in the Kiowa, Comanche, and Apache Reservation under the terms of the act of June 6, 1900.

Amendment No. 31 provides that so soon as all the allotments have been made to the Navajo Indians upon the lands reserved by Executive order for that purpose so much of such reserve lands as have not been needed for such allotments shall be restored to the public domain.

Amendment No. 33 authorizes the Court of Claims to hear and render judgment upon the claim of one Turner for alleged destruction of personal property of his by the Creek Nation. The conferees changed the wording of the section, but did not alter the meaning or intent thereof.

Amendment No. 34 authorizes William Vernon and others to prosecute in the Court of Claims their claim against the Mississippi Choctaws for services alleged to have been rendered and disbursements made in behalf of said Mississippi Choctaws.

Amendment No. 35 authorizes an allotment to an enrolled member of the Comanche tribe of Indians who, by error, was omitted from allotment when their allotments were made.

Amendment No. 36 authorizes the payment of moneys deposited by persons who were bidders for lands in the Kiowa, Comanche, and Apache Indian Reservation where such bid was made as the result of a clerical error or was due to a mistake on the part of the bidder. This is simply refunding to individuals, who received nothing therefor, the money which they deposited with their bids.

Amendment No. 37 authorizes the expenditure of 20 per cent of the proceeds of the sale of certain lands in Oklahoma for the construction of a public building at the city of Lawton, in Oklahoma, and also authorizes the Secretary of the Interior to transfer to the treasurers of the cities of Lawton, Hobart, and Anadarko the unexpended balance of the proceeds of the sale of town lots which it has not been necessary to use in making certain public improvements, as heretofore directed by Congress.

JAMES S. SHERMAN,  
CHARLES L. KNAPP,  
JOHN H. STEPHENS,

*Managers on the part of the House.*

Mr. SHERMAN. Mr. Speaker, my motion is to suspend the rules and agree to the conference report.

Mr. STEPHENS of Texas. On that I demand a second.

The SPEAKER. The gentleman from Texas demands a second; under the rule a second is ordered. The gentleman from New York [Mr. SHERMAN] is entitled to twenty minutes; and the gentleman from Texas [Mr. STEPHENS] is entitled to twenty minutes.

Mr. SHERMAN. Now, Mr. Speaker, the conference report which is called up covers what is known as the "omnibus Indian bill." As it passed the House it contained twelve sections, each of which, save one, was either a House or a Senate bill which had been unanimously reported by the Committee on Indian Affairs, and no one of which made any charge upon the Treasury. The Senate added twenty-odd sections to the bill. Some of these were originally bills either of the Senate or House which made a charge upon the Treasury. From all provisions which make a charge upon the Treasury the Senate has receded, and as the report is herein presented it makes no charge whatever upon the Treasury of the United States. As I said before, all the bills, save one, which went to make up the original bill, have been favorably reported unanimously by the Committee on Indian Affairs. Of the sections added by the Senate about one-fourth, whether the bills were Senate or House bills, have been favorably reported by the Committee on Indian Affairs as separate propositions. As the bill is now presented it makes no charge whatever upon the Treasury of the United States, and the statement, which has been in the Record for two or three days, I think, makes a comprehensive explanation of the various sections which are contained in the bill.

I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state to the House that there are thirty-two sections in this bill, and it is the omnibus Indian bill and is composed of many independent bills now on the House Calendar. The Committee on Indian Affairs had a great many bills before it, and out of that number possibly half or more carried appropriations in various forms. It was thought best by the political party now in charge of this House that no bills carrying appropriations and relating to Indian affairs should pass; hence the duty devolved upon the committee to ascertain what bills carried no appropriation, and we have presented these thirty-two sections, which are known as the "omnibus Indian bill." Some of these bills provided that parties having different kinds of Indian claims could go to the Court of Claims for adjudication. Some of the bills provide for the disposition of small remnants of tracts of lands in different reservations by removing the restrictions from their sale by the Indians. Other sections of the bill provide that parties who have erected churches, mission schools, and colleges on Indian reservations in different parts of the country may have the right to secure from the Government titles to the land upon which their improvements, churches, schools, and so forth, have been situated.

Some of these schools have been running for many years upon the common land of the Indians. The founders or promoters of these enterprises desire now to have the United States Gov-



ernment recognize their rights to the houses, improvements, and land on which the improvements are located. This is made necessary by reason of the fact that these Indian reservation lands have been allotted among the Indians and the Indians have the right to take certain parts of these reservations, and this school property is common property; hence the schools in the reservations must be segregated and the title given to the individuals who have built up the schools, missions, and churches. All of these bills have received the earnest consideration of the Committee on Indian Affairs, and we have unanimously agreed upon the omnibus bill. The bill has been investigated by the Department of the Interior and has been carefully gone over by that Department, and there is no objection to any of its provisions that I know of. I will now be glad to yield time to any other gentleman on the Committee on Indian Affairs who desires time to discuss the bill.

Mr. SHERMAN. I ask for a vote, then, Mr. Speaker.

Mr. STEPHENS of Texas. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I fear there is not a quorum present.

The SPEAKER. The point is sustained. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. As many as are in favor of agreeing to the conference report will, when their names are called, answer "yea;" as many as are opposed will answer "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 253, nays 4, answered "present" 16, not voting 114, as follows:

## YEAS—253.

Acheson	Dixon	Howland	Parsons
Adair	Douglas	Hubbard, W. Va.	Patterson
Adamson	Draper	Hughes, N. J.	Payne
Aiken	Driscoll	Hull, Tenn.	Pearre
Alexander, Mo.	Durey	Humphrey, Wash.	Pollard
Alexander, N. Y.	Dwight	James, Oille M.	Porter
Anthony	Ellerbe	Johnson, Ky.	Pou
Ashbrook	Ellis, Mo.	Jones, Va.	Pray
Bannon	Ellis, Oreg.	Jones, Wash.	Prince
Barchfeld	Englebright	Kahn	Pujo
Barclay	Esch	Kelfer	Rainey
Bartholdt	Fairchild	Kelher	Randell, Tex.
Bartlett, Nev.	Fassett	Kennedy, Iowa	Reynolds
Bates	Favrot	Kennedy, Ohio	Rhinock
Beale, Pa.	Ferris	Kipp	Richardson
Beall, Tex.	Finley	Knapp	Riordan
Bede	Floyd	Küstermann	Roberts
Bell, Ga.	Focht	Lafean	Robinson
Bonyng	Foss	Landis	Rodenberg
Bowers	Foster, Ill.	Langley	Rothermel
Boyd	Foster, Ind.	Lanning	Rucker
Bradley	Foulkrod	Law	Russell, Mo.
Brantley	Fowler	Leo	Russell, Tex.
Brodhead	French	Lenahan	Sabath
Broussard	Gaines, W. Va.	Lindbergh	Scott
Brumm	Gardner, Mich.	Lindsay	Sherley
Burgess	Garner	Lloyd	Sherman
Burke	Garrett	Longworth	Slayden
Burleigh	Gilham	Loudenslager	Smith, Cal.
Burleson	Gill	Lovering	Smith, Iowa
Burnett	Gillespie	Lowden	Smith, Mich.
Burton, Del.	Gillett	McCall	Smith, Mo.
Burton, Ohio	Godwin	McCreary	Snapp
Butler	Gordon	McDermott	Sparkman
Byrd	Goulden	McGavin	Spight
Caldor	Graham	McGuire	Stanley
Candlerhead	Granger	McKinlay, Cal.	Steenerson
Campbell	Greene	McKinley, Ill.	Stephens, Tex.
Candler	Grogg	McKinney	Sterling
Capron	Hackett	McLachlan, Cal.	Stevens, Minn.
Carlin	Hackney	McLain	Sturgiss
Cary	Hale	McMillan	Sulloway
Caulfield	Hamill	Macon	Taney
Chaney	Hamilton, Iowa	Madison	Taylor, Ohio
Chapman	Hamilton, Mich.	Malby	Thistlewood
Clark, Mo.	Hamlin	Mondell	Thomas, N. C.
Cocks, N. Y.	Hammond	Moon, Tenn.	Tou Velle
Cole	Hardy	Moore, Pa.	Underwood
Cook, Colo.	Haskins	Moore, Tex.	Volstead
Cooper, Pa.	Hawley	Morse	Waldo
Cooper, Tex.	Hay	Murphy	Wanger
Coudrey	Hayes	Needham	Washburn
Cox, Ind.	Heflin	Nelson	Webb
Craig	Helm	Nicholls	Weems
Crawford	Henry, Tex.	Norris	Wheeler
Crumpacker	Hepburn	Nye	Williams
Currier	Higgins	O'Connell	Wilson, Ill.
Cushman	Hill, Conn.	Olcott	Wilson, Pa.
Dalzell	Hinschaw	Olmsted	Wood
Darragh	Hobson	Overstreet	Woodyard
Davidson	Holliday	Padgett	Young
Davis, Minn.	Howell, N. J.	Page	
Dawson	Howell, Utah	Parker, N. J.	
Dickema		Parker, S. Dak.	

## NAYS—4.

Booher	Clayton	Glass	Sulzer
Ansberry	De Armond	Humphreys, Miss.	Mann
Bennet, N. Y.	Flood	Lamb	Sheppard
Boutell	Haggott	Lever	Sims
Cooper, Wis.	Houston	Madden	Talbot

## ANSWERED "PRESENT"—16.

## NOT VOTING—114.

Allen	Fuller	Kitchin, Wm. W.	Ransdell, La.
Ames	Fulton	Knopf	Rauch
Andrus	Gaines, Tenn.	Knowland	Reeder
Bartlett, Ga.	Gardner, Mass.	Lamar, Fla.	Reid
Bennett, Ky.	Gardner, N. J.	Lamar, Mo.	Ryan
Bingham	Goebel	Lassiter	Saunders
Birdsall	Goldfogle	Lawrence	Shackelford
Brownlow	Griggs	Leake	Sherwood
Brundidge	Gronna	Legare	Slemp
Caldwell	Hall	Lewis	Small
Carter	Harding	Lilley	Smith, Tex.
Clark, Fla.	Hardwick	Littlefield	Southwick
Cockran	Harrison	Livingston	Sperry
Conner	Haugen	Lorimer	Stafford
Cook, Pa.	Henry, Conn.	Loud	Taylor, Ala.
Cousins	Hill, Miss.	McHenry	Thomas, Ohio
Cravens	Hitchcock	McLaughlin, Mich.	Tirrell
Davenport	Howard	McMorran	Townsend
Davey, La.	Hubbard, Iowa	Marshall	Vreeland
Dawes	Huff	Maynard	Wallace
Denby	Hughes, W. Va.	Miller	Watkins
Denver	Hull, Iowa	Moon, Pa.	Watson
Dunwell	Jackson	Mouser	Weeks
Edwards, Ga.	James, Addison D.	Mudd	Weiss
Edwards, Ky.	Jenkins	Murdock	Wiley
Fitzgerald	Johnson, S. C.	Perkins	Willett
Fordney	Kimball	Peters	Wolf
Fornes	Kinkaid	Powers	
Foster, Vt.	Kitchin, Claude	Pratt	

## RECESS.

Mr. SHERMAN. Mr. Speaker, I ask that we now take the recess ordered a little time ago, as the procession is just reaching the Capitol.

The SPEAKER. By unanimous consent, the announcement of the pairs will be deferred, and the House will be in recess for fifteen minutes.

Accordingly (at 11 o'clock and 33 minutes a. m.) the House took a recess until 11 o'clock and 48 minutes a. m.

The recess having expired, the House resumed its session.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. BOUTELL with Mr. GRIGGS.  
 Mr. WATSON with Mr. SHEPPARD.  
 Mr. COUSINS with Mr. FLOOD.  
 Mr. DAWES with Mr. TAYLOR of Alabama.  
 Mr. CONNER with Mr. JOHNSON of South Carolina.  
 Mr. JENKINS with Mr. LAMB.  
 Mr. ANDRUS with Mr. DAVENPORT.  
 Mr. DENBY with Mr. DAVEY of Louisiana.  
 Mr. HUGHES of West Virginia with Mr. CALDWELL.  
 Mr. EDWARDS of Kentucky with Mr. DE ARMOND.  
 Mr. FORDNEY with Mr. DENVER.  
 Mr. BENNET of New York with Mr. FORNES.  
 Mr. GARDNER of Massachusetts with Mr. EDWARDS of Georgia.  
 Mr. GARDNER of New Jersey with Mr. FULTON.  
 Mr. LITTLEFIELD with Mr. FITZGERALD.  
 Mr. GOEBEL with Mr. GAINES of Tennessee.  
 Mr. LOUD with Mr. GOLDFOGLE.  
 Mr. HALL with Mr. HARRISON.  
 Mr. HAUGEN with Mr. HILL of Mississippi.  
 Mr. HENRY of Connecticut with Mr. HITCHCOCK.  
 Mr. HUBBARD of Iowa with Mr. HOUSTON.  
 Mr. HULL of Iowa with Mr. HOWARD.  
 Mr. ADDISON D. JAMES with Mr. KIMBALL.  
 Mr. KINKAID with Mr. WILLIAM W. KITCHIN.  
 Mr. KNOWLAND with Mr. LASSITER.  
 Mr. LAWRENCE with Mr. LEAKE.  
 Mr. McLAUGHLIN of Michigan with Mr. LEGARE.  
 Mr. McMORRAN with Mr. LEWIS.  
 Mr. MARSHALL with Mr. McHENRY.  
 Mr. MILLER with Mr. MAYNARD.  
 Mr. MOON of Pennsylvania with Mr. RANDELL of Louisiana.  
 Mr. MURDOCK with Mr. RAUCH.  
 Mr. PERKINS with Mr. REID.  
 Mr. BENNETT of Kentucky with Mr. CLAUDE KITCHIN.  
 Mr. REEDER with Mr. RYAN.  
 Mr. SLEMP with Mr. SAUNDERS.  
 Mr. SOUTHWICK with Mr. SMALL.  
 Mr. VREELAND with Mr. SMITH of Texas.  
 Mr. WEEKS with Mr. WALLACE.  
 Mr. GRONNA with Mr. WATKINS.  
 Mr. COOK of Pennsylvania with Mr. WILEY.  
 Mr. FOSTER of Vermont with Mr. WILLETT.  
 Mr. JACKSON with Mr. WOLF.  
 Mr. HUFF with Mr. CRAVENS.  
 Mr. LORIMER with Mr. HUMPHREYS of Mississippi.  
 Mr. AMES with Mr. BARTLETT of Georgia.  
 Mr. LANDIS with Mr. DIXON.  
 Mr. MOUSER with Mr. SHERWOOD.  
 Mr. BROWNLOW with Mr. BRUNDIDGE.  
 Mr. TOWNSEND with Mr. SHACKLEFORD.

Mr. MANN with Mr. SIMS.  
 Mr. MADDEN with Mr. HARDWICK.  
 Mr. BINGHAM with Mr. LIVINGSTON.  
 Mr. POWERS with Mr. PRATT.  
 Mr. HARDING with Mr. PETERS.  
 Mr. BIRDSALL with Mr. LAMAR of Missouri.  
 Mr. DUNWELL with Mr. LAMAR of Florida.  
 Mr. FULLER with Mr. ANSBERRY.  
 Mr. KNAPP with Mr. WEISSE.  
 Mr. ALLEN with Mr. LEVER.  
 Mr. MUDD with Mr. TALBOTT.

The SPEAKER. On this vote the yeas are 253, the nays are 4, answering "present" 16—a quorum present. The conference report is agreed to. The Doorkeeper will open the doors.

#### RAILROADS IN ALASKA.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent that the House agree to the following resolution which I send to the desk and ask to have read.

The Clerk read as follows:

#### House resolution 408.

*Resolved*, That the Secretary of the Interior be, and he is hereby, requested, if not incompatible with the public interest, to inform the House how many preliminary surveys and definite locations of railroads have been made in Alaska under the act of May 14, 1898, since the date of the approval of said act; by what individuals or corporations such preliminary surveys and definite locations have been filed, and the dates of filing; in the case of corporations, the State or Territory under the laws of which they are organized; the names of officers, directors, and stockholders in such corporations, so far as they are known or can be learned; the routes along which such individuals or corporations propose to build railroads, indicating such routes by outline maps when possible; the progress made by such individuals and corporations in actual construction and operation, and the amount or amounts so far expended in surveys, preliminary work, and actual construction and operation, including wharves and docks; whether or not the officers, directors, or stockholders of such corporations appear, from the records of the Department, to be patentees or locators of mineral or coal lands in Alaska, and if so, to what extent.

The SPEAKER. Is there objection?

Mr. HEFLIN. Mr. Speaker, I object.

Mr. CLARK of Missouri. Mr. Speaker, do I understand that objection is made?

The SPEAKER. The gentleman from Alabama objects.

Mr. HAMILTON of Michigan. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. HEFLIN. I will withhold the objection for a moment.

Mr. HAMILTON of Michigan. Possibly some explanation of the resolution may induce the gentleman to withdraw his objection. Mr. Speaker, it simply asks the Secretary of the Interior to give the House information in relation to the progress of the construction of railroads in Alaska. There is nothing more important to Alaska than the construction of railroads. Some time ago the President advised governmental aid in the construction of railroads in Alaska. "So far, however, the Committee on Territories, after hearings covering something like six years, have not been willing to agree to governmental aid, and this resolution proposes that the House shall be informed as to what railroads have been projected and constructed, who the stockholders are, and what the various interests are there. That is all there is to it—so that the House may be informed.

Mr. HEFLIN. Mr. Speaker, I object, but I shall withdraw my objection if the gentleman on that side will permit me to take up that agricultural bill and pass it.

The SPEAKER. Is there objection?

Mr. HEFLIN. I object.

The SPEAKER. The Chair recognizes the gentleman from Michigan.

Mr. HAMILTON of Michigan. Mr. Speaker, I move to suspend the rules and pass the resolution.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second, to see if we can not patch up a truce. [Laughter.]

The SPEAKER. Under the rule, a second is ordered. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. CLARK of Missouri. Mr. Speaker, I would like to have the attention of the gentleman from New York [Mr. PAYNE] for a minute. The gentleman from Michigan [Mr. HAMILTON] has a little resolution here that he wants to go through. Now, the gentleman from Alabama [Mr. HEFLIN] objects to unanimous consent because the gentleman from New York [Mr. PAYNE] objected to a very small thing here yesterday which the gentleman from Alabama wanted. If the gentleman from New York will withdraw his objection, the gentleman from Alabama will withdraw his objection, and both things will go through.

Mr. PAYNE. But I have not made any objection at all.

Mr. CLARK of Missouri. But the gentleman did on yesterday.

Mr. PAYNE. I object to any bargains of that kind.

Mr. CLARK of Missouri. Very well, let it go on then.

The SPEAKER. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. HAMILTON of Michigan. Mr. Speaker, I reserve my time.

Mr. CLARK of Missouri. Mr. Speaker, I have no objection to this resolution passing. Whenever a Republican wants any information on any legitimate subject under the heavens I am in favor of giving it to him. [Laughter on the Democratic side.]

Mr. HAMILTON of Michigan. But this is for Democrats also.

Mr. CLARK of Missouri. No; we already have it, and you need it yourselves. Therefore I do not want to consume any time.

Mr. HEFLIN. Mr. Speaker, I will ask the gentleman to give me five minutes.

Mr. CLARK of Missouri. I will give the gentleman five minutes, Mr. Speaker.

Mr. HEFLIN. Mr. Speaker, I want again to call the attention of this House and of the country to a bill that is unanimously reported by the Committee on Agriculture, which seeks to safeguard the matter of agricultural statistics—

Mr. HAMILTON of Michigan. Mr. Speaker, I shall be obliged to request that the gentleman confine himself to the resolution under consideration.

The SPEAKER. The gentleman from Alabama will proceed in order.

Mr. HEFLIN. Mr. Speaker, what I was about to say was that the bill is unanimously reported, and that it is now on the Calendar. I can not get any action on it because the Republican side objects to its consideration.

Mr. Speaker, it is simply an outrage that this Republican House will not allow this bill to become a law. [Applause on the Democratic side.] Here is an opportunity to show the farmers of the country that you believe in securing the truth regarding crop reports and in protecting those reports from those who gamble in food products and staple commodities. Now, the gambling exchanges can go to an employee of the Government and if they can find one willing to sell the statistical information desired they are at liberty to do it, and there is no law to punish anyone for the offense. Why are you not willing to pass the legislation that will forever prevent the repetition of the Holmes scandal? Why are you not willing to grant to the producers of America the protection that they ask for in my bill? They simply request you to make it a penalty for a Government officer to issue false statistics or to otherwise dispose of statistics other than the way the law now prescribes in the way of publication at stated times. [Applause on the Democratic side.]

Mr. Speaker, it will be remembered that a few years ago a man by the name of Holmes, in the Crop Statistical Department, sold statistical information to one Theodore Price, a cotton gambler of New York. Holmes was tried in the court here and acquitted, because there was no law covering his offense. We are still without a law on the subject, and I want to ask you if it is your fixed purpose to leave these crop statistics always at the mercy of the speculators? [Applause on Democratic side.]

Mr. Speaker, my bill is in the interest of honest service. It is for the express purpose of securing honest service and to punish any officer of the Government who, like Holmes, dares to sell crop statistics to the enemies of crop producers. I want to serve notice on you Republicans, now, that you are going to be called on to explain your unjust attitude toward this measure. You must tell the farmer why you refuse to place safeguards around agricultural statistics. You must tell him why you wanted it left as it was when Holmes not only sold statistical information to Price in New York, but when he changed the report about to be published and made it conform to the suggestions of Price—made the report speak a lie. For this piece of rascality Price paid \$40,000. Not only that, Mr. Speaker, there is now a man in Europe who was made rich by the speculation that followed the false report that Price paid Holmes to make. His name is Hyde.

Mr. Speaker, it is true that the objection to the passage of my bill was made by the gentleman from New York, the Republican floor leader [Mr. PAYNE]. But, sir, I was pained to see that not a single Member on that side would rise in his place and ask him to withdraw his objection and allow the bill to pass. There are some clever Republicans here, but, sir, you have lost your courage in miserable submission to your floor leader's will. When the gentleman from New York [Mr. PAYNE] takes a position, you dare not oppose him. No deliberative body on earth was ever afflicted with such an utter dis-



regard of the people's will as that side of the House displays here day after day. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman is not speaking to the resolution.

The SPEAKER. The gentleman from Alabama will suspend. The point of order is made that the gentleman is not addressing his remarks to the matter pending before the House, and the Chair sustains the point of order.

Mr. HEFLIN. Mr. Speaker, since the Chair sustains the point of order of the gentleman from New York, I think the country will understand the Republican party's attitude on this question. [Applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. I do not need over three minutes, Mr. Speaker. I want to say that whenever a Republican House finds it necessary or advisable, in its opinion, to inquire into the workings of a Republican Department, that there will be no objection upon the part of the Democratic minority—

Mr. DALZELL. I make the point of order that the gentleman is out of order.

Mr. WILLIAMS. Why, I am not out of order.

The SPEAKER. The Chair is not prepared to sustain the point of order on this.

Mr. WILLIAMS. Mr. Speaker, I am not out of order. A motion of that description to obtain for the benefit of the Members of the House of Representatives a knowledge of the modus operandi of Republican executive departments—

Mr. HAMILTON of Michigan. Will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. WILLIAMS. I do.

Mr. HAMILTON of Michigan. My friend from Mississippi is quite in error as to the scope of the resolution. It is not intended to investigate the Department of the Interior. It is intended to enable the Secretary of the Interior to report to the House as to railroads in Alaska. That is quite another thing.

Mr. WILLIAMS. I understand.

Mr. HAMILTON of Michigan. And does not bear the gentleman's construction.

Mr. WILLIAMS. I understand, Mr. Speaker; but by reporting the operations of railroads in Alaska the country and the House will get some knowledge of the manner in which the Department has hitherto been permitting railroads to be constructed and conducted in Alaska, and we will be glad to have that information.

The question was taken, and the resolution was agreed to.

#### STATUE TO JOHN WITHERSPOON.

Mr. McKINLEY of Illinois. Mr. Speaker, I move to suspend the rules and put Senate joint resolution No. 6 upon its passage.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass the following Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 6) directing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of John Witherspoon.

Resolved, etc., That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, and the chairman of the Witherspoon Memorial Association are hereby created a commission to select and prepare a site on property belonging to the United States in the city of Washington, other than the grounds of the Capitol or Library of Congress, and erect thereon a suitable pedestal for a statue in bronze of John Witherspoon, a signer of the Declaration of Independence, to be provided by the Witherspoon Memorial Association.

SEC. 2. That for the preparation of the site so selected and the erection of the pedestal the sum of \$4,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the design for said statue shall be approved by the commission herein created.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. McKINLEY of Illinois. Mr. Speaker, this is a resolution passed by the Senate providing for a site for a monument in honor of John Witherspoon. A fund of \$20,000 for the monument has been raised by subscription. The joint resolution simply provides for a site on Connecticut avenue in front of the Church of the Covenant and for \$4,000 to prepare a foundation. I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I demanded a second upon this bill in order that I might make a few remarks in favor of

its passage. Among the cohorts of stalwart men who furnished the material out of which the signers of the Declaration of Independence, the framers of the Constitution, and the heroes of the war of the Revolution were composed, there was not one of them who stood any higher in intelligence, in genuine manhood, in political integrity than John Witherspoon. He not only did much for America himself, but as a preacher of the Presbyterian Church, as a teacher in one of the great American institutions of learning—one of the greatest at that day—he taught much to others; many of our wisest men sat at his feet as Paul sat at the feet of Gamaliel, and learned lessons of political wisdom, lessons of liberty, and lessons of local self-government. I am more than glad to see this resolution, to appropriate for a pedestal, that his friends may erect a monument to him, pass. I am especially glad to see it pass by a House with a majority of Republicans, whose policies John Witherspoon, if alive, would be far from capable of understanding as American policies.

It is a good thing to see the party of Federal usurpations passing a bill to erect a monument to John Witherspoon, and I hope that to-day there will be upon the roll call an unanimous "aye" vote in favor of this well-deserved memorial to the honor of this great patriot.

Then I have, in addition to the public reasons I have given, another reason for voting for the bill. It was brought to the attention of my wife, who is one of the relatives of John Witherspoon. I received domestic instructions that the monument for John Witherspoon should pass the House of Representatives. I promised not only to support it, but by an "aye" vote on a roll call. [Laughter.]

With those few remarks, unless somebody else wants time in favor of the resolution, I will reserve the balance of my time.

Mr. McKINLEY of Illinois. Mr. Speaker, I yield three minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, it is unnecessary to add a single word to the tributes which have already been paid by the gentleman from Illinois [Mr. McKINLEY] and the gentleman from Mississippi [Mr. WILLIAMS] to John Witherspoon.

As I am a member of the House Committee on the Library, which reported this joint resolution, and voted for it in committee, I wish to say here that I am heartily in favor of its passage. John Witherspoon has many descendants, not only in New Jersey, but in North Carolina and South Carolina, and it is eminently fitting that this monument should be erected, not only to one who was a signer of the Declaration of American Independence, but to a man who occupied such a prominent place in the country's history.

Educator, president of the College of New Jersey at Princeton, author, Presbyterian minister, and statesman, he gained great fame by his eminent talents and masterful activity. No man was more resolute in the cause of liberty. He was not only a member of the New Jersey convention which met to frame a constitution, but a Member of the Continental Congress, "in which he was prompt to sign the Declaration of Independence, displaying but little patience with delays and half measures." He insisted, it is said, "that the colonies were not only ripe for independence, but that he would rather be hanged than desert his country's cause. I hope the resolution will pass unanimously. [Applause.]

Mr. McCALL. Mr. Speaker, the Committee on the Library were very glad to report a bill for a site and pedestal for a memorial to a man whose fame retains sufficient vitality a hundred years after his death to lead to public subscriptions for the erection of a statue. This does not require any expenditure by the Government except simply that necessary to furnish the pedestal.

We were glad for another reason to report this bill. The city of Washington to-day, on account of the numerous statues of men on horseback, looks like a cavalry encampment. If this bill passes, there will be a statue of a man who was a minister of the gospel, the only minister, I believe, who signed the Declaration of Independence. John Witherspoon was an eminent president of Princeton College, a Member of the Continental Congress throughout the entire period of the Revolutionary war, and he rendered his country great and notable service. He was a man of peace, as my friend from Missouri [Mr. BARTHOLOMEW] says, and we should be gratified, indeed, to have appear upon one of the squares of the capital the statue of such a figure. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 246, answered "present" 10, not voting 131, as follows:

## YEAS—246.

Acheson	Diekema	Hepburn	O'Connell
Adair	Dixon	Higgins	Olmsted
Adamson	Douglas	Hinshaw	Padgett
Aiken	Draper	Hitchcock	Page
Alexander, Mo.	Driscoll	Hobson	Parsons
Alexander, N. Y.	Durey	Holliday	Patterson
Ansberry	Dwight	Houston	Payne
Anthony	Edwards, Ky.	Howard	Pearre
Ashbrook	Ellerbe	Howell, N. J.	Pollard
Barchfeld	Ellis, Mo.	Howell, Utah	Porter
Barclay	Ellis, Oreg.	Howland	Pou
Bartholdt	Englebright	Hubbard, W. Va.	Pray
Bartlett, Nev.	Esch	Hull, Tenn.	Prince
Bates	Fairchild	Humphrey, Wash.	Pujo
Beall, Tex.	Fassett	James, Ollie M.	Rauch
Bede	Favrot	Johnson, Ky.	Reeder
Bell, Ga.	Ferris	Jones, Va.	Reynolds
Bouyngue	Finley	Jones, Wash.	Rhinock
Booher	Fitzgerald	Keifer	Richardson
Boutell	Floyd	Keliber	Riordan
Bowers	Focht	Kennedy, Iowa	Roberts
Boyd	Foss	Kennedy, Ohio	Robinson
Bradley	Foster, Ill.	Kimball	Rodenberg
Brodhead	Foster, Ind.	Kipp	Rothermel
Broussard	Foulkrod	Knapp	Rucker
Burke	Fowler	Küstermann	Russell, Mo.
Burnett	French	Lafean	Russell, Tex.
Burton, Del.	Fulton	Lamb	Sabath
Burton, Ohio	Gaines, W. Va.	Langley	Saunders
Butler	Gardner, Mich.	Langing	Sherley
Byrd	Gardner, N. J.	Law	Sherman
Calderhead	Garner	Lee	Slayden
Campbell	Garrett	Lenahan	Smith, Cal.
Candler	Gilhams	Lindsay	Smith, Iowa
Capron	Gill	Lloyd	Smith, Mich.
Cary	Gillespie	Longworth	Smith, Mo.
Caulfield	Glass	Loudenslager	Snapp
Chaney	Godwin	Lovering	Splight
Chapman	Gordon	Lowden	Stanley
Clark, Mo.	Goulden	McCreary	Steenerson
Clayton	Graff	McDermott	Stephens, Tex.
Cockran	Granger	McGavin	Sterling
Cocks, N. Y.	Greene	McHenry	Sulzer
Colé	Hackett	McKinlay, Cal.	Taylor, Ohio
Cooper, Pa.	Hackney	McKinley, Ill.	Thistlewood
Cooper, Tex.	Haggott	McKinney	Thomas, N. C.
Cooper, Wis.	Hale	McLachlan, Cal.	Tirrell
Coudrey	Hall	McLain	Tou Velle
Cox, Ind.	Hamilton, Iowa	McMillan	Underwood
Craig	Hamilton, Mich.	Macon	Volstead
Crawford	Hamlin	Malby	Waldo
Crumpacker	Hammond	Miller	Wanger
Currier	Hardy	Moon, Tenn.	Washburn
Cushman	Haskins	Moore, Pa.	Watkins
Dalzell	Haugen	Moore, Tex.	Webb
Darragh	Hawley	Morse	Wheeler
Davenport	Hay	Murdock	Williams
Davidson	Hayes	Needham	Wilson, Pa.
Davis, Minn.	Heflin	Nelson	Wood
Dawson	Helm	Nichols	Young
De Armond	Henry, Conn.	Norris	
Denby	Henry, Tex.	Nye	

## ANSWERED "PRESENT"—10.

Bennet, N. Y.	Humphreys, Miss.	Rainey	Talbott
Brundidge	Lever	Sheppard	
Flood	Madden	Small	

## NOT VOTING—131.

Allen	Fuller	Landis	Randell, Tex.
Ames	Gaines, Tenn.	Lassiter	Ransdell, La.
Andrus	Gardner, Mass.	Lawrence	Reld
Bannon	Gillett	Leake	Ryan
Bartlett, Ga.	Goebel	Legare	Scott
Beale, Pa.	Goldfogle	Lewis	Shackleford
Bennett, Ky.	Graham	Lilley	Sherwood
Bingham	Gregg	Lindbergh	Sims
Birdsall	Griggs	Littlefield	Slemp
Brantley	Gronna	Livingston	Smith, Tex.
Brownlow	Hamill	Lorimer	Southwick
Brumm	Harding	Loud	Sparkman
Burgess	Hardwick	McCall	Sperry
Burleigh	Harrison	McGulre	Stafford
Burleson	Hill, Conn.	McLaughlin, Mich.	Stevens, Minn.
Calder	Hill, Miss.	McMorran	Sturgiss
Caldwell	Hubbard, Iowa	Madison	Sulloway
Carlin	Huff	Mann	Taney
Carter	Hughes, N. J.	Marshall	Taylor, Ala.
Clark, Fla.	Hughes, W. Va.	Maynard	Thomas, Ohio
Conner	Hull, Iowa	Mondell	Townsend
Cook, Colo.	Jackson	Moon, Pa.	Vreeland
Cook, Pa.	James, Addison D.	Mouser	Wallace
Cousins	Jenkins	Mudd	Watson
Cravens	Johnson, S. C.	Murphy	Weeks
Davey, La.	Kahn	Olcott	Weems
Dawes	Kinkaid	Overstreet	Weisse
Denver	Kitchin, Claude	Parker, N. J.	Wiley
Dunwell	Kitchin, Wm. W.	Parker, S. Dak.	Willett
Edwards, Ga.	Knopf	Perkins	Wilson, Ill.
Fordney	Knowland	Peters	Wolf
Fornes	Lamar, Fla.	Powers	Woodyard
Foster, Vt.	Lamar, Mo.	Pratt	

So the rules were suspended, and the joint resolution was passed.

The following additional pairs were announced:

Until further notice:

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. WILSON of Illinois with Mr. SPARKMAN.

Mr. SULLOWAY with Mr. RANDELL of Texas.  
 Mr. SPERRY with Mr. HARRISON.  
 Mr. HILL of Connecticut with Mr. MURPHY.  
 Mr. WOODYARD with Mr. HUGHES of New Jersey.  
 Mr. TAWNEY with Mr. HAMILL.  
 Mr. SCOTT with Mr. GREGG.  
 Mr. OVERSTREET with Mr. CLARK of Florida.  
 Mr. OLCOTT with Mr. CARTER.  
 Mr. McCALL with Mr. CARLIN.  
 Mr. KAHN with Mr. BURLESON.  
 Mr. GILLET with Mr. BURGESS.  
 Mr. FULLER with Mr. DENVER.

The result of the vote was then announced as above recorded.

## INCREASING AIR SPACE ON IMMIGRANT SHIPS.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the bill S. 5083, with the committee amendments indicated in the bill.

The bill as amended was read, as follows:

A bill (S. 5083) to amend section 1 of the passenger act of 1882.

Be it enacted, etc., That section 1 of the passenger act of 1882 be, and is hereby, amended so as to read:

"It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this act shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined \$50 for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

"In computing the number of passengers carried or brought in any vessel, children under 1 year of age shall not be included, and two children between 1 and 8 years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

"Second. The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least 36 clear superficial feet to each passenger.

"Third. The expression 'lowest passenger deck' means the deck next below the water line; and the expression 'passenger deck' includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

"Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

"Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than 6 feet.

"Sixth. No steerage passenger shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

"Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every 21 clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than 7 feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of 3 square feet to every 100 superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every 30 clear superficial feet thereof.

"Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of 1 steerage passenger to every 18 clear superficial feet of deck allotted to their use. If, however, the height between any passenger deck and the deck immediately above it be less than 7 feet, no greater number of steerage passengers may be carried on that deck than in the proportion of 1 steerage passenger to every 21 clear superficial feet thereof.

"Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of 1 steerage passenger to every 5 superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

"Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bathrooms shall be provided for the exclusive use of steerage passengers, and the space so occupied shall also be included: *Provided*, That—

"(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than 18 superficial feet in the case of the lowest passenger deck and 15 superficial feet in the case of a passenger deck.

"(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

"Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such apartments."

SEC. 2. That section 42 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," is hereby repealed.

SEC. 3. That this act shall take effect on January 1, 1909.



The SPEAKER pro tempore (Mr. CARRON). The question is on suspending the rules. Is a second demanded?

Mr. BURNETT. I demand a second.

The SPEAKER pro tempore. Under the rule, a second is ordered. The gentleman from New York [Mr. BENNET] is entitled to twenty minutes, and the gentleman from Alabama [Mr. BURNETT] is entitled to twenty minutes.

Mr. BENNET of New York. Mr. Speaker, this is a bill to increase the air space on all vessels that carry immigrants.

Mr. SULZER. Did the gentleman say increase or decrease?

Mr. BENNET of New York. Increase, double.

Mr. SULZER. I wanted to get that distinctly.

Mr. BENNET of New York. All right. Now I will take a new start. When we had the immigration bill up in the last Congress neither the House nor the Senate had acted on the amount of air space that each immigrant might have; but as we have stricken out the entire Senate bill, we had the right to legislate on that subject. Our then colleague from New York, Hon. Jacob Ruppert, jr., suggested that the immigrants were not given enough room on the steamers, and his views were afterwards reinforced by another distinguished citizen from our State, the President of the United States. Subsequently, on the motion of Senator LODGE, one of the conferees, and by a unanimous vote of the conferees, we adopted a provision which we thought would increase the amount of air space for each immigrant about 25 per cent. We amended a statute which had been passed in 1882 and which was a good statute at that time, as ships then were.

After we had adopted that standard other foreign governments, realizing that we could regulate the matter, took action. The Italian Government took the matter up; the German Government took the matter up; the English Government took the matter up, and the English Government adopted a rule that went further than ours. Our statute permitted the carrying of immigrants on two decks below the main deck. The British struck out the words "main deck" and all descriptions, because it is no longer applicable to ships of ten decks, and based everything on lowest decks. They provided that no passenger could be carried on a deck below the lowest deck, as described in this rule. It also provided for 5-foot space for each immigrant on the promenade deck. Subsequently the Senate had a bill drafted by the Commissioner of Navigation, conforming the English rule to our American statute, and the bill passed the Senate unanimously. When it came to the House committee we made these changes: We increased the amount of air space by an amendment from 15 feet on any deck to 18 feet and from 18 feet on the lowest deck to 21 feet. We also made verbal changes, and provided this:

Commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bathrooms shall be provided for the exclusive use of steerage passengers, and the space so occupied shall also be included.

That is included in the 18 feet or 21 feet, as the case may be. As the bill is reported from the House committee, and as it comes before us to-day, it increases the amount of space—assuming 8 feet between decks—as the amendment is intended to, from 100 cubic feet in the present law, with an 8-foot deck, to 184 feet on every deck except the lowest, and 208 feet on the lowest deck.

Mr. CRUMPACKER. Will the gentleman allow a question or two?

Mr. BENNET of New York. Certainly.

Mr. CRUMPACKER. This bill, if it becomes law, can only apply to American vessels, I should suppose. Or do you make it applicable to all?

Mr. BENNET of New York. We make it applicable to all:

It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country, or dominion, to bring such vessel and passengers to, or take from, any port or place in the United States unless the compartments, etc.

Mr. CRUMPACKER. I have comparatively little information concerning the details of the subject of navigation. It has been the custom, has it, of the United States to enact laws covering foreign vessels?

Mr. BENNET of New York. Ever since 1819.

Mr. CRUMPACKER. What effect will this have on the subject of ocean fare?

Mr. BENNET of New York. None directly, and it would depend upon the future immigration.

Mr. CRUMPACKER. Well, I have no doubt that these reforms in the method of carrying passengers upon the ocean, particularly steerage, are necessary.

Mr. BENNET of New York. Yes; I will say to the gentleman from Indiana that this bill compels all steamships to practically conform to the practice in the best ships.

I reserve the balance of my time.

Mr. BURNETT. May I ask the gentleman a question right there?

Mr. BENNET of New York. In my time or his?

Mr. BURNETT. Before the gentleman sits down.

Mr. BENNET of New York. Yes.

Mr. BURNETT. Is it not a fact that the Senate bill reduces the total amount of air space to each immigrant one-half compared to the amount provided by section 42?

Mr. BENNET of New York. No; I do not think so.

Mr. BURNETT. Was it not stated by Mr. Chamberlain, the Commissioner of Navigation, that it reduces it one-half?

Mr. BENNET of New York. No; it was stated in effect that the Senate bill was half-way between our immigration bill of 1907 and the law of 1892, but I think that Mr. Chamberlain made a mistake in the construction of the law.

Mr. BURNETT. I ask the gentleman if he is not also in favor of the Senate bill as it came from the Senate to the House?

Mr. BENNET of New York. As between the two bills, I am in favor of the House bill. As between the bill as it came from the Senate and section 42, with my interpretation of the law, I am in favor of the Senate bill, because it gives more space. It gives uniformity. It abolishes what I have seen in the harbor of Philadelphia, where immigrants westbound were being carried on a deck which eastbound had been used for the transportation of cattle.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes.

Mr. BARTHOLDT. In his judgment, will the provisions of this bill have the effect of necessitating the reconstruction of all those great steamers that are plying between Europe and the United States?

Mr. BENNET of New York. It will not. It will simply prevent overcrowding.

Mr. BARTHOLDT. It is provided here, though, that there shall be provided for the steerage passengers, whose fare, I believe, is between \$20 and \$30—

Mr. BENNET of New York. Between \$30 and \$40.

Mr. BARTHOLDT. Commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bathrooms. How is it possible to carry out this provision without the reconstruction of all the steamers?

Mr. BENNET of New York. The best German and English ships have those now.

Mr. BARTHOLDT. I know they have not.

Mr. SHERLEY. What was the reason for including as part of the air space that part which is given up to the smoking room, dining room, lavatory, and so forth?

Mr. BENNET of New York. Because there was an extra 3 feet for each passenger. I will say that the basic reason of inserting it was to encourage compliance with and not evasion of the law.

Mr. SHERLEY. How much space would be left to the individual immigrant if you exclude this under the terms of your bill?

Mr. BENNET of New York. He would have no more space than he has now.

Mr. SHERLEY. He has not enough now, as I understand.

Mr. BENNET of New York. Which of the three bills is the gentleman talking of?

Mr. SHERLEY. I am speaking of your bill now. What I am trying to get at now is, if you exclude the air space that is embraced in the dining room, smoking room, lavatories, and so forth, how much of your air space will be left for each immigrant?

Mr. BENNET of New York. Eighteen superficial feet on every deck except the lower, and 21 on the lower.

Mr. SHERLEY. As I understand, that is the minimum now.

Mr. BENNET of New York. But they would not utilize it. For the sleeping apartments we provide in the bill a minimum of 15 feet on every deck except the lower, and 18 feet on the lower. Consequently there are 3 extra feet, which we encourage the better class of steamers to utilize for these lavatories, if they can use them, instead of trying to evade the law.

I reserve the remainder of my time.

Mr. BURNETT. Mr. Speaker, at the last session of Congress we passed an immigration bill which included what was known as "section 42," the air-space section. That was reported by the committee of conference and was passed. It was passed mainly, I understand, on the suggestion of the Commissioner of Navigation. It was done for the purpose of increasing the air space and relieving the crowded condition of the steamships. The taking effect of that law was postponed until January, 1909. Just as soon as our bill passed, and long before it went into effect, the steamship companies went to the British Board of Trade—not

to Parliament, but to a board that was endowed by Parliament with a sort of legislative function—and that board passed what they called the "board of trade law," which really was what the steamship companies had at that time; that is, they had constructed and arranged their ships before the board of trade act was adopted, so as to meet the requirements of that act when it was passed. As soon as we adopted section 42 these steamships set about to circumvent it.

Under the specious pretext of having uniformity in our law and theirs, the steamship companies and their agents appeared before the Immigration Commission and asked for the passage of the bill introduced into and passed by the Senate, and I have heard of nobody else that has come before Congress and before the Commission asking for it, except the steamship companies. The Commissioner of Navigation also made some statements in favor of it. He says, in conflict with the views of the gentleman from New York [Mr. BENNET], that the Senate bill decreases the air space provided by section 42, which will go into effect next January, by about 50 per cent. It passed the Senate in that form. It came before the Committee on Immigration and was amended, and we who file this minority report, Mr. Speaker, concede that, possibly, if the bill were to go through and become a law as amended by our committee, it would be as good a bill, but very little, if any, better than section 42 as it now exists. The trouble is the law has never been tried. We do not believe that the law as amended by the House committee will ever become a law if it is passed here and goes into conference, but that the steamship companies will finally get what they want.

I have here the opinion of Mr. Watchorn, who ought to know more about the operation of this law and of the effect it will have than almost anybody else, because he is our commissioner of immigration in New York, and in regard to the overcrowded conditions of the steamships that now exist, and speaking in regard to section 42, which does not go into effect until next January, he says this:

It is a matter of regret that that portion of the act of February 20, 1907, relating to improved conditions on passenger ships was not made operative earlier than 1909. During the year just closed 1,508 children have been received at this station afflicted with measles, diphtheria, and scarlet fever, all of which diseases are due, more or less, to overcrowding and insanitary conditions. Of this number 205 died. Hospital treatment of these cases cost the steamship lines over \$104,000, and the cost of detention of relatives while waiting for return from hospital of persons afflicted with the diseases in question has cost fully \$30,000 more, and has placed a strain upon the dormitories and detention rooms at Ellis Island second only to the stress that is placed upon the steerage itself. This indicates a state of affairs which surely ought to be remedied before 1909, and I respectfully urge that such steps as may be deemed necessary to hasten the going into effect of this humane provision of law may be given the fullest consideration of the Bureau.

Mr. GOULDEN. Mr. Speaker, if the gentleman will permit, I want to say that I am personally acquainted with Commissioner Watchorn and know him intimately. He is one of the best informed and most efficient men connected with the Bureau of Immigration, one whose word I would take on every question of this character.

Mr. BURNETT. That is the statement he makes when he says of section 42 that the only unfortunate thing about it is that it does not go into effect before the 1st of next January. Mr. Speaker, I warn gentlemen who would like to see these air-space conditions changed and bettered in the interest of immigrants who come over, and I am one of them, that whenever we vote for the passage of this bill it will go into conference, and instead of coming back the bill this House believes it is passing, one that will ameliorate the conditions, they are going to receive, in my judgment, just what the steamship companies want, and if you are prepared to vote for this bill you do so in the face of Mr. Watchorn's statement that section 42 when it goes into effect will ameliorate the conditions of the unfortunate immigrant. As you all know, I am in favor of cutting off much of the undesirable immigration, but as long as they are admitted, in the name of God and of humanity let us try to stop the steamships from murdering them, as Watchorn's report shows they are doing. We have, many of us, seen the crowded conditions of these people and know something about it.

The commissioner of immigration himself admits that if the Senate bill passes it will reduce the air space to half what it is under section 42. Now, this is a better bill, as the committee has amended it, than the law that existed before; but the law that goes into effect in January, 1909, increases the air space, and I believe that we ought not to tamper with that until it is tried. It is a dangerous experiment for us to undertake to do any such thing as that, and you who vote for this bill, if it comes back as the Senate desires it should, will be responsible for the condition that is forced upon people of this country going to Europe in the steerage and upon the immigrants com-

ing to this country. The only pretext made by the commissioner of immigration for it was to have us conform to the British trade law passed after ours. They can meet at any time and in a day change their law to conform to ours. Then why not let them come to us, instead of us going to them?

Mr. SHERLEY. Will the gentleman answer a question?

Mr. BURNETT. Yes.

Mr. SHERLEY. In the gentleman's judgment, does this bill increase or decrease the air space for the immigrant?

Mr. BURNETT. The bill as amended possibly leaves it substantially where it is, but the Senate bill, if adopted, would greatly decrease it. Mr. Speaker, the bill as amended merely makes it a little more definite, as is contended, about the decks, but the uncertainty in regard to it is the same uncertainty that has existed since 1882, and the commissioner of immigration, and no one else, deemed it so uncertain that action should have been taken on it heretofore.

Mr. BARTHOLDT. I would like to make an inquiry of the gentleman. My impression was that as a result of the investigation of that special Commission which was appointed to investigate this question, and went to Europe and so on, Congress had a right to expect a comprehensive report in the near future, and that nothing should be undertaken at this session of Congress.

Mr. BURNETT. Yes.

Mr. BARTHOLDT. Is that a correct impression?

Mr. BURNETT. Well, that is an impression that is not made by any statement of the Commission, so far as I know, but, Mr. Speaker, this being a Presidential year, I am afraid we will get nothing from the Commission, composed mainly of Republicans, as it is, or from this Congress, until after the Presidential election.

Mr. HAYES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield?

Mr. BURNETT. Mr. Speaker, I can not yield, because I desire to yield to other gentlemen, and my time is too short. I trust the gentleman will pardon me for not yielding, because I have not the time. If my time could be extended twenty minutes, I would take pleasure in yielding to the gentleman from California.

I now yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I think that this bill is a very good illustration of how the Republican party proposes to take care of the under dog in the fight. Some few years ago a proposition was before this House to restrict foreign immigration coming into the United States and to protect the American laborer against the pauper labor of Europe. The Democratic party was in favor of an educational test to restrict immigration coming to this country. A large number of the Republican party on that bill offered section 42, that you are now proposing to repeal, as an offset to the proposition to restrict immigration coming into this country by an educational test. You said you proposed to increase the air space in these ships, to provide better accommodations for the immigrants coming to the United States, and at the same time restrict the number of immigrants who were coming to America, and on that basis the House divided on this aisle and you defeated the immigration test by seven votes and at the same time declared to the country that this section 42 for an increase of air space for the immigrants was the thing that would protect American labor against the pauper labor of Europe and at the same time be a humanitarian statute and take care of the immigrants who came to this country. But you provided in this same statute that section 42 should not take effect until January, 1909.

You put a joker in that law and now you are about to draw the joker out of your sleeve and play it on the political card table. The law that you said was in the interest of humanity you are preparing to repeal. I did not believe that section 42 went far enough, but there is no question it was a great improvement on the old law, but it is very unfortunate that it did not go into effect when the original bill went into effect, but the great American steamship lines in this country did not want it. It will cut down their profits. It does and will, when it goes into effect, prevent them from bringing as many immigrants into this country as they have heretofore, and as they can under the old law. Now, what do we find? The Senate passes a bill and sends it here that will cut down the air space as provided in section 42, but the committee, fearful that the Senate bill can not pass this House, bring in an amendment to the Senate bill that brings the air space up almost near to what section 42 provided.

Mr. BENNET of New York. Will the gentleman permit?

Mr. UNDERWOOD. I have only five minutes, and I can not yield. I understand the gentleman from New York says his



